PRE-CONSULTATION AGREEMENT

Once completed by Town Planning Staff, this form must be submitted with your formal application.

Important: This form will be completed with Planning Services staff at a pre-consultation meeting and will form part a complete application. All reports, documents and drawings **must** be submitted in paper and **digital** (i.e. PDF) form.

Meeting Attendance:

- [x] Town Planning Town
- [x] Regional Planning
- [ ] Niagara Parks Commission
- [ ] Infrastructure
- [ ] Regional Public Works
- [x] NPCA

Other _____

Application type:

- [ ] Official Plan Amendment
- [x] Zoning By-law Amendment
- [ ] Draft Plan of Subdivision
- [ ] Draft Plan of Condominium
- [x] Site Plan
- [ ] Consent Application
- [ ] Other _____

Pre-Consultation Submission Date: May 28, 2024

Pre-Consultation Meeting Date: June 13, 2024

Site Location/Address: 825 Garrison Road

Site Legal Description: _____

Approximate Land Area (metric): _____

Owner Contact Information:

Name of Owner: Pham Thi Lan-Applicant had owners authorization

Phone No: _____ Email: _____

Principal Contact: Paul Di Francesco

Phone No: 905-685-0801 Email: pdgifranceso@gmail.com

Local Municipal Contact:

Name of Contact: Robin Shugan

Phone No: 905-871-1600 x 2527 Email: rshugan@forterie.ca

Brief description of proposed development:

An application has been submitted for a Zoning By-law Amendment and Site Plan Control to permit a 6-storey residential building with a total of 95 units.

Submission Requirements: Required materials are to be submitted with a formal development application. Entries marked with an asterisk may require a peer review at the Developer's cost and the discretion of the Director, Planning and Development Services or their designate.

Local	Region	NPCA	**Reports, Studies, Plans** (*See Notes for additional details*)	**No. of Copies**		**Notes**
				Digital	**Paper**	
x	x		Planning Justification Report / Brief			
x	x		Urban Design Brief			
			Consent Sketch / Site Plan			
			Signed Draft Plan of Subdivision / Condominium			
			Conceptual Building Elevations, Floor Plans, and / or Renderings			
x			Zoning Matrix			
			PIN Map / Parcel Register			
			Draft Regional Policy Plan Amendment			
			Draft Local Official Plan Amendment			
			Neighbourhood Plan			
			Land Use/Market Needs*****			
x			Landscape Plan			
			Streetscape Plan			
x	x		Archaeological Assessment(s)			
x			Cultural Heritage Impact Assessment*****			
x	x	x	Environmental Impact Study			
			Constraints Analysis			
			Species at Risk Study			
			Environmental Planning Study / Sub-Watershed Study			
x			Tree Inventory and Preservation Plan			
			Floodplain and Hazard Lands Boundary Plan			
			Geotechnical Study / Report			
			Slope Stability Report			
			Environmental Site Assessment			
			Land Use Compatibility Study*****			
	x		Air Quality / Noise / Vibration Study*			Noise Study
			Agricultural Impact Assessment			
			Farm Operation and Ownership			
			Minimum Distance Separation Formula I and II Analysis			
			Municipal Servicing Study			
x			Functional Servicing Report*			

Local	Region	NPCA	**Reports, Studies, Plans** (*See Notes for additional details*)	**No. of Copies**		**Notes**
				Digital	**Paper**	
x			Stormwater Management Report / Plan			
x			Lot Grading / Drainage / Servicing Plans			
x			Erosion / Sediment Control Plans			
			Waste Collection Plan / Details			
			Vehicle Turning Templates			
			Phasing Plan			
			Sensitive Land Use Report			
x			Photometric Analysis			
X			Traffic / Transportation Impact Study / Traffic Brief			
			Parking Demand Analysis			
			Sight Line Analysis			
x			Construction Impact Mitigation Study			See Dev.Eng. Comments
			Hydrogeological Study and Private Servicing Plans*****			
x			Soil Report			Soil Investigation Report See Dev. Eng Comments
			Financial Impact Assessment*****			
			Social Impact Assessment*			
			Housing Issues Report			
			Visual Impact Assessment			
x			Sun / Shadow Analysis			Shadow Analysis
	x		Wind Study (Qualitative or Quantitative) *****			
			Shoreline / Dynamic Beach Study			
			Risk Management Study			
			Mineral Aggregate Resources and / or Petroleum Resources Impact Study			
			Gas Well Study / Gas Migration Study			
x			Pre-construction Condition Survey			see Dev. Eng. Comments

PRE-CONSULTATION AGREEMENT – COMMENTS

Property: 825 Garrison Road

Development Planning: Robin Shugan, Jr. Development Planner
Official Plan Designation : Urban Residential
Zoning: Residential 1 Density (R1) Environmental Conservation Overlay

Proposal: The applicant is proposing to develop a 6 storey apartment building (95 units)
Zoning by-law amendment will be required to permit the use of an apartment building.

Official Plan
Schedule A Land Use- Urban Residential
Schedule C Natural Heritage:
Schedule C1 Natural Hazards & Fish Habitat
Schedule D Archaeological Potential: Yes
Schedule D1 Cultural Heritage Archaeological Zones of Sensitivity: Yes
Schedule E Transportation Plan: Regional Road

Section Urban Residential permits the use of apartment buildings
The Urban Residential Designation takes regard to the height, bulk and arrangement of buildings to achieve a harmonious design, compatible integration with the surrounding area and to not have negative impact on lower density residential.
Planning Services will require elevations and an Urban Design Brief

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;
-The site plan indicates that 104 parking spaces are being proposed, the zoning by-law requires 1.5 spaces per unit, total of 143 parking spaces.

The design and location of refuse pick-up and recycling service areas meets Regional Waste Collection design requirements.
-Site plan will need to indicate waste collection

Building designs that place windows and balconies to overlook pedestrian routes and parking areas to encourage “eyes on the street”
The proposed building faces west and east. The Official Plan strongly encourages buildings to face along Garrison Road. There are environmental features located on the subject lands, that may impact how the building situated. An EIS is required, and will determine if the building can face north along Garrison.

Site planning considerations that facilitate walking and cycling activity such as secured bike storage, lighting and bikeways.
The subject lands are located along Garrison Road where sidewalks are on both side of the street, and close to amenities.

The proposal will be subject to the Community Benefits Charge

Zoning:
ZBA will be required. The RM2 zone may be the appropriate zone classification, site specific provisions may also be required subject to a fulsome proposal submission.
Applicant to provide a zoning matrix
Apartment unit sizes

PRE-CONSULTATION AGREEMENT – COMMENTS

Parking lot will be required to be 3m from the property line

Planning Services can generally support a recommendation for a zoning by-law amendment for an apartment building subject to the required studies and additional information.

Studies:
PJR, Urban Design Brief, EIS, TPP, Landscape plan FSR, Shadow Study, TIS, HIA

Servicing: Brad Johnston (bjohnston@forterie.ca or 905-871-1600 ext. 2505), Noah Thompson (nthompson@forterie.ca or 905-871-1600 ext. 2517)

- See attached comments

Community & Neighbourhood Planning: Aaron Hair (ahair@forterie.ca)

- Who is the target market for this building?
- Will the apartment units be for rent or ownership?
- The proposed development will be subject to the Towns Parkland Dedication By-law and Community Benefit Charges By-law.
- Subject to the findings of the EIS, we would like to see the apartment building moved closer to garrison road, with the parking moved behind the building.

Economic Development & Tourism Services: Deanna Allen (dallen@forterie.ca or 905-871-1600 ext. 2252)

- No comments

Senior Environmental Planner: Jessica Abrahamse or (905-871-1600 ext. 2510)

- Senior Environmental Planning staff have reviewed the proposed development and offer the following comments:

  The subject lands are located within the Town of of Fort Erie's Urban Boundary. The lands are partially zoned Environmental Conservation, per TOFE OP Section 8.3 III an Environmental Impact Study will be required to remove any EC overlay.

  In addition there are trees located on the subject lands, tree conservation is important to the Town of Fort Erie and a recent private tree by-law 33-2024 has been passed. This application is subject to the new by-law and all tree removals shall comply with Table B.1 for replacement trees. The cash in lieu per tree is $1000 if replanting is not possible for all of the tree compensation requirements.

  A Terms of Reference is required to be submitted to staff for approval as a first step prior to submitting an Environmental Impact Study.

  A Tree Protection Plan completed by a tree management professional (ISA Arborist, Registered Professional Forester or Landscape Architect) is required.

  A Landscape Plan complying with Table B.1 of By-law 33-2024 for replanting requirements will be required to be completed by an OALA Landscape Architect.

PRE-CONSULTATION AGREEMENT – COMMENTS

Building Department: Keegan Gennings (kgennings@forterie.ca)

or 905-871-1600 ext. 2515)

- Servicing drawings and design report will be required as part of the application.
- The applicant is reminded that all on site servicing work is to be designed to comply with the Ontario Building Code and will be subject to a separate building permit.
- Centerline turning radii are to be noted on the drawings.
- Elements noted on the site drawings such as parking stall size, road width etc are to be dimensioned.
- Curb ramps and tactile warning plates are required at barrier free stall aisles and all walkways that lead to traffic areas.
- A development charge credit for the single family dwelling is available provided the redevelopment occurs within 5 years of the demolition.
- Additional comments will be provided when more detailed drawings are provided.
-

Fire Department: Jessica Goodings (jgoodings@forterie.ca) or 905-871-1600 ext. 2605)

3.2.5.6. Access Route Design

(1) A portion of a roadway or yard provided as a required access route for fire department use shall,

(a) have a clear width not less than 6 m, unless it can be shown that lesser widths are satisfactory,

(b) have a centreline radius not less than 12 m,

(c) have an overhead clearance not less than 5 m,

(d) have a change of gradient not more than 1 in 12.5 over a minimum distance of 15 m,

(e) be designed to support the expected loads imposed by firefighting equipment and be surfaced with concrete, asphalt or other material designed to permit accessibility under all climatic conditions,

(f) have turnaround facilities for any dead-end portion of the access route more than 90 m long, and

(g) be connected with a public thoroughfare.

3.2.5.7. Water Supply

(1) An adequate water supply for firefighting shall be provided for every *building*.

(2) Hydrants shall be located within 90 m horizontally of any portion of a building perimeter that is required to face a street in Subsection 3.2.2.

Mississaugas of the Credit First Nation (MCFN): Abby LaForme (Abby.LaForme@mncfn.ca) or 905.768 – 4260)

- See attached comments

PRE-CONSULTATION AGREEMENT – COMMENTS

Niagara Peninsula Conservation Authority (NPCA): Meghan Birbeck (mbirbeck@npca.ca) • See attached comments
Canadian Niagara Power Inc. (CNPI): Sheraz Mustafa (Sheraz.Mustafa@cnpower.com) • CNP has no concerns with this application, however developer to approach us with detail electrical hydro service requirements as soon as they can
Niagara Parks Commission (NPC): Rachel Adamsky (radamsky@niagaraparks.com) •
Niagara Region: Valentina Escobar (Valentina.Escobar@niagararegion.ca) See attached comments

Application Fees:

Note: please contact the Town for submission details and current fee's when ready to proceed

Application	Town of Fort Erie	Niagara Region *See Region's comments for additional fees	NPCA	Other
Site Plan	$8664.00	$590.00	$9040.00	
ZBA	$9699.00	$1400.00	$6893.00	
FSR Peer Review	$2340			
Total	**$20703**		$15933	

a) Notwithstanding the fees noted above, all fees are payable based upon the rate in the fee schedule by-law in effect on the date the application is received.

b) Additional fees may be required at a later date based on the fee schedule by-law.

c) Separate cheques shall be made payable to each appropriate agency and submitted to the Town with the complete application.

d) The applicant should be aware that the information provided is accurate as of the date of the pre-consultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, Municipality, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of the submission of a formal application. If an application is not submitted within 1 year, it is advisable that the applicant confirm with the municipality the directives of the original pre-consultation meeting.

e) The purpose of this agreement is to identify the information required to commence processing a complete application as set out in the Planning Act. Pre-consultation does not imply or suggest

any decision whatsoever on the part of the Town staff or the Corporation of the Town of Fort Erie to either support or refuse the application.

f) An application submitted without the information identified in this Pre-consultation Agreement will not be considered a complete application. If a site walk is required, the application will not be considered complete until it has taken place.

g) All reports, documents and drawings must be submitted in paper and digital (i.e. PDF) form.

h) The applicant acknowledges that the Municipality and Region considers the application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the Municipality and Region to release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.

i) It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.

j) If the Municipality or Region does not have sufficient expertise to review and determine that a study is acceptable, the municipality may require a peer review. The Terms of Reference for a peer review is determined by the Municipality or Region and paid for by the applicant.

k) Some studies may require NPCA review and clearance/approval. In this instance the NPCA review fee shall be paid by the applicant.

Interoffice Memorandum

June 25, 2024

To:	Robin Shugan, Junior Development Planner
Cc:	Noah Thompson, E.I.T., Development Engineering Technician
From:	Brad Johnston, C.E.T., Supervisor - Development Engineering
Subject:	Proposed Site Plan Application Preliminary Development Engineering Comments
Address:	825 Garrison Road
Our File:	PA-2023-150

Roads

Garrison Road is designated a Regional road per the Town's current Official Plan. All Road widening requirements will be subject to regional staff comments.

Transportation Impact Study

A Transportation Impact Study identifies the benefits and impacts of a proposed development or redevelopment, how the proposed development can benefit the existing transportation network and vice versa, and how any transportation impacts associated with the proposed development can be mitigated and addressed against the Town of Fort Erie's existing and future road networks. It also serves as the basis for the identification of existing or proposed safety concerns and evaluates improvements or measures required. A Transportation Impact Study also can address connectivity between the development and the existing transportation networks, for all modes (cars, trucks, transit, cyclists and pedestrians) expected to access or leave the development site. A Transportation Impact Brief shall be prepared and certified by a Professional Transportation Engineering Consultant, for review and approval, as a condition of Site Plan Approval, and a **HOLD Provision** applied to the lands, until such time as the recommendations for improvements, if any, are implemented accordingly at 100% Owner costs.

Sidewalks & Curbs

Sidewalk & curb exists along the Garrison Road property frontage. Therefore, no further sidewalks will be requested. It should be noted however, that any damages to the existing sidewalk and/or during the construction phase, are to be restored to the standard "as good or better" at the full expense of the Owner/Applicant.

Geotechnical/Hydro-geotechnical Report

A soils investigation report is recommended to be prepared and certified by a qualified professional Geotechnical Engineering Consultant, that comments on typical soil characteristics to accommodate proposed developments subject to foundation construction. The report would be expected to provide recommendations and any other foreseeable issues given the existing and historical characteristics of the soils in the area (clay, shallow bedrock, etc.) and would additionally comment on the foundations, compaction requirements, drainage schemes, etc., and affects, if any, to proposed future municipal services and as well as foundation weeping tile discharge directly via storm lateral services for the lots via sump pumps. A hydrogeological and chemical component shall also be a required component.

Linear Engineering Services

Watermains	**Garrison Road**	
	300mm A.C. (TOFE)	400mm A.C. (Region)

The pre-existing site is serviced by a water lateral from Garrison Road however, the material and size are unknown to us at this time. The Region does not allow for new connections to their watermain if a Town own watermain is present. The water service will be required to connect to the Town owned watermain on the North Side of Garrison road.

The Owner's Engineering Consultant shall accommodate and design an adequately sized water distribution system for the site, from one water main connection for the property as a whole, that also accommodates both fire and domestic services combined. This service shall be equipped with an appropriately sized water meter within a meter pit at the property line, as well as with provisions for a required back flow preventer accordingly, to the satisfaction of the Town of Fort Erie, as a condition of a future Development application.

Sanitary Sewers	**Garrison Road**
	250mm P.V.C.

The location of the existing sanitary service is unknown at this time. The Owner's Consulting Engineers shall prepare and certify a Functional Servicing Report focusing on the proposed peak sanitary sewer flows expected from the site, versus the pre-existing use peak flows, and compare those, using the Town's typical design standards, for submission and peer-review by the Town's Sanitary Sewer Consultant, GMBlue Plan. The analysis by the Town's Consultant shall comment on and provide recommendations for the existing downstream system, if any. The submission of this Functional Servicing component and recommendations thereof to the downstream

system, if any, as a result of the peer-review, shall be required at the Site Plan Submission phase. In the event there are capacity constraints, the Site Plan Agreement will include a condition stating now works can be completed until such time as recommendations for improvements downstream, if any, are implemented accordingly, at 100% Owner costs.

The Owner shall have an Engineering Consultant design the entire sanitary sewer system, in accordance with and to the satisfaction of the Town of Fort Erie, as a condition of this Development application. Downstream improvements to the existing system, if any, shall also be designed by the Owner's Engineering Consultant, and be constructed in accordance with and to the satisfaction of the Town of Fort Erie.

Storm Sewers **Garrison Road**

300mm Concrete

The site appears to have been accommodated via overland flow route to Garrison Road. Increased drainage challenges occur in these types of in-fill developments where secured drainage outlets may not exist. The Owner shall have the subject lands accommodated with an adequately sized storm water management system designed by a qualified Professional Engineer to the Town's satisfaction and current standards. The system shall control quantity for post-development peak storm flows to pre-development rates, up to and including the 5-year storm event, to the Town's existing storm sewers, if capacity is available, if any. Flows exceeding the post-development 5-year event shall be authorized to be discharged overland to the rights-of-way. Overland flow routes shall also be accommodated accordingly and identified through detailed design. Quality control components shall also be accommodated in accordance with the Town's current standards, to a 'normal' treatment level, unless otherwise specified.

The Owner shall have their Consulting Engineer prepare and certify a Stormwater Management Report for review and approval by the Town, to ensure that the drainage scheme of the proposed development will control and convey drainage to a suitable and secured outlet(s), in accordance with the above concerns and considerations, and not adversely affect abutting properties. The submission and approval of the Stormwater Management Report shall be required as a condition of a future Development application.

The Owner's Consulting Engineer should be made aware of the existing major drain on the subject property. The drain is an outlet for a portion of Garrison Road and lands to the North of this proposed development. An easement is required to be registered over the entirety of the major drain within the property limits to ensure this secured outlet remains. It shall be in favour of the Town for access and maintenance purposes and free and clear of any encumbrances. Further discussions will be required to determine the overall width of this easement.

Erosion & Sediment Control

The Owner shall have their Consulting Engineer submit a proposed erosion – sediment control plan. This may contain any or all the following measures and must be approved by the Town:

- Sediment traps or temporary retention ponds;
- Seeding of topsoil stock piles;
- Isolated stripping of development lands, upon approval;
- Vegetation screens;
- Silt and erosion control fencing;
- Entrance access / egress mud mats, and outlet erosion controls (rip rap, filter cloths, etc.);
- Construction staging areas

Construction Impact Mitigation Strategy

The Town is committed to ensuring that disruptions to the existing residents and community are minimized, resulting from traffic associated with construction activity. Mitigating the disruptive impacts of construction-related traffic on streets is an important part of the development and construction process. The intent is to provide safe passage for pedestrians, cyclists, and vehicular traffic around or through a construction site, with as little inconvenience, impact, and delay as possible, and with minimal on-street parking removals required. A strategy that outlines how the proponent intends to address construction traffic, shall be required as a condition of a future Development application.

Pre-Construction Condition Surveys

The Owner shall consider obtaining Pre-Construction Condition surveys of all existing abutting properties and structures. The purpose of a pre-construction condition survey is to obtain independent documentary evidence of the conditions of adjacent buildings, structures, features etc., prior to construction activities commencing on the subject site. While it is not expected that construction will cause damage to neighboring buildings, structures, features etc., a survey is undertaken as a precautionary measure and will assist building owners, contractors, and developers in the event of a claim for damages. A pre-construction condition survey shall be required as a condition of a future Development application.

Lighting & Photometrics

The Owner shall have an Electrical Engineering Consultant design adequate lighting and photometric plans for the site, to the Town’s satisfaction. This shall be required as a condition of a future Development application.

Utilities

The Owner must verify with the separate Utility companies (Canadian Niagara Power, Enbridge Gas, Bell Canada, and Cogeco Cable, etc.) to verify the locations of their plant infrastructure if any, and coordinate relocations of such for planning purposes with respect to proposed works on and along the Owner's property, as well as all off-site works utility needs required. It is expected that these existing / proposed Utility plant will be identified on the Owner's civil plans for both the site and / or the off-site works.

Please note that these comments are preliminary and reflect the concept proposed for these lands at the time of this application / pre-consultation, and may be subject to change.

Trusting this information is satisfactory, and if you have any further questions or comments, please feel free to contact me at extension 2517, or Brad Johnston at extension 2505.

Regards,

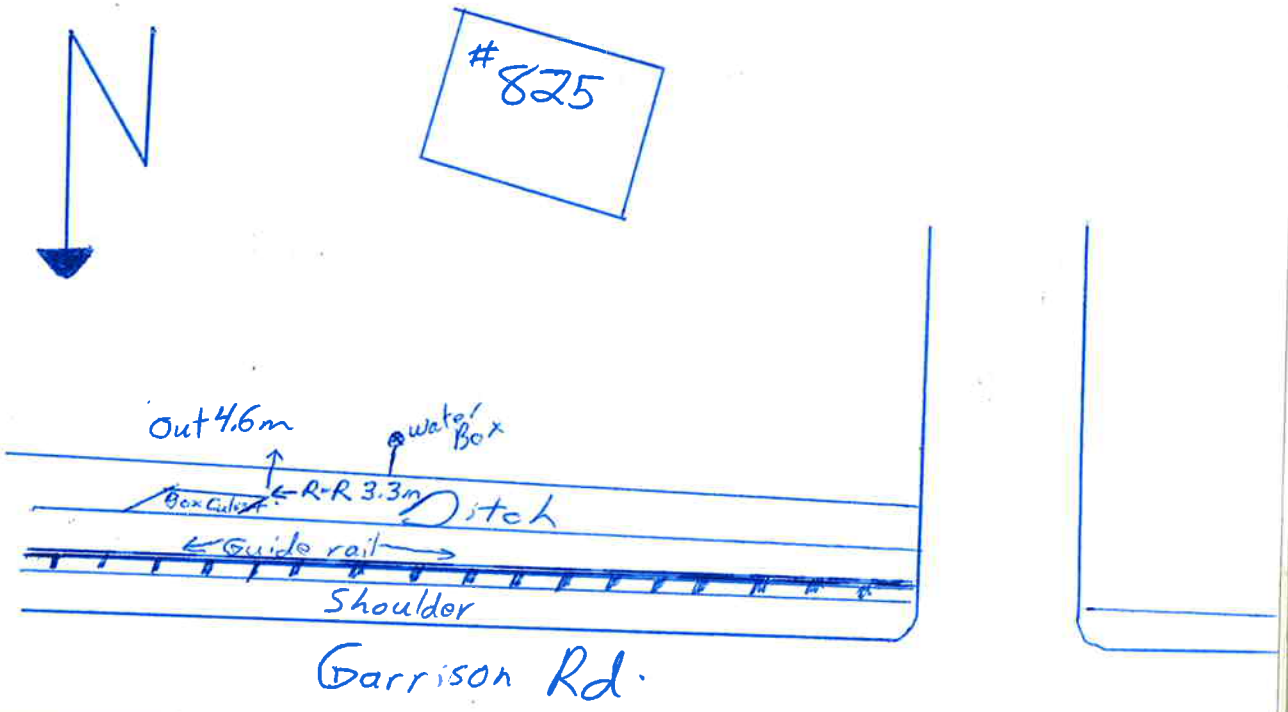
Noah Thompson

Noah Thompson, EIT.
Development Engineering Technician

Attach: Locates
Site Plan Guidelines

c. File No. PA-2023-150
Mark Iamarino, PDS (email only)

R-R 3.3m from edge of box culvert.
Out 4.6m from edge of box culvert.



Install Date

Size And Type

Water Service Location

(BP - E - 7.5m) 45'-48' e of driveway ???2' s of ditch

SEWER

Install Date

Size And Type

Sewer Location

(BP - E - 24.4m) ???15m East of Box Culvert @ 2.5m South of same

TOWN OF FORT ERIE

SITE PLAN CONTROL PROCESSING GUIDELINES

2018

Planning and Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6

Site Plan Control Approval Process

What is *"Site Plan Control"?*

"Site Plan Control" is the approval, by the Town, of the lay-out of a development project. It is a type of development control, authorized by *The Ontario Planning Act*, that is different than, and in addition to, the Zoning By-law and the Ontario Building Code. Virtually all new development requires some form of Site Plan Approval. A site plan is required for new commercial, institutional, multi-residential buildings, greenhouses, or medical marihuana facilities and additions and in some cases industrial buildings or additions if the development is less than 20% of the gross floor area up to a maximum of 500 square feet. Site plans may also be required where new services or works are required on municipal property. ***In the case of commercial, industrial, institutional and multiple dwelling developments, a legal "Site Plan Agreement" with financial securities are required to ensure the project is completed according to approved plans and the Agreement.***

To support an application for Site Plan Approval, drawings are prepared and submitted such as site plan, site servicing plan, grading plan, landscaping plan, floor plans and building elevations. In many cases, a Stormwater Management Report may also be required. The Planning & Development Services department will determine what types of plans and other reports/documentations are needed and then review the project. Depending on the outcome of the review, the proponent may be required to resubmit drawings for further review to satisfy issues raised by staff. Once approval is given (and a Site Plan Agreement is registered on title), then the applicant may obtain a Building Permit.

Purpose of Site Plan Control

During the Site Plan Approval process, the Town will review site design features and co-ordinate the following:

- Overall site design
- Effect on surrounding land uses
- Siting of buildings
- Grading
- Sewer and Water servicing
- Stormwater Management
- Parking Lot Layout
- Access
- Building Design
- Landscaping

Once a complete application is received, the Planning Department will circulate and process the application through various Town departments and government agencies. This way, the Planning Department will be the applicant's one-stop contact. The Planning Department will advise the applicant of the status of the proposal and any changes or conditions throughout the process. Site Plan Control ensures the implementation of Town requirements (e.g. street widenings, road improvements, parking, drainage, servicing etc.). It also helps to improve the quality and appearance of the development and provides for the safe circulation of traffic.

If staff is satisfied with the review, staff will recommend approval of the site plan to the Director of Planning and Development Services.

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Site Plan Review Process Chart

PROCESS STEPS	DETAILS
1. Pre-Consultation	• Applicant to contact Development Coordinator to determine the level of Pre-Consultation • Applicant will obtain the Pre-Consultation Package via Town staff or website and submit the Pre-Consultation form to the Development Coordinator • Staff will review the pre-consultation submission prior to formal site plan submission to identify potential issues, required follow-up, etc. • The Manager of Development Approvals and/or Search Coordinator, Development Approvals contacts applicant and provides comments/direction based on staff review
2. Formal Submission of Site Plan Application	• applicant submits completed Site Plan Approval package including Application Fees • Staff review package for completeness (i.e., number of copies, reports, fees, etc.) • if package is complete - Manager of Development Approvals and/or Development Coordinator initiates processing
3. Circulate to Town Departments & Agencies	• Development Coordinator circulates plans, reports, etc. to pertinent Town departments (TPAC) and outside agencies • Comments from different departments/agencies forwarded directly to the Development Coordinator
4. Site Plan Review & Comments	• Manager of Development Approvals and/or Development Coordinator reviews comments and determines if plans are acceptable or if revisions are required: • if plans are acceptable, proceed to Step #6 • if revisions are required, the Development Coordinator provides feedback to applicant in the form of a letter, including all comments received to date and what revisions are required to the various plans submitted • Depending on the complexity of the proposed development and staff workload, the typical turnaround time for initial review is within three weeks and two weeks for any subsequent reviews.

5. Finalize Site Plans & Re-submission	• Applicant resubmits revised plans and other requirements to the Development Coordinator • If revisions/redesign are major, 2nd submission is re-circulated to specific departments or agencies (go back to Step 3) • Manager of Development Approvals and/or Development Coordinator determines if 3rd submission is required (if yes, go back to Step 3)
6. Site Plan Approval & Report	• The Director of Planning and Development Services and/or Designate stamps plans and circulates approved Final Plans
7. Site Plan Agreement	• Development Coordinator prepares the Site Plan Agreement and a draft copy of Agreement is provided to the Applicant/Owner for review • All requirements & conditions identified in Site Plan Review are included in the Agreement • Comments from Applicant/Owner incorporated in the Agreement and finalized
8. Owner to execute Site Plan Agreement	• Development Coordinator arranges for execution and registration of Agreement • Owner ensures that all parties appropriately sign the agreement and other requisite documents prepared by the Town and its solicitor *(note that signatures should be witnessed and where appropriate, corporate seals provided)* • Executed agreement and requisite documents returned to the Development Coordinator
9. Owner submits securities, proof of land transfers, etc.	• Owner submits all required securities, cash payments, etc., pursuant to the Site Plan Agreement
10. Director of Community and Development Services and/or his Designate to execute Site Plan Agreement	• Development Coordinator forwards the executed Site Plan Agreement and requisite documents to the Director of Planning and Development Services and/or his designate
11. Site Plan Agreement registered on title by the Town's solicitor	• Development Coordinator arranges the registration of the Agreement and other requisite documents with the Development Solicitor • Copy of registered documents forwarded to Development Coordinator • Copy of registered documents provided to the Owner

12. Clearance of Conditions of Agreement	• Owner commence construction of works as per Site Plan Agreement • Owner proceeds to satisfy conditions of Agreement and forward clearance letters to Manager of Development Approvals and/or Development Coordinator • Manager of Development Approvals and/or Development Coordinator monitors requirements of Agreement and ensure all required conditions are satisfied prior to clearing development for a Building Permit
13. Building Permit Issuance	• Manager of Development Approvals and/or Development Coordinator notifies Chief Building Official of clearance of all required conditions • Assuming Building Permit application and drawings are satisfactory, the Building Permit is issued
14. Monitor Construction	• Development Coordinator monitors construction to ensure works is carried out in accordance with the approved plans and the Agreement
15. Reduction of Securities deposited with the Town	• Upon satisfactory completion of works, the Owner may apply for a reduction in securities held by the Town • Development Coordinator to verify the works completed and if found satisfactory, the securities being held can be reduced
16. Release of Securities at the conclusion of Maintenance Guarantee	• Upon satisfactory completion and maintenance of the works and the expiry of the Maintenance Guarantee period, the Owner may apply for a release of the securities held by the Town • Development Coordinator with the Owner's representative to conduct final inspection and if found satisfactory, the securities being held will be released

1. STANDARD SUBMISSION REQUIREMENTS

1.1. Application Fees

Fees are established by the Town's Fees By-Law and are payable at the time of site plan submission (*Refer to current Fees By-law and Schedule for complete list of Planning Application Fees*). Site Plan Application fees are subject to annual review and adjustment, the most current fees will apply.

The legal cost deposit of $565.00 must be paid at the time of application the remaining $2000.00 must be paid as detailed in the financial schedule.

1.2. Required Documentation

- ❑ two (2) completed application forms fully executed including required authorization

The following legal documentation and schedules must be submitted for the preparation of a Site Plan Report:

- ❑ **Solicitor's Certificate of Title** which should indicate that the applicant is the owner of the lands; all encumbrances, including leases against the lands; and that there are no executions against the lands (refer to Appendix C)
- ❑ **Engineer's Cost Estimates for Site Works** (refer to Appendix D)
- ❑ **Land Appraisal** for the calculation of cash-in-lieu of parkland dedication for the site prepared by a qualified real estate appraiser approved by the Town.

1.3. Required Sets of Plans and Reports/Studies

(as required by the Pre-Consultation Agreement)

- ❑ **Two (2)** copies of a survey plan of the site (folded to legal size)
- ❑ **Eight (8)** sets of Development Plans, unless otherwise specified (folded to legal size and stamped with date of submission) including:
  - Site Plan
  - Servicing and Grading Plan
    - Plan and Profile – Roads and Services (when required)
    - Stormwater Management Plan and Report (2 copies - when required)
  - Landscape Plan
  - Floor Plans and Building Elevations (2 sets)
  - Tree Preservation Plan or Environmental Impact Statement (when required)
  - Any other required plan marked "For Information Only"
  - Background Information Report (2 copies - when required)
  - Preliminary Servicing Report (2 copies - when required)
  - Archaeological Report (2 copies - when required)
  - Geotechnical Report (2 copies - when required)
  - Traffic Impact Study (minimum 2 copies - when required)

- Water Meter Layout (2 copies)

1.4. General Drawing Specifications

- ❑ Full scale prints of 24" x 36" or equivalent metric size. **LARGER THAN THIS SPECIFIED SIZE WILL NOT BE ACCEPTED.**
- ❑ Plans must be **folded** to a maximum legal size of 8½" x 14" and in separate sets.
- ❑ On smaller projects, information required on Site, Grading, Servicing and Landscape Plans may be combined on a single drawing.
- ❑ **Scale** of drawings must be 1:100 to 1:500. ARCHITECTURAL SCALES are not acceptable for these plans. Submissions containing two or more of these plans should be drawn at the same scale for comparison purposes.
- ❑ **Title block** must contain the following: name of project, municipal address of the project site, drawing name and number, scale, date, and any other relevant information (Note: if municipal address is not known or assigned, consult with Planning Staff).
- ❑ Plans not fully completed will be returned to the applicant for re-submission.
- ❑ It is the applicant's responsibility to identify any required Zoning By-law variances.
- ❑ All measurements to be shown in metric (with imperial conversions in brackets if desired)
- ❑ In addition to paper drawings, AutoCad (2000 compatible) drawing files are also required (*optional on initial submission but required at as-constructed stage)*. If co-ordinate information is to be provided, *UTM NAD83, Zone 17* in a ground coordinate system with a combined scale factor for conversion to grid coordinates is to be used.

1.5. Site Plan

Site Plan drawings submitted for approval shall be prepared and stamped by a professional engineer, Ontario land surveyor, licensed architect or landscape architect, and *at a minimum,* include the following information and standard notations:

- ❑ Site Plans must be prepared at a scale of 1:100 to 1:500 with key plan
- ❑ North arrow (the drawing must be oriented to have vertical north line or as closely as possible)
- ❑ Applicant/Owner's name and address
- ❑ Project name, date, municipal address and legal description of land
- ❑ Key plan for site location
- ❑ Legal description of property
- ❑ Property boundaries, bearings and dimensions
- ❑ Adjacent property owned by the applicant or in which the applicant has interest
- ❑ Widening of highways that abut the land
- ❑ Location of existing and proposed buildings
- ❑ Building(s) or aboveground features proposed for removal/demolition

- ❑ Location or outline of existing buildings on adjacent properties
- ❑ Traffic circulation and location of Fire Route signs
- ❑ Building dimensions
- ❑ Loading doors and bays, loading areas and intended truck traffic
- ❑ Minimum distance between buildings (*please ensure all dimensions are sufficient to allow minor changes as may be necessary)
- ❑ Identify landscaped areas (width dimensions) and surface treatment (i.e., paved, gravel, sodded, etc.)
- ❑ Location of any exterior walkways, stairs, building entrances
- ❑ Location of play areas and outdoor amenity areas, details of equipment
- ❑ Sidewalk widths
- ❑ Garbage location and screening details if outside (garbage areas will not be permitted within the front yard of any property). All multi-area residential developments must provide adequate turning movements *(in accordance with Regional standards for turning radius)* on-site to facilitate either private or municipal garbage vehicles. All garbage pick-ups must be handled within the limits of the subject property. In the case of townhouse development, the Owner and/or Condominium Association will be responsible for entering into subsequent agreements for garbage disposal with Regional Niagara.
- ❑ Internal driveways, parking area and loading area layout, and ramps including dimensions of parking stalls, driveways and aisles
- ❑ Underground parking structures and setback to property lines
- ❑ Provisions for handicapped parking
- ❑ Typical pavement cross section indicating the depth of base and asphalt for driveways and parking areas
- ❑ Details of fencing and lighting
- ❑ Building blocks to be numbered with number of units (i.e., Building No. 2; 4 dwelling units)
- ❑ Residential driveways in front of garages
- ❑ All easements and right-of-ways on the property (including road right-of-ways) and dedicated road widening
- ❑ Pylon sign location/setback from lot line, sign area if known *(Note: Signage details are requested for preliminary review however such details will be considered as information only and in no way will signs be considered approved for permit purposes under the site plan approval processes. All signs are to comply with the Sign By-law and a sign permit must be obtained from the Building Department prior to installation.)*
- ❑ Site Plan and Building Statistics in chart form as follows:

SITE PLAN AND BUILDING STATISTICS	
Development Proposal	
Project Name	
Owner	
Municipal Address	
Former Municipality	
Legal Description	
Official Plan Designation	

SITE PLAN AND BUILDING STATISTICS		
Zoning and Zoning By-law		
	REQUIRED	***PROVIDED***
Lot Frontage	m	
Lot Area	m^2	
Side Yard	m	
Side Yard	m	
Rear Yard	m	
Building Height (max.)	metres / number of storeys	
Building Coverage (max.)	m^2	
Gross Floor Area	m^2	
Landscaped Area	m^2	
Parking Spaces		
Loading Spaces		

Required Site Plan Notes:

1. All work involved in the construction, relocation and repair of municipal services for the project shall be to the satisfaction of the Town and at the sole expense of the Owner.
2. Fire Route Signs and three Way Fire Hydrants shall be established to the satisfaction of the Fire Department and at the sole expense of the Owner.

1.6. Servicing and Grading Plan

Site Servicing and Grading Plans to Town standards (contact Engineering Division, Public Works Department) shall be prepared and stamped by a qualified Professional Engineer and at a minimum, include the following information and standard notations (Separate Servicing Plan and Grading Plan preferred). Site Grading design shall be in accordance with the Town of Fort Erie Lot Grading and Drainage Policy, By-law 252-92.

- ❑ Property boundaries
- ❑ Geodetic Bench mark description and elevation
- ❑ Existing and proposed grades, which should be shown as follows:
  - Existing 797.3
  - Proposed **797.3**
  - If proposed and existing are the same, use "existing" method to show this on the plan.
- ❑ Existing and proposed storm and sanitary sewers, water distribution system and service connections from the main to the building
- ❑ Existing and proposed sewer pipe sizes, materials, lengths, grades and invert elevations
- ❑ Plan and profile of roads or access and services as may be required
- ❑ Existing and proposed top of manholes and catchbasins and invert elevations
- ❑ Service connections invert elevations at the main and at the building.

- ❑ Existing and proposed municipal or private fire hydrants, fire protection system and mains, standpipe/sprinkler system and siamese connections location
- ❑ Existing ground elevations on adjacent lands and buildings in order to identify drainage patterns
- ❑ Location of adjacent ditches, creeks or watercourses including top of bank and invert elevations
- ❑ Location and type of easements and rights-of-way (existing and proposed) on and abutting the subject lands
- ❑ Location of existing driveways on abutting properties that are within 6 m of the mutual lot line(s) and location of existing driveways located opposite the subject property
- ❑ Road widening, sight triangles (consult with Engineering as to deemed width)
- ❑ Proposed retaining wall location and details
- ❑ All utilities on existing roads including storm, sanitary, water, telephone, hydro, cable and gas
- ❑ Lighting details including shielding to prevent illumination of adjacent residential areas and abutting roadways
- ❑ Location of hydro transformers
- ❑ Existing grades of abutting roads and proposed grades through new entrances
- ❑ Elevations on a grid throughout the site including lot corners and to at least 15m beyond so that drainage patterns may be evaluated
- ❑ Proposed drainage swales identifying lengths, grades and typical cross section.
- ❑ All surface drainage routes including swales, ditches, watercourses and their invert elevations and flow direction
- ❑ Ground floor and minimum basement elevations of the building and ground elevation at all building corners and entrances
- ❑ Location of downspouts for roof drainage (note that generally, roof drainage is to spill directly onto splash guards and onto the ground, not to be connected directly to an internal storm sewer system)
- ❑ Location of entrance culverts including length, grades and inverts
- ❑ Legend detailing all symbols (i.e., catch basins, retaining walls, road, property line, building line, existing and proposed elevations)
- ❑ On-site minor storm drainage system, where storm sewers are available.
- ❑ Major storm overland flow route
- ❑ Stormwater management facility including orifice details, rate of controlled flow, volume of storage, etc.

Required Servicing and Grading Plan Notes:

1. All driveways from property lines for the first 7.5 metres shall be 2 to 5% grade, and up to 10% maximum grade thereafter.
2. The approval of this plan does not exempt the Owner or its bonded contractor from the requirements to obtain the various permits normally required to complete a construction project, such as, but not limited to the following: committee of adjustment, relocation of services, sewer and water permits,

connection permits, encroachment permits/agreements, building and land use permits, entrance permits, road cut permits, etc.

1.7. Floor Plans and Building Elevation Plans (four sides of the project)

- ❑ General interior layout of all the proposed building floors identifying uses, etc.
- ❑ Front, side and rear elevations of a typical building block showing generally the material to be used (i.e. brick, concrete, blocks, precast concrete, stucco, etc.) for information purposes. The materials should be noted on the plan)
- ❑ The elevations must be complete in showing texture intended for information purposes (i.e., horizontal lines to show brick course, vertical lines to show wood siding or concrete patterns, stipple tone to show stucco finish, etc.)
- ❑ Commercial, industrial or institutional building bound adjacent to any residential property shall be required to provide a minimum decorative brick material on all exterior walls, location of doors, windows, leading areas, wall signs/bands, air conditioning, exhaust vents, roof top mechanical equipment (Type and height and screening to be noted), wall lighting, etc.

Required Floor Plan and Building Elevation Plan Notes:

1. Door and window locations and building materials may vary depending on final building layout, and are shown for information purposes only.

1.8. Landscape Plans

The importance of good landscaping in the success of a project and contribution to a healthy community is often underestimated. The Landscape Plan shall be prepared and stamped by a Professional Landscape Architect. Landscape plans shall include the following details at a minimum:

- ❑ Existing and proposed contours
- ❑ Existing landscape elements to be retained or removed
- ❑ Watercourses, shoreline, tree lines, top of slope
- ❑ Location of all proposed plant material, planting beds, sodded/seeded areas, and other surface treatments. Plant material to be keyed to a plant list.
- ❑ Plant list showing botanical and common name, size, quantity and root condition of plant material
- ❑ Location, specification and details for walkways, pathways, parking, play areas, special activity areas, open space areas, exterior lighting, play structures, fences/screens, walkways, retaining walls, planters, edgers, stairs, ramps, street furniture, hydrants, curbs, existing ground signs, etc.
- ❑ Planting details for coniferous and deciduous trees, shrubs and perennials to include staking, guying, installation, pruning, soil and mulch specifications.
- ❑ Accurately show all existing trees to be preserved, removed or relocated and clearly specify the species, diameter and condition. For trees over 100mm caliper, they are to be identified on an individual basis, otherwise, general areas of small trees or shrub growth may be shown. If trees are to be preserved, a Tree Preservation Plan/specification will be required.

- ❑ Irrigation plan, details and specifications.
- ❑ Location and treatment of garbage collection areas.

Required Landscape Plan Notes:

1. Any plant material or play equipment (if applicable) substitutions require the approval of the Town of Fort Erie.
2. Plant material, play equipment (if applicable) and fencing shall be provided by the Owner. Any additions must comply with the Zoning By-law.
3. Any sodding, planting or work on lands abutting the property from the lot lines to sidewalk and curbing shall be to the satisfaction of the Town.
4. All landscaping shall be installed prior to the end of the first growing season following occupancy of the development.
5. Notwithstanding the Maintenance Guarantee period in the agreement, all plant materials shall have a two (2) year warranty.

1.9. Tree Preservation Plan (if required)

Development sites containing existing vegetation, boundary trees located on lot lines, or proposing development adjacent to properties or streets containing existing vegetation within 3 metres of its property limits shall retain all vegetation until such time as the site plan approval has been given which sets out agreed upon tree preservation. The proposal will be assessed using information provided by the applicant. At a minimum, the plan should include the following:

- ❑ Identify all plant material in a clear legible manner outlining quantities, species, size, height, condition/health and locations of material to be saved or removed. This has to be carried out by a certified arbourist.
- ❑ Identify proposed and existing grades, entrances of driveways and utility services
- ❑ Identify all existing vegetation 3m outside of the subject property boundaries or property lines including Town trees (individually locate all trees with caliper measuring 100mm or greater, all other vegetation identify in masses showing outline of canopy created by massing)
- ❑ Identify all trees on Town property
- ❑ Location of existing trees is to be surveyed and identified on a survey plan prepared by an O.L.S. Using the survey as the base plan, the location of the existing trees shall also be shown on the site servicing/grading plan(s)
- ❑ Tree protection standards refer to all material on private property which the owner agrees to save as part of the approved site plan. Such areas to be clearly displayed on the tree protection plan
- ❑ After care of trees to be preserved should be identified on the tree preservation plan as to watering, fertilizing and pruning
- ❑ Any trees located within the Town's road allowance, that are proposed to be removed, require a written assessment and support for the removal by the Town.

1.10. Survey Plan

A survey must be prepared, stamped and signed by an Ontario Land Surveyor, or as an alternative, an O.L.S stamp and signature on a site plan prepared by an architect or engineer prior to building permit issuance. The survey plan shall include the following information:

- ❑ Legal description (lot number and concession, registered plan number, lot or block number
- ❑ Lot area in metric measure
- ❑ Location of proposed building(s) and encroachments
- ❑ All existing structures, topographical features (i.e., swales, top of bank)
- ❑ Geodetic bench marks, property boundaries and bearings, dimensions, found or planted IB's or SIB's, etc.
- ❑ Existing easements, etc.

1.11. Miscellaneous Reports and/or Studies

The following reports and/or studies may be required depending on the location, extent and complexity of the development:

- ❑ Background Information Report
- ❑ Preliminary Servicing Report
- ❑ Environmental Impact Study
- ❑ Stormwater Management Report
- ❑ Archaeological Report
- ❑ Geotechnical Report
- ❑ Traffic Impact Study

2. SITE PLAN REVIEW PROCESS

2.1. Key Players

(a) Technical Planning Advisory Committee (TPAC)

The Technical Planning Advisory Committee (TPAC) is comprised of Town staff from various municipal departments responsible for making recommendations/decisions related to site plan and development approval.

The Development Review Team consists of individuals from the following Town Departments who review development proposals from a variety of perspectives.

Planning: conformity to Official Plan policy and Zoning By-law regulations, aesthetics, urban design and considerations of relevant urban design guidelines, compatibility, function and efficiency, heritage resources, architectural elevations, signage, landscaping, etc.

Engineering: road widening, road and curb cut requirements, driveway locations, traffic impact analysis, parking design, safety and access; lot grading/drainage and storm water management and sewer and water servicing.

Parks and Leisure: parkland requirements

Fire: fire access routes, fire hydrants

Corporate Services: development charges, cash-in-lieu of parkland, etc.

Building: preliminary comments on Ontario Building Code and servicing requirements to assist with preparation of plans for building permit applications

(b) Manager of Development Approvals and/or Development Coordinator

The *Manager of Development Approvals and the Development Coordinator* are your key municipal contact whose principal responsibility is to process and monitor your Site Plan Application. All submissions, correspondence, comments, etc. should go through these individuals to ensure the efficient processing of your application.

Once you receive Site Plan approval, the Manager of Development Approvals and/or the Development Coordinator will prepare and complete a Site Plan Agreement and ensure that all the conditions of your Site Plan Approval are satisfied.

It is the Manager of Development Approvals who provides the ultimate clearance for you to obtain your Building Permit.

2.2. Pre-Consultation

Prior to the formal submission of site plans, applicants are required to complete the Pre-Consultation Process in accordance with Town By-law 63-09. Applicants should contact the Development Coordinator or Manager of Development Approvals who will obtain some information to determine the extent of the pre-consultation required. The applicant will then be asked to submit the pre-consultation application form, fee and package to the Development Coordinator. The Development Coordinator will circulate the package to the required Town staff and other key agencies as applicable. Comments regarding the submission will be noted to the applicant and what the next steps in the application process.

Appendix F contains the names and telephone numbers of individuals to contact.

2.3. Processing of Site Plan Application - See "Site Plan Review Process Chart"

3. SITE PLAN AGREEMENT

All developments subject to Site Plan Control shall require a Site Plan Agreement with financial securities to ensure that the project is developed, completed and maintained according to approved plans and the agreement. The requirement for a Site Plan Agreement may be waived under the following conditions:

- ❑ Where no on-site works are to be undertaken and where no municipal services or works are required to be undertaken on municipal property; or
- ❑ Where on-site works to be undertaken are minor and will have no effect on existing surrounding infrastructures or drainage and where no municipal services or works are required to be undertaken on municipal property.

4. SECURITY AND FINANCIAL REQUIREMENTS

4.1 Financial Securities

Financial securities (refer to Appendix D) will be required prior to execution of the Agreement by the Town, in the form of a standard Letter of Credit from a chartered bank or a certified cheque payable to the Town of Fort Erie, calculated based on the Engineer's cost estimates of the works in the following amount:

- ❑ 15% of estimated construction cost of On-Site Primary Services
- ❑ 100% of estimated construction cost of Off-Site Primary Services
- ❑ 50% of estimated construction cost of On-Site Secondary Services
- ❑ 120% of estimated construction cost of Off-Site Secondary Services

4.2 Cash Payment

All cash payment identified in the Financial Schedule of the Agreement will be required prior to execution of the Agreement by the Town, which may include any or all of the following:

- ❑ Administration, Engineering and Inspection Fee based on the estimated cost of works as follows:
  - 4% of the estimated construction cost of works to a maximum of $4,000.00 where the cost of works is less than $100,000.00; or
  - 3.5% of the estimated construction cost of works to a maximum of $15,000.00 where the cost of works is between $100,000.00 and $500,000.00; or
  - 3% of the estimated construction cost of works where the cost of works is in excess of $500,000.00.
  - The Engineering Review deposit will be subtracted administration, engineering and inspection fee cash payment
- ❑ Outstanding property taxes
- ❑ Local improvement charges
- ❑ Cash in lieu of parkland dedication
- ❑ Deposit for Legal expenses

- ❑ Tree planting reserves
- ❑ Street and/or traffic regulatory signs

5. DELEGATED APPROVAL

Town Council, by *By-law No. 143-03*, has delegated the authority of site plan approval to the Director of Community and Development Services and/or his designate.

Town Council, by *By-law No. 36-13*, has delegated authority for the execution of Site Plan Agreements to the Director of Community and Development Services and/or his designate.

6. SITE PLAN APPROVAL TIME LIMITS

The Town staff commits to a 90 day staff review time in 90% of the site plan applications. This means that from the date of application staff will not **review** an application for more than 80 days before it is approved. The final approval of the site plan could take longer than 80 days from application submission as it is dependent on the timing of the applicant's consultant's resubmission/s.

Similar to a new application, the authority to grant an extension to a site plan approval is delegated to the Director of Planning and Development Services and the Manager of Development Approvals.

APPENDIX A
SAMPLE FORMAT - LETTER OF CREDIT

(Note: Security to be provided on Financial Institution's letterhead)

IRREVOCABLE STANDBY LETTER OF CREDIT *BANK REFERENCE NO.* for *AMOUNT (CAN $'S)*

THE CORPORATION OF THE TOWN OF FORT ERIE
1 Municipal Centre Drive
Fort Erie, Ontario
L2A 2S6

We hereby authorize you to draw on *(NAME AND ADDRESS OF BANK)* for account *of (NAME AND ADDRESS OF OWNER),* up to an aggregate amount of *(FULL AMOUNT AS PER SUBDIVISION AGREEMENT)* available on demand.

Pursuant to the request of our customer, the said *(NAME OF OWNER)*, we, *(NAME OF BANK),* hereby establish and give to you an Irrevocable Standby Letter of Credit in your favour in the total amount of Canadian *($AMOUNT)* which may be drawn on by you at any time and from time to time upon written demand for payment made upon us by you which demand we shall honour without enquiring whether you have a right as between yourself and our said customer to make such demand and without recognizing any claim of our said customer.

Provided, however, that you are to deliver to *(NAME AND ADDRESS OF BANK)* at such time as a written demand for payment is made upon us a certificate signed by you agreeing and/or confirming that monies drawn pursuant to this Letter of Credit are to be and/or have been expended to obligations incurred or to be incurred by you in connection with a subdivision agreement between *(NAME OF OWNER)* and The Corporation of the Town of Fort Erie regarding servicing works for the *(NAME OF SUBDIVISION).*

The amount of this Letter of Credit shall be reduced from time to time as advised by notice in writing given to us from time to time by you.

This Letter of Credit will continue to *(DATE*)*, and will expire on that date and you may call for payment of the full amount outstanding under this Letter of Credit at any time up to the close of business on that date. It is a condition of this Letter of Credit that it shall be deemed to be automatically extended without amendment from year to year from the present or any future expiration date hereof, unless at least 30 days prior to any such future expiration date, we notify you in writing by registered mail that we elect not to consider this Letter of Credit to be renewable for any additional period.

Partial drawings are permitted. We hereby agree that drawing under this credit will be duly honoured upon presentations, and shall state that they are drawn under *(NAME AND ADDRESS OF BANK)* Letter of Credit no. *(BANK REFERENCE NO.)* dated *(DATE).*

(NAME OF BANK)

(Authorized Signature) (Authorized Signature)

**Normally one calendar year after the date of issuance.*

APPENDIX B
DEVELOPMENT CHARGES

(Please refer to the Town of Fort Erie website for updated Development Charge Fees at www.forterie.ca or available upon request)

APPENDIX C
SOLICITOR'S CERTIFICATE OF TITLE FORM

To: The Town of Fort Erie

Re: "_____"

Part of Lot _____, Concession _____designated as Part

_____ on Reference Plan _____ Town of Fort Erie, Ont.

I, the undersigned, hereby certify to the Town of Fort Erie that _____ is the registered owner of the above lands by Transfer/Deed of Land registered _____ as Instrument No. _____

AND is the registered owner in fee simple, free and clear of all encumbrances and has a good and marketable title to the above lands, subject to the following:

1. _____
2. _____
3. _____
4. _____

Without limiting the generality of the foregoing, **I ALSO HEREBY CERTIFY** to the Town of Fort Erie:

(a) that realty taxes on the lands of the tax roll which include the land affected by the above Transfer and Mortgage have been paid; and

(b) that there are no writs of execution of liens filed with the Sheriff of the Judicial District of Niagara South or with the Land Titles Division of the Registry Office against _____ of any prior registered owner(s) on title; and

(c) I am a member in good standing of the Law Society of Upper Canada.

Dated at _____ this _____ day of _____ 20_____

Signature of Barrister & Solicitor: _____

Name of Barrister & Solicitor:
Name of Firm:
Address:
Town and Postal Code:

APPENDIX D
SAMPLE COST ESTIMATE

ON-SITE PRIMARY SERVICES		
1.	Watermains and Appurtenances	
2.	Sanitary Sewers and Services	
3.	Storm Sewers and Appurtenances including Stormwater Management Facility	
4.	Site Preparation. Grading and Granular A Base	
5.	Concrete Curb & Gutter	
6.	HL8 Base Course Asphalt	
7.	Electrical Distribution System and Streetlighting	
8.	Other (Specify)	
	Sub-Total	

OFF-SITE PRIMARY SERVICES		
1.	Water Distribution System	
2.	Sanitary Sewer Collection System	
3.	Storm Sewer System	
4.	Site Preparation and Grading	
5.	Base Course Asphalt and Curb/Curb and Gutter	
6.	Other (Specify)	
	Sub-Total	

ON-SITE SECONDARY SERVICES		
1.	Surface Course Asphalt	
2.	Walkways	
3.	Landscaping & Planting	
4.	Fencing	
5.	Outdoor Lighting	
6.	Other (Specify)	
	Sub-Total	

Appendix D (Continued)

OFF-SITE SECONDARY SERVICES		
1.	Surface Course Asphalt	
2.	Sidewalk/Walkways	
3.	Grading and Sodding/Planting of Boulevards	
4.	Other (Specify)	
	Sub-Total	

SECURITIES		
1.	15% of On-Site Primary Services	
2.	100% of Off-Site Primary Services	
3.	50% of On-Site Secondary Services	
4.	120% of Off-Site Secondary Services	
	TOTAL LETTER OF CREDIT or CERTIFIED CHEQUE REQUIRED	

CASH PAYMENT			
1.	Administration, Engineering & Inspection Fee (Refer to **Section 4.2** of the Guidelines)		
2.	Deposit for Estimate of Legal Expenses		
3.	Other (Specify)		
	TOTAL CASH PAYMENT		

APPENDIX E
TELEPHONE DIRECTORY/INFORMATION SHEET

Mr. Richard Brady, MA, MCIP, RPP
Director of Planning & Development Services
Town of Fort Erie
(905) 871-1600 Ext.2500

Ms. Kira Dolch, MCIP, RPP
Manager of Development Approvals
Town of Fort Erie
(905) 871-1600 Ext.2502

Mr. Jeremy Korevaar, C.E.T.
Coordinator, Development Approvals
Town of Fort Erie
(905) 871-1600 Ext.2505

Mr. Matthew Kernahan, MCIP, RPP
Senior Development Planner
Town of Fort Erie
(905) 871-1600 Ext.2507

Mr. Keegan Gennings, CBO
Chief Building Official
Town of Fort Erie
(905) 871-1600 Ext.2515

Jasin Marr, P. Eng
Engineering Division Manager
Town of Fort Erie
(905) 871-1600 Ext.2402

Mr. Erik Acs
Regional Municipality of Niagara
Planning & Development Department
2201 St. David's Road, P.O. Box 1042
Thorold, Ontario L2V 4T7
Phone: 1-800-263-7215

Mr. Phil Lambert, P.Eng.
Regional Municipality of Niagara
Public Works Department
2201 St. David's Road, P.O. Box 1042
Thorold, Ontario L2V 4T7
Phone: 1-800-263-7215

Mr. David Deluce
Niagara Peninsula Conservation Authority
250 Thorold Road West, 3rd Floor
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APPENDIX G
SAMPLE SITE PLAN DRAWING

Niagara Region – Development Services Division

Pre-Consultation Notes

825 Garrison Road, Fort Erie

June 13, 2024

Attendees: Valentina Escobar (Region), Robin Shugan (Town), other Town staff, Paige Pearson (NPCA), Abby Lee (MCFN), Paul DiFrancesco.

Proposal Description: An application has been submitted for a Zoning By-law Amendment and Site Plan Control to permit a 6-storey residential building with a total of 95 units. Apartments are anticipated to be for rental purposes with an incorporation affordable housing.

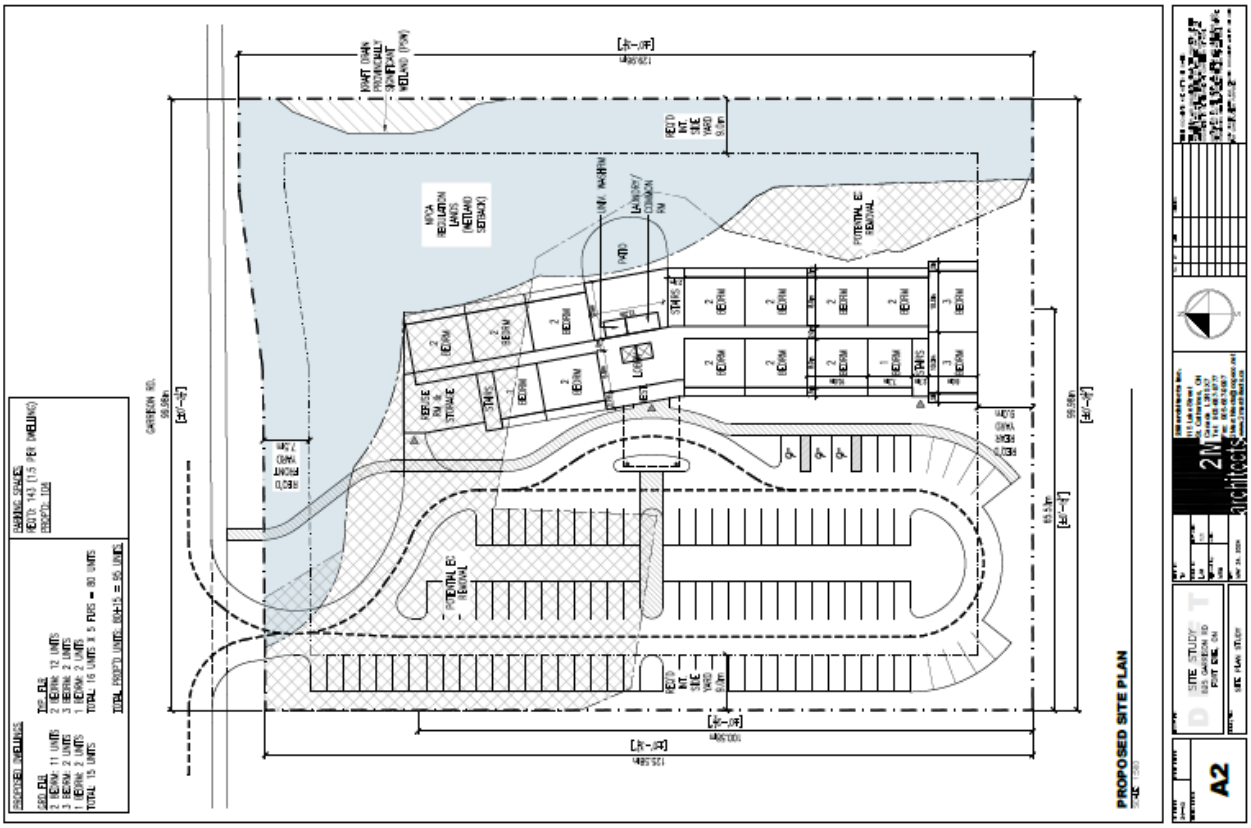
Applicant/Owner/Agent: Pham Thi Lan, Pham Chau Van, Paul Di Francesco (Applicant)

Application Type:

☒ Zoning By-law Amendment
☒ Site Plan

Site Designation:

Provincial Policy Statement (PPS)- Settlement Area
Provincial Growth Plan- Delineated Built Up Area
Niagara Official Plan (NOP)- Built Up Area



Niagara Region – Development Services Division

Pre-Consultation Notes

825 Garrison Road, Fort Erie

June 13, 2024

Note: referenced Regional policy numbers are based on the NOP prior to Bill 150

Planning Comments

- A full range of residential uses are permitted generally within the Urban Area designation, subject to the availability of adequate municipal services and infrastructure, and policies relative to built-form compatibility, land use compatibility, and **environmental conservation**.
- The proposed development will support the Town in achieving its intensification target (50%) as set out in the NOP and will contribute to the diversification of housing supply in Niagara.
- As part of the Zoning By-Law Amendment, staff request a **Planning Justification Report** to be prepared by a Registered Professional Planner to demonstrate alignment with the relevant Provincial and Regional Policies

Environmental Comments

- The subject property is impacted by the Region's Natural Environment System (NES), consisting of the Kraft Drain Provincially Significant Wetland Complex (PSW), Other Wetlands, a permanent/intermittent stream, and possibly Significant and/or Other Woodland.
- NOP Policy 3.1.9.8.1 requires the completion of an **Environmental Impact Study (EIS**) and/or hydrological evaluation when development or site alteration is proposed on lands adjacent to natural heritage features. The EIS must demonstrate that there will be no negative impact on the features or their ecological function.
- Since there are wetlands and a stream present onsite, **a hydrological evaluation** is also required, specifically a **feature-based Wetland Water Balance (WWB) assessment**. This must demonstrate that there will be no negative impact on the hydrological function of the wetlands and stream in the proposed post-development scenario. The WWB should address impacts to overall water volumes, flow rates and hydroperiod, and present its findings broken down over weekly, bi-weekly or monthly time periods.
- Within settlement areas, mandatory buffers from PSW, Significant/Other Woodland, and Other Wetlands are required. The ecologically appropriate widths of the mandatory buffers are to be determined through the EIS.
- If the other wetlands are not regulated by NPCA, the Region shall require a wetland evaluation using the Ontario Wetland Evaluation System. Possible outcomes of the evaluation are outlined in NOP policy 3.1.9.5.6.
- A **TOR (Terms of Reference) for an EIS** shall be prepared consistent with NOP policy 3.1.33.4. The EIS shall confirm the extent of mapped features, screen for additional KNHF/KHF, determine buffer requirements, and screen the property for supporting features and areas and enhancement areas.
- Staff are available to visit the site to confirm requirements.

- It should be noted that the Region's Woodland Conservation By-law may be applicable, irrespective of whether an application is made, or its outcome. Any questions related to the By-law should be directed to the Region's Forester (Daniel.root@niagararegion.ca).

- NOP policy 3.1.18 protects the status of natural heritage features, including wetlands and woodlands, even if they have been disturbed or removed. Unauthorized removals of such features may necessitate a requirement for restoration.

Land Use Compatibility

- The PPS and NOP state major facilities (including transportation corridors as well as industrial uses) and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants. The subject property is subject to transportation noise as it fronts Garrison Road (Regional Road 3) which has an average annual daily traffic count of 14,800 (2021), and is subject to stationary noise sources from various proximal commercial operations (i.e. Walmart)
- As a result, staff require the submission of a **Noise Impact Study** to assess transportation and stationary noise sources and recommend any site and building design considerations. The Study shall be completed in accordance with the Ministry of the Environment, Conservation, and Parks (MECP) Environmental Noise Guidelines NPC-300. The Region has a ToR for Noise studies, which is attached.

Archaeological Potential

- The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically section 2.6.2 of the PPS and Policy 6.4.2.1 of the NOP state that development and site alteration is not permitted on lands containing archaeological resources or areas of archaeological potential, unless archaeological assessment and requirements from the aforementioned policies have been met. Staff note the subject property is within 300 metres of a registered archaeological site.
- Staff require the submission of a **Stage 1-2 Archaeological Assessment (and any subsequent studies, if applicable) and acknowledgement from the Ministry of Citizenship and Multiculturalism** (MCM) for the submitted archaeological assessment(s) confirming it has been entered into the Ontario Public Register of Archaeological Reports as a condition of licensing in accordance with Part VI of the *Ontario Heritage Act.*
- Regional advisory clause:

  The subject lands are in an area of archaeological potential. A Stage 1 Archaeological Assessment (and any subsequent studies, if applicable) shall be completed and submitted to the Ministry of Citizenship and Multiculturalism (MCM) for review. No demolition, grading or other soil disturbances shall take place on the property until a letter from the MCM is submitted to the Area Municipality confirming that the required archaeological assessment report(s) have met licensing and resource conservation requirements.
- **Before any archaeological work can proceed, the extent of environmental features must be reviewed and approved by Regional staff. This review ensures that archaeological activities do not adversely affect the environment and helps to mitigate any potential harm to ecosystems or cultural resources.**

Niagara Region – Development Services Division

Pre-Consultation Notes

825 Garrison Road, Fort Erie

June 13, 2024

Urban Design Comments

- Staff request **a landscape plan concept** demonstrating the interface between and within the development and the Regional Road at the Zoning stage. The landscape plan should demonstrate conceptually, the streetscape design showing paving, street trees, and the interface with the private realm.
- Staff request **a detailed landscape plan** at the Site Plan stage. The plan should demonstrate the landscape enhancement to the Regional Road through street trees, grassed boulevards, landscape spaces, and show the landscaping in the private realm that interfaces with the Regional road.
- Staff have reviewed the proposal and do not see a need to request a Pedestrian Level Wind Study since the proposal shows that the building will be setback significantly from the Regional Road. Should the building setback along the Regional Road boundary change to be less than 10m, then staff may request the preparation of a Pedestrian Level Wind Study.

Transportation / Roads

Road Widening

- This property has frontage along Regional Road #3 (Garrison Road) At this location the OP width meets the requirements. No further widening required.

Regional Permit Requirements

- Staff highlight Clear throat length of 20 metres between street and first parking stall is to be provided
- Existing driveways are to be closed and reinstated if they are not being used as the entrance to the development. Engineering drawings for all the work within the Regional right of way is to be submitted through the permitting process.
- Staff highlight a Regional Construction Encroachment and Entrance Permit will be required prior to any construction within Regional Road Allowance.
- Regional Sign Permit may be required for any signs within 20m of the centreline of the Regional Road
    - https://www.niagararegion.ca/living/roads/permits/default.aspx
- Restoration is to be to Regional standards : https://www.niagararegion.ca/living/roads/permits/construction-encroachment-specifications.aspx

Servicing Comments

- Water: 400 D AC (Regional) – **Garrison Road**
- Storm: 600 D CON (Regional) – **Garrison Road**

Regional Watermain / Gravity main

- Region staff wish to advise the applicant that there is an existing 400 mm diameter Regional watermain on Garrison Road at subject property.
- There is also a 600 mm diameter Regional Storm gravity main on Garrison Road at subject property.
- The Regional mains are not to be damaged or disturbed during any future construction works for the proposed development. Any crossings of the Regional mains with servicing will require plan and profiles to be submitted to the Region for review an approval.
    - No connections permitted to Regional mains as connection to Regional mains are not permitted if Local servicing is available.
- If a connection is necessary, a connection fee of $1,250 and engineering servicing drawings to be submitted for review and approval as part of application.

Stormwater Management Comments

- A **stormwater management report** will be required at the time of Site Plan/Draft Plan stage. Garrison Road (Regional Road 3) and the downstream receiving water course shall not be negatively affected as result of the development. The following comments are provided by information purposes to assist the applicant with the preparation of a detailed site plan:
    a) Stormwater runoff from the development be captured and treated to an Enhanced protection (i.e., 80% long-term suspended solids removal) prior to discharge from the site.
    b) Post-development peak flows be controlled to pre-development level for all storms (2-year up to and including the 100-year storm) prior to discharge from the site.
    c) Low Impact Development stormwater management practices (e.g., water retention onsite, quality treatment train) be part of plan to mitigate development impacts on the creek/Provincially Significant Wetland (PSW).
    d) A stormwater management report (and the associated $700 fee) be submitted to this office indicating in detail how the above noted criteria will be achieved and including a section of inspection and maintenance requirements of SWM facilities for the future owner.
    e) Prior to construction, the Niagara Region will require that detailed grading, servicing and construction erosion/sediment control plans be submitted to this office for review and approval.

Waste Collection

- Green – no limit (weekly)
- Waste – 2 bag/can limit per unit to a max. of 24 bags/cans per building (bi-weekly)
- **Curbside collection only**

- Based on the size and nature of the proposed development, waste collection services for the site would be the responsibility of the owner through a private contractor and not Niagara Region.
- Circular Materials Ontario are responsible for the delivery of residential Blue / Grey Box recycling collection services. The most up to date information regarding recycling can be found using the following link: https://www.circularmaterials.ca/resident-communities/niagara-region/

Protection of Survey Evidence

Survey Evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. We would request that any future agreements entered into for this development include a clause that requires the owner to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development.

Required Studies for Regional Review

- Planning Justification Report – at ZBA
- Noise Impact Study – At ZBA
- Stage 1 – 2 Archaeological Assessment (and any subsequent studies, if applicable) and corresponding Ministry's letter(s) of acknowledgment – at ZBA
- Environmental Impact Study Terms of Reference - prior to application submission
- Environmental Impact Study – At ZBA
- Concept Landscape Plan – At ZBA
- Detailed Landscape Plan – At Site Plan stage
- Stormwater management report – At Site Plan stage

Required Fees

The Region's 2024 Fee Schedule is available at:
https://www.niagararegion.ca/business/fpr/forms_fees.aspx
Applications will be subject to the in-effect fee amounts at the time that the Application is submitted.

Development Application Review Type	Fee Amount
Zoning By-law Amendment	$1,440
Site Plan Control	$590
Major EIS Review fee	$2,700
Terms of Refence EIS	$535 – prior to application submission
Minor urban Design review fee-	$290 - at ZBA
Minor Urban Design fee	$290 - at Site Plan

Stormwater Management Report review	$700 – at Site Plan

MCFN Comments

- Staff request a Stage 1 Archaeological Assessment to be completed and note if a Stage 2 is required then they expect to be involved on site with he licensed archaeologist.
- MCFN request circulation of all completed Environmental work

NPCA Comments

- Staff notes there are NPCA regulated features within the property and highlights that development is not permitted within a feature and its 30 m buffer. NPCA will not support the removal of a feature or diminishing of its buffer. A site visit is requested.
- Constraints analysis is required in the absence of a site visit. There is a water course feature mapped by the NPCA; although not preferred, a realignment of the watercourse may be entertained with justification.

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GUIDELINES FOR THE PREPARATION OF PLANNING JUSTIFICATION REPORTS AND PLANNING JUSTIFICATION BRIEFS

PURPOSE:
The purpose of this document is to provide guidance for the preparation of Planning Justification Reports and Planning Justification Briefs. Planning Justification Reports are required to accompany submissions of development related applications such as Official Plan and Zoning By-law Amendment applications and Draft Plan of Subdivision/Condominium applications and sometimes Site Plan applications. Planning Justification Briefs are typically required for less complex applications such as Consent or Minor Variance applications.

All reports shall follow the guidelines contained in this document. Failure to adhere to the guidelines may result in a report being considered unsatisfactory and submitted applications being deemed incomplete.

The goal of the Reports is to provide a background context of the proposal, an overview of the purpose and effect of the application(s), and provide a professional planning rationale for the application by demonstrating how the proposal is consistent with provincial policy and conforms to applicable planning policy documents and good planning principles.

All reports must indicate the author of the report, and be signed by a Registered Professional Planner (RPP). A Candidate Member (defined by the Professional Standards Board) or a Certified Planning Technician (CPT) may also prepare the report, however it must be signed and reviewed by an RPP.

Reports will vary in content and detail depending on the nature and complexity of the proposal and applications being sought, however all reports must include the following:

- Introduction
- Site context
- Description of the proposal
- Policy and planning analysis
- Summary and conclusions
- Appendices/maps/plans

Planning Justification Reports:

The framework for a Planning Justification Report is based on the following:

A. Introduction

Every report must contain a brief introduction which outlines:

- Who was retained to write the report, when and by whom
- What applications(s) have been submitted or are required to support the proposal
- Date of the pre-consultation meeting(s)
- A statement of the purpose of the report

B. Site Context

The site context is intended to provide an understanding of where the proposal is located and the characteristics of the site and surrounding area. This section of the report contains:

- A description of the location, existing condition and existing land uses of the subject lands
- A description of the surrounding land uses and important features such as roadways, significant buildings/features or characteristics of the area
- Identification of constraints affecting the site such as hazards, natural heritage features, access restrictions, servicing restrictions, cultural heritage resources, etc.
- Identification of any lands on the site that may be regulated by the Niagara Peninsula Conservation Authority
- Identification of any other known development proposals affecting the area
- Maps or reference to appendices that help provide a context for the site and surrounding land uses, such as surveys, aerial photographs, site photographs, maps, etc.

C. Description of Proposal

The description of the proposal is to provide detailed information to allow the reader to understand the purpose and outcome of the applications(s). This section of the report must provide details about proposed uses, proposed buildings and siting, if known the planning history of the site (i.e. previous applications), identification of how the lands will be serviced and any previous consultations with the Town, Region and Conservation Authority.

Where modifications to the Official Plan are proposed, a detailed description of the proposed amendment and proposed modification should be included.

Where modifications to the Zoning By-law provisions are proposed, a detailed concept plan should be provided illustrating all applicable zoning regulations, (i.e. lot frontage, setbacks, coverage, encroachments, building height, parking (number and size of parking spaces, and driveway aisles), etc.).

The description of the proposal will also list and provide a brief description of other technical supporting studies that have been submitted as part of a complete application, in support of the application(s) and how these relate to applicable planning policies (i.e. Traffic Impact Studies, Noise and Vibration Assessments, Archaeological Studies, Functional Servicing Studies, Urban Design Brief, etc.).

D. Policy and Planning Analysis

The policy and planning analysis is the basis for establishing why a proposal should be considered and approved. The analysis must provide an outline of applicable planning policy documents and regulatory contexts quoting specific policies that are relevant to the proposal. The analysis must establish a basis for the application(s) by providing detailed analysis of the identified relevant policies and explain how the proposal conforms to the policies. Where changes to the Official Plan and/or Zoning By-law are proposed, the analysis must discuss the appropriateness of the requested amendments, including the policy basis for any requested modifications that are specific to the proposal. The following planning documents must be addressed as part of the policy and planning analysis:

1. Provincial Policy and Legislation:
    - Provincial Policy Statement
    - Growth Plan for the Greater Golden Horseshoe
    - Greenbelt Plan
    - Niagara Escarpment Plan
2. Municipal Policy
    - Region of Niagara Official Plan
    - Town of Pelham Official Plan
    - Secondary Plans
    - Council Approved Guidelines and Studies
3. Zoning By-law

If during the pre-consultation meeting specific policies were identified that need to be addressed in the Planning Justification Report, the policy and planning analysis should include an analysis of those specific policies and discuss how the proposal is supported by those specific policies.

The policy and planning analysis section is intended to provide a rationale and opinion as to why the proposal is appropriate, in terms of how the proposal addresses good planning principles. This may include a discussion of how the proposal provides social, cultural, economic, and/or environmental benefits; how the proposal contributes to creating complete, vibrant communities; and/or how potential negative impacts have been mitigated or avoided.

The analysis should also include a summary of the findings of other technical supporting studies that make up a complete application and discuss how the

findings of these studies are supported by the policy context and strengthen the proposal generally.

Applications which propose residential uses must provide an analysis of proposed densities and unit counts compared to the requirements in the applicable policy documents and demonstrate how the proposed density is in conformity with Provincial and/or municipal plans.

In some cases policy documents or zoning by-laws affecting lands may have been adopted or approved by Council, but are under appeal. In these cases, the documents are not in effect, but are relevant to the proposal. The Planning Justification Report should address the policies in the documents as part of the planning analysis and identify if changes are needed if the document or zoning by-law were in effect.

E. Summary and Conclusions
This section of the Report will provide a summary and concluding remarks outlining:
- The purpose and effect of the application(s), including why the requested amendment(s) are necessary
- A summary of the key relevant plans and policies and how they are being addressed
- A summary of the key merits of the application and
- Final recommendations

F. Appendices/Maps/Plans
The following visual aids and/or appendices are typically included in Planning Justification Reports and should be included where applicable:
- Maps, including aerial photographs, land parcel mapping and surveys
- Street level photographs/renderings of the lands subject to the proposed application(s)
- Official plan maps of land use designations
- Zoning maps
- Concept plans or site plans
- Official Plan amendment sketch and copy of proposed Official Plan amendment
- Zoning By-law amendment sketch and copy of proposed Zoning By-law amendment
- Draft plan of subdivision
- Supporting technical studies

Planning Justification Briefs:

For less complex proposals a Planning Justification Brief may be requested instead of a full Planning Justification Report. A Planning Justification Brief may be included as a covering letter with a formal application or as a short report. The Planning Justification Brief should give a summary of the proposal, outline the merits of the proposal based on

good planning principles and for minor variance applications should address the 4 tests pursuant to the *Planning Act. RSO 1990*. The requirement for a Planning Justification Brief will be determined on a case by case basis.

Planning Justification Briefs must include at a minimum:

- A description of the proposal and site context
- A summary addressing how the proposal meets the general intent of provincial, regional and municipal polices, including policies specific to the lands
- A summary of how the proposal is consistent with good planning principles.

Noise Impact and Vibration Study Terms of Reference

Description

A technical report that provides a written description of the impact of noise generated by a proposed development on the surrounding environment, the impact of noise and/or vibration from the surrounding environment on the proposed development, both stationary and mobile sources, and the impact of noise from the proposed development on itself as well as mitigation measures to reduce any negative impacts.

In addition to a Noise Study there maybe a requirement for a Vibration Study. The Vibration Study would be combined with the Noise Study.

The Noise Impact Study or Noise and Vibration Study is to be prepared by a Consultant that is either an accredited Acoustic expert or a qualified Professional Engineer.

When Required

Noise Impact (Feasibility and/or Detailed Assessment) Studies may be required to support the following applications for developments:

- Zoning By-law Amendment
- Site Plan Control
- Plans of Subdivision
- Consent to Sever

A Noise Study is normally required, when a noise-sensitive development is proposed adjacent or in close proximity to the following potential noise sources:

- Within 500 m of a Provincial Highway/Freeway;
- Within 250 m of a Regional Road whose future traffic volume may be greater than 10,000 vehicles/day;
- Within 500 m of a railway ROW;
- Within the 25 NEF contours of an Airport;
- Within the potential zone of influence, as defined in MOE documents D-1 and D-6, of a Stationary Source of noise (industrial/commercial/institutional); a detailed noise study is required for developments within the potential influence area of stationary sources;
- Within 500 m of extensive commercial operations (loading docks of supermarkets, large commercial buildings with prominent ventilation and air conditioning equipment, automatic car washes, etc.);
- Within 500 m of aggregate operations (pits, quarries, etc.); or
- Any other noise sources not mentioned above.

A vibration study is required for all proposed developments within 75 metres of a rail corridor.

The requirement for a Noise Impact Study may be a condition of initial approval of the proposed development.

Rationale

A Noise Impact Study or Noise and Vibration Impact Study will help in assessing the compatibility of the proposed development with the existing and/or future land uses in the surrounding area as it relates to transportation and stationary noise both on site and off site.

Required Contents

During pre-application consultation, it will be determined if a report is required and, if so, the specific requirements of the Study, based on the nature of the proposed application and the context of the study area. Ultimate traffic data must be obtained from the Region and/or Local Municipality when analyzing transportation noise from Regional and Local roads. The Noise or the Noise and Vibration Study should include the following components, but is not necessarily limited to:

Introduction

- Description of the subject site and the proposed development;
- Location/context map;
- Identification of the noise source(s); and
- Description of the sound level guidelines/standards applied (methods).

Environmental Noise (and Vibration) Assessment

- Identify all stationary and transportation (road, rail, air) noise sources, including data collection and methods;
- Assessment procedure and methodology should clearly be outlined;
- Provide predicted noise level forecasts without mitigation;
- Environmental noise guidelines;
- Noise impact assessment (including low frequency noise impacts); and
- Vibration assessment, if applicable

Noise (and Vibration) Mitigation Recommendations

- Indoors: architectural requirements, ventilation requirements;
- Outdoors: at source requirements, sound barrier requirements;
- Provide tables and figures to support the recommendations of the report; and
- Warning clauses;
- Proposed mitigation measures will need to adhere to any engineering or policy guidelines that a municipality may have; and
- If a Class 4 designation is recommended the report shall discuss the mitigation measures that would be required to satisfy Class 1 or 2 standards and why the required mitigation is not feasible. Rationale must be provided for recommending a Class 4 designation.

Conclusions

Appendix A – Base Noise Level Calculations (Noise Source Data)
Appendix B – Ministry of Environment Noise Guidelines
Appendix C – Sample Sound Exposure Calculation

NPCA Comments: 825 GARRISON ROAD - PRE CONSULTATION APPLICATION - PA-2023-150Paige Pearson to rshugan@forterie.ca 2024-06-14 11:41 AM
From "Paige Pearson" <ppearson@npca.ca>
To "rshugan@forterie.ca" <rshugan@forterie.ca>

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Hi Robin,

This email pertains to the recently completed pre-con meeting held on June 13, 2024.

In response to the question, "*would the NPCA require circulation of the EIS and Terms of Reference*" – Yes, the NPCA would like to be circulated within the following completed studies. The applicant and/or municipality are welcome to connect with myself to schedule a site visit.

The NPCAs comments for **825 Garrison** are the following:

825 Garrison: ZBA & SPC

- The NPCA has identified regulated features within the proposed area of works which include a Provincially Significant Wetland (PSW), a possible unevaluated PSW, a possible unevaluated wetland, and a watercourse feature.
- Pertaining to the regulated wetland features (i.e., PSW, possible unevaluated PSW, and possible unevaluated wetland area) development within regulated features is not permitted.
    - For your reference, Section 8.2.2.2 *New Buildings and Structures and Additions to Existing Buildings or Structures*:

        1) New buildings or structures are not permitted within a wetland.
        2) Additions to existing buildings or structures are not permitted within a wetland.
- Furthermore, an area of interference or "buffer" is to be considered beyond the regulated features, and development activities shall not be permitted within the 30 m buffer. Based on the provided site plans, the development is potentially encroaching on the buffer area.
    - The NPCA will not entertain the removal of a regulated feature and/or the reduction of the area of interference (i.e., 30 m buffer).
    - For your reference, Section 8.2.3. *Development in Areas of Interference*
        - *1) Unless exempt by Section 3.5.4, development activities or site alterations within 30 metres of a wetland shall not be permitted*
- The NPCA mapping indicates possible unevaluated wetland features on the subject lands and a site visit to verify the feature is required.
    - Please refer to the NPCA's Ecological Land Classification (ELC) mapping at the following link:
    - https://gis-npca-camaps.opendata.arcgis.com/maps/camaps::elc-2020-npca/about
    - As such, NPCA staff would like to conduct a site visit at the property to assess the lands and potentially scope any future studies that may be required to determine if features do exist on site and if so, what level of protection is warranted. This site visit should be done in conjunction with Regional Environmental Staff and City Staff should they also wish to attend.
    - In the absence of such a site visit, NPCA staff request that a Constraints Analysis be completed by a qualified professional to determine if there are any features on site that meet the criteria to be considered regulated.
    - As this information is needed to confirm if the NPCA would be involved with this proposal, the site visit should be completed ahead of any formal circulation.

- Should regulated wetlands features be found on the subject property the proposal would need to be adjusted to account for the features, to the satisfaction of the NPCA.
- Potential studies may be required pending results of the site visit or constraints analysis. As such, further comments from the NPCA may be provided at a later date.
- Further should regulated features be found the NPCA would also require that an Erosion and Sediment Control Plan be provided indicating type and location of measures to the satisfaction of the NPCA.

- The NPCA hydrology mapping indicates that there is a regulated watercourse and 15 m buffer, running across the northeast on the subject land into the adjacent property.
  - The NPCA's preference for the watercourse would be to remain open; however, a realignment or other works can be entertained. Should the watercourse be proposed to be altered justification will be requested to the satisfaction of the NPCA.
  - Justification should speak to the need for the watercourse alteration, demonstrate that it will not create conditions or circumstances that, in the event of a natural hazard, might negatively impact the health or safety of persons, result in the damage or destruction of property, and not affect the control of flooding, erosion, or unstable soil or bedrock, as well as provide a baseline characterization of existing conditions, and demonstrate conformance with NPCA Policy Document (2024) s.9.2.3.2, Ontario Regulation 41/24 and the Conservation Authorities Act.
  - This justification would be expressed through the Function Servicing Report / Storm Water Management Report or through a Technical Memo prepared by a qualified professional.
  - The NPCA will need to ensure the any proposed alterations be appropriately size and will still convey pre and post flow levels and the 100-year flows.
  - Any upstream drainage will need to be demonstrate that they can be safely conveyed through the site. Flows will need to be addressed in a manner that does not create additional hazards or safety concerns upstream and/or downstream of the proposed works.
  - Depending on the form of watercourse alteration the NPCA will also want to see a landscape / planting plan, Erosion and Sediment Control Plan (ESC), and staging and sequencing plan.
- If a storm water outfall is proposed with a regulated feature, the NPCAs review and approval will be required.
- Additionally, the NPCA will request circulation of the Storm Water Management Report / Functional Servicing Plan, Grading Plan, & Erosion and Sediment Control Plan.

- As such, the NPCA will require formal circulation and a review fee.
  - Currently, the fees are:
    - Zoning By-Law Amendments
      - Minor (without studies) - $1695.00
      - Major (with studies) - $6893.00
    - Site Plan Control
      - Multiple Residential, Commercial, Industrial - $9040.00
- Plan review applications that fall into one or more categories will be charged one fee, at the highest rate, when the applications are submitted at the same time.
- Please note that any future development (including Storm Water Outfalls) within the NPCA regulated area will require NPCA review and approval and will require Permits from this office prior to the commencement of any works on site.

Thank you,

Paige Pearson
Watershed Planner
Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 205
www.npca.ca

ppearson@npca.ca

From: Apps <Apps/FortErie@forterie.ca> **On Behalf Of** TOFE - Planning
Sent: Wednesday, June 5, 2024 10:15 AM
To: Meghan Birbeck <mbirbeck@npca.ca>
Subject: 825 GARRISON ROAD - PRE CONSULTATION APPLICATION - PA-2023-150

Link to open the Request for comment

Please see the linked Request for comment against the following planning application:

Application No:	PA-2023-150
Property Address:	825 GARRISON ROAD
Summary of proposal:	An application has been submitted for a Zoning By-law Amendment and Site Plan Control to permit a 5-storey residential building with a total of 95 units.

If you have any questions please contact the undersigned.

Regards,
Robin Shugan, CPT, ACST
Junior Development Planner, Planning and Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive,
Fort Erie, Ontario L2A 2S6
Phone: 905-871-1600 x 2527
Email: rshugan@forterie.ca

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IMPORTANT NOTICE

Effective April 15, 2024 the Niagara Peninsula Conservation Authority head office has moved to 3350 Merrittville Highway, Thorold Ontario L2V 4Y6

PDS ZONING REVIEW SHEET:				
FILE NO: PA- 2023-150		**MUNICIPAL ADDRESS: 825 Garrison Road**		
PREVIOUS ZONING AMENDMENTS?				
ZONING: Residential Multiple 2 (RM2)	**Section 15**			
INFILL? YES / NO	**PERMITTED**	**Proposed**	**Compliance**	**0**
DWELLING:	Apartment	Apartment	YES	
MIN. LOT FRONTAGE	30m	99.98 m	YES	To be confirmed
MIN. LOT AREA	115 sq. m. per unit	138 sq m per unit	YES	To be confirmed
MAX. LOT COVERAGE	40 percent	Approx. 16%	YES	
MIN. FRONT YARD SETBACK	7.5m	Approx. 22.9 m	YES	
MIN. INT. SYSB	One-half of the building height or 4m, whichever is greater	It appears from the drawings that the building height is 18 m; as such the interior side yard setback is 9.0 m and provided Approx. 26.5 m	YES	
MIN. EXT SYSB	One-half of the building height or 6m whichever is the greater	N/A	N/A	
MIN. REAR YARD SETBACK	One-half of the building height or 7.5m whichever is the greater	9.0 m	YES	
MIN FLOOR AREA PER DWELLING UNIT	Bachelor Unit: 40 sq. m One-Bedroom Unit: 50 sq. m Two-Bedroom Unit: 60 sq. m Unit comprising three or more bedrooms: 79 sq. m plus 7 sq. m for each bedroom in excess of three	Not Provided	Please provide	
MAX. BLDG HEIGHT	9 storeys or 26 metres whichever is the greater	6 Storeys/ 18 m	YES	
LANDSCAPED AREA	For every lot on which the buildings or structures are situated, there shall be provided and maintained on the lot at least 25 percent of the lot area as a landscaped area unused for access or maneuvering space or parking space or any other purpose other than landscaped area and playground	It appears that the it comply with the landscaping requirement	YES	
MIN DRIVEWAY LANE DISTANCE FROM RES.	3.0 m	7.4 m	YES	
MIN PARKING AREA DISTANCE FROM RES.	3.0 m	7.0 m	YES	
MIN. DRIVEWAY WIDTH/DEPTH	6.0 m	6.0 m	YES	
MIN. # PARKING SPACES	Per section 6.20 143 parking spaces	104 spaces	NO	Zoning relief is required
ACCESS BLDG (Section 6.1) :				
OTHER:				

DEPARTMENT OF
CONSULTATION AND ACCOMMODATION

June 7, 2024

Robin Shugan
Junior Development Planner, Planning and Development Services
Town of Fort Erie

RE: 825 Garrison Road, Fort Erie

Dear Robin,

The Mississaugas of the Credit First Nation (MCFN), Department of Consultation and Accommodation (DOCA) submit the following comments:

The Mississaugas of the Credit First Nation hereby notify you that we are the Treaty Holders of the land on which the development of a 5-storey residential building will be taking place. This project is located on the Mississaugas Treaty at Niagara of 1781.

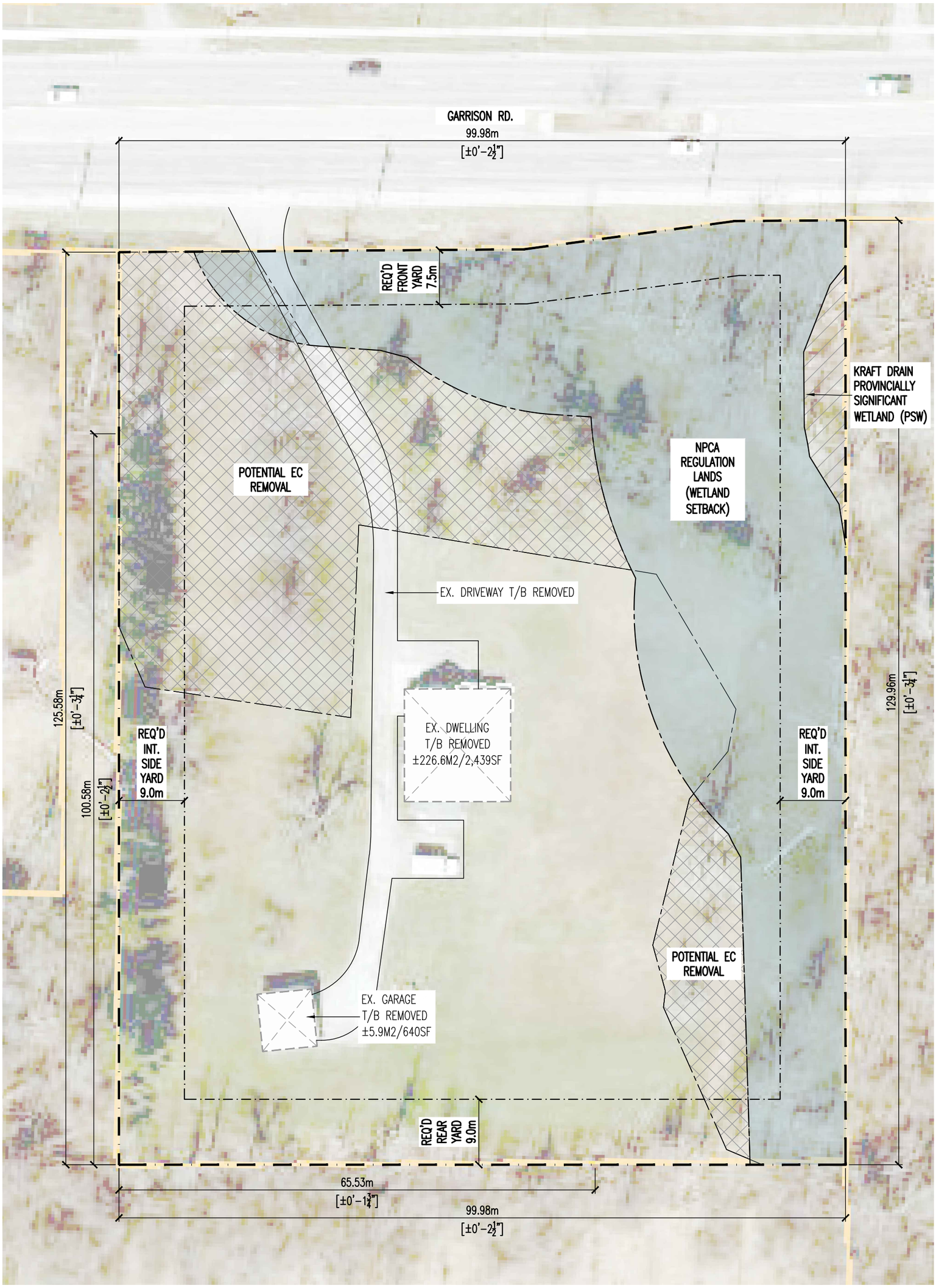
Therefore, the MCFN Department of Consultation and Accommodation (DOCA) requires that we be in receipt of all Environmental Study reports and that a Stage 1 Archaeological Study be conducted on the site to determine its archaeological potential and further that the Stage 1 report be submitted to MCFN DOCA for review. If it is determined that a Stage 2 is required, MCFN DOCA is expected to be involved in the field study with MCFN Field Liaison Representation (FLR) on-site participation. This study will be at the cost of the proponent.

Thank you

Abby (LaForme) Lee

Abby (LaForme) Lee
Consultation Officer, MCFN DOCA- Abby.LaForme@mncfn.ca

Cc: Mark LaForme, Director, MCFN DOCA – Mark.LaForme@mncfn.ca
Cc: Craig King, Consultation Officer, MCFN DOCA- Craig.King@mncfn.ca



EXISTING SITE PLAN

SCALE: 1:500

job number:	24-40
revision number:	
drawing number:	A1
project title:	SITE STUDY 825 GARRISON RD FORT ERIE, ON
drawing title:	EXISTING SITE PLAN
drawn by:	TV
design by:	LJM
plot scale:	1:1
approved by:	MRM
scale:	
date:	MAY 24, 2024

2M architects inc.
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2Marchitects@cogeco.net
www.2marchitects.ca

No.	BY	DATE	REVISION:

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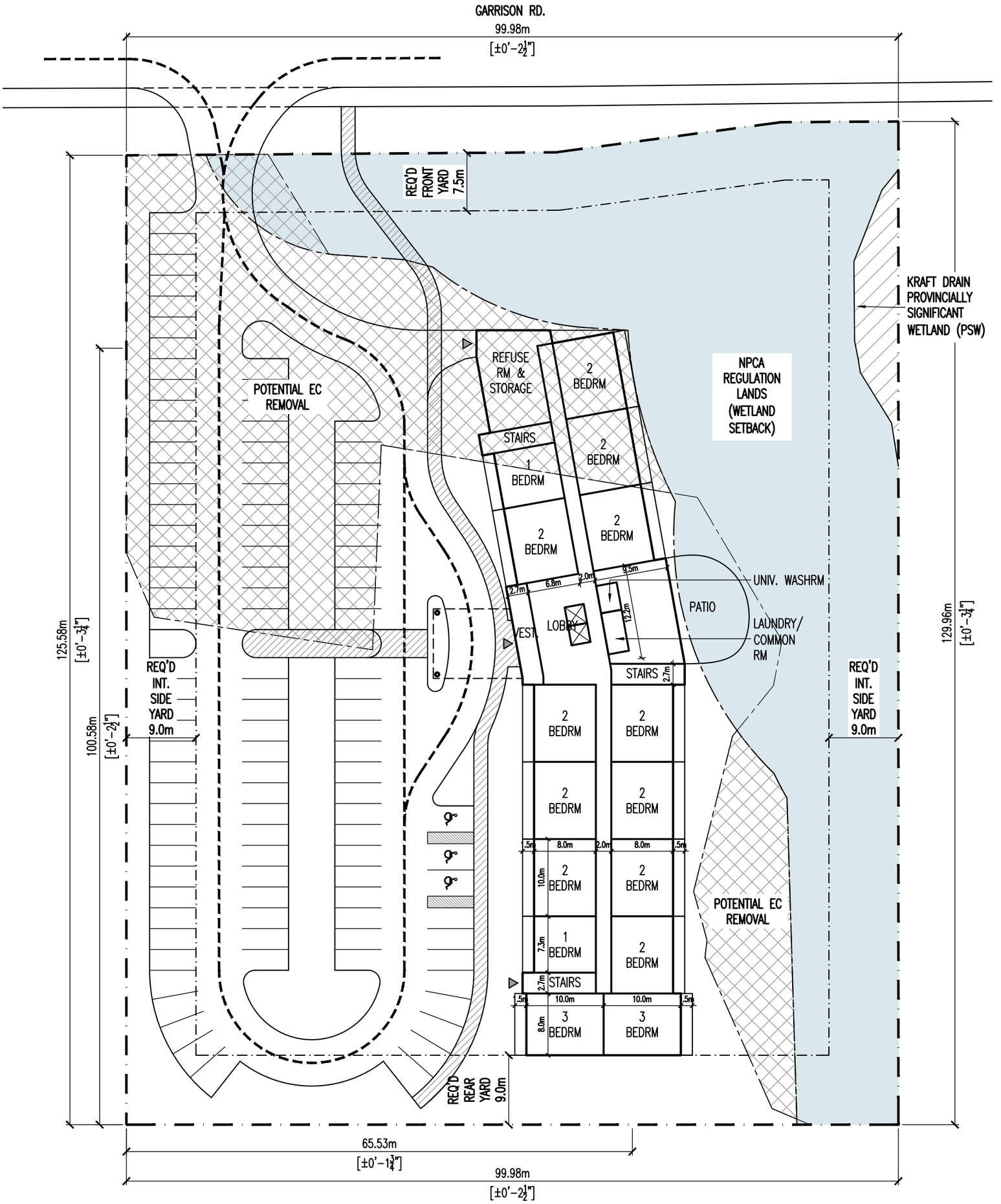
CONTRACTOR TO SITE VERIFY ALL DETAILS AND DIMENSIONS AND REPORT ANY AND ALL DISCREPANCIES TO THE ARCHITECT BEFORE COMMENCING WITH THAT RELATED PORTION OF THE WORK.

ONLY SIGNED SEALED AND STAMPED DOCUMENTS ARE TO BE USED FOR CONSTRUCTION PURPOSES.

PROPOSED DWELLINGS		PARKING SPACES
GRD FLR	TYP. FLR	REQ'D: 143 (1.5 PER DWELLING)
2 BEDRM: 11 UNITS	2 BEDRM: 12 UNITS	PROP'D: 104
3 BEDRM: 2 UNITS	3 BEDRM: 2 UNITS	
1 BEDRM: 2 UNITS	1 BEDRM: 2 UNITS	
TOTAL: 15 UNITS	TOTAL: 16 UNITS X 5 FLRS = 80 UNITS	
	TOTAL PROP'D UNITS: 80+15 = 95 UNITS	



PROPOSED SITE PLAN

SCALE: 1:500

job number: 24-40	revision number:	project title: SITE STUDY 825 GARRISON RD FORT ERIE, ON	drawn by: TV
drawing number: A2		drawing title: SITE PLAN STUDY	design by: LJM; plot scale: 1:1; approved by: MRM; scale:
			date: MAY 24, 2024

DRAFT

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No.	BY	DATE	REVISION:

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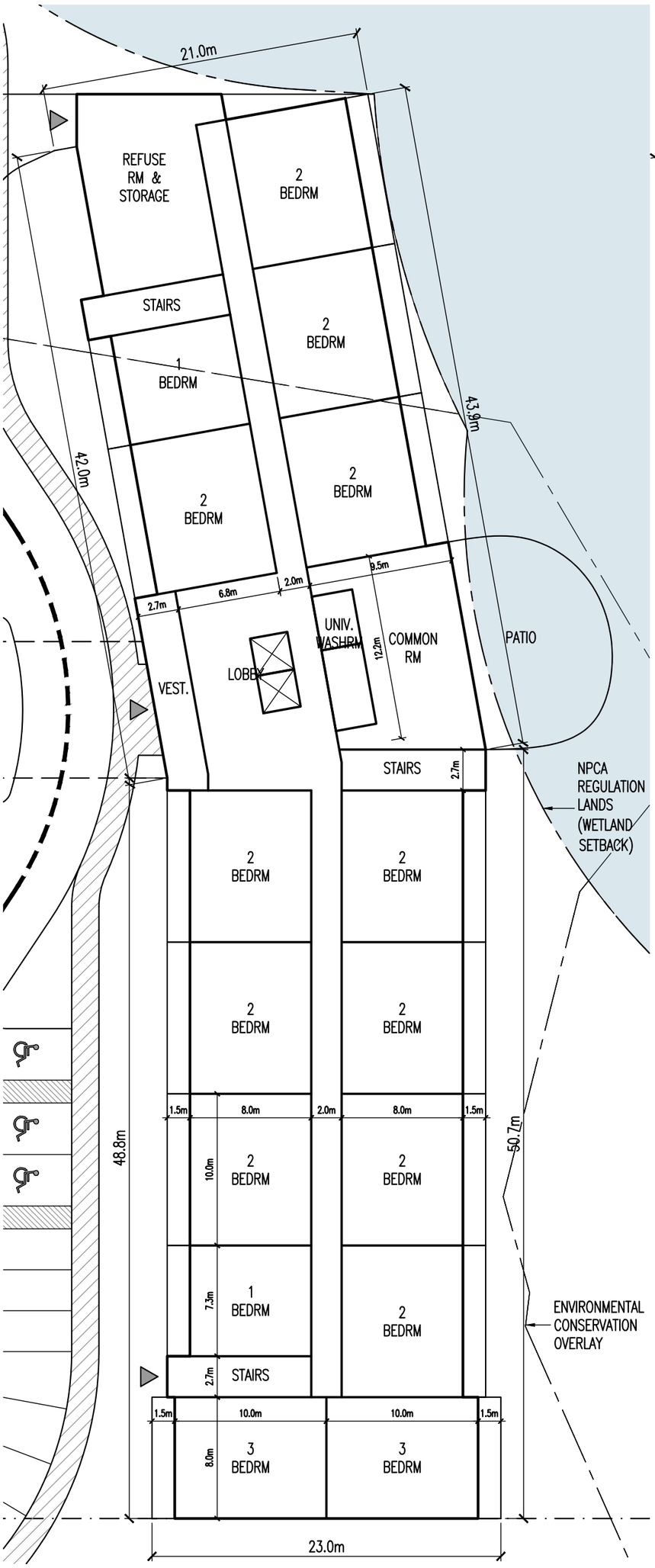

PROPOSED GROUND FLOOR

SCALE: 1:300

PROPOSED TYPICAL FLOOR

SCALE: 1:300

job number:	24–40
revision number:	
drawing number:	A3
project title:	SITE STUDY 825 GARRISON RD FORT ERIE, ON
drawing title:	PROPOSED FLOOR PLANS
drawn by:	TV
design by:	LJM
plot scale:	1:1
approved by:	MRM
scale:	
date:	MAY 24, 2024

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