



# The Municipal Corporation of the Town of Fort Erie

## Council-in-Committee Meeting Agenda

**Monday, February 13, 2023 - 6:00 PM**

### **Council Chambers**

Meetings are being held in-person and via Video Teleconference as may be permitted. All meetings can be viewed at: Town's Website:

<https://www.forterie.ca/pages/CouncilAgendasandMinutes>

Town's YouTube Channel: [www.youtube.com/townofforterie](http://www.youtube.com/townofforterie)

or click on the YouTube icon on the home page of the Town's website ([www.forterie.ca](http://www.forterie.ca)) or Cogeco "YourTV"

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- 1. Call to Order**
- 2. Roll Call**
- 3. Announcements/Addenda**
- 4. Declarations of Pecuniary Interest**
- 5. Notice of Upcoming Open Houses and Public Meetings**

- (a) 2023 Budget Meeting Schedule

Re: Council-in-Budget Committee Meetings: #3 - Wednesday, February 15, 2023 - Library, General Levy Operating Budget & Assessment Analysis; #4 - Wednesday, February 22, 2023 (if required). All Budget Meetings begin at 6:00 p.m. Budget By-laws: Monday, February 27, 2023 - General Levy Budget By-law and General Capital Budget By-law.

- (b) Open House

Re: Proposed By-law Amendment - 316 Ridgeway Road - Applicant/Owner: Kevin Ronald Reichel - Agent: Carolyn Murray (Crystal Wines Inc.) - Tuesday, February 21, 2023 - 5:00 p.m. - Town Hall Atrium.

- (c) Open House

Re: Proposed Zoning By-law Amendment - 3624 Hazel Street -  
Owner: S.R. Niagara Investments Inc. (Rita and Salvatore Visca)  
- Applicant: Robert Martin Engineering Inc. (Robert Martin) -  
Wednesday, February 22, 2023 - 5:00 p.m. - Town Hall Atrium

### **Public Meeting Notices**

- (a) Proposed Draft Plan of Subdivision and Zoning By-law Amendment

Re; Crescent Acres (0-10747 Kraft Road ) - Owner: Crescent Acres Ltd. (Mark Basciano) - Agent: Upper Canada Consultants (Matt Kernahan) - Monday, February 27, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on February 23, 2023.

- (b) Proposed Combined Official Plan and Zoning By-law Amendment

Re: 214 Courtwright Street - Owner: 2550663 Ontario Inc. (Greg Walker) - Agent: NPG Planning Solutions (Jeremy Tran) - Monday, February 27, 2023 - 6:00 p.m. - Council Chamber, Town Hall. The information report will be available by 5:00 p.m. on February 23, 2023.

- (c) Proposed Zoning By-law Amendment

Re: 229 Cherryhill Boulevard South - Owner: John Lally (1000112697 Ontario Inc.) - Agent: Cam Lang - Monday, March 6, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 1, 2023.

**NOTE: The notice in the February 2, 2023 Post incorrectly states February 27, 2023. Corrected Notifications have/will be given in all media sources.**

- (d) Proposed Zoning By-law Amendment

Re: 0-19302 Courtwright Street - Owner/Applicant: David Zappone - Monday, March 6, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 1, 2023.



**NOTE: The notice in the February 2, 2023 Post incorrectly states February 27, 2023. Corrected Notifications have/will be given in all media sources.**

(e) Proposed Zoning By-law Amendment

Re: 0-17100, 0-17101 & 0-17102 Schooley Road - Applicant: A.J. Clarke and Associates Ltd. (Stephen Fraser) - Owner: Marz Homes (Crystal Beach) Inc. - Monday, March 6, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 1, 2023.

**NOTE: The notice in the February 9, 2023 Post incorrectly states February 27, 2023. Corrected Notifications have/will be given in all media sources.**

(f) Proposed Zoning By-law Amendment

Re: 4409 Erie Road - Applicant: Mary Lou Tanner (NPG Planning Solutions) - Owner: Crystal Beach Cottages Inc. (Bryan Keenan) - Monday, March 6, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 1, 2023.

## 6. Public Meetings

(a) Proposed Zoning By-law Amendment

Re: 533 & 549 Ridge Road North - Owner: 1855838 Ontario Inc. / Richard James Dekorte - Agent: Upper Canada Consultants (Ethan Laman). The Applicant is proposing to rezone the subject lands to permit severance of three new parcels that will front onto Ridge Road North and to consolidate the rear lands for future development. The two existing single detached dwellings will be retained and will occupy two of the three new lots. The third new lot is intended for future construction of a single detached dwelling. The lands to be consolidated will merge together. The lands are located within the Urban Area and are designated Low Density Residential. The Urban Residential land use designation permits use of the land for single detached dwellings. The lands are currently zoned Residential 1 (R1) Zone and Neighbourhood Development (ND) Zone. The zoning is proposed to change from Residential 1 (R1) Zone and Neighbourhood Development (ND) Zone to Residential 2A (R2A) Zone, a site-specific Residential 2A (R2A) Zone and a site-specific Neighbourhood Development (ND) Zone which is required to facilitate the proposed severances and

land consolidation. The site-specific R2A Zone seeks to permit increased lot coverage for an existing detached accessory structure on one of the proposed new parcels. The site-specific ND Zone seeks to permit a minimum lot frontage of 0.00 m and a minimum lot area of 6,300.00 sq m (0.63 ha) for the lands to be consolidated.

***To participate residents can attend in person in Council Chambers, Town Hall, OR virtually via audio/video, web or telephone. Send an email to Daryl Vander Veen, Intermediate Development Planner (dvanderveen@forterie.ca) or 905-871-1600 ext. 2509 for information on joining the zoom meeting.***

Link: <https://www.forterie.ca/pages/CurrentPublicNotices>

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**PDS-06-2023**

Proposed Zoning By-law Amendment - 533 & 549 Ridge Road North - 1855838 Ontario Inc. / Richard James Dekorte - Owners - Upper Canada Consultants (Ethan Laman) - Agent

Recommendation

**That:** Council approves the amendment to the Town's Zoning By-law as detailed in Report No. PDS-06-2023 for the lands known as 533 & 549 Ridge Road North, and further

**That:** Council directs staff to prepare the necessary by-law.

[PDS-06-2022 533 & 549 Ridge Road N Info & Rec Report](#)

(b) Proposed Draft Plan of Subdivision and Zoning By-law Amendment

Re: 613 Helena Street - Owner: SS Fort Erie Inc. (Hunain Siddiqui & Mohammad Feroz) - Agent: IBI Group (Tracy Tucker). The Applicant is proposing to subdivide 8.14 hectares of land known as 613 Helena Street into 135 street townhouse dwellings, a block for stormwater management pond and a block for environmental lands. The subject property is designated as Environmental Conservation, in part Environmental Protection, in part, and Urban Residential in part. The lands are currently zoned Environmental Conservation Overlay (EC) Zone, in part, Environmental Protection (EP) Zone, in part, and Neighbourhood Development (ND) Zone, in part. The Applicant is requesting to change the Neighbourhood Development (ND) Zone to a site-specific Residential Multiple 1 (RM1) Zone. The site-specific RM1

proposes to permit reduced lot area for interior street townhouse lots, increased maximum density, removal of the maximum lot coverage limits for interior and exterior street townhouses and removal of the requirement for a 4.50 m planting strip where it abuts a street. The Applicant is also proposing to redefine the boundaries of the Environmental Conservation (EC) Overlay Zone to reflect the conclusions of an Environmental Impact Study (EIS) that was completed as part of the submission for this application.

***To participate residents can attend in person in Council Chambers, Town Hall, OR virtually via audio/video, web or telephone. Send an email to Daryl Vander Veen, Intermediate Development Planner (dvanderveen@forterie.ca) or 905-871-1600 ext. 2509 for information on joining the zoom meeting.***

Link: <https://www.forterie.ca/pages/CurrentPublicNotices>

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**PDS-07-2023**

Proposed Draft Plan of Subdivision and Zoning By-law Amendment - 613 Helena Street - SS Fort Erie Inc. (Hunuan Siddiqui & Mohammad Feroz) - Owner - IBI Group (Tracy Tucker) - Agent

Recommendation:

**That:** Council receives for information purposes Report No. PDS-07-2023 regarding a proposed Draft Plan of Subdivision and Zoning By-law Amendment for 613 Helena Street Subdivision.

[PDS-07-2023 613 Helena Street Information Report](#)

(c) Proposed Combined Official Plan and Zoning By-law Amendment

Re: 271 Ridgeway Road - Applicant: Michael Allen (ACK Architects Studio Inc. ) - Owner: DCS Niagara Developments Inc. (Rick Boivin). The Applicant is proposing to reuse and redevelop the existing building as a pharmacy and medical offices. The subject property is the former site of the Crystal Beach Fire Station No. 6. The subject property is designated Institutional and the Applicant is requesting to amend the Official Plan and redesignate the property to Commercial. The property is zoned Public (P) Zone and the Applicant is requesting to rezone the property to a site-specific General Commercial (C2) Zone, in order to add "medical laboratories" to the list of permitted uses, to recognize the existing southerly interior side yard setback, and to

reduce the setback between parking areas and adjacent street lines or residential zones.

***To participate residents can attend in person in Council Chambers, Town Hall, OR virtually via audio/video, web or telephone. Send an email to Mackenzie Ceci, Intermediate Development Planner (mceci@forterie.ca) or 905-871-1600 ext. 2514 for information on joining the zoom meeting.***

Link: <https://www.forterie.ca/pages/CurrentPublicNotices>

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**PDS-08-2023**

Proposed Combined Official Plan and Zoning By-law Amendment - 271 Ridgeway Road - ACK Architects Studio Inc. - Michael Allen (Agent) - DCS Niagara Developments Inc. - Rich Boivin (Owner)

Recommendation:

**That:** Council approves the amendments to the Town's Official Plan and Zoning Bylaw No. 129-90 as detailed in Report No. PDS-08-2023 for the lands known as 271 Ridgeway Road, and further

**That:** Council directs staff to submit the necessary by-laws.

[PDS-08-2023 - 271 Ridgeway Road OPA & ZBA - Information and Recommendation Report](#)

**7. Consent Agenda Items**

**7.1 Request to Remove Consent Agenda Items**

**7.2 Consent Agenda Items for Approval**

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**PDS-09-2023**

Proposed Zoning By-law Amendment - 92 Adelaide Street - Upper Canada Consultants - Craig Rohe (Agent) - Niagara Pines Developments Ltd. - Paul Savoia (Owners)

Recommendation:

**That:** Council approves the amendments to the Town's Zoning By-law No. 129-90 as detailed in Report No. PDS-01-2023 for the lands known as 92 Adelaide Street, and further

**That:** Council directs staff to prepare the necessary by-law.

[PDS-09-2023- 92 Adelaide Street ZBA Recommendation Report](#)

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**PDS-10-2023** Community Improvement Plan 2022 -  
Program Monitoring and Information Report

Recommendation:

**That:** Council receives Report No. PDS-10-2023 regarding Community Improvement Plan (CIP) Program Monitoring for information purposes, and further

**That:** Council directs staff to forward a copy of Report No. PDS-10-2023 to the Niagara Region, Local Business Improvement Area Boards and to post Report No. PDS-12-2023 on the Town's CIP webpage for information.

[PDS-10-2023- CIP Monitoring Report 2022](#)

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**PDS-11-2023** Alternative Approaches for Advancing  
Secondary Planning Priorities

Recommendation:

**That:** Council approves alternative approaches outlined in Report No. PDS-11-2023 to assist in the preparation of Secondary Plans identified for prioritization, and further

**That:** Council delegates authority to the Director, Planning and Development Services, to determine the most appropriate implementation for each Secondary Plan.

[PDS-11-2023 Secondary Plan Prioritization and Alternative Approaches](#)

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**IS-01-2023** Award of Tender for Idylewylde Street  
Reconstruction - Contract No. ISE-22T-  
IDYL20

Recommendation:

**That:** Council accepts and approves the tender submission for the Idylewylde Street Replacement of Watermain, Sanitary Sewers and Road Reconstruction – Contract No. ISE-22T-IDYL20 from 1984370 Ontario Inc. (o/a Alfidome Construction Niagara) in the amount of \$5,441,468.30 (including 13% HST), and further

**That:** Council authorizes the extension of the Kerry T. Howe Engineering Limited assignment for contract administration and

inspection services in the amount of \$224,870.00 (including 13% HST), and further

**That:** Council amends the 2023 Capital Budget to supplement the Idylwylde Street Replacement of Watermain, Sanitary Sewers and Road Reconstruction – Contract No. ISE-22T-IDYL20 by \$1,529,503 (including non-rebatable HST) as identified in 'Table 5' with \$637,503 from Wastewater Refurbishing Reserve, \$377,500 from Storm Refurbishing Reserve and \$514,500 from Road Refurbishing Reserve.  
[IS-01-2023 - Idylwylde St. Reconstruction - Tender Award](#)

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**IS-03-2023** Fort Erie Water Distribution System 2022 Annual Water Quality Report & Annual Water Utility Summary Report

Recommendation:

**That:** Council receives the Annual Water Quality Report for the period of January 1 – December 31 2022, on Fort Erie's Water Distribution System, attached as Appendix '1' to IS-03-2023, prepared as required by O. Reg. 170/03 Section 11, and further

**That:** Council receives and accepts Report IS-03-2023 as the Annual Water Utility Summary Report to Council as required by O. Reg. 170/03 Schedule 22.

[IS-03-2023 - WATER SYSTEM ANNUAL REPORT](#)

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**CAO-01-2023** Annual Review of the Corporation's Health and Safety Policy

Recommendation:

**That:** Council receives Report No. CAO-01-1023 for information purposes.

[CAO-01-2023 Annual Review of The Corporations Health and Safety Policy](#)

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**CAO-02-2023** 2022 Health and Safety Report

Recommendation:

**That:** Council receives Report No. CAO-02-2023 for information purposes.

[CAO-02-2023 2022 Health and Safety Report](#)

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**CAO-04-2023** Funding Request for Dr. Magdy Hanna

Recommendation:

**That:** Council approves the request in the amount of \$100,000 for a Physician Recruitment incentive for Dr. Magdy Hanna, who will practise as a Family Physician at 238 Bertie Street Family Group Practice in the Spring of 2023, and further

**That:** Council amends the 2023 Operating Budget to provide grant funding to Dr. Magdy Hanna in the amount of \$100,000 with funding from the Community Health and Wellness Reserve.

[CAO-04-2023 - Dr. Magdy Hanna](#)

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**COS-02-2023**      Renewal of Contract and Re-Appointment of Integrity Commissioner - Council and Local Boards Code of Conduct and Conflict of Interest Investigations

Recommendation:

**That:** Council authorizes and approves the renewal of the current contract with ADR Chambers Inc. for the provision of Code of Conduct and Conflict of Interest Investigations, for a further four (4) year period on the same terms and pricing, and further

**That:** Council re-appoints Edward T. McDermott of ADR Chambers Inc. as the Integrity Commissioner for The Corporation of the Town of Fort Erie, for a further period of four (4) years, and further

**That:** Council assigns to the Integrity Commissioner all of the responsibilities required under Subsection 223.3 (1) of the *Municipal Act, 2001*, as amended, which came into force on March 1, 2019.

[COS-02-2023 Integrity Commissioner](#)

### **Consent Agenda Recommendation**

Recommendation:

**That:** Council approves the Consent Agenda Items as recommended.

## **7.3 Items Removed to be Dealt with Separately**

**8. Planning and Development Services**

**8.1 Presentations and Delegations**

**8.2 Reports**

**8.3 New Business/Enquiries**

**8.4 Business Status Report**

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[PDS - BSR -  
13-Feb-23](#)

**9. Infrastructure Services**

**9.1 Presentations and Delegations**

(a) Brandon Widner, Drainage Engineer, Spriet Associates

Re: Frenchman's Creek Drain - Filing of Engineer's  
Report (Report No. IS-04-2023)  
(PowerPoint Presentation)

**9.2 Reports**

279 - 304

**IS-02-2023** Waverly Beach Trail Reconstruction

Recommendation:

**That:** Council receives the Waverly Beach Trail reconstruction report and LetsTalk survey results for information, and further

**That:** Council directs staff to proceed with Option "C" and "D" for the Waverly Beach Trail reconstruction.

[IS-02-2023 - Waverly Beach Trail Information Report](#)

305 - 330

**IS-04-2023** Frenchman's Creek Drain - Filing of  
Engineer's Report, Pursuant to Section 78 of  
the *Drainage Act*, R.S.O. 1990, c.D.17

Recommendation:

**That:** Council accepts the Engineer's Report for the Frenchman's Creek Drain for information purposes, and further

**That:** Council directs staff to continue with the legislative process in accordance with the *Drainage Act* and establish the date for the Court of Revision.

[IS-04-2023 - Frenchman's Creek Drain - Engineer's Report](#)



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**9.3 New Business/Enquiries**

**9.4 Business Status Report**

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[IS-BSR -  
13FEB2023](#)

**10. Corporate and Community Services**

**10.1 Presentations and Delegations**

**10.2 Reports**

332 - 343

**CAO-03/LC-01-  
2023**

Land Matters: January 26, 2023 Land  
Committee Meeting Minutes

Recommendation:

**That:** Council receives the January 26, 2023, Land Committee meeting minutes attached as Appendix “1” to Report No. CAO-03/LC-01-2023, and further

**That:** Council approves the recommendations contained in Appendix “2”.

[CAO-03-LC-01-2023 Land Committee Meeting Minutes January 26, 2023](#)

**10.3 New Business/Enquiries**

**10.4 Business Status Report**

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[CS-COS-FES-  
BSR-Feb13](#)

**11. Scheduling of Meetings**

**12. Adjournment**



## Planning and Development Services

<b>Prepared for</b>	Council-in-Committee	<b>Report No.</b>	PDS-06-2023
<b>Agenda Date</b>	February 13, 2023	<b>File No.</b>	350309-0548

<b>Subject</b>	<b>PROPOSED ZONING BY-LAW AMENDMENT</b> <b>533 &amp; 549 RIDGE ROAD NORTH</b> <b>1855838 ONTARIO INC. / RICHARD JAMES DEKORTE - OWNERS</b> <b>UPPER CANADA CONSULTANTS (ETHAN LAMAN) - AGENT</b>
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<b>Recommendation</b>	<p><b><u>THAT</u></b> Council approves the amendment to the Town's Zoning By-law as detailed in Report No. PDS-06-2023 for the lands known as 533 &amp; 549 Ridge Road North, and further</p> <p><b><u>THAT</u></b> Council directs staff to prepare the necessary By-law.</p>
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<b>Relation to Council's 2018-2022 Corporate Strategic Plan</b>
Priority: Managed Growth through Responsibility, Stewardship and Preservation

<b>List of Stakeholders</b>
Residents and Property Owners in Fort Erie 1855838 Ontario Inc. / Richard James Dekorte - Owners Upper Canada Consultants (Ethan Laman) - Agent

Prepared by:	Reviewed by:	Submitted by:	Approved by:
<b>Original Signed</b>	<b>Original Signed</b>	<b>Original Signed</b>	<b>Original Signed</b>
Daryl Vander Veen Intermediate Development Planner	Anamika Dilwaria, M.PI., MCIP, RPP Manager, Development Approvals	Alex Herlovitch, MCIP, RPP Director, Planning & Development Services	Chris McQueen, MBA Chief Administrative Officer

**Purpose**

This report provides background information and a staff recommendation to Council on the proposed Zoning By-law Amendment for the lands known as 533 & 549 Ridge Road North. An application was received from Ethan Laman of Upper Canada Consultants, who is acting on the behalf of 1855838 Ontario Inc. / Richard James Dekorte, the Owners. The subject lands are located on the west side of Ridge Road North as illustrated in **Appendix “1”**.

This application is proposing to rezone the subject lands to facilitate a future severance and boundary adjustment to permit the creation of two new parcels fronting on Ridge Road North for future residential use. The two existing single detached dwellings will be severed onto separate retained parcels.

The front portion of the subject lands are currently zoned Residential 1 (R1) Zone and the rear portion is zoned Neighbourhood Development (ND) Zone in accordance with the Town's Comprehensive Zoning By-law No. 129-1990. A Zoning By-law Amendment is required to facilitate the proposed severances. The applicant is requesting to rezone the front portion of the subject lands from Residential 1 (R1) Zone to Residential 2A (R2A) Zone and a site-specific Residential 2A (R2A) Zone. The site-specific R2A Zone is requested for increased lot coverage for a detached garage on one of the retained parcels. The ND Zone will be maintained on the rear portion of the subject lands.

**Nature of the Site**

The subject site is located on the west side of Ridge Road North within the Ridgeway-Thunder Bay neighbourhood of the Town of Fort Erie. The total lot area of the subject lands is 0.95 ha.

The following land uses surround the subject property:

- North:** Single detached dwellings and Phase 1 and Phase 2 of the Royal Ridge development.
- South:** Single detached dwellings and Hazel Street.
- East:** Ridge Road North, single detached dwellings, vacant residential land and the former Ridgeway-Crystal Beach High School site.
- West:** Vacant residential land that was the former site of the now-demolished Bertie Public School.

**Background**

The subject lands currently consist of two parcels, municipally known as 549 and 533 Ridge Road North. Each parcel contains an existing detached dwelling and detached accessory structure.

The applicant is proposing to reconfigure the existing parcels to create two new parcels. The two existing single detached dwellings will be separated onto two retained parcels. The proposed parcel configuration is described below and is shown on **Appendix “2”**.

### **Proposed Parcel Configuration**

#### Retained Parcel - Part 1

The first retained parcel is shown as Part 1 on the survey sketch. Part 1 contains the existing single detached dwelling municipally known as 549 Ridge Road North and the detached garage in the rear. The parcel has 15.33 m of lot frontage and 762.00 sq m of lot area. A site-specific Residential 2A (R2A) Zone is proposed for Part 1 to permit increased lot coverage for an accessory building from 10% to 12% for the existing detached garage at the rear of the parcel.

#### New Parcel - Parts 2 and 6

The first new parcel is comprised of Parts 2 and 6 on the survey sketch. The parcel will have 13.33 m of lot frontage on Ridge Road North and a total lot area of 7,011.00 sq m (0.70 ha). The front portion of the parcel is proposed to be zoned Residential 2A (R2A) Zone and the intent is to develop a future single detached dwelling there. The R2A Zone portion on this parcel is approximately 711.00 sq m in area.

A site-specific Neighbourhood Development (ND) Zone is proposed for the rear of Parts 2 and 6. This area is intended for land consolidation to facilitate future residential development. This portion is 6,300.00 sq m (0.63 ha) in area. The site-specific ND zoning will contain provisions to permit the proposed area of 6,300.00 sq m.

#### New Parcel - Parts 3 and 4

The second new parcel is comprised of Parts 3 and 4 on the survey sketch. The parcel will be an infill lot intended for future construction of a single detached dwelling. The parcel will have 13.33 m of lot frontage and 700.00 sq m of lot area. Residential 2A (R2A) zoning is proposed for the parcel.

#### Retained Parcel - Part 5

The second retained parcel is shown as Part 5 on the survey sketch. Part 5 will retain the existing single detached dwelling municipally known as 533 Ridge Road North and a garage in the rear yard. Sheds that currently connect the garage to the dwelling are proposed to be removed. The parcel has 17.93 m of lot frontage and 979.00 sq m of lot area. Residential 2A (R2A) zoning is proposed for the parcel.

## Easement

There is an existing storm sewer on the subject lands that is used to drain stormwater from Ridge Road North into a ditch that straddles the existing property line between 533 Ridge Road North and 549 Ridge Road North. Staff is requesting dedication of 3m storm easement in favour of the Town to ensure for the purposes of maintenance, repair and replacement of the storm sewer. The proposed easement location is illustrated on **Appendix “2”**. The *Planning Act* does not require a consent application to create the easement as it is in favour of the municipality. Instead, the easement will be described via a Reference Plan and transferred to the Town.

## **Planning Context**

### **2020 Provincial Policy Statement (PPS)**

The subject lands are located within a Settlement Area under the 2020 Provincial Policy Statement (PPS). The PPS directs growth to settlement areas and encourages the efficient use of land, resources, infrastructure and public service facilities through the development of complete communities with a diverse mix of land uses that provide an appropriate range and mix of housing types. This proposal complies with the policies outlined in PPS. The proposal will reconfigure the property to permit the severance of two existing single detached dwellings and the creation of one new infill lot intended for future construction of a new single detached dwelling. The rear, underutilized vacant land will be consolidated for future development that will intensify the area and make efficient use of urban land.

### **2020 Growth Plan for the Greater Golden Horseshoe (Growth Plan)**

The subject lands are located within the Delineated Built-Up Area under the Growth Plan. The Growth Plan contains policies that encourage the intensification and development of complete communities that provide a range and mix of housing types. The proposal complies with the policies outlined in the Growth Plan. This proposal will facilitate the severance of two existing single detached dwellings and creation of a new infill lot for future residential construction. The rear lands will be consolidated together to facilitate intensification through future development.

### **2022 Niagara Official Plan (NOP)**

The subject property is within the Urban Area in the NOP and is designated as Delineated Built-Up Area. A full range of residential, commercial and industrial uses are permitted 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.

This proposal represents an efficient use of urban residential land as it will create three new residential lots and will facilitate the consolidation of the large, underutilized rear yards of 533 & 549 Ridge Road North for future development. The rear lands will be subject to a future development application that will supply additional housing and assist the Town in achieving its intensification target.

## **2011 Town of Fort Erie Official Plan & 2014 Ridgeway-Thunder Bay Secondary Plan**

### *Official Plan Schedule A - Land Use Plan & Ridgeway-Thunder Bay Secondary Plan*

The subject lands are designated Low Density Residential in the Ridgeway-Thunder Bay Secondary Plan in the Town's Official Plan. This land use designation is reserved for single detached dwellings, semi-detached dwellings and duplex dwellings. This proposal will reconfigure the lot boundaries and zoning to facilitate future residential development of the underutilized rear yards of the subject lands. The Secondary Plan illustrates a conceptual road extending into the rear lands from Hazel Street. The subject lands are also well positioned to integrate with future development on the former Bertie Public School site to the west and/or the Royal Ridge development to the north. Future development of the rear lands will assist the Town in achieving its density targets.

### *Official Plan Schedule B - Mineral Aggregate & Petroleum Resources*

The subject property is located within a Petroleum Resource Area. However the area is urbanized and is not used for petroleum resource extraction. There are no active petroleum wells within 75.00 m of the subject property.

### *Official Plan Schedule C - Natural Heritage Features and Schedule C1 - Natural Hazards and Fish Habitat*

There are no natural heritage features, natural hazard areas or fish habitat on or in the vicinity of the subject property. The subject lands also do not appear to be within area under the regulation of the Niagara Peninsula Conservation Authority (NPCA).

### *Official Plan Schedule D - Cultural Heritage Archaeological Zones of Potential*

The subject property is not identified as being within area with archaeological potential as identified on Schedule D of the Official Plan.

## **Comprehensive Zoning By-law No. 129-1990**

The subject lands are currently zoned Residential 1 (R1) Zone, in part, and Neighbourhood Development (ND) Zone, in part. A Zoning By-law Amendment is required to facilitate creation of two new parcels along Ridge Road North and consolidation of the land at the rear for future development.

The zoning of the front portion of the subject lands is proposed to change from Residential 1 (R1) Zone to Residential 2A (R2A) Zone. This change is required due to the proposed lot frontages. The retained and new parcels will comply with the setback and lot coverage regulations of the proposed R2A zoning. A site-specific R2A Zone is proposed for Part 1 to permit increased lot coverage of an existing accessory building from 10% to 12%.

A site-specific Neighbourhood Development (ND) Zone is proposed for the rear lands. The ND Zone regulations outline the lot area requirement 'as existing'. The site-specific ND Zone will contain a special provision to permit the new lot area of 6,300.00 sq m resulting from the land consolidation.

### Planning Analysis

A comparison of the lot frontage, lot area and lot coverage requirements of the existing and proposed zoning versus the proposed parcels is contained below.

Zoning Regulation	Existing - R1 Zone	Proposed - R2A Zone	Proposal
Minimum Lot Frontage	18.00 m for an interior lot	12.00 m for an interior lot	Part 1 - 15.33 m Parts 2 & 6 - 13.33 m Parts 3 & 4 - 13.33 m Part 5 - 17.93 m
Minimum Lot Area	600.00 sq m	375.00 sq m	Part 1 - 762.00 sq m Parts 2 & 6 - 7,011.00 sq m Parts 3 & 4 - 700.00 sq m Part 5 - 979.00 sq m
Maximum Lot Coverage	Lot size < 600 sq m - 25%  Lot size = 600 sq m to 800 sq m - 30%  Lot size > 800 sq m - 35%	50%	Part 1 - 12.9% Parts 2 & 6 - Vacant Parts 3 & 4 - Vacant Part 5 - 12.2%
Maximum Lot Coverage for a Building Accessory to a Dwelling	10%	10%	Part 1 - 12%
			Parts 2 and 6 - Vacant
			Parts 3 & 4 - Vacant
			Part 5 - < 10%

Planning staff support the proposed Zoning By-law Amendment. The proposal to rezone the front portion of the subject lands to Residential 2A (R2A) Zone is required to permit the reduced lot frontage. The lot areas of all of the parcels exceed the R1 requirement of 600.00 sq m. All of the parcels will be of sufficient size to accommodate a single detached dwelling with space for servicing, parking and amenity area.

The two new parcels with 13.33 m of lot frontage will be located between the two existing single detached dwellings and therefore will not negatively impact adjacent parcels. The Ridgeway-Thunder Bay Secondary Plan notes that new infill parcels can be expected to comprise smaller dimensions.

Planning staff also support a site-specific Residential 2A (R2A) Zone for Part 1 that permits an increased maximum lot coverage of 12% for the detached garage. The size of the detached garage will not change as part of this proposal and is an existing situation. Planning staff note that the increased lot coverage is a result of the single detached dwelling being severed onto a separate parcel to facilitate the land consolidation of the rear lands. The increased coverage is not anticipated to result in undue massing impacts as the existing structure has achieved a level of compatibility with the adjacent parcel to the north.

Finally, planning staff support the proposal to rezone the rear lands to a site-specific Neighbourhood Development (ND) Zone that permits the lot area of 6,300.00 sq m. The change in zoning will permit consolidation of underutilized urban land and facilitate the long-term orderly development of this portion of the Ridgeway-Thunder Bay neighbourhood. Staff note that any future development proposals in the ND Zone will require a fresh Zoning By-law Amendment and submission of a Draft Plan application that will be subject to the planning process and Council approval.

#### **Studies**

No studies or reports are required for this condominium application.

#### **Financial/Staffing Implications**

All costs associated with processing the application and the development of the property is the responsibility of the owner.

#### **Policies Affecting Proposal**

Land use policies for the subject lands are contained in the Town's Official Plan, and applicable Regional and Provincial regulations.



## **Comments from Relevant Departments/Community and Corporate Partners**

A request for comments regarding this Draft Plan of Condominium application was circulated to relevant Departments/Community and Corporate Partners on November 17, 2022. Comments received to date are summarized below and are attached in full as **Appendix “3”**.

### **Staff Comments**

#### Building Division

No objection to the proposed Zoning By-law Amendment. The Chief Building Official requested elevation drawings to ensure the existing accessory buildings on the subject lands will comply with spatial separation requirements in the Ontario Building Code. The Applicant submitted these drawings and it was confirmed that there are no issues from a Building Code perspective.

#### Coordinator, Development Approvals

No objection to the proposed Zoning By-law Amendment. The Coordinator, Development Approvals notes that a 3.00 m wide easement is required for the storm sewer and the easement should also extend 3.00 m past the end of the storm sewer. It is also noted that the existing drainage ditch shall remain to provide positive drainage for the subject lands.

A sketch based on survey showing the location of the existing water service for 533 Ridge Road North will be required at the Consent stage to ensure there are no issues with the proposed property boundaries.

It is noted that a 1.45 m road widening will also be required along the frontage of 533 Ridge Road North and 549 Ridge Road North.

### **Agency Comments**

#### Enbridge

No objection.

#### Mississaugas of the Credit First Nation (MCFN)

MCFN did not object to the proposal but noted that the subject lands are on their treaty lands, specifically the Between the Lakes Treaty No. 3 of 1792. If any future Environmental Site Assessments or Archaeological Assessments are required the MCFN are to be circulated. Further, MCFN requires in-field participation of community members for any archaeological assessments.

## Niagara Region

Niagara Region noted in pre-consultation that there are no Regional or Provincial interests for this proposal and that they do not require further circulation.

## **Public Comments**

### Information Open House Meeting

An information open house meeting was held in-person in the Atrium of Town Hall for this proposal on December 21, 2022 from 5:00 P.M. to 6:00 P.M. Town planning staff, two planning consultants representing the Applicant and one member of the public attended the meeting. The member of the public stated they attended to learn more about the proposal but did not have any objections to the project.

### Written Comments

As of the writing of this report no written comments or objections to this proposal were received by planning staff.

## **Alternatives**

Council could choose not to approve the proposed Zoning By-law Amendment. This is not recommended as the proposal is consistent with Provincial and Regional Policies, conforms to relevant Town Policies and represents good land use planning. This proposal will facilitate the orderly development of the rear portion of the subject property.

## **Communicating Results**

There are no communication requirements at this time.

## **Second Opinion Clause**

Should a motion be placed before Council that does not support Planning Staff's Recommendation, Council is advised to table its decision to consider the matter further or until such time as a second planning opinion on the motion, from an independent planning consultant can be obtained. If the applicant has an opinion from an independent planning consultant then Council can consider their report as the second planning opinion. In the event, the second planning opinion, obtained by the clerk or provided by the applicant, is supported by Council, and Council makes a decision based on that second planning opinion, then the planner who has provided the second opinion shall be retained for the purpose of an Ontario Land Tribunal hearing. The procedures under PLA-06 shall be followed as well.

### **Conclusion**

The proposal to amend the zoning of 533 & 549 Ridge Road North as proposed will allow efficient use of urban land and services and will also permit consolidation of underutilized urban land for future development. The proposal will also permit creation of several parcels along Ridge Road North. The proposal complies with Town, Regional and Provincial planning policy and represents good planning. Planning staff recommend that Council approve the proposed amendment to the Town's Zoning By-law and direct staff to prepare the amending by-law.

### **Attachments**

**Appendix “1”** - Location Plan

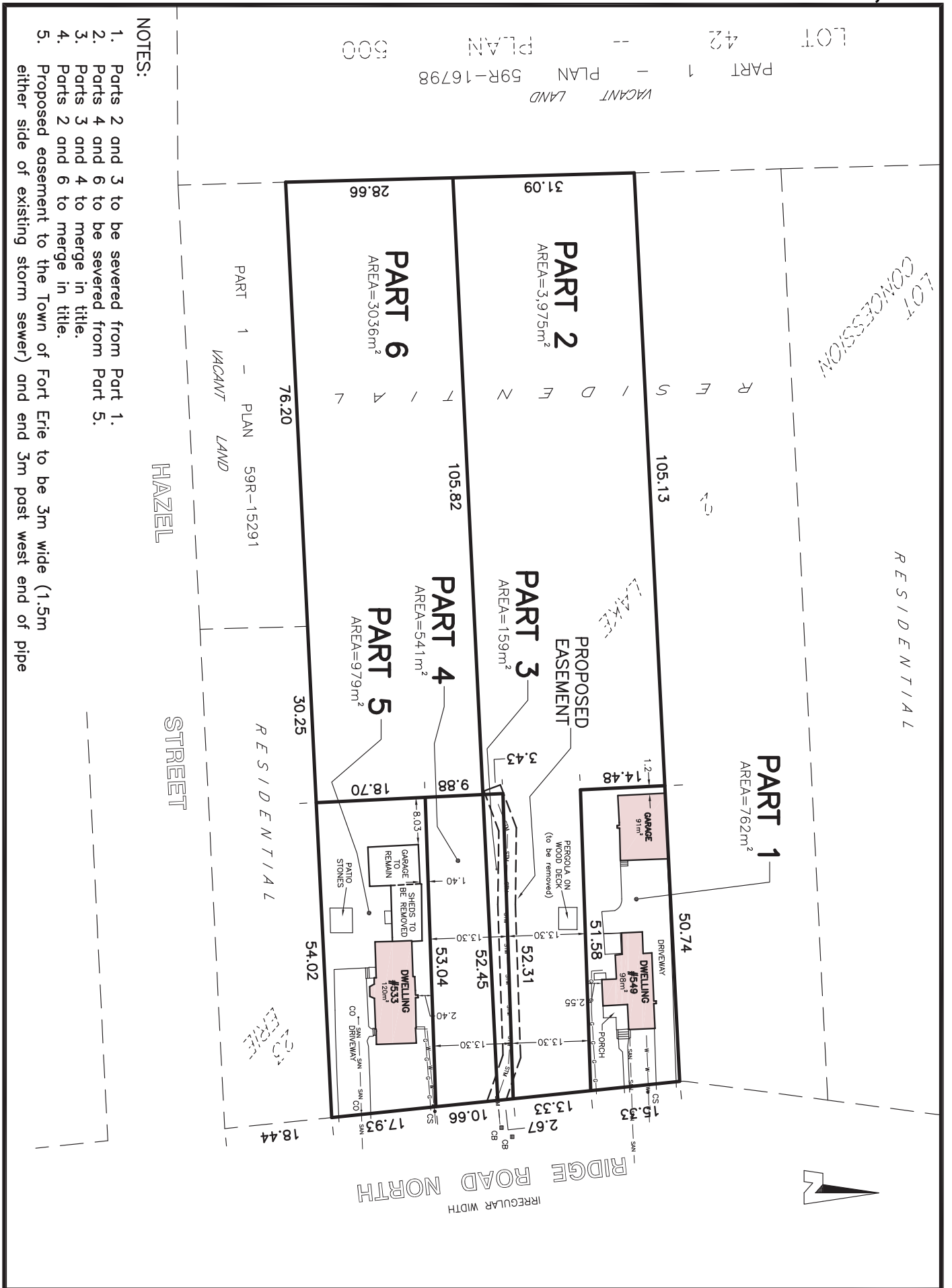
**Appendix “2”** - Survey Sketch

**Appendix “3”** - Staff and Agency Comments











## Interoffice Memorandum

November 22, 2022  
File No. 350309-0548

To: Daryl Vander Veen, Intermediate Development Planner  
From: Jeremy Korevaar, Coordinator, Development Approvals

Subject: **Application for Zoning By-law Amendment – 533 & 549 Ridge Road North**

---

On behalf of the Infrastructure Services Department, Engineering Division, I have reviewed the proposed Zoning By-law Amendment and the supporting documentation for **533 & 549 Ridge Road North** and have the following comments:

### **Proposed Zoning By-law Amendment**


- I offer no objection or comment with respect to the proposed zoning by-law amendment.

### **Future Planning Application Comments:**

- The applicant has advised that the proposed zoning by-law amendment is proposed in anticipation of future severances and land consolidation for future development.
- The applicant is advised that my preliminary comments for the severance will be:
  - An easement in favour of the Town is required for the existing storm sewer that is on the private property of 533 Ridge Road North and 549 Ridge Road North. The easement is required to be 3.0m in width centered over the storm sewer and extend 3.0m past the end of the storm sewer. This easement would be for but not limited to the review, maintenance, repair and replacement of the storm sewer. The location of the storm sewer shall be field verified by an Ontario Land Surveyor. It is also noted that the existing drainage ditch on the properties shall remain to provide a positive drainage outlet for the subject land.
  - A sketch/plan based off a survey is required to be submitted as part of the consent application showing the existing water service for 533 Ridge Road North in relation to the proposed property lines and existing dwelling so that appropriate conditions can be made. Town records show the existing water service for 533 Ridge Road North as 2.8m north of the north side of the dwelling at the street property line. If the water service is not within the frontage of its respective lot with a 1.0m buffer of the proposed property line the water service will need to either be relocated to meet the above, or the proposed property line could be shifted to the north to meet the requirements. This sketch/plan is required to be submitted as part of the consent application so appropriate conditions can be made.
  - A 1.45m road widening is required along the frontage of 533 and 549 Ridge Road North.

Given the foregoing comments, I offer no objection to the proposed application.

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

Re: Request for comments - proposed Zoning By-law Amendment application, 533 & 549 Ridge Road North, Town of Fort Erie (file no. 350309-0548) 

Keegan Gennings to Daryl Vander Veen

2022-11-21 12:28 PM

From: Keegan Gennings/FortErie  
To: Daryl Vander Veen/FortErie@TownOfFortErie

---

Hello Daryl,

A review of the proposed zoning by-law amendment has been completed and the following comments were noted during the pre-consultation meeting. These comments are provided again because if the existing structures don't comply with the spatial separation requirements or the owner chooses not to correct any shortfalls that may be identified the setbacks to the existing buildings may need to be amended resulting in a change in lot area and building setbacks.

#### 549 Ridge Road North

- A south wall elevation drawing of the dwelling and a west elevation wall drawing of the garage are to be included to confirm compliance with the spatial separation requirements. The drawings are to be dimensioned and include any openings in the walls and their dimensions.
- If there are any openings in the west wall of the garage an increased setback to the property line will be required.

#### 533 Ridge Road North

- A north wall elevation drawing of the dwelling and attached sheds is to be included to confirm compliance with the spatial separation requirements. The drawings are to be dimensioned and include any openings in the walls and their dimensions.
- An increased setback to the attached sheds will be required or the walls may need to be fire rated.

Regards,

Keegan Gennings C.B.C.O  
Chief Building Official  
Town of Fort Erie  
905-871-1600 ext. 2515

---

Daryl Vander Veen Good afternoon, A complete application for a Zo...

11/17/2022 03:48:26 PM

From: DVanderVeen@forterie.ca  
To:  
Date: 11/17/2022 03:48 PM  
Subject: Request for comments - proposed Zoning By-law Amendment application, 533 & 549 Ridge Road North, Town of Fort Erie (file no. 350309-0548)

---

Good afternoon,

A complete application for a Zoning By-law Amendment application has been received from Ethan Laman of Upper Canada Consultants on behalf of 1855838 Ontario Inc. (Richard Dekorte) for 533 & 549 Ridge Road North in the Town of Fort Erie. The proposal will facilitate a future boundary adjustment and severance application to sever off excess dwellings and to consolidate land for future development.

The lands are located within the Urban Area in the Ridgeway-Thunder Bay neighbourhood of Fort Erie and are currently designated Low Density Residential in the Ridgeway-Thunder Bay Secondary Plan in the Town's Official Plan. The lands are currently zoned Residential 1 (R1) Zone and Neighbourhood Development (ND) Zone in accordance with the Town's Comprehensive Zoning By-law No. 129-1990. The application is proposing to change the zoning to Residential Multiple 1 (RM1) Zone with no site-specific special provisions requested.

The following documents are submitted for review:

0. Pre-consultation Agreement - 533 & 549 Ridge Road North
1. Application for Zoning By-law Amendment & Covering Letter
2. Survey Sketch
3. Planning Justification Brief
4. Archaeological Assessment & Ministry Letter
5. PIN Location Map

Please provide any comments you have on the application no later than **Wednesday, December 7, 2022**. If your agency has a review fee it has been mailed to your attention. Please contact me if you have any questions or require any further information.

Regards,

Daryl

Daryl Vander Veen, BES  
Intermediate Development Planner

Planning & Development Services  
The Corporation of the Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, Ontario, L2A 2S6  
Phone: 905-871-1600 ext. 2509  
Email: dvanderveen@forterie.ca

[attachment "0. PA-2021-086 Final Pre-consultation Agreement (533 Ridge Road North & 549 Ridge Road North).pdf" deleted by Keegan Gennings/FortErie] [attachment "1. Zoning By-law Amendment Application.pdf" deleted by Keegan Gennings/FortErie] [attachment "2. Severance Sketch.pdf" deleted by Keegan Gennings/FortErie] [attachment "3. Planning Brief.pdf" deleted by Keegan Gennings/FortErie] [attachment "4. Location Map - 533 & 549 Ridge Road N.pdf" deleted by Keegan Gennings/FortErie]



**APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-06-2023 DATED FEBRUARY 13, 2023**

RE: [External] Request for comments - proposed Zoning By-law Amendment application, 533 & 549 Ridge Road North, Town of Fort Erie (file no. 350309-0548)Municipal Planning to Daryl Vander Veen 2022-12-02 04:25 PM  
 From "Municipal Planning" <MunicipalPlanning@enbridge.com>  
 To "Daryl Vander Veen" <DVanderVeen@forterie.ca>

Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

It is the responsibility of the applicant to verify the existing gas servicing does not encroach on more than one property when subdividing or severing an existing land parcel. For more details contact [CustomerConnectionsContactCentre@Enbridge.com](mailto:CustomerConnectionsContactCentre@Enbridge.com).

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

Regards,

**Jasleen Kaur**  
 Municipal Planning Coordinator  
 Engineering

ENBRIDGE  
 TEL: 437-929-8083  
 500 Consumers Rd, North York, ON M2J1P8  
[enbridge.com](http://enbridge.com)  
 Safety. Integrity. Respect. Inclusion.

---

**From:** Daryl Vander Veen <DVanderVeen@forterie.ca>  
**Sent:** Thursday, November 17, 2022 3:48 PM  
**Subject:** [External] Request for comments - proposed Zoning By-law Amendment application, 533 & 549 Ridge Road North, Town of Fort Erie (file no. 350309-0548)

**CAUTION! EXTERNAL SENDER**

Were you expecting this email? TAKE A CLOSER LOOK. Is the sender legitimate?

DO NOT click links or open attachments unless you are 100% sure that the email is safe.

Good afternoon,

A complete application for a Zoning By-law Amendment application has been received from Ethan Laman of Upper Canada Consultants on behalf of 1855838 Ontario Inc. (Richard Dekorte) for 533 & 549 Ridge Road North in the Town of Fort Erie. The proposal will facilitate a future boundary adjustment and severance application to sever off excess dwellings and to consolidate land for future development.

The lands are located within the Urban Area in the Ridgeway-Thunder Bay neighbourhood of Fort Erie and are currently designated Low Density Residential in the Ridgeway-Thunder Bay Secondary Plan in the Town's Official Plan. The lands are currently zoned Residential 1 (R1) Zone and Neighbourhood Development (ND) Zone in accordance with the Town's Comprehensive Zoning By-law No. 129-1990. The application is proposing to change the zoning to Residential Multiple 1 (RM1) Zone with no site-specific special provisions requested.

The following documents are submitted for review:

**APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-06-2023 DATED FEBRUARY 13, 2023**

RE: Request for comments - proposed Zoning By-law Amendment application, 533 & 549 Ridge Road North, Town of Fort Erie (file no. 350309-0548) Abby LaForme to Daryl Vander Veen 2022-11-18 10:09 AM  
Cc "Mark LaForme"  
From "Abby LaForme" <Abby.LaForme@mncfn.ca>  
To "Daryl Vander Veen" <DVanderVeen@forterie.ca>  
Cc "Mark LaForme" <Mark.LaForme@mncfn.ca>

Good Morning Daryl,

Thank you for reaching out to MCFN DOCA for Consultation regarding the 533 & 549 Ridge Road North, Town of Fort Erie.

MCFN DOCA would like to submit the following comments;

We are the Mississaugas of the Credit First Nation (MCFN), descendants of the Mississaugas of the River Credit. This project is being proposed for development on the treaty lands of the MCFN, more precisely, the Between the Lakes Treaty No. 3 of 1792.

In light of this, the MCFN Department of Consultation and Accommodation must be in receipt of all Environmental Assessment reports, and must be engaged for all Archaeological Assessments. This engagement

includes in-field participation by having MCFN community members present when any archaeological assessments are being conducted and a review of all reports prior to submission to the ministry for clearance. This engagement is at the cost of the proponent.

Thank you

**Abby (LaForme) Lee**  
**Acting Consultation Coordinator**



**Mississaugas of the Credit First Nation (MCFN)**  
**Department of Consultation & Accommodation (DOCA)**  
**4065 Highway 6, Hagersville, ON N0A 1H0**  
**Ph: (905) 768 – 4260**  
**Email: [Abby.LaForme@mncfn.ca](mailto:Abby.LaForme@mncfn.ca)**

**From:** Daryl Vander Veen <DVanderVeen@forterie.ca>

**Sent:** Thursday, November 17, 2022 3:48 PM

**Subject:** Request for comments - proposed Zoning By-law Amendment application, 533 & 549 Ridge Road North, Town of Fort Erie (file no. 350309-0548)

Good afternoon,

A complete application for a Zoning By-law Amendment application has been received from Ethan Laman of Upper Canada Consultants on behalf of 1855838 Ontario Inc. (Richard Dekorte) for 533 & 549 Ridge Road North in the Town of Fort Erie. The proposal will facilitate a future boundary adjustment and severance application to sever off excess dwellings and to consolidate land for future development.

The lands are located within the Urban Area in the Ridgeway-Thunder Bay neighbourhood of Fort Erie and are currently designated Low Density Residential in the Ridgeway-Thunder Bay Secondary Plan in the Town's

**APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-06-2023 DATED FEBRUARY 13, 2023**

Official Plan. The lands are currently zoned Residential 1 (R1) Zone and Neighbourhood Development (ND) Zone in accordance with the Town's Comprehensive Zoning By-law No. 129-1990. The application is proposing to change the zoning to Residential Multiple 1 (RM1) Zone with no site-specific special provisions requested.

The following documents are submitted for review:

0. Pre-consultation Agreement - 533 & 549 Ridge Road North
1. Application for Zoning By-law Amendment & Covering Letter
2. Survey Sketch
3. Planning Justification Brief
4. Archaeological Assessment & Ministry Letter
5. PIN Location Map

Please provide any comments you have on the application no later than **Wednesday, December 7, 2022**. If your agency has a review fee it has been mailed to your attention. Please contact me if you have any questions or require any further information.

Regards,

Daryl

Daryl Vander Veen, BES  
Intermediate Development Planner

Planning & Development Services  
The Corporation of the Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, Ontario, L2A 2S6  
Phone: 905-871-1600 ext. 2509  
Email: [dvanderveen@forterie.ca](mailto:dvanderveen@forterie.ca)



## Planning and Development Services

<b>Prepared for</b>	Council-in-Committee	<b>Report No.</b>	PDS-07-2023
<b>Agenda Date</b>	February 13, 2023	<b>File No.</b>	350308-0107 & 350309-0481

<b>Subject</b>	
<b>PROPOSED DRAFT PLAN OF SUBDIVISION AND ZONING BY-LAW AMENDMENT 613 HELENA STREET SS FORT ERIE INC. (HUNAUN SIDDIQUI &amp; MOHAMMAD FEROZ) - OWNER IBI GROUP (TRACY TUCKER) - AGENT</b>	

<b>Recommendation</b>	
<b>THAT</b>	Council receives for information purposes Report No. PDS-07-2023 regarding a proposed Draft Plan of Subdivision and Zoning By-law Amendment for 613 Helena Street Subdivision.

<b>Relation to Council's 2018-2022 Corporate Strategic Plan</b>	
Priority: Managed Growth through Responsibility, Stewardship and Preservation	

<b>List of Stakeholders</b>	
The Corporation of the Town of Fort Erie SS Fort Erie Inc. (Hunaun Siddiqui & Mohammad Feroz) - Owner IBI Group (Tracy Tucker) Residents and Property Owners in the Town of Fort Erie	

Prepared by:	Reviewed by:	Submitted by:	Approved by:
<b>ORIGINAL SIGNED</b>	<b>ORIGINAL SIGNED</b>	<b>ORIGINAL SIGNED</b>	<b>ORIGINAL SIGNED</b>
Daryl Vander Veen Intermediate Development Planner	Anamika Dilwaria, M.PI., MCIP, RPP Manager, Development Approvals	Alex Herlovitch, MCIP, RPP Director, Planning & Development Services	Chris McQueen, MBA Chief Administrative Officer

**Purpose**

Applications for a Draft Plan of Subdivision and a Zoning By-law Amendment were submitted by Tracy Tucker of IBI Group, Agent for SS Fort Erie Inc, (Hunaun Siddiqui & Mohammad Feroz), Owner of the subject property located at 613 Helena Street. A location map showing the area subject to the applications is attached as **Appendix “1”**.

The purpose of this report is to provide information on the proposed Draft Plan of Subdivision and Zoning By-law Amendment applications. A recommendation report will be brought forward for Council's consideration at a future Council-in-Committee meeting.

**Background**

The proposal is known as 613 Helena Street Draft Plan of Subdivision. Originally this development proposed 17 blocks intended for 116 townhouse dwellings, a block for a stormwater pond, a block for environmental lands and a block for a road widening. Following fieldwork in conjunction with the Niagara Peninsula Conservation Authority (NPCA) to delineate the natural heritage areas on the subject property the proposal was revised.

The revised development is 8.14 ha in area and proposes 19 blocks intended for 135 townhouse dwellings, a block for a stormwater pond, a block for environmental lands and a block for a road widening. The proposed draft plan of Subdivision is attached as **Appendix “2”**.

The Zoning By-law Amendment is required to change the zoning of the subject property from Neighbourhood Development (ND) Zone to a site-specific RM1 (RM1) Zone for the proposed townhouse dwellings and to redefine the boundaries of the Environmental Conservation (EC) Overlay Zone on the subject property to reflect the results of the Applicant's Environmental Impact Study (EIS) Addendum. Site-specific regulations are proposed to permit reduced lot area for interior street townhouse lots, increased maximum density, removal of the maximum lot coverage limits for interior and exterior street townhouses and removal of the requirement for a 4.50 m planting strip where it abuts a street.

**Nature of the Site**

The subject property is located within the Urban Boundary on the west side of Helena Street in the Kraft neighbourhood of Fort Erie and is 8.14 ha in area. The property is municipally known as 613 Helena Street and there is an existing single detached dwelling and farm operation on the subject property.

The following are the land uses surrounding the subject property:

- North:** Vacant, wooded lands that are designated as Provincially Significant Wetlands (PSW).
- South:** Vacant, wooded lands that are designated as PSW.
- East:** Two single detached dwellings and vacant, wooded lands that are designated as PSW.
- West:** Vacant, wooded lands that are partially designated as PSW.

Staff note that the subject property does not have access to municipal servicing at the current time. 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 and water distribution system.

### **Planning Context**

#### **2020 Provincial Policy Statement (PPS)**

The subject lands are located within a Settlement Area under the 2020 Provincial Policy Statement (PPS). The policies of the PPS direct growth to settlement areas and encourage building strong communities through the efficient use of land, resources, and infrastructure. The PPS also encourages opportunities for intensification, the redevelopment of underutilized lands, and infill development where appropriate.

#### **2020 Growth Plan for the Greater Golden Horseshoe (Growth Plan)**

The subject property is within the Greater Golden Horseshoe Growth Plan Area and designated Built-up Area. In general, the Growth Plan directs new residential development within the delineated Built-up Area and encourages opportunities for efficient use of urban land and a range and mix of housing types.

#### **2022 Niagara Official Plan (NOP)**

The NOP notes that development in urban areas will integrate land use planning and infrastructure planning to responsibly manage growth. The NOP promotes intensification, compact built form and a diverse range and mix of housing types. The subject property is considered to be Built-up Area under the NOP. The proposed townhouse dwellings are characteristic of intensification and compact built form and will also increase the variety of housing types in the Town. The proposed development will also assist the Town of Fort Erie to achieve the minimum residential intensification target of 50% of new residential dwelling units within the Built-up Area.

## **2011 Town of Fort Erie Official Plan**

### *Official Plan Schedule A - Land Use Plan*

The subject lands are designated Urban Residential, Environmental Protection and Environmental Conservation on Schedule A of the Town's Official Plan and are located within Site Specific Policy Area 5 - Kraft Drain Area (SSPA). Section 4.9 of the Official Plan states that lands with Urban Residential designation are intended for a variety of housing forms including multi-unit residential dwellings such as townhouses. Subsection 4.7.4.1 Urban Residential of the Official Plan provides guidance to Council when considering medium density residential uses and infill residential intensification on vacant land. Planning staff will provide analysis with respect to these criteria in the future recommendation report to Council.

The SSPA requires an Environmental Planning Study (EPS) in accordance with the Natural Heritage policies of the Official Plan. An [Environmental Impact Study \(EIS\) Addendum](#) was completed in support of this proposal that is summarized later in this report. The SSPA also states that the EPS should be prepared in association with Neighbourhood Plan. This proposal is being brought forward as the subject property is an isolated pocket that is surrounded by Environmental Protection areas. There is no possibility of connection or integration with a larger neighbourhood in this location. Staff will provide analysis on the SSPA requirements in the future recommendation report to Council.

### *Official Plan Schedule B - Mineral Aggregate & Petroleum Resources*

Schedule B of the Official Plan illustrates that the subject property is within a petroleum resource area. There are no active wells within 75.00 metres of the subject property. The subject property is not within an area identified as having potential for mineral aggregate resources.

### *Official Plan Schedule C - Natural Heritage Features & Schedule C1 - Natural Hazards & Fish Habitat*

Schedule C of the Official Plan identifies the west portion of the property as Provincially Significant Wetlands (PSW), Significant Natural Area and as being part of a Woodlot Over 2 Ha. The portion of the property that is subject to proposed residential development does not contain any natural heritage features. Lands to the north and south are identified as Environmentally Sensitive Area, PSW, Significant Natural Area and as being part of a Woodlot Over 2 Ha. The subject property and adjacent lands are under the regulation of the Niagara Peninsula Conservation Authority (NPCA).

Schedule C1 of the Official Plan does not identify any natural hazard area or fish habitat on or near the subject property.

Niagara Region has noted that the subject property is impacted by the Region's Core Natural Heritage System ("CNHS") consisting of the Kraft Drain Provincially Significant Wetland ("PSW") Complex and Significant Woodland.

Comments from Niagara Region and the NPCA in regard to the [Environmental Impact Study \(EIS\) Addendum](#) submitted with the application are contained in the Studies section of this report.

#### *Official Plan Schedule D - Cultural Heritage Archaeological Zones of Potential*

Schedule D of the Official Plan illustrates the subject property as being within area identified as having potential for archaeological resources. The Agent has completed [Stage 1 & 2 Archaeological Assessments](#).

### **Plan of Subdivision Design**

The proposed draft plan of subdivision is attached as **Appendix "2"** and consists of the following elements:

- 19 blocks intended for 135 street townhouse dwellings
- 1 block intended for a stormwater pond
- 1 block intended for environmental lands
- 1 block for a road widening of Helena Street

The draft plan features a crescent road shown as Street 'A' that connects to Helena Street in two locations. All of the proposed townhouse dwellings front onto the crescent road. The block for environmental lands encapsulates a 15.00 m buffer recommended in the Environmental Impact Study (EIS) Addendum from natural heritage features on the subject property and on adjacent lands. The overall density of the plan of subdivision is 16.58 units/ha. The density of the development area intended for the townhouse dwellings is 52 units/ha.

### **Comprehensive Zoning By-law No. 129-1990**

The lands are currently zoned Neighbourhood Development (ND) Zone and Environmental Conservation (EC) Overlay Zone in accordance with Zoning By-law No. 129-1990. The Applicant is requesting to rezone the subject lands to a new site-specific Residential Multiple 1 (RM1) Zone for the proposed townhouse dwellings. The Zoning By-law Amendment also proposes to refine the boundaries of the Environmental Conservation (EC) Overlay Zone on the subject property to ensure natural heritage features are adequately protected in accordance with Regional and NPCA requirements.

The site-specific RM1 proposes regulations to permit reduced lot area for interior street townhouse lots, increased maximum density, removal of the maximum lot coverage limits for interior and exterior street townhouses and removal of the requirement for a



4.50 m planting strip where it abuts a street. These departures are outlined in the zoning chart below.

<b>Table 1: Zone Comparison Chart - Proposed Site-specific RM1 Zone</b>		
<b>Zoning Regulation</b>	<b>Base Regulations</b>	<b>Proposed Regulations</b>
Minimum Lot Frontage	6.00 m for a street townhouse lot 9.00 m for a street townhouse corner lot	No change
Minimum Lot Area	200.00 sq m for a street townhouse lot	155.00 sq m for a street townhouse lot
	270.00 sq m for a street townhouse corner lot	No change
Maximum Lot Coverage	Exterior street townhouse - 40% Interior street townhouse - 60%	Shall not apply (no maximum lot coverage)
Minimum Front Yard	6.00 m to garage 3.00 m to other parts of dwelling	No change
Minimum Side Yard	1.50 m	No change
Minimum Exterior Side Yard	3.00 m 6.00 m if an attached garage or carport faces the exterior lot line	No change
Minimum Rear Yard	6.00 m	No change
Maximum Building Height	3 storeys and 12.00 m	No change
Minimum Landscaped Area	Street townhouse lots - 25%	No change
Maximum Number of Units in a Row	8	No change
Minimum Distance Between Buildings on the Same Lot	15m, except 3m between end walls and 9m between an end wall and a rear wall	No change
Maximum Density	35 units/ha	52 units/ha
Privacy Area	Notwithstanding the yard requirements above, every dwelling unit shall have at least one area which serves as a privacy area adjacent to the dwelling unit, having a minimum depth of 4.5m	No change

**Table 1: Zone Comparison Chart - Proposed Site-specific RM1 Zone**

Planting Strips	In accordance with Section 6.21 and 4.50 m where it abuts a street, except for points of ingress/egress	Shall not apply (not required for street townhouse dwellings).
-----------------	---------------------------------------------------------------------------------------------------------	----------------------------------------------------------------

Planning analysis for the proposed zoning will be provided in the future recommendation report to Council.

### **Studies**

#### Stage 1 and Stage 2 Archaeological Assessments

[Stage 1 and Stage 2 Archaeological Assessments](#) were completed for this proposal. The Stage 1 Archaeological Assessment was completed in 2018 by Amec Foster Wheeler. The Stage 1 study concluded that the site exhibited potential for archaeological resources and recommended that a Stage 2 Archaeological Assessment be completed. AMCK Consultants Limited completed a Stage 2 Archaeological Assessment in January 2022. The Stage 2 study did not encounter any archaeological resources and concluded that no further archaeological assessment of the subject property is warranted.

#### *Comments from Niagara Region*

Niagara Region reviewed the Stage 1 and Stage 2 Archaeological Assessments and did not object to the conclusions of the studies. The Region noted that Letters of Acknowledgement from the Province need to be submitted and that this will be a condition of draft plan approval for the proposed subdivision.

#### Environmental Site Assessments Phase One and Limited Phase 2

HLV2K Engineering Limited completed a [Phase 1 and Limited Phase 2 Environmental Site Assessments](#) (ESAs) in December of 2021 for the subject property. The Phase 1 ESA conducted historical analysis of the land use of the property and noted its past and current use for agricultural purposes. A limited Phase 2 ESA was recommended to determine if any potential contamination occurred on site as a result of pesticide use associated with the agricultural operation.

The Limited Phase 2 ESA involved eleven boreholes including four converted to monitor ground water on the subject property. Soil samples collected as part of the boreholes were tested and found to meet applicable standards from the Ontario Ministry of Environment, Conservation and Parks (MECP). The study concluded that there is little groundwater flow and that the soils onsite are not conducive to spread of contaminants. The study recommended that no further environmental site assessment is required.

*Comments from Niagara Region*

Niagara Region provided comments noting that they concur with the results of the Phase 1 and Phase 2 ESAs and that a Record of Site Condition (RSC) will not be required. Niagara Region will request that a Letter of Reliance from a Qualified Professional be submitted as a condition of approval.

Environmental Impact Study (EIS) Addendum

An [Environmental Impact Study \(EIS\) Addendum](#) was completed by Beacon Environmental Limited in November 2022 in support of the proposed development. The report builds on an initial EIS that was completed in 2017 by Colville Consulting and an earlier EIS Addendum that was completed in February 2022. The EIS Addendum identifies that natural heritage features on the subject property and adjacent lands and recommends a series of mitigation measures intended to prevent negative impacts on these features. Here is a summary of the mitigation measures:

- Implementation of a 15.00 m environmental buffer from on or off-site natural heritage features.
- Preparation of an erosion and sediment control plan prior to site alteration and construction, and a silt fence should be installed at the limit of the environmental buffers.
- All lot lines shall be located outside of the environmental buffer and permanent fencing should be installed along the buffer to discourage people from entering the buffer area.
- All development, site alteration, and storage of construction materials and equipment shall be limited to the development area with no encouragement into the environmental buffer.
- No vegetation removal to occur within bird nesting season (between May 16 and July 15; some removal may occur April 1 to May 31 or July 16 to August 31 with approval from an avian Ecologist).
- A buffer restoration and enhancement plan should be prepared utilizing native tree and shrub planting to enhance the buffer. Further, the plan should include a reconfiguration of the southern pond and restoration of woodland/wetland areas that were subject to vegetation removal in 2022.
- Use of Low Impact Development (LID) techniques to offset changes to stormwater infiltration onsite resulting from the impervious surfaces that will result from development.
- Use of a flow spreader to dissipate flows from the stormwater pond outlet to the wetland on the west side of the property.

*Comments from Niagara Region*

Niagara Region has reviewed the latest EIS Addendum and are satisfied that the mitigation measures recommended by the study are sufficient to address Provincial and Regional environmental policies. The Region will require the implementation of the EIS

recommended measures via conditions of draft plan approval for the proposed plan of subdivision.

#### *Comments from the NPCA*

The NPCA do not object to this proposal in principle. The NPCA noted that some additional clarification in the EIS is required in regard to the two existing ponds on the subject property, 5a and 5b. The NPCA noted that 5a can remain in its current location in the environmental buffer, however the NPCA is not supportive of reconfiguring 5b as proposed in the EIS. Instead, the NPCA recommends that pond 5b be relocated elsewhere on site in its entirety.

The NPCA also noted that a small area of Provincially Significant Wetland was disturbed. The NPCA will require that this area be restored and monitored over a ten-year period. This will be a condition of approval of the subdivision.

#### Revised Functional Servicing & Stormwater Management Report (FSR)

A [Functional Servicing and Stormwater Management Report](#) was prepared by IBI Group in November 2022 for this proposal. The conclusions of the FSR are as follows:

- The proposed site grading will achieve compliant site gradients and match into the existing grades at its limits.
- The proposed development will outlet sanitary sewage into municipal infrastructure by extending the sanitary sewer network north from Albany Street and connecting to the existing Dominion Road Sewage Pumping Station. The cost of extending the sanitary sewer will be the responsibility of the developer.
- Stormwater management design for the proposed development incorporates quality and quantity control at an enhanced protection level utilizing a wetland facility. The proposed development will attenuate the proposed conditions under 5-year and 100-year storm events to pre-development levels. The proposed stormwater pond will outlet to the wetland areas on the west side of the property.
- The proposed Helena Street Residential Development will connect to a proposed 250mm diameter water main on Helena Street south of the subject site.

#### *Comments from Niagara Region*

Niagara Region has commented that additional information is required with respect to the Stormwater Management Plan included with the FSR. They have included several conditions of approval to address these points.

#### *Comments from the NPCA*

NPCA staff are still working on review of the revised Functional Servicing and Stormwater Management Report. Engineering requirements will be addressed via

submission of conditions of approval for the subdivision. Planning staff will include these conditions in the future recommendation report.

#### Geotechnical Report, Hydrogeological Study and Water Balance Analysis

A [Geotechnical Report](#), a [Hydrogeological Study](#) and [Water Balance Analysis](#) were completed for this proposal in February 2022. The reports concluded that dewatering measures will be required during the construction phase for construction of footings and basements. Long-term foundation and underfloor drainage systems are also required to reduce hydrostatic pressure and remove seeped water. This can occur via sumps, pumps and related utilities. Use of Low Impact Development measures to improve infiltration of stormwater is recommended.

#### *Comments from the NPCA*

NPCA staff are still working on review of the above studies in relation to the Functional Servicing and Stormwater Management Report. Engineering requirements will be addressed via submission of conditions of approval for the subdivision. Planning staff will include these conditions in the future recommendation report.

#### Revised Traffic Impact Study

A revised [Traffic Impact Study \(TIS\)](#) was completed for the proposed development by Paradigm Transportation Solutions Limited in November 2022 following the increase in the number of dwelling units from 116 townhouse dwellings to 135 townhouse dwellings. The study modelled traffic impacts at four intersections: Helena Street/Thompson Road at Garrison Road, Helena Street at Washington Road/Albany Street, and the two proposed road connections to Helena Street from the subject property. The study also reviewed sight distances from the proposed road connections to Helena Street. The conclusions of the study are as follows:

- The proposed development is estimated to generate approximately 65 AM vehicle trips and 79 PM vehicle trips during peak hours.
- Under background traffic conditions all intersections are forecast to operate at acceptable levels of service and all movements are well within capacity during the weekday AM and PM peak hours. No critical movements are noted.
- Factoring in traffic generated by this proposal all intersections are forecast to operate at acceptable levels of service and all movements are well within capacity during the weekday AM and PM peak hours and will operate at Level of service A or B. No critical movements are noted.
- Northbound left-turn lanes are not required for the streets in the development where the roads connect to Helena Street.
- The roads in the development connecting to Helena Street may operate unsignalized. Instead, stop control via stop signs will be utilized in accordance with Ontario Traffic Manual Book 5 standards.

### *Comments from Niagara Region*

Helena Street is an arterial street under the jurisdiction of Niagara Region. Regional staff have reviewed the TIS and offer no comments or objection to the study.

### **Financial/Staffing Implications**

All costs associated with processing the application and the development of the property is the responsibility of the owner.

### **Policies Affecting Proposal**

Notice of the Public Meeting was circulated in accordance with the *Planning Act* by placing an advertisement in the January 19, 2023 edition of the *Fort Erie Post*. Further, all property owners within 120 m of the subject property via mailed notice on January 23, 2023.

Land use policies for the subject lands are contained in the Town's Official Plan, and applicable Regional and Provincial regulations.

### **Comments from Relevant Departments/Community and Corporate Partners**

A request for comments regarding this Draft Plan of Subdivision and Zoning By-law amendment was circulated to relevant Departments/Community and Corporate Partners. Comments received to date are summarized below and are attached as **Appendix "3"**.

### **Agency Comments**

#### Bell Canada

No objection. Several conditions of approval were requested.

#### Canada Post

Canada Post does not object to the proposed development. The agency notes that mail service for the proposed development will occur via centralized mail facilities provided through the Community Mailbox system. Several conditions of approval are requested in relation to use of Community Mailboxes.

#### District School Board of Niagara (DSBN)

No objection. The DSBN requests that sidewalks be constructed within the subdivision to facilitate student travel to the school/bus stop locations as a condition of approval. The DSBN notes that future students from this area would attend Garrison Rd

PS (Gr. JK-8) and Greater Fort Erie Secondary School (Gr. 9-12).

Cogeco, Hydro One

No objection.

Niagara Peninsula Conservation Authority (NPCA)

The NPCA support the proposal in principle and are working with the Applicant to address engineering matters and to finalize conditions of approval. The NPCA noted that one of the existing ponds on site, noted a 5b in the Environmental Impact Study (EIS) Addendum, will need to be relocated elsewhere on the subject property. Further, a small area of wetland was disturbed. The NPCA will require that this area be restored. Restoration measures will be included in the NPCA's conditions of approval for the subdivision.

Niagara Region

Niagara Region does not object to the proposal in principle and notes it complies with Provincial and Regional planning policy pending completion of conditions of draft plan approval that they have submitted with their comments. Regional comments on individual studies are contained in the Studies section of this report. Niagara Region has provided an updated list of conditions of approval following the latest revision to this development.

**Staff Comments**

Chief Building Official, Fort Erie Fire Department, Neighbourhood Planner

No objection.

Coordinator, Development Approvals

No objection to the proposed Zoning By-law Amendment.

It is noted that municipal servicing (water and sanitary sewer) will need to be extended to service the subject lands as it is within the Urban Boundary. All costs associated with extending the services will be the responsibility of the developer. It is also noted that the Town does not permit new dead end watermain. Therefore the developer will be required to construct a water main from Albany Street to the existing dead-end watermain that ends approximately 220 m north of the subject property.

All internal roads within this development shall be designed and constructed to a full urban standard (curb and gutter, storm sewer and sidewalk). Sidewalks 1.50 m in width will be required on one side of all streets. The internal roadways will be dedicated as public highways.

The Coordinator, Development Approvals also provided a list of conditions of approval for the Town for the development.

## **Public Comments**

A public information open house was held in-person in the Atrium of Town Hall on May 11, 2022 from 5 to 6 pm. All property owners within 120 metres of the subject lands were notified of the information open house via a notice mailed by Staff on April 27, 2022. Staff and the Agent attended the information open house meeting.

Comments and feedback from the public to date are outlined below. Email correspondence was also received and is attached for review as **Appendix “4”**.

### Affordable Housing

A resident expressed concern that the proposed townhouse dwellings would not contain any affordable units.

#### *Staff Response*

The proposed townhouse units will introduce additional housing variety into Fort Erie’s housing market. The units are not anticipated to be affordable housing units based on Canadian Mortgage and Housing Corporation (CMHC) definitions.

### Access to Schools

One resident asked how children living in this development would go to school.

#### *Staff Response*

Comments were received from the District School Board of Niagara confirming that children in this development would be bussed to Garrison Rd PS (Gr. JK-8) and Greater Fort Erie Secondary School (Gr. 9-12). There is no indication that there are capacity issues at the existing schools.

### Issues with Helena Street and Traffic from the Development

Another issue was raised was the poor condition of Helena Street and potential issues with traffic.

#### *Staff Response*

Planning staff will follow up with Infrastructure Services to see if any upgrades to Helena Street will be required for this development and will include the information in the Recommendation Report. The Applicant completed a revised Traffic Impact Study



noting that Helena Street and the nearest intersections have sufficient capacity to accommodate traffic from the proposed development.

#### Loss of Prime Agricultural Land and Wildlife Habitat, Impacts on Wetlands

A resident commented that this proposal will result in the loss of prime agricultural land and wildlife habitat and had questions regarding the impact on wetlands in the area.

#### *Staff Response*

Staff note that this subject property is within the urban boundary and is not considered to be prime agricultural land. Use of the land as an agricultural operation is an existing situation and is considered to be non-conforming under the zoning and Official Plan land use designation.

The Agent has prepared an Environmental Impact Study (EIS) Addendum that limits the development area to a portion of the site that is outside of natural heritage features. The Applicant is proposing a 15.00 m environmental buffer area that will be maintained to prevent impacts to natural heritage features on-site or on adjacent parcels. The NPCA and Niagara Region are in agreement that the 15.00 m buffer is appropriate to protect wetlands and other environmentally sensitive areas.

#### Lack of Playgrounds or Sidewalks in the Area

A resident commented that there are no parks proposed within the development and no sidewalks for children on Helena Street.

#### *Staff Response*

Currently no park space is proposed within the development and there are no parks nearby. Staff acknowledge that the site is isolated. Private amenity space will be provided for each townhouse dwelling.

#### Lack of Medical Facilities

One resident expressed concern that the Town does not have adequate medical facilities and the nearest full-service hospital is located a significant distance.

#### *Staff Response*

Staff acknowledge that this is an ongoing issue in Fort Erie but is largely under the mandate of the Niagara Region Public Health and Emergency Services. This development will not have a significant impact on the provision of healthcare services in the Town.

**Alternatives**

N/A.

**Communicating Results**

There are no communication requirements at this time.

**Conclusion**

This report is submitted for information purposes. A report with recommendations on the proposed Draft Plan of Subdivision and Zoning By-law Amendment will be presented to Council at a future Council-in-Committee meeting.

**Attachments**

**Appendix “1”** - Location Plan

**Appendix “2”** - Draft Plan of Subdivision


**Appendix “3”** - Comments from Staff/Agencies

**Appendix “4”** - Comments from the Public



**LOCATION PLAN**

**Draft Plan of Subdivision & Zoning By-law Amendment -  
613 Helena Street**

 Subject Lands - 613 Helena Street



Planning and Development Services, Map Created June 8, 2022





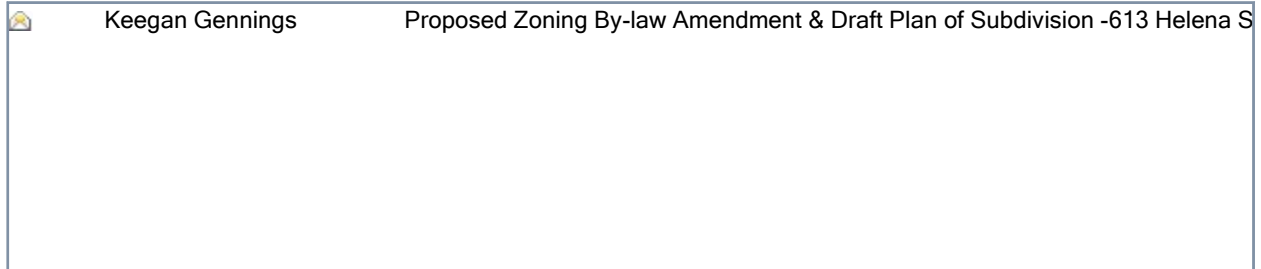


**Proposed Zoning By-law Amendment & Draft Plan of Subdivision -613 Helena Street**

**Keegan Gennings** to: Anamika Dilwaria

04/20/2022 04:51 PM

From: Keegan Gennings/FortErie  
To: Anamika Dilwaria/FortErie@TownOfFortErie



Hi Anamika,

A review of the proposed zoning by-law amendment and plan of subdivision was done and I have no comments.

Regards,

Keegan Gennings C.B.C.O  
Chief Building Official  
Town of Fort Erie  
905-871-1600 ext. 2515





**Re: Invitation: Proposed Zoning By-law Amendment & Draft Plan of Subdivision -613 Helena Street (Apr 20 12:00 PM EDT)** 📎

**Ed Melanson** to: Anamika Dilwaria

04/01/2022 04:25 PM

From: Ed Melanson/FortErie

To: Anamika Dilwaria/FortErie@TownOfFortErie

📎	Anamika Dilwaria	Proposed Zoning By-law Amendment & Draft Plan of Subdivision -613 Helena S
🏠	Pieter Wasserman	<i>I am out of the office from 03/25/2022 08:00 AM until 04/11/2022 08:00 AM</i>
✅	Signe Hansen	<i>Accepted: Proposed Zoning By-law Amendment &amp; Draft Plan of Subdivisio</i>
✅	Mohammad Kamruzzaman	<i>Accepted: Proposed Zoning By-law Amendment &amp; Draft Plan of Subdivisio</i>
✅	Jeremy Korevaar	<i>Accepted: Proposed Zoning By-law Amendment &amp; Draft Plan of Subdivisio</i>

Good afternoon Anamika,

I have reviewed the proposed ZBA and draft plan application attachments and have no objections at this time.

Have a good weekend.



**Ed Melanson**  
**Fire Chief / CEMC**

Office: (905) 871-1600 ext. 2600

Cell: (905) 329-7255

Anamika Dilwaria <https://filr.forterie.ca:8443/filr/public-link/file-dow...>

03/30/2022 04:21:15 PM



**Invitation: Proposed Zoning By-law Amendment & Draft Plan of Subdivision -613 Helena Street**

**Wed 04/20/2022 12:00 PM - 12:30**

PM

Attendance is **required** for Ed Melanson

Chair: **Anamika Dilwaria/FortErie**

No Location Information

**Anamika Dilwaria** has invited you to a meeting. You have not yet responded.

Required:	Ed Melanson/FortErie@TownOfFortErie, Jeremy Korevaar/FortErie@TownOfFortErie, Keegan Gennings/FortErie@TownOfFortErie, Mohammad Kamruzzaman/FortErie@TownOfFortErie, Pieter Wasserman/FortErie@TownOfFortErie, Signe Hansen/FortErie@TownOfFortErie
Optional:	Mackenzie Ceci/FortErie@TownOfFortErie

Description

<p>[attachment "Internal Staff Circulation Memo -.pdf" deleted by Ed Melanson/FortErie] <a href="https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080827fc34c21017fdc75edc31b59/1337/1704553704401224644/613%20Helena.zip">https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080827fc34c21017fdc75edc31b59/1337/1704553704401224644/613%20Helena.zip</a></p>
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## Interoffice Memorandum

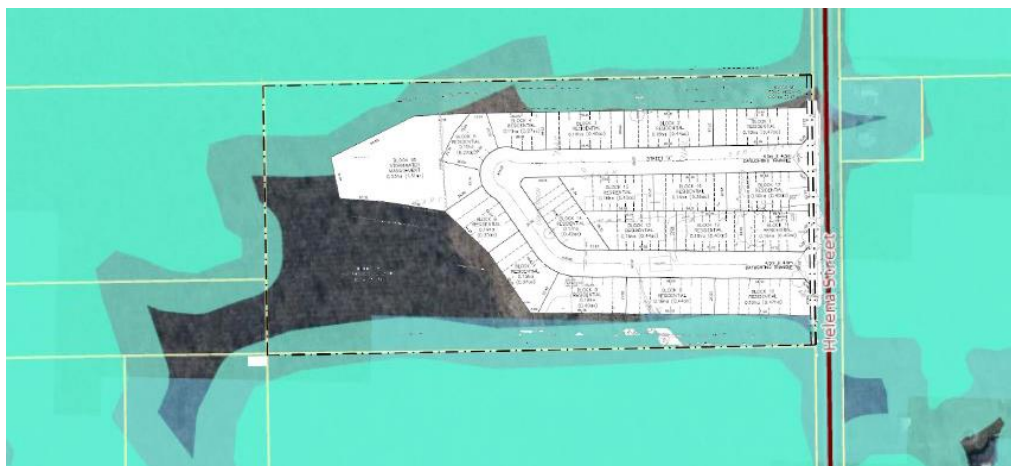
Date 19 April 2022

File No. 350308-0107 & 350309-0481

To: Anamika Dilwaria, MCIP, RPP Senior Development Planner  
From: Pieter Wasserman, Neighbourhood Planner & Urban Designer  
Subject: **Request for Comments - Combined Zoning By-law Amendment Application & Draft Plan of Subdivision, OFFICIAL PLAN & SECONDARY PLAN**

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The site is designated Urban Residential in the Town's Official Plan and therefore, is subject to 4.7.4. Urban Residential. The lands are zoned Neighbourhood Development (ND) Zone, in part, Environmental Conservation Overlay (EC) Zone, in part and Environmental Protection (EP) Zone in accordance with Zoning By-law No 129-90.



### 1. CONCLUSION

Neighbourhood Planning & Urban Design in principle do not oppose the proposed Zoning By-law Amendment & Draft Plan of Subdivision of 613 Helena Street. As the application will be subject to Site Plan Control, further Neighbourhood Planning and Urban Design comment will follow in the Site Plan Control application.

Kind regards,

Pieter Wasserman, M. Arch, MCPUD  
Neighbourhood Planner & Urban Designer

PCW/pcw  
Attach. none





## Interoffice Memorandum

April 20, 2022

File No. 350308-0107 & 350309-0481

To: Anamika Dilwaria, Senior Development Planner  
From: Jeremy Korevaar, Coordinator, Development Approvals  
Subject: **ZONING BY-LAW AMENDMENT AND DRAFT PLAN OF SUBDIVISION  
APPLICATION – 613 HELENA STREET, FORT ERIE - COMMENTS**

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On behalf of the Infrastructure Services Department, Engineering Services Division, a review has been completed for the above noted Zoning By-law Amendment and Draft Plan of Subdivision applications and supporting documents and have the following comments:

- Zoning By-law Amendment – Rezone to site-specific Residential Multiple 1 (RM1). The site-specific regulations are requested to eliminate the requirement for maximum lot coverage, planting strip for the portion of the property that abuts a street except for points of egress/ingress and a reduction in the minimum lot area for the on-street townhouses.
- Draft Plan of Subdivision – Seventeen blocks for townhouses for a total of one hundred and sixteen units, one block for stormwater management and one block for environmental lands on the property.

### **Zoning By-law Amendment**

- We have no objections to the proposed Zoning By-law Amendment.

### **Application for Draft Plan of Subdivision**

#### **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 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 Ministry of Environment 'Form 1' Record of Watermain to the Town.

5. A geotechnical study is required to confirm sewer pipe design, pipe bedding and backfill and to assess ground water conditions and bedrock elevations.
6. The Transportation impact Study prepared by Paradigm Transportation Solutions Limited dated December 2021 has been reviewed and we agree with the conclusions of the report.

**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 and shall be named in accordance with the Town of Fort Erie Streetnaming Policy.
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. 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.

**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. The Town of Fort Erie will not permit the creation of a new dead-end watermain, therefore the developer will be required to construct a watermain from Albany Street to the existing dead-end watermain that ends approximately 220m north of the subject property.
3. A 250mm watermain seems excessive in size. The sizing requirement should be re-evaluated given the requirement to loop in with the existing watermain to the north.

**Sanitary Sewer Comments**

1. The Town of Fort Erie Design Standards require a minimum cover of 2.40m. Provide additional justification for the proposed cover of 1.50m as noted on Page 4 of the FSR.
2. Population Density shall be 80 persons per hectare, not 4 persons per unit

**Storm Drainage and Stormwater Management 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 developer must provide a SWM report for all development phases of the subject lands.
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 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 for this development.
8. The proposed stormwater management concept shows three oil and grit separators for the site, one located upstream of the storm pond and two upstream of Helena Street ditch connections. **The Town is not willing to take on maintenance of three oil and grit separators for this small development. Consider other options for stormwater treatment to eliminate at least two of these units.**
9. Page 8 of the FSR shows on Table 3.5 that more than double the required storage volume is being provided in the proposed pond. **Why does the developer propose to construct an oversized pond?**

**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. Helena Street from Dominion Road to Phillips Street
    - i. Construct watermain – DC Timing Projection 2044-2048
    - ii. Construct sanitary sewers – DC Timing Projection 2044-2048
    - iii. Construct storm sewers – DC Timing Projection 2044-2048
2. The Developer will be required to construct watermain, sanitary sewers and storm sewers (where applicable) on behalf of the Town. Details for reimbursement to the Developer will be outlined in the Subdivision Agreement.

If the Draft Plan is modified as a result of the above comments or comments from other agencies, the modified plan may have an effect on the above comments.

We recommend the following conditions be imposed on the Draft Plan of Subdivision:

1. That the owner deed Block 18, as shown on the Draft Plan to the Town for stormwater management purposes, free and clear of any mortgages, liens and encumbrances.
2. 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.
3. 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.
4. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that *"Roof downspouts shall discharge only to the ground surface via splash pads to either the front, rear or exterior side yards. No direct connection to the storm sewer will be permitted nor should downspouts discharge directly to the driveway or a roadway."*
5. 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."*
6. 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."*
7. 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.

8. 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.
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 owner agrees, at a minimum, to construct 1.5 metre sidewalks on one side of all internal streets within the subdivision to the satisfaction of the Town or to the satisfaction of the Town.
12. 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.
13. 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.
14. 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.
15. That the Developer is responsible to front-end the construction of watermain, sanitary sewers and storm sewers (where required) on Helena Street from Albany Street to Phillips Street.

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




**ZBLA (350309-481) and Draft Plan of Subdivision (35308-0107), 613 Helena St., Fort Erie**

**CA - Circulations** to: ADilwaria@forterie.ca

04/01/2022 03:03 PM

From: "CA - Circulations" <CA.Circulations@wsp.com>

To: "ADilwaria@forterie.ca" <ADilwaria@forterie.ca>

	CA - Circulations	CA - Circulations	ZBLA (350309-481) and Draft Plan of Subdivision

**2022-04-01**

**Anamika Dilwaria**

**Fort Erie**

, ,

Attention: Anamika Dilwaria

Re: ZBLA (350309-481) and Draft Plan of Subdivision (35308-0107), 613 Helena St., Fort Erie.; Your File No. 35308-0107,350309-481

Our File No. 93043

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

“The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.”

The Owner is advised to contact Bell Canada at [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) during the detailed utility design stage to confirm the provision of communication/telecommunication

infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

Please note that WSP operates Bell's development tracking system, which includes the intake of municipal circulations. WSP is mandated to notify Bell when a municipal request for comments or for information, such as a request for clearance, has been received. All responses to these municipal circulations are generated by Bell, but submitted by WSP on Bell's behalf. WSP is not responsible for Bell's responses and for any of the content herein.

If you believe that these comments have been sent to you in error or have questions regarding Bell's protocols for responding to municipal circulations and enquiries, please contact [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca)

Should you have any questions, please contact the undersigned.

Yours truly,

Ryan Courville  
Manager - Planning and Development  
Network Provisioning  
Email: [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca)

---

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-LAEhHhHzdJzBtWfa4Hgs7pbKI



April 26, 2022

ANAMIKA DILWARIA  
TOWN OF FORT ERIE  
1 MUNICIPAL CENTRE DRIVE  
FORT ERIE, ONTARIO, L2A 2S6

Re: **613** Helena Street

Dear Anamika,

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](mailto:Andrew.Carrigan@Canadapost.ca)


**Re: Request for Comments-Proposed Zoning By-law and Draft Plan of Subdivision**
**Craig Krueger** to: Anamika Dilwaria

03/31/2022 09:36 AM

From: "Craig Krueger" &lt;craig.krueger@cogeco.com&gt;

To: "Anamika Dilwaria" &lt;ADilwaria@forterie.ca&gt;

	Anamika Dilwaria	Anamika Dilwaria	Request for Comments-Proposed Zoning By-law a
	Mail Router	Mail Router	<i>Applications for a Combined Zoning by-law A</i>
	Mail Router	Mail Router	<i>Applications for a Combined Zoning by-law A</i>
	Mail Router	Mail Router	<i>Applications for a Combined Zoning by-law A</i>
	Mail Delivery Subsystem	Mail Delivery Subsystem	<i>** Address not found ** Your message wasn't</i>

Thank you for the information, Cogeco has no comments regarding this application.

Craig

On Wed, Mar 30, 2022 at 4:24 PM Anamika Dilwaria <[ADilwaria@forterie.ca](mailto:ADilwaria@forterie.ca)> wrote:

Applications for a Combined Zoning by-law Amendment and Draft Plan of Subdivision have been received by the Town of Fort Erie for the lands municipally known as 613 Helena Street. The applicant is proposing 116 townhouse dwelling units and a block for stormwater management pond and a block for environmental lands.

Background:

In the fall of 2018, the previous owner had submitted a combined application for a Zoning By-law Amendment and a Draft Plan of Subdivision. The proposal included 46 lots for single-detached dwellings, 121 semi-detached dwellings, and 184 townhouse dwelling units. A public meeting was held on February 4, 2019. There was a significant concern relating to natural heritage, specifically, the existing provincially significant wetland ("PSW") and woodlot which encompasses the subject lands on the north, west, and south sides. The revised plan shows no development within the PSW. The natural heritage features are being protected and are contained within the Environmental Block.

The subject lands are located within the urban boundary and are currently designated Urban Residential in the Town's Official Plan. The lands are zoned Neighbourhood Development (ND) Zone, in part, Environmental Conservation Overlay (EC) Zone, in part and Environmental Protection (EP) Zone, in part, in accordance with Zoning By-law No.129-90. The applicant is requesting to rezone the lands to a site-specific Residential Multiple 1(RM1) Zone. The site-specific regulations are requested to eliminate the requirement for maximum lot coverage, planting strip for the portion of the property that abuts a street except for points of egress/ingress and a reduction in the minimum lot area for the on-street townhouses. The Draft Plan of Subdivision will accommodate the intended division of the land.

For the Planning and Development Services Department to properly assess the application and prepare our report to Town Council, we would appreciate your comments as they pertain to the scope and jurisdiction of your department or agency in the form of a memorandum or letter. If we do not receive your comments or a request for an extension, staff may interpret this as your approval of the applications as submitted. We would request any comments you have on this application within 20 days (i.e. not later than Tuesday, **April 20<sup>th</sup>, 2022**).

If you have any questions please do not hesitate to contact me. The supporting documents can be viewed by accessing the link mentioned below.

<https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080827fc34c21017fdc75edc31b59/1337/1704553704401224644/613%20Helena.zip>

Thanks,

Anamika Dilwaria, M.Pl., MCIP, RPP  
Senior Development Planner, Planning and Development Services  
The Corporation of the Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, Ontario L2A 2S6  
TEL: 1-905-871-1600 ext.2507  
[E-mail-adilwaria@forterie.ca](mailto:E-mail-adilwaria@forterie.ca)

-----  
Thanks for connecting.

For up-to-date information about the Town of Fort Erie's response to the COVID-19 virus, please visit <https://www.forterie.ca/pages/Covid19News>

We also strongly encourage you to stay-up-to-date with the latest advice from Niagara Region Public Health at <https://www.niagararegion.ca/health/covid-19/default.aspx>

All critical services, including water and wastewater and road operations as well as fire services will continue to operate to support our community. For after-hours services, including road or wastewater operations, please call 905-871-1600. For emergency assistance from fire services please call 911.

As many Town staff are focusing on emergency management at this time, we thank you in advance for your patience.



DISTRICT SCHOOL BOARD OF NIAGARA

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

May 12, 2022

Anamika Dilwaria, M.Pl., MCIP, RPP  
Senior Development Planner, Planning and Development Services  
The Corporation of the Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, Ontario L2A 2S6

Dear Ms. Dilwaria:

**RE: Draft Plan of Subdivision and Zoning By-law Amendment (350308-0107 & 350309- 481)  
613 Helena Street**

---

Thank you for circulating the District School Board of Niagara (DSBN) the applications for Zoning By-law Amendment and Draft Plan of Subdivision. The application proposes 116 townhouse dwelling units, a block for stormwater management pond, and a block for environmental lands. The Zoning Bylaw Amendment application will rezone the lands accordingly to facilitate the proposed development.

We understand that applications were submitted for the development of these lands by the previous owners in 2018. At that time, a total of 351 residential dwelling units were proposed; however, concerns were raised by agencies and stakeholders regarding the impacts of the previous proposal on natural heritage. This proposal reduces the number of residential dwellings proposed to 116 units and protects natural heritage.

DSBN Planning staff has completed its review and has no objections to the applications. 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 Rd 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,

A handwritten signature in blue ink that reads 'Sue Mabey'.

Sue Mabey, MCIP, RPP  
Supervisor of Planning



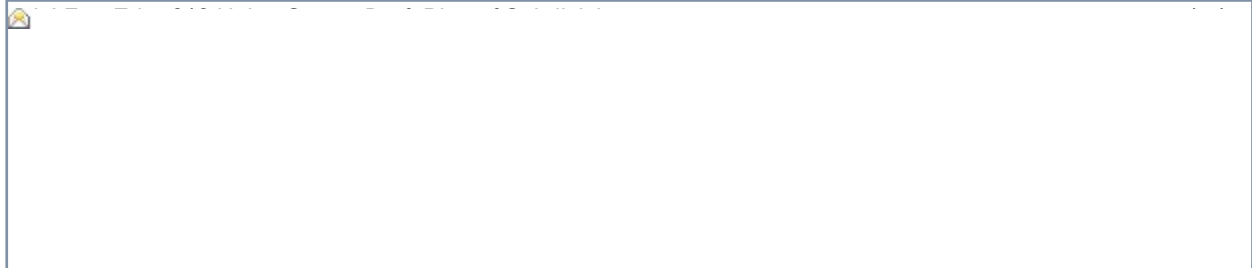
**Fort Erie -613 Helen Street- Draft Plan of Subdivision**

**LANDUSEPLANNING** to: ADilwaria@forterie.ca

04/19/2022 01:43 PM

From: "LANDUSEPLANNING" <LandUsePlanning@HydroOne.com>

To: "ADilwaria@forterie.ca" <ADilwaria@forterie.ca>



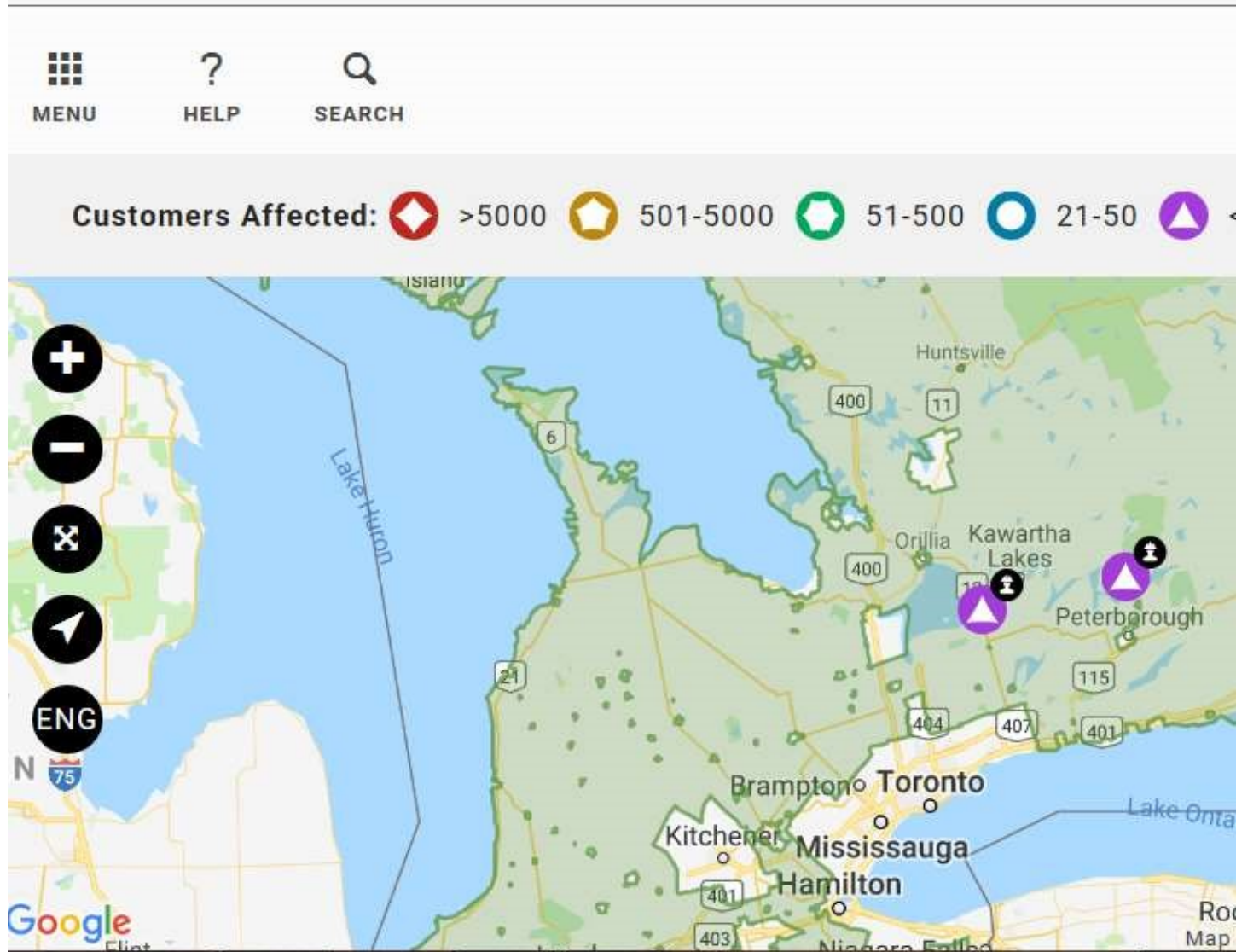
Hello,

We are in receipt of your Draft Plan of Subdivision Application dated March 30, 2022. 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' please consult your local area Distribution Supplier.

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



If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail [CustomerCommunications@HydroOne.com](mailto:CustomerCommunications@HydroOne.com) to be connected to your Local Operations Centre

Thank you,  
**Kitty Luk**  
 Real Estate Assistant | Land Use Planning

**Hydro One Networks Inc.**  
 185 Clegg Road  
 Markham, ON | L6G 1B7

Email: [landuseplanning@hydroone.com](mailto:landuseplanning@hydroone.com)



**RE: 613 Helena Street- Draft Plan of Subdivision & Zoning By-law Amendment**

**Sarah Mastroianni** to: Anamika Dilwaria

05/27/2022 12:31 PM

From: "Sarah Mastroianni" <smastroianni@npca.ca>

To: "Anamika Dilwaria" <ADilwaria@forterie.ca>

History: This message has been forwarded.

	Mohammad Kamruzzaman	Mohammad Kamruzzaman	Town of Fort Erie Pre-consultation Meeting N
	Sarah Mastroianni	Sarah Mastroianni	<i>Good morning, I am not able to make i</i>
	Mohammad Kamruzzaman	Mohammad Kamruzzaman	<i>Thank you, Sarah. Mohammad</i>
	! Anamika Dilwaria	Anamika Dilwaria	<i>Hi Sarah, I haven't received NPC</i>
	Sarah Mastroianni	Sarah Mastroianni	<i>Hi Anamika, I apologize fo</i>

Good Afternoon Anamika,

NPCA staff have reviewed the above noted applications and offer the following comments :

In order to complete our review of this file, NPCA staff require a site visit to verify the extent of wetland on the subject property. NPCA staff request that the Consultant pre-flag/stake the wetland to expedite verification in the field. At this time, we are unable to provide fulsome comment on the applications prior to verification of the wetland boundaries in the field. While staff will be in a better position to provide further detailed comments after a site visit has been completed, we do offer the following preliminary comments and note further comments will be provided by the NPCA on the EIS work once the site visit is complete:

NPCA Engineering staff have reviewed the 'Functional Servicing and Stormwater Management Report for the Helena Street Residential Development' (dated Feb. 18, 2022) and the associated engineering drawings (dated Feb. 2022) all by the IBI Group. Given the stormwater runoff from the proposed stormwater management facility is designed to discharge into a Provincially Significant Wetland on private lands rather than into a watercourse or municipal right-of-way, the NPCA will require:

1. That a mechanism be provided (i.e. drainage easement) that would ensure the perpetual unimpeded discharge of stormwater onto these private lands.
2. Confirmation be provided that the receiving PSW will not be negatively impacted as a result of the stormwater discharge.

Engineering staff have also reviewed the 'Hydrogeological Investigation - Proposed Development, 613 Helena Street, Fort Erie' (dated Feb. 17, 2022) by HLV2K Engineering. Based on our review, the NPCA offers the following comments:

3. The NPCA notes that this water balance report did not include an analysis of the impacts to the adjacent wetlands. As such, it shall be revised accordingly.



4. This development appears to consist of mainly multi unit townhomes . As such, please confirm the post development impervious cover percentage .
5. Many examples of Low Impact Development were discussed in the report however , it is unclear on the engineering drawings if any are proposed to be utilized. Please coordinate this report and the engineering drawings.

Based on the above, NPCA staff require additional information and a site visit before we will be in position to support the applications and recommend Conditions of Draft Plan Approval . 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.

Thanks.

Sarah Mastroianni  
Manager, Planning and Permits  
Niagara Peninsula Conservation Authority (NPCA)  
250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2  
Tel: 905-788-3135 | extension 249  
[smastroianni@npca.ca](mailto:smastroianni@npca.ca)  
[www.npca.ca](http://www.npca.ca)

NPCA Watershed Explorer

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the Staff Directory and reach out to the staff member you wish to speak or meet with directly.

Updates regarding NPCA operations and activities can be found at Get Involved NPCA Portal , or on social media at facebook.com/NPCAOntario & twitter.com/NPCA\_Ontario.

For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>.

**From:** Anamika Dilwaria <ADilwaria@forterie.ca>  
**Sent:** May 26, 2022 12:46 PM  
**To:** Sarah Mastroianni <smastroianni@npca.ca>  
**Subject:** RE: 613 Helena Street- Draft Plan of Subdivision & Zoning By-law Amendment

Hi Sarah,

Tomorrow would be fine. Thanks a lot a prompt response. As requested, I have attached a copy of Regions' comments.

Thanks,

Anamika Dilwaria, M.Pl., MCIP, RPP  
Acting Manager, Development Approvals  
The Corporation of the Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, Ontario L2A 2S6  
TEL: 1-905-871-1600 ext.2507  
[E-mail-adilwaria@forterie.ca](mailto:ADilwaria@forterie.ca)

From: "Sarah Mastroianni" <[smastroianni@npca.ca](mailto:smastroianni@npca.ca)>  
To: "Anamika Dilwaria" <[ADilwaria@forterie.ca](mailto:ADilwaria@forterie.ca)>  
Date: 05/26/2022 12:01 PM  
Subject: RE: 613 Helena Street- Draft Plan of Subdivision & Zoning By-law Amendment

---

Hi Anamika,

I apologize for the delay. I can provide comments to you by tomorrow. At this stage, NPCA staff are likely needing a site visit prior to providing too many final comments but I will send that formally to you by tomorrow. I believe we may also have some additional engineering type comments.

If possible, can you provide me the Regional Comments on this file? I don't think I was circulated them, or they went to Jessica.

Thanks.

Sarah Mastroianni  
Manager, Planning and Permits  
Niagara Peninsula Conservation Authority (NPCA)  
250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2  
Tel: 905-788-3135 | extension 249  
[smastroianni@npca.ca](mailto:smastroianni@npca.ca)  
[www.npca.ca](http://www.npca.ca)

NPCA Watershed Explorer

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For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

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To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>.

**From:** Anamika Dilwaria <[ADilwaria@forterie.ca](mailto:ADilwaria@forterie.ca)>

**Sent:** May 26, 2022 11:50 AM

**To:** Sarah Mastroianni <[smastroianni@npca.ca](mailto:smastroianni@npca.ca)>

**Subject:** 613 Helena Street- Draft Plan of Subdivision & Zoning By-law Amendment

**Importance:** High

Hi Sarah,

I haven't received NPCA's comments for 613 Helena Street. Can you please look into this application and provide your comments by Friday, May 27, 2022.

As I have to complete my report by Monday, May 30, there is a kind of urgency for receiving comments from NPCA.

Thanks,

Anamika Dilwaria, M.Pl., MCIP, RPP  
Acting Manager, Development Approvals  
The Corporation of the Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, Ontario L2A 2S6  
TEL: 1-905-871-1600 ext.2507  
[E-mail-adilwaria@forterie.ca](mailto:E-mail-adilwaria@forterie.ca)

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the [Staff Directory](#) and reach out to the staff member you wish to

Speak or meet with directly. Our Conservation Areas are currently open, but may have modified amenities and/or regulations.

Updates regarding NPCA operations and activities can be found at [Get Involved NPCA Portal](#), or on social media at [NPCA's Facebook Page](#) & [NPCA's Twitter page](#).

The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.

**Fw: 613 Helena Street- Draft Plan of Subdivision & Zoning By-law Amendment**

**Anamika Dilwaria** <sup>t</sup><sub>o</sub> Daryl Vander Veen

2022-09-14 08:13 AM

From: Anamika Dilwaria/FortErie  
To: Daryl Vander Veen/FortErie@TownOfFortErie

---

Hi Daryl,

Mentioned below are comments received from NPCA.

Regards,

**Anamika Dilwaria, M.A, M.Pl., MCIP, RPP**  
**Manager, Development Approvals**

The Corporation of the Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, Ontario L2A 2S6  
TEL: 1-905-871-1600 ext.2507  
[E-mail-adilwaria@forterie.ca](mailto:E-mail-adilwaria@forterie.ca)

----- Forwarded by Anamika Dilwaria/FortErie on 09/14/2022 08:12 AM -----

From: "Sarah Mastroianni" <smastroianni@npca.ca>  
To: "Anamika Dilwaria" <ADilwaria@forterie.ca>  
Cc: "Tracy Tucker" <Tracy.Tucker@ibigroup.com>  
Date: 09/09/2022 09:46 AM  
Subject: 613 Helena Street- Draft Plan of Subdivision & Zoning By-law Amendment

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Good day,

Please see comments below pertaining to the NPCA's interests in the above noted applications. The purpose of the applications is to facilitate a subdivision development of 116 units consisting of bungalows and 2-storey townhomes as well as a stormwater management pond.

In support of the applications, the NPCA has reviewed the Scoped Environmental Impact Study Addendum prepared by Beacon Environmental dated February, 2022; the 'Functional Servicing and Stormwater Management Report for the Helena Street Residential Development' (dated Feb. 18, 2022) and the associated engineering drawings (dated Feb. 2022) all by the IBI Group; and the 'Hydrogeological Investigation - Proposed Development, 613 Helena Street, Fort Erie' (dated Feb. 17, 2022) by HLV2K Engineering

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*. Applications received prior to November 1, 2018 are subject to the NPCA's 2011 Policy Document: *Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document* (NPCA policies). The subject property contains a portion of the Kraft drain Wetland Complex, which is a provincially

significant wetland (PSW). There are also additional unmapped wetlands identified on site. After our review of the EIS and Addendum and site visit completed on August 9, 2022, NPCA staff offer the following comments:

**Site Visit:**

1. NPCA staff attended the subject property on August 9, 2022 to verify the extent of wetland following discrepancies between the previous EIS (2017) and Beacon EIS Addendum (2022). During the site visit additional wetlands were staked corresponding to the ponds identified as polygons 5a and 5b on Figure 2 of the EIS Addendum.
2. During the August 9, 2022, site visit it was observed that vegetation removal had occurred in the western portion of the site, generally in the area associated with polygon 3 (Cultural Thicket) on Figure 2 of the EIS Addendum.
3. The staked wetland limits and existing limit of disturbance are required to be surveyed by an Ontario Land Surveyor and these new boundaries included on the appropriate figures. Please include a figure which overlays the existing limit of disturbance with previously delineated unevaluated wetlands and provincial wetland mapping of the Provincially Significant Kraft Drain Wetland Complex.

\*\* NPCA staff request to be in attendance when the limits of disturbance and wetlands are surveyed. Please note that pending confirmation of the extent of disturbance, the NPCA may provide additional comment and/or have additional requirements.

**Environmental Impact Study Addendum:**

4. The EIS and site visit have identified wetlands which are contiguous with and in close proximity to the Provincially Significant Kraft Drain Wetland Complex. NPCA staff require that the revised wetland boundaries be submitted to the Ministry of Northern Development, Mines, Natural Resources and Forestry.
  - a. NPCA staff understand that the current development concept includes alteration of the southern pond (polygon 5a). Prior to the NPCA considering alteration of this feature correspondence from the NDMNRF is required to verify that this feature is not considered part of the Provincially Significant Kraft Drain Wetland Complex.
5. Please revise the impact assessment and mitigation measures to take into consideration the additional staked wetlands and existing limit of disturbance.
6. The impact assessment and mitigation measures did not address potential impacts associated with out letting the SWM pond to the Provincially Significant Kraft Drain Wetland Complex. This assessment should consider the findings of the Stormwater Management Plan, Functional Servicing Report and Water Balance Study.
7. NPCA staff understand that a Hydrogeological Investigation and Water Balance Analysis have been completed by HLV2K Engineering Limited. The EIS Addendum is required to speak to these reports to ensure that the ecological and hydrological function of the wetlands will not be impacted by the proposed development.

8. It is unclear to NPCA staff how the proposed point source SWM pond outlet will not negatively impact the Provincially Significant Kraft Drain Wetland Complex. NPCA staff recommend that alternative outlets and or approaches be explored such as multiple outlets, spreader trenches etc...
  - a. NPCA staff recommend that wetland hydrologic monitoring be completed to inform the pre-development hydroperiod of the wetland to inform SWM requirements should an SWM outlet continue to be proposed to the wetland. For further information on wetland water balance monitoring please see the Wetland Water Balance Monitoring Protocol:

<https://sustainabletechnologies.ca/app/uploads/2017/02/TRCA-Wetland-Water-Balance-Monitoring-Protocol.pdf>

9. Due to the presence of wetlands to the North, West and South, and the proposed SWM outlet being to a wetland, it must be demonstrated to the satisfaction of NPCA staff that the development will not result in a negative impact to the wetlands within the study area prior to being in a position to issue conditions of draft plan approval as identified in the Response to Municipal and Agency Comments (IBI, March 3, 2022).

In addition to the above, the below comments were offered by the NPCA on May 27, 2022 however, they are included again here to have all NPCA comments together moving forward.

NPCA Engineering staff have reviewed the 'Functional Servicing and Stormwater Management Report for the Helena Street Residential Development' (dated Feb. 18, 2022) and the associated engineering drawings (dated Feb. 2022) all by the IBI Group. Given the stormwater runoff from the proposed stormwater management facility is designed to discharge into a Provincially Significant Wetland on private lands rather than into a watercourse or municipal right-of-way, the NPCA will require:

10. That a mechanism be provided (i.e. drainage easement) that would ensure the perpetual unimpeded discharge of stormwater onto these private lands.
11. Confirmation be provided that the receiving PSW will not be negatively impacted as a result of the stormwater discharge.

Engineering staff have also reviewed the 'Hydrogeological Investigation - Proposed Development, 613 Helena Street, Fort Erie' (dated Feb. 17, 2022) by HLV2K Engineering. Based on our review, the NPCA offers the following comments:

12. The NPCA notes that this water balance report did not include an analysis of the impacts to the adjacent wetlands. As such, it shall be revised accordingly.
13. This development appears to consist of mainly multi unit townhomes. As such, please confirm the post development impervious cover percentage.
14. Many examples of Low Impact Development were discussed in the report however, it is unclear on the engineering drawings if any are proposed to be utilized. Please coordinate this report and the engineering drawings.

Based on the above, NPCA staff require additional information before we will be in position to support the applications and recommend Conditions of Draft Plan Approval. 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.

Thank you.

Sarah Mastroianni  
Manager, Planning and Permits  
Niagara Peninsula Conservation Authority (NPCA)  
250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2  
Tel: 905-788-3135 | extension 249  
[smastroianni@npca.ca](mailto:smastroianni@npca.ca)  
[www.npca.ca](http://www.npca.ca)

*The NPCA is updating our Planning and Permitting Policies! To find out more visit [Get Involved with NPCA](#) and register for the August 24, 2022 Virtual Public Information Session.*

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the Staff Directory and reach out to the staff member you wish to speak or meet with directly.

Updates regarding NPCA operations and activities can be found at Get Involved NPCA Portal, or on social media at [facebook.com/NPCAOntario](https://facebook.com/NPCAOntario) & [twitter.com/NPCA\\_Ontario](https://twitter.com/NPCA_Ontario).

For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>.

The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.





RE: NPCA Update: Plan of Subdivision and Zoning By-law Amendment on 613 Helena Street, Town of Fort Erie  
Taran Lennard to Daryl Vander Veen 2023-01-30 01:45 PM  
From "Taran Lennard" <tlennard@npca.ca>  
To "Daryl Vander Veen" <DVanderVeen@forterie.ca>

History:

This message has been forwarded.

Hi Daryl,

Received your voicemail regarding the noted file below. While the NPCA can see a route forward, Staff offer the following comments.

- Upon review of the revised survey plan, the NPCA would advise that portions of the Provincially Significant Wetland appear to have been removed. The MNR delineated limits continue to be the wetland limit utilized for the NPCA's Regulatory Authority. Removal of this feature under NPCA's Policies would not be supportable. The NPCA would note that Section 6.1.1 advises that no vegetation will be removed from the significant natural heritage features on the site. However, there does appear to be confirmation that some vegetation may have been removed. This section identifies that encroachment into the woodlot has occurred. As the PSW and woodlot limits overlap, the NPCA would advise that encroachment into the PSW has also occurred.
- Given the recent changes to OWES, confirmation is no longer required from the Province regarding boundary updates to a PSW. Per section 4.2 of the EIS, ELC units 1a and 1b (SWD3-1) and ELC Unit 2 (SWD2-2) are contiguous with the Kraft Drain Wetland Complex, and a boundary revision is required to reflect this revised boundary. The NPCA is in agreement with Beacon, that due to the small sized and reported limited ecological function, these wetlands are not suitable for inclusion within the PSW. While the wetland ponds are not PSW per the EIS, they are still afforded regulation by the NPCA.
- Section 4.5 of the EIS Addendum should identify buffers to the wetland ponds. Please clarify the buffer distance proposed to the northern pond and conceptual location for the reconfigured pond. The NPCA would not be supportive of the partial removal of the southern pond, and ask that the full extent be relocated.
- NPCA request further information as to the location of the flow spreader, and ask that it be located outside the PSW buffer. From an ecological perspective, Staff would be satisfied with the details in the EIS addendum. Further Engineering details may be forthcoming.

NPCA Staff are supportive of the restoration of any disturbed areas and would request this be completed as soon as possible. NPCA Staff required enhancements to the retained PSW be explored such as invasive species removal and native underplantings to assist with the re-establishment of native species. A Monitoring Plan is required for review by the NPCA to ensure the successful re-establishment of vegetation and the restoration of wetland functions. The NPCA would request that a 10 year period be included (ie: monitoring in years 1, 2, 3, 5, 10) to ensure objectives are achieved.

NPCA would advise that Engineering comments remain in reviews with NPCA's Technical Staff, and I will pass those along once received. As such, further hydrogeological and/or FSR comments will be forthcoming.

Thank you.

**Taran Lennard**  
**Watershed Planner**

Niagara Peninsula Conservation Authority (NPCA)  
250 Thorold Road West, 3<sup>rd</sup> Floor | Welland, ON L3C 3W2

Tel: 905-788-3135 | extension 277

email: [tlennard@npca.ca](mailto:tlennard@npca.ca)

*The NPCA is updating our Planning and Permitting Policies! To find out more visit [Get Involved with NPCA](#)*

### **NPCA Watershed Explorer**

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To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>

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**From:** Daryl Vander Veen <DVanderVeen@forterie.ca>

**Sent:** Tuesday, January 17, 2023 12:40 PM

**To:** Morrison, Alexander <Alexander.Morrison@niagararegion.ca>; Boudens, Adam <Adam.Boudens@niagararegion.ca>; Meagan Doan <mdoan@npca.ca>; Taran Lennard <tlennard@npca.ca>

**Subject:** Recirculation regarding new submission for proposed Plan of Subdivision and Zoning By-law Amendment on 613 Helena Street, Town of Fort Erie

Good afternoon everyone,

Planning & Development Services is looking to schedule a statutory public meeting for this application in February as no comments or objections to the revised EIS Addendum and the Applicant's response letter were received.

Please provide any comments or objections in regard to this application by **January 31, 2023**. I have attached a few additional documents referenced in the Applicant's response letter available at the following link:

<https://filr.forterie.ca:8443/filr/public-link/file-download/ff80808285abacce0185c0cd85dc5ef8/1445/3511994550286856447/613HelenaStreet.zip>

The linked files include the following attachments:

- Revised Conceptual Site Plan
- Revised Functional Servicing and Stormwater Management Report
- Revised Transportation Impact Study

If any other information is required please let me know. Thanks in advance!

Regards,

Daryl

Daryl Vander Veen, BES  
Intermediate Development Planner

**APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-07-2023 DATED FEBRUARY 13, 2023**

Planning & Development Services  
 The Corporation of the Town of Fort Erie  
 1 Municipal Centre Drive  
 Fort Erie, Ontario, L2A 2S6  
 Phone: 905-871-1600 ext. 2509  
 Email: [dvanderveen@forterie.ca](mailto:dvanderveen@forterie.ca)

From: Daryl Vander Veen/FortErie  
 To: "Morrison, Alexander" <[Alexander.Morrison@niagararegion.ca](mailto:Alexander.Morrison@niagararegion.ca)>, "Boudens, Adam" <[Adam.Boudens@niagararegion.ca](mailto:Adam.Boudens@niagararegion.ca)>, [tlennard@npca.ca](mailto:tlennard@npca.ca), [mdoan@npca.ca](mailto:mdoan@npca.ca)  
 Date: 2022-12-08 04:46 PM  
 Subject: Question regarding new submission for proposed plan of subdivision on 613 Helena Street, Town of Fort Erie

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Hello everyone,

The Town has received a revised submission for a proposed plan of subdivision for 613 Helena Street in Fort Erie. Town planning staff will be sending out a formal recirculation request for commenting in the coming weeks; however, I was wondering if everyone could take a quick look at the draft plan and EIS and see if it aligns with the new feature mapping and policies that are part of the Niagara Official Plan. The proposed development is in proximity to both Provincially Significant and Other Wetlands.

The plan has been revised a few times, and I am wondering if it needs revision again to address the new Provincial/NOP policies. If you can take a quick look and let me know if there are any issues it would be appreciated. Thanks!

Regards,

Daryl

Daryl Vander Veen, BES  
 Intermediate Development Planner

Planning & Development Services  
 The Corporation of the Town of Fort Erie  
 1 Municipal Centre Drive  
 Fort Erie, Ontario, L2A 2S6  
 Phone: 905-871-1600 ext. 2509  
 Email: [dvanderveen@forterie.ca](mailto:dvanderveen@forterie.ca)

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## Planning and Development Services

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

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### Via Email

January 30, 2023

Region Files: D.11.01.SD-18-053  
D.18.01.ZA-18-129

Daryl Vander Veen  
Intermediate Development Planner  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, ON, L2A 2S6

Dear Mr. Vander Veen:

**Re: Regional and Provincial Comments  
Draft Plan of Subdivision & Zoning By-law Amendment – 3rd Submission  
Town Files: 350309-0107 & 350309-0481  
Agent: IBI Group (c/o Tracy Tucker)  
Owner: SS Fort Erie Inc.  
613 Helena Street  
Town of Fort Erie**

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Regional Development Services staff have reviewed the 3<sup>rd</sup> submission for the above noted development. The Region received its circulation from the Town of Fort Erie on January 17, 2023. The proposed subdivision has been revised to consist of 135 townhouse units (an increase of 19 units), a block for stormwater management pond (0.53 ha), a block for municipal right-of-way along Helena Street, and a block for environmental lands (3.83 ha). The circulated materials include:

- A “*Draft Plan of Subdivision Drawing*” prepared by IBI Group;
- A “*Conceptual Site Plan*” prepared by IBI Group;
- A “*Scoped Environmental Impact Study Addendum*” prepared by Beacon Environmental (dated November 2022);
- A revised “*Functional Servicing and Stormwater Management Report*” prepared by IBI Group (dated November 22, 2022); and
- A “*Transportation Impact Study Update*” prepared by Paradigm Transportation Solutions Ltd. (dated November 2022).

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Regional staff had previously provided comments (dated April 25, 2022) in response to a 2<sup>nd</sup> submission, which is provided for reference as a separate attachment and continue to apply unless stated otherwise within this letter.

## **Provincial and Regional Policies**

Please refer to the Region's previous comments (dated April 25, 2022).

## **Core Natural Heritage System**

Regional Environmental Planning staff have reviewed the updated "*Scoped Environmental Impact Study*" ("EIS"), prepared by Beacon Environmental (dated November 2022). The Scoped EIS includes a more robust assessment of wetlands present on the subject lands and incorporates the recommendations of the Water Balance Analysis that was prepared by HLV2K (dated February 17, 2022).

Staff does not object to the conclusions of the Scoped EIS and note that as the buffer widths from Regionally designated natural heritage features remain unchanged, the majority of the comments and conditions from the Region's previous comments (dated April 25, 2022) remain applicable. Updated recommended conditions of approval are provided in the attached Appendix.

Please note that the preparation of a Relocation and Monitoring Plan was previously recommended to address the proposed relocation of Tall Agrimony and Virginia Mountain Mint. However, the Scoped EIS indicates that the current proposal protects a large woodland area on the property which already supports populations of these regionally rare species, and as such transplanting is no longer necessary. Staff offer no objections, and as a result, this condition is no longer applicable and has been removed Region's conditions list.

## **Site Condition**

Please refer to the Region's previous comments (dated April 25, 2022).

## **Archaeological Resources**

Please refer to the Region's previous comments (dated April 25, 2022).

## **Transportation**

Please refer to the Region's previous comments (dated April 25, 2022).

## **Regional Permit Requirements**

Please refer to the Region's previous comments (dated April 25, 2022).

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## **Regional Road Allowance**

Please refer to the Region's previous comments (dated April 25, 2022).

Regional staff acknowledge that the requested road widening, daylight triangles, and reserves have been included in the submitted Draft Plan and will be provided at time of registration of the subdivision. Be advised that the Region's Law Clerk point-of-contact has changed to:

**Jordan Hadler**, Law Clerk  
[Jordan.Hadler@niagararegion.ca](mailto:Jordan.Hadler@niagararegion.ca)  
(905) 980-6000 Ext. 3271

## **Regional Boulevard Trees**

Please refer to the Region's previous comments (dated April 25, 2022). Regional staff acknowledge that a Landscape Plan will be provided that includes the calculation of tree replacement.

## **Servicing**

Please refer to the Region's previous comments (dated April 25, 2022). Regional staff acknowledge that restoration details will be shown on future Engineering Plans.

## **Stormwater Management**

The development's Stormwater Management Plan is essentially same as the previous submission (i.e., install water quality and quantity control prior to discharge to two outlets: Helena Street roadside ditch and the wetland buffer).

The submitted "*Functional Servicing and Stormwater Management Report*" prepared by IBI Group (dated November 2022) supplements the required information that justifies the post-development peak flow will not exceed the pre-development level. Staff does not object to installation of a Jellyfish Unit for water quality treatment prior to the dry pond, subject to the satisfaction of Town staff.

The following details shall be addressed within engineering detailed design in order to clear the Region's conditions of Draft Plan Approval:

- Due to roadside ditch maintenance and backwater impacts to oil/grit separator operation and storm sewer conveyance, storm outlet must not be inside the ditch.
- Supplement the calculation of time of concentration for catchment 'A1Pre'. The 10 minutes may not be applicable to the 2.37 ha drainage area.
- As required by environmental studies, roof downspouts / leaders to pervious areas need be reflected on grading/servicing plan.

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- Depict the details of pond outlet structure, outflow spreader and energy dissipation on plans.
- A rectangular orifice is included in pond discharge calculation. Without outlet structure detail, it is unclear how this will be incorporated in structure. Please ensure that the final calculation is based on the outlet structure design.
- The lowest MH/CB top elevation is a limit in using pipe/structure storage without surcharge. Pipe-storage-discharge calculation need be revised, and include the orifice detail.
- At the discretion of Town staff, the following may be considered:
  - A depressed curb to facilitate the 100-year overland flow to the pond.
  - Measures to protect outlet orifice from blockage.
- Housekeeping work for the Report:
  - Fix errors 'reference source not found'.
  - Match drainage areas between figures and modelling input.
  - Fix 'warning' of modelling output.
  - Indicate the catchment IDs and pre-development/post-development scenarios in model output for readers easier to find results.

## **Waste Collection**

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are not exceeded:

- Garbage bags or cans – 2 maximum per unit (collected every-other-week).
- Recycling blue / grey boxes or carts – no limit (collected weekly).
- Organics green bins or carts – no limit (collected weekly).
- Curbside collection only.

If the above mentioned collection limit cannot be met, waste collection will be the responsibility of the Owner through a private contractor and not Niagara Region.

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## **Conclusion**

In conclusion, Regional staff does not object to the revised Draft Plan of Subdivision and Zoning By-law Amendment Applications, as the proposal is consistent with the PPS and conforms to Provincial and Regional growth management policies, subject to the fulfilment of the Niagara Region's Conditions of Draft Plan Agreement as set out in the attached Appendix. Town staff should be satisfied that the proposed Applications adhere to any local provisions and requirements.

Should you have any questions related to the above comments, please feel free to contact me at [alexander.morrison@niagararegion.ca](mailto:alexander.morrison@niagararegion.ca). Please send notice of Council's decision on these applications.

Respectfully,



Alexander Morrison, MCIP, RPP  
Senior Development Planner

cc: Pat Busnello, Manager, Development Planning, Niagara Region  
Susan Dunsmore, Manager, Development Engineering, Niagara Region  
Chris Pirkas, Development Approvals Technician, Niagara Region  
Maggie Ding, Stormwater Management Engineer, Niagara Region  
Cara Lampman, Manager, Environmental Planning, Niagara Region  
Adam Boudens, Senior Environmental Planner, Niagara Region

Appendix: Niagara Region Conditions of Draft Plan of Subdivision Approval



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## **Appendix**

### **Niagara Region Conditions of Draft Plan of Subdivision Approval**

#### **613 Helena Street, Town of Fort Erie**

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1. That the Subdivision Agreement contain wording wherein the Owner agrees to implement the mitigation measures and recommendations found in Section 8.0 of the "*Environmental Impact Assessment*" prepared by Colville Consulting Inc. (dated July 2017) and Section 6.2 of the "*Environmental Impact Study (EIS) Addendum*" prepared by Beacon Environmental Limited (dated November 2022), including but not limited to:
  - a. That vegetation removals be undertaken between October 1<sup>st</sup> and March 14<sup>th</sup>, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window.
  - b. That any security lighting to be installed on buildings should be downward facing and directed away from natural areas to minimize ambient light exposure to the adjacent natural areas.
  - c. That no construction materials or equipment be located, even on a temporary basis, within the woodland/wetland features, or their buffers.
  - d. That a limit of work fence be installed on the property in the vicinity of the White Wood Aster to help avoid direct impacts.
  - e. That site appropriate low impact development (LID) practices be implemented to off-set the infiltration deficit resulting from the addition of impervious surfaces.
  - f. That a flow spreader be installed to dissipate flows from the stormwater management pond outlet to the wetland.
2. That permanent rear-lot fencing be installed along the 15 m buffers adjacent to natural heritage features, to the satisfaction of the Niagara Region. The fencing shall include a permanent wildlife exclusion barrier that extends below grade to contain wildlife movement to the natural heritage features and restrict access to the adjacent rear yards. A No-Gate By-law is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas
3. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Niagara Region. The Plan should incorporate the recommendations found in both the "*Environmental Impact Assessment*" prepared by Colville Consulting Inc. (dated July 2017) and the "*Environmental Impact Study Addendum*" prepared by Beacon Environmental Limited (dated November 2022). All ESC measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.

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4. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that no grading within the natural heritage features and/or their buffers will occur. The Grading Plan shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural heritage features and their buffers.
5. That a Buffer / Enhancement Plan be prepared to the satisfaction of the Niagara Region. The Plan should incorporate the recommendations found in both the "*Environmental Impact Assessment*" (EIA) prepared by Colville Consulting Inc. (dated July 2017) and the "*Environmental Impact Study Addendum*" prepared by Beacon Environmental Limited (dated November 2022). The Plan should incorporate dense plantings of native trees and shrubs that complement the adjacent vegetation communities. The removal of invasive species should also be incorporated, as appropriate. The Buffer / Enhancement Plan should be completed by a full member of the Ontario Association of Landscape Architects. The Plan shall also include the locations and installation details associated with 5-6 bat boxes, as recommended in the EIA to help provide potential roosting habitat for bat species.
6. That the Developer provide securities to the Town of Fort Erie in the form of a Letter of Credit in the amount of the estimated cost as approved by the Region for the restorative plantings required in accordance with the above conditions and that the Subdivision Agreement include provisions whereby the Developer agrees that the Town may draw on the Letter of Credit, if required, to ensure installation of the plantings.
7. That prior to removing the existing farm buildings, surveys be conducted for Barn Swallow and Species at Risk bats in accordance with established protocols and/or through consultation with the Ministry of Environment, Conservation and Parks.
8. That an Ecological Monitoring Plan be prepared to the satisfaction of Niagara Region. At a minimum, the Plan should assess the effectiveness of the wildlife exclusion barrier fencing and monitor the success of the restorative plantings and invasive species removals. The Report should be submitted to Regional Development Approvals, with attention to Environmental Planning, [developmentplanningapplicaitons@niagararegion.ca](mailto:developmentplanningapplicaitons@niagararegion.ca) by September 1<sup>st</sup> of years 1 through 5. The Report should also include photographs and advise actions necessary to address any deficiencies.

NOTE: At a minimum, the Plan should assess the effectiveness of the wildlife exclusion barrier fencing and monitor the success of the restorative plantings and invasive species removals. The monitoring should take place upon the initiation of any development and/or site alteration and continue up to and including 5 years from full build-out.

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9. That the Subdivision Agreement contain wording wherein the Owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan, Buffer / Enhancement Plan and Ecological Monitoring Plan.
10. That the Subdivision Agreement contain wording wherein the Owner agrees that the Town may draw on the Letter of Credit, if required, to ensure to installation of all required restoration works.
11. That a Phase One and Phase Two Environmental Site Assessment (ESA) prepared by a Qualified Professional (QP) in accordance to the Environmental Protection Act and its associated regulations, as amended, describing the current conditions of the development lands, be submitted to the satisfaction of Niagara Region. A Letter of Reliance from a QP shall be submitted to Niagara Region to indicate that, despite any limitations or qualifications included in the above submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted, in order to clear this condition.
12. That the Owner submits a Stage 1 and Stage 2 Archaeological Assessment prepared by a licensed archaeologist (including any subsequent recommended assessments) to the Ministry of Citizenship and Multiculturalism for review and approval. A copy of each submitted archaeological assessment, as well as applicable Letters of Acknowledgement from the Ministry shall be provided to the Niagara Region. The completed archaeological assessments shall cover the areas of the property that will be disturbed as a result of the proposed works, and must be accepted by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition.

NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

13. That the following warning clause be included in the Subdivision Agreement with respect to the potential discovery and protection of any archaeological resources encountered during construction activities:

*"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism at (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists."*

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*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 at (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the Ministry 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."*

14. That the Owner dedicates a 1.6m road widening to the Regional Municipality of Niagara along the frontage of Regional Road 122 (Helena Street) prior to the issuance of a building permit, to the satisfaction of Niagara Region, in accordance with Regional Official Plan Policy 9.C.
15. That the Owner dedicates a 4.50m by 4.50m daylight triangle at the corner of Regional Road 122 (Helena Street) prior to the issuance of a building permit, to the satisfaction of Niagara Region, in accordance with Regional Official Plan Policy 9C.
16. That the Owner dedicates a one-foot reserve along the frontage Regional Road 122 (Helena Street) including daylight triangles for Lots 1, 11, 21, and 37 prior to the issuance of a building permit, to the satisfaction of Niagara Region, in accordance with Regional Official Plan Policy 9.C.
17. That prior to any construction taking place within the Regional Road Allowance, the applicant shall obtain a Construction Encroachment Permit and Regional Entrance Permit.
18. That prior to approval of the final plan or any on-site grading, the Owner shall submit a Detailed Stormwater Management Plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment and Climate Change documents entitled Stormwater Management Planning and Design Manual, March 2013 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region Planning and Development Services Department for review and approval:
  - a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means nearby overland flows will be accommodated across the site;
  - b. Detailed erosion and sedimentation control plans;
  - c. Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the subdivision) planned to be serviced by the stormwater management facility; and,

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19. 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 Conditions above.
20. That the Owner submit a written undertaking to the Niagara Region Public Works Department (Development Services Division) that draft approval of this subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of registration and any pre-servicing will be at the sole risk and responsibility of the Owner.
21. That the Owner submit a written undertaking to the Niagara Region Public Works Department (Development Services Division) that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that a servicing allocation for this 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.
22. 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 Environment Conservation and Parks Approval under the Transfer of Review Program or approval through the new Consolidated Linear Environmental Certificate of Approval.
23. That the Owner ensures that all streets and development blocks can provide access in accordance with the Regional Municipality of Niagara's Corporate Waste Collection Policy relating to the curbside collection of waste.

### **Clearance of Conditions**

Prior to granting final approval, the Town of Fort Erie must be in receipt of written confirmation that the requirements of each condition have been met satisfactorily and that all fees have been paid to the satisfaction of Niagara Region.

### **Subdivision Agreement**

Prior to final approval for registration, a copy of the executed Subdivision Agreement for the proposed development should be submitted to Niagara Region for verification that the appropriate clauses have been included. Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.

**Note:** Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the Town of Fort Erie. The Town of Fort Erie is also responsible for circulating a copy of the Draft Agreement, and

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the Region is unable to provide a final clearance letter until the Draft Agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the Town of Fort Erie.



## **Planning and Development Services**

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

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### **Via Email**

April 25, 2022

Region Files:           D.11.01.SD-18-053  
                              D.18.01.ZA-18-129

Ms. Anamika Dilwaria, MCIP, RPP  
Manager (A), Development Approvals  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, ON, L2A 2S6

Dear Ms. Dilwaria:

**Re:   Regional and Provincial Comments**  
      **Draft Plan of Subdivision & Zoning By-law Amendment – Revised**  
      **Submission**  
      **Agent: IBI Group (c/o Tracy Tucker)**  
      **Owner: SS Fort Erie Inc.**  
      **613 Helena Street**  
      **Town of Fort Erie**

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Regional Development Services staff has reviewed the revised submission materials that was circulated for 613 Helena Street located in the Town of Fort Erie. The revised submission prepared by IBI Group consists of 116 townhouse dwelling units, a block for stormwater management pond, a block for municipal right-of-way along Helena Street, and a block for environmental lands.

For context, a Draft Plan of Subdivision and Zoning By-law Amendment Application for the subject property was previously proposed in 2018 which consisted of 46 lots for single-detached dwellings, 121 semi-detached dwellings, and 184 townhouse dwelling units. However at the time, there was a significant concern with respect to the proposed development's impact on natural heritage features, including the existing provincially significant wetland ("PSW") and woodlot. Staff acknowledge that the revised submission no longer proposes any development within these features.

The subject lands are located within the urban area boundary of the Town of Fort Erie and is currently designated "Urban Residential" in the Town's Official Plan, and zoned "Neighbourhood Development (ND) Zone", in part, "Environmental Conservation Overlay (EC) Zone", in part, and "Environmental Protection (EP) Zone", in part, in accordance with Town's Zoning By-law (No.129-90).

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The applicant is proposing to rezone the lands to a site-specific "Residential Multiple 1 (RM1) Zone" which would eliminate the requirement for maximum lot coverage, a planting strip for the portion of the property that abuts a street except for points of egress / ingress, and a reduction to the minimum lot area for the on-street townhouses.

A pre-consultation meeting was not held to discuss the revised submission. The last pre-consultation meeting for the property had occurred on October 26, 2017. 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 designated "Settlement Area" within the *Provincial Policy Statement, 2020* ("PPS"), "Delineated 'Built-Up' Area" within the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"), and "Urban (Built-Up) Area" within the *Regional Official Plan* ("ROP").

Provincial and Regional policies direct for growth to settlement areas and encourage the efficient use of land, resources, infrastructure and public service facilities through the development of complete communities with a diverse mix of land uses that provide an appropriate range and mix of housing types. 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 and other policies relative to urban design, compatibility and environmental conservation. The policies encourage a range of housing options to meet the needs of the current and future population.

Regional staff has reviewed the "*Planning Justification Report*" prepared by IBI Group (dated March 3, 2022) and find the Report and its analysis acceptable. Staff acknowledge that the proposed development will contribute to the diversification of Niagara's supply (townhouse units), will make better use of existing underutilized urban lands with available municipal servicing, and will support the Town in achieving its intensification target (15%) as set out in the ROP.

Subject to the comments of this letter, Regional staff do not object to the proposed development, in principle, as it is consistent with the PPS and conforms to Provincial and Regional growth management policies.

## **Core Natural Heritage System**

The property is impacted by the Region's Core Natural Heritage System ("CNHS") consisting of the Kraft Drain Provincially Significant Wetland ("PSW") Complex and Significant Woodland. Consistent with ROP Policies 7.B.1.10 and 7.B.1.11, an Environmental Impact Study ("EIS") was required in support of development and/or site alteration proposed adjacent to these features.

Regional Environmental Planning staff has reviewed the reports that were submitted with the most recent circulation of the proposed development and is satisfied that the



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results, proposed mitigation measures, and recommendations identified in the Environmental Impact Assessment ("EIA") and EIS Addendum sufficiently address Provincial and Regional environmental policies. Therefore, staff does not object, in principle, to the development proposal provided that all required authorizations are received from applicable regulatory agencies and the mitigation measures identified within the EIA, EIS Addendum, and further described below are implemented.

#### Provincially Significant Wetland and Water Balance

Staff is satisfied that the Water Balance Analysis confirms that the proposed 15 m buffer, in combination with the proposed Buffer / Enhancement Plan and mitigation measures recommended in the EIA and EIS Addendum, are sufficient to ensure that impacts to the PSW is adequately mitigated.

#### Significant Woodlands and Vegetation

Staff is satisfied that the proposed 15 m buffer, in combination with the Buffer / Enhancement Plan and recommended EIA and EIS Addendum mitigation measures will ensure that impacts to the Significant Woodland is adequately mitigated.

#### Species at Risk (SAR) and Significant Wildlife Habitat (SWH)

The original EIS identified a small population of White Wood Aster (a Provincially threatened species), within the woodland south of the subject lands. In addition, the forest and treed swamp communities on and adjacent to the property were identified as representing potential maternity roost habitat for endangered bats. The existing farm buildings were also identified as exhibiting potential habitat for Barn Swallow (a Provincially threatened species) and endangered bats.

Habitat for White Wood Aster and bats associated with the woodland communities adjacent to the subject lands have been identified for protection, which includes a 15 m buffer that will be naturally vegetated. Candidate amphibian breeding Significant Wildlife Habitat ("SWH") will also be retained and protected through the implementation of mitigation measures and the planted 15 m buffers. Additional surveys of the farm buildings have been recommended in the EIS Addendum to determine if they support barn swallow or endangered bats. A condition of approval is recommended to ensure these surveys take place prior to the structures being removed.

Staff note that direction received from the MECP may result in additional requirements.

As it relates to SWH, staff is satisfied that the additional information provided in the EIS Addendum demonstrates that any potential negative impacts associated with SWH can be mitigated through the implementation of the identified mitigation measures and recommended Plans.

#### Impact Analysis, Mitigation and Opportunities for Enhancement

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Overall, staff is satisfied with the additional details provided in the EIS Addendum with respect to the impact analysis and recommended mitigation measures.

### Summary of Environmental Comments

Regional Environmental Planning staff is satisfied that the EIA and EIS Addendum demonstrate that the development can be accommodated without significant negative impact to the natural features, provided that the mitigation measures outlined in the EIA and EIS Addendum are implemented, and provided that all required authorizations are received from applicable regulatory agencies. Appropriate conditions of future Draft Plan Agreement as they relate to environmental requirements is provided within the attached Appendix.

The applicant is advised that the Niagara Peninsula Conservation Authority ("NPCA") continues to be responsible for the review and comment on *Planning Act* applications related to their regulated features. The NPCA shall continue to be consulted with respect to their comments and permit requirements pursuant to O. Reg. 155/06.

Please direct any questions about these comments to the contacts listed below:

**Adam Boudens**, Senior Environmental Planner / Ecologist

Phone: (905) 980-6000 Ext. 3770

Email: [adam.boudens@niagararegion.ca](mailto:adam.boudens@niagararegion.ca)

**Cara Lampman**, Manager, Environmental Planning

Phone (905) 980-6000 Ext. 3430

Email: [cara.lampman@niagararegion.ca](mailto:cara.lampman@niagararegion.ca)

### **Site Condition**

Regional staff has reviewed the "*Updated Phase One Environmental Site Assessment*" and "*Limited Phase Two Environmental Site Assessment*" prepared by HLV2K Engineering Ltd. (dated December 13, 2021 and December 15, 2021, respectively). Staff acknowledge that the Environmental Site Assessment ("ESA") work was carried out as an update to the previously completed Phase One ESA that was prepared by Amec Foster Wheeler Environment & Infrastructure (dated January 19, 2017).

The Updated Phase One ESA confirmed that the property could be impacted by several potentially contaminating activities, including the use of pesticides, storage of equipment, and fuel storage / spills associated to previous agricultural activities on the property. Accordingly, the Updated Phase One ESA recommended that a limited Phase Two ESA be completed for the property in order to validate the presence or absence of contaminants on site.

Staff acknowledge that the Limited Phase Two ESA utilized Ontario Regulation 153/04 ("O. Reg. 153/04"), as amended, as a guideline; however, was not completed entirely in accordance with O. Reg. 153/04. Therefore, the ESA was not submitted for a Record of Site Condition ("RSC") with the Ministry Environment Conservation Parks ("MECP").

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The methodology of the Limited Phase Two ESA consisted of investigation was comprised of a total of 11 boreholes drilled to a maximum depth of approximately 4.6 m to 6.9 m below ground surface, with 4 of the boreholes converted to monitor groundwater condition. The analysis of the boreholes was completed in accordance with the MECP's *Soil, Groundwater and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act*, while the site was compared to *Table 2 Standards in a Potable Ground Water Condition for Residential Parkland Institutional use site* conditions standards for all parameters sampled in the soil. It is noted that the Limited Phase Two ESA did not include an investigation of the condition of the groundwater on site.

The findings of the Limited Phase Two ESA resulted in all soil samples meeting the MECPs Table 2 requirements, as well as determining that the groundwater flow on-site is generally flat and within a soil composition that is not conducive for the spread of contaminants in the subsurface soils and groundwater table. Based on these findings, the Limited Phase Two ESA recommended that no further investigation of the property is warranted.

Based on the findings of the Updated Phase One ESA and Limited Phase Two ESA, Regional staff find the ESAs acceptable for the purposes of the proposed development and do not require filing of a RSC with the MECP. As a condition of the future Draft Plan Agreement, Regional staff requires that a Letter of Reliance from a Qualified Professional is submitted which indicates that despite any limitations or qualifications included in the assessments, that the Region is authorized to rely on all information and opinions provided in these reports. An appropriate condition is provided within the attached Appendix.

## **Archaeological Resources**

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Regional staff note that a "*Stage 1 Archeological Assessment*" prepared by Amec Foster Wheeler (dated January 18, 2018) was submitted with the initial application in 2018. The Stage 1 Assessment concluded that further archaeological assessment is required on majority of the subject lands and recommended the completion of a Stage 2 Archaeological Assessment.

Regional staff has reviewed the "*Stage 2 Archaeological Assessment*" prepared by AMICK Consultants Ltd. (dated January 27, 2022) that was provided with the revised submission. Its methodology consisted of a property inspection and photographic documentation concurrently with the Stage 2 Assessment by high intensity test pit methodology at a five-metre interval between individual test pits. The Assessment did not result in the identification or discovery of any archaeological resources within the

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Study Area. As such, the Assessment concludes that no further archaeological assessment of the Study Area is warranted and that the proposed undertaking is clear of any archaeological concern.

At the time of drafting this letter, Regional staff has not been provided with the applicable Letters of Acknowledgement from the Ministry of Heritage, Sport, Tourism and Cultural Industries ("MHSTCI") for either the Stage 1 or Stage 2 Archaeological Assessments. These letters are required to confirm that all archaeological resource concerns have met the Ministry's licensing and resource conservation requirements. An appropriate condition to address this requirement is provided within the attached Appendix.

Further, in recognizing that no archaeological assessment, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff requires the inclusion of a standard archaeological clause in the Subdivision Agreement relating to deeply buried archaeological materials that may be encountered during grading and construction activities. An appropriate archaeological warning clause is also included in the attached Appendix.

## **Regional Road Allowance**

The subject property has frontage along Helena Street (Regional Road 122). This section of road has a substandard road allowance of approximately 20.2m. The designated road allowance for this section of road is 26.2m as set out in the ROP. Therefore, the applicant is required to gratuitously grant the following widening to the Region:

- a 1.5m widening across the frontage of the subject property in order to achieve 13.1m from the original centerline of this road section;
- a 4.5m x 4.5m daylight triangles are required on both north and south sides of each new street; and
- one-foot reserves are required along the Helena Street frontage, including the daylight triangles for Lots 1, 11, 24 and 37.

The actual width of the required widening must be confirmed by an Ontario Land Surveyor, as this is only an approximation of the widening requirement.

The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The widening portion of the Plan will be the responsibility of the owner to order. The cost of providing this Plan will be the full responsibility of the applicant. The applicant will arrange for the Land Surveyor for the property to submit the preliminary undeposited survey plan along with all related documents to Regional Surveys staff for approval. Regional Surveys staff will advise the Land Surveyor of any required revisions to the Plan. Once the Plan is deposited and the transfer registered, the Region will clear the applicable condition that is provided within the attached Appendix.

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Please direct any questions about the process to the contacts listed below:

**Norma Price**, Law Clerk

Phone: (905) 980-6000 Ext. 3339

E-mail: [norma.price@niagararegion.ca](mailto:norma.price@niagararegion.ca)

(for inquiries specific to the transfer of property to the Region)

**Normans Taurins**, Manager, Surveys & Property Information

Phone: (905) 980-6000 Ext. 3325

E-mail: [normans.taurins@niagararegion.ca](mailto:normans.taurins@niagararegion.ca)

## **Transportation**

Regional Transportation staff has reviewed the "*Transportation Impact Study*" ("TIS") prepared by Paradigm Transportation Solutions Ltd. (dated December 2021) and have no further comments to offer. Based on the conclusions and recommendations of the TIS, staff offer no conditions for the future Subdivision Agreement.

## **Regional Permit Requirements**

Prior to any construction or entrance being established within the Regional Road Allowance, the application shall obtain a Regional Construction Encroachment and Entrance Permit from the Region's Transportation Services Division of the Public Works Department. Permit applications can be applied for through the Region's website at: <http://niagararegion.ca/living/roads/permits/default.aspx>.

## **Regional Boulevard Trees**

Where development proposals require the removal of a tree, the developer/owner is required to replace the tree with two trees at the owner's cost.

## **Stormwater Management**

Regional staff has reviewed the submitted "*Functional Servicing and Stormwater Management Report*" prepared by IBI Group (dated February 18, 2022) which includes preliminary grading / servicing plans and offer the following comments:

- With respect to the proposed storm outlet to the roadside ditch of Helena Street (Regional Road 122):
  - a) Information must be provided as it relates to the site's pre-development drainage area and flow to Helena Street in order to justify that there will be no negative post-development impacts to the Regional Road. Please note that the Region normally requires post-development peak flow be attenuated to pre-development level for all design storms up to and including the 100-year storm.

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- b) Please be advised the Region normally does not accept infrastructure within a Regional Road Allowance and that the storm discharge should overland flow to a roadside ditch. Therefore, the proposed location of oil / grit separator ("OGS") structures and the proposed outlets must be revised accordingly.
  - c) Please include a comparison of the hydraulic capacity of the proposed ø600mm culvert with the existing roadside ditch to justify that it will have no negative impacts.
- With respect to the proposed storm outlet from the dry pond to the buffer area that is required for the environmental features:
  - a) The Report must include more information to justify that the required Enhanced standard water quality treatment will be achieved through the proposed treatment train. Note that a stormwater management dry pond has limited water treatment without special design.
  - b) Region staff request a design that shows how the pond's outflow to overland sheet flow to the buffer will be facilitated.
  - c) Please clarify the intent of 'Pond Spillway'. Staff note that if the proposed pond emergency flow is planned to be directed to the subdivision road, then the design should be satisfactory to the Town in order to ensure that the flow can be safely accommodated across the site.
- With respect to the overall Stormwater Management Plan:
  - a) The Reports needs more information which confirms that the proposed site design and stormwater management strategy conforms to the recommendations that is outlined in the other environmental studies that is required for the development.
  - b) Staff observe that the catchment ID which is shown on the plan and the Visual-OTTHYMO model input is inconsistent. It is suggested the model schematic be included that shows how the drainage catchments will be incorporated into the modelling, and that a scenario of the 100-year 24 hour storm is included to confirm there is a sufficient freeboard prior to spill.
  - c) Staff request clarification as to whether the reference to "Beaver Creek" in the Report and "Jellyfish" OGS that is shown on the plan are typos.
- Staff require the submission of a construction Erosion and Sediment Control Plan for the proposed development. This Plan shall indicate in detail how the sediment laden water will be contained on-site, the temporary and/or permeant measures required for erosion control, and the necessary inspection and maintenance requirements.

Appropriate conditions with respect to addressing the Region's stormwater management requirements is provided within the attached Appendix.

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## **Servicing**

Regional staff has reviewed the proposed development and note that there is an existing 450mm diameter ("D") Regional Forcemain at the intersection of Helena Street and Washington Road. This Forcemain should not be disturbed during the construction of the servicing for this subdivision and there shall be no connection to the Regional Forcemain. All services for the proposed development should connect to the local 200mm D Watermain and 200mm D Sanitary Sewer at Helena Street and Washington Road. Regional staff has reviewed the Master Servicing Plan and note that Dominion Road Sewage Pumping Station has sufficient capacity to service the proposed development.

Regional staff requires that future engineering plans show the extent of restoration on Helena Street if servicing is being installed by open-cut method. Since this Helena Street was resurfaced recently, the Region requires a full lane restoration to Regional standards.

Further, due to the high water level that is identified within the "*Hydrogeological Investigation*" prepared by HLV2K Engineering Ltd. (dated February 17, 2022), Regional staff recommend that the Subdivision Agreement contain flow monitoring requirements to ensure the new sanitary sewers are not experiencing increased infiltration / inflow.

## **Waste Collection**

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are met for the proposed townhouse units:

- Recycling blue / grey containers – no limit (weekly collection).
- Organic green containers – no limit (weekly collection).
- Garbage / waste – maximum of 1 container per unit (bi-weekly collection).

An appropriate condition with respect to the provision of conformity to the Region's Waste Collection Policy and By-laws is provided within the attached Appendix.

## **Conclusion**

In conclusion, Regional staff does not object to the revised Draft Plan of Subdivision and Zoning By-law Amendment Applications, in principle, as the proposal is consistent with the PPS and conforms to Provincial and Regional policies, subject to the fulfilment of the conditions as set out in the attached Appendix. Town staff should be satisfied that the proposed applications adhere to any local provisions and requirements.

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Should you have any questions related to the above comments, please feel free to contact me at [alexander.morrison@niagararegion.ca](mailto:alexander.morrison@niagararegion.ca). Please send notice of Council's decision on these applications.

Respectfully,



Alexander Morrison, MCIP, RPP  
Senior Development Planner

cc:

Mr. Pat Busnello, Director (A), Development Approvals, Niagara Region  
Ms. Cheryl Selig, Manager (A), Development Planning, Niagara Region  
Ms. Susan Dunsmore, Manager, Development Engineering, Niagara Region  
Ms. Maggie Ding, Stormwater Management Engineer, Niagara Region  
Ms. Cara Lampman, Manager, Environmental Planning, Niagara Region  
Mr. Adam Boudens, Senior Environmental Planner / Ecologist, Niagara Region

Attachment:

Appendix: Regional Conditions of Draft Plan of Subdivision Approval



## **Appendix**

### **Conditions of Draft Plan of Subdivision Approval**

#### **613 Helena Street, Town of Fort Erie**

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1. That the Subdivision Agreement contain wording wherein the Owner agrees to implement the mitigation measures and recommendations found in Section 8.0 of the Environmental Impact Assessment (EIA) prepared by Colville Consulting Inc. (dated July 2017) and Section 6.2 of the Environmental Impact Study (EIS) Addendum prepared by Beacon Environmental Limited (dated February 2022), including but not limited to:
  - a. That vegetation removals be undertaken between October 1 and March 14, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window.
  - b. That any security lighting to be installed on buildings should be downward facing and directed away from natural areas to minimize ambient light exposure to the adjacent natural areas.
  - c. That no construction materials or equipment be located, even on a temporary basis, within the woodland/wetland features, or their buffers.
  - d. That a limit of work fence be installed on the property in the vicinity of the White Wood Aster to help avoid direct impacts.
2. That permanent rear-lot fencing be installed along the 15 m buffers adjacent to natural heritage features, to the satisfaction of the Niagara Region. The fencing shall include a permanent wildlife exclusion barrier that extends below grade to contain wildlife movement to the natural heritage features and restrict access to the adjacent rear yards. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas
3. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Niagara Region. The plan should incorporate the recommendations found in both the EIA and EIS Addendum. All ESC measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.
4. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that no grading within the natural heritage features and/or their buffers will occur. The Grading Plan shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural heritage features and their buffers.
5. That a Buffer / Enhancement Plan be prepared to the satisfaction of the Niagara Region. The plan should incorporate the recommendations found in both the EIA

and EIS Addendum. The Plan should incorporate dense plantings of native trees and shrubs that complement the adjacent vegetation communities. The removal of invasive species should also be incorporated, as appropriate. The Buffer / Enhancement Plan should be completed by a full member of the Ontario Association of Landscape Architects (OALA). The Plan shall also include the locations and installation details associated with 5-6 bat boxes, as recommended in the EIA to help provide potential roosting habitat for bat species.

6. That the Owner provide securities to the Town of Fort Erie in the form of a Letter of Credit in the amount of the estimated cost as approved by the Region for the restorative plantings required in accordance with the above conditions and that the subdivision agreement include provisions whereby the developer agrees that the Town may draw on the Letter of Credit, if required, to ensure installation of the plantings.
7. That prior to removing the existing farm buildings, surveys be conducted for Barn Swallow and Species at Risk bats in accordance with established protocols and/or through consultation with the Ministry of Environment, Conservation and Parks (MECP).
8. That a Relocation and Monitoring Plan be prepared to the satisfaction of the Niagara Region that identifies a suitable relocation site for all Tall Agrimony and Virginia Mountain Mint individuals required to be relocated and assess the success of the relocation efforts. Monitoring shall include a two-year period post-relocation. These requirements can be incorporated in the Ecological Monitoring Plan.
9. That an Ecological Monitoring Plan be prepared to the satisfaction of Niagara Region. At a minimum the plan should assess the effectiveness of the wildlife exclusion barrier fencing and monitor the success of the restorative plantings and invasive species removals. The Report should be submitted to Regional Development Approvals, with attention to Environmental Planning, [devtplanningapplications@niagararegion.ca](mailto:devtplanningapplications@niagararegion.ca) by September 1 of years 1 through 5. The Report should also include photographs and advise actions necessary to address any deficiencies.

Note: At a minimum, the plan should assess the effectiveness of the wildlife exclusion barrier fencing and monitor the success of the restorative plantings and invasive species removals. The monitoring should take place upon the initiation of any development and/or site alteration and continue up to and including 5 years from full build out.

10. That the Subdivision Agreement contain wording wherein the Owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan, Buffer/Enhancement Plan, Relocation and Monitoring Plan, and Ecological Monitoring Plan.

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11. That the Subdivision Agreement contain wording wherein the Owner agrees that the Town may draw on the Letter of Credit, if required, to ensure to installation of all required restoration works.
12. That a Phase One and Phase Two Environmental Site Assessment (ESA) prepared by a Qualified Professional (QP) in accordance to the Environmental Protection Act and its associated regulations, as amended, describing the current conditions of the development lands, be submitted to the satisfaction of Niagara Region. A Letter of Reliance from a QP shall be submitted to Niagara Region, to indicate that, despite any limitations or qualifications included in the above submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted, in order to clear this condition.
13. That the Owner submits a Stage 1 and Stage 2 Archaeological Assessment prepared by a licensed archaeologist (including any subsequent recommended assessments) to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for review and approval. A copy of each submitted archaeological assessment, as well as applicable Letters of Acknowledgement from the MHSTCI shall be provided to the Niagara Region. The completed archaeological assessments shall cover the areas of the property that will be disturbed as a result of the proposed works, and must be accepted by the MHSTCI, to the satisfaction of Niagara Region, prior to clearance of this condition.

NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

14. That the following warning clause be included in the Subdivision Agreement with respect to the potential discovery and protection of any archaeological resources encountered during construction activities:

*"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI") at (416-212-8886) and contact a licensed archaeologist 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 at (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources,*

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*the MHSTCI 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."*

15. That the Owner dedicates a 1.6m road widening to the Regional Municipality of Niagara along the frontage of Regional Road 122 (Helena Street) prior to the issuance of a building permit, to the satisfaction of Niagara Region, in accordance with Regional Official Plan Policy 9.C.
16. That the Owner dedicates a 4.50m by 4.50m daylight triangle at the corner of Regional Road 122 (Helena Street) prior to the issuance of a building permit, to the satisfaction of Niagara Region, in accordance with Regional Official Plan Policy 9C.
17. That the Owner dedicates a one-foot reserve along the frontage Regional Road 122 (Helena Street) including daylight triangles for Lots 1, 11, 21, and 37 prior to the issuance of a building permit, to the satisfaction of Niagara Region, in accordance with Regional Official Plan Policy 9.C.
18. That prior to any construction taking place within the Regional Road Allowance, the applicant shall obtain a Construction Encroachment Permit and Regional Entrance Permit.
19. That prior to approval of the final plan or any on-site grading, the Owner shall submit a Detailed Stormwater Management Plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment and Climate Change documents entitled Stormwater Management Planning and Design Manual, March 2013 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region Planning and Development Services Department for review and approval:
  - a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means nearby overland flows will be accommodated across the site;
  - b. Detailed erosion and sedimentation control plans;
  - c. Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the subdivision) planned to be serviced by the stormwater management facility; and,
20. 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 Conditions above.
21. That the Owner submit a written undertaking to the Niagara Region Public Works Department (Development Services Division) that draft approval of this subdivision

*SD-18-053 & ZA-18-129*

*April 25, 2022*

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does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of registration and any pre-servicing will be at the sole risk and responsibility of the Owner.

22. That the Owner submit a written undertaking to the Niagara Region Public Works Department (Development Services Division) that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that a servicing allocation for this 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.
23. 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 Environment Conservation and Parks Approval under the Transfer of Review Program or approval through the new Consolidated Linear Environmental Certificate of Approval.
24. That the Owner ensures that all streets and development blocks can provide access in accordance with the Regional Municipality of Niagara's Corporate Waste Collection Policy relating to the curbside collection of waste.

### **Clearance of Conditions**

Prior to granting final approval, the Town of Fort Erie must be in receipt of written confirmation that the requirements of each condition have been met satisfactorily and that all fees have been paid to the satisfaction of Niagara Region.

### **Subdivision Agreement**

Prior to final approval for registration, a copy of the executed Subdivision Agreement for the proposed development should be submitted to Niagara Region for verification that the appropriate clauses have been included. Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.

**Note:** Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the Town of Fort Erie. The Town of Fort Erie is also responsible for circulating a copy of the Draft Agreement, and the Region is unable to provide a final clearance letter until the Draft Agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the Town of Fort Erie.



**Fw: Zoning of 613 Helena - WRITTEN SUBMISSION - PUBLIC MEETING  
FOR JUNE 13TH - NOW POSTPONED**

**Carol Schofield** to: Mayor and Council

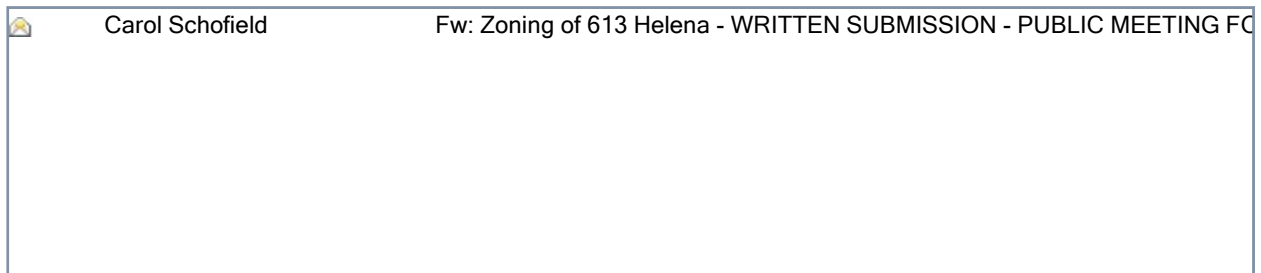
06/08/2022 11:50 AM

Cc: Chris McQueen, Kelly Walsh, Jonathan Janzen, Alex Herlovitch,  
Anamika Dilwaria

From: Carol Schofield/FortErie

To: Mayor and Council

Cc: Chris McQueen/FortErie@TownOfFortErie, Kelly Walsh/FortErie@TownOfFortErie, Jonathan  
Janzen/FortErie@TownOfFortErie, Alex Herlovitch/FortErie@TownOfFortErie, Anamika  
Dilwaria/FortErie@TownOfFortErie



Please refer to the written submission received below.

The Public Meeting had been scheduled for June 13th; however, I am advised that it has been postponed to a future date to be determined, and public notice has been given of the postponement.

Carol Schofield, Dipl.M.A.  
Manager, Legislative Services / Clerk  
Town of Fort Erie / 1 Municipal Centre Drive  
Fort Erie, ON L2A 2S6  
☎905-871-1600 Ext 2211

***Our Focus: Your Future***



Please consider the environment before printing this email.

----- Forwarded by Carol Schofield/FortErie on 06/08/2022 11:40 AM -----

From: [redacted]  
To: "cschofield@forterie.ca" <cschofield@forterie.ca>  
Date: 06/08/2022 11:19 AM  
Subject: Re: Zoning of 613 Helena

As a resident at 684 Helena, I have several concerns regarding this proposed development. This town need affordable, family friendly housing. I attended the open house and spoke to the developers agents. It was made clear that these units were intended to attract a " certain client". Not necessarily affordable to the average income earner in the region. When I say average wage earner I don't mean average income since many household in the region

have well above average income due to investments or pensions. I mean the average income from employment, which in this area are often minimal or low income service or healthcare earnings.

Where and how will any children in this complex go to school? I asked at the open house and was told they would be bussed. Bussed? At who's expense. I was told it was not the developer's problem. Does the town have enough school to accommodate more students.

Helena is a narrow, two lane road with no sidewalks and deep ditches. Can it accomodate nearly 200 more cars? Traffic now is busy, with the new Harbourfront development, road work etc what are the plans for expansion and how will that impact houses already there? Even now, making a left hand turn into my driveway is life threatening.

Right now, this is prime agricultural land. We need spaces such as this to grow food. It is also frequented by deer, turkeys and other wild creatures. Is see there is a small portion put aside for wildlife but to cramp them all into this small area will cause many issues. Even now, coyotes and fox are being forced into town and becoming a dangerous nuisance in their search for food due to natural game becoming scarce due to development in the area.

Much of this area is wet land. How will this development impact the drainage on surrounding properties. I see there is provisions within the development but what about surrounding properties, not just Helena but Kraft, Washington and Albany not to mention the wildlife in the area.

If this development caters to families, there is no provision for children to play. No playground other than the environmental zone which may not be safe for children. It will not be safe for children to leave the development since there are no sidewalks on surrounding roads.

The town does not have medical facilities to accomodate the additional population. No family doctors taking new patients, no full service hospital. Even if they build the long promised hospital in Niagara region it is still at least a half hour drive away if you drive but think of a senior who does not drive. How do they get there? For MRI, ct,mamagraph etc we have to travel out of town. Even for a simple blood test there are long line ups at the one or two labs we have in town. I lived here for 3 years before there was a doctor available as a family GP rather than going to a walk in clinic and this was pre pandemic.

There are many more reasons but these are only a few.

Lene Band, 684 Helena St.

Sent from my Galaxy



**RE: May 11th meeting - 613 Helena**

**Tim Boychuk** to: Anamika Dilwaria

05/13/2022 10:16 AM

From: "[redacted]"  
To: "Anamika Dilwaria" <ADilwaria@forterie.ca>

History: This message has been replied to.

	Tim Boychuk	Tim Boychuk	May 11th meeting - 613 Helena
	Anamika Dilwaria	Anamika Dilwaria	<i>Hi Tim, The notice for the Open House meet</i>
	Tim Boychuk	Tim Boychuk	<i>Yes it does. But it also says that everyt</i>
	Anamika Dilwaria	Anamika Dilwaria	<i>Hi Tim, I am not sure I understand</i>

Yes it does. But it also says that everything had moved to virtual and that the meeting was online . It was very confusing as to what to do.

-Tim

**From:** Anamika Dilwaria <ADilwaria@forterie.ca>

**Sent:** Friday, May 13, 2022 9:56 AM

**To:** Tim Boychuk <tboychuk@prounlimited.com>

**Subject:** Re: May 11th meeting - 613 Helena

Hi Tim,

The notice for the Open House meeting posted on the Town's website states an in-person meeting. I have attached a copy of the Open House notice for your convenience.

Thanks,

Anamika Dilwaria, M.Pl., MCIP, RPP  
Acting Manager, Development Approvals  
The Corporation of the Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, Ontario L2A 2S6  
TEL: 1-905-871-1600 ext.2507  
[E-mail-adilwaria@forterie.ca](mailto:E-mail-adilwaria@forterie.ca)



From: \_\_\_\_\_ [redacted]  
To: "adilwaria@forterie.ca" <adilwaria@forterie.ca>  
Date: 05/11/2022 05:06 PM  
Subject: May 11th meeting - 613 Helena

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The public notice says this meeting was virtual, but there are no links or any way to watch it. I am across the street from this development and would have liked to participate.

Tim Boychuk | Senior Business Systems Analyst

**ProUnlimited Global Canada Limited** 

(o) [redacted]

(e) [redacted]

[\[redacted\]](#)



*Out of Office: April 21 to 26*

February 6, 2023

**To be attached to the official meeting notes for the 613 Helena Street Public Meeting to be held on February 13 in Fort Erie Town Hall.**

**VIA EMAIL**

Mayor Redekop and Members of Town Council  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, ON L2A 2S6

Your Worship and Members of Council:

**RE: Planning in Fort Erie**

My name is George Wiseman and I live at 311 Helena Street located within the Lakeshore Neighbourhood in the Town of Fort Erie. I am President of the Fort Erie Lakeshore Neighbourhood Association.

Over the past several years I have found myself drawn into a series of growth-related planning issues, both in my local neighbourhood and in the broader community. I have found these experiences extremely frustrating, as on more than one occasion it has appeared that the requirements of the Town of Fort Erie Official Plan (Official Plan) and Zoning By-law were not followed, initially by Town Planning Staff and subsequently by Town Council.

**Neighbourhood Planning**

We live in a uniquely heritage town in Canada. One with several unique neighbourhoods whose characters have been established over the past century. People come here to live largely based on the character of our Town.

One of the keys to ensuring the creation of livable, walkable neighbourhoods meeting the needs of residents is proactive comprehensive planning. Establishing a vision for our neighbourhoods along with clear goals, objectives and policies that implement this vision are critical to creating an appropriate context within which future development applications are considered.

To achieve this goal, in 2004 Council initiated the Neighbourhood Plan program and ratified it, in its present form, into the Official Plan in 2011. The program's process, which includes a broad public consultation component, specifically provides the opportunity for all the neighbourhood

residents to participate in determination of how future growth will be accommodated in their neighbourhood.

This process acknowledges that no one knows the neighbourhoods like the residents do. Neighbourhood participation in such exercises creates community cohesion, establishes an officially recognized identity for the neighbourhood and helps to streamline the processing of future development applications (as the rules under which such applications can be considered are defined and understood by all).

The main issue I'm discussing today is the Town of Fort Erie Official Plan (Official Plan) Policy 4.7.4.1 (I) **requires Neighbourhood Plans to be prepared** for each of the Neighbourhoods identified on Schedule A of the Official Plan:

... **prior to considering** large scale development applications that may have significant impact on the Neighbourhood in which it is intended to develop.

The creation of a Neighbourhood Plan is the first step in a multi-step process. As noted by Town of Fort Erie staff in a report (CDS-15-12) presented to Council on April 3, 2017, the process is as follows:

The Town's Official Plan [Official Policies 5.5.1 (I) and 13.3 (I)] directs that all Neighbourhood Plans are to be incorporated into the Official Plan to provide formal status under the Planning Act. The Official Plan Amendment that accomplishes this is known as a "Secondary Plan" (consistent with the nomenclature used throughout the province).

Neighbourhood planning as provided for in the Official Plan **is not discretionary** within the Neighbourhoods identified on Schedule A.

Neighbourhood Plans *must be completed before consideration* of large-scale developments in the affected Neighbourhoods, yet time and time again Town staff seem to ignore this requirement. In some cases, like the processing of the Harbourtown development application in the Lakeshore Neighbourhood, nothing is done. In other cases, the Town staff chooses to use a Secondary Planning process rather than appropriately creating a Neighbourhood Plan.

As noted above, **creating the Fort Erie Neighbourhood Plans and implementing Official Plan amendment is a separate and mandatory process... BEFORE large developments can even be 'considered'.**

Pre-submission meetings should include identification of whether a development is 'large'. If it is and is located in a neighbourhood whose Neighbourhood Plan has NOT been completed, the development should be considered premature as it does not conform to the Official Plan. How can you evaluate an application when the neighbourhood specific rules you will be using to evaluate it against DON'T YET EXIST!

Town staff often argues that a Secondary Plan serves a similar purpose to a Neighbourhood Plan. That argument is incorrect. The Fort Erie Official Plan provides additional detailed policies relating to how Neighbourhood Plans are to be completed and what should be considered, including public consultation requirements for the ENTIRE neighbourhood, not just those people a few meters around a localized development.

There are no policies or references relating to the Provincial Secondary Planning process in the Official Plan, and the list of required contents of Secondary Plans provided on the City's website is not as comprehensive in nature as the required scope of Neighbourhood Plans provided for in the Official Plan.

The Town of Fort Erie Official Plan policies belong to all of us. **Residents have the right** to depend on the appropriate implementation of these policies to protect their interests.

Where Neighbourhood planning is required, individual developments with the potential to cause significant impacts to the neighbourhood **should not be permitted to proceed past the pre-submission stage until the Neighbourhood planning is done**. Such developments should NEVER make it to Town Council for consideration.

### **613 Helena Street**

Which brings us to the proposed development at 613 Helena Street.

1. The proposed development is LARGE
2. The proposed development is in the Kraft Neighbourhood.
3. The Kraft Neighbourhood does NOT yet have a Fort Erie Official Plan compliant Kraft Neighbourhood Plan.

Those three FACTS are enough to appropriately **put this application on HOLD** as it does not comply with Official Plan section 4.7.4.1. It should not be processed until the Kraft Neighbourhood Plan is completed and the rules against which the application is to be considered actually exist.

The Town planning staff contends that Official Plan section 4.7.4.1 doesn't apply to this development because it is isolated and it won't "affect the neighbourhood".

The first point isn't if any particular development will affect the neighbourhood, it's how the Neighbourhood Plan will affect the development. With no Neighbourhood Plan in place how do you KNOW what the residents would consider important?

However, **I contend the 613 Helena Street development MAY affect the Kraft Neighbourhood directly**, it's adjoining neighbourhoods indirectly and has other Official Plan ramifications to be

considered. Not the least of which will be setting precedents instead of community sanctioned guidelines.

What are some examples of considerations that MAY affect the neighbourhood?

613 Helena Street property is surrounded on 3 sides by swamp, otherwise known as environmentally sensitive wetlands. These wetlands cover a large area of the Kraft Neighbourhood and MUST be considered in 'neighbourhood' context *with ALL the residents having a say*. The development is NOT 'isolated' from the wetlands nor are the wetlands isolated from the neighbourhood. Because of section 4.7.4.1, issues relating to the wetlands are Neighbourhood issues, not just a development specific consideration.

Has there been a Neighbourhood level hydrological and sub-hydrological study done? Is there any data to gauge what adding over 100 basement sump pumps will do to the wetlands or the neighbourhood as a whole. Will decisions made on this subdivision affect future development or redevelopment in the neighbourhood? Of course they will.

In fact, Official Plan policy 4.14.5 specifically mentions that the Kraft Drain Area Environmental Protection Study 'should be completed' in association with the Kraft Neighbourhood Plan (which would involve ALL the Kraft Neighbourhood residents as per Official Plan section 5.5).

And how is 613 Helena Street 'isolated' or uniquely separated from Helena Street? It fronts Helena Street, a regional road that connects North to Garrison Road (at WallMart, etc.) then further to the hospital, and connects South crossing Dominion Road with access to Harbourn town and Waverly Beach Park. This development is not 'isolated'... It is 'connected' to everything via Helena Street.

A main consideration of the Neighbourhood Plans (Official Plan 2.3.12) is:

"To ensure communities and neighbourhoods function, and are properly connected to each other ... & The Town considers bicycling and walking essential components of a balanced, multimodal transportation network..., etc.

The point is that the Town planning staff is allowing HUNDREDS of residences (in large developments) to be considered in the Lakeshore and Kraft Neighbourhoods without the Neighbourhood residents having their rightful, lawful input into items like SAFE transportation considered through the Neighbourhood Plan process BEFORE a large development plan is approved.

In this case, we have an EXTREMELY DANGEROUS example.

613 Helena Street is situated so that NO ONE can walk or cycle off the property without using Helena Street. Helena Street has about 8 to 12 inches of pavement beyond the white line, has deep swampy ditches and is about a kilometer of 70 kph zone. ANY resident living there will tell you hair raising stories of the dangers they face as pedestrians or cyclists on Helena Street.

There is no way this large development can be considered without also considering the overall transportation rules that a Neighbourhood Plan would put in place - as per Official Plan policy 4.7.4.1 - specifically addressing SAFE walking and cycling. For more specifics, see Appendix A. Helena Street is a REGIONAL collector road, so has additional regional considerations.

The 613 Helena Street TIS report did not address pedestrian and cycling on Helena Street as required by section 13. (For more details, see Appendix A)

**It's a Farm**

613 Helena Street is an **active FARM**, with livestock and fields. Yes I know that it's not zoned as farmland but it is zoned to ALLOW farming and the Official Plan does not say it will protect 'zoned' farmland, **it says it will protect farmland** as per Official Plan section 2.3.9 (a). Protection of farmland is also addressed in Official Plan sections 3.4 and 3.5.

There are several farms or farmable land in the Kraft Neighbourhood and so farming is a vital consideration that would be addressed by ALL residents in the Kraft Neighbourhood planning process, once the Town gets around to it.

I believe this farmland protection requirement of the Official Plan is going to be PARTICULARLY important to the well-being of Fort Erie residents in the near future; with predicted and already happening supply chain and food shortages and good planning for the centuries to come.

So, if Official Plan section 4.7.4.1 has any meaning, why are we here today? Why is this development application even being considered **before** the Kraft Neighbourhood Plan is in place?

I believe if the laws governing our Town are followed, this Feb 13, 2023 meeting is premature. According to the research I've done, the 613 Helena Street development application should NOT be further considered and should be put on HOLD until the Kraft Neighbourhood Plan is complete. It is only after this has occurred that developments such as this can be properly informed by the Neighbourhood Plan rules as per Official Plan section 13.5.

The Official Plan section 4.7.4.1 makes it clear that large developments **must NOT be considered** until the Neighbourhood rules are complete. How can you consider or comply with rules that don't yet 'officially' exist?

I pointed all this out at the 613 Helena development public meeting February 4<sup>th</sup> 2019 and at the June 13, 2022 meeting. Why are we continuing to have public meetings when the FOUNDATIONAL ISSUES have not been resolved? It appears to me that the Town STAFF is running this Town, NOT our elected representatives who should be insisting that the STAFF follow the LAWS guiding the development decisions. Otherwise, WHY BOTHER to have LAWS?

Unless... Town Staff is complicit in these illegal activities and (ignorantly or knowingly) WANTS Town Staff to present development proposals to them, to be approved IN SPITE of the Town's Official Plan and negating of the Residents Rights under the Official Plan?

**Further Examples:**

At the February 4<sup>th</sup> 2019 Public meeting, I was asked by a Council member if there were other examples of Town staff not paying appropriate attention to Official Plan policy 4.7.4.1. In response to his query, I replied that the only two I was specifically conversant about were the Harbourside Development and the 672 Edgemere Road development. But that I had heard rumors of others and I recommended to Council that they investigate to find them. Obviously such an investigation should not be done by existing Town staff...

Since that time, in my opinion Town staff has continued to ignore the full requirements of the Neighbourhood Plan portion of the Official Plan and further consideration of the development proposal at 613 Helena Street is yet another example.

**644 Garrison Road**

Another recent example is the proposed 644 Garrison Road development in the Walden Neighbourhood. The Walden Neighbourhood does not have a Neighbourhood Plan in place and when I pointed this out in the ZOOM Open House, I was incorrectly informed that the word 'will' in Official Plan 4.7.4.1 wording does not mean 'mandatory'. I admit to being stunned by this statement, so I checked with my lawyer and got an official legal opinion that in Ontario the use of the word 'will' in planning documents is 'mandatory' with the same impact as the use of the word 'shall'.

I do not know why the Town planning staff isn't simply concentrating on getting the Neighbourhood Plans done, so the Town can appropriately proceed with large developments.

**Example of possible inappropriate building permit Approval by Town staff**

I have been monitoring and participating in the processing of a development application at 672 Edgemere Road. This is an example of a violation of section 4.7.4.1 leading to an inappropriately large development on a small property in the Lakeshore Neighbourhood.

672 Edgemere Road is located directly across the street from my residence and during review of the proposed site plan, legitimate questions arose as to compliance of the site plan with the zoning by-law. In good faith I hired a professional urban planner to review the site plan application provided to me by Town staff and it was his professional opinion that the site plan failed to comply with the Zoning By-law.

To be certain, I hired a **second** planner who independently confirmed this conclusion so I cannot understand how a building permit can LEGALLY be issued for the 672 Edgemere Road development.

I then contacted the Town through my municipal lawyer who carefully outlined my concerns. The response I got back from Town staff was simply a statement that the site plan complies with the Zoning By-law and a building permit would be issued.

No explanation was provided as to how compliance was achieved or where the planners I had hired erred in their conclusions.

Worse yet... When I previously tried to explain the situation to my Ward Councilor (Kimberley Zanko), in a meeting including Rick Brady, they didn't allow me to speak freely or consider my evidence at our meeting. Councilor Zanko then told me that she believed the Town staff over me and to not contact her anymore.

And then, ALL my eMails to ANY of the Town staff bounce back "unaccepted"!

Where do I go if my elected representative won't communicate with me?

I acted in good faith, hired multiple experts to properly advise me on technical matters, employed a lawyer to ensure the process was done properly and was simply blown off by Town staff and my Councilor.

I believe that is no way to treat any resident and particularly one that has made large investments to do his rightful and legal due diligence for his neighbourhood.

In this case I ask Town Council to examine my evidence and take appropriate action to make the 672 Edgemere Road site plan compliant with the LAW.

I would also appreciate Council further examining what has happened to that property since 2004 and doing a 'pause' on the development until the appropriate Lakeshore Neighbourhood Plan is in place, then re-evaluate the Site Plan to assure compliance.

### **Conclusions**

Like many other communities in southern Ontario, the Town of Fort Erie is facing significant growth pressures. Residents are depending on Town staff and Council to ensure our community addresses these growth pressures in a manner that ensures new developments are sensitively designed to complement the existing character of neighbourhoods within which the development is to occur. The Neighbourhood Plan requirements in the Official Plan were specifically designed to address these challenges. Ignoring them or paying them 'lip service' negates the rights of the residents.

The Official Plan and Zoning By-Laws aren't 'suggestions', they are laws that Town planning staff and bylaw officers enforce. For example, I know an elderly woman (widow of a police officer) who was forced to remove one and a half (1.5) inches from the top of her long existing perimeter fence by unrelenting bylaw officers, yet I can't even get an explanation of how a development directly affecting me complies to the Zoning By-law.



It APPEARS to me, that the Town staff has 'gotten away with' ignoring Official Plan policy 4.7.4.1 and section 13.3, requiring the Neighbourhood Plans to be in place BEFORE large developments can be considered, for years...

I believe they depend on residents' ignorance of the laws, their rights and the resources they can use to object to such applications.

I believe the current Town Council is not protecting the residents' rights.

I ask... Why are the RULES that are there to protect the interests of residents not being enforced on Town staff?

I ask... Who is in charge at Town Hall? Aren't the Town staff the employees of Town Council?

I ask... Why does it seem that developers get preferential treatment over residents?

I ask... Why does it seem that most of the Neighbourhood Plans have been stopped?

Does the Town not have the resources or the will to proceed with the legally required Neighbourhood Plans?

I feel we, the Residents of the Town of Fort Erie, have Rights under the Official Plan and that those rights are being violated to the detriment of ourselves personally, our Neighbourhood characters, streetscapes and our Town.

We have the right to insist and require that the Neighbourhood Plans be completed appropriately before any large developments are considered.

In my opinion, the Town needs to do better.

George Wiseman  
311 Helena Street  
Fort Erie, Ontario

References available upon request [redacted]:  
Harbourtown submission  
Kimberley Zanko rejection  
eMail to Town "not accepted"  
672 Edgemere Road Non-Compliance Letter to Town  
The word "Will" means Mandatory  
Building Permit letter  
Defining 'large'

Appendix A  
Additional Policies Applicable to Neighbourhood Planning

Official Plan 4.8.1 II & III  
Official Plan 4.8.2 V  
Official Plan 4.9.3 III(c)  
Official Plan 4.12.1 V  
Official Plan 4.13.2 III (f) & (h)  
Official Plan 4.13.3 II (b) and incidentally Official Plan 4.13.3 V  
Official Plan 5.5.1 V (a)  
Official Plan 5.5.2 IV an X  
Official Plan 5.6.1 IV and VI  
Official Plan 5.6.3 VIII  
Official Plan 9.1 I (b)  
Official Plan 12.7.2 I & II & III & V & VII  
Official Plan 12.11 I & II & IV  
Official Plan 13.5 II (b)

## **APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-07-2023 DATED FEBRUARY 13, 2023**

613 Helena Notes by George Wiseman

Other bylaw amendments in Kraft neighbourhood  
name

350309-0351 - 0 Washington Road

Type

Zoning By-law Amendment

Location

Helena Street/Washington Road

File No

350309-0351

Applicant(s)

Town of Fort Erie

Description

Proposed change in zoning to improve the marketability of this Town-owned land by providing prospective purchasers with increased flexibility for development (a.k.a. Washington Road lots).

Proposed Change(s)

R2 to RM1

Approval Authority

Town Council

Town Contact

Denise Landry

Job Title

Senior Development Planner

Phone Number

(905) 871-1600 ext. 2507

Email Address

[dlandry@forterie.ca](mailto:dlandry@forterie.ca)

### **2.3.5 RESIDENTIAL**

(e) To ensure that future residential land uses are appropriately separated from incompatible land uses.

### **2.3.9 ENVIRONMENT**

Objectives:

(a) To encourage the efficient use of land resources in the Town and to encourage the continuation of viable agricultural operations and conservation of the rural landscape;

(d) To encourage early recognition and regulation of existing and potentially incompatible uses resulting from adverse environmental effects, including sound, vibration and gas odour;

### **2.3.12 TRANSPORTATION**

Goals:

(a) To ensure communities and neighbourhoods function, and are properly connected to each other and employment centres, commercial areas and community facilities, with a safe and efficient transportation network that considers minimizing commuting time, as well as providing opportunities for public transit, walking and cycling; and

(b) The Town considers bicycling and walking essential components of a balanced, multimodal transportation network and will incorporate considerations for cyclists and pedestrians within an integrated land use and transportation planning process.

Objectives:

## **APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-07-2023 DATED FEBRUARY 13, 2023**

- (a) To ensure that the local street system design enhances the amenity and environmental value of the Urban Area while providing convenient access for people, goods and services;
- (b) To define a hierarchy of roads that recognizes their functional differences;
- (c) To minimize capital and operating costs both for the public agencies and for the user;
- (d) To establish an Active Transportation Advisory Committee to advise council on active transportation matters for pedestrians and cyclists relative to location, and necessity;
- (e) To promote the convenience and safety of all users of the transportation system, including vehicles, pedestrians and cyclists;
- (f) To ensure transportation networks are as efficient as possible to lower commuting times;
- (g) To acknowledge the importance of rail infrastructure and recognizes its important role in long term economic growth and the efficient and effective movement of goods and people. Appropriate protection of rail facilities will be considered in the planning process and the Town shall support strategic infrastructure improvements such as targeted grade separations;
- (h) To study the needs, improvements and opportunities to utilize the public transit system within the Town; and
- (i) To examine the feasibility of providing for on and off road walking and cycling linkages in the transportation network;

### **3.4 ECONOMY**

#### **I. PRIMARY SECTOR**

The former Township of Bertie comprises most of the agricultural and rural area of the Town. Generally these areas have experienced decreases in the farm population and in both improved and unimproved farmland. The production of most field crops has also declined with the exception of barley, hay and grain corn. In 2003 the primary farm types in Fort Erie were poultry and egg; greenhouse; dairy; oilseed; and horse and pony. Agriculture can be further threatened by the proliferation of non-farm development and land fragmentation. The Policies of this Plan provide a planning basis to facilitate agricultural activity.

### **3.5 LAND USE**

IV. **Urban boundary expansion** shall only occur through co-ordinated local and Regional amendments initiated by the Town and/or Regional Municipality of Niagara as part of a comprehensive review that reflects growth projections, allocations and intensification and density targets by the Region and Provincial Growth Plan and where:

- (d) There are no reasonable alternatives that avoid prime agricultural areas;
- (e) There are no reasonable opportunities on lower priority agricultural lands in prime agricultural areas;
- (f) Impacts to agricultural operations are mitigated to the extent feasible;

### **4.6 RURAL**

The lands in this category are identified on Schedule "A" of this Plan and are also identified as Rural in the Regional Niagara Policy Plan. Agriculture of all types, including livestock and poultry uses are permitted land uses in this category. Other uses may be permitted according to the policies of this subsection.

#### **4.6.1 GENERAL POLICIES**

I. Uses which are compatible with but not necessarily related to agriculture are permitted in Rural areas and include:

- (a) Agriculture related uses;

#### **4.6.2 POLICIES**

## **APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-07-2023 DATED FEBRUARY 13, 2023**

I. Municipal sewers or water supply will not be provided in the Rural area. All new buildings for human use or habitation shall be located on lots suitable to support a private well and sustainable private sewage disposal system according to the appropriate authority's requirements.

II. Notwithstanding the foregoing, waterline extensions outside urban areas may be permitted subject to the policies of the Region of Niagara Policy Plan.

III. The cost of providing ancillary services such as storm drainage, snowplowing, road maintenance including paving, garbage and refuse pick-up and school buses, and possible impacts on natural resources located in this area, should be reviewed prior to approval being given to any new development in the Rural area.

### **4.7.1 GENERAL POLICES**

I. New residential development within the urban area should proceed in an orderly phased manner to allow land and infrastructure to be used in an efficient manner. Infrastructure should not be extended through unplanned areas and residential development should be able to integrate with existing planned or developed areas.

#### **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.

#### **Note**

1. this large development is in the Kraft Neighbourhood.
2. The Kraft Neighbourhood Plan is not yet completed and is currently 7<sup>th</sup> on the list to start
3. Each Plan is estimated to take a year to complete.

II. In considering medium density and high density residential uses, redevelopment and infill residential intensification on vacant land, regard shall be given to the following:

- (a) The height, bulk and arrangement of buildings and structures to achieve a harmonious design, compatible integration with the surrounding area and not negatively impact on lower density residential uses;
- (b) Appropriate open space, including landscaping and buffering to maximize privacy and minimize the impact on adjacent lower density uses;
- (c) Parking areas that are sufficient size to satisfy the need of the development and are well designed and properly related to buildings and landscaped areas;
- (d) The design and location of refuse pick-up and recycling service areas meets Regional Waste Collection design requirements;
- (e) Driveway access, internal roadways and pedestrian walkways that are safe and properly designed;
- (f) Convenient access to a collector or arterial road;
- (g) Location in regard to the elements of traditional neighbourhood design and within convenient walking distance of the central focus of the neighbourhood;
- (h) Building designs that place windows and balconies to overlook pedestrian routes and parking areas to encourage "eyes on the street"; and
- (i) Site planning considerations that facilitate walking and cycling activity such as secured bike storage, lighting and bikeways.

### **4.8.1 GENERAL POLICIES**

I. In order to address the Niagara Region Growth Management Strategy and the Provincial Growth Plan for the Greater Golden Horseshoe, portions of this section will be amended in accordance with Policy 4.1.III of this Plan.

II. Core Mixed Use areas are delineated on Schedule "A" of this Plan. These areas consist of a mixture of residential, commercial and institutional uses. Providing a mixture of uses will increase the resident population supporting other permitted uses, strengthen the live/work

## **APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-07-2023 DATED FEBRUARY 13, 2023**

relationship and promote a healthier living environment by reducing vehicular trips and increasing pedestrian and cycling activity for everyday trips. Core Mixed Use areas will be developed within or around downtown areas.

III. Core Mixed Use areas will be identified through the Neighbourhood Plan process then reflected in the Official Plan. These areas will be developed in accordance with the Neighbourhood Plan policies, implementing Zoning By-law provisions.

### **4.8.2 POLICIES**

I. The Neighbourhood Plan exercise will identify the appropriateness of permitting stand alone dwelling units, the appropriateness of bed and breakfast establishments, as well as small scale hotels. The Neighbourhood Plan exercise will also address the appropriate height of buildings.

II. Development in the Core Mixed Use area shall be in accordance with approved urban design guidelines. Unless specified otherwise in the Neighbourhood Plan, buildings shall be orientated towards the street front and parking is to be provided to the rear of buildings and accessed from side streets where possible.

III. Single-detached and semi-detached dwellings will be permitted on stand alone properties subject to proper separation distances from selected commercial uses such as restaurants and taverns and if identified in the Neighbourhood Plan.

IV. Apartment dwelling units (more than 2 units) will be permitted above a Commercial or Institutional use. The appropriateness of stand alone multiple- attached dwelling units will be determined through the Neighbourhood Plan process.

V. Residential development should be situated within an area with good pedestrian access and integration to other developments, as well as within an acceptable proximity to public transit if available.

VI. The Town's Zoning By-law shall implement the more detailed policies of the relevant Neighbourhood Plan and key aspects of the urban design guidelines.

### **4.9.3 SHOPPING CENTRES**

III(c) Provision can be made to accommodate access by public transit, walking and cycling;

### **4.12.1 GENERAL POLICIES (INSTITUTIONAL)**

V. (f) The distance and ease of connectivity via walking or cycling from residential areas to be served.

### **4.13 OPEN SPACE, 4.13.2 POLICIES**

III

(f) The separation of vehicular and pedestrian/cycling traffic where appropriate and necessary;

(h) The integration of the Open Space system within an overall pedestrian and cycling network.

### **4.13.3 PARKLAND DEVELOPMENT**

II (b) Be accessible from major roads and highways and by public transportation, walking and cycling;

V. Significant treed areas and woodlands throughout the Town will, where possible, be incorporated into the Open Space network. Where appropriate, these areas will be maintained in their natural condition or allowed to regenerate into a natural condition. Public passive recreational use of such areas will be restricted to lands which have been specifically acquired or developed for such purposes. Such areas will continue to be designated as Environmental Conservation.

### **4.14.5 KRAFT DRAIN AREA (Site Specific Policy Area 5)**

I. The Kraft Drain Area Site Specific Policy Area 5 applies to those lands identified as such on Schedule "A". These lands are designated in part as Urban Residential, Environmental Conservation overlay and

## APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-07-2023 DATED FEBRUARY 13, 2023

Environmental Protection Area. Given the significant natural heritage features on site, **an Environmental Planning Study (EPS)**, completed by a qualified consultant on behalf of the developer(s) or property owner(s), **will be required** in accordance with the Natural Heritage Section of this Plan. **The EPS should be completed in association with a Neighbourhood Plan outlining how the lands will be developed and serviced in accordance with the policies of this Plan.** A Comprehensive Servicing Study and overall Storm Water Management Plan **will form important components of the Neighbourhood Plan.** The Frenchman's Creek Trunk Sanitary Sewer Project **must be constructed prior to development proceeding.**

### 4.16.16 TRANSPORTATION POLICIES

e) Lands identified by the Town and/or Region as being **required for road widening purposes** shall be transferred to the respective Municipality for nominal consideration, as a condition of any development or redevelopment requiring approvals under The Planning Act or the Building Code Act as amended from time to time.

## 5.5 NEIGHBOURHOOD PLANNING

II. A Neighbourhood Plan is a general guide for the development and redevelopment of a **neighbourhood or part thereof.** It reflects Council's intention regarding the ultimate development of the neighbourhood and implements the policies of the Official Plan in more detail at the neighbourhood level. Neighbourhoods identified for planning in the Town are denoted in Schedule "A1" of this Plan.

### 5.5.1 GENERAL POLICIES

I. Neighbourhood Plans shall be implemented by amendment to this Plan. These plans shall be adopted by bylaw **after consultation with neighbourhood residents,** property owners and stakeholders.

II. Planning decisions not consistent with the goals, objectives, and policies of the Neighbourhood Plan require a modification to the Neighbourhood Plan. Council will seek public and agency input prior to making any significant modifications to the Plan.

III. The Neighbourhood Plan process will provide for collaborative preparation of the Plan between the Town, Region and NPCA, as well as review and comment of the Plan by relevant agencies to ensure it adequately addresses agency requirements and Provincial Policy objectives. Areas identified for residential intensification or site specific urban design matters by amendment will be reflected in the Zoning By-law.

IV. Council shall identify 2 to 3 priority Neighbourhood Plan Areas each year for development of a Neighbourhood Plan.

V. A Neighbourhood Plan indicates:

(a) The location and pattern of existing and proposed roads, **as well as cycling and walking infrastructure;**

(b) The ultimate population and number of dwellings to be expected in the neighbourhood;

(c) The location and extent of land required for community facilities, open space, natural areas, schools, institutional, commercial, residential and industrial uses as well as mixed use areas combining some of these land uses;

(d) The distribution and mix of housing of various types, densities and lot sizes, including appropriate areas and opportunities for accessory apartments;

(e) The location of major redevelopment and intensification areas; and

(f) The location, design and possible staging of basic engineering services and public utilities.

VI. Neighbourhood Plans also form a basis for the maintenance of relevant statistical data by identifying the location and density of development and how the Plan meets provincial growth directives.

#### 5.5.2 POLICIES

IV. Incorporate pedestrian and cycling access within and between residential development, parks, schools, commercial areas, churches, community facilities, employment uses and similar land uses to promote active transportation in a comprehensive manner that considers continuity and connectivity on a broader network basis;

X. Streetscapes will produce a varied but cohesive landscaped image that provides public amenities and spaces, safety, comfort, and encourages the use of pedestrian and cycling activities where appropriate.

#### 5.6 URBAN DESIGN

I. Urban Design is an integral part of the total planning process as it provides a method of providing a visual contribution to the establishment of the character of the Town and its distinct neighbourhoods. The policies contained in this section are general in nature and are intended to be integrated into the Town's Neighbourhood Planning process. Neighbourhood Plans may provide more detailed and specific policies.

##### 5.6.1 GENERAL POLICIES

I. Urban character will be achieved within the Town's neighbourhoods, along major roads and significant public spaces, and elsewhere as identified by this Plan or subsequent Planning Documents.

IV. Residential development will be planned to preserve privacy, comfort, and amenity spaces while providing easy and safe pedestrian and cycling movement to commercial and community facilities.

VI. Proposed development patterns will encourage open space connections that link public parks and community facilities through the use of pedestrian and cycling walkways, trails, and other such connections.

##### 5.6.3 BUILDINGS AND PUBLIC SPACES

VIII. The interconnection and integration of pedestrian, cycling and vehicular access is encouraged on abutting lands to facilitate safe and efficient movement to and from the public road network.

#### 9.1 AIR QUALITY

I. The Town shall support energy efficiency and improved air quality through land use and development patterns and transportation policies that:

(a) Promote compact form and structure of nodes and corridors;

(b) Promote the use of public transit and alternative and active transportation modes, such as walking and cycling within and between employment, service and living areas, through an Active Transportation Advisory Committee;

#### 11.2 CULTURAL HERITAGE LANDSCAPES

VII. Existing rural and agricultural areas of the municipality are considered to be an important cultural heritage asset to the Town. It is recognized that there may be potential to disrupt the character of the rural landscape and its individual component heritage features. Accordingly, in any development activity that is subject to approval under the Planning Act, the Town shall seek the appropriate



## **APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-07-2023 DATED FEBRUARY 13, 2023**

conservation of important inventoried rural heritage features including: farm houses, barns, silos, remnant foundations, earthworks, tree lines, fences, walls and woodlots.

### **12.7.2 GENERAL ROAD POLICIES**

I. This Plan supports the concept of complete streets that are designed to accommodate vehicles, pedestrians and cyclists and necessary infrastructure where appropriate. **Cycling considerations will be incorporated at key stages in the Town's land use and transportation plan activities.**

**II. Minimum rights-of-way deemed necessary for the Major Roads** shown on Schedule "E", Transportation Plan are set out in Subsection 12.7.4 hereof. Lands for road widening or other improvements shall be obtained as a condition of approval by the Land Division Committee of consent to severance, or as a condition of approval of a draft plan of subdivision or through the site plan control process.

Widenings may also be carried out on an extensive basis when required by the authority having jurisdiction. The Region shall be consulted through the development approval process including site plan approval to provide proper protection to all roadways.

**III. No development or redevelopment will be permitted that does not front on a public road of an acceptable municipal standard of construction.** ...

IV. Improvements to the road system and road reconstruction should be carried out in accordance with suitable standards.

The Council has adopted standards pertaining to local and collector roads, and will consider the adoption of the Roads and Transportation Association of Canada Geometric Design Standards for rural and urban roads. Improvements and reconstruction shall consider provisions for active transportation for pedestrians and cyclists where appropriate.

**V. Road allowance widths are to be protected and acquisition of road allowance widening will be pursued through the planning approvals process where permitted.** The Zoning By-law shall contain setbacks to protect road allowance widths.

**VII. The design, layout and orientation of local roads will be considered through the Neighbourhood Plan** and Urban Design process.

VIII. The full costs of road improvements on a roadway established by the public road authority, deemed necessary because of proposed development, shall be paid for by the developer unless otherwise identified in the Development Charges Background Study.

### **12.7.3 SPECIFIC ROAD POLICIES**

#### **II. For Arterial Roads**

**(d) In developing areas steps will be taken to minimize the number of access points;**

**(e) In developed areas approved, designated widenings will be designed in an attempt to minimize the impact on abutting properties, and will occur only after consultation with affected property owners;**

#### **III. For Collector Roads**

**(a) The right-of-way width will generally vary from 20 to a maximum of 26.2 metres; except for those under Regional jurisdiction which shall be determined by the Region;**

**(b) Direct access from abutting properties will be permitted where such will not create a traffic hazard; and**

**(c) Intersections shall be spaced to provide optimum traffic movement, taking into account safety devices such as traffic signals and the objective of discouraging unnecessary through**

**APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-07-2023 DATED FEBRUARY 13, 2023**  
**traffic onto Local Roads.**

Note that Helena Street is a REGINAL collector road

The TIS report did not address pedestrian and cycling on Helena Street as required by section 13.

**Regional Planning and Development Services**

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

Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax 905-687-8056

www.niagararegion.ca

Letter dated January 18, 2019

**Regional Road Allowance**

**Road Widening**

The subject lands have frontage along Regional Road 122 (Helena Street). This section of road has a substandard road allowance of approximately 20.2 meters. The designated road allowance is 26.2 meters, as identified in the Regional Official Plan. Therefore, the applicant is required to gratuitously grant the following to the Niagara Region:

Approximately 1.5 m widening across the frontage of the subject lands to achieve 13.1 m from the original centerline of this road section. The actual width of the required widening must be confirmed by an Ontario Land Surveyor;

4.5m x 4.5m daylight triangles on both north and south sides of each new right-of-way;

One-foot reserves along Regional Road 122, including daylight triangles for Lots 1, 11, 24 and 37.

**12.11 BIKEWAYS AND SUPPORT FACILITIES**

I. The Town recognizes that utilitarian and recreational bicycling is a legitimate means of sustainable transportation and is part of a healthy lifestyle contributing to personal wellbeing and environmental sustainability. Cycling considerations will be incorporated at key stages in the Town's land use and transportation planning activities.

II. Bikeways and support facilities, where appropriate, will be designed and provided as a part of new development. Throughout the Town a combination of on-road and off-road bicycle paths will be considered in the overall planning. Such paths are considered part of the transportation system and will be dedicated as public rights-of-way. The bicycle network will be designed to minimize potential danger from other forms of transportation and conflict with pedestrians.

III. The municipality encourages the protection of abandoned rail corridors and other linear corridors for off-road trail use.

IV. The Regional Municipality of Niagara's Bikeways Master Plan will be considered in all designs and implementation of bicycle paths within the Town.

V. The Town, in partnership with the Niagara Region and other stakeholders, will ensure that the development and support of its bicycling network (as identified in Schedule "E") is planned, designed, constructed and maintained according to national and provincial standards and guidelines to help ensure public safety, security and compatibility for all road users.

VI. Bicycle supportive facilities, such as secure bicycle parking, will be considered at public buildings and places as a model for the private sector.

**13.3 NEIGHBOURHOOD PLANS**

I. Neighbourhood Plans do not form part of the Official Plan but are considered Council policy as they are adopted by resolution of Council after consultation with neighbourhood residents and property owners as well as relevant technical agencies and bodies having an interest.

Planning decisions contrary to the goals and objectives of the Plan should not be made without first modifying the Plan. The Neighbourhood Plan process will provide for review and comment of the Plan by relevant agencies to ensure the Plan adequately addresses any technical requirements and provincial policy objectives. Key land use elements of the Neighbourhood Plan will be incorporated by amendment into the Official Plan and implementing Zoning By-law where appropriate. Council

## **APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-07-2023 DATED FEBRUARY 13, 2023**

will seek public and agency input prior to making any significant modifications to the Plan.

II. Neighbourhood Plans will be prepared for areas of the Town to provide a basis for more detailed planning and to indicate how the goals and policies of the Official Plan are to be implemented prior to development proceeding. Neighbourhood Plans also form a basis for the maintenance of relevant statistical data.

III. The Neighbourhood Plan policies of Section 5 of this Plan should be considered in implementing the policy objectives for Neighbourhood Plans.

### **13.5 SUBDIVISION CONTROL**

I. The Subdivision Plan approval process and Subdivision Agreements pursuant to the Planning Act, 1990, will be used by Council to ensure that the policies and land uses of the Official Plan and Secondary Plan are complied with and that a high standard of design is maintained in new development areas.

II. Council will only recommend approval for those Plans of Subdivision which conform with the following criteria:

(a) The Plan of Subdivision conforms with the policies of this Plan;

(b) Adequate servicing such as water supply, sewage disposal facilities, storm water drainage, solid waste collection and disposal, roads, pedestrian facilities and fire and police protection can be provided;

(c) The Town is able to provide necessary services without imposing undue increases in taxation on all residents; and

(d) The Plan of Subdivision is not deemed to be premature, and it is considered necessary in the public interest.

### **13.15 COMPLETE APPLICATION REQUIREMENTS**

II. In order to ensure that all possible information is available to the Town, the public and agencies involved in reviewing an application under the Planning Act, the prescribed information required under the Planning Act shall be provided along with additional information and/or reports that may be required, as determined through pre-consultation, such as but not limited to the matters outlined in 13.15 V.

(i) Information and/or reports shall be prepared by a qualified professional and submitted in an electronic format along with the required number of hard copies to the Town to make this information readily available to the public, internal departments and outside commenting agencies. Where the Town, the Region, the Niagara Peninsula Conservation Authority has requested additional information and/or reports, there may be a request for peer review of any information and/or report. The applicant shall be responsible for costs for a peer review which shall be payable upon submission of an invoice from the Town, the Region or the Niagara Peninsula Conservation Authority.

Check pages 173+ for which studies need to be done.

The TIS did not include anything about the need for pedestrian and cycling provision for the development, to connect the development to Garrison Road and Waverly Beach

### **14.1 LAND USE BOUNDARIES**

II. Changes to the Urban Area Boundaries, Rural or Agricultural Designation will require the approval of the Regional Municipality of Niagara which will require an amendment to the Regional Policy Plan.

## **APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-07-2023 DATED FEBRUARY 13, 2023**

Cultural Potential map Archaeological Area  
Core heritage map Environmental protection area?  
Core heritage map Environmental Conservation area?  
Core heritage map Urban Area  
Natural Heritage map Provincially Significant Wetlands?  
Natural Heritage map Areas of Natural and Scientific Interest?  
Natural Heritage map Significant Natural Area?  
Natural Heritage map Environmental Corridors?  
Natural Heritage map Environmentally Sensitive?  
Official Plan Schedule A.pdf 5 = Kraft Drain Area  
Official Plan Schedule A.pdf Urban residential?  
Official Plan Schedule A.pdf Environmental Conservation?  
Official Plan Schedule A.pdf Environmental Protection?

ZBL map 31 ND = Neighbourhood Development zone (check out previous zoning)

613 Helena is almost surrounded by EP zones as stated and I think the only reason 613 Helena was NOT specifically specified as an EP zone was because it was 'grandfathered' in as a farmstead. The property was 'drained' with ditches to make it dry enough to farm. (check out previous zoning)

I think that allowing this development to proceed without a Neighbourhood Plan will set (continue) a precedent that will allow other large properties in the Kraft Neighbourhood (such as 487 Helena Street) to be similarly developed without a Neighbourhood Plan. (Find out about 452 Albany Street)

Also I've discovered that the TOFE has been (in my opinion) inappropriately approving large developments in other Neighbourhoods, such as the Harbourn town development and the 672 Edgemere Development in the Lakeshore Neighbourhood... without going through the Neighbourhood Plan process... And they were doing this without telling the all the neighbourhood residents that they were doing this.

I'd be VERY concerned about the development buildings having ANY basements, because they will be pumped to stay 'dry' and this will effectively 'drain' the Kraft wetlands. This isn't a single home on a large lot, this is hundreds of potential basements.

If drainage is directed to Helena Street, the entire storm sewer needs to be evaluated / upgraded because it barely handles the existing drainage.

I'm not sure why all the home, property and basement drainage isn't just directed into the wetlands, where most of it would normally go anyway?

I see no provision for widening Helena Street to provide a cycling path / walkway to the Mall Area (Garrison Road) or the Waverly Beach Park. It looks to me that they are proposing ByLaws that would allow over 300 new residences to be built.

The TOFE is considering the development to be an isolated project, without considering ALL the factors that affect ALL the current and future residents of the Kraft Neighbourhood... Since Helena Street is substandard width and the TOFE is mandated to provide safe and convenient pedestrian and cycling to other areas, I feel this issue is only one example of WHY a Neighbourhood Plan should be REQUIRED for this development.

I feel that

#### **APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-07-2023 DATED FEBRUARY 13, 2023**

1. Since the TOFE isn't generally bothering with finalizing Neighbourhood Plans before approving large developments (as required by 4.7.4.1) and
2. Since the TOFE isn't informing ALL the residents of what is happening in their neighbourhood (taking away their right and opportunity to speak) and
3. Since the TOFE has NOT considered and addressed ALL of the factors that WILL affect the neighbourhood (farming and cycling right of way being examples) and
4. Since the TOFE seems to have a policy to have only ONE official public meeting and
5. Since the various experts who are doing studies aren't finished and
6. Since the Regional Authority is dis-satisfied with the development conditions and
7. Since the Conservation Authority is dis-satisfied with the development conditions...

**I believe this public meeting to be premature and propose / request at least one more to be scheduled** to be held AFTER all the appropriate studies are complete to the satisfaction of the appropriate authorities and the TOFE can give the public the definite facts (information) as required by the Provincial Planning Act.

The Planning Impact Assessment (dated September 2018) prepared by Professional Planning Services Inc. states that the Zoning By-law Amendment proposes to rezone the lands from Neighbourhood Development (ND) Zone, Environmental Protection (EP) Zone, and Environmental Conservation (EC) Overlay to a site specific Residential 24 (R2A) Zone for the single detached lots and Residential Multiple 1 (RM1) Zone for the multiple family blocks (semidetached or street townhouse).

A formal pre-consultation meeting (for 613 Helena Street) was held for this development proposal on October 26, 2017

with Town of Fort Erie and Regional staff in attendance. The applications were received by Regional staff on December 3, 2018, with fees received on December 7, 2018.

Regional staff look forward to working with the applicant, and if desired, are willing to meet with the applicant to further discuss the comments. Please feel free to contact Addle Labb6, Senior Environmental Planner at 905-980-6000 ext. 3250 should you have any questions or like to arrange a meeting. Alternatively, please contact Jennifer Whittard, Manager, Environmental Planning at 905-980-6000 ext. 3430 or [jennifer.whittard@niaqararegion.ca](mailto:jennifer.whittard@niaqararegion.ca).

**APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-07-2023 DATED FEBRUARY 13, 2023**

FW: Proposed Draft Plan of Subdivision at 613 Helena StreetMike Hoelzli to Daryl  
 Vander Veen 2023-01-30 03:31 PM  
 Cc "Carol Schofield", mike, "Janet"  
 From "Mike Hoelzli" [redacted]  
 To "Daryl Vander Veen" <dvanderveen@forterie.ca>  
 Cc "Carol Schofield" <cschofield@forterie.ca>, [redacted], [redacted]  
 History: This message has been replied to.

## 2 Attachments



IMG\_3361.jpg IMG\_3360.jpg

Hello Daryl,

I received a Notice of Public Meeting today in the mail. The meeting is or was scheduled for the 23<sup>rd</sup> of January... coincidentally the same day as your Post Mark. I have included a photo of both for your reference. You will need to explain this. You will also have to explain why I did not receive the notice by e-mail, as per your statement below. I have highlighted the comment in yellow.

As for my last e-mail to you, which I have also included here, I have not received any sort of acknowledgement. How would I know if any of my comments, concerns or question have been reviewed or considered? Once again, my comments may be pre-mature at this point, but I have no way of knowing that.

Regards,  
 Mike Hoelzli

---

**From:** Mike Hoelzli [redacted]  
**Sent:** Wednesday, October 05, 2022 4:30 PM  
**To:** 'Daryl Vander Veen'  
**Cc:** [redacted]  
**Subject:** RE: Proposed Draft Plan of Subdivision at 613 Helena Street

Hi Daryl,

Thank you for getting back to me. Coincidentally, your Postponement letter just arrived today. I haven't seen the envelope yet... I'm curious to see what the postmark is dated for.

Yes, adding me to the e-mail list will be great. I do appreciate that. I will mention that, way back in January of 2019, I had e-mail correspondence with Carol on this, and I was to be added to the e-mail list then already. No worries, I'm sure this will work going forward.

As for comments, I do have concerns that may or may not be addressed or identified by the NPCA. So, some of my comments/questions may be pre-mature at this point.

Referring to DP 1.0, SCHEDULE "1" (attached)

1. This Draft Plan does not show, or may just not be legible, any elevation points throughout the proposed subdivision.
  - a. Has a topographical survey been performed?
  - b. If not, when will this be done?
  - c. If it has, is it available for review?
2. Block 18 is labelled as "Stormwater Management" area



**APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-07-2023 DATED FEBRUARY 13, 2023**

- a. Without having a detailed explanation of how this area is intended to function , I would assume that it is an area that will accept and hold the rainwater run-off from the developed area.
  - b. What will happen if a rain/snow or water event occurs that is beyond the capacity of the reservoir?
  - c. Where will the overflow spill to?
  - d. Will the neighbouring properties affect the function of the reservoir?
  - e. Will the reservoir potentially receive water from neighbouring properties or possibly discharge onto neighbouring properties?
3. Block 19 is labelled as "Environmental Lands" area
- a. There is no specific detail plan for this area... trees, walking paths, playground, etc..
  - b. What is the intended purpose for this area, short term and long term?
  - c. Is this area suitable for future development... more housing/construction?
  - d. Does the proposed plan have a mechanism in place which buffers the proposed subdivision, specifically Blocks 18 & 19, from the neighbouring properties?
  - e. How will the developer ensure that any intended or unintended trespassing does not occur on neighbouring properties, during construction and then after completion of the subdivision once the developer has moved on?

So, these are my concerns up until now. As this progresses, I may have more. If you prefer, I can create a new e-mail and send this through again.

Please let me now if you need any other information from me.

And once again,

Thank you for getting back to me so quickly.

Best regards,

Mike Hoelzli

**From:** Daryl Vander Veen [<mailto:DVanderVeen@forterie.ca>]

**Sent:** Wednesday, October 05, 2022 2:26 PM

**To:** Mike Hoelzli

**Subject:** Re: Proposed Draft Plan of Subdivision at 613 Helena Street

Hello Mike,

Thanks for reaching out and apologies for the cancelled meeting. The meeting was postponed due to issues arising regarding potential unevaluated wetlands on the property that were identified by the NPCA during a recent site visit. If the unevaluated wetlands are confirmed the Applicant will need to revise their development proposal. I mailed out another round of notices noting that the meeting was cancelled but it must not have reached you in time.

I'll add you to the email list so you will be included on any future notices or updates on this development. To provide further comments you can send them to me via email and I will include them in the future reports to Council on the application. The comments will be placed on the public record but we will remove your email address and/or phone number for privacy purposes. You can also attend the Public Meeting in-person or virtually via Zoom to provide comments directly to Council once a new Public Meeting date.

If you have any questions or wish to discuss the proposed development with Town planning staff let me know and I can arrange for a meeting next week.

Regards,

Daryl

**APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-07-2023 DATED FEBRUARY 13, 2023**

Daryl Vander Veen, BES  
Intermediate Development Planner

Planning & Development Services  
The Corporation of the Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, Ontario, L2A 2S6  
Phone: 905-871-1600 ext. 2509  
Email: dvanderveen@forterie.ca

From: "Mike Hoelzli" [redacted]  
To: "Daryl Vander Veen" <dvanderveen@forterie.ca>, "Carol Schofield" <cschofield@forterie.ca>  
Cc: [redacted]  
Date: 2022-10-04 05:05 PM  
Subject: Proposed Draft Plan of Subdivision at 613 Helena Street

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Hello,

My name is Mike Hoelzli, and I am an owner of land that directly contacts the Helena Street property. My property fronts on to Kraft Road and meets the Helena property at the east boundary line.

I received a Notice of Public Meeting letter by regular mail a short time ago, inviting me to the meeting being held October 3, 2022... yesterday evening. I did attend the meeting, but was a bit surprised that the discussions pertaining to this particular topic had been postponed. Somehow, I missed that memo. Regardless, I did stay for the entire council meeting and took this in as a learning experience... sorry to say that it was a very painful two and a half hours.

The main reason for this e-mail is to ensure that I have done my part in making sure that I receive information regarding this case, either through regular mail or by e-mail. I do not want to miss an opportunity to either receive important information or miss my turn to speak up. So, I do understand that there is an option for me to provide input in writing. Is there a format the needs to be followed? How does my correspondence get acknowledged and attached to this case? How will I be informed of any future meetings and/or information?

Thank you in advance,

Mike Hoelzli

Cell [redacted]

[attachment "DOC148.pdf" deleted by Daryl Vander Veen/FortErie]





## Planning and Development Services

<b>Prepared for</b>	Council-in-Committee	<b>Report No.</b>	PDS-08-2023
<b>Agenda Date</b>	February 13, 2023	<b>File Nos.</b>	350309-0556 & 350302-163

<b>Subject</b>	<b>PROPOSED COMBINED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT 271 RIDGEWAY ROAD ACK ARCHITECTS STUDIO INC. – MICHAEL ALLEN (AGENT) DCS NIAGARA DEVELOPMENTS INC. – RICK BOIVIN (OWNER)</b>
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<b>Recommendations</b>	<p><b><u>THAT</u></b> Council approves the amendments to the Town's Official Plan and Zoning By-law No. 129-90 as detailed in Report No. PDS-08-2023 for the lands known as 271 Ridgeway Road, and further</p> <p><b><u>THAT</u></b> Council directs Staff to submit the necessary By-laws.</p>
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<b>Relation to Council's 2018-2022 Corporate Strategic Plan</b>	Priority: Managed Growth through Responsibility, Stewardship and Preservation
-----------------------------------------------------------------	-------------------------------------------------------------------------------

<b>List of Stakeholders</b>	ACK Architects Studio Inc. – Michael Allen (Agent) DCS Niagara Developments Inc. – Rick Boivin (Owner) Residents and Property Owners in the Town of Fort Erie
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Prepared by:	Submitted by:	Approved by:
<b>Original Signed</b>	<b>Original Signed</b>	<b>Original Signed</b>
Mackenzie Ceci Senior Development Planner	Alex Herlovitch, MCIP, RPP Director, Planning and Development Services	Chris McQueen, MBA Chief Administrative Officer
Reviewed by:		
<b>Original Signed</b>		
Anamika Dilwaria, MCIP, RPP Manager, Development Approvals		

### Purpose

The purpose of this report is to provide information with respect to the February 13<sup>th</sup>, 2023 Public Meeting, and recommendations to Council regarding the proposed Combined Official Plan and Zoning By-law Amendment application. The Recommendation Report is being presented to Council the same evening as the Public Meeting since there was a low level of interest from area residents, and the proposal largely aligns with the intent of the Crystal Beach Secondary Plan.

The application was submitted by Michael Allen of ACK Architects Studio Inc., Applicant/Agent for Rick Boivin of DCS Niagara Developments Inc., who is the Owner of the subject property. A Location Plan of the subject property is attached as **Appendix “1”**.

The Combined Official Plan and Zoning By-law Amendment applications propose to redesignate and rezone the property to Commercial and a site-specific General Commercial (C2) Zone, respectively, to facilitate the adaptive reuse of the former Fire Station No. 6 in Crystal Beach for the purpose of establishing a medical clinic, pharmacy, and an incidental medical laboratory. The proposed Site Plan is attached as **Appendix “2”**.

### Nature of the Site

The subject property is located in the Crystal Beach neighbourhood of the Town of Fort Erie, on the west side of Ridgeway Road. The subject property is approximately 1,912 m<sup>2</sup> (0.19 ha) in size, with approximately 62.91 m of frontage on Ridgeway Road. The property contains a building that was formerly used as Fire Station No. 6.

The following summarizes the land uses surrounding the subject property:

**North:** Single detached dwellings;  
**South:** Single detached dwellings;  
**East:** Ridgeway Road, Tim Hortons, other commercial establishments, and single detached dwellings; and  
**West:** Cambridge Road East and single detached dwellings.

### **Planning Context**

#### **2020 Provincial Policy Statement (PPS)**

The subject property is located within a Settlement Area under the 2020 Provincial Policy Statement (PPS). The policies of the PPS direct growth and development to Settlement Areas, and encourage the building of strong, sustainable, and resilient communities through the efficient use of land, resources, infrastructure, and public service facilities that are planned or available. The PPS also encourages a diverse mix of land uses that provide an appropriate supply and range of housing options, and opportunities for intensification, the redevelopment of underutilized lands, and infill development, where appropriate.

The proposal complies with the policies outlined in the PPS as it will facilitate an efficient use of urban land and existing municipal infrastructure, encourages a diverse mix of land uses, and promotes the building of a strong and complete community for residents of all ages.

#### **2020 Growth Plan for the Greater Golden Horseshoe (Growth Plan)**

The subject property is located within the Greater Golden Horseshoe Growth Plan Area, and is contained within the Delineated Built-up Area. The Growth Plan contains policies that encourage infill and intensification, and the development of complete communities with a diverse mix of land uses that promote economic development and competitiveness, and provide a range of housing types.

The proposal complies with the policies outlined in the Growth Plan as it assists with diversifying land uses in the community, and contributes to the development of a complete community by providing essential medical services in proximity to where people live.

#### **2022 Niagara Official Plan (NOP)**

The 2022 Niagara Official Plan (NOP) identifies the subject lands as being located within the Urban “Built-up” Area of the Town. Built-up areas are planned to accommodate a compact built form, mix of land uses, and public service facilities in order to support the creation of complete communities. Further, built-up areas are planned to support social equity, public health and safety, and the overall quality of life for people of all ages, abilities and incomes.

The proposal complies with the policies outlined in the NOP. The proposal will provide essential medical services to residents of the Crystal Beach community in a convenient location. Further, the proposal contributes to the development of a complete community.

### **Town of Fort Erie Official Plan & Crystal Beach Secondary Plan**

The subject property is designated Institutional in the Town of Fort Erie Official Plan. The Institutional land use designation is predominantly reserved for public uses and operations carried on by, or on behalf of the Town of Fort Erie, Regional Municipality of Niagara, Province of Ontario, Government of Canada, Peace Bridge Authority, or Niagara Parks Commission. Permitted uses include, but are not limited to, schools, religious, social and cultural facilities, public hospitals, residential care and health care facilities, and nursing and retirement homes.

The subject property is designated Medium Density Residential in the Crystal Beach Secondary Plan, which was approved by Council in 2021. As the Secondary Plan is currently under appeal, the associated policies are not in force and effect. The *Clergy Principle*, a policy of the Ontario Land Tribunal, generally provides that a *Planning Act* application should be reviewed against the policy documents that are in effect at the time of the application. As such, this application will be reviewed against the current policies of the Town's Official Plan. However, Staff note that the site-specific Medium Density Residential policies under the Crystal Beach Secondary Plan allow for the site and existing building to be utilized for commercial uses as defined in the implementing By-law. As the Applicant is only proposing a commercial redevelopment at this time, a residential designation is not being requested.

The subject property is not located within a zone of archeological potential in accordance with Schedule D of the Town's Official Plan, and is not impacted by natural heritage features, hazards, or fish habitats in accordance with Schedules C and C1. Further, the Schedule B of the Official Plan illustrates that the subject property is not located within a petroleum resource area.

The Applicant is proposing to redesignate the property to the Commercial land use designation to facilitate the adaptive reuse of the former Fire Station No. 6 for the purpose of establishing a medical clinic, pharmacy, and an incidental medical laboratory, as detailed in **Appendix "2"** and **Appendix "3"**. Staff note that the introduction of a Site Specific Policy Area is required to permit the proposed medical laboratory.

Section 13.7 III of the Town's Official Plan details criteria for consideration when an amendment to the Official Plan is proposed. Staff have addressed the relevant criteria in detail below:

- a. The need for the proposed use;

Currently, the Crystal Beach community does not have a medical clinic, pharmacy or medical laboratory to serve its residents. The proposed use will provide essential services to residents of all ages, and will contribute to the development of a complete community wherein people can live, work, and play.

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

Commercial establishments are present throughout the Crystal Beach community. However, the proposed designation will introduce proposed uses (medical clinic, pharmacy, and medical laboratory) that are currently absent from the community.

- 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 property is not constrained by any natural heritage features. The site itself is physically suitable for the proposed uses.

- 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 Public Health Department and any other appropriate authority deemed advisable.

The subject property is located within the urban boundary and will tie into existing municipal water and sanitary services. The property is considered to be fully serviced.

Further, pedestrian infrastructure and points of vehicular ingress and egress are available along Ridgeway Road and Cambridge Road East, providing convenient pedestrian and vehicular access to the site.

There are currently no defined points of ingress or egress to the site as there are no curbs along Cambridge Road East or Ridgeway Road. By defining points of ingress and egress, the proposal may improve the circulation of vehicular traffic on and surrounding the site.

- e. The compatibility of the proposed use with uses in adjoining areas;

The Fire Station was constructed in the 1960s and has reached a level of compatibility with adjacent residential uses over the past approximately 60 years. The proposed use and redevelopment will introduce landscaping to an otherwise paved and impervious site, and will increase the separation between parking areas and the adjacent residential uses.

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

There is no evidence to suggest that the proposed redevelopment will have a depreciating or deteriorating effect on adjoining properties.

- g. The potential effect of the proposed use on the financial position of the municipality; and

The proposed uses will not negatively affect the financial position of the municipality as all works associated with the proposed redevelopment are the responsibility of the Owner/Developer.

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

The proposed uses and redevelopment are not anticipated to impact the intent and implementing regulations of the Environmental Protection Act.

### **Comprehensive Zoning By-law No. 129-1990**

The subject property is zoned Public (P) Zone in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-90, as amended. Permitted uses include the following:

- (a) Public uses and operations carried on by, or on behalf of the Town of Fort Erie, Regional Municipality of Niagara, Province of Ontario, Government of Canada or agency thereof, and specifically including the Peace Bridge Authority and The Niagara Parks Commission, and, without limiting the generality of the foregoing shall include public libraries, post offices, police stations, public hospitals, water treatment plants, sewage treatment plants, works and yards, weigh-scales and fruit and vegetable inspection stations.
- (b) Uses, buildings and structures accessory to any permitted use

The subject property is zoned site-specific Residential Multiple 1 (RM1-679) Zone in the Crystal Beach Secondary Plan. However, in accordance with the *Clergy Principle*, this application will be reviewed against the current Zoning By-law. However, Staff note that

the site-specific RM1-679 Zone under the Crystal Beach Secondary Plan allows for the site and existing building to be utilized for commercial uses in accordance with the General Commercial (C2) Zone provisions, which permits uses such as clinics and pharmacies. As the Applicant is only proposing a commercial redevelopment at this time, a site-specific RM1 zoning is not being requested.

To facilitate the adaptive reuse of the existing building for medical offices, a pharmacy, and an incidental medical laboratory, the Applicant is proposing to rezone the property to a site-specific General Commercial (C2) Zone. Site-specific relief is being sought to recognize the existing southerly interior side yard setback, and to reduce the setback between parking areas and adjacent street lines or residential zones. Further, the Applicant is proposing to add a “medical laboratory” as a site-specific permitted use. A summary of the standard C2 Zone requirements is provided in **Table 1** below alongside the proposed site-specific zoning provisions and an analysis regarding their inclusion and merit.

**Table 1.** Standard C2 Zone provisions alongside requested site-specific amendments, and an analysis thereof.

PROVISION	PERMITTED	PROPOSED	ANALYSIS
Permitted uses - Subsection 20.2 (a)	All of the uses listed under <a href="#">Subsection 20.2 (a)</a> of the Town's Zoning By-law	All of the uses listed under <a href="#">Subsection 20.2 (a)</a> of the Town's Zoning By-law in addition to “medical laboratory”	Medical laboratories are generally viewed as an industrial use in the Town's Zoning By-law, and are envisioned as large-scale operations. With respect to this development application, the proposed medical laboratory will be incidental to the medical offices and pharmacy, and will be a small-scale operation that provides services that support the main use. To ensure that the proposed use remains incidental to the main use, Staff recommend that a site-specific zoning provision is included that only permits a medical laboratory incidental to, and in conjunction with a medical clinic.

Minimum Side Yard Setback (southerly) – Subsection 20.3	4.0 m expect:  (iv) Where the yard abuts any Residential Zone, minimum 4.5 m	0.43 m (as existing)	The building and setback are existing and have reached a level of compatibility with the adjacent residential uses.
Parking Area Location on a Lot – Subsection 6.20 (I)	Uncovered surface parking areas are permitted in all yards provided that no part of any parking area, other than a point of ingress/egress, is located closer than 3.0 m to any street line or to any residential zone	Southerly: 1.33 m (as existing)  Northerly: 1.72 m and 1.50 m  Easterly: 1.50 m  Westerly: 2.37 m and 1.65 m	The parking areas on the existing site are at a 0 m setback from street lines and adjacent residential uses. As there are no curbs along Cambridge Road East or Ridgeway Road, there is no defined point of ingress or egress to the site. Although reductions are being requested, the proposal will result in an overall improvement with respect to separation and site circulation by increasing the separation between adjacent residential uses, and defining points of ingress and egress. The proposal will also improve the streetscape and interface along Cambridge Road East and Ridgeway Road.

Upon further review of the application, Staff identified that relief from Subsection 6.21 (b) – Planting and Landscaping Strips is also required. Subsection 6.21 (a) of the Zoning By-law states that where a lot is used for a non-residential purpose, and the interior side or rear lot line abuts a Residential zone, then a strip of land adjoining such abutting lot line shall be used for no other purpose than a planting strip. Subsection 6.21 (b) subsequently states that where land is required to be used for no other purpose than a planting strip, the planting strip shall have a minimum width of 3.00 m measured perpendicular to the lot line it adjoins. This provision works in tandem with the Parking Area Location on a Lot provision under Subsection 6.20 (I) of the Zoning By-law as the 3.00 m setback from parking areas ensures that a 3.00 m planting strip can be accommodated.

Staff support a reduction to 1.50 m along the majority of the northerly lot line as it will still result in an increase in the total amount of landscaped open space area on site where currently none exists. Staff support a reduction to 0 m along part of the northerly



lot line in the northeast corner of the site to ensure that this asphalt area can continue to be used by the Owners of 261 Ridgeway Road for parking / maneuvering purposes. Lastly, Staff support a reduction to 0.43 m along the southerly lot line to recognize existing conditions.

### **Development Agreement**

Given that the building is existing, and that on-site works are limited to landscaping, curbing, and parking area alterations, the Applicant will be entering into a Development Agreement with the Town rather than going through the Site Plan Approval process. As part of the Development Agreement, the Applicant would be required to provide securities to the Town based on a cost estimate for the on-site works proposed. These securities would be released once the on-site works are completed to the satisfaction of the Director, Infrastructure Services. As entering into a Development Agreement is generally a quicker process than the Site Plan Approval process, pursuing this option will allow the Applicant to proceed with the renovations and on-site works sooner. It is Staff's understanding that the medical clinic will be operational by September of 2023.

### **Studies**

A [Functional Servicing Report](#) was submitted with the application. The findings of the Report are discussed in detail throughout this Report.

### **Financial/Staffing and Accessibility (AODA) Implications**

All costs associated with processing the application is the responsibility of the Owner. No staffing implications are expected.

No impediments to the AODA legislation are expected to be developed as a result of the proposed application.

### **Policies Affecting Proposal**

A Public Information Open House for this application was held on January 12<sup>th</sup>, 2023. All property owners within 120 metres of the subject property were notified of the Open House via mailed notice.

Notice of the February 13<sup>th</sup>, 2023 Public Meeting was circulated in accordance with the *Planning Act* by placing an advertisement in the January 19<sup>th</sup>, 2023 edition of the *Fort Erie Post*. In addition, all property owners within 120 metres of the subject property were mailed a "Notice of Complete Application and Public Meeting" on January 24<sup>th</sup>, 2023.

Land use policies that apply to the subject property are contained in the Town's Official Plan and applicable Regional and Provincial regulations.

## Comments from Relevant Departments/Community and Corporate Partners

A request for comments regarding this application was circulated to relevant Departments/Community and Corporate Partners on December 12<sup>th</sup>, 2022. Comments received are summarized below. Detailed comments are attached as **Appendix “4”**.

### **Agency Comments**

#### Niagara Region

The proposed Amendments involve the conversion of an institutional use (former Fire Station) to a commercial use (pharmacy and medical offices). This proposed change in use does not constitute a change to a more sensitive land use in accordance with the *Environmental Protection Act* and Ontario Regulation 153/04. As such, a Record of Site Condition was not requested.

Regional Planning and Development Services Staff do not object to the proposed concurrent Local Official Plan and Zoning By-law Amendment application, as it is consistent with the Provincial Policy Statement, and conforms to Provincial and Regional growth management policies.

#### Mississaugas of the Credit First Nation

No comments or concerns

#### Enbridge

No objections

### **Staff Comments**

#### Engineering Division

A Functional Servicing Report, prepared by Hallex Engineering Ltd. and dated November 25<sup>th</sup>, 2022, was submitted with the application. The Report was prepared to determine the functional sizing of the proposed storm, sanitary and water services, in addition to the post-development flows from the site, and the impact on the existing municipal infrastructure. Development Approvals Staff reviewed the Report and development application on behalf of Infrastructure Services, Engineering Division. The following summarizes the findings of the Report, and comments from a Town engineering perspective:

- The existing site currently drains via overland flow partly to the drainage system at Ridgeway Road, and partly to the drainage system at Cambridge Road East. The site does not appear to be serviced with a storm lateral connection;

- The post-development stormwater runoff is expected to decrease overall. As such, stormwater quantity controls are not proposed for this development, and the original overland sheet flow drainage pattern is proposed to be maintained;
- The site is serviced; however, the location of the existing sanitary lateral is unknown. The sanitary lateral is suspected to drain towards the Cambridge Road East sanitary infrastructure, which consists of a 250 mm municipal sanitary sewer. Ridgeway Road consists of a 300 mm municipal sanitary sewer;
- The post-development sanitary peak flow for the site is expected to decrease overall;
- The site is serviced; however, the location of the existing water service is unknown. The water service is suspected to connect to the watermain infrastructure on Cambridge Road East, which consists of a 150 mm municipal watermain. Ridgeway Road consists of a 150 mm municipal watermain;
- The post-development domestic water demand for the site is expected to decrease overall; and
- There are three existing municipal fire hydrants located near the site. The first is located at the northwest corner of the site, the second is located adjacent to the northeast corner of the site on the east side of Ridgeway Road, and the third is approximately 30.3 m northwest of the property near the intersection of Essex Place and Cambridge Road East. The existing hydrants are expected to provide sufficient coverage for the fire protection of the building.

Staff agree with the conclusions of the Report. The proposed development will not have a negative impact on the existing sanitary sewer system, and is expected to result in a net decrease of sewage to the system.

Staff offer no objections to the proposed Official Plan and Zoning By-law Amendments.

#### Building Division

No comments.

#### **Public Comments**

A Public Information Open House for this application was held on January 12<sup>th</sup>, 2023. Two members of the public from a common household were in attendance. As of the writing of this report, no additional comments have been received from area residents. Public comments and questions are summarized below, alongside responses from Town Planning Staff.

### Privacy

A question was raised regarding whether the proposed redevelopment would have an impact on the adjacent residential uses to the north.

#### *Staff's Response*

Staff note that the building is existing and has reached a level of compatibility with surrounding land uses. The Applicant is proposing to increase the setback and landscaping between the parking area and the common lot line. Staff are of the opinion that compatibility will be improved as a result of this proposal.

### Parking

A question was raised regarding whether the proposed redevelopment would have an impact on the landowners' current parking situation.

#### *Staff's Response*

Staff note that the Owners of 261 Ridgeway Road, located to the north of the subject property, currently use the northeastern corner of the subject property to maneuver into their parking space. The Applicant advised the Owners that no changes are being made to that corner of the property. The Applicant advised Staff and the Owners that they plan to formalize this arrangement, which will protect the interests of both parties.

### **Alternatives**

Council may elect to deny the Combined Official Plan and Zoning By-law Amendment application. Planning Staff do not recommend this as the proposal is consistent with Provincial, Regional, and Town planning policies, and represents good land use planning.

### **Second Opinion Clause**

Should a motion be placed before Council that does not support Planning Staff's recommendations, Council is advised to table its decision to consider the matter further or until such time as a second planning opinion on the motion, from an independent planning consultant, can be obtained. If the Applicant has an opinion from an independent planning consultant then Council can consider their report as the second planning opinion. In the event, the second planning opinion, obtained by the Clerk or provided by the Applicant, is supported by Council, and Council makes a decision based on that second planning opinion, then the planner who has provided the second opinion shall be retained for the purpose of an Ontario Land Tribunal hearing. The procedures under PLA-06 shall be followed as well.

### **Communicating Results**

There are no communication requirements at this time.

### **Conclusion**

Planning Staff are of the opinion that the proposed Combined Official Plan and Zoning By-law Amendment application represents good planning. The application will facilitate the adaptive reuse of the former Fire Station No. 6 in Crystal Beach for the purpose of establishing a medical clinic, pharmacy, and an incidental medical laboratory. The proposal aligns with the intent and objectives of the Official Plan and the Crystal Beach Secondary Plan, alongside Provincial and Regional policies. Staff are of the opinion that the proposed redevelopment responds to, and respects the adjacent residential uses by improving separation and overall compatibility. For these reasons, Planning Staff recommend that Council approves the Combined Official Plan and Zoning By-law Amendments as proposed.

### **Attachments**

**Appendix “1”** - Location Plan


**Appendix “2”** - Site Plan

**Appendix “3”** - Conceptual Renderings

**Appendix “4”** - Staff and Agency Comments

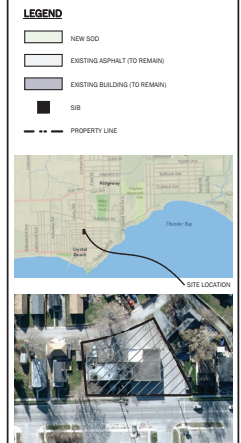


**LOCATION PLAN**  
**Combined Official Plan and Zoning By-law Amendment**  
**271 Ridgeway Road**

 Subject Lands - 271 Ridgeway Road







ALL CONTRACTORS AND/OR TRADES SHALL VERIFY ALL DIMENSIONS, NOTES, SITE AND REPORT ANY DISCREPANCIES PRIOR TO COMMENCEMENT OF THE WORK. THIS DRAWING NOT TO BE SCALED, ALL DRAWINGS, PRINTS AND RELATED DOCUMENTS ARE THE PROPERTY OF THE ARCHITECT AND MUST BE RETURNED UPON REQUEST. REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN PART OR IN WHOLE IS STRICTLY FORBIDDEN WITHOUT WRITTEN CONSENT. DRAWINGS TO BE FOR THE PURPOSE FOR WHICH THEY ARE ISSUED.

[illegible]

COMMISSION:

LIVEWELL MEDICAL

271 RIDGEWAY ROAD, CRYSTAL BEACH, ONTARIO L0S 1B0



A · C · K  
architects  
STUDIO INC.

Architectural Office:  
290 Glendale Ave., St. Catharines, ON, L2T 2L3  
905.684.5546

SHEET TITLE:

## SITE PLAN

DRAWN BY:	AM	DRAWING No.:  <b>SP1</b>
CHECKED BY:	CH, JMR, MDA	
DATE ISSUED:	10/05/22	
PROJECT No.:	2022-178	

## APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-08-2023 DATED FEBRUARY 13, 2023

271 RIDGEWAY ROAD,  
CRYSTAL BEACH, ON





# APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-08-2023 DATED FEBRUARY 13, 2023

APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-08-2023 DATED FEBRUARY 13, 2023

271 RIDGEWAY ROAD,  
CRYSTAL BEACH, ON





## **Planning and Development Services**

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

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### **Via Email**

January 5, 2023

Region Files: D.10.01.OPA-22-0044  
D.18.01.ZA-22-0100

Mackenzie Ceci  
Intermediate Development Planner  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, ON, L2A 2S6

Dear Ms. Ceci:

**Re: Regional and Provincial Review Comments  
Concurrent Local Official Plan & Zoning By-law Amendments  
Applicant: ACK Architects (c/o Michael Allen)  
Agent: Upper Canada Consultants (c/o Ethan Laman)  
271 Ridgeway Road (Phase 1)  
Town of Fort Erie**

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Regional Planning and Development Services staff have reviewed proposed concurrent Local Official Plan and Zoning By-law Amendment Applications for 271 Ridgeway Road. The Region received its circulation of these Applications from the Town on December 12, 2022. The subject property is the former site of the Crystal Beach Fire Station.

The property is currently designated 'Institutional' in the Town's Official Plan, and zoned 'Public (P) Zone' in the Town's Comprehensive Zoning By-law (No. 129-90). The Applicant is proposing to redesignate the property to 'Commercial' and to rezone it to a site-specific 'General Commercial (C2) Zone' in order to include 'medical laboratories' as a permitted use and to address various technical zoning deficiencies.

A virtual pre-consultation meeting for this proposal occurred on November 10, 2022 with the Regional staff, Town staff, and Applicant in attendance. At the meeting, the Applicant had indicated that the site would be subject to a multi-phased development, with the current Phase 1 Commercial development proceeding ahead of a residential expansion as a future Phase 2. Staff acknowledge that subsequent *Planning Act* Applications (i.e., Local Official Plan Amendment, Zoning By-law Amendment, and Site Plan) will be required to facilitate the Phase 2 development.

The following comments are provided from a Provincial and Regional perspective to assist Council in its consideration of these Applications for the Phase 1 development.

*D.10.01.OPA-22-0044*

*D.18.01.ZA-22-0100*

*January 5, 2023*

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Additional Regional comments and requirements for Phase 2 will be provided through its future review under a separate cover.

## **Regional and Provincial Policies**

The lands are designated "Settlement Area" under the *Provincial Policy Statement, 2020* ("PPS"), and designated "Delineated Built-Up Area" under *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan") and the *Niagara Official Plan, 2022* ("NOP").

Provincial policies direct growth to Settlement Areas and the Delineated Built-Up Area that provide for an appropriate range and mix of uses and housing types that make efficient use of existing servicing, infrastructure, and public service facilities. Within Delineated Built-Up Areas, intensification and infill in a compact-built form is encouraged that offers a mix of uses at an appropriate scale and transition that respects the surrounding urban fabric.

Regional staff has reviewed the "*Planning Justification Brief*" prepared by Upper Canada Consultants (dated November 2022) and is satisfied that the proposed Amendments will not establish new uses that are less compatible with nearby existing and planned uses. The proposed Amendments will facilitate the redevelopment of an existing underutilized property that will help support employment and job creation in the Town. Further, the future planned Phase 2 residential expansion will ultimately result in a mixed use development (commercial and residential uses) that will support a complete community concept and contribute to the diversification of Niagara's housing supply (apartment units) in Niagara.

As such, Regional staff does not object proposed Amendments, as they are consistent with the PPS and conform to Provincial and Regional growth management policies, subject to the comments below.

## **Site Condition**

The proposed Amendments associated to Phase 1 of this development involves the conversion of an institutional use (fire station) into a commercial use (pharmacy and medical offices). This proposed change in use does not constitute a change to a more sensitive land use in accordance with the *Environmental Protection Act* and Ontario Regulation 153/04. As such, a Record of Site Condition ("RSC") is not required for these Applications and staff does not offer any site condition requirements at this time.

The Applicant is advised that with respect to the future Phase 2 residential development that the introduction of a new sensitive residential use will require obtaining a RSC in accordance with the *Environmental Protection Act* and Ontario Regulation 153/04, as amended, in order to demonstrate that site's condition meets the appropriate standards to safeguard the health and safety of the future occupants / users of the proposed use.

*D.10.01.OPA-22-0044*

*D.18.01.ZA-22-0100*

*January 5, 2023*

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## **Waste Collection**

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are not exceeded:

- Recycling blue / grey bins or containers – no limit (collected weekly).
- Organic green bins or containers – no limit (collected weekly).
- Garbage / waste bags or cans – 8 maximum (collected every-other-week).
- Collection will be at the curbside only.

If the above mentioned collection limit cannot be met, then waste collection will be the responsibility of the Owner through a private contractor and not Niagara Region.

## **Conclusion**

In conclusion, Regional Planning and Development Services staff does not object to the proposed concurrent Local Official Plan and Zoning By-law Amendment Applications, as they are consistent with the PPS and conform to Provincial and Regional growth management policies. Town staff should be satisfied that the proposed development is compatible with the surrounding local context and that the Applications adhere to any local applicable requirements and provisions.

Regional staff notes that given the site-specific nature of the Local Official Plan Amendment Application, the Amendment is exempt from Regional Council approval in accordance with NOP Policy 7.4.1.6, the Memorandum of Understanding, and Regional By-law No. 2019-73.

Please contact the undersigned at [Alexander.Morrison@niagararegion.ca](mailto:Alexander.Morrison@niagararegion.ca) with regards to any questions about the comments in this Letter. Please send a copy of the Staff Recommendation Report, as well as the Notice of Council's Decision once available.

Respectfully,



Alexander Morrison, MCIP, RPP  
Senior Development Planner, Niagara Region

cc: Chris Pirkas, Development Approvals Technician, Niagara Region





December 12, 2022

Mackenzie Ceci  
Intermediate Development Planner  
The Corporation of the Town of Fort Erie

Dear Mackenzie,

We are the Mississaugas of the Credit First Nation (MCFN), the descendants of the Mississaugas of the River Credit. Our traditional territory extends from the Rouge River Valley in the east, across to the headwaters of the Thames River, down to Long Point on Lake Erie, and back along the shores of Lake Erie, the Niagara River, and Lake Ontario to the Rouge River Valley. It encompasses present-day London, Hamilton, and Toronto, as well as our communal lands. Our traditional territory has defined and sustained us as a First Nation for countless generations, and must continue to do so for all our generations to come.

Thank you for your notification on **271 Ridgeway Road, Fort Erie Project** dated **December 12, 2022**. The MCFN has treaty rights across its traditional territory, including the area contemplated by your project. For further information, please see our website, <http://www.newcreditfirstnation.com/>. MCFN continues to exercise treaty rights which include, but are not limited to, rights to harvest, fish, trap and gather species of plants, animals and insects for any purpose including food, social, ceremonial, trade and exchange purposes. The MCFN also has the right to use the water and resources from the rivers, creeks and lands across the MCFN traditional territory.

At this time, MCFN *does not* have a high level of concern regarding the proposed project and therefore, by way of this letter, approves the continuation of this project. However, MCFN requests that you continue to notify us about the status of the project. **In addition, we respectfully ask you to immediately notify us if there are any changes to the project as they may impact MCFN's interests and that you please provide us with a copy of all associated environmental and archaeology reports.** This includes, but is not limited to changes related to the scope of work and expected archaeological and environmental impacts.

Additionally, MCFN employs Field Liaison Representatives ("FLRs") to act as official representatives of the community and who are answerable to MCFN Chief and Council through the Department of Consultation and Accommodation. The FLRs' mandate is to ensure that

#### DEPARTMENT OF CONSULTATION AND ACCOMMODATION

Mississaugas of the Credit First Nation  
4065 Hwy #6, Hagersville, Ontario N0A 1H0



Phone: (905) 768-4260

MCFN's perspectives and priorities are considered in the field and to enable MCFN to provide timely, relevant, and meaningful comment on the Project. Therefore, **it is MCFN policy that FLRs are on location whenever any fieldwork for environmental and/or archaeological assessments are undertaken.** It is expected that the proponent will cover the costs of this FLR participation in the fieldwork. Please also provide the contact information of the person, or consultant, in charge of organizing this work so they may facilitate the participation of the MCFN FLRs.

Nothing in this letter shall be construed as to affect the Aboriginal or Treaty rights and hence shall not limit any consultation and accommodation owed to MCFN by the Crown or any proponent, as recognized by section 35 of the Constitution Act, 1982.

MCFN reserves the right in relation to any development project or decision, to decide whether it supports a project and to: comment to regulators, participate in regulatory processes and hearings, seek intervener funding or status, or to challenge and seek remedies through the courts.

**MCFN expects the Crown and all proponents to act according to the following best practices:**

- Engage early in the planning process, before decisions are made
- Provide information in meaningful and understandable formats.
- Convey willingness to transparently describe the project and consider MCFN concerns.
- Recognize the significance of cultural activities and traditional practices of the MCFN
- Demonstrate a respect for MCFN knowledge and uses of land and resources.
- Understand the importance of youth and elders in First Nation communities.
- Act with honour, openness, transparency and respect.
- Be prepared to listen and allow time for meaningful discussion.

Sincerely,



Abby (LaForme) Lee  
Acting Consultation Coordinator  
MCFN Department of Consultation and Accommodation (DOCA)

cc – Mark LaForme; Director, MCFN DOCA



**RE: [External] Town of Fort Erie Request for Comments - Proposed Combined Official Plan & Zoning By-law Amendment - 271 Ridgeway Road**

**Municipal Planning** to Mackenzie Ceci

12/20/2022 03:48 PM

From "Municipal Planning" <MunicipalPlanning@enbridge.com>  
To "Mackenzie Ceci" <MCeci@forterie.ca>

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Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

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

Thank you,

**Casey O'Neil** (she/her)  
Sr Analyst Municipal Planning  
**Engineering**

**ENBRIDGE**  
TEL: 416-495-5180  
500 Consumers Rd, North York, ON M2J1P8

enbridge.com  
**Safety. Integrity. Respect. Inclusion.**



## Interoffice Memorandum

December 16, 2022

File No. 350302 -0163 & 350309-0556

To: Mackenzie Ceci, Intermediate Development Planner

From: Jeremy Korevaar, Coordinator, Development Approvals

Subject: **Application for Combined Official Plan and Zoning By-law Amendment –  
271 Ridgeway Road**

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On behalf of the Infrastructure Services Department, Engineering Division, I have reviewed the proposed Combined Official Plan and Zoning By-law Amendment and the supporting documentation for **271 Ridgeway Road** and have the following comments:

- Functional Servicing Report prepared by Hallex Engineering Ltd. dated November 25, 2022
  - I agree with the conclusions of the report that the proposed development will not have a negative impact on the existing sanitary sewer system and that the proposed development is expected to result in a net decrease of sewage to the system.

Given the foregoing comments, I offer no objections to the proposed Official Plan and Zoning By-law Amendments.

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



**Fw: 271 Ridgeway - OPA and ZBA Comments**

**Keegan Gennings** to Mackenzie Ceci

02/02/2023 02:38 PM

From Keegan Gennings/FortErie  
To Mackenzie Ceci/FortErie@TownOfFortErie

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I have no comments concerning the OPA or ZBA of the property.

Regards,

Keegan Gennings C.B.C.O  
Chief Building Official  
Town of Fort Erie  
905-871-1600 ext. 2515



## Planning and Development Services

<b>Prepared for</b>	Council-in-Committee	<b>Report No.</b>	PDS-09-2023
<b>Agenda Date</b>	February 13, 2023	<b>File No.</b>	350309-0549

<b>Subject</b>	<b>PROPOSED ZONING BY-LAW AMENDMENT 92 ADELAIDE STREET UPPER CANADA CONSULTANTS – CRAIG ROHE (AGENT) NIAGARA PINES DEVELOPMENTS LTD. – PAUL SAVOIA (OWNER)</b>
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<b>Recommendations</b>	<p><b><u>THAT</u></b> Council approves the amendments to the Town's Zoning By-law No. 129-90 as detailed in Report No. PDS-01-2023 for the lands known as 92 Adelaide Street, and further</p> <p><b><u>THAT</u></b> Council directs staff to prepare the necessary by-law,</p>
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<b>Relation to Council's 2018-2022 Corporate Strategic Plan</b>	Priority: Managed Growth through Responsibility, Stewardship and Preservation
-----------------------------------------------------------------	-------------------------------------------------------------------------------

<b>List of Stakeholders</b>	Upper Canada Consultants – Craig Rohe (Agent) Niagara Pines Development Ltd. (Owner) Residents and Property Owners in the Town of Fort Erie
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Prepared by:	Reviewed by:	Submitted by:	Approved by:
<b>Original Signed</b> Samantha Yeung Junior Development Planner	<b>Original Signed</b> Anamika Dilwaria, M.Pl., MCIP, RPP Manager, Development Approvals	<b>Original Signed</b> Alex Herlovitch, MCIP, RPP Director, Planning & Development Services	<b>Original Signed</b> Chris McQueen, MBA Chief Administrative Officer

## **Purpose**

Craig Rohe of Upper Canada Consultants (Agent) submitted a Zoning By-law Amendment application on behalf of Niagara Pines Development Ltd. (Owner) for 92 Adelaide Street. The intent of this application is to rezone the property to permit the development of a block of five street townhouse dwellings and two single detached dwellings. The existing single detached dwelling on the property will be removed.

The purpose of this report is to provide a staff recommendation on the proposed Zoning By-law Amendment. An [Information Report No. PDS-01-2023](#) was provided to Council on January 16, 2023.

A location map showing the subject lands is attached as **Appendix “1”**. A preliminary site plan illustrating the proposed parcels and dwellings is attached as **Appendix “2”**. Rendering illustrations are attached as **Appendix “3”**.

The zoning of the subject land is proposed to change from Residential 2 (R2) Zone to a site-specific Residential Multiple 1 (RM1) Zone that permits the use of street townhouse dwellings and single detached dwellings. The special provision is proposed to have a reduced planting strip width along a street (Dominion Road).

## **Nature of the Site**

The subject property is located on the southwest corner of Dominion Road and Adelaide Street in the Town of Fort Erie. The following summarizes the land uses surrounding the subject property:

**North:** Single detached dwellings, Triplex, and Townhouses.  
**South:** Single detached dwellings.  
**East:** Single detached dwelling, Open Space, and Old Fort Erie Historical Landmark.  
**West:** Single detached dwellings.

## **Planning Context**

### **2020 Provincial Policy Statement (PPS)**

The subject lands are located within a Settlement Area under the 2020 Provincial Policy Statement (PPS). The policies of the PPS direct growth and development within settlement areas and encourage building strong communities through the efficient use of land, resources, infrastructure and public service facilities that are planned or available. The proposal complies with the policies outlined in the PPS as it will help the Town to achieve minimum targets for intensification and redevelopment outlined in the

Regional Official Plan for Built-up Area within the Town of Fort Erie's Settlement Area. The proposed street townhouse and single detached dwellings will utilize existing municipal infrastructure and is located in an established neighbourhood that has access to transit, public services and other amenities.

### **2020 Growth Plan for the Greater Golden Horseshoe (Growth Plan)**

The subject property is within the Greater Golden Horseshoe Growth Plan Area and designated as Built-up Area. The delineated Built-up Area generally encourages growth and opportunities for residential intensification. The proposal of a block of street townhouse and two single detached dwellings complies with the policies within the Built-up Area outlined in the Growth Plan.

### **2022 Niagara Official Plan (NOP)**

The Niagara Official Plan (NOP) identifies this property as being in the Urban Area Boundary and the Built-up Area in the Town of Fort Erie. Within this designation, residential intensification is permitted subject to the availability of municipal services. Residential development is encouraged to integrate a diverse range of housing types to manage forecasted density growth. The proposed development will assist the Town of Fort Erie to achieve the minimum residential intensification target of 50% as set out in the NOP. The proposal is consistent with the NOP as it will promote redevelopment with a mix of housing types within the Built-up Area with access to existing municipal infrastructure.

### **2011 Town of Fort Erie Official Plan**

#### *Official Plan Schedule A – Land Use Plan*

The subject lands is designated as Urban Residential in the Town of Fort Erie Official Plan. Lands with this designation are intended for a variety of housing forms including single detached dwellings and townhouses. In general, the Town's Official Plans are supportive of opportunities for residential development in the Urban Boundary. The proposal to rezone the subject property is consistent with the land use policy.

#### *Official Plan Schedule B - Mineral Aggregate & Petroleum Resources*

Schedule B of the Official Plan illustrates that the subject lands is within a petroleum resource area. Section 7.3 of the Official Plan requires the protection of petroleum resource operations (wells) with a minimum setback of 75 metres. Staff note that there are no active wells within 75 metres of the subject property as identified on the Ministry of Natural Resources and Forestry (MNR) mapping.

#### *Official Plan Schedule D - Cultural Heritage Archaeological Zones of Potential*

The subject lands are located within an area identified as having archaeological potential on Schedule D of the Town's Official Plan. A Stage 1 & 2 archaeological assessment was completed as part of the Zoning By-law Amendment approval process and the subject property was cleared for development.

*Official Plan Schedule D1 - Cultural Heritage Archaeological Zones of Sensitivity*

The subject lands are located within an archaeological zone of sensitivity as a war of 1812 zone on Schedule D1 of the Town's Official Plan. A Stage 1 & 2 archaeological assessment was completed as part of the Zoning By-law Amendment approval process. The Stage 2 assessment did not locate any cultural heritage or archaeological resources and the study recommended that no further assessment is required for the subject property.

**Comprehensive Zoning By-law No. 129-1990**

The subject lands are currently zoned Residential 2 (R2) Zone, in accordance with the Town of Fort Erie's Comprehensive Zoning By-law No. 129-1990, which permits the use of single detached dwellings and accessory apartment dwellings. The applicant is requesting to rezone the subject lands to a site-specific Residential Multiple RM1 (RM1) Zone to facilitate the construction of five street-townhouse dwelling units and two single detached dwellings. The proposed townhouses and single detached dwellings will be two storeys in height.

A site-specific provision is requested to allow a reduction in the width of the planting strip along Dominion Road. The proposed street townhouses comply with all the required zoning regulations except the width of the planting strip. The proposed single detached dwelling will comply with all the zoning requirements of the R2A zone.

The table below offers a comparison of the R2 and RM1 zoning requirements versus the proposed special provisions for the townhouse dwelling (site specific provisions highlighted in grey):

<b>Zoning Regulation</b>	<b>Standard R2 Zone Requirement</b>	<b>Standard RM1 Zone Requirement</b>	<b>Proposed Site-specific RM1 Zone</b>
<b>Minimum Lot Frontage</b>	15.00 m	6.00 m - townhouse lots 9.00 m - townhouse corner lots	7.70 m (unit 1); 6.00 m (unit 2 to 4); 12.96 m (unit 5)
<b>Minimum Lot Area</b>	510.00 sq m	200 m <sup>2</sup> - townhouse lot 270 m <sup>2</sup> - townhouse corner lot	309.70 m <sup>2</sup> (unit 1); 241.77 m <sup>2</sup> (unit 2 to 4); 408.78 m <sup>2</sup> (unit 5)
<b>Maximum Lot Coverage of Dwelling</b>	30% for lots with less than 510.00 sq m of lot area	40% - Exterior street townhouse 60% - Interior street townhouse	29% - Interior (unit 1) 36% - Interior (unit 2 to 4); 22% - Exterior (unit 5) Or 30.5 % entire lot
<b>Minimum Front Yard</b>	6.00 m	6.00 m to garage 4.00 m to dwelling	8.66 m (unit 1 to 5)
<b>Minimum Interior and Exterior Side Yard</b>	1.50 m	1.50 m - Interior 3.00 m - Exterior	1.50 m - Interior 3.82 m - Exterior
<b>Minimum Rear Yard</b>	8.00 m	6.00 m	17.10 m
<b>Maximum Height</b>	2 storeys 9.00 m	3 storeys 12.00 m	2 storeys
<b>Planting Strips</b>	Not a requirement	4.5m abutting a street	3.82 m
<b>Maximum Number of Units in a row</b>	N/A	8	5
<b>Minimum Landscaped Area</b>	N/A	25% for townhouse	52.64 %
<b>Maximum Density</b>	N/A	35 units/ha	34.72 units/ha
<b>Privacy Area</b>	N/A	Minimum depth of 4.50 m	17.10 m

<b>Distance from building to internal driveways and parking areas</b>	N/A	Any front or rear face of any townhouse shall be no closer than 3m to an internal driveway or parking area, and any side of any townhouse shall be no closer than 1.5m to an internal driveway or parking area	N/A
-----------------------------------------------------------------------	-----	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

Under the RM1 zone, single detached dwellings are subject to the regulations of Section 12.3, Residential 2A (R2A), of the Zoning By-law No. 129-1990. The table below offers a comparison of the R2 and R2A zoning requirements versus the proposed provisions for the single detached dwellings:

<b>Zoning Regulation</b>	<b>Standard R2 Zone Requirement</b>	<b>Standard R2A Zone Requirement</b>	<b>Proposed RM1 Zone</b>
<b>Minimum Lot Frontage</b>	15.00 m	12.00 m	13.02 m
<b>Minimum Lot Area</b>	510.00 sq m	375 sq.m	523.20 m <sup>2</sup>
<b>Maximum Lot Coverage</b>	30% for lots with less than 510.00 sq m of lot area	50 %	26%
<b>Minimum Front Yard</b>	6.00 m	6.00 m to garage 3.00 m to dwelling	8.66 m
<b>Minimum Interior Side Yard</b>	1.50 m	1.2 m	1.5 m
<b>Minimum Exterior Side Yard</b>	3.00 m	3.00 m	N/A
<b>Minimum Rear Yard</b>	8.00 m	6.00 m	16.07 m
<b>Maximum Height</b>	2 storeys 9.00 m	2.5 storeys 10.50 m	2 storeys

### *Planning Analysis*

The proposed development will result in sufficient-sized parcels that would fit appropriately-sized dwellings with suitable amenity space, parking designations, and access to municipal infrastructure. The proposal features an increased rear yard setback that will provide increased amenity and privacy space. The proposal can accommodate up to two parking spaces per dwelling unit. The proposed dwelling unit will have an attached garage which will provide the required one parking space per unit.

In addition, one supplementary parking space can also be accommodated in the driveway.

The proposal meets majority of zoning requirements with an exception to the width of the planting strip. Planning staff can support the requested reduction in the planting strip width from 4.5 metres to 3.8 metres as the reduction is due to the irregular parcel configuration. In staff opinion 3.8 metres is adequate and will have minimal impact on the streetscape.

If this Zoning By-law Amendment is approved by Council, the creation of the proposed dwelling units will be subject to a future consent application. Planning staff supports the proposal as it makes use of an underutilized residential parcel and offers a variety of housing forms. It meets development policies as set out in the Provincial, Regional, and local Town legislations for residential intensification within the urban boundary and maximizes municipal infrastructure and services.

### **Studies**

A [Stage 1 & 2 Archaeological Assessment](#) was completed in July 2022 by Earthworks Archaeological Services Inc. The Stage 1 study identified potential archaeological resources on-site and a subsequent Stage 2 study was recommended. As the Stage 2 study did not identify any archaeological material on site further archaeological assessments of the subject property are not required.

Comments from the Niagara Region regarding the Archaeological assessment are included in the [Information Report No. PDS-01-2023](#).

### **Financial/Staffing and Accessibility (AODA) Implications**

All costs associated with processing the application and the development of the property is the responsibility of the owner and no Staffing implications are expected.

No impediments to the AODA legislation are expected to be developed through the amendment proposed.

### **Policies Affecting Proposal**

Notice of the January 16, 2022 Public Meeting was circulated in accordance with the *Planning Act* by placing an advertisement in the December 22, 2022 edition of the *Fort Erie Post*. In addition, all property owners within 120 metres of the subject lands were mailed a “Notice of Complete Application and Public Meeting” on December 22, 2022.

Land use policies for the subject property are contained in the Town’s Official Plan and applicable Regional and Provincial regulations.



**Comments After the Statutory Public Meeting**

A request for comments regarding this Zoning By-law amendment was circulated to relevant Departments/Community and Corporate Partners on November 15, 2022. Comments received are summarized in [Information Report No. PDS-01-2023](#). Additional comments received from Council, Staff, and the Public are addressed below.

**Additional Public Comments**Pedestrian Transportation

A member of Council requested to staff to explore the opportunity to construct a sidewalk along Adelaide Street as Town policies encourage connectivity and accessible transportation within the Urban Boundary.

*Staff Response*

Planning Staff have discussed the request with the Town's Infrastructure Services. Adelaide Street has a narrow right of way and the construction of a sidewalk would further reduce the width of the street. Additionally, there are existing ditches that will be required to be filled prior to the construction of the sidewalk. In Staff's opinion the construction of a sidewalk may not be a feasible option.

Privacy Concerns

The abutting neighbour to the west of the property expressed concerns regarding the loss of privacy due to the future residential development. Fencing and plants along the south end of the property line were requested as a privacy boundary.

*Staff Response*

The proposal provided a rear yard setback of 17.1 metres (56.1 feet) which exceeds the required rear yard setback minimum of 6 metres as outlined in the Zoning By-law. The Town's Zoning By-law and Fence By-law do not require the construction of a fence between two residential properties. However, to resolve the matter, staff have discussed the resident's concern with the owner of the property and they have agreed to provide a fence to mitigate the loss of privacy. Fencing would be outlined as a condition of consent at the severance stage.

Traffic Concerns

Residents expressed concerns that vehicles are speeding on Adelaide street which endangers the safety of residents in the area. A request to implement traffic calming mechanisms on Adelaide Street was raised for public safety.

*Staff Response*

Planning Staff have discussed the request with Infrastructure Services. A traffic calming report No. IS-19-2022 was brought to Council in 2022 which determined a list of high-priority streets within the urban boundary for the Town to implement traffic calming designs. Adelaide Street was not identified on the priority list at this time. Staff will continue to monitor Adelaide street.

Drainage Concerns

Members of the public expressed concerns regarding the ongoing flooding issues due to the blocked ditches in the area. In their opinion, the construction of additional residential dwellings would aggravate the existing situation.

*Staff Response*

Planning staff recognizes there is an existing flooding issue in the area. In terms of the proposal, a lot grading plan prepared by a professional engineer will be reviewed as a condition of consent to ensure drainage from the proposed development is contained within the subject property and does not exacerbate conditions on roadside ditches.

**Alternatives**

Council may decide to deny this Zoning By-law amendment application. Planning staff do not recommend this as the proposal will introduce additional housing variety in the area, represents an efficient use of underutilized land and existing municipal infrastructure and is consistent with Provincial, Regional and Town planning policies.

**Communicating Results**

There are no communication requirements at this time.

**Second Opinion Clause**

Should a motion be placed before Council that does not support Planning Staff's Recommendation, Council is advised to table its decision to consider the matter further or until such time as a second planning opinion on the motion, from an independent planning consultant can be obtained. If the applicant has an opinion from an independent planning consultant then Council can consider their report as the second planning opinion. In the event, the second planning opinion, obtained by the clerk or provided by the applicant, is supported by Council, and Council makes a decision based on that second planning opinion, then the planner who has provided the second opinion shall be retained for the purpose of an Ontario Land Tribunal hearing. The procedures

under PLA-06 shall be followed as well.

### **Conclusion**

The proposed Zoning By-law Amendment presents an opportunity to develop five townhouse units and two semi-detached dwellings within the Urban Boundary on underutilized residential land. The proposal makes effective use of existing municipal infrastructure while also increasing housing diversity in an established residential neighbourhood. It is of Planning staff's opinion that the proposal is suitable for the area and is representative of good planning as it is consistent with Provincial, Regional and local Town planning policies.

### **Attachments**

**Appendix "1"** - Location Plan


**Appendix "2"** - Preliminary Site Plan

**Appendix "3"** - Render and Elevation Drawings





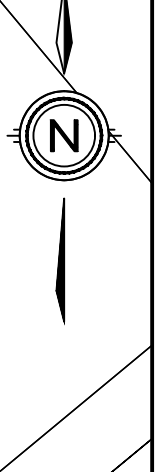
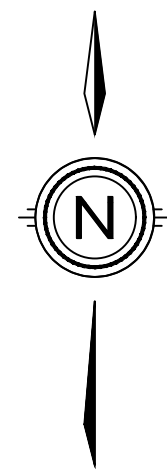
**LOCATION PLAN**  
**Proposed Zoning By-law Amendment - 92 Adelaide Street**

 Subject Lands - 92 Adelaide Street



APPENDIX "2" TO ADMINISTRATIVE REPORT PDS-09-2023 DATED FEBRUARY 13, 2023

92 ADELAIDE STREET  
TOWN OF FORT ERIE



NELSON AVE

#148 DOMINION RD.  
(R2 ZONING)

#164  
DOMINION RD.  
(R2 ZONING)

DOMINION ROAD (REGIONAL ROAD NO.1)

#163A DOMINION RD.  
(R2 ZONING)

#169  
DOMINION RD.  
(R2 ZONING)

#38  
LONG TENT AVE.  
(R2 ZONING)

#40  
LONG TENT AVE.  
(R2 ZONING)

#80 ADELAIDE ST.  
(R2 ZONING)

#129  
DOMINION RD  
(R2 ZONING)

BLOCK 4

6 X 6m DAYLIGHT TRIANGLE  
+ 0.3m RESERVE

PER 5.198 OF  
BYLAW 129-90

BLOCK 3  
5 UNITS  
(RM1 ZONING)

LOT 2  
LOT AREA 523.68m²  
(R2 ZONING,  
VIA RM1 PROVISIONS)

LOT 1  
LOT AREA 523.20m²  
(R2 ZONING,  
VIA RM1 PROVISIONS)

NOTE: PLAN PREPARED USING  
SURVEY BOUNDARY PROVIDED  
BY JD BARNES LTD.

LAND USE SCHEDULE

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
SINGLE FAMILY RESIDENTIAL	LOT 1 & 2	2	0.105	42
MULTIPLE FAMILY RESIDENTIAL	BLOCK 3	5	0.144	57
SIGHT TRIANGLE + 0.3m RESERVE	BLOCK 4		0.003	1
TOTAL		7	0.252	100

KEY PLAN  
N.T.S.

LEGAL DESCRIPTION

LT 27 W/S ADELAIDE ST PL 354 BERTIE; LT 28 W/S ADELAIDE ST PL 354 BERTIE; LT 29 W/S ADELAIDE ST PL 354 BERTIE; LT 30 W/S ADELAIDE ST PL 354 BERTIE; LT31 W/S ADELAIDE ST PL 354 BERTIE;  
TOWN OF FORT ERIE

ZONING MATRIX (STREET TOWNHOUSE)

PROVISION	ZONING (RM1)	PROVIDED
Minimum Lot Frontage	6m for street townhouse lots and 9m for street townhouse corner lots	6m
Minimum Lot Area	200sq.m for a street townhouse lot and 270sq.m for a street townhouse corner lot	241.77m²
Minimum Front Yard	6m to garage 4m to other parts of dwelling	8.66m
Minimum Side Yard	1.5m	1.5m
Minimum Exterior Side Yard	3m	3.82m
Minimum Rear Yard	6m	17.1m
Maximum Building Height	i) 3 storeys ii) 12m	TBD
Minimum Landscaped Area	25% for street townhouse lots	127.75m² (52.84%)
Maximum Number of Units in a row	8	5
Minimum Distance Between Buildings on the Same Lot	15m between two rear walls 3m between two end walls 9m between an end wall and a rear wall 6m between two front walls 6m between a front wall and an end wall	N/A
Maximum Density	35 units/ha	34.72
Maximum Lot Coverage	Exterior street townhouse – 40% Interior street townhouse – 60%	29% (EXT. SOUTH UNIT) 36% (INTERIOR UNITS)
Privacy Area	Notwithstanding the yard requirements above, every dwelling unit shall have at least one area which serves as a privacy area adjacent to the dwelling unit, having a minimum depth of 4.5m	17.1m
Distance from building to internal driveways, and parking areas	Any front or rear face of any townhouse shall be no closer than 3m to an internal driveway or parking area, and any side of any townhouse shall be no closer than 1.5m to an internal driveway or parking area	N/A
Planting Strips	In accordance with Section 8.21 and 4.5m where it abuts a street, except for points of ingress/egress	N/A

ZONING MATRIX (SINGLE DETACHED)

PROVISION	ZONING (R2A)	PROVIDED
Minimum Lot Frontage	12m 15m on a corner lot	13.02m
Minimum Lot Area	375 sq.m	523.20m
Maximum Lot Coverage	50 percent	26%
Minimum Front Yard	6m to garage 3m to other parts of dwelling	8.66m
Minimum Interior Side Yard	1.2m however, on an interior lot where no attached garage or attached carport is provided, the minimum side yard on one side shall be 3 metres	1.5m
Minimum Exterior Side Yard	3m, except that an attached garage or attached carport which faces the exterior side lot line shall be located no closer than 6m to the exterior side lot line.	N/A
Minimum Rear Yard	6m	16.07m
Maximum Height of Building	i) 2.5 storeys ii) 10.5 m	2 Storeys

0	ISSUED FOR REVIEW	2022-09-27	JO
#	REVISION	DATE	INIT

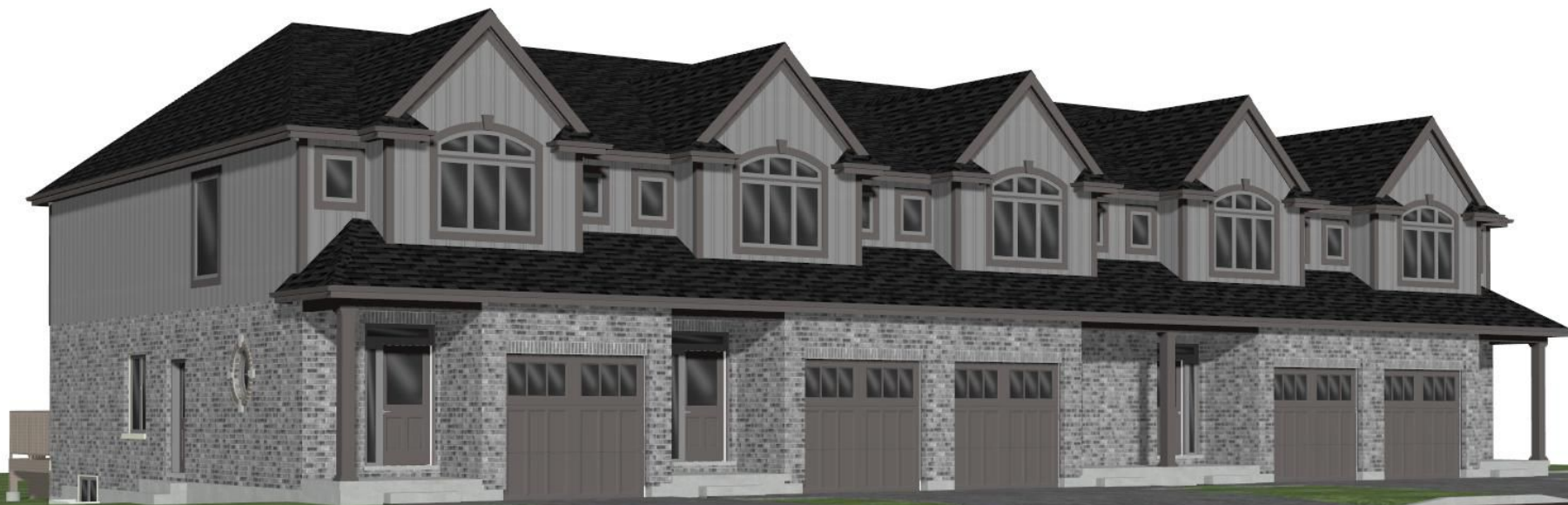


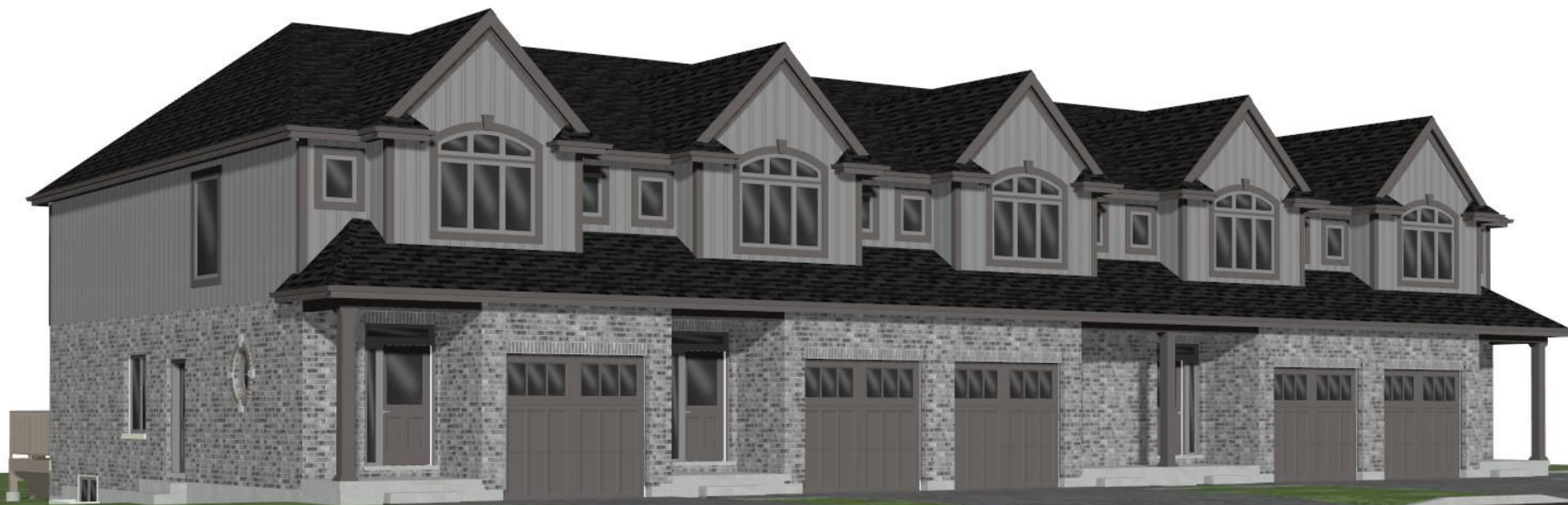
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	PRINTED	SEPTEMBER 27, 2022
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PRELIMINARY SITE AND  
ZONING PLAN















## Planning and Development Services

<b>Prepared for</b>	Council-in-Committee	<b>Report No.</b>	PDS-10-2023
<b>Agenda Date</b>	February 13 <sup>th</sup> , 2023	<b>File Nos.</b>	350202

<b>Subject</b>	
<b>COMMUNITY IMPROVEMENT PLAN 2022</b>	
<b>PROGRAM MONITORING AND INFORMATION REPORT</b>	

<b>Recommendation</b>	
<b><u>THAT</u></b>	Council receives Report No. PDS-10-2023 regarding Community Improvement Plan (CIP) Program Monitoring for information purposes, and further
<b><u>THAT</u></b>	Council directs staff to forward a copy of Report No. PDS-10-2023 to the Niagara Region, Local Business Improvement Area Boards and to post Report No. PDS-12-2023 on the Town's CIP webpage for information.

<b>Relation to Council's 2018-2022 Corporate Strategic Plan</b>	
Priority 2:	Sustainable Infrastructure for the Future
Goal 2.1:	Advocate for funding and infrastructure investments from other levels of government, public and private sector
Priority 3:	Attracting Interest and Investment through Strong Advocacy and Promotion
Goal 3.1:	Build a strong government and public relations strategy that includes advocating for funding from all levels of government, public and private sector.
Priority 4:	Promoting Business, Economic Growth and Employment Opportunities
Goal 4.5:	Promote service excellence and efficiency/effectiveness
Priority 5:	Managed Growth through Responsibility, Stewardship and Preservation
Goal 5.4:	Capital investment plan to include cultural & natural heritage preservation, recreation, active transportation and infrastructure investments

**List of Stakeholders**

Town of Fort Erie  
The Region of Niagara  
Economic Development and Tourism Services  
Property and Business owners within the Downtown Core Area CIP Project Areas  
Ridgeway and Bridgeburg BIA's and their respective membership  
Owners of Brownfield Properties

Prepared by:

Submitted by:

Approved by:

**Original Signed****Original Signed****Original Signed**

Fahima Begum,  
BA/BSW, MScPI  
Junior Community Planner

Alex Herlovitch, MCIP, RPP  
Director, Planning and  
Development Services

Chris McQueen, MBA  
Chief Administrative Officer

Reviewed by:

**Original Signed**

Signe Hansen,  
OALA, CSLA, MBA  
Manager, Community  
Planning

**Purpose of Report**

The purpose of this report is to provide Council with reporting for the Town's Downtown Core Area Community Improvement Plans (CIPs) and Brownfield CIPs. This report has been prepared in order to fulfill the requirements defined in Section 8 of the CIP programs in effect in Bridgeburg, Ridgeway, Stevensville, Southend-Riverwalk, as well as the Brownfield CIP Plan.

**Analysis****Background**

A Community Improvement Plan (CIP) is a mechanism through which a municipality may implement policy initiatives and direct funds toward a specifically defined project area, to encourage revitalization and stimulate private sector development and redevelopment. Section 28 of the Planning Act gives municipalities the ability to prepare Community Improvement Plans. The Town offers two types of CIP programs, including Core Area CIPs and Brownfield CIPs. Core Area CIPs are guided by an approved Secondary Plan.

This report will address 2021 and 2022 statistics.

**Core Area CIPs**

A Core Area CIP can allow a municipality to provide tax assistance, grants or loans to assist in the revitalization of buildings within a defined Community Improvement Project Area. To this end, the Town of Fort Erie has implemented a suite of financial incentive programs that are available to eligible commercial/mixed use property owners and businesses within defined Downtown Core Areas.

CIPs have been in effect for the Downtown Core Areas of Bridgeburg and Ridgeway since June 2014, Stevensville since 2016 and Southend-Riverwalk since 2018. The Crystal Beach CIP is anticipated, following the resolution of the Crystal Beach Secondary Plan at the Ontario Land Tribunal. These CIP programs require that annual reporting to be prepared and made available for Council and the public. A 2021 report was not previously provided due to staff vacancies.

Each of the Core Area CIPs include the following programs:

<b>Program</b>	<b>Purpose</b>
<b>Commercial Facade Improvement Grant Program</b>	To improve and enhance the street facing exterior of an eligible Commercial or Core Mixed Use property.
<b>Commercial Facade Signage Grant Program</b>	To improve and enhance the business signage of an eligible Commercial or Core Mixed Use property.
<b>Residential Creation and Intensification Grant Program</b>	To support the creation of up to four new residential units for a Commercial or Core Mixed Use property.

Funding is made available through a one-time matching grant to eligible and approved projects, using the following model:

Program	Funding Amount	
Commercial Facade Improvement Grant Program	25%	Town of Fort Erie to an upset limit of \$20,000 for an eligible project.
	25%	Region of Niagara to provide equal funding as the Town of Fort Erie, using identical criteria of an upset limit of \$20,000.
	50%	Applicant
Commercial Facade Signage Grant Program	25%	Town of Fort Erie to provide an upset limit of \$1,000 per eligible project.
	25%	Region of Niagara to provide equal funding as the Town of Fort Erie, using identical criteria.
	50%	Applicant
Residential Creation and Intensification Grant Program	25%	Town of Fort Erie to fund \$10 per square foot of habitable space to an upset limit of \$5,000 of the habitable floor space per new dwelling unit created, for up to four (4) new units per property.
	25%	Region of Niagara to provide equal funding as the Town of Fort Erie, using identical criteria.
	50%	Applicant

### **Brownfield CIPs**

A Brownfield Community Improvement Plan can allow a municipality to provide tax assistance grants to assist in the revitalization of brownfield areas so development can occur. The Town of Fort Erie has implemented a suite of financial incentive programs that are available to eligible property owners looking to carry out environmental studies of and revitalize brownfield areas based on the recommendations of a Phase 1 Environmental Site Assessment (ESA). The Brownfield CIP program has been in effect since September 13, 2010, approved by way of By-law 109-10.

The Town offers the following Brownfield CIP programs:

<b>Program</b>	<b>Purpose</b>
<b>Environmental Site Assessment (ESA) Grant Program</b>	<p>The Town offers a grant of 50% of the cost of up to two eligible environmental studies up to a maximum grant of \$13,000 for one study or \$20,000 for two studies. The Region provides a grant of up to \$5,000 per property. This Regional program expires October 1, 2023 by which date complete applications for matching funding must be submitted by the Town to the Region, with a completion date for the work of October 1, 2024.</p> <p>Eligible studies include:</p> <ul style="list-style-type: none"><li>• Phase II ESA</li><li>• Remedial Action Plan</li><li>• Risk Assessment</li><li>• Designated Hazardous Substances and Materials Survey</li></ul>
<b>Brownfield Tax Assistance Program (TAP)</b>	<p>The Brownfield Tax Assistance Program provides for the cancellation of part or all of the property tax increase on a property that will undergo environmental remediation. This assists with the cost of environmental remediation for up to 5 years. The total amount of tax assistance provided will not exceed the total eligible costs of the remediation project. The Region may match this cancellation on Regional taxes. This Regional program expires October 1, 2023 by which date complete applications for matching funding must be submitted by the Town to the Region, with a completion date for the work as outlined in the TAP agreement.</p>
<b>Brownfield Rehabilitation Grant Program (TIG)</b>	<p>The Brownfield Rehabilitation Grant Program (TIG) provides an annual grant, equivalent to a percentage of the increase in municipal taxes that result from the project, for a period of 10 years or until the grant payments equal the total eligible environmental remediation costs. The Region will match the percentage of the tax increment generated by a rehabilitation or redevelopment project approved by the Town. While the current Regional TIG program expires October 1, 2024, it is replaced by a new Regional Brownfield TIG program which provides TIGs for two tiers of brownfield projects, with increased percentages for projects including affordable housing. Applicants may apply to only one Regional Brownfield TIG program.</p>

<b>Development Charge (DC) Reduction</b>	Applicants are eligible for the Town DC reduction if they have an approved Brownfield Rehabilitation Grant application. Through the Town, eligible remediation costs can be applied against DCs up to 75% of the Town DC payable, with the amount of DC grant deducted from eligible costs for the TIG. The Region does not offer any additional funding through this program.
<b>Brownfields Parkland Dedication Grant Program</b>	The Town offers a grant of 50% of the parkland dedication/cash-in-lieu requirements for any redevelopment project that has been approved under the Brownfields TAP and/or TIG. The Region does not offer any additional funding through this program.

### **2021/2022 Monitoring Summary**

The 2021/2022 Annual CIP Monitoring Report is attached in **Appendix “1”**, and summarized below.

Likely due to the Regional programs coming to an end in October 2023, CIP pre-consultations and application submissions increased significantly from previous years, in particular with an influx of Brownfield CIP applications. At the end of 2022, there were 13 active Core Area CIP files in various stages of completion, and 15 active Brownfield CIP files in various stages of completion, as summarized below.

	<b>CORE AREA CENTRE CIPs</b>			<b>BROWNFIELD CENTRE CIPs</b>		
	Active Files	Pre-Cons	New Applications	Active Files	Pre-Cons	New Applications
2020	4	4	4	1	1	1
2021	10	7	6	4	4	2
2022	13	2	2	15	12	8

The total amount of grants committed to by the Town in 2022 was \$174,886.47, compared to \$125,390.05 in 2021. The Town portion of these grants in 2022 was \$99,163.02, and in 2021 was \$68,917.05.

There has been one completed project in 2022, with five projects coming to a completion the year before, and 11 projects anticipated for completion in 2023. For 2022, \$17,443.80 was paid out on the completed Brownfield ESA project. For 2021, \$40,672 was paid out on completed projects.



**Regional Budget and Internal Incentive Review**

As Council is aware, the Region of Niagara, that match Town dollars toward the grant programs, had undertaken a review of its current incentive suite in order to realign budget dollars with Regional Council's strategic priorities.

Regional report [PDS-31-2021](#) was passed by Regional Council at its October 21<sup>st</sup>, 2021 meeting, with the recommendation to promote Niagara Region Council's four priority areas of Housing, Employment, Brownfield Remediation, and Public Realm. Staff recommended sunset clause policies for current programs with reasonable expiration dates.

Regional report [PDS-3-2022](#), dated March 9, 2022, further outlines the timelines and transitions for Niagara Region incentive programs, including an expiry date of October 1, 2023 for Community Improvement Plan Grants, Façade and Building Improvement Grants, Residential Grants, Environmental Assessment Study Grants, and Brownfield Tax Assistance Program Grants, among other programs. Payments will be made on approved applications up to October 1, 2024.

Regional CIP funding will not be available to CIP applicants after October 1, 2024. Staff will bring forward a report in summer 2023 relative to options for Council consideration, and specific financial impacts.

The Region's new Brownfield Remediation Program will include a Brownfield Tax Increment Grant (TIG) Tier 1, which entails a matching tax increment grant for major brownfield sites, where remediation would result in significant economic, environmental, social, and health benefits. The Brownfield Tax Increment Grant Tier 2 entails a matching tax increment grant for remediation costs of brownfield sites eligible through local CIPs.

**Financial/Staffing Implications**

The CIP programs are funded through an operating account with current funding of \$134,988.00. The Town also maintains a CIP Reserve Fund, with the expectation that grant demand will exceed the operating balance at times. There is approximately \$523,230.00 in the CIP reserve.

The administration of the Town's CIP's is managed by the Junior Community Planner with support from other Community Planning staff. As a new position, it is anticipated up to 50% of the Junior Community Planner's time is spent administering the significant influx of CIP applications received over the last 2 years.

### **Policies Affecting Proposal**

[By-law No. 71-2014](#), dated May 12, 2014, adopted the Bridgeburg Core Area Community Improvement Plan for the Downtown Bridgeburg Core Area Community Improvement Project Area.

[By-law No. 73-2014](#), dated May 12, 2014, adopted the Downtown Ridgeway Core Area Community Improvement Plan” for the Downtown Ridgeway Core Area Community Improvement Project Area.

[By-law No. 7-2016](#), dated January 18, 2016, adopted the Downtown Stevensville Core Area Community Improvement Plan for the Downtown Stevensville Core Area Community Improvement Project Area.

[By-law No. 93-2018](#), dated July 9, 2018, adopted the Southend-Riverwalk Core Area Improvement Plan for the Downtown Southend-Riverwalk Core Area Community Improvement Project Area.

[By-law No. 109-10](#) , dated September 13, 2010, adopted the current Brownfield Community Improvement Plan, with its programs as described in this report.

### **Comments from Relevant Departments/Community and Corporate Partners**

Planning and Development Services staff and Finance staff work cooperatively in the tracking and reporting of CIP applications and statistics.

### **Communicating Results**

This report is an annual requirement cited in the CIP Program documentation. The results are primarily statistical in nature, accompanied by commentary Council may find useful when consideration is given during the annual budget deliberations on these incentive programs.

The Annual Report is made available to interested public and agencies via the Town’s website.

### **Alternatives**

No alternatives are offered as this report is for informational purposes.

## **Conclusion**

The high level of interest in Core Area and Brownfield CIPs in 2022 demonstrates the significant impact such incentive programs can have in the community. The rising number of applications is likely due to property owners and developers identifying the programs as a monetary incentive to invest in the community.

Despite the Regional grants coming to an end by October 2023, the Town remains committed to advocating for continued regional partnership, accepting that it may come in a different form or model in the coming years. Staff continue to promote the programs and look forward to the addition of the Crystal Beach CIP when the Crystal Beach Secondary Plan comes into effect.

## **Attachments**

**Appendix “1”** – Community Improvement Plan 2022 Annual Report

# **Town of Fort Erie**

## **Community Improvement Plan**

### **2022 Annual Report**

January 31<sup>st</sup>, 2023



## **Introduction**

The Town has been administering Ridgeway and Bridgeburg Downtown Core Area CIPs since June 2014, the Stevensville Downtown Core Area CIP since January 2016, and the Southend-Riverwalk Core Area CIP since July 2018. The Town of Fort Erie Brownfield CIP By-law 109-10 was passed on September 13, 2010, and the Town's entire urban area is designated as the Brownfield CIP's designated community improvement project area.

The Town's Core Area CIPs include the:

- Commercial Façade Improvement Grant Program,
- Commercial Façade Signage Grant Program, and
- Residential Creation and Intensification Grant Program for commercial and mixed-use properties.

The Brownfields CIPs include the:

- Environmental Site Assessment (ESA) Grant Program,
- Brownfields Tax Assistance Program,
- Brownfields Rehabilitation Grant Program,
- Brownfields Parkland Dedication Grant Program, and
- Brownfields Development Charge Exemption Program.

As part of the approved Programs, annual reporting is required for Council and public information purposes. The primary role of this report is to explain the current year's activity and reflect on progress since inception. The following addresses the reporting requirements of the CIPs.

## **Pre-Consultations**

Since the start of the 2022 reporting period, Town staff has conducted 14 pre-consultation meetings. Of these, 12 were for the Brownfield CIP Program, one was for the Core Area CIP Program in Ridgeway, and one was for the Core Area CIP Program in Southend-Riverwalk.

In 2021, 10 pre-consultations were carried out. Of these, four were for the Brownfield CIP Program, four were for the Core Area CIP Program in Ridgeway, and two were for the Core Area CIP Program in Bridgeburg.

It is noted that CIP pre-consultation volume increased from 4 in 2020, to 10 in 2021, to 14 in 2022.

Prior to 2021, staff acknowledge that the 2020 numbers were lower, likely as a response to COVID-19, and that the significant increase in Brownfield CIP pre-consultations and applications may be in response to the upcoming Regional deadline for Brownfield ESA grants, TIG and TAP applications in October 2023.

	CORE AREA CIPs			BROWNFIELD CIPs		
	Active Files	Pre-Cons	New Applications	Active Files	Pre-Cons	New Applications
2020	4	4	4	1	1	1
2021	10	7	6	4	4	2
2022	13	2	2	15	12	8

The 14 pre-consultations in 2022 and 11 pre-consultations in 2021 represent those who came in specifically to pre-consult and were informed in writing of the requirements for an application to be deemed complete for evaluation and processing. It is noted that not all pre-consultations result in applications filed, or filed within the same reporting period. A pre-consultation occurring in the previous reporting period can result in an application being advanced in a latter period. This is noted to clarify any question around correlation of pre-consultations to actual applications being the same in the reporting period.

The Core Area CIP programs have been active for 9 years at the time of this report's preparation, while the Brownfield CIP programs were active for 13 years. During this time, a total of 104 pre-consultation meetings have occurred, resulting in a total of 55 Core Area agreements, and 14 Brownfield projects being approved since the Programs were first introduced.

### **Applications Deemed Approved**

Applications received and deemed approved in 2022 under the various programs amounted to 10 in total, with eight for the Brownfield CIP Program and 2 for the Core Area CIP Program in Ridgeway. Moreover, in 2021, 8 applications were deemed complete, with 2 Brownfield CIP applications, 3 Area CIP applications in Ridgeway and 3 in Bridgeburg. This is a significant increase from the 4 applications received and deemed complete in 2020.

### **Applications Underway**

Presently, there are five pending CIP applications, for which we are waiting on information before they can be approved and included in our active files list. These include three Brownfield CIP applications and two Core Area CIP applications. One applicant is currently updating their Phase One Environmental Site Assessment (ESA) in order to determine the environmental studies for which they would be eligible for a Brownfield CIP ESA grant. A second applicant has been requested to provide updated cost estimates for their Core Area CIP application. A third applicant is providing required documentation for a TIG application. Lastly, a fourth who applied for both the Brownfield ESA grant and a Core Area CIP grant is currently waiting for an Archaeological Assessment to be completed to confirm work can be carried out on the property, and thus has two active applications.

The Core Area Evaluation Committees are comprised of the respective Ward Councillor, a BIA member (where one exists), the Chief Building Official, a member of the Town's Heritage Committee and the Downtown CIP Coordinator. The Committee's composition changes depending on which CIP an application falls within.

**Funding Amounts Approved**

"Funding Amounts Approved" for Core Area CIP grants reference the amount of funding that has been committed through a signed agreement to enable the funds to be assigned until the projects are completed or the agreements become void by other means. For Brownfield ESA grants, "Funding Amounts Approved" refers to the amount of funding that has been approved by the Director of Planning and Development Services to be assigned until the projects are completed.

Grant funding approved during the 2022 reporting period totaled \$174,886.47, of which the Town portion committed totaled \$99,163.02, and the Region portion totalled \$75,723.45 . Grant funding approved during the 2021 reporting period totaled \$125,390.30 of which the Town portion committed totaled \$68,917.05, and the Region portion committed totalled \$56,473.25.

<b>2022 Applications</b>	<b>Type of CIP</b>	<b>Total Funding Amount Approved</b>	<b>Town Portion</b>
1.	ESA Grant (Brownfield CIP)	\$9,696.45	\$4,848.47
2.	ESA Grant (Brownfield CIP)	\$11,481.64	\$6,482.00
3.	ESA Grant (Brownfield CIP)	\$12,826.27	\$7,826.27
4.	ESA Grant (Brownfield CIP)	\$2,480.46	\$1,240.23
5.	ESA Grant (Brownfield CIP)	\$6,403.20	\$3,201.60
6.	ESA Grant (Brownfield CIP)	\$18,573.45	\$13,573.45
7.	Bridgeburg (Core Area CIP)	\$30,577.00	\$20,577.00
8.	Bridgeburg (Core Area CIP)	\$40,000.00	\$20,000.00
9.	Ridgeway (Core Area CIP)	\$12,728.00	\$6,364.00



10.	Ridgeway (Core Area CIP)	\$30,100.00	\$15,050.00
<b>Total:</b>		\$174,886.47	\$99,163.02

<b>2021 Applications</b>	<b>Type of CIP</b>	<b>Approved Grant Amount</b>	<b>Town Portion Committed</b>
1.	Ridgeway (Core Area CIP)	\$16,920.00	\$8,460.00
2.	Ridgeway (Core Area CIP)	\$24,960.00	\$12,480.00
3.	ESA Grant (Brownfield CIP)	\$17,443.80	\$12,443.80
4.	ESA Grant (Brownfield CIP)	\$15,000.00	\$10,000.00
5.	Ridgeway (Core Area CIP)	\$15,898.50	\$7,949.25
6.	Bridgeburg (Core Area CIP)	\$2,000.00	\$1,000.00
	Bridgeburg (Core Area CIP)	\$2,000.00	\$1,000.00
	Bridgeburg (Core Area CIP)	\$31,168.00	\$15,584.00
<b>Total:</b>		\$125,390.30	\$68,917.05

Since inception in June 2014, the Programs have seen \$938,777.99 committed for 60 projects through Core Area CIP signed agreements and Brownfield CIP approvals.

<b>Core Area CIP Total from 2014 - Present</b>	<b>Brownfield ESA CIP Total from 2014 - Present</b>	<b>CIP Overall Amount from 2014 - Present</b>
\$640,418.53	\$298,359.46	\$938,777.99

### **Funding Amounts Paid Out**

For the purposes of this reporting category, "Funding Amounts Paid Out" is in reference to funds paid out for work completed under a signed agreement. This amount may vary from 'Funding Amounts Approved', based on the timing of the various projects.

There has been one completed project in 2022, with five projects coming to a completion the year before, and 11 projects anticipated for completion in 2023. For 2022, \$17,443.80 was paid out on the completed Brownfield ESA project. For 2021, \$40,672 was paid out on completed projects. The Bridgeburg Core Area had three projects completed totalling \$19,899. Two Brownfield ESA projects covered the other \$20,773.

	<b>2021 Type of CIP</b>	<b>Grant Amount Provided to Applicant</b>
1.	ESA Grant (Brownfield CIP)	\$6,527.00
2.	Bridgeburg (Core Area CIP)	\$2,000.00
3.	Bridgeburg (Core Area CIP)	\$2,000.00
4.	ESA Grant (Brownfield CIP)	\$14,246.00
5.	Ridgeway (Core Area CIP)	\$15,899.00
<b>Total:</b>		<b>\$40,672.00</b>

#### **Funding Recovery from Regional Program Partnering**

When grant claims are made and paid by the Town, the Town then seeks reimbursement for the Region. During 2022, there were one claim recovered from the Region, totalling \$5,000. In 2021, five claims were recovered from the Region totaling \$18,215. Since inception, a total of \$361,573.54 has been recovered from the Region.

All monies presently committed through signed agreements are already earmarked for reimbursement by the Region to the Town. These monies have been secured and will flow back to the Town once the Town files claim for reimbursement on project completions.

	<b>2021 Type of CIP</b>	<b>Amount Reimbursed from Region</b>
1.	ESA Grant (Brownfield CIP)	\$3,266.00
2.	Bridgeburg (Core Area CIP)	\$1,000.00
3.	Bridgeburg (Core Area CIP)	\$1,000.00
4.	ESA Grant (Brownfield CIP)	\$5,000.00
5.	Ridgeway (Core Area CIP)	\$7,949.00
<b>Total:</b>		<b>\$18,215.00</b>

<b>Amount Reimbursed from Region for Core Area CIPs from 2014 - Present</b>	<b>Amount Reimbursed from Region for Brownfield ESA CIP Total from 2014 - Present</b>	<b>Overall Amount Reimbursed from Region from 2014 - Present</b>
\$309,396.68	\$52,176.86	\$361,573.54

### **Applications that have Expired or Lapsed**

Throughout the administrative year for 2022, there was one agreement in Ridgeway that was terminated because it lapsed. Additionally, throughout the administrative year for 2021, there was one agreement in Ridgeway that was terminated because it lapsed.

Generally, since inception, applicants respect and are responsive to their agreed upon terms, recognizing they could forfeit claim to the grant allocation made under specific timeline limitations.

### **CIP Reporting Synopsis and Projections**

Staff characterizes these past two years as being significantly more active than 2020 in terms of volume of activity and grant amount secured through agreements.

In total for 2021 to 2022, 10 brownfield sites will be revitalized for development purposes. Façades and signages will be improved, and an additional 7 residential units will be constructed in core areas.

Respecting projections on anticipated activity, Brownfield CIP applications continue to gain interest. With the Core Area CIPs, Brownfield ESA grants and Brownfield TAP agreements ending from the Region in October 2023, and with the Brownfield TIG agreements from the Region ending in October 2024, staff project continued increased activity in these programs. Staff expect a surge in interest and activity once the Crystal Beach CIP is implemented following the secondary plan exercise.

### **Region of Niagara**

Regional staff have advanced incentive reform that would align with Regional Strategic Priorities. As a consequence of this direction, some of the programs and funding related to the current partnering capabilities with our local programs will change.

Niagara Region Incentives Policy Programs will focus on the four main incentive program areas:

- Affordable Housing
- Employment
- Brownfield Remediation
- Public Realm

As a consequence of this direction, the Smarter Niagara Incentive Program (SNIP),

Building and Façade Improvement, Environmental Assessment Study, and other grant and loan programs are coming to an end. Staff remain engaged with the Region over this transition.

### **Budget**

Maintaining an operating budget of \$134,988 is appropriate in consideration of the pending Crystal Beach CIP and the elimination of Regional support for these programs. As we enter uncertain times with respect to future Regional support for these types of programs, the Town has continued incentives for revitalization for downtown and brownfield areas.

Staff anticipate adequate funding will be in place for program operation over the 2023 period and will monitor Regional activity related to program developments. Any necessary modifications required locally will be brought to Council's attention.

In staff's opinion, the CIP programs have brought about incentive to induce private sector investment. Consumption of the operating budget, without major impact on the Reserve account provides indication to staff and Council that we are currently meeting expectation with the present budget allocation.

### **Examples**

One of the primary aids in "seeing the difference" is through before and after photos. Photos of a completed project in the last year is provided in Attachment "1" to this report. Photos of past completed projects can be seen in earlier annual CIP reports found on the Town's website.

328 Ridge Road North - Before



328 Ridge Road North - After





## Planning and Development Services

<b>Prepared for</b>	Council-in-Committee	<b>Report No.</b>	PDS-11-2023
<b>Agenda Date</b>	February 13, 2023	<b>File No.</b>	350313-001

### **Subject**

### **ALTERNATIVE APPROACHES FOR ADVANCING SECONDARY PLANNING PRIORITIES**

### **Recommendations**

**THAT** Council approves alternative approaches outlined in Report No. PDS-11-2023 to assist in the preparation of Secondary Plans identified for prioritization, and further

**THAT** Council delegates authority to the Director, Planning and Development Services, to determine the most appropriate implementation for each Secondary Plan,

### **Relation to Council's 2018-2022 Corporate Strategic Plan**

- |            |                                                                                                                             |
|------------|-----------------------------------------------------------------------------------------------------------------------------|
| Priority 1 | Optimizing Health, Housing & Social Well-Being through Service Access and Healthy Lifestyles.                               |
| Goal 1.1   | Update Town's development policy framework to attract an affordable housing mix and housing options.                        |
| Priority 4 | Promoting Business, Economic Growth and Employment Opportunities.                                                           |
| Goal 4.5   | Promote service excellence and efficiency/effectiveness                                                                     |
| Priority 5 | Managed Growth through Responsibility, Stewardship and Preservation.                                                        |
| Goal 5.2   | Review the Town's policies to ensure responsible growth principles (to be confirmed by Council) guide development approval. |

### **List of Stakeholders**

Town of Fort Erie, Niagara Region  
Niagara Peninsula Conservation Authority and Provincial Ministries  
Landowners / Developers / Residents and Business Owners  
Indigenous and First Nation Partners  
Various Partner Agencies,  
School Boards and Utility Providers

Prepared by:	Submitted by:	Approved by:
<b>Original Signed</b>		
Chris Millar, MCIP, RPP, CNU-A Senior Community Planner		
Reviewed by:		
<b>Original Signed</b> Signe Hansen, OALA, CSLA, MBA Manager, Community Planning	<b>Original Signed</b> Alex Herlovitch, MCIP, RPP Acting Director, Planning & Development Services	<b>Original Signed</b> Chris McQueen, MBA, Chief Administrative Officer

### **Purpose of Report**

The purpose of this report is to seek Council's approval for alternative approaches for preparing Secondary Plans in a timely and expeditious manner, in light of recent settlement area expansions, rate of growth and development pressure.

### **Background**

The Town's Official Plan (OP) directs that Secondary Planning be undertaken for the various neighbourhoods and be incorporated into the Official Plan by way of an Official Plan Amendment (OPA). Council determines the order in which it seeks to have Secondary Plans completed.

### **Secondary Planning**

A Secondary Plan is a land use plan for a particular area of a municipality that will ultimately form part of the Town's Official Plan. A Secondary Plan directs how a neighbourhood or community will grow over the long term in accordance with the Provincial Policy Statement and Provincial Growth Plan, and up until just recently, conformity with the Region's Official Plan.

A Secondary Plan illustrates various forms of land use such as residential densities, commercial types and location, parks/open space, and environmental protection areas, all of which must be appropriately balanced to make a viable community. As part of the Secondary Plan process, changes to the designated land use on certain properties may occur within the Plan Area and will result in changes being made to the zoning in order to implement the Secondary Plan's goals and objectives for the neighbourhood it represents.

Section 5.5.1 of the Town's current OP directs that all Neighbourhood Plans are to be incorporated into the Official Plan by way of amendment (OPA) to provide formal status under the *Planning Act*. The OPA that accomplishes this is known as a "**Secondary Plan**". A Secondary Plan's approvals process is conducted in accordance with Sections 17 and 21 of The Planning Act, R.S.O. 1990, c. P.13.

Currently, secondary plans have been prepared internally by Town staff, specifically the Senior Neighbourhood Planner / Urban Designer. Staff identify and manage the preparation of any necessary supporting studies (eg., Crystal Beach Parking Study), lead public consultation processes, prepare all mapping and documentation, prepare the policy, Official Plan Amendment and Zoning By-law Amendments. Depending on the complexity of the respective Plan, this process can take between 1 to 3 years of dedicated staff time.

### **Analysis**

As listed and illustrated in Report No. PDS-105-2021 the Council priorities presently are:

1. Bridgeburg North Urban Expansion Area
2. Walden / Garrison Neighbourhood
- 3a. Regional MCR Employment Land Expansion Area
- 3b. Regional MCR Community Expansion Area 1
4. Crescent / Kraft Neighbourhood
5. Regional MCR Community Expansion Area 2
6. Lakeshore

How these secondary planning areas advance needs to be given future consideration given that numerous events have occurred in the past year and a half.

Since Council's last review and determination of Secondary Plan priority order (December 13, 2021), the following has occurred:

- The Crystal Beach Secondary Plan approved by Council on November 22, 2021 was appealed to the Ontario Land Tribunal (OLT) and remains under appeal at time of this report;
- The Bridgeburg North Secondary Plan was authorized to proceed on April 11, 2022; however, due to lack of staff resources this work has not advanced;
- Province of Ontario Bill 109 received Royal Assent on April 14, 2022 placing tighter timelines on development approvals;
- A new term of Town Council has been installed with 3 new members (Wards 3, 4 and 5);
- The Niagara Region Official Plan was modified and approved by the Province on November 4, 2022 and will become Town policy by proclamation through Bill 23;
- New and additional urban area expansions were approved with the Province's approval of Niagara's Official Plan, requiring that a secondary plan is undertaken for any expansion more than 15 ha.;
- Province of Ontario Bill 23 received Royal Assent on November 28, 2022, which amongst other matters, dictates intensification and removes certain requirements or approvals; and
- Staff turnover and vacancies in the Planning Department have hindered the advancement of secondary planning priorities.

In light of impacts realized by the bulleted notations above, staff are now seeking Council's approval on alternative means in which to keep pace with provincial direction and development pressures realized over the past 5 years, with forecasted growth and



intensification placing even more urgency on directing that growth within our communities.

### **Alternative Approach Models**

Provincial initiatives and legislation, settlement expansion and development community pressures have resulted in greater urgency to have secondary planning undertaken. Growth demands have contributed to an inability for staff to quickly advance the Town's secondary planning interests without considering alternative options in effort to keep pace with expectations.

The purpose of presenting alternative approach models to Council is to provide insight on how Council may choose to proceed with the current practice of producing and processing Secondary Plans.

Typically, the Town has controlled, financed and produced each of its Secondary Plans to date. Although, the Town also has experience with the Gateway Secondary Plan, having been prepared outside by planning consultant Brook-McIlroy under Town direction.

It is noted that the volumes of new development occurring in past several years has eclipsed prior averages by approximately 4 or 5 times the rate of new residential and commercial building activity. The challenge to keep pace with demand for growth has been compounded with such monumental changes at the Provincial level, its mandates and legislative direction.

Fundamentally, completing secondary planning initiatives is a positive step towards integrating development pressures with other needs such as infrastructure planning (local and regional). This allows the critical consideration of capital planning needed to supply core services at the appropriate time. In other words, the more detailed planning that is completed, the greater the ability to provide for it economically, efficiently and when required.

The Town continues to experience staff shortages in planning and the expectation is a full staff compliment will remain elusive in the near-term. Thus, under these circumstances, Town staff are providing two approaches outlined below to allow for the secondary planning to occur.

#### **1. Town Led and Financed (Approach 1)**

Maintains complete control on secondary planning exercises following established priorities. The Town:

- develops and approves Terms of Reference (ToR) / Request for Proposals (RFP);
- retains outside professional planning consultant to perform the work with staff acting as project managers; and
- has used this model for the Gateway Secondary Plan (circa 2006).

This means financing and managing all aspects of the process including financing and procurement of all required studies needed to properly inform the outcome (for example

and not limited to, sub-watershed and related environmental studies, servicing studies, transportation studies).

**2. Town Led, Development Community Financed (Approach 2)**

Under this approach, the Town maintains control on secondary planning, however, organized participating landowner groups (PLG) may submit a request to advance their interests to the Director of Planning. PLG would be required to finance the Town led process and format. Generally, the Town:

- develops and approves ToR / RFP with relevant consultation with PLG;
- undertakes RFP process, retains and manages the consultant for Planning lead and any required sub-consulting expertise for required studies determined through the ToR process;
- requires agreement demonstrating commitment amongst PLG on their willingness to participate and fully finance all consultant studies and representation;
- may include Steering Committee (membership to be determined); and
- pays for consulting services and PLG reimburse Town fully;

The approaches outlined above are aimed at giving consideration to permitting secondary plans to advance where the Town does not have the current capacity. In theory, this may also result in two or more secondary plans being processed concurrently.

Staff have had contact with, or have been contacted by, representatives of the major landowners who have expressed interest in advancing the process and a willingness to discuss alternative arrangements, including financing the secondary plans.

**Additional Considerations**

It is important to note that under new provincial legislation, core growth related studies are no longer permitted to be funded through municipal Development Charges. This shifts related study costs to other revenue sources such as the general levy such that development no longer pays for development.

In theory, should any particular PLG wish to advance their planning interests outside of the Council approved priority order for Secondary Planning, the opportunity could be made available should Council endorse the recommendations in this report.

Any commitment to permitting a given area to advance secondary planning would not necessarily result in the ability to develop sooner without understanding that core services in the purview of Niagara Region must also be a consideration, or similar solutions are derived with any controlling interests not within the Town's domain.

More specifically, wastewater capacity, trunk sanitary and water supply provisions require Regional involvement and can be subject to the Region's timelines and budget unless alternative arrangements are achieved between all parties. Furthermore, orderly phased development must be a consideration and that "leapfrog" development not be permitted. Despite the Province's effort to broaden development activity, principles on orderly, responsible development still apply in Provincial Policy and Plans.

It is important to note that in either approach, staff feel confident that their same high standard of secondary planning will be achieved to guide the future of the community.

While the interest and pressures remain high on secondary planning, Town Council endorsed a motion to move the required Official Plan 10-year Update and Conformity exercise forward. The work required on the Official Plan will become staff's focus, further stalling staff led secondary planning. The Official Plan work is subject to Provincial timelines that place additional burden on resources as planning staff will be focused on this motion of Council.

Respecting the secondary planning program, and in effort to provide expeditious response to instances where private interests approach the Town for potential of exercising Approach 2, staff recommend delegating authority to the Director of Planning to assess and authorize proceeding with an alternative model, having consulted with other department Directors. This would occur only if a representative PLG approached the Town.

It is within reason to believe, based on submissions and inquiries about an alternative approach, PLGs will come forward.

#### **Financial/Staffing Implications**

Council approved Report No. PDS-105-2021 on December 31, 2021 that identified 6 neighbourhood areas requiring secondary planning be undertaken. For reasons outlined in Report No. PDS-11-2023, efforts to advance the secondary planning program have remained challenged by lack of staff resource.

Staff have forecasted and requested additional funding through a 2023 supplemental budget request for \$250,000 to facilitate the need identified for secondary planning to proceed and meet expectation for managing growth demands resulting from development pressures.

#### **Policies Affecting Proposal**

The Town's Official Plan places strong emphasis on the Secondary Planning to achieve more detailed land use distribution and a "complete community" approach to providing long term growth management for the many Neighbourhoods in Fort Erie.

Niagara Official Plan as approved by the Province (November 2022), will be inherited by the Town under Bill 23 and supports continued Secondary Planning efforts as a way to promote and manage responsible growth, and to encourage increased densities and in-filling to reduce urban sprawl while optimizing existing infrastructure. The Town's Official Plan also identifies this planning approach as a means of furthering its goals and policies at a more detailed level.

Secondary Plans require alignment with Provincial Policy and Plans while attempting to balance local level context that is in the best interests of the residents, employers and natural environment.

Policies of the Town's Official Plan respecting community engagement and meaningful consultation will be continued whether or not an alternative approach is employed to expedite the secondary plan program.

### **Communicating Results**

No additional communication is recommended at this time.

### **Alternatives**

Council may elect to maintain current practice of staff led and implemented secondary plans, however, this will delay much needed growth and development planning activity to keep pace with expectations of the Province and development community.

Despite past practice the only feasible alternative would involve engaging outside assistance.

### **Conclusion**

The effort to resolve delays in the Town's secondary planning need, as compounded by the changes and responsibilities placed on the Town by the Province, alternative approaches to keep the Town responding to growth planning and management are being presented in this report for Council's guidance.

Subject to Council's approval of this report and the recommendations contained herein, or through an alternate direction of Council, staff will proceed as directed.

### **Attachments**

None.



## Infrastructure Services

<b>Prepared for</b>	Council-in-Committee	<b>Report No.</b>	IS-01-2023
<b>Agenda Date</b>	February 13, 2023	<b>File No.</b>	230803

### **Subject**

**AWARD OF TENDER FOR IDYLEWYLDE STREET RECONSTRUCTION - CONTRACT NO. ISE-22T-IDYL20**

### **Recommendations**

**THAT** Council accepts and approves the tender submission for the Idylewylde Street Replacement of Watermain, Sanitary Sewers and Road Reconstruction – Contract No. ISE-22T-IDYL20 from 1984370 Ontario Inc. (o/a Alfidome Construction Niagara) in the amount of \$5,441,468.30 (including 13% HST); and further

**THAT** Council authorizes the extension of the Kerry T. Howe Engineering Limited assignment for contract administration and inspection services in the amount of \$224,870.00 (including 13% HST); and further

**THAT** Council amends the 2023 Capital Budget to supplement the Idylewylde Street Replacement of Watermain, Sanitary Sewers and Road Reconstruction – Contract No. ISE-22T-IDYL20 by \$1,529,503 (including non-rebatable HST) as identified in 'Table 5' with \$637,503 from Wastewater Refurbishing Reserve, \$377,500 from Storm Refurbishing Reserve and \$514,500 from Road Refurbishing Reserve.

### **Relation to Council's 2018-2022 Corporate Strategic Plan**

**Priority:** **2: Effective, Sustainable Infrastructure for the Future**

**Strategic Objective:** Maintaining and Investing in sustainable infrastructure that services the entire community and builds a strong, vibrant and attractive community.

### **List of Stakeholders**

- 1) Mayor and Council of the Town of Fort Erie
- 2) Ratepayers of the Town of Fort Erie
- 3) Residents within the Project Area
- 4) 1984370 Ontario Inc. (o/a Alfidome Construction Niagara)
- 5) Remaining bidders on these projects

Prepared by:	Submitted by:	Approved by:
<i>Original Signed:</i>	<i>Original Signed:</i>	<i>Original Signed:</i>
Kurtis Bottrell, C.E.T. Project Manager, Engineering Division	Kelly M. Walsh, P.Eng. Director, Infrastructure Services	Chris McQueen, MBA Chief Administrative Officer
<i>Original Signed:</i>		
Christopher Kalimootoo, P.Eng. Manager, Engineering		

### **Purpose of Report**

The purpose of this report is to advise Council of the tender process for the Idylewylde Street Replacement of Watermain, Sanitary Sewers and Road Reconstruction and to request Council's approval to award the tender of Contract No. ISE-22T-IDYL20 to 1984370 Ontario Inc. (o/a Alfidome Construction Niagara) from Niagara Falls, Ontario in the amount of \$5,441,468.30 (including 13% HST).

The report further requests Council approval to extend an existing engineering assignment to Kerry T. Howe Engineering Limited. This additional assignment includes contract administration and inspection services in the amount of \$224,870.00 (including 13% HST).

Finally, to request Council approval for an amendment to the 2023 Capital Budget. The original approved budget of \$3,835,000 will require an increase of \$1,567,000 in various reserve funds due to scope change, new excess soil regulations and inflation. This will supplement the project in order to account for the difference between the project costs and the approved budget.

### **Analysis**

#### Background

Council approved the proposal from Kerry T. Howe Engineering Limited to provide engineering design for the Idylewylde Street Replacement of Watermain, Sanitary Sewers and Road Reconstruction – Contract No. ISE-20P-IDYL20 to the upset limit of \$78,987.00 (including 13% HST) at the May 04, 2020 Council-in-Committee, Administration Report IS-23-2020.

During the design process the original scope of work was expanded to include storm sewer replacement on Idylewylde Street and the installation of a new storm sewer on Columbus Drive. Furthermore, additional funds were required to facilitate a stage 2

archeological investigation and additional time required to review geotechnical reports to meet the new Ontario soil regulations (O.Reg.406/19) which were implemented after award of engineering services. These additional fees total \$28,626.52 (including 13% HST).

Through Council's adoption of the 2022 budget, Town staff were authorized to proceed with the tender issue for the 2022 road reconstruction, once design was completed.

In summary, the works in this tender include:

- Replacing 950m of existing 150mm diameter cast iron and asbestos cement watermain with 150 mm diameter PVC watermain and, replacement of all services up to/including curb stops at the property line.
- Replacing 790m of existing 225mm and 300mm diameter cast iron and clay sanitary sewers with PVC sewer, replacement of maintenance holes and services to the property line.
- Replacing 338m of existing concrete storm sewer on Idylewylde and installing 77m of new storm sewer on Columbus Drive, including improvements to the stormwater drainage works.
- Full road reconstruction including curb and sidewalk.

#### Contract Administration and Site Inspection Services

The original competitive RFP process incorporated engineering design and tendering services as the primary tasks and contract administration and inspection services as provisional tasks. Kerry T. Howe Engineering Limited was competitively rated for the engineering design and tendering; as well as contract administration and inspection services for the project receiving the highest score in the financial section. The engineering design and tendering services have been completed by Kerry T. Howe Engineering Limited. However, the provisional contract administration and inspection services have not yet been awarded.

Given the long duration of the Idylewylde Street project, the familiarity with the design of the project and Town inspection staff having been committed to other 2023 capital projects, Town staff recommends that Kerry T. Howe Engineering be retained to provide contract administration and inspection services. Based on the competitive evaluation results, Town Staff recommends services to be extended in the amount of \$224,870.00 (including 13% HST) for the IDYL20 assignment.

**Table 1: Design, Tendering and Contract Administration and Inspection Services**

<b>IDYL20 – Idylewylde Street Replacement of Watermain, Sanitary Sewers and Road Reconstruction</b> <b>Contract No.: ISE-22T-IDYL20</b>	
<b>Project Component</b>	<b>Fees</b>
Engineering Design & Tender	\$107,613.52
Contract Administration and Inspection Services	\$224,870.00

<b>IDYL20 – Idylewylde Street Replacement of Watermain, Sanitary Sewers and Road Reconstruction</b> <b>Contract No.: ISE-22T-IDYL20</b>	
<b>Project Component</b>	<b>Fees</b>
<b>Total Fees for Design, Tendering and Contract Administration and Inspection Services</b>	<b>\$332,483.52</b>

*All amounts include 13% HST*

### Tender Call

This project had an approved budget of \$3,486,000 for construction. Tender No. ISE-22T-IDYL20 was issued in accordance with and adhered to the provision of the Town of Fort Erie's purchasing by-law (By-Law No. 2-10, a By-Law Respecting the Purchase of Goods, Services and Construction).

The tenders closed on Tuesday January 20, 2023 at 2:00 p.m. local time and a closed opening took place shortly thereafter. A total of six tenders were received through Biddingo. The submitted tenders were checked for mathematical errors and tender specification conformance. A detailed spreadsheet, including unit prices submitted by the contractors is available for review by members of Council in the Infrastructure Services Department. The tender summary is presented in Table 2 below:

**Table 2: Tender Summary**

ISE-22T-IDYL20		
Total Project Construction Funds	\$3,547,353.60 (net of non-rebatable taxes)	
Submitted Tenders		
Contractor	Tender Price (including 13% HST)	Tender Price (net of non-rebatable taxes)
1984370 Ontario Inc. (o/a Alfidome Construction Niagara)	\$5,441,468.30	\$4,900,210.74
Nexterra Substructures Incorporated	\$5,486,895.63	\$4,941,119.46
Provincial Construction (Niagara Falls) Limited	\$5,705,239.82	\$5,137,745.17
Alfred Beam Excavating Limited	\$6,064,957.47	\$5,461,682.05
Peters Excavating Inc.	\$6,661,081.07	\$5,998,509.82
Demar Construction Inc.	\$8,118,113.34	\$7,310,612.51



All bids exceeded the \$3,547,353.60 budget allocated for the project. This is partially due to the additional scope to replace storm sewers and the requirements that must be followed when removing excess soil from the construction site (O.Reg. 406/19). Furthermore, over the past two years there has been a significant increase to material and construction costs due to inflation. Staff anticipate this instability will continue into 2023 and possibly further.

It is recommended that the contract for ISE-22T-IDYL20 Idylewylde Street Replacement of Watermain, Sanitary Sewers and Road Reconstruction be awarded to 1984370 Ontario Inc. (o/a Alfidome Construction Niagara) for the upset limit of \$5,441,468.30 (including HST). The actual cost to the Town will be \$4,900,210.74 (including non-rebatable HST). A budget amendment would be required to increase funding to Capital Project IDYL20 as further discussed under 'Financial/Staffing Implications and Accessibility (AODA) Considerations'.

The low bidder, Alfidome Construction Niagara, is an experienced contractor from Niagara Falls that has previously completed projects within the Town of Fort Erie and the Niagara Region.

#### **Financial/Staffing Implications and Accessibility (AODA) Considerations**

Total project funds available for this project are \$3,835,000. A summary of total project costs and funding sources are noted below in Table 3 and Table 4.

**Table 3: Project Costs**

<b>Project Component</b>	<b>Cost</b>
Engineering Design Services	\$96,977.28
Construction	\$4,900,210.74
Inspection, Contract Administration and Project Management	\$202,502.40
Town Staff Project Management and Incidentals	\$74,812.58
Geotechnical Investigations and Materials Testing	\$75,000.00
Excess Soil O.Reg 406/19 "Qualified Person"	\$15,000.00
<b>Total Project Costs</b>	<b>\$5,364,503.00</b>

*All amounts include non-rebated HST*

**Table 4: Available Funding Sources**

<b>Funding Source</b>	<b>Funds</b>
Reserve Funds	\$1,737,505
Grant Funds	\$2,097,495
<b>Total Project Funds Available</b>	<b>\$3,835,000</b>

*All amounts include non-rebated HST*

**Table 5: Project Fund Breakdown**

<b>Idylewylde Street Replacement of Watermain, Sanitary Sewers and Road Reconstruction (ISE-22T-IDYL20) Project Fund Breakdown</b>				
<b>Design Fund Component</b>				
<b>Wastewater Refurbishing Reserve</b>	<b>Storm Refurbishing Reserve</b>	<b>Road Refurbishing Reserve</b>	<b>Water Refurbishing Reserve</b>	<b>OCIF Grant</b>
\$107,000	\$11,000	\$141,000	\$90,000	n/a
<b>Construction Fund Component</b>				
<b>Wastewater Refurbishing Reserve</b>	<b>Storm Refurbishing Reserve</b>	<b>Road Refurbishing Reserve</b>	<b>Water Refurbishing Reserve</b>	<b>OCIF Grant</b>
\$0	\$110,000	\$1,278,505	\$0	\$2,097,495
<b>Total Funds \$3,835,000</b>				
<b>Project Variance</b>				
<b>Wastewater Refurbishing Reserve</b>	<b>Storm Refurbishing Reserve</b>	<b>Road Refurbishing Reserve</b>	<b>Water Refurbishing Reserve</b>	<b>OCIFF Grant</b>
\$637,503	\$377,500	\$514,500	\$0	n/a
<b>Total Funds \$5,364,503.00</b>				

*All amounts include non-rebated HST*

**Table 6: Variance Projection**

<b>Project IDYL20 Variance Summary</b>		
<b>Total Estimated Project Cost</b>	<b>Total Project Funds</b>	<b>Variance</b>
\$5,364,503	\$3,835,000	(\$1,529,503)

*All amounts include non-rebated HST*

As illustrated in Table 6, there is a projected negative variance for this project in the amount of \$1,529,503. Staff is seeking a transfer of \$637,503 from the Wastewater Refurbishing Reserve, \$377,500 from the Storm Refurbishing Reserve, and \$514,500 from the Road Refurbishing Reserve. These reserve funds are needed in order to complete this project.

A negative budget variance of \$1,203,400 was foreseen by staff during the 2023 Capital program preparation in comparison to the 2022 Capital program prepared in late 2021. Through changes to the program, confirmation was provided that the funds from the appropriate reserves would be available at the time of tender and could be requested through this council report.

The variance is a result of the additional storm sewer scope, excess soil O.Reg 406/19 and a significant increase to inflation since the original budget estimate completed in 2019. Furthermore, the availability and demand for construction materials has increased and therefore further impacting the costs.

As a result of a modern inclusive design, accessibility has improved in the area. Should the construction activities cause a temporary disruption to normal service, the public will be notified as outlined in the Accessibility Regulations for Contracted Services instruction in the contract.

#### **Policies Affecting Proposal**

By-law No. 124-2019 adopted Council's 2018-2022 Corporate Strategic Plan.

Effective and sustainable infrastructure is a priority in the plan. The award and completion of this project supports the ongoing Infrastructure Priority in addressing the initiatives.

The provisions of the Town of Fort Erie Purchasing Policy By-law No. 2010-002 were adhered to during the tender process for this project.

#### **Comments from Relevant Departments/Community and Corporate Partners**

Comments from relevant departments and community partners have been included in this report and in the preparation of the project.

**Communicating Results**

A Public Information Centre (PIC) was open online from October 20, 2022 to October 28, 2022 to review the project plans and designs. The PIC notice was posted on the Town's website.

Residents and businesses were given the chance to review the project plans and designs, discuss the project with the project team and pass on their comments.

As this project is a Municipal Class Environmental Assessment (MCEA) Schedule A+ pre-approved project, a PIC is not needed to meet the requirements of the MCEA process, however it does provide value to both the design team and community.

Staff will keep the general public informed of construction works prior to and at the end of construction. The work included in this project is anticipated to be done with the contractor maintaining one lane for traffic using appropriate traffic control, in accordance with Ontario Traffic Manual Book 7 - Temporary Conditions. There may be instances where a temporary road closure is required to allow specific work to be completed. Should this be necessary, appropriate notice will be provided to the local residents.

The project is anticipated to begin in March 2023 and be essentially complete by late fall 2023.

The following points of contact will be completed for the project:

- Hand delivered notices will be provided to the directly impacted residents and businesses;
- Project updates will be provided on the Town's website.

**Alternatives**

Council has the option of not authorizing the award of this contract and postponing the reconstruction of Idylewylde Street. However, given that the needs have been identified and efforts expended in the completion of the design and tendering of this project and the construction cost is not unreasonable in the current market, staff does not recommend deferring this project.

Council also has the option of requesting the scope of work being reduced to fit the previously approved budget. If this option is recommended by Council, staff will review the project to determine which items can be removed for a cost savings and reissue the project for public tender. It is staff's opinion that the tender submitted by Alfidome Construction Niagara has favourable pricing to the Town given previous experience and recent projects awarded within the region. Town staff does not recommend reducing the scope of work given and retendering the project due to the favourable pricing.

**Conclusion**

Staff recommends that the tender for the Idylewylde Street Replacement of Watermain, Sanitary Sewers and Road Reconstruction – Contract No. ISE-22T-IDYL20 be awarded to 1984370 Ontario Inc. (o/a Alfidome Construction Niagara) in the amount of \$5,441,468.30 (including 13% HST); and further

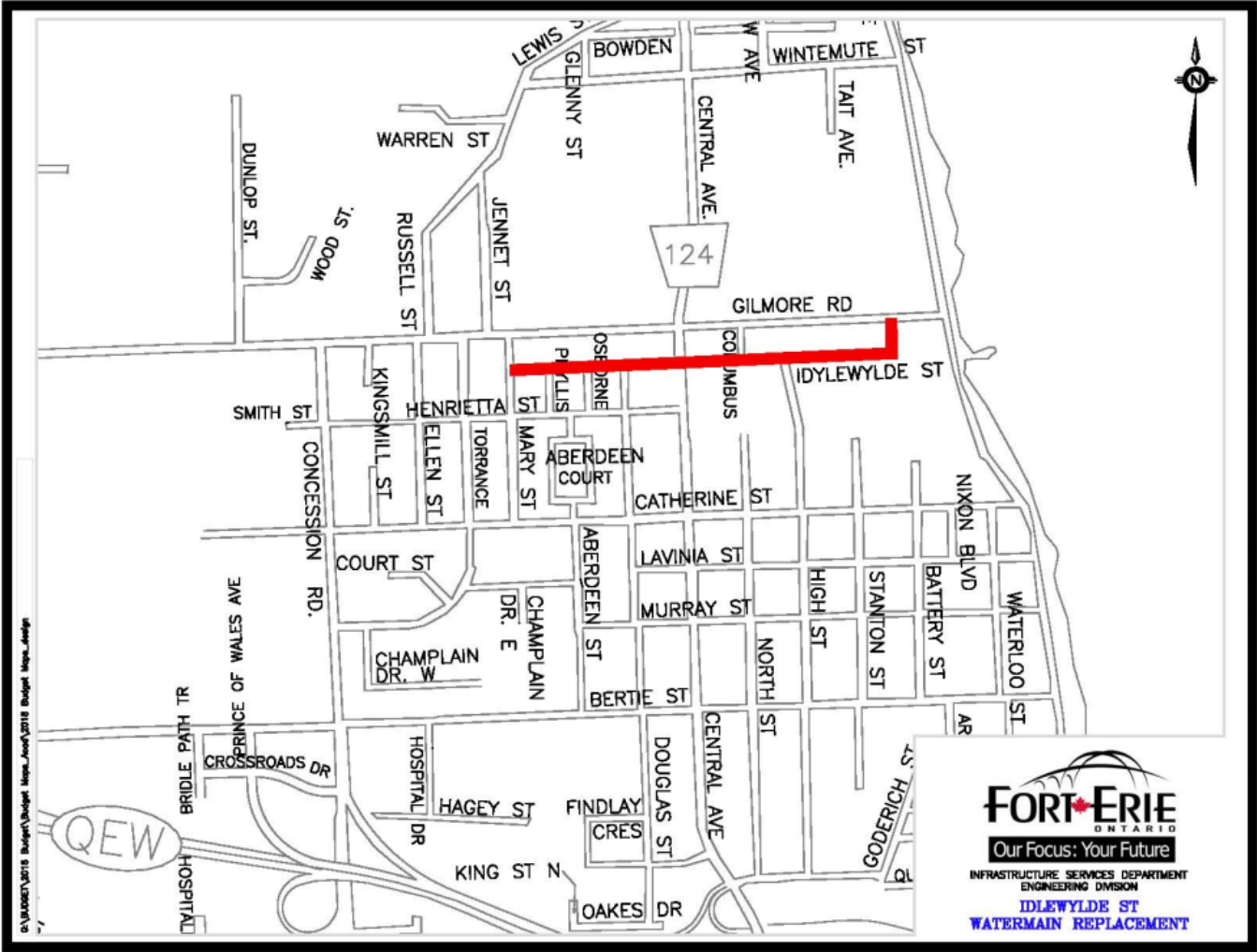
Staff recommends the extension of the Kerry T. Howe Engineering Limited assignment for contract administration and inspection services in the amount of \$224,870.00 (including 13% HST); and further

Council approval is requested for an amendment to the 2023 Capital Budget to supplement the Idylewylde Street Replacement of Watermain, Sanitary Sewers and Road Reconstruction – Contract No. ISE-22T-IDYL20, by \$1,529,503 with funding from the following reserves, \$637,503 from Wastewater Refurbishing Reserve, \$377,500 from Storm Refurbishing Reserve and \$514,500 from Road Refurbishing Reserve.

**Attachments**

**Appendix '1' – Project Key Map**

**Appendix '1' – Project Key Map**





## Infrastructure Services

<b>Prepared for</b>	Council-in-Committee	<b>Report No.</b>	IS-03-2023
<b>Agenda Date</b>	February 13, 2023	<b>File No.</b>	3601

### **Subject**

**FORT ERIE WATER DISTRIBUTION SYSTEM 2022 ANNUAL WATER QUALITY REPORT & ANNUAL WATER UTILITY SUMMARY REPORT**

### **Recommendations**

**THAT** Council receives the Annual Water Quality Report for the period of January 1 – December 31 2022, on Fort Erie's Water Distribution System, attached as Appendix '1' to IS-03-2023, prepared as required by O. Reg. 170/03 Section 11; and further

**THAT** Council receives and accepts Report IS-03-2023 as the Annual Water Utility Summary Report to Council as required by O. Reg. 170/03 Schedule 22.

### **Relation to Council's 2018-2022 Corporate Strategic Plan**

**Priority: 2. Sustainable Infrastructure for the future**

**Goal:** n/a

**Initiative:** n/a

### **List of Stakeholders**

- 1) Fort Erie Drinking Water Customers
- 2) Niagara Region Public Health
- 3) Niagara Region Public Works
- 4) Ontario Ministry of Environment, Conservation and Parks

<b>Prepared by:</b>	<b>Submitted by:</b>	<b>Approved By:</b>
<i>Original signed by:</i>	<i>Original signed by:</i>	<i>Original signed by:</i>
Chris Pisaric Manager, Water/ Wastewater Division	Kelly M. Walsh, P Eng. Director, Infrastructure Services	Chris McQueen Chief Administrative Officer

**Purpose of Report**

The purpose of this report is to allow the Town of Fort Erie to meet the statutory requirements associated with O. Reg. 170/03, under the *Safe Drinking Water Act*, 2002 hereinafter referred to as “SDWA”. Three reports are provided for Council’s information:

1. The Annual Water Utility Summary Report, pursuant to O. Reg. 170/03, Schedule 22 embodied within this Administrative Report.
2. The Annual Water Quality Report January 1 – December 31 2022, pursuant to O. Reg. 170/03, Section 11 attached as Appendix ‘1’.
3. The Region of Niagara – Rosehill Water Treatment Plant – Annual Summary Report – January 1 to December 31, 2022, attached as Appendix ‘2’.

These reports provide Council with the annual update on the performance of our water utility as it relates to satisfying all legislative requirements in the delivery of safe drinking water.

**Analysis****Background**

The SDWA and associated O. Reg. 170/03 passed in June of 2003, dictate our legislative reporting requirements. Section 11 of O. Reg. 170/03 provides detailed criteria for distribution of the Annual Water Quality Report to the public.

The report must be made readily available at an appropriate public location, such as the Infrastructure Services Reception Desk in the Town’s Municipal Centre. The report will also be made available on the municipal website.

The availability of the report will be advertised in local newspapers and copies must be provided to the public free of charge upon request.

In addition, there is a requirement for an Annual Water Utility Summary Report to the members of Council under O. Reg. 170/03, Schedule 22. This summary report is provided herein.

This report also serves to place these reports in the public record of the Town of Fort Erie.

**Water Utility Operations**

We continue to operate the Town’s water utility through adherence to our Municipal Drinking Water License (MDWL) and our Drinking Water Works Permit (DWWP). The MDWL provides the required legislative authority to operate the system. The DWWP provides the descriptive scope of our water distribution system and the authority to establish and alter the system.

In order to maintain our MDWL and DWWP we must ensure the maintenance of our accreditation as an approved operating authority.



In January of 2023 our Drinking Water Quality Management System (DWQMS) received a renewal of our Certificate of Accreditation as an approved Operating Authority for our water utility. In December of 2022, our accreditation body performed a 12-month Onsite Verification Audit on all elements of the DWQMS 2.0, results found zero instances of non-conformance.

Our corporate wide support team (inclusive of the Mayor and Council) has contributed to the success of all required policy development, implementation and administration in ensuring our DWQMS has provided a model that truly walks the talk of our policy statement which reads:

The Town of Fort Erie has implemented a Drinking Water Quality Management System and is committed to:

- *The delivery of safe drinking water to our customers;*
- *Maintaining compliance to all applicable drinking water legislation and regulations;*
- *Ensuring regular maintenance and continuous improvement of the QMS.*

Attached as Appendix '3' is an updated version of our DWQMS Policy Poster that is utilized as a promotional and information outreach tool in demonstrating our commitment to the delivery of safe drinking water.

### **Annual Water Quality Report**

#### **Microbiological Sampling:**

Microbiological testing continues to prove that the water delivered by the Fort Erie Distribution System is safe with a very low occurrence of initial adverse results at 0.53% for this reporting period. During the reporting period three (3) initial adverse results were obtained from 571 samples collected.

Special follow-up sampling and evaluation found the water to be microbiologically safe. In all cases of initial adverse water sample test results, all remedial actions and re-sampling results were reported to Niagara Region Public Health and the Ministry of Environment Conservation and Parks (MECP).

#### **Chlorine Sampling:**

With respect to the maintenance of a minimum disinfectant residual of 0.05 mg/L of free available chlorine throughout the distribution system, regular system monitoring resulted in initial adverse samples of 0.29% for this reporting period. A total of 1717 free chlorine samples were obtained, five (5) samples resulted in low free chlorine residual. Routine monitoring and flushing is conducted in the identified areas of the system in which the disinfectant residual may dissipate due to low flow/high residence times.

### Trihalomethane (THM) Sampling:

Samples are collected from points that are likely to have an elevated potential for the formation of THMs such as low flow areas or dead ends. THMs are a by-product of the disinfection process that has known adverse health effects above regulated maximum allowable concentrations (MAC). These samples are calculated on a running annual average (RAA). Three (3) sample collection locations in each quarter of this reporting period yielded test results of 0.0219 – 0.0449 mg/l indicating that all 12 samples were well below the MAC of 0.10 mg/L.

### Haloacetic Acids (HAA):

As of January 2017 the requirement for conducting quarterly testing within our distribution system for HAA began. Samples are collected from a point in the distribution system that is likely to have an elevated potential for the formation of HAAs, ideally at a location closest to the application of secondary disinfection. HAAs are similar to THMs in that they are a by-product of the disinfection process and have known adverse health effects above maximum allowable concentrations (MAC). After the first quarter sample collection in 2018, the MECP requested additional samples to be taken at locations where additional disinfection is added to the system (Erie Road and Stevensville reservoir). In 2022 twelve samples were taken for this reporting period. These samples are calculated on a running annual average (RAA). Results of the samples taken had 0 exceedances ranging from 0.0049 to 0.0895 mg/L. One sample result was above the maximum allowable concentration (MAC) of 0.08 mg/L, however this did not result in an exceedance due to the running annual average (RAA). The RAA for this period was 0.0236 mg/L. As of January 1, 2020 any exceedances are reportable under Schedule 13-6.1 of O Reg 170.

### Lead Sampling:

Historical results of lead sampling have been below standard requirements and have afforded relief of this requirement until 2024.

In 2022 four (4) distribution samples were taken at random locations through out the distribution in each of the two (2) sampling periods and tested for pH and alkalinity.

The attached Annual Report (Appendix '1') demonstrates that Fort Erie's Water Distribution System delivers potable water of high quality. Our water utility continues to meet the requirements of the SDWA and associated regulations.

### **Annual Water Utility Summary Report to Council**

O. Reg. 170/03, Schedule 22, under the SDWA, requires Staff to provide an Annual Water Utility Summary Report to Council. The regulation states:

(2) *The report must,*

- (a) *list the requirements of the Act, the regulations, the system's approval, drinking water works permit, municipal drinking water licence, and any orders applicable to the system that were not met at any time during the period covered by the report; and*
- (b) *for each requirement referred to in clause (a) that was not met, specify the duration of the failure and the measures that were taken to correct the failure.*

In addressing (2)(a)(b) above, the requirements of the Act are referenced herein and the regulations that influence our water utility operations are included as Appendix '4' and;

(3) *The report must also include the following information for the purpose of enabling the owner of the system to assess the capability of the system to meet existing and planned uses of the system:*

*1. A summary of the quantities and flow rates of the water supplied during the period covered by the report, including monthly average and maximum daily flows and daily instantaneous peak flow rates.*

*2. A comparison of the summary referred to in paragraph 1 to the rated capacity and flow rates approved in the system's approval."*

The Ministry of Environment, Conservation and Parks (MECP) conducted an announced annual inspection of the Fort Erie Distribution System on February 10, 2022, there were no non-compliance issues. See Appendix '5' for the report.

Attached - as Appendix '2' - is the Niagara Region Summary Report for the Rosehill Water Treatment Plant. Water supply production data at the Rosehill Water Treatment Plant is included in the report. This data shows that the plant has sufficient capacity to satisfy Fort Erie's long-term growth demands and meets the requirement of Subsection 3 of Schedule 22 of O. Reg. 170/03.

The water distribution system currently meets present needs but will require certain upgrades and extensions to satisfy growth demands as they are identified. These growth-related requirements were considered as part of the Water Distribution System Master Plan (WDSMP) update which was completed in April 2017. The WDSMP document and associated deliverables have provided the Town with the information and tools necessary to guide capital investments in both the short term, 10 year Water System Capital Budget, and furthermore the Town of Fort Erie long term.

Suggested distribution system enhancements and expansion have also been identified in the Niagara Region Water and Wastewater Master Servicing Plan.

#### **Financial/Staffing and Accessibility (AODA) Implications**

Council approved, by resolution, the 6-year Municipal Drinking Water Licensing Financial Plan as a financially viable plan for the operation of the Town's drinking water system in accordance with the O. Reg. 453/07 of the *Safe Drinking Water Act, 2002*, via Report No. CS-02-2020 on February 18, 2020. The Municipal Drinking Water Licence was renewed September 2020.

The 2023 capital program has been brought forward as a required component of the Financial Plan submitted to the Minister of Municipal Affairs in working to solidify our legislated establishment of a full cost recovery sustainable utility.

The 2023 Water and Wastewater Operating Budget as approved by Bylaw 4-2023 reflects the funding allocations as required to adequately maintain the integrity of the Town's water utility operations.

There are no AODA implications that need to be considered for this report.

#### **Policies Affecting Proposal**

By-law No. 124-2019 adopted Council's 2018-2022 Corporate Strategic Plan. Our commitment to establishing a life cycle based full cost recovery Utility supports Council's priority of Effective, Sustainable Infrastructure.

Our adopted DWQMS Operational Plan and the provisions of the SDWA govern our communication requirements with the municipal Council.

#### **Comments from Relevant Departments/Community and Corporate Partners**

Comments from other departments have been incorporated into this report.

#### **Communicating Results**

This report along with the associated appendices will be made available at the Infrastructure Services Reception Desk in the Town's Municipal Centre. This report will also be made available on the municipal website.

The availability of this report will be advertised in local newspapers and copies will be provided to the public free of charge upon request.

#### **Alternatives**

As the publication of Annual Reports and the provision of a Summary Report to Council are regulatory requirements, there are no alternatives.

#### **Conclusion**

The submission and Council's acceptance of this report satisfies our legislative responsibilities under the SDWA.

<b>Attachments</b>
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**Appendix '1'** – Town of Fort Erie Annual Water Quality Report

**Appendix '2'** – Regional Municipality of Niagara - Rosehill Water Treatment Plant Annual Summary Report

**Appendix '3'** – QMS Policy Poster

**Appendix '4'** – List of Regulations under the Safe Drinking Water Act 2002 applicable to Fort Erie's Water Distribution System

**Appendix '5'** – MECP Annual Inspection Report from February 10, 2022 .

**Annual Report**

O. Reg. 170/03, s.11 (1)  
Jan. 1, 2022 – Dec. 31, 2022

# Town of Fort Erie

## Annual Water Quality Report

**Points of Interest:**

**Our Water  
Quality Test  
Results**      **2**

**What We Do To  
Assure Water  
Quality**      **4**

**To Obtain  
Copies of  
Annual  
Reports**      **5**

## Introduction

The Town of Fort Erie is pleased to present its annual report for 2022 on the Fort Erie Water Distribution System covering the period from January 1, 2022 to December 31, 2022. Pursuant to Ontario Regulation 170/03, Section 11 (10) the Town of Fort Erie must make an annual water quality report available to anyone, at no charge. The Town of Fort Erie also posts monthly water quality summaries on our website. [www.forterie.ca](http://www.forterie.ca).

This report is provided in compliance with the Safe Drinking Water Act and associated regulations.

## Water Supply and Distribution

The Drinking Water System in the Town of Fort Erie is a split jurisdictional model between the Regional Municipality of Niagara (Region) and the Corporation of the Town of Fort Erie (Town). The Region is responsible for water treatment, trunk water main facilities, water storage, and residual disinfection. The Town owns and operates the Fort Erie

Distribution System, purchasing water from the Region and supplying it to serviced areas within all urban and settlement areas of the Municipality. The distribution system is a Class 2 system, extending westerly as far as Pt. Abino through Ridgeway and Crystal Beach and northerly to Douglastown through Stevensville.

The Regional Municipality of Niagara has prepared a companion report providing information on Lake Erie as our water source, on the Rosehill Water Treatment Plant and the results of their quality assurance testing of the water provided to the Fort Erie Distribution System. This report is available on the Region's website. (see page 5)

## Quality Management System [QMS]

We continue the operation of our Water Utility through adherence to our adopted Quality Management System. The Town of Fort Erie is committed to:

- The delivery of safe drinking water to our customers.
- Maintaining compliance to all drinking water legislation.
- Ensuring regular maintenance and continuous improvement of our QMS.

### Town of Fort Erie Water Distribution System Responsible Persons

Position	Name	Telephone 905-871-1600 Ext.
Director, Infrastructure Services	Kelly M Walsh, P.Eng.	2400
Manager WWD	Chris Pisarc	2475
Water/Wastewater Technician	Paul Earl	2465
Coordinator QMS	Shawna Mills, P.Eng	2485

## Annual Water Quality Report

Page 2 of 6

## Water Quality Monitoring

As the operator of the water distribution system, the Town of Fort Erie Water & Wastewater Services Division must conduct the water quality sampling and testing outlined in:

[Table 1 \(Page 3\)](#).

Sampling locations must vary and be representative of the system. Similarly, the Region of Niagara, Public Works Department tests the water supplied to the Town from the Rosehill

Treatment Plant. The results of their water quality monitoring are reported separately in their annual report.

[\(See Page 5\)](#)




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**“A total of 571 samples were taken for microbiological testing ... During this reporting period, as recorded in Table 2 (Page 6), only three (3) adverse sample was collected.”**

## Our Water Quality Test Results

The results of water quality testing for the period January 1, 2022 – December 31, 2022 are summarized in [Table 2 \(Page 6\)](#).

Microbiological Analysis

A total of 571 samples were taken for microbiological testing and analyzed by E-3 Laboratories, an independent accredited laboratory for microbiological analysis. During this reporting period, as recorded in Table 2 (Page 6), three (3) preliminary adverse samples were collected. In all instances, follow-up flushing was conducted to elevate the area free available chlorine residual and repeat sampling and testing have proven the water to be microbiologically safe. This low percentage (0.53%) of initial adverse results would not be recognized as unusual in a system of our size and age.

Minimum Free Chlorine Residual

To ensure the maintenance of water quality throughout the distribution system; Operators of Large Municipal Drinking Water Systems are regulated to maintain a minimum disinfectant residual of 0.05 mg/L of free available chlorine (FAC). During this reporting period there was five (5) instances where system sampling identified a (FAC) residual less than the regulated minimum from the 1,717 samples taken. Routine system monitoring and flushing continues to address the adequacy of chlorine residual in low flow, high residence, and dead end areas of our distribution system.

Chemical Analysis

Samples are to be collected from points that are likely to have an elevated potential for the formation of trihalomethanes and that are likely to have an elevated concentration of lead. Trihalomethane analysis is required to be done once per quarter. Three sample collections are required each quarter. The town completed sampling during this reporting period, yielding test results indicating all twelve (12) samples were well below the maximum allowable concentrations (MAC) of 0.10 mg/L. The Town completed distribution total alkalinity sampling during the two (2) sampling periods in 2022. Haloacetic acid (HAAs) sampling in the Town's distribution system was completed. HAAs are a type of chlorination disinfection by-product formed when the chlorine used to disinfect drinking water reacts with naturally occurring organic matter in water. In 2022, twelve (12) HAA samples were collected, total, yielding results well below the (MAC) of 0.08 mg/L.

## Annual Water Quality Report

Table 1: Water Quality Sampling and Testing for Distribution Systems

## Town of Fort Erie Water Distribution System

Parameter	Sampling and Analysis	Distribution System Standards.	Remarks
Microbiological	<p>Minimum 39 samples throughout each month tested for total coliform and E. coli.- Based on a population of almost 32,000.</p> <p>At least 25% of sample collections must include analysis for general bacteria population expressed as colony counts on a heterotrophic plate count.</p>	<ul style="list-style-type: none"> <li>Escherichia coli (E.coli): <b>no</b> colonies detection</li> <li>Total coliforms: <b>no</b> colonies detection</li> </ul>	<p>Fort Erie collects 11 samples per week.</p> <p>Microbiological analysis is conducted using the Membrane Filtration Analysis technique.</p>
Chlorine Residual (Disinfectant)	<p>Sampling and testing and testing in conjunction with microbiological samples.</p> <p>Twice weekly collections in representative system locations.</p>	0.05 mg/L minimum concentration of free available chlorine.	<p>System is monitored at representative locations; e.g., system dead-ends.</p> <p>Flushing used to maintain level.</p>
Trihalomethane	<p>Quarterly – There is no regulatory definitive number of required sample collections.</p> <p>Three (3) samples collection per quarter were submitted for analysis.</p>	0.10 mg/L maximum acceptable concentration	Based on a four-quarter progressive annual average of test results at points which are likely to have an elevated potential for the formation of trihalomethanes.
Lead	<p>The Town is exempt from plumbing sampling. The Town is however, required to sample the system's distribution system as per section 15.1 5(10). This would require the Town to test for pH and total alkalinity during each of the two (2) sampling periods, in every 12-month period and test for lead during each of the two (2) sampling periods in every third 12 month period which began the winter of 2018.</p>	0.01 mg/L maximum acceptable concentration	Historical results of lead sampling below standards has afforded relief of this requirement until January 2024
Haloacetic Acids	<p>Quarterly – There is no regulatory definitive number of required sample collections.</p> <p>Three (3) sample collection per quarter were submitted for analysis.</p>	0.08 mg/L maximum acceptable concentration	Based on a four-quarter progressive annual average of test results at points which are likely to have an elevated potential for the formation of Haloacetic Acids
Turbidity	Frequency not specified	5.0 NTU maximum aesthetic objective.	Measured at consumer outlets. System is monitored at various locations. Flushing used to reduce turbidity.

Notes: 1) mg/L – milligrams per litre of water (parts per million – ppm)  
 2) NTU – Nephelometric Turbidity Units



# Annual Water Quality Report

## What We Do To Assure Water Quality

Page 4 of 6

### Initiatives

- Comprehensive flushing of the cast iron water mains within the distribution system, as well as other areas that require routine maintenance flushing.
- Continued collection of, regulatory required, random and representative water samples for microbiological analysis,
- Treated water pH monitoring and control at the Rosehill Water Treatment Plant,
- Monitoring of the distribution system for turbidity and free chlorine residual and conducting corrective flushing as necessary,
- Installation of permanent sampling stations.
- Periodic leak detection testing,
- All staff within the Water and Wastewater Utility maintain Operator Licenses for certification of competency pursuant to O.Reg. 128/04.
- Ongoing development of a backflow/cross connection control program.
- Establishment of a long-term capital plan for water main rehabilitation. Expenditures in 2022 capital investment for water main and water meter replacement totaled \$988,452 and
- Service delivery through adherence to our Quality Management System Operational Plan.
- Fire hydrant maintenance was performed on all Town owned hydrants located in Stevensville and Douglastown in 2022. This included flow tests, routine maintenance, and secondary valve exercising. In 2022, routine maintenance and leak sounding took place at each hydrant throughout Town.
- The comprehensive valve turning program completed its first cycle through Town in 2021. The second round of the program commenced in 2022 through Ridgeway, Crystal Beach and Crescent Park areas and will continue moving forward through Town into 2023.
- In areas where low flow conditions occur, and water quality may become compromised, the Town has installed 3 new auto-flushers in the past 3 years to help improve water quality in those areas.

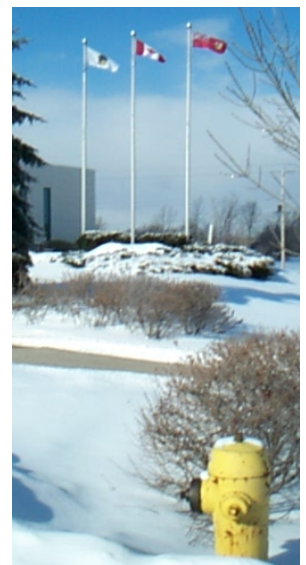
### Ensuring Water Quality

The assurance of a safe water supply is achieved through the following cooperative efforts of the Region of Niagara and the Fort Erie Infrastructure Services Department:

- The water supplied by the Regional Public Works, Rosehill Water Treatment Plant, is continuously subjected to comprehensive testing to ensure the water supplied to the Fort Erie distribution system meets the criteria set out by the Safe Drinking Water Act and associated regulations.
- On February 10, 2022 the Ministry of the Environment, Conservation and Parks conducted an announced inspection of The Town of Fort Erie's Distribution System. There was no non-compliance issues identified in the inspection. The Town received a report rating of 100% report rating for the January inspection.
- Qualified municipal technicians systematically monitor our water distribution system. They measure free chlorine residual, pH and turbidity, and take samples for microbiological evaluation. E3 Laboratories, an independent accredited laboratory, conduct the microbiological analyses. ALS Environmental Laboratory conducts the Trihalomethane analyses as well as Haloacetic Acid analyses. All sampling and testing is conducted in accordance with standards set by the Ministry of the Environment, Conservation & Parks (MECP) and accepted by the Ministry of Health. We consistently receive bacteriological test results, which prove the water to be microbiologically safe.
- All adverse samples are investigated by repeat special sampling and testing and by an evaluation of the distribution system in the area of the adverse results. All adverse results are reported to the Regional Medical Officer of Health and to the MECP Spills Action.
- A free chlorine residual sufficient to disinfect any potential contamination is consistently maintained. Low chlorine residuals usually associated with low flows, dead ends and system extremities are monitored and are corrected by flushing.
- Infrastructure Services, Water & Wastewater Services Division, will test a customer's municipal water supply on request.



**“Qualified Licensed Operators systematically monitor our water distribution system”**



## Annual Water Quality Report

Page 5 of 6

**“The Medical Officer of Health has reviewed our water distribution system operations and our water quality assurance practices and supports them.”**

### We're on the Web!

See us at:

[www.forterie.ca](http://www.forterie.ca)

## What We Do To Assure Water Quality (Cont'd)

### Collaboration with the Regional Public Health Department

We work in close collaboration with the Region of Niagara, Public Health Department. We share our test results with them and immediately report all instances of adverse results and our follow-up actions. Public Health Staff work with us to evaluate the causes of any adverse test results. The Medical Officer of Health has reviewed our water distribution system operations and our water quality assurance practices and supports them.

## To Obtain Copies of Annual or Summary Reports

Copies of this Annual Report and our Summary Report are available free of charge from the Town web page or by contacting the Request for Service Desk, at (905) 871-1600, extension 2466.

In addition, all laboratory test results are available for inspection at the Infrastructure Services Operations Division Offices. For an appointment to review these documents contact the Operations Division at (905) 871-1600 ext. 2466.

Region of Niagara reports are available from the Regional Public Works Department, Water and Wastewater Division, telephone (905) 685-1571, and also on the Regional Web Site:

<http://www.niagararegion.ca/living/water/water-quality-reports/rosehill/default.aspx>

The Municipal Council of the Town of Fort Erie supports the current management of the Fort Erie Water and Wastewater Utility and has been provided a copy of this report and a Summary Report as required by O. Reg. 170/03 Schedule 22.



Kelly M. Walsh, P. Eng.  
Director, Infrastructure Services

Chris Pisaric  
Manager Water & Wastewater Division

## Annual Water Quality Report

Page 6 of 6

**Town of Fort Erie Water Distribution System**  
**Water Quality Sampling and Testing**  
**Period January 1, 2022 to December 31, 2022**

**Table 2:**

Parameter	Criteria	# of Samples	Results		Common Source	Remarks
			Range	Exceedances		
A. Microbiological Analysis						
• E. coli	ND	571	0 to NDOGN/ 100 ml	1	Indicates the presence of fecal matter.	The Town of Fort Erie collects 11 samples weekly – equaling 44 per month.  All of the samples are analyzed by membrane filtration analysis.
• Total Coliforms	ND	571	0 to NDOGN/ 100 ml	3	Indicates the possible presence of pathogenic bacteria.	
• Heterotrophic Plate Count	<500 colonies per mL sample	571	0 to 90 colonies per 1mL sample	0	Indication of water quality deterioration.	
B. Organics						
• Trihalomethane	0.10 mg/L	12	0.0219 – 0.0449 mg/L	0	By-product of chlorination – reaction of chlorine on organic matter.	Based on a four-quarter progressive annual average of test results at points likely to have an elevated potential for the formation of Trihalomethanes. The 2022 RAA for THM's was 0.0306 mg/L.
• Haloacetic Acids	0.080 mg/L	12	0.0049 – 0.0895 mg/L	0	Corrosion of plumbing systems; erosion of natural deposits in Lake Erie water.	Based on a four-quarter progressive annual average of test results at points likely to have an elevated potential for the formation of Haloacetic acids. The 2022 RAA for HAA's was 0.0236 mg/L.
C. Disinfectant						
• Free Chlorine Residual	0.05 mg/L	1,717	0.00 – 1.84 mg/L	5	Level of disinfectant present.	

As required in all incidents of adverse water quality indicators, remedial follow up *Special Samples* were collected pursuant to the provisions of O. Reg. 170/03.

mg/L - milligrams per Litre

**2022 Summary Report Rosehill Water Treatment Plant**



**Rosehill Water Treatment Plant**

**Regional Municipality of Niagara**

**2022 Summary Report**

(Prepared under Ontario Regulation 170/03)

**January 1 to December 31, 2022**

**Ministry of the Environment, Conservation and Parks**

**Municipal Drinking Water License # 007-103**

**Drinking Water Works Permit # 007-203**

## Rosehill Water Treatment Plant - 2022 Summary Report

This report summarizes the water flows for the Rosehill Water Treatment Plant, drinking water system number 220002020, from January 1 to December 31, 2022.

This report satisfies the requirements of Ontario Regulation 170/03 – Drinking Water Systems.

### Inspection Rating

The Rosehill Water Treatment Plant was granted a 100% inspection rating during the 2022 Ministry of Environment, Conservation and Parks annual drinking water system inspection.

### Summary of Non-Compliance

The Rosehill Water Treatment Plant was operated in such a way that at no time did it fail to meet or exceed the requirements of the Safe Drinking Water Act, associated regulations, the system's approval or any order that may have been issued for this reporting period.

### Summary of Water Treatment Plant Flows

The flow rates captured below are moments in time, and can be affected by various circumstances, such as pump changes or valve position. It is not unusual to have higher or lower than normal flows for this reason.

Month	Total Flow Raw (ML)	Total Flow Treated (ML)	Average Day Raw (ML)	Average Day Treated (ML)	Minimum Day Treated (ML)	Maximum Day Treated (ML)	Minimum Flow Rate Treated (ML/d)	Maximum Flow Rate Treated (ML/d)	Total Waste Sludge (ML)
Jan	384.788	354.042	12.413	11.421	10.169	13.296	7.74	21.96	18.233
Feb	351.384	323.296	12.549	11.546	10.653	12.39	9.591	23.28	13.735
Mar	362.813	338.308	11.704	10.913	10.107	12.114	6.764	22.433	13.718
Apr	351.415	342.685	11.714	11.423	10.338	12.293	9.503	22.457	16.758
May	415.31	409.935	13.397	13.224	10.759	15.816	6.348	23.946	13.809
Jun	455.069	458.351	15.169	15.278	12.61	17.379	3.293	33.678	19.320
Jul	513.361	517.772	16.560	16.702	13.096	19.509	8.165	25.941	12.448
Aug	494.273	492.608	15.944	15.891	13.79	18.202	0.354	24.79	19.320
Sep	419.034	412.525	13.968	13.751	12.244	16.181	7.144	24.412	16.766
Oct	394.383	380.966	12.722	12.289	11.34	13.372	6.055	23.985	16.840
Nov	356.614	339.866	11.89	11.329	10.519	12.465	0.094	24.547	16.668
Dec	412.463	383.906	13.305	12.384	10.264	19.542	7.715	24.177	15.345

Month	Total Flow Raw (ML)	Total Flow Treated (ML)	Average Day Raw (ML)	Average Day Treated (ML)	Minimum Day Treated (ML)	Maximum Day Treated (ML)	Minimum Flow Rate Treated (ML/d)	Maximum Flow Rate Treated (ML/d)	Total Waste Sludge (ML)
Total	4910.907	4754.26							192.960
Min					10.107		0.094		12.448
Max						19.509		33.678	19.320

Month	Total Flow Raw (ML)	Total Flow Treated (ML)	Average Day Raw (ML)	Average Day Treated (ML)	Minimum Day Treated (ML)	Maximum Day Treated (ML)	Minimum Flow Rate Treated (ML/d)	Maximum Flow Rate Treated (ML/d)	Total Waste Sludge (ML)
<b>Avg</b>		396.18	13.44	13.012					16.080

## Comparison of Actual to System Approved Flow

Flow rates are required by Municipal Drinking Water Licence number 007-103.

- Maximum daily flow: 50.000 ML
- Maximum flow rate: 50.000 ML/day

Month	Average Day Treated (ML)	% of Rated Capacity	Maximum Day Treated (ML)	% of Rated Capacity	Maximum Flow Rate Treated (ML/d)	% of Rated Capacity
<b>Jan</b>	24.049	48%	10.169	20%	21.96	44%
<b>Feb</b>	24.233	48%	10.653	21%	23.28	47%
<b>Mar</b>	22.676	45%	10.107	20%	22.433	45%
<b>Apr</b>	22.672	45%	10.338	21%	22.457	45%
<b>May</b>	25.957	52%	10.759	22%	23.946	48%
<b>Jun</b>	29.359	59%	12.61	25%	33.678	67%
<b>Jul</b>	32.085	64%	13.096	26%	25.941	52%
<b>Aug</b>	30.892	62%	13.79	28%	24.79	50%
<b>Sep</b>	27.034	54%	12.244	24%	24.412	49%
<b>Oct</b>	24.649	49%	11.34	23%	23.985	48%
<b>Nov</b>	23.007	46%	10.264	21%	24.547	49%
<b>Dec</b>	25.779	52%	10.264	21%	24.177	48%



# TOWN OF FORT ERIE

# DRINKING WATER

## QUALITY MANAGEMENT SYSTEM

**Fort Erie has implemented a  
QUALITY MANAGEMENT SYSTEM  
and is committed to:**

- **Delivering safe drinking water to our customers**
- **Complying to all relevant legislation & regulations**
- **Maintaining & continuously improving the  
Drinking Water Quality Management System**





## List of Regulations under the Safe Drinking Water Act (2002) applicable to the Fort Erie Distribution System

<i>O.Reg 128-04:</i>	Certification of Drinking Water System Operators and Water Quality Analysts
<i>O.Reg 169-03:</i>	Ontario Drinking Water Quality Standards
<i>O.Reg 170-03:</i>	Drinking Water Systems
<i>O.Reg 171-03:</i>	Definitions of Words and Expressions Used in the Act
<i>O.Reg 172-03:</i>	Definitions of Deficiency and Municipal Drinking Water System
<i>O.Reg 188/07:</i>	Licensing of Municipal Drinking Water Systems
<i>O.Reg 242/05:</i>	Compliance and Enforcement
<i>O.Reg 243/07:</i>	Schools Private Schools and Day Nurseries
<i>O.Reg 248-03:</i>	Drinking Water Testing Services
<i>O.Reg 453-07:</i>	The Financial Plans Regulation
O Reg 588-17	Asset Management Planning for Municipal Infrastructure

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Ministry of the Environment,  
Conservation and Parks

Drinking Water and Environmental  
Compliance Division  
West Central Region  
Niagara District Office

9<sup>th</sup> Floor, Suite 15  
301 St. Paul Street  
St. Catharines, ON L2R 7R4  
Tel.: 905-704-3900  
1-800-263-1035  
Fax.: 905-704-4015

Ministère de l'Environnement  
de la Protection de la nature et des Parcs

Division de la conformité en matière d'eau  
potable et d'environnement  
Direction régionale du Centre-Ouest  
Bureau de district de Niagara

9<sup>e</sup> étage, bureau 15  
301, rue St. Paul  
St. Catharines, ON L2R 7R4  
Tel.: 905 704-3900  
1-800-263-1035  
Fax: 905 704-4015



**March 9, 2022**

Chris Pisaric  
Manager, Water & Wastewater Division  
Town of Fort Erie  
1818 Pettit Road  
Fort Erie, ON  
cpisaric@forterie.ca

**Re: MECP Inspection - Fort Erie Distribution System (DWS# 260004904)**

Dear Mr. Pisaric,

Please find the enclosed copy of the inspection report # 1-63591799 for the Fort Erie Distribution System completed under the Ministry's focused inspection protocol to assess compliance with Safe Drinking Water legislation. The report is based on conditions encountered at the time of inspection, and subsequent follow-up.

If applicable, any items with found within the section entitled "Non-Compliance/Non-Conformance Items" which have sections under legislative requirements outline non-compliance with regulatory requirements contained within an Act, a Regulation, or site-specific approvals, licenses, permits, orders, or guidelines. Please ensure that the required actions are completed within the prescribed timeframe, if applicable.

The items with "Not Applicable" legislative requirements provide information to the owner or operating authority outlining practices or standards established through existing and emerging industry standards that should be considered in order to advance current efforts. These items do not, in themselves, constitute violations. More recommendations may also be provided within the body of the report.

In order to measure individual inspection results, the Ministry has established an inspection compliance risk framework based on the principles of the Inspection, Investigation &

Enforcement (II&E) Secretariat and advice of internal/external risk experts. The Inspection Summary Rating Record (IRR), included as an Appendix of the inspection report, provides the Ministry, the system owner and the local Public Health Units with a summarized quantitative measure of the drinking water system's annual inspection and regulated water quality testing performance. IRR ratings are published (for the previous inspection year) in the Ministry's Chief Drinking Water Inspectors' Annual Report. Please note that due to a change in IT systems, the IRR cannot be generated at the same time as the inspection report. The IRR will be sent separately and prior to any public release (typically within 1-2 months of the completion of the inspection).

Thank you for the assistance during the inspection. If you have any questions or concerns, do not hesitate to contact me or Brittney Wielgos, Acting Water Compliance Supervisor, West Central Region at (705)768-8195 or [Brittney.wielgos@ontario.ca](mailto:Brittney.wielgos@ontario.ca).

Sincerely,



Ivanna Okroukh  
Water Inspector (A)  
MECP Niagara District Office  
West Central Region  
437-243-5462  
[ivanna.okroukh@ontario.ca](mailto:ivanna.okroukh@ontario.ca)

Cc:

Paul Earl – Town of Fort Erie  
Shawna Mills – Town of Fort Erie  
Glen Hudgin - Niagara Public Health Department  
Leilani Lee-Yates - Niagara Peninsula Conservation Authority  
Thomas Proks - Niagara Peninsula Conservation Authority  
Brittney Wielgos – Ministry of the Environment, Conservation and Parks  
Sean Roelofsen - Ministry of the Environment, Conservation and Parks



FORT ERIE DISTRIBUTION SYSTEM  
1 MUNICIPAL CENTRE DR, FORT ERIE, ON, L2A 2S6  
**Inspection Report**

System Number: 260004904  
Inspection Start Date: 02/10/2022  
Inspection End Date: 03/07/2022  
Inspected By: Sean Roelofsen  
Badge #: 1273  
Inspected By: Ivanna Okroukh  
Badge #:

A handwritten signature in black ink, appearing to read "Sean Roelofsen".

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(signature)

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### **NON-COMPLIANCE/NON-CONFORMANCE ITEMS**

This should not be construed as a confirmation of full compliance with all potential applicable legal requirement and BMPs. These inspection findings are limited to the components and/or activities that were assessed, and the legislative framework(s) that were applied. It remains the responsibility of the owner to ensure compliance with all applicable legislative and regulatory requirements.

If you have any questions related to this inspection, please contact the signed Provincial Officer.

## INSPECTION DETAILS

This section includes all questions that were assessed during the inspection.

**Ministry Program: Regulated Activity:** DRINKING WATER : DW Municipal Residential

Question ID	MRDW1001000		
Question	Question Type	Legislative Requirement	
What was the scope of this inspection?	Information	Not Applicable	
Observation			
<p>On February 10, 2022 Inspector Ivanna Okroukh announced a focused inspection of the Fort Erie Distribution System, DWS # 260004904.</p> <p>During the inspection, the Officer liaised with Chris Pisaric, Manager of Water and Wastewater to obtain the required documentation and information. A site visit was conducted on March 1, 2022 where Inspectors Ivanna Okroukh and Sean Roelofsen met with Chris Pisaric and visited the towns two filling stations located at 3720 Bertie St (at the intersection of Stevensville Rd), and 1818 Pettit Road, adjacent to the John L. Gibson Operations Centre.</p> <p>The inspection period covered January 1, 2021 – January 31, 2022.</p> <p>The Fort Erie Distribution System is a Class 2, Large Municipal Residential System owned and operated by the Town of Fort Erie. This system obtains all of its water from the Regional Municipality of Niagara's Rosehill Drinking Water System located in Fort Erie. The Fort Erie Distribution System extends westerly as far as Point Abino through Ridgeway and Crystal Beach and northerly to Douglastown through Stevensville.</p> <p>The distribution system is comprised of approximately 277 km of distribution watermain ranging in size from 50mm – 400mm diameter and are primarily cast iron, AC, or polyvinyl chloride (PVC) pipe. There are approximately 1,584 hydrants and 1,822 valves throughout the distribution system.</p> <p>Records reviewed in conjunction with this inspection include, but were not limited to: Drinking Water Works Permit (DWWP) 064-201, Issue 5 and Municipal Drinking Water Licence (MDWL) 064-101, Issue 3, issued on September 11, 2020, along with other documents maintained by the owner/operator associated with regulatory requirements under the Safe Drinking Water Act.</p>			

<b>Question ID</b>	MRDW1000000		
<b>Question</b>	<b>Question Type</b>	<b>Legislative Requirement</b>	
Does this drinking water system provide primary disinfection?	Information	Not Applicable	

<b>Observation</b>
<p>This Drinking Water System provides for only secondary disinfection and distribution of water. Primary disinfection is undertaken by another regulated Drinking Water System which provides treated water to this Drinking Water System.</p> <p>The Fort Erie Distribution System receives treated water from the Rosehill Water Treatment Plant, DWS #220002020 owned and operated by the Region of Niagara. The town does not provide any additional treatment or disinfection.</p>

Question ID	MRDW1033000	
Question	Question Type	Legislative Requirement
Is the secondary disinfectant residual measured as required for the large municipal residential distribution system?	Legislative	SDWA   O. Reg. 170/03   7-2   (3), SDWA   O. Reg. 170/03   7-2   (4)
Observation		
The secondary disinfectant residual was measured as required for the distribution system.		
The Town of Fort Erie monitors the free chlorine residual (FCR) in the distribution system, utilizing the 4/3 option as described in Sched. 7-2 (4) of O. Reg. 170/03 (i.e. at least 4 samples taken on one day of the week, at least 3 samples taken on a second day of the week, at least 48 hours apart). The Town takes more samples than required by the regulation.		
The Town has created a priority flushing list for at least 22 priority sites that operators flush on a monthly basis. The Town is encouraged to continue with its priority flushing list and may wish to consider requiring developers to install auto-flushers in new subdivisions where houses are not built yet, and water may remain unused.		

Question ID	MRDW1020000	
Question	Question Type	Legislative Requirement
Is the owner/operating authority able to demonstrate that, when required during the inspection period, Form 1 documents were prepared in accordance with their Drinking Water Works Permit?	Legislative	SDWA   31   (1)
Observation		
The owner/operating authority was in compliance with the requirement to prepare Form 1 documents as required by their Drinking Water Works Permit during the inspection period.		
During the inspection period four Form 1s were reviewed for the following watermain projects:		
<ul style="list-style-type: none"><li>• Beachwalk Development</li><li>• Bertie Place</li><li>• Hazelwood Ave</li></ul>		

• Nigh Road

The Town tracks Form 1 projects in a detailed "Construction Projects Tracking Summary" including such information as project #, location, date Form 1 signed, date commissioning record complete, and date Geopedia (Town GIS) updated, among other details. All Form 1s completed/approved during the inspection period met the requirements of Condition 3, Schedule B of the DWWP.

<b>Question ID</b>	MRDW1025000	
<b>Question</b>	<b>Question Type</b>	<b>Legislative Requirement</b>
Were all parts of the drinking water system that came in contact with drinking water (added, modified, replaced or extended) disinfected in accordance with a procedure listed in Schedule B of the Drinking Water Works Permit?	Legislative	SDWA   31   (1)
<b>Observation</b>		
All parts of the drinking water system were disinfected in accordance with a procedure listed in Schedule B of the Drinking Water Works Permit.		
The Ministry's Watermain Disinfection Procedure (WDP) was updated and approved in August 2020. As per Condition 2.3.2, the Town of Fort Erie is now required to follow the requirements of the updated Watermain Disinfection Procedure, August 2020.		
The Town's following operating procedures met the requirements of the 2020 Ontario Watermain Disinfection Procedure.		
<ul style="list-style-type: none"> <li>• Operating Procedure IS-WAT-P001 – Water Main Break Repair</li> <li>• Operating Procedure IS-WAT-P010 – Commissioning New Watermain</li> <li>• Operating Procedure IS-WAT-P001a – Special Case Contamination</li> </ul>		

<b>Question ID</b>	MRDW1062000	
<b>Question</b>	<b>Question Type</b>	<b>Legislative Requirement</b>
Do records or other record keeping mechanisms confirm that operational testing not performed by continuous monitoring equipment is being done by a certified operator, water quality analyst, or person who meets the requirements of O. Reg. 170/03 7-5?	Legislative	SDWA   O. Reg. 170/03   7-5
<b>Observation</b>		
Records or other record keeping mechanisms confirmed that operational testing not performed by continuous monitoring equipment was being done by a certified operator, water quality analyst, or person who suffices the requirements of O. Reg. 170/03 7-5.		



Question ID	MRDW1060000		
Question	Question Type	Legislative Requirement	
Do the operations and maintenance manuals meet the requirements of the DWWP and MDWL issued under Part V of the SDWA?	Legislative	SDWA   31   (1)	
Observation			
The operations and maintenance manuals met the requirements of the Drinking Water Works Permit and Municipal Drinking Water Licence issued under Part V of the SDWA.			

Question ID	MRDW1071000		
Question		Question Type	Legislative Requirement
Has the owner provided security measures to protect components of the drinking water system?		BMP	Not Applicable
Observation			
The owner had provided security measures to protect components of the drinking water system.			
The Town has two water filling stations located at 3720 Bertie St, and 1818 Pettit Road, adjacent to the John L. Gibson Operations Centre. Both stations are locked with access codes and equipped with backflow prevention devices which are tested on a yearly basis.			

Question ID	MRDW1073000		
Question	Question Type	Legislative Requirement	
Has the overall responsible operator been designated for all subsystems which comprise the drinking water system?	Legislative	SDWA   O. Reg. 128/04   23   (1)	
Observation			
The overall responsible operator has been designated for each subsystem.			
The Town of Fort Erie was issued Water Distribution System Class 2 Certificate Number 1730, on November 7, 2005. Both the Overall Responsible Operator (ORO) and designated back-up have the appropriate certification for this distribution system.			

Question ID	MRDW1074000		
Question	Question Type	Legislative Requirement	
Have operators in charge been designated for all subsystems for which comprise the drinking water system?	Legislative	SDWA   O. Reg. 128/04   25   (1)	
Observation			
Operators-in-charge had been designated for all subsystems which comprised the drinking water system.			

Question ID	MRDW1075000		
Question	Question Type	Legislative Requirement	
Do all operators possess the required certification?	Legislative	SDWA   O. Reg. 128/04   22	
Observation			
All operators possessed the required certification.			
A search of the Ontario Water Wastewater Certification Office (OWWCO) operator listing report website showed that all operators have the required certification.			

Question ID	MRDW1099000		
Question	Question Type	Legislative Requirement	
Do records show that all water sample results taken during the inspection review period did not exceed the values of tables 1, 2 and 3 of the Ontario Drinking Water Quality Standards (O. Reg.. 169/03)?	Information	Not Applicable	
Observation			
Records did not show that all water sample results taken during the inspection review period did not exceed the values of tables 1, 2 and 3 of the Ontario Drinking Water Quality Standards (O. Reg. 169/03).			
During the inspection period there was one sample result that exceeded the value under O.Reg. 169/03 the Ontario Drinking Water Quality Standards.			
•Total Coliform – 7 CFU/100ml, at Champlain Dr E sample station on Sept 13, 2021.			
All reporting requirements and corrective actions were completed as required.			

Question ID	MRDW1096000		
Question	Question Type	Legislative Requirement	
Do records confirm that chlorine residual tests are being conducted at the same time and at the same location that microbiological samples are obtained?	Legislative	SDWA   O. Reg. 170/03   6-3   (1)	
Observation			
Records confirmed that chlorine residual tests were being conducted at the same time and at the same location that microbiological samples were obtained.			

<b>Question ID</b>	MRDW1081000		
<b>Question</b>	<b>Question Type</b>	<b>Legislative Requirement</b>	
Are all microbiological water quality monitoring	Legislative	SDWA   O. Reg.	

requirements for distribution samples being met?		170/03   10-2   (1),SDWA   O. Reg. 170/03   10-2   (2),SDWA   O. Reg. 170/03   10-2   (3)
<b>Observation</b>		
<p>All microbiological water quality monitoring requirements for distribution samples were being met.</p> <p>The Town of Fort Erie is required to take at least 38 microbiological samples (testing for Total Coliform bacteria and E.Coli) per month, including at least one sample per week, as per Schedule 10 of O. Reg. 170/03. At least 25% of the samples must also be tested for Heterotrophic Plate Count (HPC). As per Operating Procedure IS-WAT-P004 – Microbiological Sampling, a minimum of 10 microbiological samples must be taken each week rotating through 60+ sample locations in the distribution system. The Town tests all microbiological samples for HPC.</p> <p>A review of sampling records indicated that the Town of Fort Erie has complied with all microbiological sampling requirements.</p>		

<b>Question ID</b>	MRDW1086000	
<b>Question</b>	<b>Question Type</b>	<b>Legislative Requirement</b>
Are all haloacetic acid water quality monitoring requirements prescribed by legislation conducted within the required frequency and at the required location?	Legislative	SDWA   O. Reg. 170/03   13-6.1   (1),SDWA   O. Reg. 170/03   13-6.1   (2),SDWA   O. Reg. 170/03   13-6.1   (3), SDWA   O. Reg. 170/03   13-6.1   (4),SDWA   O. Reg. 170/03   13-6.1   (5),SDWA   O. Reg. 170/03   13-6.1   (6)
<b>Observation</b>		
<p>Haloacetic Acid (HAA) samples were collected and tested on a quarterly basis from three locations in the distribution system, with a current running annual average of 8.76 ug/L. The limit of 80 ug/L HAA came into effect on January 1, 2020.</p>		

<b>Question ID</b>	MRDW1087000	
<b>Question</b>	<b>Question</b>	<b>Legislative</b>

	Type	Requirement
Have all trihalomethane water quality monitoring requirements prescribed by legislation been conducted within the required frequency and at the required location?	Legislative	SDWA   O. Reg. 170/03   13-6   (1)
<b>Observation</b>		
All trihalomethane water quality monitoring requirements prescribed by legislation were conducted within the required frequency and at the required location.		
Trihalomethane (THM) samples are collected and tested at three locations in the distribution system on a quarterly basis, with an annual running average of 30 ug/L. The regulatory limit for THMs is 100 ug/L.		

<b>Question ID</b>	MRDW1100000	
Question	Question Type	Legislative Requirement
Did any reportable adverse/exceedance conditions occur during the inspection period?	Information	Not Applicable
<b>Observation</b>		
There were reportable adverse/exceedances during the inspection period.		
During the inspection period, there were two adverse water quality incidents (AWQIs) reported to the Ministry: one for low free chlorine residual (<0.05mg/L) and one for a total coliform exceedance.		
<ul style="list-style-type: none"> <li>•AWQI: 154177 – FCR = 0.00mg/l at Thunder Bay Rd &amp; Shirley Rd on May 31, 2021.</li> <li>•AWQI: 155489 – TC = 7 at Champlain Dr E sample station on Sept 13, 2021.</li> </ul>		
Flushing and resampling resolved the issues for both AWQI's.		
All reporting requirements and corrective actions were completed as required.		

<b>Question ID</b>	MRDW1101000	
Question	Question Type	Legislative Requirement
Have corrective actions (as per Schedule 17) been taken to address adverse conditions, including any other steps as directed by the Medical Officer of Health?	Legislative	SDWA   O. Reg. 170/03   17-1, SDWA   O. Reg. 170/03   17-10   (1),SDWA   O. Reg. 170/03   17-10   (2),SDWA   O. Reg. 170/03   17-11,SDWA   O. Reg. 170/03   17-12,SDWA   O. Reg. 170/03   17-

		13,SDWA   O. Reg. 170/03   17- 14,SDWA   O. Reg. 170/03   17- 2,SDWA   O. Reg. 170/03   17- 3,SDWA   O. Reg. 170/03   17- 4,SDWA   O. Reg. 170/03   17- 5,SDWA   O. Reg. 170/03   17- 6,SDWA   O. Reg. 170/03   17- 9
<b>Observation</b>		
Corrective actions (as per Schedule 17) had been taken to address adverse conditions, including any other steps that were directed by the Medical Officer of Health.		

<b>Question ID</b>	MRDW1113000	
<b>Question</b>	<b>Question Type</b>	<b>Legislative Requirement</b>
Have all changes to the system registration information been provided to the Ministry within ten (10) days of the change?	Legislative	SDWA   O. Reg. 170/03   10.1   (3)
<b>Observation</b>		
All changes to the system registration information were provided within ten (10) days of the change.		
All profile information is accurate/up to date, the Drinking Water System Profile Information Form was submitted to the ministry via waterforms@ontario.ca.		

<b>Question ID</b>	MRDW1104000	
<b>Question</b>	<b>Question Type</b>	<b>Legislative Requirement</b>
Were all required verbal notifications of adverse water quality incidents immediately provided as per O. Reg. 170/03 16-6?	Legislative	SDWA   O. Reg. 170/03   16-6   (1),SDWA   O. Reg. 170/03   16-6   (2),SDWA   O. Reg. 170/03   16-6   (3),SDWA   O. Reg. 170/03   16-6   (3.1),SDWA   O. Reg. 170/03   16-6   (3.2),

		SDWA   O. Reg. 170/03   16-6   (4),SDWA   O. Reg. 170/03   16-6   (5),SDWA   O. Reg. 170/03   16-6   (6)
<b>Observation</b>		
All required notifications of adverse water quality incidents were immediately provided as per O. Reg. 170/03 16-6.		

<b>Question ID</b>	MRDW1117000	
<b>Question</b>	<b>Question Type</b>	<b>Legislative Requirement</b>
Are there any other DWS related items that should be recognized in this report?	Information	Not Applicable
<b>Observation</b>		
<p>The following items are noted as being relevant to the Drinking Water System:</p> <p>Key item to note for the 2021-2022 inspection period for the Town of Fort Erie Distribution System:</p> <ul style="list-style-type: none"> <li>• During the inspection period the Town of Fort Erie installed 6 smart hydrants throughout the distribution system. This technology allows the town to monitor each hydrant for fluctuations in pressure which contributes to early leak detection and aids in proactively identifying and resolving issues.</li> </ul>		

<b>Question ID</b>	MRDW1059000	
<b>Question</b>	<b>Question Type</b>	<b>Legislative Requirement</b>
Do the operations and maintenance manuals contain plans, drawings and process descriptions sufficient for the safe and efficient operation of the system?	Legislative	SDWA   O. Reg. 128/04   28
<b>Observation</b>		
The operations and maintenance manuals contained plans, drawings and process descriptions sufficient for the safe and efficient operation of the system.		

<b>Question ID</b>	MRDW1061000	
<b>Question</b>	<b>Question Type</b>	<b>Legislative Requirement</b>
Are logbooks properly maintained and contain the required information?	Legislative	SDWA   O. Reg. 128/04   27   (1), SDWA   O. Reg. 128/04   27   (2),

		SDWA   O. Reg. 128/04   27   (3), SDWA   O. Reg. 128/04   27   (4), SDWA   O. Reg. 128/04   27   (5), SDWA   O. Reg. 128/04   27   (6), SDWA   O. Reg. 128/04   27   (7)
<b>Observation</b>		
Logbooks were properly maintained and contained the required information.		
Written logs are maintained for FCR readouts, dead end flushing and watermain commissioning. The Town maintains an electronic work order system named Customer Relationship Management, which includes drinking water activities such as watermain breaks.		

## Appendix A

### Stakeholder Appendix



# Key Reference and Guidance Material for Municipal Residential Drinking Water Systems

Many useful materials are available to help you operate your drinking water system. Below is a list of key materials owners and operators of municipal residential drinking water systems frequently use.

To access these materials online click on their titles in the table below or use your web browser to search for their titles. Contact the Public Information Centre if you need assistance or have questions at 1-800-565-4923/416-325-4000 or [picemail.moe@ontario.ca](mailto:picemail.moe@ontario.ca).

For more information on Ontario's drinking water visit [www.ontario.ca/drinkingwater](http://www.ontario.ca/drinkingwater) and email [drinking.water@ontario.ca](mailto:drinking.water@ontario.ca) to subscribe to drinking water news.



PUBLICATION TITLE	PUBLICATION NUMBER
Taking Care of Your Drinking Water: A Guide for Members of Municipal Councils	7889e01
FORMS: Drinking Water System Profile Information, Laboratory Services Notification, Adverse Test Result Notification Form	7419e, 5387e, 4444e
Procedure for Disinfection of Drinking Water in Ontario	4448e01
Strategies for Minimizing the Disinfection Products Trihalomethanes and Haloacetic Acids	7152e
Total Trihalomethane (TTHM) Reporting Requirements Technical Bulletin (February 2011)	8215e
Filtration Processes Technical Bulletin	7467
Ultraviolet Disinfection Technical Bulletin	7685
Guide for Applying for Drinking Water Works Permit Amendments, Licence Amendments, Licence Renewals and New System Applications	7014e01
Certification Guide for Operators and Water Quality Analysts	
Guide to Drinking Water Operator Training Requirements	9802e
Taking Samples for the Community Lead Testing Program	6560e01
Community Sampling and Testing for Lead: Standard and Reduced Sampling and Eligibility for Exemption	7423e
Guide: Requesting Regulatory Relief from Lead Sampling Requirements	6610
Drinking Water System Contact List	7128e
Technical Support Document for Ontario Drinking Water Quality Standards	4449e01

[ontario.ca/drinkingwater](http://ontario.ca/drinkingwater)

# Principaux guides et documents de référence sur les réseaux résidentiels municipaux d'eau potable

De nombreux documents utiles peuvent vous aider à exploiter votre réseau d'eau potable. Vous trouverez ci-après une liste de documents que les propriétaires et exploitants de réseaux résidentiels municipaux d'eau potable utilisent fréquemment.

Pour accéder à ces documents en ligne, cliquez sur leur titre dans le tableau ci-dessous ou faites une recherche à l'aide de votre navigateur Web. Communiquez avec le Centre d'information au public au 1 800 565-4923 ou au 416 325-4000, ou encore à [picemail.moe@ontario.ca](mailto:picemail.moe@ontario.ca) si vous avez des questions ou besoin d'aide.



Pour plus de renseignements sur l'eau potable en Ontario, consultez le site [www.ontario.ca/eaupotable](http://www.ontario.ca/eaupotable) ou envoyez un courriel à [drinking.water@ontario.ca](mailto:drinking.water@ontario.ca) pour suivre l'information sur l'eau potable.

TITRE DE LA PUBLICATION	NUMÉRO DE PUBLICATION
Prendre soin de votre eau potable – Un guide destiné aux membres des conseils municipaux	7889f01
Renseignements sur le profil du réseau d'eau potable, Avis de demande de services de laboratoire, Formulaire de communication de résultats d'analyse insatisfaisants et du règlement des problèmes	7419f, 5387f, 4444f
Marche à suivre pour désinfecter l'eau potable en Ontario	4448f01
Strategies for Minimizing the Disinfection Products Trihalomethanes and Haloacetic Acids (en anglais seulement)	7152e
Total Trihalomethane (TTHM) Reporting Requirements: Technical Bulletin (février 2011) (en anglais seulement)	8215e
Filtration Processes Technical Bulletin (en anglais seulement)	7467
Ultraviolet Disinfection Technical Bulletin (en anglais seulement)	7685
Guide de présentation d'une demande de modification du permis d'aménagement de station de production d'eau potable, de modification du permis de réseau municipal d'eau potable, de renouvellement du permis de réseau municipal d'eau potable et de permis pour un nouveau réseau	7014f01
Guide sur l'accréditation des exploitants de réseaux d'eau potable et des analystes de la qualité de l'eau de réseaux d'eau potable	
Guide sur les exigences relatives à la formation des exploitants de réseaux d'eau potable	9802f
Prélèvement d'échantillons dans le cadre du programme d'analyse de la teneur en plomb de l'eau dans les collectivités	6560f01
Échantillonnage et analyse du plomb dans les collectivités : échantillonnage normalisé ou réduit et admissibilité à l'exemption	7423f
Guide: Requesting Regulatory Relief from Lead Sampling Requirements (en anglais seulement)	6610
Liste des personnes-ressources du réseau d'eau potable	7128f
Document d'aide technique pour les normes, directives et objectifs associés à la qualité de l'eau potable en Ontario	4449f01

[ontario.ca/eaupotable](http://ontario.ca/eaupotable)

## Appendix B

### Inspection Rating Record (IRR)

**NOTE:**

**IRR SCORE TO FOLLOW IN A SEPARATE EMAIL**

# APPLICATION OF THE RISK METHODOLOGY USED FOR MEASURING MUNICIPAL RESIDENTIAL DRINKING WATER SYSTEM INSPECTION RESULTS



The Ministry of the Environment (MOE) has a rigorous and comprehensive inspection program for municipal residential drinking water systems (MRDWS). Its objective is to determine the compliance of MRDWS with requirements under the Safe Drinking Water Act and associated regulations. It is the responsibility of the municipal residential drinking water system owner to ensure their drinking water systems are in compliance with all applicable legal requirements.

This document describes the risk rating methodology, which has been applied to the findings of the Ministry's MRDWS inspection

results since fiscal year 2008-09. The primary goals of this assessment are to encourage ongoing improvement of these systems and to establish a way to measure this progress.

MOE reviews the risk rating methodology every three years.

The Ministry's Municipal Residential Drinking Water Inspection Protocol contains 15 inspection modules consisting of approximately 100 regulatory questions. Those protocol questions are also linked to definitive guidance that ministry inspectors use when conducting MRDWS inspections.

[ontario.ca/drinkingwater](http://ontario.ca/drinkingwater)



The questions address a wide range of regulatory issues, from administrative procedures to drinking water quality monitoring. The inspection protocol also contains a number of non-regulatory questions.

A team of drinking water specialists in the ministry assessed each of the inspection protocol regulatory questions to determine the risk (not complying with the regulation) to the delivery of safe drinking water. This assessment was based on established provincial risk assessment principles, with each question receiving a risk rating referred to as the Question Risk Rating. Based on the number of areas where a system is deemed to be non-compliant during the inspection, and the significance of these areas to administrative, environmental, and health consequences, a risk-based inspection rating is calculated by the ministry for each drinking water system.

It is important to be aware that an inspection rating less than 100 per cent does not mean the drinking water from the system is unsafe. It shows areas where a system’s operation can improve. The ministry works with owners and operators of systems to make sure they know what they need to do to achieve full compliance.

The inspection rating reflects the inspection results of the specific drinking water system for the reporting year. Since the methodology is applied consistently over a period of years, it serves as a comparative measure both provincially and in relation to the individual system. Both the drinking water system and the public are able to track the performance over time, which encourages continuous improvement and allows systems to identify specific areas requiring attention.

The ministry’s annual inspection program is an important aspect of our drinking water safety net. The ministry and its partners share a common commitment to excellence and we continue to work toward the goal of 100 per cent regulatory compliance.

### Determining Potential to Compromise the Delivery of Safe Water

The risk management approach used for MRDWS is aligned with the Government of Ontario’s Risk Management Framework. Risk management is a systematic approach to identifying potential hazards, understanding the likelihood and consequences of the hazards, and taking steps to reduce their risk if necessary and as appropriate.

The Risk Management Framework provides a formula to be used in the determination of risk:

**RISK = LIKELIHOOD × CONSEQUENCE**  
(of the consequence)

Every regulatory question in the inspection protocol possesses a likelihood value (L) for an assigned consequence value (C) as described in **Table 1** and **Table 2**.

TABLE 1:	
Likelihood of Consequence Occurring	Likelihood Value
0% - 0.99% (Possible but Highly Unlikely)	L = 0
1 – 10% (Unlikely)	L = 1
11 – 49% (Possible)	L = 2
50 – 89% (Likely)	L = 3
90 – 100% (Almost Certain)	L = 4

TABLE 2:	
Consequence	Consequence Value
Medium Administrative Consequence	C = 1
Major Administrative Consequence	C = 2
Minor Environmental Consequence	C = 3
Minor Health Consequence	C = 4
Medium Environmental Consequence	C = 5
Major Environmental Consequence	C = 6
Medium Health Consequence	C = 7
Major Health Consequence	C = 8

The consequence values (0 through 8) are selected to align with other risk-based programs and projects currently under development or in use within the ministry as outlined in **Table 2**.

The Question Risk Rating for each regulatory inspection question is derived from an evaluation of every identified consequence and its corresponding likelihood of occurrence:

- All levels of consequence are evaluated for their potential to occur
- Greatest of all the combinations is selected.

The Question Risk Rating quantifies the risk of non-compliance of each question relative to the others. Questions with higher values are those with a potentially more significant impact on drinking water safety and a higher likelihood of occurrence. The highest possible value would be 32 (4×8) and the lowest would be 0 (0×1).

**Table 3** presents a sample question showing the risk rating determination process.

TABLE 3:							
Does the Operator in Charge ensure that the equipment and processes are monitored, inspected and evaluated?							
Risk = Likelihood × Consequence							
C=1	C=2	C=3	C=4	C=5	C=6	C=7	C=8
Medium Administrative Consequence	Major Administrative Consequence	Minor Environmental Consequence	Minor Health Consequence	Medium Environmental Consequence	Major Environmental Consequence	Medium Health Consequence	Major Health Consequence
L=4 (Almost Certain)	L=1 (Unlikely)	L=2 (Possible)	L=3 (Likely)	L=3 (Likely)	L=1 (Unlikely)	L=3 (Likely)	L=2 (Possible)
R=4	R=2	R=6	R=12	R=15	R=6	R=21	R=16

### Application of the Methodology to Inspection Results

Based on the results of a MRDWS inspection, an overall inspection risk rating is calculated. During an inspection, inspectors answer the questions related to regulatory compliance and input their “yes”, “no” or “not applicable” responses into the Ministry’s Laboratory and Waterworks Inspection System (LWIS) database. A “no” response indicates non-compliance. The maximum number of regulatory questions asked by an inspector varies by: system (i.e., distribution, stand-alone); type of inspection (i.e., focused, detailed); and source type (i.e., groundwater, surface water).

The risk ratings of all non-compliant answers are summed and divided by the sum of the risk ratings of all questions asked (maximum question rating). The resulting inspection risk rating (as a percentage) is subtracted from 100 per cent to arrive at the final inspection rating.

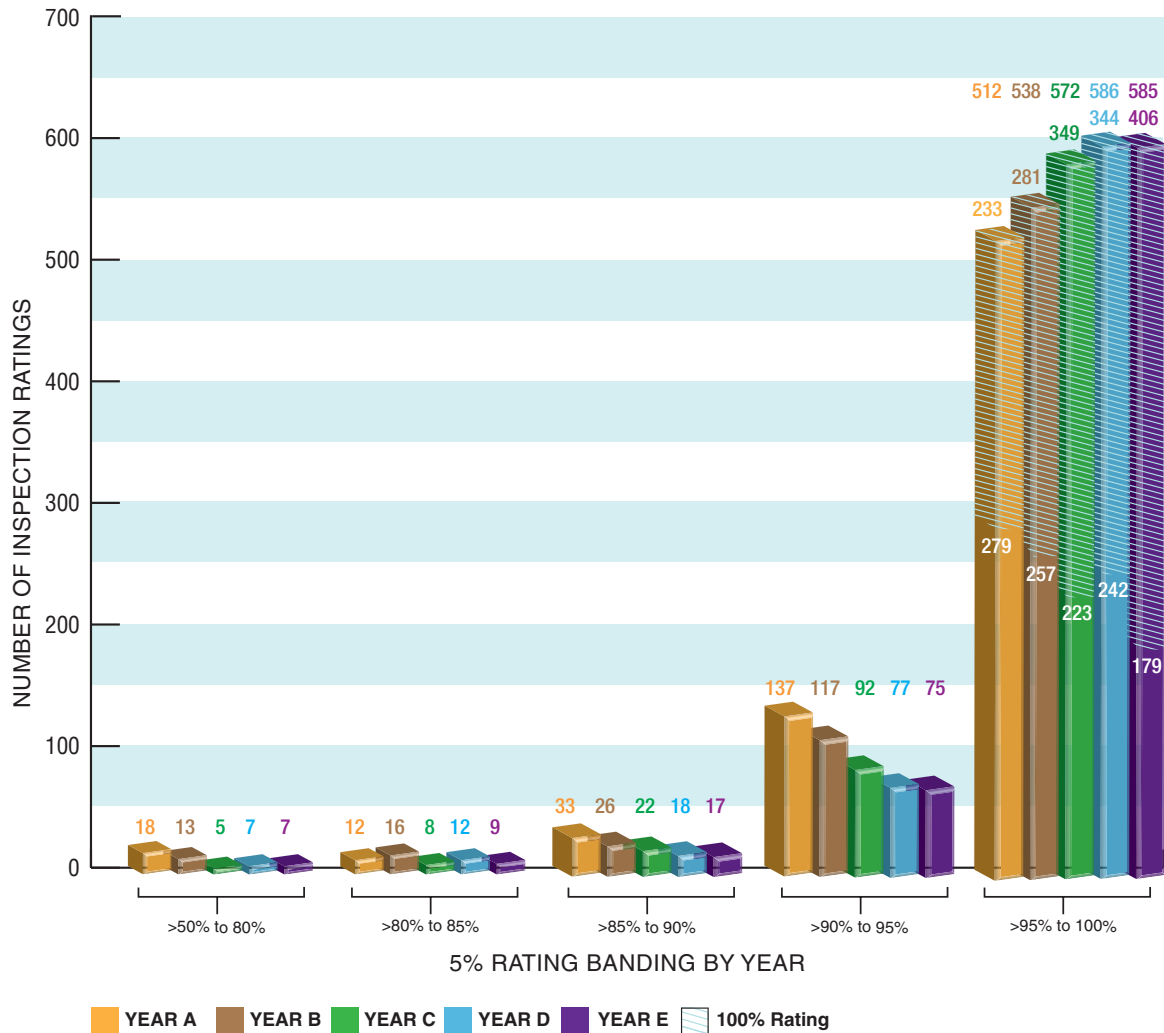


## Application of the Methodology for Public Reporting

The individual MRDWS Total Inspection Ratings are published with the ministry’s Chief Drinking Water Inspector’s Annual Report.

**Figure 1** presents the distribution of MRDWS ratings for a sample of annual inspections. Individual drinking water systems can compare against all the other inspected facilities over a period of inspection years.

**Figure 1: Year Over Year Distribution of MRDWS Ratings**



## Reporting Results to MRDWS Owners/Operators

A summary of inspection findings for each system is generated in the form of an Inspection Rating Record (IRR). The findings are grouped into the 15 possible modules of the inspection protocol,

which would provide the system owner/operator with information on the areas where they need to improve. The 15 modules are:

- |                         |                                 |                                        |                                                    |
|-------------------------|---------------------------------|----------------------------------------|----------------------------------------------------|
| 1. Source               | 5. Treatment Process Monitoring | 9. Logbooks                            | 13. Water Quality Monitoring                       |
| 2. Permit to Take Water | 6. Process Wastewater           | 10. Contingency and Emergency Planning | 14. Reporting, Notification and Corrective Actions |
| 3. Capacity Assessment  | 7. Distribution System          | 11. Consumer Relations                 | 15. Other Inspection Findings                      |
| 4. Treatment Processes  | 8. Operations Manuals           | 12. Certification and Training         |                                                    |

For further information, please visit [www.ontario.ca/drinkingwater](http://www.ontario.ca/drinkingwater)



## Office of the CAO

<b>Prepared for</b>	Council-in-Committee	<b>Report No.</b>	CAO-01-2023
<b>Agenda Date</b>	February 13, 2023	<b>File No.</b>	2504

<b>Subject</b>
<b>ANNUAL REVIEW OF THE CORPORATION'S HEALTH AND SAFETY POLICY</b>

<b>Recommendations</b>
<b>THAT</b> Council receives Report No. CAO-01-2023 for information purposes.

<b>Relation to Council's 2018-2022 Corporate Strategic Plan</b>
N/A

<b>List of Stakeholders</b>
<ul style="list-style-type: none"><li>• Employees</li><li>• CUPE Local #714</li><li>• Managers and supervisors</li><li>• Members of council</li></ul>

Prepared by:	Submitted by:	Approved by:
<b>ORIGINAL SIGNED</b>	<b>ORIGINAL SIGNED</b>	<b>ORIGINAL SIGNED</b>
Robert McAlpine, P.GSC Coordinator, Workplace Safety	Tammy Morden, CMM III Manager, Employment Services	Chris McQueen, MBA Chief Administrative Officer

**Purpose of Report**

The purpose of this report is to provide Council an opportunity to review The Corporation's Health and Safety Policy (the Policy).

**Background**

Council last considered amendments to the Policy in October 2020.

**Analysis**

The policy was reviewed by the Joint Health and Safety Committee at its regular meeting held January 26, 2023. No amendments were recommended.

**Financial/Staffing Implications**

There are no financial or staffing implications.

**Policies Affecting Proposal**

The Occupational Health and Safety Act (Act) requires employers to prepare and review at least annually a written occupational health and safety policy.

**Comments from Relevant Departments/Community and Corporate Partners**

The Joint Health and Safety Committee considered and approved the existing policy at its regular meeting held January 26, 2023.

**Communicating Results**

N/A

**Alternatives**

N/A

**Conclusion**

The Corporation's Health and Safety Policy demonstrate due diligence, confirms the employer's commitment to complying with applicable laws and regulations and implement best practices for responding to evolving issues in the workplace.

**Attachments**

Appendix "1" – Health and Safety Policy.



## **The Corporation of the Town of Fort Erie Health and Safety Policy**

The Corporation of the Town of Fort Erie - Health and Safety Policy	
Effective: June 2006	Reviewed: January 2023

## 1.0 Definitions

**“Bargaining agent”** means

- the Canadian Union of Public Employees and its Local #714

**“Corporation”** means

- The Corporation of the Town of Fort Erie

**“Council”** means

- the municipal Council of the Town of Fort Erie

**“Domestic violence”** is

- a) a pattern of behaviour to gain power and control over an employee by a person who has a personal relationship with the employee, such as a spouse, partner or other family member
- b) this behaviour may include physical violence, sexual, emotional and psychological intimidation, verbal abuse, stalking and the use of electronic devices to harass and control

**“Gender expression”** is

- how a person publicly presents their gender and through which others perceive that person’s gender and includes external attributes and behaviours such as dress, hairstyle, make-up, body language, voice, name and chosen pronoun

**“Gender identity”** is

- each person’s internal and individual experience of gender and sense of being a woman, a man, both, neither or anywhere in between and may be the same as or different from their birth-assigned sex

**“Hazard”** means

- human, material, equipment, environment and process factors that can contribute to an accident or injury, including but not limited to;
  - a) musculoskeletal disorders
  - b) workplace harassment
  - c) workplace impairment
  - d) workplace sexual harassment
  - e) workplace violence
  - f) noise induced hearing loss
  - g) Pandemic – (COVID-19)

**“Musculoskeletal disorder”** includes

- injuries and disorders of the muscles, tendons, nerves

**“Equivalent sound exposure level”** means

- the steady sound level in dBa which, if present in the workplace for eight hours a day, would contain the same total energy as that generated by the

The Corporation of the Town of Fort Erie - Health and Safety Policy	
Effective: June 2006	Reviewed: January 2023

actual and varying sound levels to which a worker is exposed in a total work day

**“Prohibited ground”** includes

- a) race
- b) ancestry
- c) place of origin
- d) colour
- e) ethnic origin
- f) citizenship
- g) creed
- h) sex
- i) sexual orientation
- j) age
- k) record of offences
- l) marital status
- m) family status
- n) disability

**“Workplace”** means

- a) any land, premises, location, vehicle or thing at, upon, in or near which an employee works and
- b) includes all locations where business or social activities of The Corporation are conducted

*(Consider: is the location in some way connected to work? i.e. deliveries, charity events, offsite meetings, business trips, conferences and social activities during a conference, any other event or place related to employment or when the employee is present in the course of employment or as a representative of The Corporation.)*

**“Workplace harassment”** means

- a) engaging in a course of vexatious comment or conduct against an employee, in a workplace, that is known or ought reasonably to be known to be unwelcome and includes workplace sexual harassment and any harassment based on a prohibited ground
- b) depending on the circumstances, one incident could be significant or substantial enough to be harassment
- c) does not include a reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace (this is not workplace harassment)

**“Workplace impairment”** means

- negative physical, psychosocial, behavioural and performance side effects from the use, abuse or misuse of alcohol, drugs and medications



The Corporation of the Town of Fort Erie - Health and Safety Policy	
Effective: June 2006	Reviewed: January 2023

**“Workplace sexual harassment” means**

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome

**“Workplace violence” means**

- a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker, and
- b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker, and
- c) a statement or behaviour that a worker could reasonably interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker, and
- d) domestic violence as defined in this policy, and
- e) gender-based violence, including violence against transgender persons, and
- f) acts that constitute offenses under Canada’s *Criminal Code*

## **2.0 Preface**

It is a legislated requirement that The Corporation develop, adopt and maintain a health and safety policy.

The Council sets the health and safety policy and establishes expectations for this policy’s implementation and maintenance by the administration.

## **3.0 Purpose**

This policy is a formal, written statement of The Corporation’s on-going commitment to protect workers from occupational illness and injury, workplace violence and workplace harassment and continually improve occupational health and safety performance.

This policy describes the guiding principles upon which The Corporation’s Occupational Health and Safety Management System (OHSMS) is built and puts corporate health and safety into action.

This policy delegates roles and responsibilities for the development, implementation and maintenance of the OHSMS.

The Corporation of the Town of Fort Erie - Health and Safety Policy	
Effective: June 2006	Reviewed: January 2023

An effective health and safety management system and the communication of the system to all workers are sound business practices and an important indicator of leadership and managerial performance.

#### **4.0 Policy Statement**

It is the policy of The Corporation:

- 4.1 To maintain a fair and equitable environment free from harassment;
- 4.2 To continually strive for the elimination of foreseeable hazards and control accidental loss;
- 4.3 To provide and maintain a legal, respectful, healthy and safe workplace for all employees and visitors;
- 4.4 To protect workers and visitors from workplace hazards including workplace violence and workplace harassment from all sources;
- 4.5 To adopt and comply with applicable legal obligations, industry norms and standards for workplace health and safety and ensure continual OHSMS improvement;
- 4.6 To provide workers with job-specific, appropriate and regular health and safety information, instruction and skills upgrades;
- 4.7 To investigate and address potential workplace violence or harassment, even in the absence of a formal complaint, in a fair and timely manner without reprisal for good faith complaints

#### **5.0 Application and Scope**

- 5.1 This policy applies to every Corporation employee, agent, contractor, volunteers, members of Council and workplace and will be followed in all work activities.
- 5.2 This policy applies to employment-related incidents that occur beyond the normal workplace on social media or outside working hours including working from home.
- 5.3 This policy will be posted in conspicuous places, communicated to all employees and reviewed annually.
- 5.4 It is a requirement of this policy that all corporate officers, senior managers, supervisors, the bargaining agent and workers embrace the objective of reducing the risk of occupational illness and injury.

The Corporation of the Town of Fort Erie - Health and Safety Policy	
Effective: June 2006	Reviewed: January 2023

## 6.0 Policy Implementation

This policy will be reflected in and implemented through the establishment and maintenance of a comprehensive OHSMS:

- 6.1 The OHSMS is the administrative program for setting, communicating and enforcing health & safety policies and procedures, guidelines and practices that protect and promote the health and safety of workers and visitors.
- 6.2 The OHSMS will address the sophistication, complexity and risks associated with the varied industrial and construction work performed by Corporation employees and contractors.
- 6.3 The key elements of the OHSMS include:
  - a) Organizational commitment, leadership and participation
  - b) Management commitment and leadership
  - c) Worker participation
  - d) Planning
  - e) Review
  - f) Hazard identification and assessment
  - g) Setting, communicating and enforcing health & safety policies and procedures, guidelines and practices
  - h) Health and safety objectives, targets and measures

### **NOTE:**

*The Safety Policy & Procedure and the associated guidelines above may change depending on the status and determinations projected by Region of Niagara Public Health, provincial and federal government guidelines including declared state of emergency.*

- 6.5 The OHSMS will remain consistent with The Corporation's vision and values.

## 7.0 Accountabilities

- 7.1 The Corporation of the Town of Fort Erie is ultimately responsible for workplace health and safety. Roles and Responsibilities are described in the prevailing Safety Policy & Procedures.
- 7.2 The Council will ensure:
  - a) this policy remains current, and;
  - b) health and safety activities are adequately funded, and;

The Corporation of the Town of Fort Erie - Health and Safety Policy	
Effective: June 2006	Reviewed: January 2023

- c) the administration understands the Council's expectations for maintaining adequate health and safety policies and procedures, and;
- d) the administration develops, implements and maintains a health and safety program consistent with this policy and legal requirements

7.3 The Chief Administrative Officer will:

- a) direct the OHSMS program, and;
- b) ensure all employees are aware of their responsibilities under this policy and Safety Policy & Procedures, and;
- c) appoint a designate responsible for developing, implementing and maintaining the OHSMS and acting as a resource for management, and;
- d) ensure that all appropriate health and safety protection resources are in place, implemented and maintained in a manner consistent with Council policy and legal requirements, and;
- e) report annually to Council on OHSMS performance, and;
- f) be evaluated, in part, on health and safety program outcomes

7.4 Every manager will:

- a) ensure the health & safety policies and procedures and practices are communicated and carried out in the workplace, and;
- b) actively participate in the maintenance of a safe and healthy work environment, and;
- c) assign and monitor applicable responsibilities for health and safety, and;
- d) appoint a competent person to be a supervisor, and;
- e) be evaluated, in part, on health and safety performance in the work unit
- f) investigate when facts come to light that may indicate the presence of harassment or discrimination in the workplace, with or without a formal complaint

7.5 Every supervisor will:

- a) ensure safe and healthy working conditions are maintained in the workplace, and;
- b) ensure machinery and equipment are safe, and;
- c) advise a worker of the existence of any potential or actual danger to the health or safety of the worker of which the supervisor is aware, and;

The Corporation of the Town of Fort Erie - Health and Safety Policy	
Effective: June 2006	Reviewed: January 2023

- d) provide a worker with written instructions as to the measures and procedures to be taken for protection of the worker, and;
- e) ensure workers follow established safety policies and procedures and receive regular health and safety instruction and information, and;
- f) investigate when facts come to light that may indicate the presence of harassment or discrimination in the workplace, with or without a formal complaint
- g) take every precaution reasonable in the circumstances for the protection of a worker

7.6 The bargaining agent will:

- a) represent workers in health and safety matters and disputes; and
- b) select worker health and safety representatives; and
- c) join the employer in promoting the well-being and security of employees in the bargaining unit; and
- d) dutifully exercise its rights and duties under health and safety legislation/regulations

7.7 Every worker and volunteer will:

- a) understand and comply with legislated standards, corporate procedures and instructions for working safely, and;
- b) use or wear the equipment, protective devices or clothing that The Corporation requires the employee to wear or use, and;
- c) report any workplace accident, injury, illness, hazard or contravention to the supervisor immediately or as soon as practical; and
- d) take every precaution reasonable to protect the worker, any co-worker and member of the public

Dated this            day of            , 2023

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

\_\_\_\_\_  
CUPE Local #714



## Office of the CAO

<b>Prepared for</b>	Council-in-Committee	<b>Report No.</b>	CAO-02-2023
<b>Agenda Date</b>	February 13, 2023	<b>File No.</b>	2504

### Subject

**2022 HEALTH AND SAFETY REPORT**

### Recommendations

**THAT** Council receives Report No. CAO-02-2023 for information purposes.

### Relation to Council's 2018-2022 Corporate Strategic Plan

N/A

### List of Stakeholders

- Employees
- CUPE Local #714
- Managers and supervisors
- Members of council

Prepared by:

Submitted by:

Approved by:

**ORIGINAL SIGNED**

**ORIGINAL SIGNED**

**ORIGINAL SIGNED**

Robert McAlpine, P.GSC CST  
Coordinator, Workplace Safety

Tammy Morden, CMM III  
Manager, Employment  
Services

Chris McQueen, MBA  
Chief Administrative Officer

**Purpose of Report**

Council monitors The Corporation's health and safety performance by reviewing an annual report. This report is for the year ending December 31, 2022.

**Background**

The Corporation pays a monthly premium to the Workplace Safety and Insurance Board (WSIB) to cover current and estimated future health care costs, lost wages and administration fees resulting from work-related injuries and illnesses. The premium is a function of the WSIB rate for Local Government employers based on the performance of all employers in the group, expected costs and insurable earnings. If costs are lower than expected, the employer is eligible for a premium rebate. If the costs are higher, a surcharge applies.

WSIB uses the following criteria to evaluate an employer's health and safety performance:

- Number of LTI's (Lost Time Injury) = A worker suffers a work-related injury that results in the worker being off work beyond the day of the accident. Costs include lost earnings and health care costs.
- LTI frequency = roughly the number of lost time injuries divided by the number of hours worked by all employees; the lower the frequency the better.
- Severity Rate = a calculation of the average number of days lost per 100 employees, including partial days during a return to work. Typically, a more severe injury results in more days lost.

WSIB compares an individual employer's performance to the overall performance of the employer's rate group.

**Analysis**

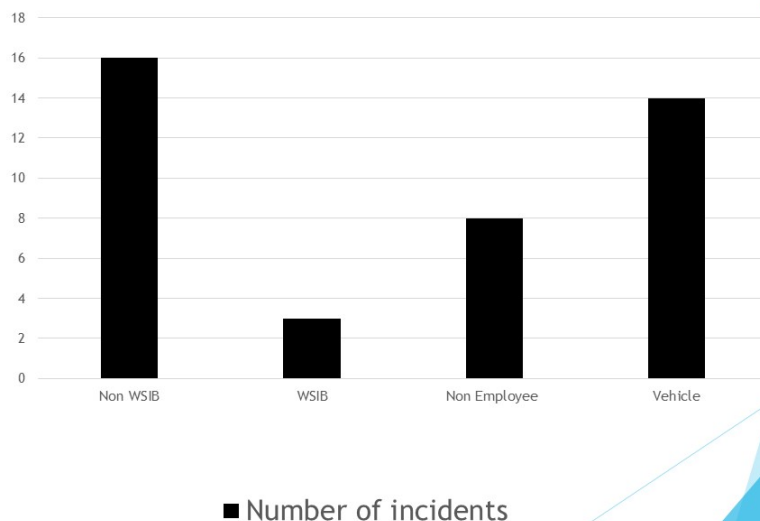
The Corporation's health and safety performance in 2022 is illustrated in Table One. Of note:

- In 2022 we had one lost time injury for Town Employees
- In 2022 we had no lost time injuries for Town Volunteer Fire Fighters
- Our LTI frequency and severity index were. 4.76, compared to the average lost time frequency for our rate group of 1.66.



# 2022 TOFE Employee Incidents

Incidents by category

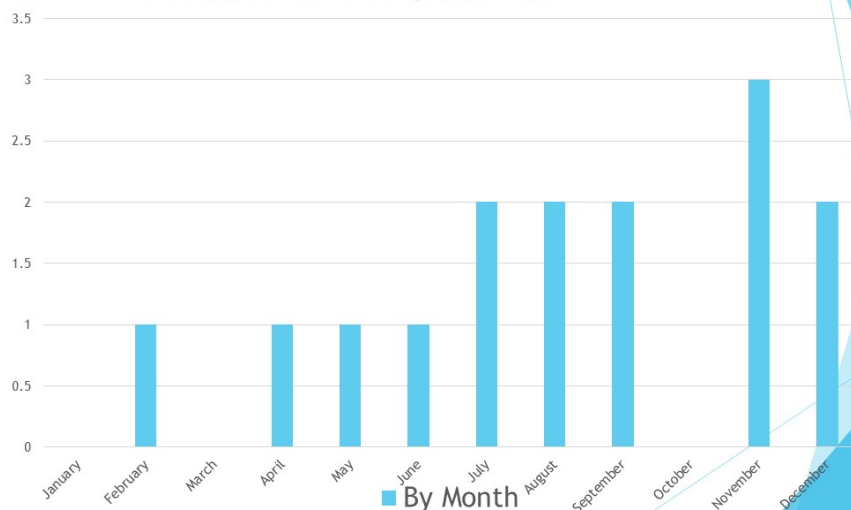


## 2022 Town of Fort Erie Employee Incident Summary

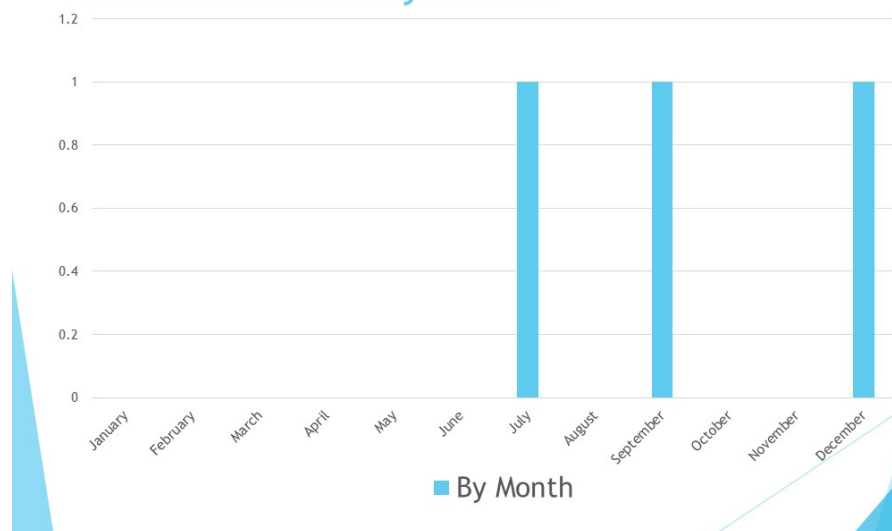
- 1 Lost time Injury (WSIB)
- 2 Medical Aid Injuries (WSIB)
- 16 Non-WSIB Employee Incidents
- 14 Vehicle TOFE Incidents
- 8 Non-employee incidents which includes injuries or near miss incidents of residents at TOFE facilities

## Type of Incidents by Month

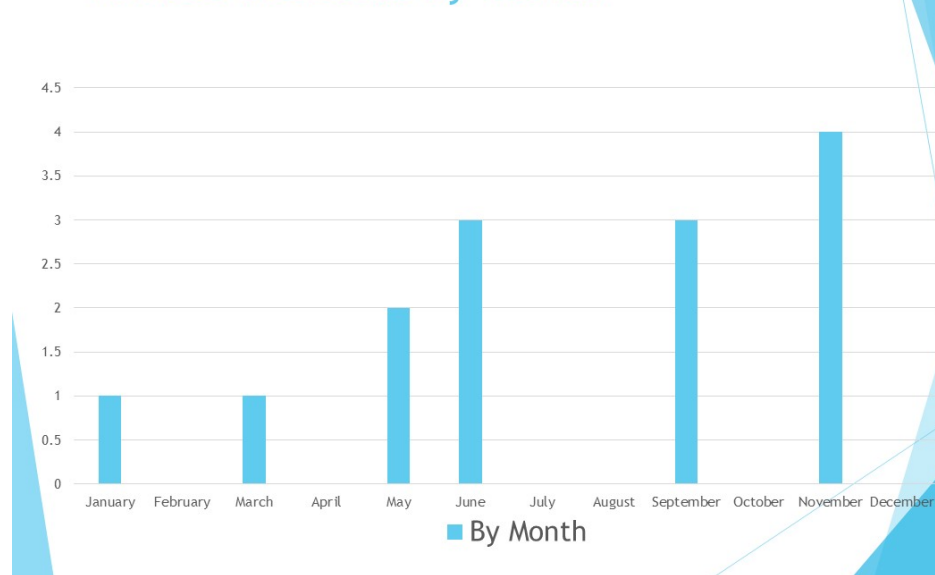
Non WSIB Incidents by month



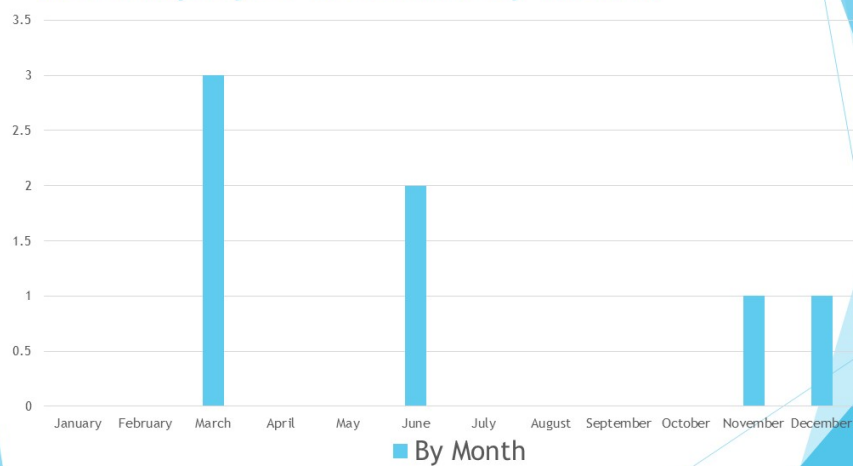
### WSIB Incidents by month



### Vehicle Incidents by month

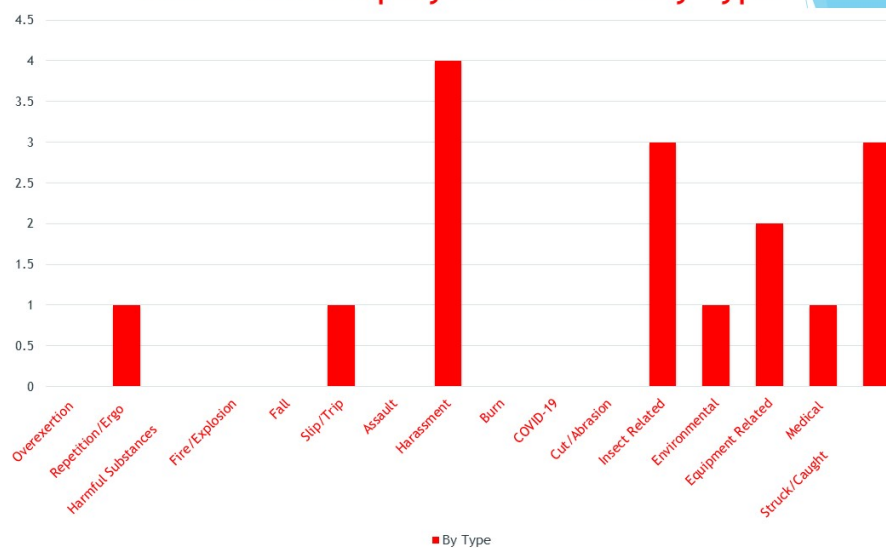


### Non Employee Incidents by month

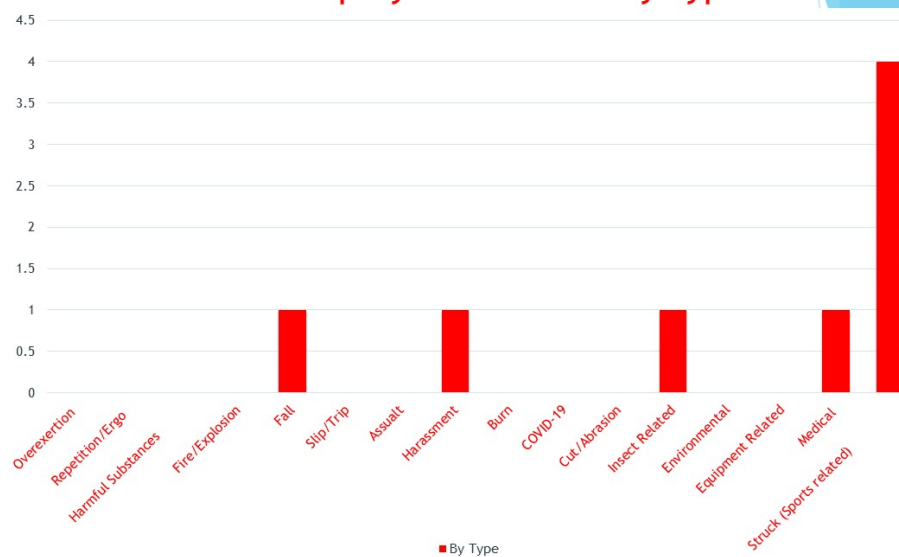


### Incidents by Type

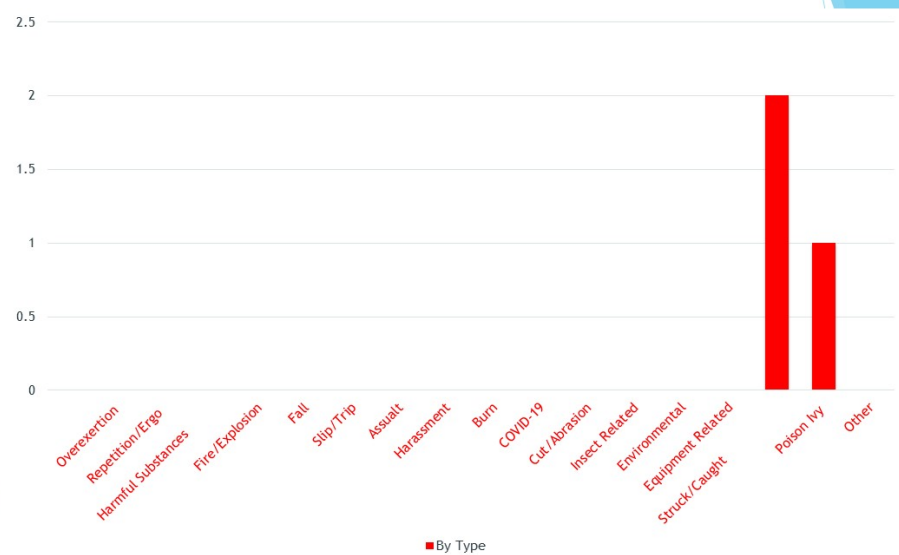
#### Non - WSIB Employee Incidents by Type

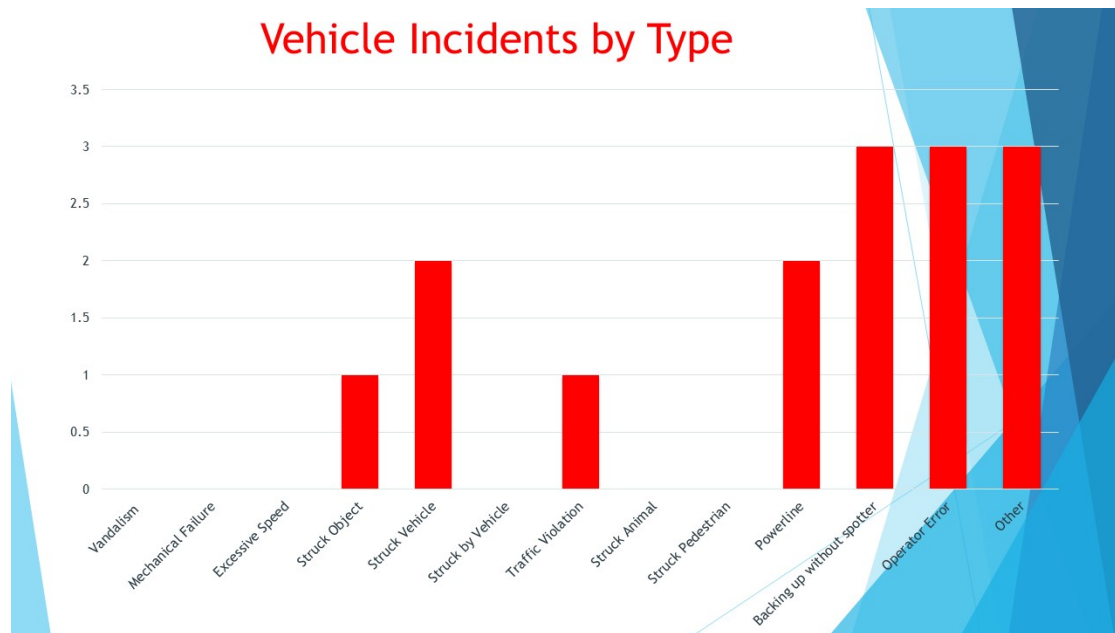


### Non - Employee Incidents by Type



### WSIB Incidents by Type





## Training

As in previous years, Corporation employees continue to receive regular in-service health and safety training on workplace specific hazards, notably;

- Joint Health & Safety Committee Certification
- First Aid and AED
- WHMIS
- Basics of Supervising - Supervisory Competency
- Traffic Control (Book 7)
- Asbestos Awareness
- Propane in Construction
- Elevated Work Platform
- Naloxone Training
- Confined Space Awareness

Work crews are provided with bi-weekly “tailgate talks” on a variety of topics. All employees receive a bi-monthly health and safety newsletter. A new Town of Fort Erie pre-work tailgate talk was provided to Supervisors & Managers, to review hazards prior to starting work.

No Ministry of Labor Inspections took place at the Town of Fort Erie in 2022.

2022 also marked the continuation of the Contractor Safety Program, whereby potential contractors are pre-qualified on the basis of their safety program and record. The response to the program from contractors has continued to be very positive.

The staff gathered to celebrate the 2022 Safety Lunch

- A catered lunch was provided to staff at the Leisureplex & the Gibson Centre.
- A cooler bag/lunch box was distributed to all employees.

The Town continued with mandatory mental health training for all employees and leaders titled The Working Mind. The Working Mind training is an accredited program through the Canadian Mental Health Association. It is an evidence-based program designed to promote mental health and reduce the stigma around mental illness in the workplace.

#### **Financial/Staffing Implications**

Our 2022 WSIB premiums were \$343,642.38 based on a premium rate of \$2.45/\$100 of insurable earnings. The 2022 WSIB premium for our rate group increased from \$2.44. Premiums are paid on behalf of full-time, casual, part-time, student, crossing guards and volunteer firefighters.

According to industry standards, typical *indirect* LTI costs (lost productivity, recruitment and selection of replacement, overtime, etc.) amount to four times *direct* LTI costs.

The Corporation enjoys the benefit of two active and engaged Joint Health and Safety Committees. The Corporation's front-line supervisors are adept at demonstrating due diligence on a daily basis. Every supervisor and manager is evaluated annually on their health and safety competency as part of The Corporation's Performance Management program. Corporation employees are open to learning and applying safe work procedures.

Surplus distribution of \$12,662.75 was received in April 2022.

In 2021 the Town enrolled in the WSIB Safety Excellence program which took place in 2022. The Coordinator, Workplace Safety completed three projects scoring 100% on each of the three projects. The three projects were:

1. Health and safety communication – A new Health & Safety Communications policy was developed and a bimonthly safety newsletter.
2. First aid – A new first aid program was developed and staff were provided training.
3. Emergency prevention and preparedness – Policies & training were developed for Town Facilities. Bomb threat, Person with a weapon and fire drills were run at the following locations:
  - a. Town Hall
  - b. Leisureplex
  - c. Gibson Centre
  - i. Drills will continue in 2023.

The three projects took one year to complete and earned the Town a total rebate \$13,592.08. The Town is enrolled in four projects for 2023 which when complete will earn the Town a larger rebate than 2022. The four projects are:

1. Control of Documents
2. Control of Records
3. Health & Safety Objectives
4. Workplace Health Promotion

#### **Comments from Relevant Departments/Community and Corporate Partners**

Comments are incorporated into the body of the report.

#### **Communicating Results**

Our health and safety outcomes are communicated through the posting of the Joint Health and Safety Committee minutes in the workplace. The new staff safety newsletter also communicates important information on a bimonthly basis.

#### **Alternatives**

No alternatives are being recommended.

#### **Conclusion**

Council receives report CAO-02-2023 for information purposes.

#### **Attachments**

NA





## Office of the CAO

<b>Prepared for</b>	Council-in-Committee	<b>Report No.</b>	CAO-04-2023
<b>Agenda Date</b>	February 13, 2023	<b>File No.</b>	340403

### Subject

**FUNDING REQUEST FOR DR. MAGDY HANNA**

### Recommendations

- THAT** Council approves the request in the amount of \$100,000 for a Physician Recruitment incentive for Dr. Magdy Hanna, who will practise as a Family Physician at 238 Bertie Street Family Group Practice in the Spring of 2023; and further
- THAT** Council amends the 2023 Operating Budget to provide grant funding to Dr. Magdy Hanna in the amount of \$100,000 with funding from the Community Health and Wellness Reserve.

### Relation to Council's 2018-2022 Corporate Strategic Plan

Priority: Optimizing Health, Housing and Social Well-Being through Service Access and Health Lifestyles  
Goal: Facilitate/coordinate the development of health services inventory and needs assessment

### List of Stakeholders

Mayor and Municipal Council  
Residents of the Town of Fort Erie  
Fort Erie Community Health Care Services Committee  
Fort Erie Medical Community

Prepared by:

*Original Signed*

Alice Preston, BBA  
Community Health Care  
Services Coordinator

Approved by:

*Original Signed*

Chris McQueen, MBA  
Chief Administrative Officer

**Purpose of Report**

The purpose of this report is to ask Council to approve a one-time funding request in the amount of \$100,000 as a physician recruitment incentive for Dr. Magdy Hanna. This grant will be paid upon the physician starting to practise in March of 2023 at 238 Bertie Street, in the Town of Fort Erie.

**Analysis**

The Town of Fort Erie is located in an area of high physician need as deemed by the Ministry of Health and Long-Term Care. In order to adequately succession plan for impending retirements, we need to have a robust recruitment strategy.

In order to meet the current demands for Primary Care in the Town of Fort Erie, and to ensure all citizens have access to Primary Care, we must continue to recruit physicians to the various Primary Care practices in the Town of Fort Erie.

The Family Group Practice at 238 Bertie Street has advised that they are in need of a family physician at their location. We have been able to successfully fulfill this need with the recruitment of Dr. Magdy Hanna. Originally trained in Egypt, Dr. Hanna brings years of experience in both Family Medicine and Emergency Medicine, plus Respiratory Health. Around mid 2015, he moved to Canada, passed the required exams and resumed practise as a trainee through the International Medical Graduate program at the University of Manitoba. He then worked four plus years in northern Manitoba both in Family Medicine and Emergency Medicine, as well as Palliative Care Medicine. He has experience working with Indigenous peoples in all of those settings.

The Physicians at 238 Bertie St. have met with Dr. Hanna and feel he is a great fit for their practice.

**Financial/Staffing and Accessibility (AODA) Implications**

There are no staffing or AODA implications.

This financial grant will be a financial incentive to Dr. Hanna to assist with costs associated with transitioning into a new family practice and relocating his residence to Fort Erie, to be paid directly to Dr. Hanna upon starting his practice the beginning of March, 2023. Dr. Hanna will provide five years return of service, which will be reflected in the agreement.

The 2023 Operating Budget will have to be adjusted to reflect the \$100,000 payment from the Community Health and Wellness Reserve.

**Policies Affecting Proposal**

By-law No. 123-2019, being a By-law to adopt a Physician Recruitment, Retention and Medical Education Incentive Guideline ensures that in order to attract and retain physicians it is essential to provide incentive funding to remain competitive.

Upon approval by Council, its decision will be sent to Dr. Hanna following which, a by-law will be submitted to Council to enter into an Agreement with Dr. Hanna.

By-law No. 124-2019 adopted Council's 2018-2022 Corporate Strategic Plan. One of Council's key priorities is optimizing health, housing and social well-being through service access and healthy lifestyles.

**Comments from Relevant Departments/Community and Corporate Partners**

Not applicable.

**Communicating Results**

Upon approval from Council, this decision will be sent to Dr. Magdy Hanna.

**Alternatives**

Council could decide not to approve this request. This is not recommended. The Town of Fort Erie remains underserved in Primary Care.

**Conclusion**

The acceptance of this proposed recommendation will fulfill the goals for enhanced health services planning by this Council.

**Attachments**

None



## Community Services

<b>Prepared for</b>	Council-in-Committee	<b>Report No.</b>	COS-02-2023
<b>Agenda Date</b>	February 13, 2023	<b>File No.</b>	210101

### Subject

**RENEWAL OF CONTRACT AND RE-APPOINTMENT OF INTEGRITY  
COMMISSIONER – COUNCIL AND LOCAL BOARDS CODE OF CONDUCT AND  
CONFLICT OF INTEREST INVESTIGATIONS**

### Recommendations

- THAT** Council authorizes and approves the renewal of the current contract with ADR Chambers Inc. for the provision of Code of Conduct and Conflict of Interest Investigations, for a further four (4) year period on the same terms and pricing, and further
- THAT** Council re-appoints Edward T. McDermott of ADR Chambers Inc. as the Integrity Commissioner for The Corporation of the Town of Fort Erie, for a further period of four (4) years, and further
- THAT** Council assigns to the Integrity Commissioner all of the responsibilities required under Subsection 223.3 (1) of the *Municipal Act, 2001*, as amended, which came into force on March 1, 2019.

### Relation to Council's 2018 - 2022 Corporate Strategic Plan

Priority: N/A  
Goal: N/A  
Initiative: N/A

### List of Stakeholders

Municipal Council & Local Boards  
Members of the Public & Electors  
The Corporation of the City of Port Colborne  
Edward T. McDermott of ADR Chambers Inc.  
ADR Chambers Inc.

Prepared by:

Submitted and Approved by:

*Original Signed*

*Original Signed*

Carol Schofield, Dipl.M.A.  
Manager, Legislative Services/Clerk

Chris McQueen, MBA  
Chief Administrative Officer

**Purpose of Report**

The purpose of this report is two-fold:

Firstly, to provide returning members of Council with a refresher, and new members of Council with information regarding changes made to the *Municipal Act, 2001* (the “Act”), and the *Municipal Conflict of Interest Act*, which came into effect on March 1, 2019 with respect to the appointment of an Integrity Commissioner, including the new mandatory duties of the Integrity Commissioner and responsibilities of the municipality; and

Secondly, to recommend the renewal of the existing contract for a further period of four (4) years, and the re-appointment of Edward T. McDermott of ADR Chambers Inc. (“ADRC”) as the Integrity Commissioner for the Town of Fort Erie.

**Analysis**Amendments to the *Municipal Act, 2001*

Subsection 223.3 (1) of the *Act*, provides:

The municipality is authorized “to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to any or all of the following:

1. The application of the code of conduct for members of council and the code of conduct for members of local boards.
2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards.
3. The application of sections \*5, 5.1, 5.2 and 5.3 of the *Municipal Conflict of Interest Act* to members of council and of local boards.  
*\*s.5 disclosure of pecuniary interest and duties related thereto,  
5.1 written statement of the interest and its general nature,  
5.2 refrain from influencing any decision except as provided  
(members of Council have been provided with Declaration of Conflict of Interest forms to be provided to the Clerk at or before the Meeting at which they have a conflict.)*
4. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
5. Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members.
6. Requests from members of council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*.
7. The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality’s codes of conduct for members of council and members of local boards and about the *Municipal Conflict of Interest Act*.”

### Integrity Commissioner Services

In 2019, staff partnered with the Clerk of the City of Port Colborne, with a view to cost-sharing an Integrity Commissioner, as a number of Integrity Commissioners required an annual Retainer, in addition to their hourly rates for services as needed. Report No. [COS-01-2019](#) was received and approved by Council on February 19, 2019.

A Joint RFP was sent out with 3 submissions received. Both the Town of Fort Erie and the City of Port Colborne awarded the RFP to ADR Chambers Inc. - Edward T. McDermott – Investigator, Mediator & Arbitrator, who did not require a retainer, and had a team of associates.

### Current Contract

The Town entered into a Contract with ADRC on the following terms:

- Initial 4 year Term, commencing March 13, 2019;
- Fee Structure:
  - a) \$350 per hour (+HST) for any work performed by Mr. McDermott, in his capacity as the Integrity Commissioner;
  - b) \$275 per hour (+HST) for “Associate Services”; and
  - c) Mileage at \$0.50/km, or other travel or accommodation expenses, billed at cost.
- **Town shall have at its sole discretion the unilateral option to renew for an additional four-year period on the same terms and pricing.**
- Work is completed on an “as needed” basis (there is no annual retainer). Fees are billed monthly, as accrued.

The following is an overview of Integrity Commissioner services/costs during the first 3 years with ADRC:

<b>YEAR 1: March 13, 2019 – April 30, 2020 Integrity Commissioner Services Provided</b>			
<b>Complaints</b>	<b>Advice to Councillors</b>	<b>Administrative</b>	<b>Cost of Services</b>
<b>3 Code of Conduct</b> <ul style="list-style-type: none"> <li>• 1 was terminated for failure by the Complainant to file Consent &amp; Confidentiality Agreement &amp; supporting documentation</li> <li>• 2 were investigated and resolved by the parties, resulting in the complaints being withdrawn</li> </ul>	3	Review of Code of Conduct Annual Report	\$26,315.00 plus HST

<b>YEAR 2: May 1, 2020 – April 30, 2021 Integrity Commissioner Services Provided</b>			
<b>Complaints</b>	<b>Advice to Councillors</b>	<b>Administrative</b>	<b>Cost of Services</b>
<b>2 Conflict of Interest</b> <ul style="list-style-type: none"> <li>• 1 was resolved with the Integrity Commissioner's intervention</li> <li>• 1 was dismissed</li> </ul>	1	Annual Report	\$16,602.00 plus HST
<b>YEAR 3: May 1, 2021 – April 30, 2022 Integrity Commissioner Services Provided</b>			
<b>Complaints</b>	<b>Advice to Councillors</b>	<b>Administrative</b>	<b>Cost of Services</b>
<b>1 Code of Conduct</b> <ul style="list-style-type: none"> <li>• The matter was disposed of without the need for a full investigation</li> </ul>	1	Annual Report	\$5,367.50 plus HST

Staff can advise that there have not been any subsequent complaints, and the annual report for the year ended March 13<sup>th</sup> 2023 is not expected until shortly thereafter.

Staff recommends that Council approve the renewal of the current contract with ADRC for a further four (4) year period, and re-appoint Edward T. McDermott as the Town's Integrity Commissioner.

#### **Financial/Staffing Implications**

The financial considerations for the next four (4) years are unknown as they will be dependent upon the number of complaints, investigations, and requests for advice requiring the services of the Integrity Commissioner. However, \$18,000 has been budgeted based upon past years.

The Clerk will be the contact with the Integrity Commissioner for review of Council's existing Code of Conduct, as well as up-dating complaint procedures and forms.

As previously indicated, staff originally intended to partner with the City of Port Colborne on the basis that an annual retainer would be charged, and the two municipalities could share the cost. Although there is no annual retainer charged by ADRC, there may still be opportunities to share costs, such as expenses related to training. Staff will strive to achieve cost savings wherever possible, without limiting the necessary and mandatory services.



**Policies Affecting Proposal**

By-law No. 199-93 adopted a Council Member and Employee Legal Expense Reimbursement Policy. This policy, as amended by By-law No. 100-2013, provides “where a member of Council who is the subject of an investigation consults with a lawyer and the complaint is subsequently determined not to have merit, the Member of Council shall be reimbursed by The Corporation of the Town of Fort Erie for legal expenses to a maximum of \$1,000”.

By-law No. 43-2015 adopted Council’s current Code of Conduct, which also applies to local boards. While the Code of Conduct meets the requirements of the *Act*, the Integrity Commissioner will review and report to Council on the Code of Conduct, as well as provide training, in accordance with the *Act*.

By-law No. 24-2019 adopted a policy regarding the relationship between members of Council and the officers and employees of the Corporation.

By-law No. 123-2022 adopted the Procurement Policy for the Town of Fort Erie. Schedule 1 provides for the exemptions of Goods and Services from the Policy, which includes the professional services of an Integrity Commissioner.

**Comments from Relevant Departments/Community and Corporate Partners**

The Clerk and Chief Administrative Officer recommend the renewal of the current contract and re-appointment of Edward T. McDermott of ADR Chambers Inc. as the Town’s Integrity Commissioner based upon past performance and maintaining cost efficiency.

**Communicating Results**

The Town’s website will also be reviewed to reflect the appropriate information for members of the public.

**Alternatives**

Council could choose to put these services out for RFP, however, this is not recommended based upon the qualifications and fee structure of ADRC.

**Conclusion**

Staff recommends Council continue to retain the services of ADR Chambers Inc. at the same hourly rates and under the same terms and conditions which are currently being provided, and to re-appoint Edward T. McDermott as the Town’s Integrity Commissioner.

**Attachments**

None.

The Municipal Corporation of the Town of Fort Erie  
**Business Status Report**  
 Planning and Development Services  
 February 13, 2023

Forecasted Reports	Status	Source
Designated Heritage Property Grant Program (Consent)	Feb 22	Staff Initiative
63 Idylewylde Street Zoning By-law Amendment - Recommendation Report	Feb 22	Application
By-law - Amended Noise and Nuisance Bylaw (tentative)	Feb 22	Staff Initiative
0-10747 Kraft Road – Zoning By-law Amendment and Draft Plan of Subdivision Public Meeting and Information Report	Feb 27	Application
214 Courtwright Street – Zoning By-law Amendment - Public Meeting and Information Report	Feb 27	Application
Heritage Week Presentation of Plaques	Feb 27	Delegation
By-law 533-549 Ridge Road	Feb 27	Application
By-law 63 Idylewylde Street Zoning By-law Amendment	Feb 27	Application
By-law 92 Adelaide Street ZBA	Feb 27	Application
By-law 97 Gorham Road OPA & ZBA	Feb 27	Application
By-laws 214 Windmill Point Road South – OPA & ZBA	Feb 27	Application
By-laws 271 Ridgeway Road – OPA & ZBA	Feb 27	Application
Memo & By-law – deeming - 241 Derby Road	Feb 27	Application
Memo & By-law – deeming – 63 Idylewylde Street	Feb 27	Application

Memo & By-law – deeming repeal – 4110 Rebstock Road	Feb 27	Application
Memo & By-law – removal of PLC – 4110 Rebstock Road	Feb 27	Application
229 Cherryhill Boulevard South – Zoning By-law Amendment - Public Meeting and Information Report	Mar 6	Application
0-19302 Courtwright Street – Zoning By-law Amendment - Public Meeting & Information /Recommendation Report	Mar 6	Application
0-17100, 0-17101 & 0-17102 Schooley Road – Zoning By-law Amendment Public Meeting and Information / Recommendation Report	Mar 6	Application
4409 Erie Road - Public Meeting and Information Report	Mar 6	Application

Prepared By:

Respectfully Submitted By:

Alex Herlovitch, MCIP, RPP  
Director, Planning & Development Services

Chris McQueen, MBA  
Chief Administrative Officer



## Infrastructure Services

**Prepared for  
Agenda Date**

Council-in-Committee  
February 13, 2022

**Report No.  
File No.**

IS-02-2023

**Subject**

**WAVERLY BEACH TRAIL RECONSTRUCTION**

**Recommendations**

**THAT** Council receives the Waverly Beach Trail reconstruction report and LetsTalk survey results for information; and further

**THAT** Council directs staff to proceed with Option C and D for the Waverly Beach Trail reconstruction.

**Relation to Council's 2018-2022 Corporate Strategic Plan**

**Priority: 2: Effective, Sustainable Infrastructure for the Future**

Strategic Objective: Maintaining and Investing in sustainable infrastructure that services the entire community and builds a strong, vibrant and attractive community.

**List of Stakeholders**

- 1) Mayor and Council of the Town of Fort Erie
- 2) Ratepayers of the Town of Fort Erie
- 3) Residents and visitors utilizing the Waverly Beach Trail

Prepared by:

Submitted by:

Approved by:

*Original Signed:*

*Original Signed:*

*Original Signed:*

Kurtis Bottrell, C.E.T.  
Project Manager,  
Engineering Division

Kelly M. Walsh, P.Eng.  
Director, Infrastructure  
Services

Chris McQueen, MBA  
Chief Administrative  
Officer

*Original Signed:*

Christopher Kalimootoo, P.Eng.  
Manager, Engineering

**Purpose of Report**

The purpose of this report is to provide Council with the information gathered through the public consultation for the Friendship Trail reconstruction options.

Secondly, Council is requested to approve a change in scope through the implementation of options C and D; namely the construction of a new concrete sidewalk through the wooded area of “Waverly Woods” along the existing concrete trail and the reinstatement of the destroyed waterfront section to an AODA compliant gravel path.

**Analysis**Background

The October 2019 storm destroyed a large section of the Friendship Trail just east of Waverly Beach Park. The Town applied for Municipal Disaster Recovery Assistance (MDRA) and received approval totaling \$7,215,000 in December of 2021 with \$2,205,375 of these funds scheduled for the reconstruction of Waverly Beach Trail.

The impacted section of trail in the area of Lakeshore Road and Helena Street leaves a gap in the Niagara Circle Route and TransCanada Trail. This damaged section of the site has been fenced off due to the hazardous conditions.

The original expectation of the report completed in 2020 by WT Infrastructure estimated the replacement cost of the trail to be \$2,217,375, plus an additional \$747,000 for enhanced shore protection. This project will include the reconstruction of the concrete trail and overlook deck with the addition of heavy shoreline protection and elevation adjustments.

In December, 2022 the Town began exploring the opportunity to reconstruct the trail away from the waterfront on the property directly north of the existing trail. Immediate benefits include saving the Town significant funds on initial construction by not having to construct a shore protection system and the virtual elimination of probabilities that the path could be destroyed by a storm in the future.

Public Consultation Information

A Public Information Centre (PIC) presentation and survey were available on the Town’s Let’s Talk page from December 12, 2022 to January 12, 2023. The presentation illustrated four trail options with variations in construction design, trail length and alignments.

Forty-eight survey submissions were received. Staff reviewed these submissions and determined that approximately 50% of the submissions were in favor of a trail utilizing the existing path through the forest. Alternatively, 50% of the submissions would prefer the trail along the shoreline in the previous alignment.

Please note survey results for Options A and B have been combined as they both reflect a preferred beach path trail and Options C and D have been combined as an

equal comparison as they both offer an alternate trail in the forest. Please see attached PIC Presentation for illustrations of all options.

### Construction Options

#### **Option A – Replace trail along the shoreline (6 votes – 12.5%)**

This option received 6 of 48 votes. This option would see the reconstruction of the destroyed section of the lakefront concrete sidewalk (approx. 3 metres wide) in the previous location. The sidewalk would be constructed to the same specifications as the original trail, including the overlook deck at the east project limits. This option is not preferred due to the lack of additional storm resiliency being considered in the design. There is a high risk that the trail would be vulnerable to damage or loss in a future storm.

#### **Option B – Raise Trail with Heavy Shoreline Protection (18 votes – 37.5%)**

This option received 18 of 48 votes. The destroyed section of the lakefront concrete sidewalk (approx. 3 metres wide) would be reconstructed in the existing/previous location with heavy shoreline protection including the reconstruction of the overlook deck at the east project limits. Shoreline protection would be completed utilizing very large armor stone or precast block. The trail elevation would be raised above the maximum Lake Erie water level, approximately 2 metres higher than the existing shoreline elevation. Consideration for passage from the forest to the waterfront for land and water wildlife will need to be considered. Safety railing will be required limiting access to the waterfront. This option would greatly reduce public access to the natural waterfront due to the scale of the shoreline protection required. Although this added shore protection would greatly enhance the trails ability to withstand future storms compared to Option A, the possibility of future damage still exists. Option B will take a longer period of time to construct due to Archaeological studies required and design/construction challenges.

The coastal engineer retained by the Town through WT Infrastructure has noted that a wider corridor will be required in order to construct shoreline protection to a higher level of resiliency. The additional width required will intrude into the forest area. This will require additional tree removal throughout the length of shoreline protection. The proposed construction will require maintenance and replacement in the future, which will also be costlier than Option C and D both immediately and in long-term upkeep.

#### **Option C – Trail Relocation Off Shoreline with Connection to existing Waterfront Trail (11 votes – 22.9%)**

This option received 11 of 48 votes. A concrete sidewalk (approx. 3 metres wide) connecting Lakeshore Road to the existing, undamaged section of boardwalk, along the waterfront will be constructed, including the overlook deck at the east project limits. The trail area that was damaged along the waterfront will be reconstructed to a gravel path, meeting accessibility requirements, and permitting public access to the natural waterfront.

The new sidewalk will follow the same alignment as the old existing path through the forest and connect with the undamaged section of shoreline trail in a smooth transition. A preliminary tree removal review has been completed and it is estimated that seven invasive species with trunk diameters larger than 100mm will require removal. Replanting of appropriate species of trees will be included in the reconstruction project, and no canopy cover will be lost.

The removal of any dead trees would only be required if they posed a safety hazard for users of the trail, no healthy, native trees will be removed. All trees will be assessed by an arborist during the design period. Bird migrating and nesting will also be assessed at that time. The top of concrete sidewalk elevation will be blended to match the existing grade through the area allowing wildlife to pass over the sidewalk. A review will be completed to determine if additional consideration should be given to provide passage below the sidewalk for wildlife if necessary. Furthermore, additional archeological investigations may need to be completed. Any archeological issues are expected to be minimal and the works would be constructed along already disturbed ground, and excavation will be minimalized.

#### **Option D - Trail Relocation Off Shoreline with Connection to Waterfront Trail and Park (13 votes – 27.1%)**

This option received 13 of 48 votes. In addition to Option C, this option will also include an update to the old concrete sidewalk (approx. 3 metres wide) approximately 250 metres in length to the west, connecting Waverly Beach Park and Lakeshore Road and will follow the existing path through the forest. A preliminary tree removal evaluation was completed and it is estimated that an additional five invasive species and one diseased native species with trunk diameter larger than 100mm will require removal. This is the preferred option selected by Infrastructure staff due to resiliency, active transportation connections and cost savings (over A/B).

It should be noted that there is an old existing concrete walkway which connects Lakeshore Rd. and Waverly Beach Park through the forest that was built near the turn of the 20<sup>th</sup> century. The intent for both options, C or D is to follow this path to minimize disturbance in the area. The forest path will provide a different opportunity / environment than the waterfront path. Option C and D will maintain the existing waterfront trail from Waverly Beach Park to the western limit of the damaged portion of the trail. The damaged portion will be reopened as a compacted granular trail that will permit improved access to the natural waterfront before reconnecting at the eastern overlook deck.

#### **Summary of Issues Raised Through Public Comments**

##### *Tree Preservation*

Option A will leave the wooded area as-is.

Option B we require the removal of a strip of 20-25 trees closest to the shore

Option C will remove 5 invasive, 0 native and 2 dead. Option C+D will remove 9 invasive, 1 native (diseased) and 3 dead.

There is a significant opportunity under all options for a planting program.



Wildlife Issues

All tree work will be completed outside of nesting season. Option C & D will not create impediments to wildlife.

Accessibility and Access Issues

All options presented will be fully accessible from an AODA perspective.

Staff feel that access to the waterfront is somewhat limited in Option B as the sea wall would prevent an easy route to the water. As a gravel path, access is not limited.

Durability Issues

With Option C & D, the waterfront section will be gravel and subject to damage during large storms. Staff feel the cost to repair a gravel section is orders of magnitude less than the cost of constructing a sea wall.

The construction of a wooden boardwalk is not recommended. A boardwalk through the woods can become very slippery as it not exposed to sunlight to allow it to dry off. Regardless of wood type, the lingering moisture creates a maintenance issue as the lifespan is reduced on the wood. The Town replaced the boardwalk in the open area of Waverly in 2018 after only 11 years with a stamped concrete path to resemble wood. In addition, the foundations for a boardwalk would create potential archeological issues.

Archeological

The construction of A has no archeological issues.

The construction of B may encounter significant archeological issues as the foundation for the wall would require excavation.

Option C & D will be constructed in the alignment of the old concrete path built in the 1910's or 20's. Work foreseen is not expected to dig below the existing sidewalk level, limiting issues or concerns.

**Financial/Staffing Implications and Accessibility (AODA) Considerations**

Total MDRA funds available for this project is \$2,205,375. A summary of total project costs for each option, and funding sources are noted below in Table 1 and Table 2.

**Table 1: Project Costs**

Waverly Beach Trail Options	Cost	Town Funds
Option A – Replace in previous form	\$2,200,000	\$0
Option B – Raise Trail with Heavy Shoreline Protection	\$3,200,000	\$1,000,000

Waverly Beach Trail Options	Cost	Town Funds
Option C – Trail Relocation Off Shoreline with Connection to Waterfront Trail	\$1,000,000	\$0
Option D - Trail Relocation Off Shoreline with Connection to Waterfront Trail and Park	\$1,500,000	\$0

*All amounts include non-rebated HST*

**Table 2: Available Funding Sources**

Funding Source	Funds
Canada Community Building Funds	\$750,000
Parkland Reserve Funds	\$44,625
MDRA Funds	\$2,205,375
<b>Total Project Funds</b>	<b>\$3,000,000</b>

*All amounts include non-rebated HST*

As illustrated in Table 1, there is a projected negative variance if Option B were to be selected. If Option B is preferred by Council staff will be seeking \$200,000 from alternate funding sources (reserves or debenture). These funds will only be required if Option B is constructed.

The variance is a result of the additional shoreline protection that will be required to reconstruct the trail along the waterfront with resiliency built in. Constructing the trail with added resiliency will provide protection but consideration should be given to stronger, more frequent damaging weather events caused by climate change.

All trail options will meet accessibility standards. Once a preferred option has been finalized the new trail design will improve accessibility in the area for all trail users.

#### **Policies Affecting Proposal**

By-law No. 124-2019 adopted Council's 2018-2022 Corporate Strategic Plan.

Effective and sustainable infrastructure is a priority in the plan. The award and completion of this project supports the ongoing Infrastructure Priority in addressing the initiatives.

#### **Comments from Relevant Departments/Community and Corporate Partners**

Comments from relevant departments have been incorporated into this report.

**Communicating Results**

A Public Information Centre (PIC) was presented online from December 12, 2022 to January 12, 2023 to provide information and request the public's preference for trail construction. The PIC notice was posted on the Town's website and other social media outlets available to the Town. The results of this PIC have been provided in the Analysis section of this report.

Following acceptance of this report the go-forward option will be posted on Let's Talk.

**Alternatives**

Staff have described the four options in this report that were provided to the public to choose from. It is staff's conclusion that Option D - Trail Relocation Off Shoreline with Connection to Waterfront Trail and Park, provides the highest level of resilience, value and environmentally sustainable connections for active transportation.

**Conclusion**

This report demonstrates the options analyzed for reconstruction of the Waverly Beach Trail and provides reasoning for the selected alternative by staff. Council is asked to endorse the preferred trail design and alignment through this report.

Staff have analyzed the proposed options and have concluded that Option D is preferred, as it provides the highest level of resiliency, value and active transportation connections.

- Option A – Replace Like for Like
- Option B – Raise Trail with Heavy Shoreline Protection
- Option C – Trail Relocation Off Shoreline with Connection to Waterfront Trail
- Option D - Trail Relocation Off Shoreline with Connection to Waterfront Trail and Park

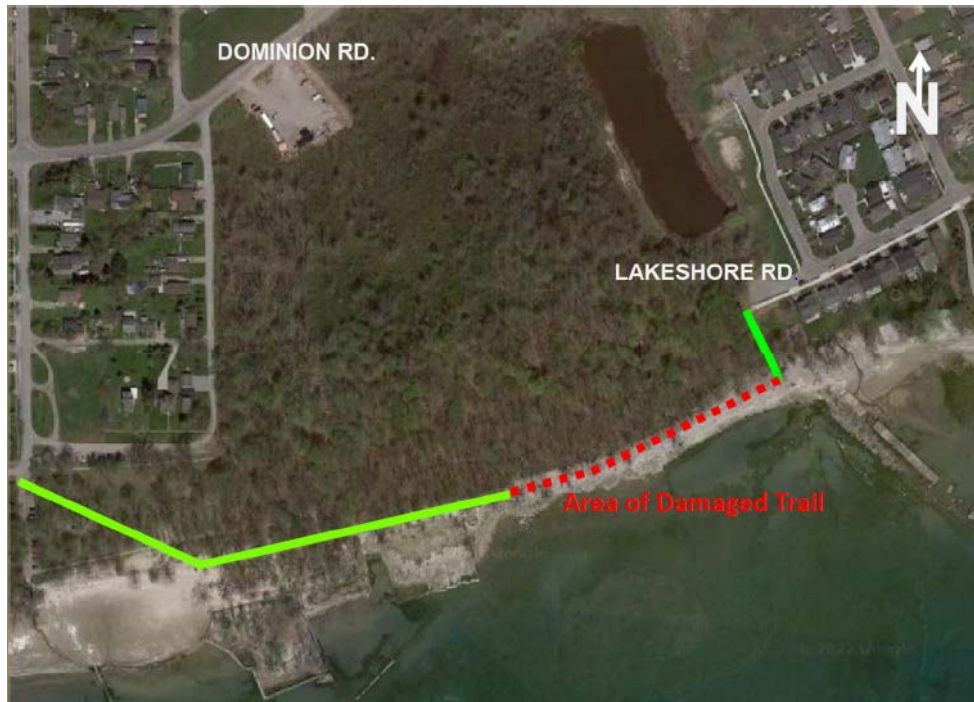
**Attachments**

**Appendix '1'** – Waverly Beach Trail Option Maps

**Appendix '2'** – Waverly Beach Trail – Public Consultation Information Presentation

## Appendix '1' – Waverly Beach Trail Options

### Damaged Trail Area



### Trail Location Option A / B



### Trail Location Option C



### Trail Location Option D





# WAVERLY TRAIL RECONSTRUCTION

## PUBLIC CONSULTATION

## INFORMATION PRESENTATION



# OVERVIEW

- Background
- October 31, 2019, Storm Damage
- Path Restoration Options
- New Trail Alignment Option
- Mitigation Measures
- Tree and Biological Assessment
- Archaeology Assessment
- Schedule
- Next Steps

## BACKGROUND

- Waverly Trail is part of Friendship Trail and Greater Niagara Circle Route and TransCanada Trail
- The impacted area is in the section from Lakeshore Rd. to Helena St.
- The area is located south of Proposed Harbourtown Village Subdivision.
- The trail in this area consisted of a concrete path along the beach.
- This is the historical Erie Beach Park site from the early 20<sup>th</sup> Century.









## OCTOBER 31, 2019, HALLOWEEN STORM

- West wind, storm surge and wave action resulted in catastrophic damage in multiple areas of the Town.
- Approximately 250 metres of trail was broken, undermined and damaged.
- Repair was not a feasible solution. Trail was closed immediately.
- Rerouting around damaged area via existing unpaved trails became the temporary solution.



## OCTOBER 31, 2019, HALLOWEEN STORM – DISASTER FUNDING

- Town applied to the Province for Municipal Disaster Recovery Assistance (MDRA) funding.
- Up to \$2.2 million has been committed for the repair of the damaged portion of the Trail on a pre-disaster condition basis.
- An additional \$1 million to upgrade the trail to provide additional protection against the impacts of climate change will be funded by Town of Fort Erie taxpayer.

# PATH RESTORATION OPTIONS

- The existing trail was constructed within an existing 10 m wide property corridor owned by the Town.
- Limited corridor does not provide for significant opportunity to optimize the alignment (path) from the original location.
- **ALTERNATIVE A: REPLACE LIKE FOR LIKE**
  - Reconstruction of the trail in the same location, elevation using the original trail material as rubble shoreline protection.
  - Reinstatement of look-out and addition of street furniture.
  - This would be at risk for damage from future storms.
  - Does not provide a climate change resilient solution.
  - \$2.2 million estimated cost fully funded by MDRA grant.
- **ALTERNATIVE B: RAISE THE TRAIL WITH HEAVY SHORELINE PROTECTION**
  - Optimization of alignment.
  - Raise trail to elevation above maximum Lake Erie water level.
  - New heavy armour stone revetment designed to protect against anticipated storm events.
  - Reinstatement of look-out and addition of street furniture.
  - Additional \$1 million cost over Alternative A funded by taxpayers to address climate change resiliency.

# NEW TRAIL ALIGNMENT OPTION

DEVELOPMENT OF HARBOURTOWN VILLAGE SUBDIVISION RESULTED IN A PARCEL OF LAND TO BE DEDICATED AS PARKLAND/ENVIRONMENTAL PROTECTION



## NEW TRAIL ALIGNMENT - ALTERNATIVE C

- Connection from Lakeshore Rd. to the end of the existing remaining trail via route setback from shoreline.



## NEW TRAIL ALIGNMENT ALTERNATIVE D

- Connection from Lakeshore Rd. to the Waverly Beach Park via route setback from shoreline.





# PATH RESTORATION OPTIONS (ALTERNATIVE C AND D)

- Very recently, as a result of the settlement of issues with the adjacent Harbourtown development, Town staff became aware that a large area immediately north of the existing trail is to be transferred to Town ownership.
- This provided the opportunity to consider pulling the trail out of the existing corridor and away from the beach in order to improve resiliency without increasing costs.
- **ALTERNATIVE C: TRAIL RELOCATION OFF SHORELINE WITH CONNECTION TO WATERFRONT TRAIL**
  - 240 m – 2.4 to 3 m wide concrete trail along general alignment of old path network connecting to waterfront trail at the end of the storm damaged section.
  - Maintain east look-out and provide appropriate shoreline protection in these areas.
  - Reinstate original shoreline path to allow for public access (gravel/beach)
  - Provide appropriate street furniture in look-out location.
  - Designed to ensure AODA accessibility.
  - Maintain continuity of Friendship Trail.
  - \$1.0 million estimated cost fully funded by MDRA grant.
- **ALTERNATIVE D: TRAIL RELOCATION OFF SHORELINE WITH CONNECTION TO WATERFRONT TRAIL AND PARK**
  - 440 m – 2.4 to 3 m wide concrete trail along general alignment of old path network connecting the existing trail within the Park.
  - Maintain east look-out and provide resilient shoreline protection in these areas.
  - Provide appropriate street furniture in look-out location.
  - Reinstate original shoreline path to allow for public access (gravel/beach)
  - Designed to ensure AODA accessibility.
  - Maintain continuity of Friendship Trail.
  - \$1.5 million estimated cost with \$1.0 million funded by MDRA grant. The remainder will need to be paid from taxpayer revenue.

## MITIGATION MEASURES FOR ALTERNATIVES C AND D

- Selection of trail alignment in treed areas that minimizes large and/or healthy tree removal.
- Construction timing to correspond with off-season construction for the protection of bird and species at risk breeding impacts.
- Comply with the requirements of the investigations to minimize risk of wildlife conflicts or environmental damage.

# TREES AND BIOLOGICAL ASSESSMENT

- No species of risk (trees) were identified. Potential Species at Risk habitat was identified.
- Should the rehabilitation occur during the breeding bird season, an active nest search by a qualified wildlife biologist should be completed prior to any vegetation removal.
- All vegetation removal should occur in the fall/winter, if possible, to reduce impacts to breeding birds, snakes, and Yellow-banded Bumble Bee.
- If vegetation is removed, it should be reseeded/planted as soon as possible following completion of work with native seeds and/or plants.
- That effective erosion and sediment controls and site stabilization be used to reduce the effects of the rehabilitation on American Eels and SAR vascular plants.
- That appropriate ESC fencing is installed to delineate the work area to reduce the risk of wildlife wandering into the site.
- That all large diameter canopy trees are left fully intact during the rehabilitation process to prevent harm to any SAR bats and protect any SAR trees that may be found within the study area. Any tree removal greater than will require an assessment for candidate bat maternity habitat.

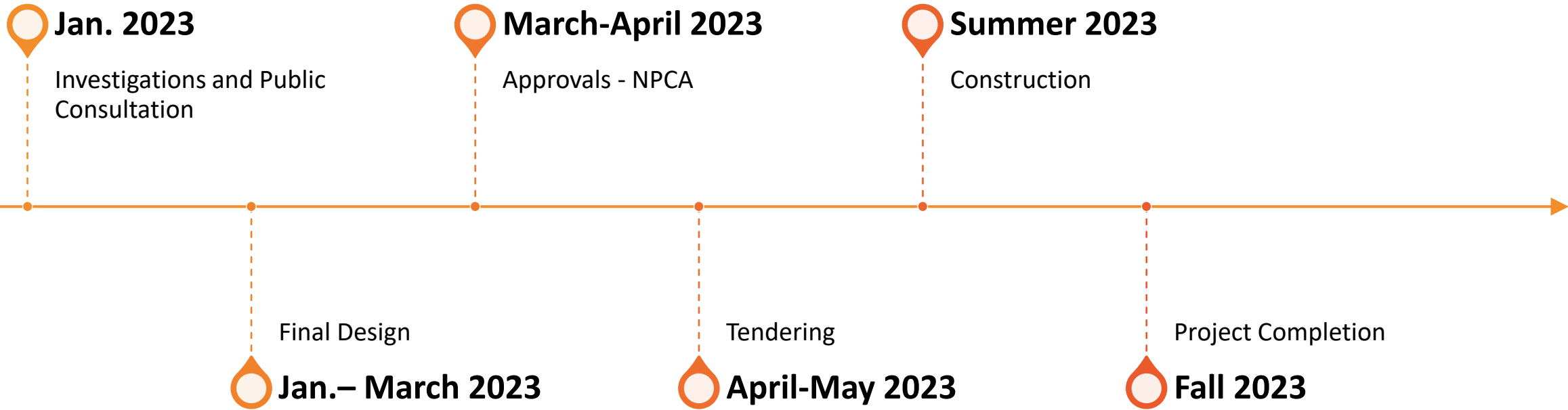
# ARCHAEOLOGICAL ASSESSMENT

- Site consists of areas with both archaeological potential and limited to no archaeological potential.
- Previous use of area as Erie Beach Park area would indicate mostly impacted areas and there no significant features.
- Limited information on archaeological potential associated with at depth artifacts that may be below the former use impacts.
- Work within existing constructed area and corridor does not require additional assessment.

# SCHEDULE (ALTERNATIVE A AND B) – SHORELINE TRAIL ALIGNMENT



# SCHEDULE (ALTERNATIVE C AND D) – NEW TRAIL ALIGNMENT



## NEXT STEPS

- Review Public Consultation Feedback
- Confirm the Preferred Design Alternative.
- Finalize Design and Approvals
- Tendering and Award
- Proceed with Construction in accordance with the schedule of the preferred alternative.





## Infrastructure Services

<b>Prepared for</b>	Council-in-Committee	<b>Report No.</b>	IS-04-2023
<b>Agenda Date</b>	February 13, 2023	<b>File No.</b>	360402

### Subject

**FRENCHMAN'S CREEK DRAIN – FILING OF ENGINEER'S REPORT, PURSUANT TO SECTION 78 OF THE *Drainage Act*, R.S.O. 1990, c.D.17**

### Recommendations

**THAT** Council accepts the Engineer's Report for the Frenchman's Creek Drain for information purposes; and further

**THAT** Council directs staff to continue with the legislative process in accordance with the *Drainage Act* and establish the date for the Court of Revision.

### Relation to Council's 2018-2022 Corporate Strategic Plan

Priority: **2. Sustainable Infrastructure for the Future.**

Objective: Maintaining and investing in sustainable infrastructure that serves the entire community and builds a strong, vibrant and attractive community.

### List of Stakeholders

1. Mayor and Council of the Town of Fort Erie
2. Benefiting Property Owners of the Frenchman's Creek Drain watershed
3. Spriet & Associates Limited
4. Ministry of Agriculture, Food, and Rural Affairs
5. Ministry of Natural Resources
6. Department of Fisheries & Oceans
7. Niagara Peninsula Conservation Authority
8. Regional Municipality of Niagara
9. Ministry of Transportation

Prepared by:	Submitted by:	Approved by:
<i>Original Signed By:</i>	<i>Original Signed By:</i>	<i>Original Signed by:</i>
Troy Davidson, Drainage Superintendent	Kelly Walsh, P.Eng Director, Infrastructure Services	Chris McQueen, MBA Chief Administrative Officer
<i>Original Signed By:</i>		
Christopher Kalimootoo, BA, P.Eng, MPA, MBA, PMP Manager, Engineering Division		

### **Purpose of Report**

To seek Council's acceptance of the new Engineer's Report for the Frenchman's Creek Drain and to further to seek direction to proceed in accordance with the Ontario Drainage Act (the 'Act'), in delivering the Engineer's Report to the benefiting landowners.

### **Analysis**

#### **BACKGROUND**

The Frenchman's Creek Municipal Drain Engineer's Report was previously completed by Weibe Engineering in 1999 with drainage works being completed in 2000. This drain has exhibited some issues that require a drainage engineer to update the existing Engineer's Report. The work completed in 2000 consisted of a full cleanout from Sunset Drive to Ridgemount Quarries.

Currently, the municipal drain boundary ends at Sunset Drive, however the channel continues downstream towards the Queen Elizabeth Highway. The lands on the westerly side of Sunset Drive would be more efficiently drained if the channel downstream could be cleared of obstructions and appropriately sized and constructed; this area is to be added to this new report.

The *Ontario Drainage Act* does provide for minor works to be carried out downstream, however, the term used in the legislation is "reasonable". Town Staff feel the Engineer's Report should include this construction to establish work areas and access right of ways, especially since this area is in the Provincially Significant Wetland Complex.

### EXISTING DRAINAGE CONDITIONS

The Drainage Superintendent indicated that the previous drainage report that was completed stopped at Sunset Drive, not allowing the Town to conduct work downstream of Sunset Drive. The new Engineers report will extend the Frenchman's Creek Municipal Drain to the box culvert on the East side of the QEW. See Appendix 2 – Map of Frenchman's Creek in the attachments

Through discussions the owners reported the following:

The landowner, 2603317 Ontario Inc (Roll No. 28-045) Farm field off Ridgemount Road, South of Gilmore Road, indicated that the drain lacked adequate depth in their lands and overtopped it banks during moderate storm events.

The landowner, R. & C. Jukosky (Roll No. 28-049) 2242 Gilmore Road, indicated that the existing culvert in his lands was recently replaced with a newer bridge structure.

The Town of Fort Erie indicated that the concrete box culvert and the C.S.P. under Gilmore Road have both been recently replaced.

A field investigation and survey were completed by Spriet & Associates. Upon reviewing their findings, Spriet & Associates note the following:

That the existing channel downstream of Sunset Drive needs repairs, with multiple fallen trees and debris in the channel.

That, in many portions along the drain, sediment has accumulated, and the drain requires improvement.

Preliminary design, cost estimates, and assessments were prepared and provided to owners to review the findings and preliminary proposals. Further input and requests were provided by the affected owners at that time and at later dates. Based on the proposed design it was decided to proceed with the report.

### 2022 Engineer's Report Recommendations

The Engineers Report recommends that the existing natural watercourse, from the QEW road culvert upstream to Sunset Drive, be incorporated into the Drain and reconstructed to provide a sufficient outlet for the upstream lands and become part of the Frenchman's Creek Municipal Drain.

The Engineers Report also recommends works for approximately 3,967 linear meters of open ditch reconstruction including brushing of small trees, quarry stone rip-rap bank protection, rocks chutes, bank seeding, construction of a private laneway culvert, and sediment basins. The new extension to the Drain from Sunset to the QEW is approximately 1025m linear metres. Branch 1 is approximately 250 linear meters. Works to the existing drain will cover approximately 2304 linear meters.

### Environmental Considerations

The Fish and Habitat Protection Program of the Fisheries and Oceans of Canada (DFO) and the Niagara Peninsula Conservation Authority have reviewed the proposed project of the Frenchman's Creek Municipal Drain. Both agencies have guidelines to follow that are listed in the Engineer's report. See Appendix '1'.

Spriet & Associates are also recommending that the following erosion and sediment control measures be included as part of our reconstruction proposal to help mitigate any potential adverse impacts of the proposed drainage works on water quality and fishery habitat.

- a 3-meter-wide grassed buffer strip of existing vegetation between the top of the bank and any cultivated lands on the working side is to be incorporated as part of the drain;
- quarry stone rock chutes are to be constructed at surface inlet points to reduce erosion from direct surface water access into the ditch.

### ENVIRONMENTAL CONSIDERATIONS AND MITIGATION MEASURES

*There are wetlands and sensitive areas within the affected watershed area or along the drain. Fisheries and Oceans of Canada (DFO) has recommended the following be implemented:*

- *no in-water work between March 15 to July 15 and conduct work in low or no flow;*
- *reseed and/or replant any disturbed banks caused by the construction activities;*
- *install appropriate sediment erosion controls downstream of construction activities and install fish pools every 100 meters, approximately 0.45 meters deep;*
- *construct a two-stage channel (which is a deep channel and a shallow channel within the drain channel) along the entire length, where possible.*

*Niagara Peninsula Conservation Authority (N.P.C.A.) has noted*

- *The Frenchman's Creek Drain system contains and outlets to the Provincially Significant Frenchman's Creek Wetland complex;*
- *Some of the proposed works will be within the boundaries of this PSW and will require additional consideration for permitting requirements under Section 28, to address excavated material placement the Drainage Engineer recommends that erosion and sediment control measures be included as part of our reconstruction proposal to help mitigate any potential adverse impacts of the proposed drainage works on water quality and fishery habitat;*
- *a 3-meter-wide grassed buffer strip of existing vegetation between the top of the*

*bank and any cultivated lands on the working side is to be incorporated as part of the drain;*

- *quarry stone rock chutes are to be constructed at surface inlet points to reduce erosion from direct surface water access into the ditch.*

### **Financial/Staffing Implications**

Under the provisions of the Act, the costs for the preparation of a new Engineer's Report are assessed against all benefiting landowners and road authorities within the drainage area. Cost for this report must be front-end financed by the Town of Fort Erie, and are apportioned as per the assessment schedules of the Engineer's Report, and invoiced to the benefiting landowners and road authorities within the Frenchman's Creek Drain area watershed to be recovered through tax billing.

### **The estimate of the costs of the proposed construction is as follows:**

Main Drain total cost = \$172,810

Branch #1 total cost = \$10,520

Administration total cost = \$44,670

The total estimated cost of the project \$228,000 (\$232,026 including non-rebatable HST)

### **The Assessments for Construction**

**Table 1: Project Cost Apportionment**

<b>Municipality</b>	<b>Cost Breakdown</b>	<b>Budget</b>
Town of Fort Erie Benefitting Land Owners (1)	\$ 186,876.00	81%
Town of Fort Erie Roads (2)	\$ 13,740.00	6%
Town of Fort Erie Special Assessments (3)	\$ 22,960.00	10%
Ministry of Transportation Ontario (4)	\$ 8,450.00	4%
<b>Total Cost</b>	<b>\$ 232,026.00</b>	<b>100%</b>

*All amounts include non-rebatable HST*

**Table 2: Project Funding Source**

<b>Project Component</b>	<b>Cost</b>
Municipal Drain Reserve (2+3 above)	\$ 36,700.00
Benefitting Land Owners Contribution (1+4 above)	\$ 195,326.00
<b>Total Project Funds</b>	<b>\$ 232,026.00</b>

*All amounts include non-rebatable HST*

## Grants

In accordance with the provisions of Section 85 of the Drainage Act, a grant may be available for assessments against privately owned parcels of land which are used for agricultural purposes and eligible for the Farm Property Class Tax rate. Section 88 of the Drainage Act directs the Municipality to make application for this grant upon certification of completion of this drain. The Municipality will then deduct the grant from the assessments prior to collecting the final assessments

**Table 3: Project Variance**

Frenchman's Creek Drain Variance (FRCD11)		
Estimated Project Cost	Total Project Funds	Variance
\$ 232,026.00	\$ 65,000.00	(\$ 167,026.00)

*All amounts include non-rebatable HST*

At the time of tender, a budget amendment will be done to the Landowner component for the variance as the current approved budget only has \$12,500. This will cover the variance noted in Table 3. The Town's portion of the estimated cost based on the Engineer's Report has been funded.

## Policies Affecting Proposal

By-law No. 124-2019 adopted Council's 2018-2022 Strategic Plan. This project conforms to priority 2, maintaining and investing in sustainable infrastructure that serves the entire community and builds a strong, vibrant and attractive community.

Should Council decide not to proceed with drainage works, and landowners incur losses, the Municipality can be held liable for such damages or losses under the *Drainage Act*, Section 79(1) RSO 1990, c17. All landowners must be notified of Council's decision and the process left available to them for appeals.

Should Council decide to proceed with the recommendations under the Engineer's Report, landowners and agencies have further appeal mechanisms under the *Drainage Act*, should they not agree with Council's decision.

Where the assessment against any parcel of land is \$50 or less, the assessment shall be paid in the first year in which the assessment is imposed upon the land assessed. R.S.O. 1990, c D.17, s 61(3). Council may provide that the assessments be paid out of the general funds of the municipality.

## Comments from Relevant Departments/Community and Corporate Partners

Comments or concerns have been received by affected landowners, government ministries, agencies and interested parties within the Frenchman's Creek Drain

watershed who have attended any of the public meetings and have been incorporated into the Engineer's Report.

All parties identified in the watershed have the additional opportunity to argue the legal proceedings, assessments, and the technical design of the project. There are three appeals courts, the Drainage Referee, the Court of Revision, and the Agriculture, Food and Rural Affairs Appeal Tribunal.

### **Communicating Results**

Assessed benefitting landowners and utilities as well as all affected and interested parties listed under this Administrative Report have been informed by a mailed out letter and was also posted on [Let's Talk Fort Erie](#) informing property owners of the proposed drain work, including being given specific information for reviewing the new Engineer's Report for the Frenchman's Creek Drain, along with notification of a public meeting to consider the Engineer's Report on Monday, February 13, 2023 at Council-in-committee.

### **Alternatives**

Council will be required to decide on one of two possible options other than proceeding as outlined in the recommendation portion of this report. They are:

- 1) Refer the Engineer's Report back to the Engineer as outlined under Section 57 of the Act. This option could be considered should Staff or Council be of the opinion that the Drainage Engineer did not complete or investigate all alternatives possible, and has not reasonably addressed the concerns of the affected landowners as outlined under the Act.
- 2) Council can decide not to proceed with this Engineer's Report or drainage project. The Municipality can be held accountable for all costs to date, and/or liable for any damages caused as a result of not proceeding further to section 79(1) of the Act.

### **Conclusion**

Staff recommends that Council proceed with the new Engineer's Report as it will provide a plan and profile for construction along with an up to date assessment for all property holders in the Frenchman's Creek Drain watershed. This will facilitate implementation of the recommended work on the drain as identified in the Engineers Report.

### **Attachments**

**Appendix '1'** – Map of Frenchman's Creek

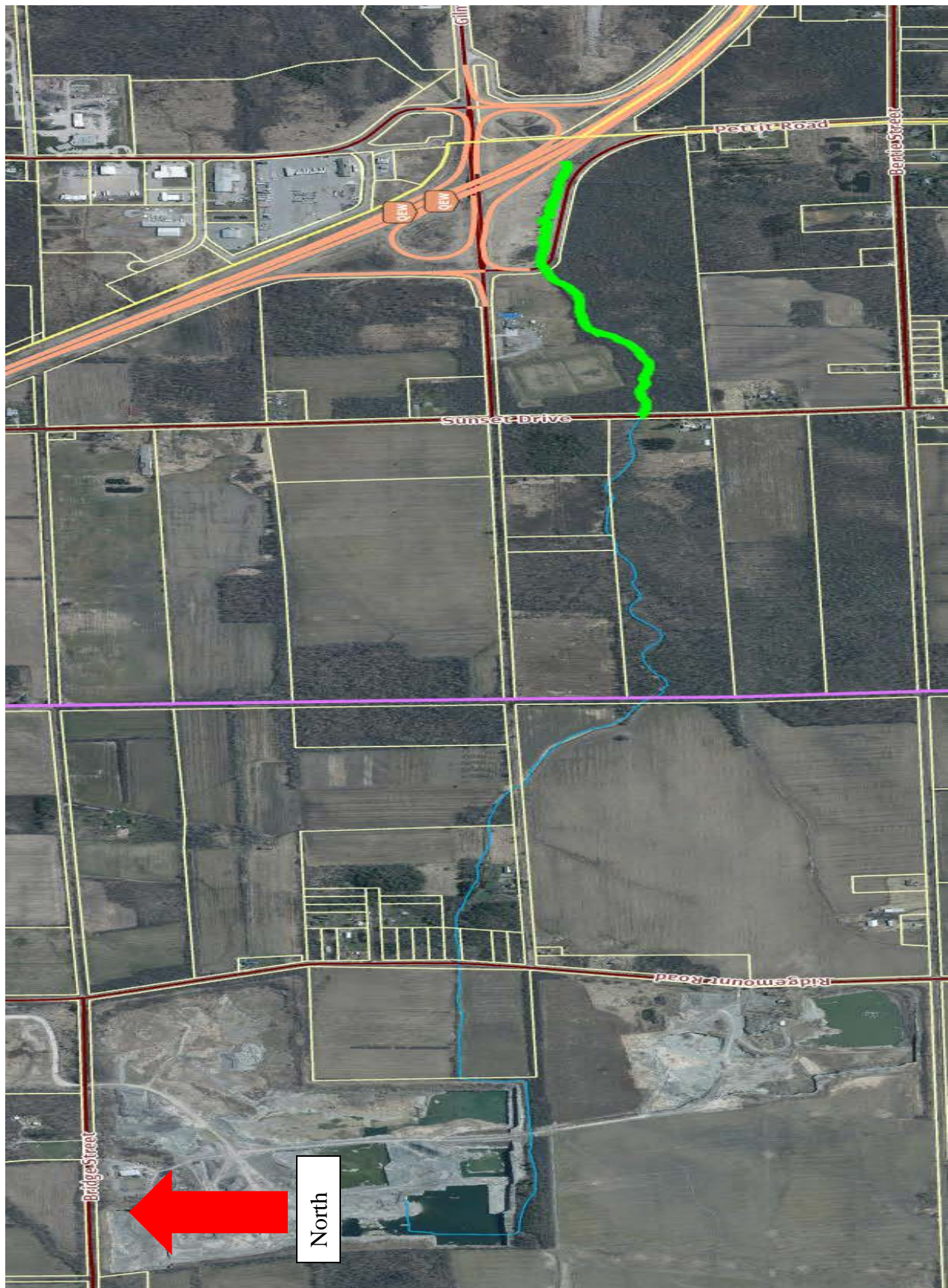
**Appendix '2'** – Frenchman's Creek Drain – Engineers Report – October 25 2022



Appendix '1' to Administrative Report IS-04-2023

Legend

Blue Line = Existing Municipal Drain  
Green Line = New Extension of Municipal Drain



## **FRENCHMAN'S CREEK DRAIN**

**Town of Fort Erie**



**SPRIET  
ASSOCIATES**

**ENGINEERS & ARCHITECTS**

155 York Street  
London, Ontario N6A 1A8  
Tel. (519) 672-4100  
Fax (519) 433-9351  
E-mail MAIL@SPRIET.ON.CA

Our Job No. 213266

October 25, 2022

London, Ontario  
October 25, 2022

## **FRENCHMAN'S CREEK DRAIN**

### **Town of Fort Erie**

To the Mayor and Council of  
the Town of Fort Erie

Mayor and Council:

We are pleased to present our report on the reconstruction of the Frenchman's Creek Municipal Drain serving parts of Lots 2 to 7, Concessions 5 to 9 (geographic Bertie) in the Town of Fort Erie. The total watershed area contains approximately 627 hectares.

### **AUTHORIZATION**

This report was prepared pursuant to Sections 78 of the Drainage Act in accordance with instructions received from your Municipality with respect to a motion of Council in accordance with Section 8 of the Drainage Act.

### **HISTORY**

The Frenchman's Creek Drain was originally constructed pursuant to a report submitted by C.J. Clarke, P. Eng., dated February 9, 1960, and consisted of improvement of the existing creek from Sunset Drive westerly to Concession 9, Lot 5.

Due to expansion of the Ridgemount Quarry, the drain was abandoned from the westerly limit of property Roll No. 28-113 upstream.

A subsequent report was submitted by J. Bryon Wiebe, P.Eng., dated August 31, 1999, and consisted of the cleanout of the drain from Sunset Drive upstream to the drain limit in Concession 8, Lot 5, for a total length of 2,602 lineal meters. Branch No. 1 was also cleaned out at this time, for a length of 234 lineal meters.

### **EXISTING DRAINAGE CONDITIONS**

Through discussions the owners reported the following:

- the Drainage Superintendent indicated that the previous drainage report that was completed stopped at Sunset Drive, not allowing the Town to conduct work downstream of Sunset Drive



**SPRIET ASSOCIATES**  
engineers & architects

**EXISTING DRAINAGE CONDITIONS (cont'd)**

- the landowner, 2603317 Ontario Inc (Roll No. 28-045), indicated that the drain lacked adequate depth in their lands and overtopped its banks during moderate storm events
- the landowner, R. & C. Jukosky (Roll No. 28-049), indicated that the existing culvert in his lands was recently replaced with a newer bridge structure
- the Town of Fort Erie indicated that the concrete box culvert and the C.S.P. under Gilmore Road have both been recently replaced

A field investigation and survey were completed. Upon reviewing our findings, we note the following:

- that the existing channel downstream of Sunset Drive needs repairs, with multiple fallen trees and debris in the channel
- that, in many portions along the drain, sediment has accumulated, and the drain requires improvement

Preliminary design, cost estimates, and assessments were prepared and provided to owners to review the findings and preliminary proposals. Further input and requests were provided by the affected owners at that time and at later dates. Based on the proposed design it was decided to proceed with the report.

**DESIGN CONSIDERATIONS**

The proposed design and report have been generally completed using the "GUIDE FOR ENGINEERS WORKING UNDER THE DRAINAGE ACT IN ONTARIO" OMAFRA Publication 852.

That the new lane culvert installed under this report were designed to a 2-year storm event.

**RECOMMENDATIONS**

We are therefore recommending the following:

- that the existing natural watercourse in Lot 4, Concession 5, from the Q.E.W. road culvert upstream to Sunset Drive, be incorporated and reconstructed to provide a sufficient outlet for the upstream lands and become part of the Frenchman's Creek Drain
- that the entire working space and access routes be cleaned and grubbed of trees, brush, and scrub, where required, to complete the work and to allow levelling of the excavated material
- that the existing Frenchman's Creek Drain be reconstructed for its entire length and the excavated material be levelled adjacent to the drain with special considerations for the work downstream of Sunset Drive in regards to the levelling of the excavated material.



**RECOMMENDATIONS (cont'd)**

- that a new lane culvert be installed on the S. Lu property (Roll No. 028-003), including removal and disposal of the existing culvert
- that the existing road culverts under Petit Road, Sunset Drive, Gilmore Road, and Ridgemount Road be cleaned out and excess material be removed and disposed of

**ENVIRONMENTAL CONSIDERATIONS AND MITIGATION MEASURES**

There are wetlands and sensitive areas within the affected watershed area or along the route of the drains. The proposed construction of the Frenchman's Creek Drain has been reviewed by the Fish and Fish Habitat Protection Program of the Fisheries and Oceans of Canada (DFO), File No. 19-HCAA-00865 and they recommended the following be implemented:

- conduct work outside the spring timing windows (i.e. no in-water work between March 15 to July 15)
- conduct work in low or no flow
- reseed and/or replant any disturbed banks caused by the construction activities
- install appropriate sediment erosion controls downstream of construction activities (e.g. silt curtain, straw-bale check dam, rock check dam, etc.)
- install fish pools every 100 meters, approximately 0.45 meters deep
- construct a two-stage channel along the entire length, where possible

The proposed working was also reviewed by the Niagara Peninsula Conservation Authority (N.P.C.A.) and they provided the following comments.

- The Frenchman's Creek Drain system contains and outlets to the Provincially Significant Frenchman's Creek Wetland complex
- Some of the proposed works will be within the boundaries of this PSW and will require additional consideration for permitting requirements under Section 28, Mainly addressing spoil volumes being removed from the drain either through minimizing near water placement in the wetlands or removing it from the wetlands and wetland buffers entirely

We are also recommending that the following erosion and sediment control measures be included as part of our reconstruction proposal to help mitigate any potential adverse impacts of the proposed drainage works on water quality and fishery habitat:

- a 3-meter-wide grassed buffer strip of existing vegetation between the top of the bank and any cultivated lands on the working side is to be incorporated as part of the drain
- quarry stone rock chutes are to be constructed at surface inlet points to reduce erosion from direct surface water access into the ditch

## ENVIRONMENTAL CONSIDERATIONS AND MITIGATION MEASURES (cont'd)

It is to be noted that both the existing and newly vegetated banks as well as the existing natural and newly created buffer strips along each side of the ditch are permanent parts of the Frenchman's Creek Municipal Drain and shall not be disturbed or destroyed.

## SUMMARY OF PROPOSED WORK

The proposed work consists of approximately 3,967 lineal meters of open ditch reconstruction including quarry stone rip-rap bank protection, rock chutes, bank seeding, construction of a lane culvert, and sediment basins.

## SCHEDULES

Four schedules are attached hereto and form part of this report, being Schedule 'A' - Allowances, Schedule 'B' - Cost Estimate, Schedule 'C' - Assessment for Construction, and Schedule 'D' - Assessment for Maintenance.

Schedule 'A' - Allowances. In accordance with Sections 29 and 30 of the Drainage Act, allowances are provided for right-of-way and damages to lands and crops along the route of the drain as defined below.

Schedule 'B' - Cost Estimate. This schedule provides for a detailed cost estimate of the proposed work which is in the amount of \$228,000.00. This estimate includes engineering and administrative costs associated with this project

Schedule 'C' - Assessment for Construction. This schedule outlines the distribution of the total estimated cost of construction over the roads and lands which are involved.

Schedule 'D' - Assessment for Maintenance. In accordance with Section 38 of the Drainage Act, this schedule outlines the distribution of future repair and/or maintenance costs for portions of, or the entire drainage works.

Drawing No.'s 1 and 2, Job No. 213266, and specifications form part of this report. They show and describe in detail the location and extent of the work to be done and the lands which are affected.

## ALLOWANCES

**DAMAGES:** Section 30 of the Drainage Act provides for the compensation to landowners along the drain for damages to lands and crops caused by the construction of the drain. The amounts granted are based on the following:

- a) for open ditch work with excavated material levelled adjacent to drain - \$4,647.00/ha.
- b) for open ditch work through bush with excavated material levelled adjacent to drain - \$3,500.00/ha.

These base rates are multiplied by the hectares derived from the working widths shown on the plans and the applicable lengths.

## ALLOWANCES (cont'd)

**RIGHT-OF-WAY** Section 29 of the Drainage Act provides for an allowance to the owners whose land must be used for the construction, repair, or future maintenance of a drainage works.

For open ditches, the allowance provides for the loss of land due to the construction provided for in the report. The amounts granted are based on the value of the land, and the rate used was \$33,360.00/ha. When any buffer strip is incorporated and/or created, the allowance granted is for any land beyond a 1.8-meter width deemed to have always been part of the drain. For existing open ditches, the right-of-way to provide for the right to enter and restrictions imposed on those lands, is deemed to have already been granted.

It should also be noted no allowances were granted in the previous report by J. Byron Wiebe, P.Eng dated August 31, 1999

## ASSESSMENT DEFINITIONS

In accordance with the Drainage Act, lands that make use of a drainage works are liable for assessment for part of the cost of constructing and maintaining the system. These liabilities are known as benefit, outlet liability as set out under Sections 22, 23, 24 and 26 of the Act.

**BENEFIT** as defined in the Drainage Act means the advantages to any lands, roads, buildings or other structures from the construction, improvement, repair, or maintenance of a drainage works such as will result in a higher market value or increased crop production or improved appearance or better control of surface or sub-surface water, or any other advantages relating to the betterment of lands, roads, buildings, or other structures.

**OUTLET** liability is assessed to lands or roads that may make use of a drainage works as an outlet either directly or indirectly through the medium of any other drainage works or of a swale, ravine, creek, or watercourse.

In addition, a Public Utility or Road Authority shall be assessed for and pay all the increased cost to a drainage works due to the construction and operation of the Public Utility or Road Authority. This may be shown as either benefit or special assessment.

## ASSESSMENT

A modified "Todgham Method" was used to calculate the assessments shown on Schedule 'C'- Assessment for Construction. This entailed breaking down the costs of the drain into sections along its route. Special Assessments were then extracted from each section.

The remainder is then separated into Benefit and Outlet costs. The Benefit cost is distributed to those properties receiving benefit as defined under "Assessment Definitions", with such properties usually being located along or close to the route of the drain. The Outlet Costs are distributed to all properties within the watershed area of that section on an adjusted basis. The areas are adjusted for location along that section, and relative run-off rates. Due to their different relative run-off rates, forested lands have been assessed for outlet at lower rates than cleared lands. Also, roads and residential properties have been assessed for outlet at higher rates than cleared farmlands.



## ASSESSMENT (cont'd)

The actual cost of the work involving this report, with the exception of Special Assessments, is to be assessed on a pro-rata basis against the lands and roads liable for assessment for benefit, outlet, and for special assessments as shown in detail below and on Schedule 'C' - Assessment for Construction. The Special Assessments shall be levied as noted in the Section "Special Assessment".

## SPECIAL ASSESSMENT

In accordance with Section 26 of the Drainage Act Special Assessments have been made against the Town of Fort Erie being the increased cost to the drainage work for cleaning out their culvert across their road allowance on the Main Drain due to the construction and operation of Petit Road, Sunset Drive, Gilmore Road, and Ridgemount Road. The Special Assessments shall be made up of the actual cost of this work and both the final and estimated values of the Special Assessment are to be calculated as follows:

Drain	Cost of Work	Plus Administration Cost	Plus Interest & Net H.S.T.	Special Assessment
Petit Road	\$4,000.00	\$1,500.00	\$140.00	\$5,640.00
Sunset Drive	\$4,000.00	\$1,500.00	\$140.00	\$5,640.00
Gilmore Road	\$4,000.00	\$1,500.00	\$140.00	\$5,640.00
Ridgemount Road	\$4,000.00	\$1,500.00	\$140.00	\$5,640.00

The above special assessments shall not apply for future maintenance purposes.

If the Town of Fort Erie elects to perform the work themselves, the above Special Assessment shall be reduced by \$16,000.00. Otherwise, this portion of the work shall be included in the general contract.

If any additional work is required to the drainage works due to the existence of buried utilities such as gas pipelines, communications cables, etc. or if any of the utilities require relocation or repair, then, the extra costs incurred shall be borne by the utility involved in accordance with the provisions of Section 26 of the Drainage Act.

## GRANTS

In accordance with the provisions of Section 85 of the Drainage Act, a grant **may** be available for assessments against privately owned parcels of land which are used for agricultural purposes and eligible for the Farm Property Class Tax rate. Section 88 of the Drainage Act directs the Municipality to make application for this grant upon certification of completion of this drain. The Municipality will then deduct the grant from the assessments prior to collecting the final assessments.

## MAINTENANCE

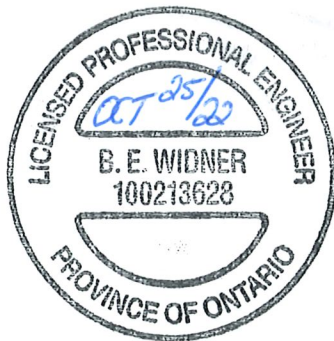
Upon completion of construction, all owners are hereby made aware of Sections 80 and 82 of the Drainage Act which forbid the obstruction of or damage or injury to a municipal drain.

After completion, the entire Frenchman's Creek Drain shall be maintained by the Town of Fort Erie at the expense of all upstream lands and roads assessed in Schedule 'D' - Assessment for Maintenance and in the same relative proportions until such time as the assessment is changed under the Drainage Act.

Special Assessments shall **not** be pro-rated for future maintenance purposes.

Repairs or improvements to any road culvert or road crossing required by the performance of this work and for future repair and/or replacement, shall be the responsibility of the applicable Road Authority, entirely at their cost.

The new lane culvert on the S.Lu property described by Roll No. 28-003 for future maintenance purposes shall be levied 50% to the affected owner and the remainder shall be pro-rated over the upstream outlet assessments.



BW:

Respectfully submitted,

SPRIET ASSOCIATES LONDON LIMITED

B. Widner, P.Eng.

## SCHEDULE 'A' - ALLOWANCES

## FRENCHMAN'S CREEK DRAIN

## Town of Fort Erie

In accordance with Sections 29 and 30 of the Drainage Act, we determine the allowances payable to owners entitled thereto as follows:

CONCESSION	LOT	ROLL NUMBER (Owner)	Section 29 Right-of-Way	Section 30 Damages	TOTALS
<b>MAIN DRAIN</b>					
5	Pt. 4	27-140 (Optimist Club of Fort Erie)	\$ 2,350.00	\$ 3,650.00	\$ 6,000.00
6	S Pt. 4	28-003 (S. Lu)	4,110.00	6,390.00	10,500.00
6	Pt. 4	28-005 (Davison Farms Ltd)	440.00	760.00	1,200.00
6	Pt. 3 & 4	28-045 (2603317 Ontario Inc)	1,770.00	3,050.00	4,820.00
6	Pt. 5 & 6	28-072 (A. Miller)	520.00	900.00	1,420.00
6	W Pt. 5	28-049 (R. & C. Jukosky)	1,640.00	2,820.00	4,460.00
7	Pt. 5	28-054 (C. Krieger)	470.00	720.00	1,190.00
8	Pt. 5	28-113 (A. & H. Miller)	1,660.00	2,860.00	4,520.00
Total Allowances			\$ 12,960.00	\$ 21,150.00	\$ 34,110.00

**TOTAL ALLOWANCES ON THE MAIN DRAIN****\$ 34,110.00****BRANCH "A"**

6	S Pt. 4	28-003 (S. Lu)	\$ 100.00	\$ 160.00	\$ 260.00
6	NW Pt. 4	28-006 (2617589 Ontario Inc)	810.00	1,390.00	2,200.00
6	W Pt. 5	28-007 (2603317 Ontario Inc. J Rosenthal)	20.00	40.00	60.00
Total Allowances			\$ 930.00	\$ 1,590.00	\$ 2,520.00

**TOTAL ALLOWANCES ON THE BRANCH "A"****\$ 2,520.00****TOTAL ALLOWANCES ON THE FRENCHMAN'S CREEK DRAIN****\$ 36,630.00**

**FRENCHMAN'S CREEK DRAIN****Town of Fort Erie**

We have made an estimate of the cost of the proposed work which is outlined in detail as follows:

**MAIN DRAIN**

Clearing & grubbing using mechanical brushing of ditch bank (Approx. 3717m)	\$ 46,500.00
3717 meters of open ditch reconstruction	\$ 31,600.00
Levelling of excavated material	\$ 10,900.00
Seeding of ditch banks and buffer strips (Approx 4000m <sup>2</sup> )	\$ 4,900.00
Construct the following helical corrugated aluminized steel pipe as new farm culvert including removal of existing C.S.P.'s and disposal of excess material where required	
Sta. 1+042 - Sta 1+052 (S. Lu)	
Supply & delivery of 10m - 1500mm dia, 2.8mm thick, 125mm x 25mm cor.	\$ 6,500.00
Installation of pipe including supply and installation of bedding and backfill material and disposal of any unacceptable material including traffic control	\$ 5,000.00
Supply and installation of quarry stone riprap (Approx. 12m <sup>3</sup> Q.S. required)	\$ 1,800.00
Sta. 0+385 - Sta.0+403	
Clean through existing concrete culvert under Pettit Road	\$ 4,000.00
Sta. 0+999 - Sta 1+009	
Clean through existing concrete culvert under Sunset Drive	\$ 4,000.00
Sta. 2+612 - Sta 2+624	
Clean through existing 1500mm CSP culvert under Gilmore Road	\$ 4,000.00
Sta. 2+921 - Sta 2+925	
Clean through existing private bridge	\$ 1,500.00
Sta. 3+293 - Sta 3+303	
Clean through existing concrete culvert under Ridgemount Road	\$ 4,000.00
Exposing and locating existing utilities	\$ 4,000.00
Contingency	\$ 10,000.00
Allowances under Sections 29 & 30 of the Drainage Act	\$ 34,110.00

**FRENCHMAN'S CREEK DRAIN**  
**Town of Fort Erie**

**BRANCH NO. 1**

Clearing & grubbing of ditch bank (Approx. 250m)	\$ 3,000.00
250 meters of open ditch reconstruction	\$ 2,500.00
Levelling of excavated material	\$ 600.00
Seeding of ditch banks and buffer strips (Approx 300m <sup>2</sup> )	\$ 400.00
Exposing and locating existing utilities	\$ 1,000.00
Contingency	\$ 500.00
Allowances under Sections 30 of the Drainage Act	\$ 2,520.00

**ADMINISTRATION**

Interest and Net Harmonized Sales Tax	\$ 4,670.00
Survey, Plan and Final Report	\$ 28,900.00
Expenses	\$ 2,690.00
Supervision and Final Inspection	\$ <u>8,410.00</u>
<b>TOTAL ESTIMATED COST</b>	<b>\$ <u><u>228,000.00</u></u></b>

## SCHEDULE 'C' - ASSESSMENT FOR CONSTRUCTION

## FRENCHMAN'S CREEK DRAIN

## Town of Fort Erie

Job No. 213266

October 25, 2022

\* = Non-agricultural

CON.	LOT	HECTARES AFFECTED	ROLL No. (OWNER)	BENEFIT	OUTLET	TOTAL
<b>MAIN DRAIN</b>						
5	Pt. 3	3.00	27-138 (K. He & X. Wu)	\$	\$ 149.00	\$ 149.00
5	Pt. 4	15.30	27-140 (Optimist Club of Fort Erie)	12,270.00	391.00	12,661.00
6	SW Pt. 2	9.84	23-600 (A. Beam)		617.00	617.00
6	Pt. 2	0.46	23-601 (A. Beam)		2.00	2.00
6	Pt. 2	0.46	23-600-01 (2831463 Ontario Inc.)		44.00	44.00
6	NW Pt. 2	17.93	23-605-01 (M. Rukavina)		1,012.00	1,012.00
6	Pt. 2	0.68	23-602 (R. & K. Young)		65.00	65.00
6	Pt. 2	1.13	23-603 (G. Hagerty & B. Hussey)		85.00	85.00
6	Pt. 2	0.26	23-604 (T. & P. Passero)		25.00	25.00
6	Pt. 2	0.39	23-605 (J. & W. Thompson)		37.00	37.00
6	S Pt. 3	20.23	28-001 (Davison Farms Limited)		1,027.00	1,027.00
6	N Pt. 3	17.40	28-002 (E. & M. Geyer)		2,332.00	2,332.00
6	S Pt. 4	20.23	28-003 (S. Lu)	29,140.00	923.00	30,063.00
6	NW Pt. 4	10.76	28-006 (2617589 Ontario Inc)		833.00	833.00
6	Pt. 4	1.08	28-006-01 (G. & B. Robinson)		48.00	48.00
6	Pt. 4	4.31	28-005 (Davison Farms Ltd)	2,180.00	362.00	2,542.00
6	Pt. 4	4.05	28-004 (G. Davison)		129.00	129.00
6	W Pt. 5	31.37	28-007 (2603317 Ontario Inc. J Rosenthal)		2,835.00	2,835.00
6	E Pt. 5	8.09	28-008 (R. Muro)		822.00	822.00
6	S Pt. 6	20.23	28-009 (Davison Farms Ltd)		1,836.00	1,836.00
7	Pt. 1 & 2	7.70	23-648 (B. & E. Schneider)		906.00	906.00
7	Pt. 1 & 2	6.30	23-647 (H. & C. Holmes)		741.00	741.00
7	Pt. 1 & 2	4.80	23-644 (13119076 Canada Inc.)		565.00	565.00
7	W Pt. 2	0.60	23-649 (L. Canning)		71.00	71.00
7	W Pt. 3	0.55	28-044 (2567783 Ontario Inc)		64.00	64.00
7	Mid Pt. 3	0.81	28-044-01 (2603316 Ontario Inc)		95.00	95.00
7	Pt. 3 & 4	68.23	28-045 (2603317 Ontario Inc)	8,730.00	12,044.00	20,774.00
7	Pt. 4	2.56	28-046 (Walker Aggregates Inc)		452.00	452.00
7	Pt. 4	0.15	28-047 (B. Kenny)		27.00	27.00
7	Pt. 5	0.98	28-062 (Fort Erie Town)		249.00	249.00
7	Pt. 5	0.33	28-061 (W. & J. Brunt)		83.00	83.00
7	Pt. 5	0.66	28-059 (R. & S. Foley)		167.00	167.00
7	Pt. 5	0.33	28-058 (L. MacDonald)		83.00	83.00
7	Pt. 5	0.33	28-057 (J. Conn)		83.00	83.00
7	Pt. 5	0.33	28-056 (L. Macdonald)		83.00	83.00
7	Pt. 5	0.33	28-055 (H. & S. Thomas)		83.00	83.00
7	Pt. 5	0.36	28-054 (C. Krieger)	2,300.00	92.00	2,392.00
7	Pt. 5	0.66	28-052 (Walker Aggregates Inc)		167.00	167.00
7	Pt. 5	0.33	28-051 (Fort Erie Town)		83.00	83.00
7	Pt. 5	0.33	28-050 (K. Hyinds)		83.00	83.00
7	Pt. 5	0.66	28-063 (M. Kellestine)		167.00	167.00
7	Pt. 5	0.33	28-065 (D. Bonner & M. Kellestine)		83.00	83.00
7	Pt. 5	0.33	28-066 (Fort Erie Town)		83.00	83.00
7	Pt. 5	0.33	28-067 (Fort Erie Town)		83.00	83.00
7	Pt. 5	0.98	28-068 (J. & L. MacDonald)		249.00	249.00

## SCHEDULE 'C' - ASSESSMENT FOR CONSTRUCTION (cont'd)

**FRENCHMAN'S CREEK DRAIN**  
**Town of Fort Erie**

HECTARES						
CON.	LOT	AFFECTED	ROLL No. (OWNER)	BENEFIT	OUTLET	TOTAL
MAIN DRAIN (cont'd)						
7	Pt. 5	0.33	28-070 (H. & S. Thomas)	\$	\$ 83.00	\$ 83.00
7	W Pt. 5	11.04	28-049 (R. & C. Jukosky)	8,090.00	1,390.00	9,480.00
7	E Pt. 5	5.67	28-048 (D. Dicienzo)		412.00	412.00
7	Pt. 5 & 6	30.35	28-072 (A. Miller)	2,580.00	4,098.00	6,678.00
7	Pt. 6	0.44	28-071 (A. & P. Pawlowski)		115.00	115.00
7	N Pt. 6	15.60	28-073 (A. & H. Miller)		1,879.00	1,879.00
7	Pt. 7 & 8	8.80	28-077 (A. Miller)		1,545.00	1,545.00
8	Pt. 1 & 2	9.90	23-650 (Topway Systems Ltd)		1,749.00	1,749.00
8	Mid Pt. 2	0.90	23-654 (1000048080 Ontario Inc.)		238.00	238.00
8	Pt. 5	16.58	28-113 (A. & H. Miller)	8,210.00	3,086.00	11,296.00
8 & 9	3,4,5 & 6	219.00	28-108-01 (Walker Aggregates Inc)		53,920.00	53,920.00
TOTAL ASSESSMENT ON LANDS				\$ 73,500.00	\$ 98,975.00	\$ 172,475.00
Bertie Street	5.70	Town of Fort Erie	\$	\$ 2,165.00	\$ 2,165.00	
Pettit Road	0.10	Town of Fort Erie	420.00	6.00	426.00	
Bridge Street	1.70	Town of Fort Erie		874.00	874.00	
Gilmore Road	4.10	Town of Fort Erie	930.00	2,068.00	2,998.00	
Laur Road	3.10	Town of Fort Erie	420.00	1,106.00	1,526.00	
Ridgemount Road	4.70	Town of Fort Erie	420.00	2,481.00	2,901.00	
Sunset Drive	2.40	Town of Fort Erie	420.00	358.00	778.00	
Q.E.W.	0.10	M.T.O.	8,290.00	7.00	8,297.00	
TOTAL ASSESSMENT ON ROADS				\$ 10,900.00	\$ 9,065.00	\$ 19,965.00
SPECIAL ASSESSMENT against the Town of Fort Erie for the cost of cleaning out a concrete culvert under Pettit Road						\$ 5,640.00
SPECIAL ASSESSMENT against the Town of Fort Erie for the cost of cleaning out a concrete culvert under Sunset Drive						\$ 5,640.00
SPECIAL ASSESSMENT against the Town of Fort Erie for the cost of cleaning out a 1500mm CSP under Gilmore Road						\$ 5,640.00
SPECIAL ASSESSMENT against the Town of Fort Erie for the cost of cleaning out a concrete culvert under Ridgemount Road						\$ 5,640.00
TOTAL ASSESSMENT ON THE MAIN DRAIN						\$ 215,000.00



## SCHEDULE 'C' - ASSESSMENT FOR CONSTRUCTION (cont'd)

**FRENCHMAN'S CREEK DRAIN**  
**Town of Fort Erie**

CON.	LOT	HECTARES AFFECTED	ROLL No. (OWNER)	BENEFIT	OUTLET	TOTAL
<b>BRANCH "A"</b>						
6	S Pt. 4		28-003 (S. Lu)	\$ 550.00	\$	\$ 550.00
6	NW Pt. 4	5.30	28-006 (2617589 Ontario Inc)	4,400.00	381.00	4,781.00
6	W Pt. 5	31.37	28-007 (2603317 Ontario Inc. J Rosentf	130.00	2,999.00	3,129.00
6	E Pt. 5	8.09	28-008 (R. Muro)		774.00	774.00
6	S Pt. 6	20.23	28-009 (Davison Farms Ltd)		1,934.00	1,934.00
TOTAL ASSESSMENT ON LANDS				\$ 5,080.00	\$ 6,088.00	\$ 11,168.00
Gilmore Road				470.00	1,362.00	1,832.00
TOTAL ASSESSMENT ON ROADS				\$ 470.00	\$ 1,362.00	\$ 1,832.00
TOTAL ASSESSMENT ON THE BRANCH "A"						<u>\$ 13,000.00</u>
TOTAL ASSESSMENT ON THE FRENCHMAN'S CREEK DRAIN						<u>\$ 228,000.00</u>

## SCHEDULE 'D' - ASSESSMENT FOR MAINTENANCE

## FRENCHMAN'S CREEK DRAIN

## Town of Fort Erie

Job No. 213266

October 25, 2022

CON.	LOT	HECTARES AFFECTED	ROLL No. (OWNER)	PERCENTAGE OF MAINTENANCE COST
<b>MAIN DRAIN</b>				
5	Pt. 3	3.00	27-138 (K. He & X. Wu)	0.1 %
5	Pt. 4	15.30	27-140 (Optimist Club of Fort Erie)	4.1
6	SW Pt. 2	9.84	23-600 (A. Beam)	0.3
6	Pt. 2	0.46	23-601 (A. Beam)	0.1
6	Pt. 2	0.46	23-600-01 (2831463 Ontario Inc.)	0.1
6	NW Pt. 2	17.93	23-605-01 (M. Rukavina)	0.6
6	Pt. 2	0.68	23-602 (R. & K. Young)	0.1
6	Pt. 2	1.13	23-603 (G. Hagerty & B. Hussey)	0.1
6	Pt. 2	0.26	23-604 (T. & P. Passero)	0.1
6	Pt. 2	0.39	23-605 (J. & W. Thompson)	0.1
6	S Pt. 3	20.23	28-001 (Davison Farms Limited)	0.6
6	N Pt. 3	17.40	28-002 (E. & M. Geyer)	1.4
6	S Pt. 4	20.23	28-003 (S. Lu)	7.1
6	NW Pt. 4	10.76	28-006 (2617589 Ontario Inc)	2.2
6	Pt. 4	1.08	28-006-01 (G. & B. Robinson)	0.1
6	Pt. 4	4.31	28-005 (Davison Farms Ltd)	0.9
6	Pt. 4	4.05	28-004 (G. Davison)	0.1
6	W Pt. 5	31.37	28-007 (2603317 Ontario Inc. J Rosenthal)	3.8
6	E Pt. 5	8.09	28-008 (R. Muro)	1.0
6	S Pt. 6	20.23	28-009 (Davison Farms Ltd)	2.4
7	Pt. 1 & 2	7.70	23-648 (B. & E. Schneider)	0.6
7	Pt. 1 & 2	6.30	23-647 (H. & C. Holmes)	0.4
7	Pt. 1 & 2	4.80	23-644 (13119076 Canada Inc.)	0.3
7	W Pt. 2	0.60	23-649 (L. Canning)	0.1
7	W Pt. 3	0.55	28-044 (2567783 Ontario Inc)	0.1
7	Mid Pt. 3	0.81	28-044-01 (2603316 Ontario Inc)	0.1
7	Pt. 3 & 4	68.23	28-045 (2603317 Ontario Inc)	9.8
7	Pt. 4	2.56	28-046 (Walker Aggregates Inc)	0.3
7	Pt. 4	0.15	28-047 (B. Kenny)	0.1
7	Pt. 5	0.98	28-062 (Fort Erie Town)	0.2
7	Pt. 5	0.33	28-061 (W. & J. Brunt)	0.1
7	Pt. 5	0.66	28-059 (R. & S. Foley)	0.1
7	Pt. 5	0.33	28-058 (L. MacDonald)	0.1
7	Pt. 5	0.33	28-057 (J. Conn)	0.1
7	Pt. 5	0.33	28-056 (L. Macdonald)	0.1
7	Pt. 5	0.33	28-055 (H. & S. Thomas)	0.1
7	Pt. 5	0.36	28-054 (C. Krieger)	0.8
7	Pt. 5	0.66	28-052 (Walker Aggregates Inc)	0.1
7	Pt. 5	0.33	28-051 (Fort Erie Town)	0.1
7	Pt. 5	0.33	28-050 (K. Hyinds)	0.1
7	Pt. 5	0.66	28-063 (M. Kellestine)	0.1
7	Pt. 5	0.33	28-065 (D. Bonner & M. Kellestine)	0.1

## SCHEDULE 'D' - ASSESSMENT FOR MAINTENANCE

**FRENCHMAN'S CREEK DRAIN**  
**Town of Fort Erie**

CON.	LOT	HECTARES AFFECTED	ROLL No. (OWNER)	PERCENTAGE OF MAINTENANCE COST
<b>MAIN DRAIN (cont'd)</b>				
7	Pt. 5	0.33	28-066 (Fort Erie Town)	0.1 %
7	Pt. 5	0.33	28-067 (Fort Erie Town)	0.1
7	Pt. 5	0.98	28-068 (J. & L. MacDonald)	0.2
7	Pt. 5	0.33	28-070 (H. & S. Thomas)	0.1
7	W Pt. 5	11.04	28-049 (R. & C. Jukosky)	3.6
7	E Pt. 5	5.67	28-048 (D. Dicienzo)	0.3
7	Pt. 5 & 6	30.35	28-072 (A. Miller)	3.4
7	Pt. 6	0.44	28-071 (A. & P. Pawlowski)	0.1
7	N Pt. 6	15.60	28-073 (A. & H. Miller)	1.2
7	Pt. 7 & 8	8.80	28-077 (A. Miller)	1.0
8	Pt. 1 & 2	9.90	23-650 (Topway Systems Ltd)	1.1
8	Mid Pt. 2	0.90	23-654 (1000048080 Ontario Inc.)	0.2
8	Pt. 5	16.58	28-113 (A. & H. Miller)	4.7
8 & 9	3,4,5 & 6	219.00	28-108-01 (Walker Aggregates Inc)	33.6
TOTAL ASSESSMENT ON LANDS				88.9 %
Bertie Street		5.70	Town of Fort Erie	1.4 %
Pettit Road		0.10	Town of Fort Erie	0.1
Bridge Street		1.70	Town of Fort Erie	0.7
Gilmore Road		4.10	Town of Fort Erie	2.8
Laur Road		3.10	Town of Fort Erie	0.9
Ridgemount Road		4.70	Town of Fort Erie	1.8
Sunset Drive		2.40	Town of Fort Erie	0.5
Q.E.W.		0.10	M.T.O.	2.9
TOTAL ASSESSMENT ON ROADS				11.1 %
TOTAL ASSESSMENT FOR MAINTENANCE FOR THE MAIN DRAIN				<b>100.0 %</b>
<b>BRANCH "A"</b>				
6	S Pt. 4		28-003 (S. Lu)	4.2 %
6	NW Pt. 4	5.30	28-006 (2617589 Ontario Inc)	36.7
6	W Pt. 5	31.37	28-007 (2603317 Ontario Inc. J Rosenthal)	24.1
6	E Pt. 5	8.09	28-008 (R. Muro)	6.0
6	S Pt. 6	20.23	28-009 (Davison Farms Ltd)	14.9
TOTAL ASSESSMENT ON LANDS				85.9 %
Gilmore Road		1.40	Town of Fort Erie	14.1 %
TOTAL ASSESSMENT ON ROADS				14.1 %
TOTAL ASSESSMENT FOR MAINTENANCE FOR BRANCH "A"				<b>100.0 %</b>

SCHEDULE OF NET ASSESSMENT

**FRENCHMAN'S CREEK DRAIN**

**Town of Fort Erie**

(FOR INFORMATION PURPOSES ONLY)

Job No. 213266

October 25, 2022

\* = Non-agricultural

	ROLL NUMBER (OWNER)	TOTAL ASSESSMENT	GRANT	ALLOWANCES	APPROX. NET
*	27-138 (K. He & X. Wu)	\$ 149.00	\$	\$	\$ 149.00
*	27-140 (Optimist Club of Fort Erie)	12,661.00		6,000.00	6,661.00
*	23-600 (A. Beam)	617.00			617.00
*	23-601 (A. Beam)	2.00			2.00
*	23-600-01 (2831463 Ontario Inc.)	44.00			44.00
	23-605-01 (M. Rukavina)	1,012.00	337.00		675.00
*	23-602 (R. & K. Young)	65.00			65.00
*	23-603 (G. Hagerty & B. Hussey)	85.00			85.00
*	23-604 (T. & P. Passero)	25.00			25.00
*	23-605 (J. & W. Thompson)	37.00			37.00
	28-001 (Davison Farms Limited)	1,027.00	342.00		685.00
*	28-002 (E. & M. Geyer)	2,332.00			2,332.00
*	28-003 (S. Lu)	30,613.00		10,760.00	19,853.00
*	28-006 (2617589 Ontario Inc)	5,614.00		2,200.00	3,414.00
*	28-006-01 (G. & B. Robinson)	48.00			48.00
	28-005 (Davison Farms Ltd)	2,542.00	847.00	1,200.00	495.00
	28-004 (G. Davison)	129.00	43.00		86.00
*	28-007 (2603317 Ontario Inc. J Rosenthal)	5,964.00		60.00	5,904.00
	28-008 (R. Muro)	1,596.00	532.00		1,064.00
	28-009 (Davison Farms Ltd)	3,770.00	1,257.00		2,513.00
	23-648 (B. & E. Schneider)	906.00	302.00		604.00
	23-647 (H. & C. Holmes)	741.00	247.00		494.00
	23-644 (13119076 Canada Inc.)	565.00	188.00		377.00
*	23-649 (L. Canning)	71.00			71.00
*	28-044 (2567783 Ontario Inc)	64.00			64.00
*	28-044-01 (2603316 Ontario Inc)	95.00			95.00
*	28-045 (2603317 Ontario Inc)	20,774.00		4,820.00	15,954.00
*	28-046 (Walker Aggregates Inc)	452.00			452.00
*	28-047 (B. Kenny)	27.00			27.00
*	28-062 (Fort Erie Town)	249.00			249.00
*	28-061 (W. & J. Brunt)	83.00			83.00
*	28-059 (R. & S. Foley)	167.00			167.00
*	28-058 (L. MacDonald)	83.00			83.00
*	28-057 (J. Conn)	83.00			83.00
*	28-056 (L. Macdonald)	83.00			83.00
*	28-055 (H. & S. Thomas)	83.00			83.00
*	28-054 (C. Krieger)	2,392.00		1,190.00	1,202.00
*	28-052 (Walker Aggregates Inc)	167.00			167.00
*	28-051 (Fort Erie Town)	83.00			83.00

SCHEDULE OF NET ASSESSMENT (cont'd)

**FRENCHMAN'S CREEK DRAIN**

Town of Fort Erie

	ROLL NUMBER (OWNER)	TOTAL ASSESSMENT	GRANT	ALLOWANCES	APPROX. NET
*	28-050 (K. Hyinds)	83.00			83.00
*	28-063 (M. Kellestine)	167.00			167.00
*	28-065 (D. Bonner & M. Kellestine)	83.00			83.00
*	28-066 (Fort Erie Town)	83.00			83.00
*	28-067 (Fort Erie Town)	83.00			83.00
*	28-068 (J. & L. MacDonald)	249.00			249.00
*	28-070 (H. & S. Thomas)	83.00			83.00
*	28-049 (R. & C. Jukosky)	9,480.00		4,460.00	5,020.00
*	28-048 (D. Dicienzo)	412.00			412.00
	28-072 (A. Miller)	6,678.00	2,226.00	1,420.00	3,032.00
*	28-071 (A. & P. Pawlowski)	115.00			115.00
	28-073 (A. & H. Miller)	1,879.00	626.00		1,253.00
	28-077 (A. Miller)	1,545.00	515.00		1,030.00
	23-650 (Topway Systems Ltd)	1,749.00	583.00		1,166.00
*	23-654 (1000048080 Ontario Inc.)	238.00			238.00
	28-113 (A. & H. Miller)	11,296.00	3,765.00	4,520.00	3,011.00
*	28-108-01 (Walker Aggregates Inc)	53,920.00			53,920.00
	Bertie Street	2,165.00			2,165.00
	Pettit Road	426.00			426.00
	Special Assessment	5,640.00			5,640.00
	Bridge Street	874.00			874.00
	Gilmore Road	4,830.00			4,830.00
	Special Assessment	5,640.00			5,640.00
	Laur Road	1,526.00			1,526.00
	Ridgemount Road	2,901.00			2,901.00
	Special Assessment	5,640.00			5,640.00
	Sunset Drive	778.00			778.00
	Special Assessment	5,640.00			5,640.00
	Q.E.W.	8,297.00			8,297.00
<b>TOTALS</b>		<b>\$ 228,000.00</b>	<b>\$ 11,810.00</b>	<b>\$ 36,630.00</b>	<b>\$ 179,560.00</b>

Forecasted Reports	Source	Status
Leisureplex Plant Receiver Replacement – Tender Award	Capital Budget	February 27, 2023
Thunder Bay Reconstruction – NRFP Award	Capital Budget	March 20, 2023
2022 Road Condition Assessment & Proposed Three-Year Resurfacing Plan – Report	Capital Budget	March 20, 2023
2023 Road Resurfacing Program – Hot Mix Asphalt	Capital Budget	April 3, 2023
2023 Road Resurfacing Program – Surface Treatment	Capital Budget	April 3, 2023
2023 Road Resurfacing Program – Asphalt Patching	Capital Budget	April 3, 2023
Wildwood Ave. Drainage Improvements - Tender Award	Capital Budget	April 3, 2023
Asset Management Work Order Management System – NRFP Award	Capital Budget	April 3, 2023
Townline Road Servicing Study	Capital Budget	April 3, 2023
Ditching Maintenance By-law Report	Operating Budget	April 17, 2023
Traffic Calming Report + By-law	Operating Budget	April 24, 2023
Traffic By-laws Update	Operating Budget	April 24, 2024

Prepared By:

*Original signed:*

Kelly Walsh, P.Eng  
Director, Infrastructure Services

Respectfully Submitted By:

*Original signed:*

Chris McQueen, MBA  
Chief Administrative Officer



## Office of the C.A.O.

<b>Prepared for</b>	Council-in-Committee	<b>Report No.</b>	CAO-03/LC-01-2023
<b>Agenda Date</b>	February 13, 2023	<b>File No.</b>	120902

### Subject

#### LAND MATTERS:

#### JANUARY 26, 2023 LAND COMMITTEE MEETING MINUTES

### Recommendations

**THAT** Council receives the January 26, 2023, Land Committee meeting minutes attached as Appendix "1" to Report No. CAO-03/LC-01-2023.

**THAT** Council approves the recommendations contained in Appendix "2".

### Relation to Council's 2018-2022 Corporate Strategic Plan

Land Committee Minutes are provided to Council together with recommendations associated with property and land matter requests.

### List of Stakeholders

- Residents, organizations and businesses of Fort Erie as contained in the report

Prepared by:

Approved by:

*Original Signed*

*Original Signed*

Bev Bradnam, DPA, CMM III  
Manager, Strategic Initiatives

Chris McQueen, MBA  
Chief Administrative Officer



**Purpose of Report**

The purpose of this report is to ensure that members of Council are provided with current land information and staff's deliberations associated with the land matters discussed at the January 26, 2023, Land Committee meeting.

Land Committee minutes are intended to be presented to Council for approval on a regular basis. While not all reports will provide recommendations for Council's deliberations, they will provide background information on land matters discussed.

**Analysis**

Attached as Appendix "1" to the Report is a copy of the January 26, 2023, Land Committee meeting minutes.

The Committee passed four recommendations related to:

- 1) The request to permit a residential encroachment (fence and evergreen trees) and enter into an Encroachment Agreement – 334 Emerick Avenue (Hopkins);
- 2) The request from Peninsula Plastics to realign the municipal easement to accommodate expansion to their industrial property located at 620 Industrial Drive;
- 3) The request to purchase Town land: Florence Drive, Plan 462 Bertie, Lying east of Benner Avenue, Fort Erie, being all of PIN 64236-0373 (LT) (Flagg); and
- 4) Fort Erie Tennis Club Lease Agreement Renewal.

Members of the Land Committee will be in attendance during Council's deliberation to answer any questions arising from the minutes.

**Financial/Staffing and Accessibility (AODA) Implications**

Detailed in the January 26, 2023, Land Committee meeting minutes.

**Policies Affecting Proposal**

By-law No. 168-91, as amended, established and appointed members to the Land Committee. The By-law sets out the role of the Land Committee and defines mandates and responsibilities of its members. The sale of land is governed by By-law No. 60-2017. Encroachments are governed by the Town's Encroachment Policy governed by By-law No. 89-07, as amended.

**Comments from Relevant Departments/Community and Corporate Partners**

The Land Committee is represented by the Mayor, the Chief Administrative Officer, the Director of Corporate Services, the Director of Planning and Development Services, the Director of Infrastructure Services, the Town Solicitor and the Manager, Economic Development and Tourism Services. The Executive Director of the Fort Erie Native Friendship Centre also attends the Land Committee meetings.

Other staff members are invited to participate in the Land Committee meetings depending upon their specific duties, responsibilities and specific area of expertise.

**Communicating Results**

Not applicable.

**Alternatives**

No alternatives are provided.

**Attachments**

Appendix "1" - January 26, 2023, Land Committee Meeting Minutes

Appendix "2" - Recommendations for Council's Approval



# MINUTES

## Land Committee Meeting

### Meeting Date, Time, and Location

Thursday, January 26, 2023 at 9:00 a.m. in Conference Room #1

### Members

**Mayor Wayne Redekop**  
**C. McQueen**, Chief Administrative Officer, Chair  
**J. Janzen**, Director, Corporate Services  
**A. Herlovitch**, Director, Planning and Development Services  
**C. Grummett**, Manager, Economic Development and Tourism Services  
**K. Walsh**, Director, Infrastructure Services  
**J. Dockstader**, Executive Director, Fort Erie Native Friendship Centre (regrets)

### Support Staff

**S. Hansen**, Manager, Community Planning  
**C. Schofield**, Manager, Legislative Services and Clerk  
**R. Firenze**, Law Clerk  
**B. Bradnam**, Manager, Strategic Initiatives

1)

### New Business

- 1) Request to Permit Residential Encroachment and enter into Encroachment Agreement - 334 Emerick Avenue - European Infinity Group Inc. (Brian Hopkins)

A memorandum from the Law Clerk outlined a request to permit the encroachment of a newly erected fence on the Jesse Street Road Allowance. The Committee discussed the options available and agreed that the Encroachment Policy should be followed and the fence should be moved onto the owner's property and removed from Town lands. The following recommendation was passed by the Committee:

#### Recommendation No. 1:

**THAT: Land Committee denies the request to enter into an encroachment agreement with the owner of 334 Emerick Avenue for the encroachment of a wooden fence and row of evergreen trees on the Jesse Street Road Allowance; and further**

**THAT: the owner be directed to remove the encroachments from the municipal road allowance no later than April 30, 2023.**

**(CARRIED)**

- 2) Riverwalk Agreement Renewal

The Manager, Community Planning, advised that the Riverwalk Agreement (between the Town and the Niagara Parks Commission) is up for renewal on June 30, 2023. The Mayor advised that he and the CAO will be meeting with the General Manager of the Niagara Parks Commission in February and will discuss the renewal at that time. Add to outstanding matters.

1) **New Business, continued**

- 3) Request from Peninsula Plastics to realign the municipal easement to accommodate expansion to their industrial property

The Director, Planning and Development Services, reviewed the request by Peninsula Plastics to realign the existing municipal easement to accommodate expansion to their industrial property located on Industrial Drive. A draft reference plan has been prepared and is attached to the Minutes as Appendix “1.3”. Infrastructure Services have reviewed the request. The following recommendation was passed by the Committee:

**Recommendation No. 2:**

**THAT: Land Committee approves the request by Peninsula Plastics to realign the municipal easement to accommodate expansion to the industrial property located at 620 Industrial Drive.**

**(CARRIED)**

2) **Outstanding Land Matters for Discussion**

- 1) Request to purchase old Ridgeway Public Works Yard

The Director, Infrastructure Services, advised that the environmental study is still ongoing. Remain on outstanding.

- 2) Property off of Queen Street/Douglas Street

The Director, Planning and Development Services, advised that Reference Plan quotes were received and abutting landowners will be notified of the cost to prepare the Reference Plan and the appraised values as well as additional costs to be borne by them. Remain on outstanding.

- 3) Disposition of Fire Stations 4

No updates were provided. Remove from outstanding until further direction on the disposition is agreed to.

- 4) Waterfront Encroachment – Burleigh Road/Healing Garden (Waverly Park)

The Manager, Community Planning, will follow-up with the Fort Erie Native Centre and will also send information on Healing Gardens that was recently provided to the CAO from the Niagara Peninsula Conservation Authority. Funding assistance may also be available and will be discussed as well. Remain on outstanding.

- 5) Request to purchase Town-owned Lands – 390 Derby Road (Smith)

This matter is pending release of the Crystal Beach Secondary Plan. Remain on outstanding.

2) **Outstanding Land Matters for Discussion, continued**

6) Bert Miller Nature Club request

The Law Clerk provided an update on the acquisition of the property. Remain on outstanding.

7) Request to improve walkability and signage of Munster and Ulster Lanes

The Director, Infrastructure Services, advised that property owners were given an extension to remove their encroachments by the end of April 2023. Remain on outstanding until encroachments have been removed.

8) Request to purchase 0-16255 Lincoln Road West

The Director, Planning and Development Services, advised that abutting landowners will be notified of the disposal plan and appraised value of the land shortly. Remain on outstanding.

9) Realignment of Albany Road

The Director, Planning and Development Services, advised that staff will be reaching out to surveying companies for Reference Plan quotes shortly. An update letter was recently provided to the owner of 751 Albany Street. Enbridge Gas has confirmed that they do not require an easement; however, Bell does. Remain on outstanding.

10) Request to purchase limited marketability land – Part of the Road Allowance between Lots 22 and 23, Concession 3, Lake Erie Bertie, being part of PIN 64194-0900 LT

The Director, Planning and Development Services, advised that the appraisal has been complete and abutting land owners will be notified of the appraised value in the near future. Remain on outstanding.

11) 4152 Erie Road – Right to Reconveyance

The Director, Planning and Development Services, provided a brief update. Remain on outstanding.

12) Request to Purchase Town land: Florence Drive, Plan 462 Bertie, Lying east of Benner Avenue, Fort Erie, being all of PIN 64236-0373 (LT)

The Director, Planning and Development Services, provided a concept plan that shows the exchange of lands and the multi-use trail/pedestrian corridor that will be constructed as part of the development to the east.

2) **Outstanding Land Matters for Discussion, continued**

- 12) Request to Purchase Town land: Florence Drive, Plan 462 Bertie, Lying east of Benner Avenue, Fort Erie, being all of PIN 64236-0373 (LT), continued

The following recommendation was passed by the Committee:

**Recommendation No. 3:**

- THAT: Land Committee recommends the disposal of Florence Drive, Plan 462, Bertie, lying east of Benner Avenue; Fort Erie, being all of PIN 64236-0373 (LT) to the abutting owner located at 1102 Benner Avenue; and further**
- THAT: A by-law be prepared to stop up, close and convey this part of Florence Drive; and further**
- THAT: A by-law be prepared to deem the lands not to be part of a registered plan of subdivision; and further**
- THAT: The lands merge in title with the Applicant's abutting lands in accordance with the Sale of Land Policy; and further**
- THAT: the disposal be conditional upon the exchange of Florence Drive to the owner of 1102 Benner Avenue in return for lands fronting on the east side of Benner Avenue measuring 10 metres in width and 113 metres in length (approximately) to the Town for the purpose of a 10-metre-wide multi-use trail/pedestrian corridor as identified in the Spears-High Pointe Secondary Plan.**

**(CARRIED)**

Remove from outstanding.

- 13) Request to Purchase Town land: Hebert Parkway Plan 548, Village of Crystal Beach

The Director, Planning and Development Services, advised that the applicant has requested that the matter be withdrawn. No further action will take place. Remove from outstanding.

- 14) Request to Purchase Limited Marketability Land: Part Stephens Road, Plan 447, Bertie, between Royal York Road and Chatham Road; Fort Erie being all of PIN 64448-0146 (LT)

This matter was postponed until the December 5, 2022 Council-in-Committee meeting and Council approved the recommendation to deny the purchase. Remove from outstanding.

2) **Outstanding Land Matters for Discussion, continued**

15) Request to Extend the Lease for Space in the Leisureplex (Heritage Arts Legacy of Fort Erie)

The Director, Infrastructure Services, advised that this matter is being actioned by the Manager, Facilities and Parks. The Mayor advised that he met with representatives of the Heritage Arts Legacy and discussed fund raising, the Town's expectations of when the space is open and the recruitment of volunteers to assist with meeting the Town's expectation for operating the space. Remain on outstanding.

16) Request to Lease Parking Spaces in Municipal lots for commercial businesses with residential above – multiple requests

The CAO advised that staff met with the Crystal Beach BIA to discuss parking and the improvements that the Town will be undertaking. Staff will be developing further recommendations related to overnight parking, leased parking spaces and time-limited parking. Remain on outstanding.

17) Fort Erie Tennis Club Lease Agreement and Capital Requests

The Manager, Community Planning, provided a memorandum that outlined the Land Committee's request for additional details on the usage of courts, membership numbers, fees, and non-resident usage. The Manager noted that Council has approved \$150,000 in the Capital Budget for replacement of Court 7 and the Club has requested that the replacement of the court be for a higher standard pickleball court with coloured acrylic surface. Staff also requested details on public access to the facilities and projected use for a pickleball court. The Manager noted that since the Club's 2019 survey of members related to pickleball, the Town has constructed and opened 5 dedicated pickleball courts and will be constructing a 6<sup>th</sup> court at Douglas Park in 2023. Discussion took place related to the exclusivity of the Club and the operational funding that has been provided. Currently there are 118 members (99 residents and 19 non-residents) and 46 junior members (spring registration) and 125 junior members (summer registration). The Land Committee agreed that the Lease Agreement be extended for one year and that the exclusivity of the Club, public access and inconsistencies with the current model for lease agreements be sorted out by 2024.

**Recommendation No. 4:**

**THAT: Land Committee recommends extending the current lease with the Fort Erie Tennis Club for a period of one year; and further**

**THAT: exclusive use, public access and consistency with the current model for lease agreements be determined by 2024.**

**(CARRIED)**

Remain on outstanding.



3) **Other Matters**

The Land Committee agreed to review the Terms of Reference for the Land Committee at the next meeting.

4) **Next Meeting Date and Adjournment**

The next Land Committee meeting date will take place on Thursday, February 16, 2023 at 9:00 a.m. in Conference Room #1.

The January 26, 2023 Land Committee meeting adjourned at 10:24 a.m.

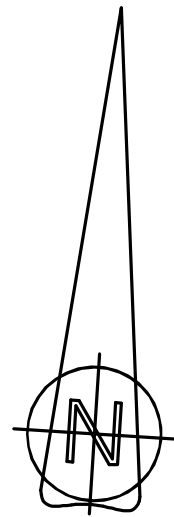
Minutes recorded and prepared by:

Minutes approved by:

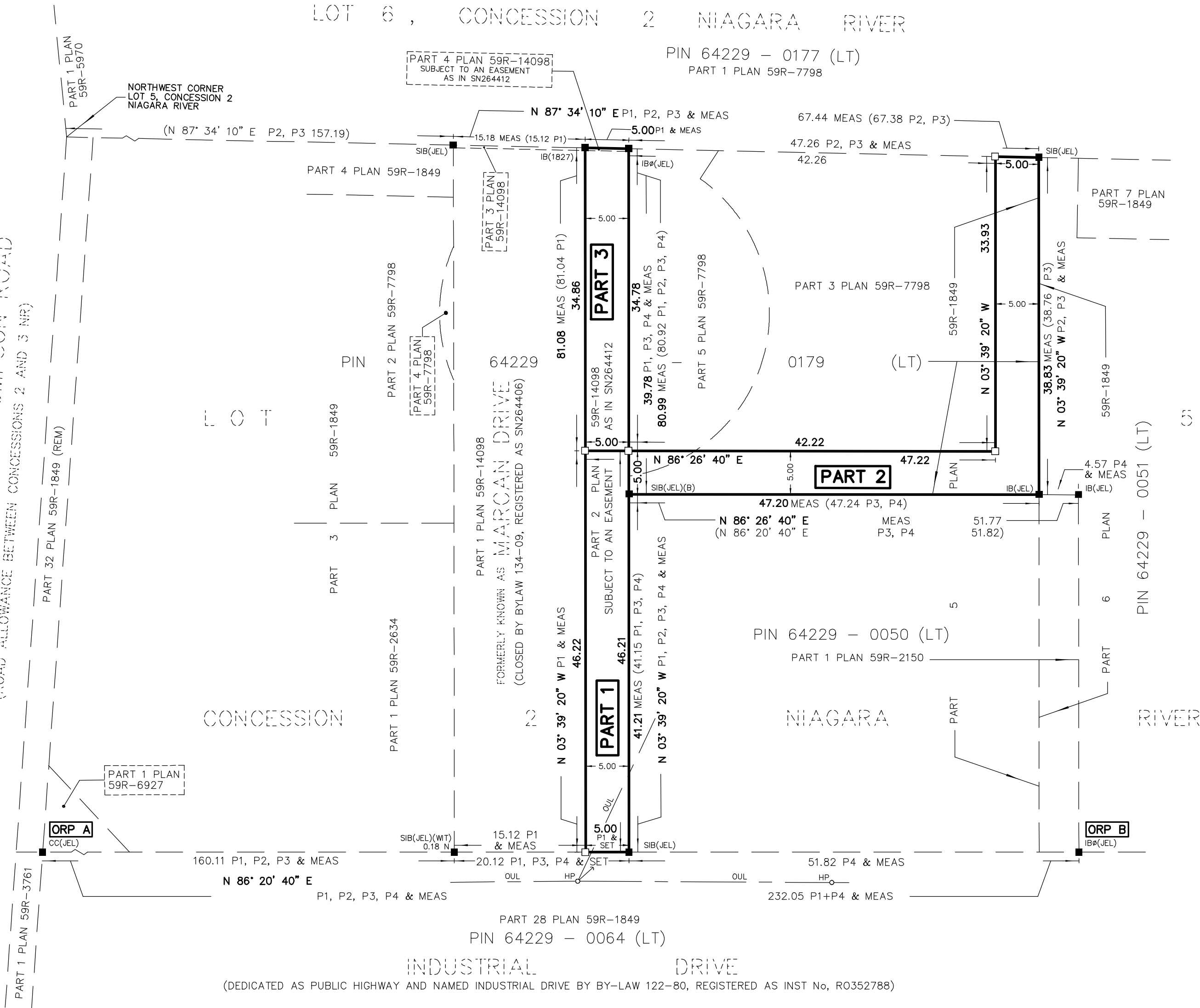
Bev Bradnam, DPA, CMM III  
Manager, Strategic Initiatives

Chris McQueen, MBA  
Chief Administrative Officer

Appendix "1.3" to the January 26, 2023 Land Committee Meeting Minutes



REGIONAL ROAD 122 -- THOMPSON ROAD  
(ROAD ALLOWANCE BETWEEN CONCESSIONS 2 AND 3 NR)



INTEGRATION DATA

POINT ID	NORTHING	EASTING
ORP A	4754303.47	668063.18
ORP B	4754318.18	668294.70

ALL COORDINATES ARE IN METRES AND ARE UTM--ZONE 17, (NAD 83--CSRS:CBNV6 (Epoch 2010.0)) (CENTRAL MERIDIAN 81° WEST LONGITUDE).

COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14 (2) OF O. REG 216/10.

CAUTION

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE--ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

BEARING NOTE

BEARINGS HEREON ARE GRID, UTM ZONE 17, (NAD 83--CSRS : CBNV6 (Epoch 2010.0)) DERIVED FROM OBSERVED REFERENCE POINTS (ORPs) USING THE CAN--NET VRS NETWORK AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° WEST LONGITUDE)

ROTATION NOTE

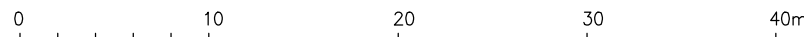
FOR COMPARISON PURPOSES, THE GRID BEARINGS SHOWN ON P1 HAVE NOT BEEN ROTATED.

FOR COMPARISON PURPOSES, THE ASTRONOMIC BEARINGS SHOWN ON P2, P3 AND P4 HAVE BEEN ROTATED 01° 21' 40" COUNTER--CLOCKWISE.

SCHEDULE				
PART	LOT	CONCESSION	PIN	AREA
1	PART OF LOT 5	CONCESSION 2 NIAGARA RIVER	PART OF 64229-0179 (LT)	231.07 s.m.
2				405.28 s.m.
3				174.15 s.m.

PARTS 1 AND 3 ARE SUBJECT TO AN EASEMENT AS IN SN264412

PLAN OF SURVEY OF  
PART OF LOT 5  
CONCESSION 2 NIAGARA RIVER  
GEOGRAPHIC TOWNSHIP OF BERTIE  
TOWN OF FORT ERIE  
REGIONAL MUNICIPALITY OF NIAGARA



SCALE 1:400

THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm IN WIDTH BY 430mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:400 (C SIZE)

RASCH & HYDE LTD.  
ONTARIO LAND SURVEYORS

LEGEND

- DENOTES SURVEY MONUMENT PLANTED
- DENOTES SURVEY MONUMENT FOUND
- SIB DENOTES STANDARD IRON BAR (25mmX25mmX120cm)
- SSIB DENOTES SHORT STANDARD IRON BAR (25mmX25mmX60cm)
- IB DENOTES IRON BAR (15mmX15mmX60cm)
- IBØ DENOTES ROUND IRON BAR (20mm DIA X 60cm)
- CC DENOTES CUT CROSS
- CM DENOTES CONCRETE MONUMENT
- PB DENOTES PLASTIC BAR
- WIT DENOTES WITNESS
- OU DENOTES ORIGIN UNKNOWN
- PIN DENOTES PROPERTY IDENTIFIER NUMBER
- ORP DENOTES OBSERVED REFERENCE POINT
- (1827) DENOTES RASCH & HYDE LTD, O.L.S.
- (1321) DENOTES R. DESMOND RASCH O.L.S.
- (JEL) DENOTES J. E. LANTHIER O.L.S.
- P1 DENOTES PLAN 59R-14098
- P2 DENOTES PLAN 59R-1849
- P3 DENOTES PLAN 59R-7798
- P4 DENOTES PLAN 59R-2150
- (B) DENOTES BURIED 0.30

N--NORTH, S--SOUTH, E--EAST, W--WEST

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT :
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
  - THIS SURVEY WAS COMPLETED ON THE 9th DAY OF NOVEMBER 2022.

NOVEMBER 23, 2022  
DATE  
HAROLD D. HYDE  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO A.O.L.S. PLAN SUBMISSION FORM #2193460

**RASCH + HYDE LTD.**  
Ontario Land Surveyors

P.O. Box 6, 1333 Highway #3 East, Unit B  
DUNNVILLE, ONT, N1A 2X1  
905-774-7188  
(FAX 905-774-4000)

P.O. Box 550, 74 Jarvis Street  
FORT ERIE, ONT, L2A 5Y1  
905-871-9757  
(FAX 905-871-9748)

HAROLD D. HYDE O.L.S.

SCALE 1 : 400 SURVEY : 22F120 DRWN BY : T. Matheson

METRIC NOTE

DISTANCES and COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

DISTANCES ARE ADJUSTED GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE AVERAGE COMBINED SCALE FACTOR (CSF = 0.99993174)

**Appendix “2” to Administrative Report No. CAO-03/LC-01-2023**

<b>Date of Meeting</b>	<b>Land Matter</b>	<b>Rec. No.</b>	<b>Tasks identified/ Recommendation of Land Committee</b>	<b>Status/Council Action Required</b>
Jan. 26/23	<b>Request to Permit Residential Encroachment and enter into Encroachment Agreement - 334 Emerick Avenue - European Infinity Group Inc. (Brian Hopkins)</b>	1	<b>THAT:</b> Land Committee denies the request to enter into an encroachment agreement with the owner of 334 Emerick Avenue for the encroachment of a wooden fence and row of evergreen trees on the Jesse Street Road Allowance; and further  <b>THAT:</b> the owner be directed to remove the fence encroachment from the municipal road allowance no later than April 30, 2023.	<b>Requires Council’s approval</b>
Jan. 26/23	<b>Request from Peninsula Plastics to realign the municipal easement to accommodate expansion to their industrial property at 620 Industrial Drive</b>	2	<b>THAT:</b> Land Committee approves the request by Peninsula Plastics to realign the municipal easement to accommodate expansion to the industrial property located at 620 Industrial Drive.	<b>Requires Council’s approval</b>

**Appendix “2” to Administrative Report No. CAO-03/LC-01-2023 (continued)**

<b>Date of Meeting</b>	<b>Land Matter</b>	<b>Rec. No.</b>	<b>Tasks identified/ Recommendation of Land Committee</b>	<b>Status/Council Action Required</b>
Jan. 26/23	<b>Request to Purchase Town land: Florence Drive, Plan 462 Bertie, Lying east of Benner Avenue, Fort Erie, being all of PIN 64236-0373 (LT) (Flagg)</b>	<b>3</b>	<p><b>THAT:</b> Land Committee recommends the disposal of Florence Drive, Plan 462, Bertie, lying east of Benner Avenue; Fort Erie, being all of PIN 64236-0373 (LT) to the abutting owner located at 1102 Benner Avenue; and further</p> <p><b>THAT:</b> A by-law be prepared to stop up, close and convey this part of Florence Drive; and further</p> <p><b>THAT:</b> A by-law be prepared to deem the lands not to be part of a registered plan of subdivision; and further</p> <p><b>THAT:</b> The lands merge in title with the Applicant’s abutting lands in accordance with the Sale of Land Policy; and further</p> <p><b>THAT:</b> the disposal be conditional upon the exchange of Florence Drive to the owner of 1102 Benner Avenue in return for lands fronting on the east side of Benner Avenue measuring 10 metres in width and 113 metres in length (approximately) to the Town for the purpose of a 10-metre-wide multi-use trail/pedestrian corridor as identified in the Spears-High Pointe Secondary Plan.</p>	<b>Requires Council’s approval</b>
Jan. 26/23	<b>Fort Erie Tennis Club Lease Agreement Renewal</b>	<b>4</b>	<p><b>THAT:</b> Land Committee recommends extending the current lease with the Fort Erie Tennis Club for a period of one year; and further</p> <p><b>THAT:</b> exclusive use, public access and consistency with the current model for lease agreements be determined by 2024.</p>	<b>Requires Council’s approval</b>



The Municipal Corporation of the Town of Fort Erie  
**Business Status Report**  
Corporate Services; Community Services; Fire and Emergency Services  
February 13, 2023

Forecasted Reports	Source	Status
No reports forecasted		

Prepared by:

*“original signed”*

Chris McQueen, MBA  
Chief Administrative Officer

Prepared by:

*“original signed”*

Mark Schmitt,  
Fire Chief

Prepared by:

*“original signed”*

Jonathan Janzen, Director, Corporate  
Services/Treasurer