



The Municipal Corporation of the Town of Fort Erie

By-law No. 35-2017

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

**Amendment No. 34
Bowen Road Industrial Lands
Town of Fort Erie**

350302-0096

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

1. **That** amendment No.34 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text is adopted and approved.
2. **That** this by-law shall come into force and take effect on the day of the final passing thereof.
3. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 10th day of April, 2017.

Mayor

Clerk

I, Laura Bubanko, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true copy of By-law No. 20-2016 of the said Town. Given under my hand and the seal of the said Corporation, this ____ day of _____, 20____

AMENDMENT NO. 34

TO THE

OFFICIAL PLAN

FOR THE

CORPORATION OF THE TOWN OF FORT ERIE

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PART "A" - THE PREAMBLE

SECTION 1

TITLE AND COMPONENTS

This document, when approved in accordance with Sections 17 and 21 of The *Planning Act*, 1990, shall be known as Amendment No. 34 to the Official Plan adopted by By-law No. 150-06 of the Fort Erie Planning Area.

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

Part "B", the Amendment, consisting of the following text and map (designated Schedule "A") constitutes Amendment No. 34 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area.

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

SECTION 2

PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to change the land use designation of certain lands shown on Schedule A attached hereto from "Urban Residential" to "Special Policy Area 31 Industrial – Business Park" and "Open Space with Environmental Conservation overlay" to "Special Policy Area 31 Industrial – Business Park with an Environmental conservation overlay" to permit low intensive industrial uses on private sanitary services until such time as municipal sanitary sewers are available.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located south of Bowen Road, west of Thompson Road as shown on Schedule "A" attached hereto.

SECTION 4

BASIS OF THIS AMENDMENT

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

a) The need for the proposed use:

The proposed amendments will contribute a minor amount of additional industrial land. Basically 5.5 ha of additional vacant land a portion of which has an EC overlay zone on it.

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

The lands proposed for re-designation and rezoning to Industrial consist of 7.00 hectares (17.29 acres) of land. Of this, a 1.53 hectares (3.78 acres) property has a longstanding existing truck and trailer operation, where truck repair takes place. The existing industrial development is situated approximately in the middle of the subject lands making the immediate adjacent lands difficult to develop. This existing use will be recognized in the proposed zoning by-law amendment. The other undeveloped lands in the subject area are adjacent to the landfill making industrial uses an appropriate adjacent use.

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

The location and configuration of the subject lands does not lend itself to many practical designations that can facilitate development. Given, the location adjacent to Bowen Road, near the landfill, and that an existing industrial development is situated approximately in the middle of the subject lands, permitting a limited amount of industrial uses on the lands appears to be the most logical approach.

The proposed amendments do not change the manner in which natural heritage is addressed on the subject lands. Adjacent Environmental Protection Areas are not part of the proposed amendments. The Environmental Overlay designation and zoning are to be maintained in the proposed amendments.

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

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

The location of the lands adjacent and near Bowen Road will assist in facilitating access and cater to vehicular traffic.

Ideally, the Town would prefer the long term option of the expansion of a municipal sanitary main however the cost is expensive and may not be economical over the long term given the limited development potential due to environmental constraints in the area.

The Town has tailored the uses in the amendment to permit private sanitary services for on-site employees only to ensure there are no negative impacts. Additional more intensive industrial uses are permitted on these lands subject to full services being provided. This provides the flexibility for this existing area to continue to operate and permit some infilling and minor rounding out of existing development to occur provided an individual septic system can be accommodated on site. The determination on whether or not a site can be accommodated on private sanitary servicing is determined by the Region or if over 10,000 litres per day by the Ministry of the Environment.

The Region advises that any development of the subject lands will require a private servicing review by the Planning and Development Services Department prior to the issuance of building permits. The permitted uses for the lands may require pre-treatment of sewage to decrease the levels to those comparable to domestic levels

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

The fact that uses will likely be on private services and that the easterly situated lands are narrowly configured will control the size and intensity of uses on the property once setbacks are considered. Further, the Official Plan policies require compliance with the Ministry of Environment D6 guidelines.

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

The lack of municipal services, size and configuration of parcels will limit their development intensity. Further site plan control can be used to ensure the location of the buildings, parking, loading etc. is orientated to minimize impacts as best as possible.

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

Planning staff are of the opinion that the change in designations will provide a greater opportunity for the lands to develop which would provide an increase in assessment and possible jobs.

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

The Region will review development applications and ensure sewage disposal is adequately addressed.

SECTION 5

IMPLEMENTATION AND INTERPRETATION

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

PART "B" - THE AMENDMENT

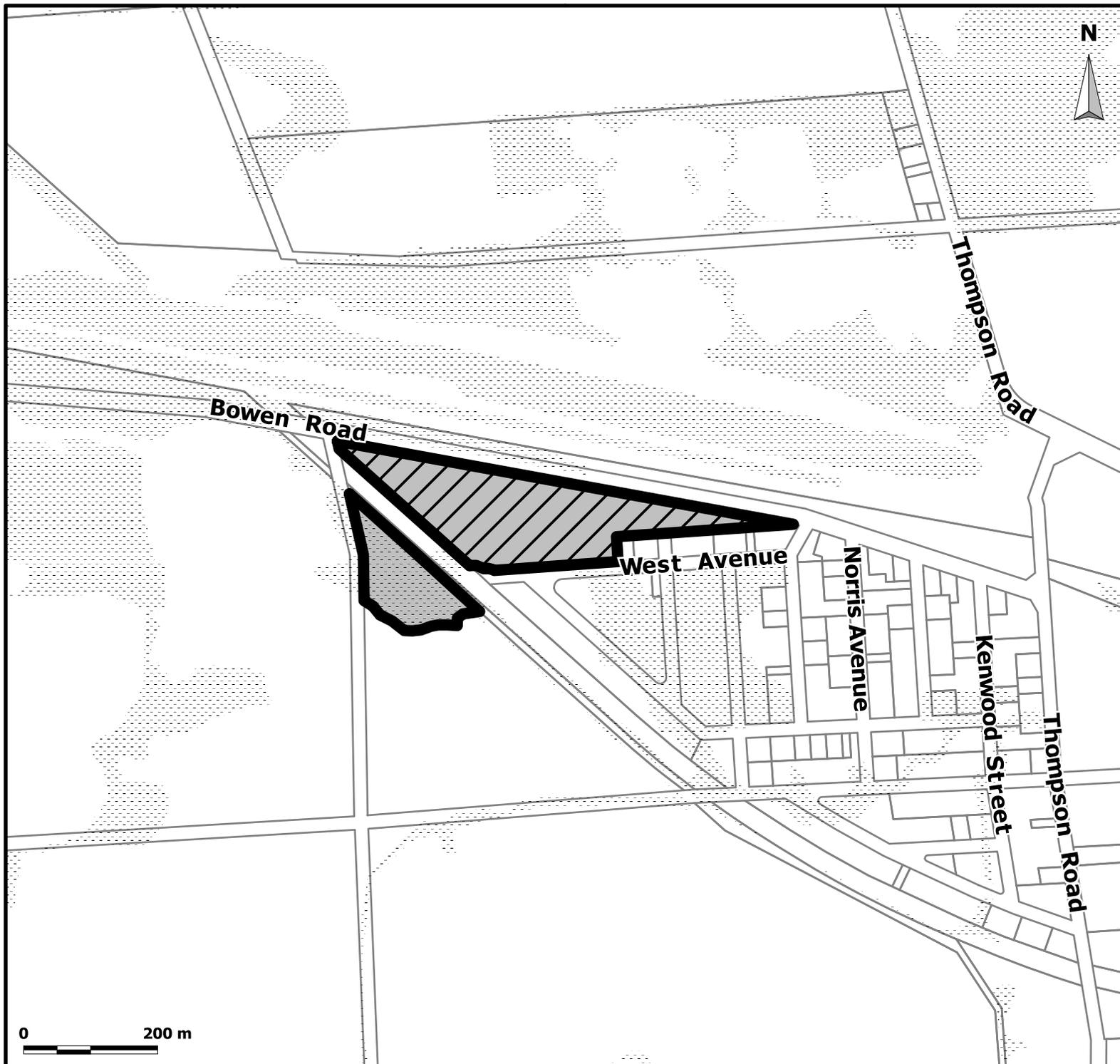
All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A" (Land Use Plan) constitute Amendment No. 34 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area. The Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area is hereby amended as follows:

1. Bowen Road Industrial Area (Site Specific Policy Area 31)
 - I. Site Specific Policy Area 31 applies to lands delineated on Schedule "A". The lands shall be used in accordance with the Industrial-Business Park designation on Schedule "A" and is intended to allow a low intensive industrial area on private sanitary services. The low intensive industrial uses are identified in the Zoning By-law, other uses may be permitted without an amendment to this plan provided they can adhere to the Ministry's D6 separation distances.

PART "C" - THE APPENDICES

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

SCHEDULE "A"



By-law No. 35-2017

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN
PASSED THIS 10th DAY OF APRIL, 2017**

-  Subject Lands - Former Bowen Road Industrial Lands
-  Part 1 - Change from Urban Residential to Special Policy Area 31 Industrial
-  Part 2 - Change from Open Space to Special Policy Area 31 Industrial
-  Environmental Conservation Overlay

* The current Environmental Conservation Overlay is to be maintained



NOTICE OF FORMAL PUBLIC MEETING

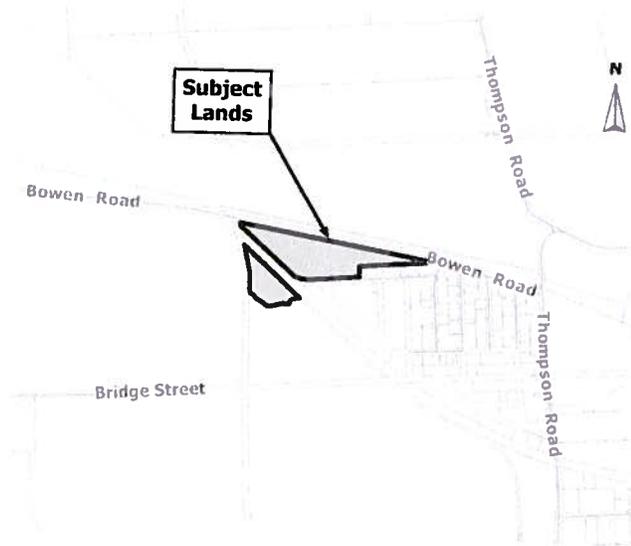
Town of Fort Erie

BOWEN ROAD LANDS-TO PERMIT INDUSTRIAL USES (PROPOSED OFFICIAL PLAN AMENDMENT No.34 AND SITE SPECIFIC ZONING AMENDMENT- Application350309-0433)

DATE: February 21, 2017
TIME: 6:00 PM
LOCATION: Council Chambers

NATURE OF AMENDMENTS

The Town of Fort Erie has initiated amendments to the Official Plan and Zoning By-law to permit certain dry industrial uses on the subject lands shown on the map below.



WHAT WILL THESE AMENDMENTS ADDRESS

To change the Official Plan designation on the subject lands from Urban Residential and Open Space with Environmental Conservation to Special Policy Industrial area to permit low intensive industrial uses on private sanitary services until such time as municipal sanitary sewers are available. This Special Policy area will maintain the existing Environmental Conservation Overlay where it currently exists.



To change the Town's Zoning By-law from Neighbourhood Development and Open Space with an Environmental Conservation EC Overlay Zone to a Site Specific Dry Industrial zone with Environmental Conservation EC Overlay, where the EC Zone currently exists, permitting the following uses: existing uses, public storage, scientific or medical laboratory, tradespersons shop, tradesperson's shops, transportation depots, wholesale establishments, warehousing, veterinarian clinic, pet day care establishment, plumbing shops, service shops, equipment rentals and services, courier and delivery services, lumber and building yards, public uses and operations, catering establishments, business or commercial trade school, construction trade

APPENDIX "1"

establishment, communication facilities, commercial refuelling stations, communication facilities, factory outlet, gasoline bars, transportation truck terminal, bakery.

- To change the Town's Zoning By-law to restrict outside storage in the subject site specific Dry Industrial zone.
- To change the Town's Zoning By-law to permit the above noted uses on private sanitary services until such time as municipal sanitary services are available.
- To allow additional uses, being; automotive uses, dry cleaning plants, food processing establishments, industrial uses, laundries, machine shops, medical marihuana grow and production facilities, motor vehicle repair shop, motor vehicle body shop, manufacturing and print establishments, when sanitary sewers become available.
- Permitted uses will be subject to Ministry of Environment D6 guidelines.

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GETTING MORE INFORMATION

Input on the proposed Official Plan and Zoning By-law Amendment is welcome and encouraged. You can provide input by speaking at the public meeting or by making a written submission to the Town. Please note that unless you do one of the above now, you may not be able to appeal the decision later.

A copy of the Information Report will be available to the public by 5:00 PM on **February 15, 2016**. The information report will be available in the Council agenda portion of the Town's Web Site: www.forterie.ca or from the Planning and Development Services Department.

PROVIDING YOUR COMMENTS OR REQUESTING NOTICE OF DECISION

To provide input in writing, or to request written notice of the decision of the Official Plan and Zoning By-law Amendment, please send a letter c/o Laura Bubanko, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to lbubanko@forterie.ca

CONTACT INFORMATION

Dave Heyworth, MCIP, RPP
Manager of Policy Planning
Planning and Development Services
Department,
Town Hall, 1 Municipal Centre Drive,
Fort Erie, Ontario L2A 2S6
905-871-1600, ext. 2504
Or by e-mailing your comments to:
dheyworth@town.forterie.on.ca

**HAVE
YOUR
SAY**

FUTURE NOTICE REQUESTS

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Fort Erie in respect of the proposed Official Plan and Zoning By-law amendment before the By-law is passed, the person or public body is not entitled to appeal the decision of the Town of Fort Erie to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Fort Erie in respect of the proposed Official Plan Amendment and Zoning By-law amendment before the By-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board, unless in the opinion of the Board, there are reasonable grounds to do so.

If you wish to be notified of the adoption of the Official Plan and Zoning By-law Amendment, you must make a written request to Laura Bubanko, Manager, Legislative Services/Clerk and such request should include the name and address to which such notice should be sent.

Dated this 26th day of January, 2017

Laura Bubanko, CMO,
Dipl.M.A.
Manager, Legislative
Services/Clerk

Richard F. Brady, MA, MCIP, RPP,
Director of Planning and Development Services





NOTICE OF PUBLIC INFORMATION MEETING

Town of Fort Erie

BOWEN ROAD LANDS-TO PERMIT INDUSTRIAL USES

(PROPOSED OFFICIAL PLAN AMENDMENT No.34 AND SITE SPECIFIC ZONING AMENDMENT)

DATE: February 9, 2017
TIME: 5:30 PM – 7:00 PM
LOCATION: MUNICIPAL TOWN HALL ATRIUM

NATURE OF AMENDMENTS

The Town of Fort Erie has initiated amendments to the Official Plan and Zoning By-law to permit certain dry industrial uses on the subject lands shown on the map below.



THIS IS AN OPEN HOUSE MEETING TO DISCUSS ANY INPUT, QUESTIONS OR CONCERNS YOU MAY HAVE ON THE TOWN INITIATED AMENDMENTS. THIS IS AN OPEN HOUSE MEETING WITH TOWN STAFF.



WHAT WILL THESE AMENDMENTS CHANGE

To change the Official Plan designation on the subject lands from Urban Residential and Open Space with Environmental Conservation to Special Policy Industrial area to permit low intensive industrial uses on private sanitary services until such time as municipal sanitary sewers are available. This Special Policy area will maintain the existing Environmental Conservation Overlay where it currently exists.



To change the Town's Zoning By-law from Neighbourhood Development and Open Space with an Environmental Conservation EC Overlay Zone to a Site Specific Dry Industrial zone with Environmental Conservation EC Overlay, where the EC Zone currently exists, permitting the following uses: existing uses, public storage, scientific or medical laboratory, tradespersons shop, tradesperson's shops, transportation depots, wholesale establishments, warehousing, veterinarian clinic, pet day care establishment, plumbing shops, service shops, equipment rentals and services, courier and delivery services, lumber and building yards, public uses and operations,

APPENDIX "1"

catering establishments, business or commercial trade school, construction trade establishment, communication facilities, commercial refuelling stations, communication facilities, factory outlet, gasoline bars, transportation truck terminal, bakery.

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APPENDIX "1"

PROVIDING YOUR COMMENTS OR GETTING MORE INFORMATION

Commenting on the proposed amendments is encouraged. You can provide input by calling or writing the Town. You are also invited to attend the meeting to speak with the applicant or staff.

CONTACT INFORMATION

Dave Heyworth, MCIP, RPP
Manager of Policy Planning
Planning and Development Services
Department,
Town Hall, 1 Municipal Centre Drive,
Fort Erie, Ontario L2A 2S6
905-871-1600, ext. 2504
Or by e-mailing your comments to:
dheyworth@town.forterie.on.ca



HAVE
YOUR
SAY

FUTURE NOTICE REQUESTS

This Public Information Open House is being conducted to allow public and stakeholders with an opportunity to meet with Town Planning staff prior to the formal legislative meeting in front of Council.

A statutory Public Meeting required under the Planning Act will be scheduled for February 21, 2017 and will be posted in the Times newspaper, Town's website, social media, billboard sign, water and tax bill if possible, community postings and also provided to the BIA's.

If you wish to receive notice of the Public Meeting, you are requested to provide your name and a current e-mail address or mailing address where the Notice is to be sent.

Please use the contact information above to notify Dave Heyworth of the preferred notice option. Staff would kindly request you consider e-mail delivery as preferred choice.



organization that monitors the Great Lakes is asking for public input on a report assessing the Canadian and U.S. governments' progress in restoring and protecting the waterways. The International Joint

Commission on Wednesday released its first draft triennial assessment of progress report and the agency will

now spend gathering of the public but its final assessment will be presented on border.

The draft progress report on Lakes water management which last fall.

"It is a long history of the and the agency strongly encourage one to provide and participate in public meetings," said the chairman.

"Public participation is key to any agreement."

The IJC's final report for the session includes recommendations to address contamination and measure to restore water quality.

Coastal improvements according to which be a source of pollution entering the

The agency's strategic list of initiatives including as well as a reduction in species and controls programs.

While the agenda and



Lake Erie summer has been a feedb



Tel: 905-871-1600 | Fax: 905-871-4022
1 Municipal Centre Drive,
Fort Erie, ON L2A 2S6



forterie.ca | blog.forterie.ca



NOTICE OF PUBLIC INFORMATION MEETING

Town of Fort Erie

BOWEN ROAD LANDS-TO PERMIT INDUSTRIAL USES

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- To change the Town's Zoning By-law to restrict outside storage in the subject site specific Dry Industrial zone.
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- Permitted uses will be subject to Ministry of Environment D6 guidelines.



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CONTACT INFORMATION

Dave Heyworth, MCIP, RPP
Manager of Policy Planning
Planning and Development Services Department,
Town Hall, 1 Municipal Centre Drive,
Fort Erie, Ontario L2A 2S6
905-871-1600, ext. 2504
Or by e-mailing your comments to: dheyworth@town.forterie.on.ca



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The Municipal Corporation of the Town of Fort Erie

Council-in-Committee Meeting Minutes

Tuesday, February 21, 2017

1. Call to Order

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

2. Roll Call

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

Absent: Councillor Passero due to personal reasons

Staff: R. Brady, L. Bubanko, K. German, D. Heyworth, J. Janzen, T. Kuchyt and K. Walsh

3. Announcements/Addenda

None.

4. Disclosures of Pecuniary Interest

None.

5. Public Notice of Upcoming Meetings

None.

6. Public Meetings

(a) Official Plan Amendment No. 34 and Property Rezoning

Re: Town Initiated Amendment to Official Plan Amendment No. 34 and the Zoning By-law - Former Industrial Lands south of Bowen Road, west of Thompson Road. The proposal would change the Official Plan designation from Urban Residential and Open Space with Environmental Conservation to Special Policy Industrial Area to permit low intensive industrial uses on private sanitary services until municipal sanitary sewers are available, which will maintain the existing Environmental Conservation

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Council-in-Committee - 21 Feb 2017 Meeting Minutes

Overlay. The proposal would change the zoning from Neighbourhood Development and Open Space with an Environmental Conservation EC Overlay Zone to a Site Specific Dry Industrial Zone with Environmental Conservation EC Overlay, where the EC Zone currently exists.

Mayor Redekop announced this is a statutory Public Meeting under the *Planning Act of Ontario*, R.S.O. 1990, Chapter P.13 regarding a Town initiated amendment to the Official Plan - Amendment No. 34 and the Zoning By-law for former industrial lands south of Bowen Road, west of Thompson Road. He described the meeting process and stated members of the public would be given an opportunity to address Council concerning the proposed amendments.

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

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

Mayor Redekop asked if anyone was present to speak to the proposed amendments.

No one came forward to speak.

Mayor Redekop closed the public meeting.

7. Consent Agenda Items

7.1 Request to Remove Consent Agenda Items for Discussion

None.

7.2 Consent Agenda Items for Approval

PDS-14-2017 Information Report for an Amendment to the Town's Official Plan and Comprehensive Zoning By-law No. 129-90 - Bowen Road

That: Council receives Report No. PDS-14-2017 regarding proposed amendments to the Town's Official Plan and Comprehensive Zoning By-law No. 129-90 for information

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Planning and Development Services

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

Telephone: 905-685-4225 Toll-free: 1-800-263-7215 Fax: 905-687-8056

www.niagararegion.ca

VIA EMAIL ONLY

February 24, 2017

Files: D.10.01.OPA-17-003
D.18.01.ZA-17-015

Mr. Dave Heyworth, MCIP, RPP
Manager – Land Use Policy
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Mr. Heyworth:

**Re: Town Initiated Official Plan and Zoning By-law Amendments
Low Intensive Industrial Uses, South Side of Bowen Road
Applicant: Town of Fort Erie
Your File No.: 350309.0433**

Regional Planning and Development Services staff has reviewed the information circulated for the above-noted Official Plan and Zoning By-law Amendment applications. A preconsultation meeting was held on December 22, 2016 to discuss the proposed redesignation and rezoning. The proposed Official Plan amendment is to redesignate the subject lands (south side of Bowen Road) from Urban Residential and Open Space with Environmental Conservation to Special Policy Industrial area to permit low intensive industrial uses on private sanitary services until such time as municipal sanitary sewers are available. This Special Policy area will maintain the existing Environmental Conservation Overlay where it currently exists. In addition, the amendment to the Town's Zoning By-law proposes to allow additional uses when sanitary sewers become available, restrict outside storage and require that all uses comply with the Ministry of Environment's D-6 Guidelines. The following Provincial and Regional comments are provided to assist the Town in considering these applications.

Provincial and Regional Policy

The subject lands are located within a Settlement Area, as defined by the 2014 Provincial Policy Statement (PPS). The PPS contains policies to promote economic development and competitiveness by providing for an appropriate mix and range of employment uses that include industrial, commercial and institutional uses to meet long-term needs. Further, municipalities are encouraged to develop a diversified economic base, support a range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

The subject lands are within the Fort Erie Urban Area, as designated on 'Schedule A' of the Regional Official Plan (ROP), and are located within a Designated Greenfield Area within the Town's Urban Boundary. The ROP directs future population and employment to be allocated to Urban Areas to support intensified growth, increase opportunities for the use of public transit, and to capitalize on existing infrastructure. The subject lands are also designated as part of the

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Niagara Economic Gateway Zone as illustrated on Schedules G1 and G2 of the ROP. These lands are directed to be a focus for employment uses and development within the Region. The Bowen Road Lands Industrial Area (Fort Erie Industrial Park) is specifically identified as a Strategic Location for Investment under Section 3 of the ROP. Lands identified as Strategic Locations for Investment are to be a focus for financial incentives through Community Improvement Plans, and the Region offer incentives specific to the Gateway Economic Zone in this regard. The concept for the Fort Erie Industrial Park "...is to capitalize on market opportunities for advanced manufacturing, cross border trade, transportation and warehousing industries." The proposed Official Plan and Zoning By-law amendments are in line with this vision, and will facilitate development within the Fort Erie Industrial Park.

Natural Heritage

The Region's Core Natural Heritage (CNH) mapping identifies an Environmental Protection Area associated with a Provincially Significant Wetland (Frenchman's Creek Wetland Complex), and an Environmental Conservation area associated with Significant Woodlands proximal to the subject lands. In accordance with the Memorandum of Understanding and the protocol between the Region and the Niagara Peninsula Conservation Authority (NPCA), the NPCA will provide a coordinated response with regard to natural heritage interests, including comments on the environmental policies in the Regional Official Plan. Please refer to comments from the NPCA regarding any environmental issues associated with the proposal.

Archaeological Resources

Based on Provincial screening criteria, the subject lands exhibit potential for the discovery of archaeological resources, as identified through the Town of Fort Erie's Cultural Heritage Archaeological Zones of Potential (Schedule D in the Official Plan). Therefore, any future development applications will require an archaeological assessment to be completed for the portions of land to be developed, which have not been previously subjected to extensive or intensive disturbance. The archaeological assessment must be submitted to the Ministry of Tourism, Culture and Sport (MTCS) for review, and acknowledgement. The acknowledgement letter from the Ministry shall be provided to the Region and there shall be no soil disturbance on the site until this condition has been satisfied.

Bridge Street Landfill Site

The subject lands are located adjacent to Niagara Region's Bridge Street Landfill Site. Due to the industrial nature of this property, Niagara Region supports the proposed Industrial use rather than the current sensitive Residential land use.

Private Servicing

Municipal sanitary sewers are not currently available in the area. It is recognized that some existing properties affected by this amendment are currently supported by on-site sanitary services. The amendments as proposed by the Town ensure that uses are limited to those only requiring services for employees. The amendments provide that the site specific Dry Industrial zoning is proposed to provide for certain uses on private servicing, and additional uses could be permitted pending the provision of municipal sanitary services. The PPS provides that, in settlement areas, private servicing can be used for infilling and minor rounding out of existing development. The subject lands also have access to municipal water service (from West Avenue). As outlined in the 2014 PPS, this servicing approach would be considered as "partial

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servicing". Partial servicing may only be permitted to address failed individual on-site sewage or water services, and to allow for the infilling and rounding out of existing development provided that site conditions are suitable for the long term provision of such systems with no negative impact.

Regional Private Sewage System (PSS) inspection staff has reviewed the proposed official plan and zoning by-law amendment applications and notes that any proposed development for the lands will be required to obtain a private servicing review from the Planning and Development Services Department prior to the issuance of any building permits. The permitted uses for the lands may require pre-treatment of sewage to decrease the levels to those comparable to domestic levels.

Regional Road/Bowen Road

Bowen Road is designated as Regional Road 22. If changes to ingress and egress of these lands occur, a Regional Entrance and/or Encroachment Permit will be required. These Permits are available through the Permits Section of the Transportation Services Division, Public Works Department, and must be obtained prior to any construction taking place within the Regional Road allowance. Any potential forcemain on the Regional Road will require the owner of the forcemain enter into a Regional Encroachment Agreement, through the Niagara Region Properties Management Division, in order to establish a private line on the public road allowance and recognize that the system is to be maintained by the private owner and not the road authority.

Conclusion

Regional Planning and Development Services staff is not opposed to the proposed Amendments to the Official Plan and Zoning By-law to re-designate and rezone the subject lands for industrial uses subject to the above comments, and subject to any NPCA comments.

Regional staff has reviewed the draft Official Plan amendment forwarded with the circulation. The proposed Official Plan to change the designation of the subject lands to Special Policy Industrial Area is exempt from Regional Council approval in accordance with the Memorandum of Understanding. Please forward notice of Town Council's decision on these applications, and a copy of the amendments as adopted for our files.

If you have any questions, wish to discuss these comments or would like a hard copy of the comments, please contact me at extension 3352, or Teresa Gray, Senior Development Planner, at extension 3430.

Sincerely,



Aimee Alderman
Development Planning Student

cc: Mr. P. Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region
Ms. C. Lampman, Watershed Planner, Niagara Peninsula Conservation Authority

L:\Alderman-Aimee\Regional Comments\Fort Erie\OPA\OPA-17-003 & ZA-17-015 - Bowen Rd Lands\Regional Comments

APPENDIX "3"



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

March 9, 2017

File No. PLOPA201700128

Dave Heyworth, MCIP, RPP
Manager - Land Use Policy
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON
L3C 3W2

Dear Mr. Heyworth,

**Subject: Site Specific Zoning By-Law Amendment Application (File No. 350309-0433)
Official Plan Amendment Application No. 34
Bowen Road – Change to Industrial
Town of Fort Erie**

NPCA staff have reviewed the information circulated for the above noted zoning by-law amendment and official plan amendment applications and offer the following comments:

Application has been made by the Town of Fort Erie to amend the Comprehensive Zoning By-Law and Official Plan of the Town, for the lands located south of Bowen Road, west of Thompson Road.

The change to the Official Plan designation proposes a re-designation from Urban Residential and Open Space with Environmental Conservation to Special Policy Industrial area to permit low intensive industrial uses on private sanitary services until such time as municipal sanitary sewers are available. This Special Policy area will maintain the existing Environmental Conservation Overlay where it currently exists.

The change to the Town's Zoning Bylaw will move the subject lands from Neighbourhood Development and Open Space with an Environmental Conservation EC Overlay Zone to a Site Specific Dry Industrial zone with Environmental Conservation EC Overlay, where the EC Zone currently exists, permitting a variety of low intensive industrial uses until such time as sanitary services are available.

NPCA Regulations:

The subject lands are impacted by a Provincially Significant Wetland associated with the Frenchmans Creek Wetland Complex. Wetlands provide for natural flood attenuation during storm events and, as such, it is important to maintain the hydrologic function of wetlands to assist in minimizing flooding impacts downstream. In accordance with the Authority's Regulations, no new development or site alterations are permitted within a wetland or within a 30 metre buffer where development may have an impact on the natural features and functions of a wetland. Setbacks for development assists in maintaining the hydrologic regime of the lands adjacent to a wetland, minimizes the potential for contamination of the ground water and surface water and provides lands for activities such as nesting, resting, feeding and shelter for wetland species.

APPENDIX "3"

Based on review of the proposed amendments the NPCA is satisfied that the limit of the PSW on the subject lands has been accurately identified as Environmental Protection Area. Further, the NPCA is satisfied that the 30 metre wetland setback is within EC Overlay Zone or the buffer has already been developed as an industrial use.

Region of Niagara Core Natural Heritage:

The Region's Core Natural Heritage Mapping also indicates that the subject lands contain an Environmental Conservation Area (ECA) – Significant Woodland. The woodland is deemed significant based on its size and therefore interior habitat, the fact that it is an environmentally sensitive area, as well as, the presence of wetland and potential species of concern. The mapping also identifies a Potential Corridor on site that should be taken into consideration when planning development. In this case, the NPCA is satisfied that the Town's ECA Overlay is to remain on all lands impacted by the woodland feature.

The Niagara Peninsula Conservation Authority (NPCA), through its work on Drinking Water Source Protection Planning has identified the subject lands as being partially within a Highly Vulnerable Aquifer (HVA) area. Regional Policy 7.A.2.9 states that development and site alteration shall not have significant adverse impacts on ground water quality or quantity. The NPCA notes that more detailed information relating to the built form of the future development is required before a determination as to groundwater impacts can be assessed. As such, the landowners shall note that any new development will likely be subject to the completion of a site servicing brief. The requirement for the completion of a hydrogeological study will be determined through review of the servicing brief.

Conclusion

In conclusion, although the NPCA has no objection to the proposed applications and the concept of permitting low intensive industrial uses on private sanitary services until such time as municipal services are available, the landowners shall note that any future development or site alteration on the subject lands may be subject to the completion of an Environmental Impact Study and/or Hydrogeological Study to ensure no negative impact to the natural heritage features impacting the subject lands.

I trust this information to be satisfactory, please do not hesitate to contact me should you have any questions or concerns.

Yours Truly,



Cara Lampman
Watershed Planner (ext. 272)

cc. Ms. Teresa Gray, Planner, Region of Niagara

APPENDIX "3"



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

January 27, 2017

Dave Heyworth, MCIP, RPP
Manager-Land Use Policy
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Dave Heyworth,

Re: Bowen Road-Change To Industrial
Official Plan Amendment No.34
Site Specific Zoning Amendment
Town of Fort Erie
File No.: 350309-0433

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'AS', with a long horizontal flourish extending to the right.

Allison Sadler

Municipal Planning Advisor
Distribution Planning & Records

ENBRIDGE GAS DISTRIBUTION
TEL: 416-495-5763
500 Consumers Rd, North York, ON, M2J 1P8
enbridgegas.com
Integrity. Safety. Respect.

AS/jh



PLAN AMENDMENT NO 34

ron van yken

to:

DHEYWORTH

28/01/2017 12:21 PM

Hide Details

From: ron van yken <rontrucker56@gmail.com>

To: DHEYWORTH@town.forterie.on.ca

History: This message has been replied to.

Hi Dave...I'm just dropping you this note in case we are unable, because of our work schedule, to make it to the public information meeting. The proposed changes could have a dramatic negative effect on our environment in this area. The removing of the protected forest would destroy a habitat used by a wide variety of wildlife including deer, rabbits, raccoons and possums.....This protected woodlot filters out noise from nearby shops as well as from trucks using engine brakes out on the Q.E.W.

We are very upset by the proposed changes and would ask you to reconsider. Any time previous to this we spoke to the town office and were advised that this land would eventually become residential. We would urge you to help protect the small areas of wildlife refuge that still exist in this area.....

Thank you for your kind attention : Ron and Rachel Van Yken



Proposed Official Plan Ammendment

Jake & Linda

to:

dheyworth

26/01/2017 05:56 PM

Hide Details

From: "Jake & Linda" <francisfamily@mcmcomputing.com>

To: <dheyworth@town.forterie.on.ca>

History: This message has been replied to.

Thank you for the meeting notice. It would be great if we could get a copy of the map so we can see it closer up-
Please send us on e@ this email.

Thank you

Mike and Linda Francis

1/26/17