The Municipal Corporation of the Town of Fort Erie

Regular Council Meeting Agenda

Monday, May 30, 2022 - 6:00 PM

Council Chambers

Meetings are being held in-person and via Video Teleconference as may be permitted. All meetings can be viewed at: Town's Website:
https://www.forterie.ca/pages/CouncilAgendasandMinutes
Town's YouTube Channel: www.youtube.com/townofforterie
or click on the YouTube icon on the home page of the Town's website (www.forterie.ca) or Cogeco "YourTV"

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1. Call to Order

2. Invocation

3. Roll Call

4. Announcements/Addenda

5. Declarations of Pecuniary Interest

6. Notice of Upcoming Public Meetings

(a) Open House

Re: Proposed Plan of Subdivision - 0-11447, 0-11432, 0-11434 & 0-11436 - Shayne Avenue - Owner: 2842777 Ontario Ltd. (Dennis Liu) - Agent: Upper Canada Consultants (Craig Rohe) - Thursday, June 2, 2022 - 5:00 p.m. - Town Hall Atrium

(b) Open House

Re: Proposed Zoning By-law Amendment and Draft Plan of Subdivision - 726 Gorham Road - Owner: 2655321 Ontario Ltd. (Mark Spadafora) - Agent: Urban In Mind (Jacob Dickie) - Tuesday, June 7, 2022 - 5:00 p.m. - Town Hall Atrium

(c) Proposed Draft Plan of Subdivision & Zoning By-law Amendment

Re: 613 Helena Street - Owner: Hunain Siddiqui & Mohammad Feroz - Agent: Tracy Tucker (IBI Group) - Monday, June 13, 2022

- 6:00 p.m. The information report will be available by 5:00 p.m. on June 8, 2022.

To participate residents can attend in person in Council Chambers, Town Hall, OR virtually via audio/video, web or telephone. Send an email to Anamika Dilwaria, Acting Manager, Development Approvals *(adilwaria@forterie.ca)* or 905-871-1600 ext. 2507 for information on joining the zoom meeting.

(d) Proposed Temporary Zoning By-law Amendment

Re: 131 & 135 Gilmore Road - Owner: Kyle Mallysh - Agent: Urban & Environmental Management Inc. (Greg Taras) - Monday June 20, 2022 - 6:00 p.m. The information report will be available by 5:00 p.m. on Wednesday June 15, 2022.

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

(e) Proposed Temporary Zoning By-law Amendment

Re: 409 Gilmore Road - Owner: Gorham Road Inc. (David Kompson) - Agent: Zelinka Priamo Ltd. (Rob MacFarlane) - Monday June 20, 2022 - 6:00 p.m. The information report will be available by 5:00 p.m. on Wednesday June 15, 2022.

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

7. Public Meetings

(a) Proposed Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments

Re: 0-17482 & 0-17484 Black Creek Road - Owner: 5009823 Ontario Inc (Capital Contracting) - Agent: Matt Kernahan (Upper Canada Consultants). The Applicant's request is to subdivide 8.67 hectares of land into 54 residential lots for single detached dwellings, 8 blocks for 16 semi-detached dwellings, 13 blocks for

59 street townhouse dwellings and 1 block for 16 condominium townhouse dwellings, 1 block for up to 80 apartment dwellings, 1 block for a stormwater management pond, and 0.3 metre reserves. The Applicant's request is to redesignate the entire property as Medium Density Residential, as the middle portion is designated Low-Density Residential and a Special Policy Area designation be added to the northerly portion to allow stacked and block townhouses as permitted uses with a density ranging from 17 units per hectare to 75 units per hectare. The Applicant's request is also to rezone the northerly portion of the property to a site-specific Residential Multiple 2 (RM2) Zone and the southerly portion to a site-specific Residential Multiple (RM1) Zone, which are currently zoned Residential Multiple 2 (RM2-549) Zone, in part, Residential 2 (R2) Zone, in part and Residential Multiple (RM1-548) Zone, in part. *(Presentation by Anamika Dilwaria, Acting Manager, Development Approvals)*

Residents can **participate** in this Public Meeting, in person in Council Chambers, Town Hall, OR virtually via Zoom (audio/video via web or by telephone), or by providing a written submission. The Zoom meeting link will be provided on the Town's website an hour before the Council meeting. Participants are encouraged to enter the meeting by 5:45 p.m.

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

(b) Proposed Official Plan and Zoning By-law Amendments

Re: 124 Windmill Point Road South - Owner: Craig and Katie Kuhn - Agent: Quartek Group Inc. (Susan Smyth). The Applicant's request is to amend the Official Plan which is currently outside of the Urban Area and designated Rural, in part and Environmental Protection, in part and the proposed lots do not comply with the definition of infill lots. The Applicant's request is to change the Rural (RU) Zone to a site specific Rural (RU) Zone to reduce the lot frontage and lot area of Parts 1 and 2 and reduce the lot frontage on Part 3 and to remove the Environmental Conservation (EC) Overlay Zone from the 2 proposed residential lots (Parts 1 and 2) to facilitate the construction of the future single detached dwellings. The Environmental Conservation (EC) Overlay Zone will be maintained on the remaining portion of the property. No changes proposed to areas zoned Environmental Protection (EP) Zone. *(Presentation by Daryl Vander Veen, Junior Development Planner)*

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

8. Regional Councillor Report

9. Presentations and Delegations

10. Consent Agenda Items

10.1 Request to Remove Consent Agenda Items

10.2 Consent Agenda Items for Approval

1. Minutes

20 - 45 (a) Approve - Regular Council Meeting - April 25, 2022
04.25 - Regular Council

46 - 49 (b) Approve - Special Council Meeting - May 9, 2022
05.09 - Special Council

50 - 71 (c) Approve - Council-in-Committee Meeting - May 9, 2022
05.09 - Council-in-Committee

72 - 81 (d) Approve - Special Council-in-Committee Meeting - May 11, 2022
05.11 - Special Council-in-Committee

82 - 94 (e) Approve - Council-in-Committee Meeting - May 16, 2022
05.16 - Council-in-Committee

2. Correspondence

95 (a) Proclamation - Operation Smile Canada - June 19, 2022 - Longest Day of SMILES

Resolution:

That: Council proclaims June 19, 2022 as "Longest Day of SMILES."
Comm(a)-Operation Smile

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96 (b) Proclamation - Senior Citizens Advisory Committee - June as Senior Citizens Month

Resolution:

That: Council proclaims the month of June as "Senior Citizens Month" and approves the Age-Friendly flag to be flown at Town Hall.

Comm(b)-Senior Month

97 - 100 (c) Receive - City of Thorold - Bill 109 - Recommendations Proposed by the Province's Housing Affordability Task Force

Comm(c)-Thorold-Bill 109

101 - 108 (d) Receive - Ontario Land Tribunal - Applicant: Ashton Homes (Western) Ltd. - Appellant: Tom Maniatis - Co-Appellant: G&P Steaks and Burgers Ltd. - By-law No. 96-2021 - 397 Garrison Road - Dismissed Without a Hearing

Comm(d)-OLT-385 Garrison Road

109 - 111 (e) Receive & Support - City of Niagara Fall - Cross Border Travel and ArriveCAN

Comm(e)-NF-Border and ArriveCan

112 (f) Proclamation - Fort Erie Communities-in-Bloom Committee - 2022 as the Year of the Garden

Resolution:

That: Council proclaims 2022 as the "Year of the Garden" in the Town of Fort Erie.

Comm(f)-CIB-Year of the Garden

3. Board/Committee Minutes

113 - 116 (a) Receive - Mayor's Youth Advisory Committee - April 4, 2022

MYAC-Apr4

117 - 118 (b) Receive - Affordable Housing Committee - April 27, 2022; May 18, 2022

AHC-Apr27

AHC -May18

119 - 120 (c) Receive - Crystal Beach Beautification Committee - May 4, 2022

CBBC-May4

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121 - 126 (d) Receive - Crystal Beach Business Improvement Area Board of Management - April 5, 2022, May 10, 1022
CBBIA-Apr5
CBBIA-May10

127 - 129 (e) Receive - Fort Erie Active Transportation Advisory Committee - May 10, 2022
FEAT - May10

130 - 134 (f) Receive - Community Health Care Services Committee - April 19, 2022
CHSC- Apr19

135 - 136 (g) Receive - Senior Citizens Advisory Committee - May 4, 2022
SCAC-May4

4. Reports

137 - 142 **CAO-08-2022** Purchase of a Pool Lift for the E.J. Freeland Community Centre

Resolution:

That: Council amends the 2022 Capital Budget to include an accessible pool lift for the E.J. Freeland Centre for $13,270 with $2,500 in donations, $1,500 from the Accessibility Advisory Committee operating budget, and $9,270 from the Facilities Maintenance Reserve, and further

That: Council approves the purchase of the pool lift for $14,735.20 (including 13% HST) from Motion Specialties to allow for independent entry into the pool for persons with disabilities, and further

That: Council acknowledges the monetary donations from the Ridgeway Lions Club and the Fort Erie Lions Club, of $1,250 each, to assist with the cost of the pool lift

and the in-kind donation by the Boys and Girls Club of Niagara.
CAO-08-2022 BGCN Pool Lift

5. Other Matters

Consent Agenda Resolution
Resolution:

That: Council approves the Consent Agenda Items as recommended.

10.3 Items Removed to be Dealt with Separately

11. Reports

143 - 163

CAO-03-/LC-04-2022

Land Matters: February 10, 2022 - Land Committee Meeting Minutes ***(Reconsideration of Item 1) 1), being Recommendation No. 1 in Appendix "2" (4152 Erie Road):***

At the March 28, 2022 Regular Council Meeting, Moved by: Councillor McDermott, and Seconded by Councillor Dubanow as Resolution No. 10C):

"**That:** Council reconsider the decision made by Council on February 28, 2022 to deny an extension of the time for the owner of 4125 Erie Road."

Council held a Closed Session Meeting and rose with Report as follows:

Resolution No. 10F
Moved by: Councillor Dubanow
Seconded by: Councillor Butler

That: Council does now rise and reconvene from Closed Session at 10:50 p.m., with report that the matter be postponed to the April 11, 2022, Council-in-Committee Meeting, no action be taken by staff, and the owner be notified that Council is reconsidering the matter. **(Carried)**

This matter was subsequently deferred to the May 9, 2022, Council-in-Committee Meeting, May 11, 2022, Special Council-in-Committee Meeting

and further postponed to the May 30, 2022 Regular Council Meeting.

Matter for Reconsideration:

Resolution:

That: Council approves Recommendation No. 1) contained in Appendix "2" to Report No. CAO-03/LC-04-2022:

That: The Land Committee denies the owner's request for a further six-month extension for the Town's Right to Re-Conveyance of 4152 Erie Road.
CAO-03-LC-04-2022 Land Committee minutes February 10, 2022
MEMO - 4152 Erie Road - Motion to Reconsider

164 - 259	**PDS-34-2022**	Proposed Draft Plan of Subdivision and Combined Official Plan and Zoning By-law Amendment - Spring Creek Estates -0-17482 and 0-17484 Black Creek Road - 5009823 Ontario Inc. - Mitch William and Mike Colosimo (Owners) - Upper Canada Consultants - Matt Kernahan (Agent) Resolution: **That:** Council receives for information purposes Report No. PDS-34-2022 regarding a proposed Draft Plan of Subdivision and Combined Official Plan and Zoning By-law Amendment for 0-17482 and 0-17484 Black Creek Road. PDS-34-2022 - Spring Creek Estates Information Report
260 - 295	**PDS-35-2022**	Proposed Combined Official Plan and Zoning By-law Amendment - 124 Windmill Road South - Quartek Group Inc. - Susan Smyth (Agent) - Craig & Katie Kuhn (Owners) Resolution: **That:** Council receives for information purposes Report No. PDS-35-2022 regarding a proposed Combined Official Plan and Zoning By-law Amendment for 124 Windmill Point Road South.

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PDS-35-2022 - 124 Windmill Point Road South Information Report

296 - 517 **PDS-36-2022** Proposed Draft Plan of Subdivision and Zoning By-law Amendment - 3285 Thunder Bay Road - Upper Canada Consultants - Craig Rohe (Agent) - Westwind Niagara Developments Inc. - Alfred Beam (Owners) - Westwind Shores Subdivision

Resolution:

That: Council approves the amendment to the Town's Zoning By-law No. 129-90 as detailed in Appendix "3" of Report No. PDS-36-2022 for the lands known as 3285 Thunder Bay Road, and further

That: Council approves the Westwind Shores Draft Plan of Subdivision dated January 5, 2022, showing 41 lots for single detached dwellings, 2 blocks of parkland, 1 block for shoreline protection area, 1 block for environmental protection area and 2 blocks for road widenings, as attached as Appendix “2” of Report No. PDS-36-2022, in accordance with the provisions of the *Planning Act, R.S.O.* 1990 c. P. 13 and the Regulations thereunder, subject to the conditions contained in Appendix “4” of Report No. PDS-36-2022, and further

That: Council directs staff to circulate the Conditions of Draft Plan Approval in Appendix “4” of Report No. PDS-36-2022 to the applicable agencies in accordance with the requirements of the Planning Act, and further Council authorizes the entry into an Agreement to amend the Memorandum of Understanding with Westwind Niagara Developments Inc. for 3285 Thunder Bay Road authorized by By-law No. 71-2021, as amended by authority of Bylaw 123-2021, to replace Appendix "A" to the Memorandum of Understanding with Appendix “5” to Report No. PDS-36-2022, and further

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

PDS-36-2022 - 3285 Thunder Bay Road DP ZBA Recommendation Report

12. New Business/Enquiries

(a) Appointment - Mayor's Youth Advisory Committee - Mason A. Smith ***(CONFIDENTIAL MEMORANDUM)***

Resolution:

That: Council appoints Mason A. Smith to the Mayor's Youth Advisory Committee for the period ending November 14, 2022.

(b) Appointment - Crystal Beach Beautification Committee - Karen Dobson ***(CONFIDENTIAL MEMORANDUM)***

Resolution:

That: Council appoints Karen Dobson to the Crystal Beach Beautification Committee for the period ending November 14, 2022.

(c) Appointment - Senior Citizens Advisory Committee - Joan M. Christensen and Lido Greenaway ***(CONFIDENTIAL MEMORANDUM)***

Resolution:

That: Council appoints Joan M. Christensen and Lido Greenaway to the Senior Citizens Advisory Committee, as Beachcomber Representatives, for the period ending November 14, 2022.

(d) Notice of Resignation - Fort Erie Active Transportation Advisory Committee - Oliver Carthew

Resolution:

That: Council accepts the resignation of Oliver Carthew from the Fort Erie Active Transportation Advisory Committee, and further

That: Council directs staff to proceed with filling the vacancy in accordance with the Procedural By-law.

(e) Appointment to Lincoln County Humane Society Board of Directors

Resolution:

That: Council appoints Councillor _____ to the Lincoln County Humane Society Board of Directors for the period ending November 14, 2022, effective June 1, 2022.

(f) Alter Council Meeting Schedule - June 2022

Resolution:

That: Council alters the June 2022 Meeting Schedule as follows, to accommodate scheduling of Public Meetings:

June 13 - Council-in-Committee
June 20 - Council-in-Committee
June 27 - Regular Council

518 - 519 (g) Short-Term Rental Licence Moratorium and Issuance of Licences for Hearings

Resolution:

That: Council directs staff to issue licences pursuant to section 7.5 of the Business Licensing By-law No. 217-05, Schedule 13, as amended, for the sole purpose of attending a Hearing to determine if the licence should be revoked, and further

That: Short-Term Rental licences issued pursuant to this resolution, if not revoked by the Hearing Officer, shall expire immediately upon the release of the Hearing Officer's decision, and further

That: Despite Section 7.5 of By-law No. 217-05, Schedule 13, as amended, a licence for the sole purpose of attending a Hearing shall only require a completed application form and no other documentation or fees.

MEMO - Short-Term Rental Moratorium and Issuance of Licences for Hearings

13. Motions

(a) Councillor Dubanow

Re: Federal Government's Plans to Tax Vacant Foreign Owned Properties

Resolution:

Whereas the Federal Government proposed a tax on vacant non-resident foreign owned properties in the 2021 budget, and

Whereas the intent of this tax is to reduce speculation in the real estate market which is believed to contribute to housing unaffordability in Canada, and

Whereas Fort Erie and other vacation destinations across Ontario have a high number of non-resident American-owned

vacation properties that are vacant during the tourism off-season during the winter months, and

Whereas the Federal Government signaled their intent to exempt non-resident foreign owned vacation properties in Canada so long as they meet certain requirements including being located in a Census Agglomeration with a population of less than 30,000 people, and

Whereas Fort Erie and numerous other seasonal vacation destinations across Southern Ontario are in Census Metropolitan Areas and Census Agglomerations with populations well in excess of 30,000 people despite the communities themselves being small and medium-sized municipalities, and

Whereas Fort Erie and other communities across Ontario have a long history of being a vacation destination for American visitors, many of which have owned the same property for generations, and would be taxed yearly on their assessed value of their vacation property based on this proposal, and

Whereas vacant property taxes would be allocated to the general revenues of the federal government and not directly benefit the municipalities where these properties are located and serviced, and

Whereas vacation properties that are seasonally vacant do not contribute to the speculation that is believed to contribute to housing unaffordability in Canada,

Now therefore be it resolved,

That: The Municipal Council of the Town of Fort Erie requests the Federal Government to review the proposed exemption framework for seasonal vacation properties to better reflect the reality of where these properties are located and how they are used, and further

That: This resolution be circulated to The Right Honourable Justin Trudeau, Prime Minister of Canada, The Honourable Chrysta Freeland, Deputy Prime Minister of Canada and Minister of Finance, the Honourable Diane Lebouthillier, Minister of National Revenue (Canada), Tony Baldinelli, Member of

Parliament for Niagara Falls, the Association of Municipalities of Ontario, and all municipalities located in Ontario.

(b) Councillor Butler

Re: Bidding Wars on Apartment Rentals

Resolution:

Whereas Canada's housing market has not only made it difficult for many Canadians to afford to purchase a home but also to rent apartments, and

Whereas there is a disconnect between affordability of housing and apartment rentals versus wages that have not kept pace with them nor has it kept pace with inflation, cost of living expenses, the rising costs of goods & services including – food, gas and utility, and

Whereas Ontario has now become the least affordable jurisdiction suffering the worst erosion in the last 50 years, and

Whereas many Canadians continue to be locked out of the housing & rental market for many reasons including the affordability of a down payment, rising inflation rates, and the escalation of bidding wars, and

Whereas bidding wars do not stop at home purchases but have now transitioned to apartment rentals as a ripple effect of the real estate market, and

Whereas there is a profound psychological effect to those individuals who continue to be shut out of the housing and rental market as a direct result, and

Whereas both blind bids and open bids are bad for the housing and apartment market which can lead to a housing bubble, and while blind bids offer no transparency, both types create unrealistic values that helps the seller and the rental owner but hurts the purchaser and renter, and

Whereas there are multiple sites that encourage and teach how to win at bidding wars, and

Whereas there is no comprehensive data or statistics that currently tracks prices for rentals, and

Whereas the Government of Ontario will be introducing new legislation with respect to blind bidding only which does not prohibit the seller from entering into a bidding war but, rather, would give sellers the option to "opt for an open offer process", and

Whereas the changes to the *Trust in Real Estate Services Act* provides an advantage to the seller(s) and largely weakens opportunities of the buyer and renter further adding to the disparity between the two;

Now therefore, be it resolved,

That: Both the Federal & Provincial Governments enact legislation that prevents both open and closed bidding on both rental units and residential sales, and further

That: Both the Federal & Provincial Government prohibit sales beyond the list price, and further

That: A copy of this resolution be circulated to The Right Honourable Justin Trudeau, The Honourable Doug Ford, Premier of Ontario, All Members of Parliament, All Members of Provincial Parliament, and all Municipalities for their support.

References:
https://www.truenorthmortgage.ca/blog/how-the-blind-offer-is-hurting-the-canadian-housing-market
https://www.cbc.ca/news/bidding-wars-to-rent-a-house-in-ontario-tenants-and-agents-say-it-s-a-new-reality-1.6094412
https://nationalpost.com/news/canada/extremely-stressful-bidding-wars-no-longer-limited-to-purchase-of-houses-now-its-rentals-too
https://www.blogto.com/real-estate-toronto/2022/04/ontario-new-regulations-bidding-wars-homes/
https://www.cp24.com/news/ontario-to-allow-new-home-sales-tactic-that-would-change-the-bidding-process-1.5867054?cache=yesclipId104062%2F7.493183
https://www.ontario.ca/laws/statute/s20001
https://www.gensqueeze.ca/housing_affordability_analysis

(c) Councillor Dubanow

Re: ArriveCAN & COVID-19 Travel Measures to Enter Canada

Resolution:

Whereas according to the Ontario Chamber of Commerce, tourism is a vital component of Ontario's economy with over $36 billion dollars of the province's gross domestic product directly related to that industry; and

Whereas according to Niagara Economic Development, over two billion dollars annually are injected into Niagara's local economy, with 40,000 to 60,000 local jobs across the Region tied directly to the tourism industry; and

Whereas half of that tourism revenue generated in Niagara comes from American visitors to our Region who cross the Canada-US land border; and

Whereas a growing number of Canadian Infectious Disease physicians have questioned the utility and necessity of continuing COVID-19 travel measures, applications and mandates in an era of high community immunity and the Omicron variant infecting and transmitting among the vaccinated and unvaccinated alike; and

Whereas compulsory use of the ArriveCAN application to enter Canada at the land border acts as a barrier to tourism recovery for many reasons which include but are not necessarily limited to inequitable access to the technology necessary to use the app, unfamiliarity with the app, and information requested by the app changes and may not be available for entry; and

Whereas all COVID-related travel and border mandates required for entry to Canada act as a barrier and disincentive to tourism recovery in the Region of Niagara and the Province of Ontario by creating delays at ports of entry and apprehension about the state of rules and how they may apply to any individual in an era where these delays and apprehension are no longer required or necessary; and

Whereas according to observations by the international bridge authorities operating in Niagara, approximately half of the normal volume of traffic entering Canada use these crossings, with the majority of these returning Canadians rather than American visitors; and

Whereas due to much less stringent measures at the United States land border, Canadians can easily travel to the United

States for tourism and recreation purposes without a reciprocal return of American visitors to Canada; and

Whereas jurisdictions that have embraced post-COVID tourism recovery have seen tourism revenue and activity rise to levels above those seen prior to COVID – an economic windfall which would benefit Niagara and other municipalities across Ontario but which is not being seen due to COVID-related border mandates and measures that remain;

Now therefore be it resolved,

That: The Municipal Corporation of the Town of Fort Erie requests that the Government of Canada immediately return all travel requirements and land ports of entry to pre-pandemic operation, which includes but is not necessarily limited to the removal of all COVID-related public health mandates and measures, returning to pre-pandemic staffing levels, as well as no longer requiring compulsory usage of the ArriveCAN application for entry to Canada at the land border, and further

That: The Municipal Corporation of the Town of Fort Erie requests that the Chair of The Regional Municipality and the Mayors of the twelve Local Area Municipalities along with other stakeholders form a Cross-Border Tourism Recovery Task Force to advocate to the federal and provincial governments on the importance of tourism and operation of the land border to Niagara's post-COVID economic recovery, and to report to Niagara's local area municipalities on the progress of that Task Force, and further

That: The Municipal Council of the Town of Fort Erie extends a formal invitation to The Honourable Randy Boissonnault, Minister of Tourism (Canada) and The Honourable Lisa McLeod, Minister of Tourism, Culture and Sport (Ontario) to visit Niagara and meet with stakeholders to discuss tourism recovery and the impact border measures are having on that recovery, and further

That: The Municipal Corporation of the Town of Fort Erie extends a formal invitation to all four Niagara-area Members of Parliament to address Council on the steps they, as Niagara-area Members of Parliament, have taken to convey border-related issues of concern in Ottawa as our federal representatives, and further

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That: This resolution be circulated to The Right Honourable Justin Trudeau, Prime Minister of Canada, The Honourable Marco Mendicino, Minister of Public Safety, The Honourable Randy Boissonnault, Minister of Tourism (Canada), The Honourable Omar Alghabra, Minister of Transport (Canada), The Honourable Doug Ford, Premier of Ontario, The Honourable Lisa McLeod, Minister for Tourism, Culture and Sport (Ontario), all Members of Parliament representing constituencies of border crossing municipalitieslocated along the Canada-US border, all Members of Provincial Parliament in Ontario, the Association of Municipalities of Ontario, the Premiers of all Provinces and Territories in Canada that share a border with the United States, and further

That: This resolution be circulated to the Greater Niagara Chamber of Commerce and the Niagara South Chamber of Commerce for distribution to their membership, and further

That: This resolution be circulated to Niagara Regional Council and the Councils of all twelve local area municipalities in Niagara for their endorsement and support.

14. Notice of Motion

15. Consideration of By-laws

520 - 521	**52-2022**	To Authorize the Sale of Lots 585, 586 & 587 Plan 480 (0 Richmond Avenue) and Lots 481-484, 583 & 584, Plan 480 (0 Bidwell Parkway) to Grant Vaillancourt & Sarah Vaillancourt 52-2022 Authorize Sale of Lands (0 Richmond AV and 0 Bidwell PKWY)
522 - 523	**53-2022**	To Authorize the Sale of Lots 479 & 480, Plan 480 (0 Bidwell Parkway) to Kelly Mancuso & Steven Doucet 53-2022 Authorize Sale of Lands (0 Bidwell PKWY)
524 - 525	**54-2022**	To Appoint Troy Davidson as Drainage Superintendent for The Corporation of the Town of Fort Erie (and Repeal By-law No. 87-2014) 54-2022 Appoint Drainage Superintendent
526	**55-2022**	To Authorize the Entry into a Memorandum of Understanding with Pathstone Mental Health for Continued Walk-In Clinic Services for Mental Health for Youth in Fort Erie 55-2022 Authorize Entry Into MOU with Pathstone Mental Heath

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527 - 560	**56-2022**	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. 59 - 1107 Garrison Road - 1107 Garrison Road GP Inc. (Mohammad. Y. Alhadi) - Owner - Sullivan Planning Services (Michael Sullivan) - Agent 56-2022 OPA 1107 Garrison Road (FINAL)
561 - 563	**57-2022**	To Amend Zoning By-law No. 129-90, as amended - 1107 Garrison Road - 1107 Garrison Road GP Inc. (Mohammad. Y. Alhadi) - Owner - Sullivan Planning Services (Michael Sullivan) - Agent 57-2022 ZBA 1107 Garrison Road (FINAL)
564 - 569	**58-2022**	To Exempt a Certain Lot in Plan 59M-483 from Part Lot Control, Lot 42 (Mitchell Crescent) - Blackcreek Signature Subdivision - Rinaldi Homes (Niagara) Inc. 58-2022- Part Lot Control By-law- Lot 42, 59M483 - Mitchell Cr MEMO - By-law No. 58-2022 - Part Lot Control By-law - Lot 42, 59M-483 - Mitchell Crescent
570 - 574	**59-2022**	To Deem Part of a Certain Registered Plan of Subdivision Not to be a Registered Plan of Subdivision - 359 Dovercourt Road - Elaine Maude and Raymond Maude - (Applicant/Owner) 59-2022 - Deeming By-law - 359 Dovercourt Road MEMO - By-law No. 59-2022 - Deeming By-law - 359 Dovercourt Road
575	**60-2022**	To Accept and Declare Lands as Public Highway on the East Side of Buffalo Road (1472 Phillips Street – Wennmco Holdings Inc.) 60-2022 Accept and Declare Lands as Public Highway - 1472 Phillips ST
576 - 578	**61-2022**	To Appoint the Lincoln County Humane Society as the Poundkeeper for the Town of Fort Erie and to Appoint Lincoln County Humane Society Officers as Municipal Law Enforcement Officers (and Repeal By-law No. 106-12) 61-2022 Appoint LCHS Poundkeeper & Appoint Officers
579	**62-2022**	To Confirm the Actions of Council at its Council-in-Committee Meeting Held on May 9, 2022, Special Council and Council-in-Committee Meetings Held on

May 11, 2022, Council-in-Committee Meeting Held on May 16, 2022, and Council Meeting Held on May 30, 2022
62-2022 Confirmatory

16. Scheduling of Meetings

17. Adjournment

The Municipal Corporation of the Town of Fort Erie

Regular Council Meeting Minutes

Monday, April 25, 2022

Council Chambers

All meetings can be viewed at: Town's Website:
https://www.forterie.ca/pages/CouncilAgendasandMinutes
Town's YouTube Channel: www.youtube.com/townofforterie
or click on the YouTube icon on the home page of the Town's website (www.forterie.ca) or Cogeco "YourTV"

1. Call to Order

Mayor Redekop called the meeting to order at 6:00 p.m.

Mayor Redekop acknowledged the land on which we gather is the traditional territory of the Haudenosaunee, Mississaugas of the New Credit, and Anishinaabe people, many of whom continue to reside in this area.

2. Invocation

The Clerk read the Invocation.

3. Roll Call

Present: His Worship Mayor Redekop and Councillors Butler, Dubanow, Lubberts, McDermott, Noyes, and Zanko

Also Present: Regional Councillor Insinna

Staff: K. Davis, A. Herlovitch, J. Janzen, T. Marotta, J. McCaffrey, and C. Schofield

4. Announcements/Addenda

There was 1 addendum as follows:

Revision to Item No. 14. Consideration of By-laws: By-law No. 42-2022 Revisions have been made to Page 2 and Schedule A; and an addition to Item No. 14 Consideration of By-laws: By-law No. 46-2022.

Mayor Redekop made the following announcements:

Earth Day

Last week, on Friday, Saturday, and even Sunday, and some businesses the week before, took a great deal of time and energy and a lot of pride in our community by doing community clean ups. The ones that registered with the Town of Fort Erie were the Mayor's Youth Advisory Committee, Fort Erie Kinette's, Rotary Club, Canadian Niagara Power, and Airbus. Aside from these organizations, there were young people, and older people picking up garbage on a variety of roads around Town on the weekend. There are quite a few garbage bags lined up along the roads throughout Town and those garbage bags will be picked up. We owe a great debt of gratitude to all the individuals who helped to tidy up our home, because this is our home, and we all like our house to be neat and tidy. If people come to visit, you want to put your best foot forward. I want to thank all the individuals who participated in any of the clean ups over the past several days, and especially on Earth Day.

National Day of Mourning

This Thursday is the National Day of Mourning. There will be a ceremony held, as there is each year, here in Fort Erie, over at the Workers' Monument by the pond. That takes place at Town Hall at 11:45 a.m. and there will be representatives from the Niagara Labour Council and some municipal employees. Everyone is invited to attend to commemorate those who lost their lives or have been seriously injured in job-related activities.

Proclamations for April – May

Parental Alienation Awareness Day is today, and coming up over the next little while we have National Accessibility Week, which is May 29th to June 4th, and National Volunteer Week, which is April 24th to April 30th. Community Living Month is in May, and we'll be hearing from people from Community Living this evening. National Pride Week is May 28th to June 5th and World Migratory Bird Day is on May 14th. Family and Children Services also has a special event taking place and we're going to hear from someone this evening to hear what that's all about.

5. Declarations of Pecuniary Interest

(a) Councillor Dubanow

Councillor Dubanow declared a pecuniary interest with respect to Item No.10 Report No. PDS-26-2022 Re: Animal Care and Control Services Award of Contract, as the company he works for provides contracted services to the Fort Erie SPCA. He abstained from discussing and voting on the matter.

(b) Councillor Dubanow

Councillor Dubanow declared a pecuniary interest with respect to Item No. 9. 9.2. 2 (b) Re: SPCA Board of Director Minutes March 24, 2022, as the company he works for provides contracted services to the Fort Erie SPCA. He abstained from discussing and voting on the matter.

(c) Councillor Zanko

Councillor Zanko declared a pecuniary interest with respect to By-law No. 46-2022 Re: To Accept and Dedicate Parkland - 3399 North Shore Drive (Sider Bros. Builders Ltd., Paul Philip & Susana Philip), as her son works for Sider Brothers. She abstained from discussing and voting on the matter.

6. Notice of Upcoming Public Meetings

(a) Proposed Official Plan and Zoning By-law Amendment

Re: 97 Gorham Road - Owner: Bomofive Inc. (Ross Bomcore and Kam Mofid) - Agent: Urban Environments (Greg Hynde) - Monday. May 9, 2022 - 6:00 p.m. The information report will be available by 5:00 p.m. on May 4, 2022.

(b) Proposed Zoning By-law Amendment

Re: 3914 Alexandra Road - Owner: Centurion Building Corporation - Monday. May 9, 2022 - 6:00 p.m. The information report will be available by 5:00 p.m. on May 4, 2022.

7. Regional Councillor Report

RC Insinna gave the following Report:

Niagara Emergency Medical Services

Last November Regional Council directed the Regional Chair Jim Bradley to send a letter to the Minister of Health, requesting action and intervention to reduce the off-load delay that Niagara Emergency Medical Services was having in the Niagara Health System. At the last Regional Council Meeting, this issue was brought up again as it was never addressed by the Province. Niagara EMS is now in a position that they are in a crisis requiring another 3 ambulances for a 90-day period. The request was made because there has been a dramatic surge in requests for ambulance services, combined with the increased off-load times at the hospitals, putting a critical strain on the service. Paramedics are having to wait for up to 8 hours for hospital staff to take over for them thus tying up an ambulance for that entire period. Niagara EMS requested another $750,000 for two 24-hour ambulances and one 12-hour ambulance of 90 days to have ambulances available, decreasing the response time. It was pointed out that in 2021, Niagara EMS lost over 21,000 hours of ambulance time to off-loads which equates to over $2.4 million of taxpayer's dollars. The off-load delays take paramedics off the road, and has major impacts on them as some are being ordered to work extended hours. The funding will come from the Taxpayer Relief Reserve and it is hoped that the wait times for ambulance services will decrease averting critical ambulance shortages. There was a point in time this afternoon where someone had to wait 6 hours for an ambulance to show up. The Regional Chair, Jim Bradley, was directed to have an in-person meeting with the Minister of Health, to request compensation for the money Niagara residents had to pay, and to address the shortcomings at the hospitals.

Niagara Regional Housing

The Niagara Regional Housing Master Plan will be going forward to Regional Council next month. The plan will outline the way forward for the Region and municipalities to address the housing crisis that we find ourselves in. Niagara Region will require at least 450 housing units per year for the next 10 years. Plans are being discussed at Niagara Regional Housing about region-owned property in Fort Erie and will ensure Council is kept up to date as the talks progress regarding the Gilmore property and other property in Town.

Employment and Social Development Canada Grant

The Federal Government, through the Employment and Social Development Canada Grant, has given the Niagara Region a grant of $1.3 million. The funds will go directly to supporting the efforts in addressing local homelessness needs. It's $2.4 to $2.5 million from the

Federal Government to combat homelessness in the Niagara Region.

Niagara Official Plan

The Niagara Official Plan is going before Council again. The statutory Public Meeting will be held this Thursday.

Councillor Noyes advised Regional Councillor Insinna that the residents of Black Creek, Stevensville, and Douglastown would like to have an information meeting with the Niagara Region, regarding the facilities that are taking care of waste management. The latest received from the Region, indicates that the Wastewater Management Plant is at 71% capacity, which is the highest in the entire Region. Councillor Noyes asked Regional Councillor Insinna if he had any luck getting a meeting for the community to interact with the Region and to ask questions.

Councillor Insinna responded that he has talked with them and has been assured that there is not going to be an issue, and will set up a meeting. What they're saying is, they can divert the wastewater to Anger Avenue, so there's never really going to be an issue with the lagoon. They've spent $4 million out there, and they are not going to increase another pond. Mr. Tripp is away this week, but he will call the Commissioner, and will set something up. If Councillor Noyes would like, he will go through her at Black Creek.

Councillor Noyes responded that she would appreciate it and so would the residents.

8. Presentations and Delegations

(a) Presentation to Jung's Niagara Taekwondo Students

Re: Recognition of Achievements at Taekwondo Canada

Mayor Redekop advised that there are 4 young people who joined the 2022 Canadian National Taekwondo Championship. They are members of Jung’s Niagara Taekwondo located here in Fort Erie. They participated in an event recently, and came away with some significant awards. Enza Wybraniak who is a member of the Mayor’s Youth Advisory Committee, won a Gold Medal in the Female Cadet Division, and she attends Our Lady of Victory Elementary School. Charlie Grummet won a Gold Medal in the Male Cadet Division, and he attends Stevensville Public Elementary School. Tehya Scott won a Silver Medal in the Female Juniors Division, and she attends Greater Fort Erie Secondary

School. Mason Ryan came in 4th in the Male Youth Division, and he attends John Brant Public School in Ridgeway.

Mayor Redekop advised that Enza and Charlie will be joining Team Canada to represent our Country, which is a fantastic accomplishment. It is a tribute to those who have been training these young athletes over the years. Enza has a second-degree black belt, and has been training with Jung's for 6 years. Charlie has a first-degree black belt, and has been training for 6 years.

Both Enza and Charlie will be attending the PanAm Junior and Cadet Championship held in Costa Rica this year. They have qualified and will be attending the World Taekwondo Championships in Bulgaria.

Mayor Redekop thanked and wished the best of luck to both Enza and Charlie, giving them certificates. Mayor Redekop congratulated them stating that we've got such wonderful athletes and wonderful youth in the community. He further thanked those who have spent the time and energy training them, and to the parents who have committed the time to make sure that their children get to those training sessions, and wherever else they go. It truly is a family commitment, and they are to be commended

(b) Soraya Marashi-Shooshtair, Self Advocate, o/b Community Living Fort Erie

Re: Update on Services and Support Provided

Soraya Marashi-Shooshtair provided the following comments:

- Community Living Fort Erie (CLFE) is celebrating 65 years of service this June.
- June 30, 1957, the founding meeting was held to develop a support group for parents with children with intellectual disabilities, and was the 1st step made in the journey to inclusion.
- 65 years ago, there were parents and others who felt the lack of educational opportunities available to children with disabilities. In a few areas of Ontario, volunteers and CLFE had managed to establish day schools for children.
- CLFE supports over 250 individuals and their families in the Greater Fort Erie area.
- She is benefitting from support of the organization.

- In 2020, she became a part of the Community Living Passport which is a program that helps young adults to experience different community activities.
- Her favourite things to do are: play basketball, go to paint night and concerts, and socialize at the Crystal Ball Café, which will be displaying 3 of her paintings with the option to purchase next month.
- CLFE has helped her to get through the Pandemic, and to purchase a laptop used to go on to Social Media.
- CLFE supported her to stay active in the community safely when the lockdown was over and made it easier to help her to get through the pandemic.
- She went through bullying and harassment as a teenager and felt depressed and insecure. Teachers and support staff made her feel worthy and helped to increase her self-esteem.
- She transitioned from a teenager to an adult through a "self-discovery path" and has learned with support and a positive attitude.
- Post pandemic, with the help of CLFE, she got involved with the community, learned more about her adult self, and developed more friendships with others her age.
- She would like to express thanks to the Town for declaring May "Community Living Month" in the Town of Fort Erie, and for continuing to promote an inclusive community for people with developmental disabilities.

(c) Rhianon Burkholder, Board Member, FACS Niagara Foundation

Re: Mountainview LemonAID Day - June 12, 2022

Ms. Burkholder delivered a PowerPoint Presentation and the following commentary:

- Sunday June 12th is Mountainview LemonAid Day.
- Family and Children's Services of Niagara supports children to go to camp.
- A request is for the Town of Fort Erie to get the Peace Bridge lit up in yellow as Niagara Falls and Welland has agreed to do so on that day.
- On Sunday June 12, 100 "teams" of kids will set up lemonade stands across Niagara to ask for donations, and 6 of those hopefully in Fort Erie.
- Generous donations will help send 400 children to camp this summer.
- This is a child initiative program to pay back and to do some community support.

- Support needs are as follows: to proclaim Sunday, June 12 Mountainview LemonAID Day, to put the information on the Town website, and to ask the community for support.

(d) Iain Donnell, Donnell Law Group

Re: 4197 Erie Road - Short-Term Rental Legal Non-Conforming Suitability

Mr. Donnell provided the following comments:

- Email Correspondence between property owners and/or their agent/Counsel and Town staff – (Tab 1):
- Offence Notices dated June 30, 2021 – (Tab 10): 10011 – Operating without a Licence, and 10012 – Operation contrary to any applicable Federal, Provincial, Regulations laws, Regulations or Orders, or Municipal By-laws.
- Media Releases (Tab 3): The Star Article dated: January 26, 2022, The Post Article dated: December 20, 2021, and The Town of Fort Erie Media Release dated: February 9, 2022.
- Report No. PDS-106-2021 (Tab 4): Minutes from January 10, 2022 Council in Committee Meeting.
- Report No. EDTS-04-2021 (Tab 14): dated October 2021 – Short Term Rental Report – 2021 Pilot Program Year Review and Analysis.
- Applications for 2021 and 2022 STR (Tab 7).
- Planning Act, R.S.O. 1990, specifically, section 34 (9), (Tab 2): Pages 57-70.
- Timeline of Events (Tab 9).
- Argument for grandfathering (Tab 11).
- Benefits of this property/business are: Attracting tourism, renewed interest in area, assist local businesses and trades, economic growth; and to build and strengthen relationships within the community.

9. Consent Agenda Items

9.1 Request to Remove Consent Agenda Items

Item No. 9. 9.2. 2(b) being the Fort Erie SPCA Board of Director Minutes of March 24, 2022, was removed and dealt with separately due to Councillor Dubanow’s declared pecuniary interest.

9.2 Consent Agenda Items for Approval

1. Minutes

(a) Approve - Special Council Meeting - March 28, 2022

(b) Approve - Regular Council Meeting - March 28, 2022

(c) Approve - Council-in-Committee Meeting - April 4, 2022

(d) Approve - Council-in-Committee Meeting - April 11, 2022

(e) Approve - Special Council-in-Committee Meeting - April 19, 2022

2. Correspondence

(a) Proclamation - Pride Niagara - Niagara Pride Week - May 28 - June 5, 2022

That: Council proclaims May 28 to June 5, 2022 as "Niagara Pride Week" and approves their flag to be flown at Town Hall. **(Carried)**

(b) Receive - Fort Erie SPCA - Board of Directors Minutes - March 24, 2022

(c) Proclamation - Bert Miller Nature Club - World Migratory Bird Day - May 14, 2022

That: Council proclaims May 14, 2022 as "World Migratory Bird Day". **(Carried)**

(d) Proclamation - Community Living Fort Erie - May as Community Living Month

That: Council proclaims May as "Community Living Month" and approves their flag to be flown at Town Hall. **(Carried)**

(e) Proclamation - National Regional Labour Council - April 28, 2022 as National Day of Mourning

That: Council proclaims April 28, 2022 as "National Day of Mourning" and approves their request for flags to be flown at half-mast.

(Carried)

(f) Proclamation - FACS - Mountainview LemonAID Day - June 12, 2022

That: Council proclaims June 12, 2022 as "Mountainview LemonAID Day". **(Carried)**

3. Board/Committee Minutes

(a) Receive - Community Gaming Development Corporation - December 1, 2021

(b) Receive and Approve Recommendations - Environmental Advisory Committee - February 27, 2022 regarding:

(i) 0-6105 Irene Street: EC Overlay be removed, subject to the submission of a Tree Savings Plan, Tree Planting Plan to the satisfaction of EAC, and removal of vegetation outside of the typical breeding bird season and bat roosting season (May 15 – September 15) and bat roosting season (June).

(ii) 4106 Garrison Road: EC Overlay be removed from the portion of the property that is occupied by the existing dwelling; and removal of the EC Overlay from the portion currently occupied by the existing shed, and from the lands east of the shed, to accommodate the proposed accessory structure, subject to the submission of plans to EAC detailing the exact location of the structure. **(Carried)**

(c) Receive - Mayor's Youth Advisory Committee - March 7, 2022

(d) Receive - Crystal Beach Business Improvement Area Board of Management - March 8, 2022

(e) Receive - Traffic Coordinating Committee - Notes of Meeting - March 15, 2022

(f) Receive - Accessibility Advisory Committee - March 29, 2022

(g) Receive - Ridgeway Business Improvement Area Board of Management - April 6, 2022

(h) Approve - Senior Citizens Advisory Committee - April 6, 2022

(i) Receive - Community Health Care Services Committee - March 22, 2022

4. Reports

COS-02-2022 Report on Repair Costs for Caboose CNR 79138 at the Fort Erie Railway Museum

That: Council accepts and approves the proposal from King Contractors of Niagara Ltd. in the amount of $185,154.17 (including 13% HST) for the repair work needed on Caboose CNR 79138 at the Fort Erie Railway Museum. **(Carried)**

PDS-27-2022 Sale of Town-Owned Lands: 0-6347 Bidwell Parkway - Lot 479, Plan 480, Bertie; 0-6346 Bidwell Parkway - Lot 480, Plan 480, Bertie; 0-6378 Richmond Avenue - Lots 586 & 587, Plan 480, Bertie; 0-6377 Richmond Avenue - Lot 585, Plan 480, Bertie; and 0-6344 Bidwell Parkway - Lots 481-484, 583 & 584, Plan 480, Bertie; All in the Town of Fort Erie (Grant & Sarah Vaillancourt) (Kelly Mancuso & Steven Doucet)
That: Council authorizes and approves the sale of 0-6378 Richmond Avenue, Lots 586 and 587, Plan 480, Bertie; Fort Erie, being all of PIN 64467-0086 (LT), 0- 6377 Richmond Avenue, Lot 585, Plan 480, Bertie; Fort Erie, being all of

PIN 64467-0085 (LT), and 0-6344 Bidwell Parkway, Lots 481 to 484, 583 and 584, Plan 480, Bertie, Fort Erie, being all of PIN 64467-0084 (LT) to Applicant 1, Grant and Sarah Vaillancourt, for the amount of $147,420 plus HST, and further

That: Council authorizes and approves the sale of 0-6346 Bidwell Parkway, Lot 480, Plan 480, Bertie; Fort Erie, being all of PIN 64467-0092 (LT), and 0-6347 Bidwell Parkway, Lot 479, Plan 480, Bertie Fort Erie; being all of PIN 64467-0091 (LT) to Applicant 2, Kelly Mancuso and Steven Doucet, for the amount of $32,580 plus HST, and further

That: Council directs that the sale of 0-6378 Richmond Avenue, 0-6377 Richmond Avenue and 0-6344 Bidwell Parkway be conditional on the land owned by Applicant 1 (0-6375 Richmond Avenue) legally merging in title with the purchased Town lands, and further

That: Council directs that the sale of 0-6346 Bidwell Parkway and 0-6347 Bidwell Parkway be conditional on the land owned by Applicant 2 (621 Bidwell Parkway) legally merging in title with the purchased Town lands, and further

That: Council directs that By-laws be submitted to Council to authorize the entry into Agreements of Purchase and Sale in a form satisfactory to the Town Solicitor. **(Carried)**

IS-11-2022 Award of Engineering Services, for BRIG23 and BRGB22 Bridge and Culvert Repair and Replacement - Contract No. ISE-22P-BRIG23/BRGB22

That: Council accepts and approves the proposal from ELLIS Engineering Inc. to provide Engineering Services for BRGB22 and BRIG23 Bridge and Culvert Repair and Replacement projects, Contract No. ISE-22P-BRIG23/BRGB22 to the upset limit of $107,304.80 (including 13% HST).

(Carried)

5. Other Matters

Consent Agenda Resolution

Resolution No. 1
Moved by: Councillor Lubberts
Seconded by: Councillor McDermott

That: Council approves the Consent Agenda Items as recommended, save and except Item No. 9. 9.2. 2(b).

(Carried)

9.3 Items Removed to be Dealt with Separately

Resolution No. 1A
Moved by: Councillor Lubberts
Seconded by: Councillor McDermott

That: Council approves Consent Agenda Item No. 9. 9.2. 2(b) as recommended. **(Carried)**

Council recessed at 7:05 p.m. for 10 minutes.

10. Reports

PDS-26-2022 Animal Care and Control Services Award of Contract

Resolution No. 2
Moved by: Councillor Zanko
Seconded by: Councillor McDermott

That: Council accepts and approves the proposal by the Lincoln County Humane Society (LCHS) for Animal Care and Control Services for the Town of Fort Erie for a period of 5 years with an increase of 2.00% per year

for the duration of the contract with an option to extend for an additional two, two-year periods.

Resolution No. 2A
Moved by: Councillor Noyes
Seconded by: Councillor McDermott

That: Report No. PDS-26-2022 be postponed to the May 9, 2022 Council-in-Committee meeting to allow staff to obtain from the Lincoln County Humane Society their governance documents and policies. **(Carried)**

11. New Business/Enquiries

(a) Council Nomination - Niagara Region - Transit Commission Board

Resolution No. 3
Moved by: Councillor McDermott
Seconded by: Councillor Lubberts

That: Council nominates Mayor Redekop as the Council Representative on the Niagara Region's Transit Commission Board. **(Carried)**

(b) Appointment - Communities-in-Bloom Committee - Shirley Opie

Resolution No. 4
Moved by: Councillor Butler
Seconded by: Councillor Zanko

That: Council appoints Shirley Opie to the Communities-in-Bloom Committee for the period ending November 14, 2022. **(Carried)**

(c) Notice of Resignation - Ridgeway Business Improvement Area Board of Management - Tyler Chevalier and Don Irvine

Resolution No. 5
Moved by: Councillor Butler
Seconded by: Councillor Zanko

That: Council accepts the resignations of Tyler Chevalier and Don Irvine from the Ridgeway Business Improvement Area Board of Management, and further

That: Council directs staff to proceed with filling the vacancy in accordance with the Procedural By-law. **(Carried)**

(d) Notice of Resignation - Senior Citizens Advisory Committee - John Folusewych and Mary Franks

Resolution No. 6
Moved by: Councillor Noyes
Seconded by: Councillor Dubanow

That: Council accepts the resignations of John Folusewych and Mary Franks from the Senior Citizens Advisory Committee, and further

That: Council directs staff to proceed with filling the vacancy in accordance with the Procedural By-law. **(Carried)**

(e) Appointment - Senior Citizens Advisory Committee - Jayne Cruikshank

Resolution No. 7
Moved by: Councillor Noyes
Seconded by: Councillor Dubanow

That: Council appoints Jayne Cruikshank, as the Beachcombers Representative to the Senior Citizens Advisory Committee for the period ending November 14, 2022. **(Carried)**

(f) Proclamation – National Volunteer Week – April 24-30, 2022

Resolution No. 8
Moved by: Councillor McDermott
Seconded by: Councillor Dubanow

Whereas the National Volunteer Week theme for 2022, Volunteering Is Empathy In Action, affirms the strong connection between volunteerism and empathy, and

Whereas during National Volunteer Week 2022, we celebrate the contributions of Canada's millions of volunteers: their actions, their understanding, and their genuine concern for the world around them, and

Whereas volunteering, putting empathy into action, can build communities where people feel happier, healthier, and more welcome – creating a stronger, more connected Canada;

Now therefore be it resolved,

That: Council proclaims April 24 - 30, 2022 as “National Volunteer Week”, and further

That: Council expresses their appreciation and gratitude to all volunteers in the Town of Fort Erie for their empathy, dedication, and commitment to our community. **(Carried)**

(g) Proclamation - National AccessAbility Week (NAAW) - May 29 - June 4, 2022

Resolution No. 9
Moved by: Councillor Noyes
Seconded by: Councillor Dubanow

That: Council proclaims May 29 - June 4, 2022 as "National AccessAbility Week." **(Carried)**

(h) Councillor Butler

Councillor Butler stated that she has never seen a Contract deferred and asked if the CAO could comment.

Mr. Janzen responded that to his recollection, he doesn’t recall having deferred a decision on that, and its Council's prerogative to require or ask for more information. That's something that they can accommodate.

(i) Councillor Butler

Councillor Butler enquired if there is data that the Town maintains on the number of Contracts that are issued outside of the Fort Erie businesses and how many reside in Fort Erie that are awarded Contracts.

Mr. Janzen responded that they do not but could try and put some of that together. The Purchasing Policy doesn't have any local preference in it, and we do not have that information.

Mayor Redekop stated that this could be deferred to the new CAO.

A Response to Enquiry will be provided at a future meeting.

(j) Councillor Butler

Councillor Butler commented that spring is here, summer is coming and maintaining ponds is problematic. She enquired if she could get information with respect to the maintenance of ponds at an early stage so that residents aren't suffering the way they have in the past.

Mr. Marotta responded that they do look after the maintenance of the ponds as part of the work they do. He does not have information on that right now.

Mayor Redekop asked if during the next week or so, could Mr. Marotta track down the status of the Resolution of Council seeking a new Policy with respect to Stormwater Management Ponds, and the maintenance of those ponds that deals directly with Councillor Butler's enquiry. There is a beautiful pond on Albany Road, and one in Sugarbowl Park that the Town maintains. Mayor Redekop requested a memo as to the status.

(k) Councillor Dubanow

Councillor Dubanow advised that today is his daughter Penelope's 8th birthday, and he promised he would announce it on YouTube.

Moved by: Councillor Dubanow
Seconded by: Councillor Noyes

That: Council wishes Penelope a happy 8th birthday. **(Carried)**

(l) Mayor Redekop

Mayor Redekop advised that a number of street lights are out. Mr. Walsh did provide a response indicating that this is a manufacturer issue. There are about 150 lights out in the Town that we've been struggling with for a couple of years now. Many of these are brand new lights that were installed in 2015 as part of the move to the energy-efficient LEDs. Mayor Redekop enquired if there is any additional information or some indication as to other solutions that can be contemplated or pursued to make sure that this is dealt with more efficiently.

Mr. Marotta responded that it is related to the LED Replacement Program that they have, and that they are trying to repair under warranty, which does limit the way they can get them. Instead of replacing the complete unit, they're just sending the part of the unit.

They are trying to work with the manufacturer to recognize the demand they have right now, and to try to get their hands on stock so that they are ahead of the game going forward.

Councillor Dubanow commented that this has been a difficult challenge and there is a lot of communication with residents explaining the reality. He stated that it's a driver unit that is failing and was enquiring if there is a warranty program in place, and if the manufacturer can't supply parts due to supply chain issues, is there an alternate supplier that can replace the cobra head. This is a problem that a lot of residents have raised with Councillor Dubanow, and he understands this is no fault of the municipality. He enquired if there is some solution they can do to improve the service.

Mr. Marotta responded that they've only ever gone through the warranty and replaced the parts. He understands what Councillor Dubanow is saying and stated that he can look into what alternatives are available. If they can find comparable parts that work, and if they are at cost, they can explore that and look to see if it is available. They have had issues in the past with parts for decorative lights, but this is more the common place light, so perhaps there is an opportunity to see what's available.

Councillor Lubberts commented that he is an Electrician and knows a little bit about the driver that is trying to be purchased and enquired how long the warranty was for.

Mr. Marotta responded that it is a 10-year warranty and would check to verify that.

Councillor Lubberts asked if the problem is that in the warranty, they have to supply the parts that came with the original unit, and that they can't use an alternate part.

Mr. Marotta further responded that that is how the warranty would work. They are to use the branded part that goes with the unit.

Councillor Lubberts enquired if the Town and the provider that installed the lights, would be willing to work on that and forego the manufacture's driver and go with an alternate without voiding the warranty.

Mayor Redekop responded that if they do that it could jeopardize the warranty and that it is something maybe our lawyers could look at. He asked if Mr. Janzen could look into that.

Councillor Lubberts stated that is what he is trying to get at. If they are stuck on the warranty then that is a problem. If the alternate is available, but under contract, you can't do it. Maybe there needs to be a compromise and still maintain the warranty.

Mayor Redekop further responded that they have looked at that before and thought that they should look at it again. If they are at 150, who knows what the number will be as this goes along. He stated it is not acceptable, but if it is a supply chain issue then he doesn't know whether alternatives might be available.

Councillor Lubberts commented that he could look into it too, and can get some numbers from Mr. Marotta, and see if he can track some drivers down.

12. Motions

Mayor Redekop gave the chair to Councillor McDermott in order to bring forward his Motions.

(a) Mayor Redekop

Re: Support of Diversity and Inclusion Coalition Recommendations

Resolution No. 10
Moved by: Mayor Redekop
Seconded by: Councillor Dubanow

Whereas the Fort Erie Diversity and Inclusion Coalition ("the Coalition") made a presentation to the Town Council on February 28, 2022, outlining the results of a survey that it had conducted and requesting certain actions by Council to address issues relating to racism, prejudice and discrimination; and

Whereas the Town of Fort Erie holds equity, diversity and inclusion as important community values; and

Whereas Council has satisfied one of the Coalition's requests by hiring a new Chief Administrative Office who has skills and experience in equity, diversity and inclusion matters; and

Whereas the current Town Council cannot bind a future Council in certain respects, but can express its desire that the next Town Council adopts equity, diversity and inclusion as key strategic objectives;

Now therefore be it resolved:

That: This Council strongly recommends to the next Town Council that it includes equity, diversity, and inclusion as pillars in the next Town of Fort Erie Strategic Plan for the term 2022-2026, and

That: Council directs the Chief Administrative Officer, when he assumes office on May 2, 2022, to develop and implement an Equity, Diversity and Inclusion work plan for the Town of Fort Erie by the end of 2023, or within a timeframe otherwise acceptable to Council, and

That: The Town of Fort Erie arrange to provide professional development training for members of Town Council and employees, along with the members of the Fort Erie Diversity and Inclusion Coalition, to further their understanding and knowledge of equity, diversity and inclusion issues by the end of 2023, or within a timeframe otherwise acceptable to Council, and in so doing, Town staff seek partners with whom to collaborate to sponsor such training and equity, diversity and inclusion workshops. **(Carried)**

(b) Mayor Redekop

Re: Hybrid Council Meeting Options

Resolution No. 11
Moved by: Mayor Redekop
Seconded by: Councillor Dubanow

Whereas Council's Rules of Procedure were amended on September 21, 2020, following amendments made to the *Municipal Act, 2001*, to provide for Members of Council to participate electronically in open and closed meetings of Council if they are ill, have a disability which makes it difficult to attend in person, need to care for a sick family member, or due to inclement weather, subject to notifying the Clerk at least 48 hours in advance of the meeting and the reason for participating electronically; and

Whereas delegations were permitted to participate electronically in the same instances and under the same rules as members of Council; and
Whereas Ontario moved into Step 3 of the Roadmap to safely ease public health measures effective February 17, 2022; and

Whereas as public health and health system indicators continued to improve, on February 25, 2022, the government amended O.

Reg. 364/20, relative to the “Roadmap Exit Step (Schedule 4), to lift capacity limits in all remaining indoor public settings; and

Whereas as of March 1, 2022, Town Hall and the Council Chambers were fully open to the public, and Council resumed in-person meetings only for Council, staff and the public, with the exception of a Statutory Public Meeting for which a notice under the provisions of the *Planning Act* had already been given advising that the public can participate virtually at the Council-in-Committee meeting to be held on March 21st, 2022, and Members of Council who qualified under the amendment of Council’s Rules of Procedure passed on September 21, 2020; and

Whereas it is desirable to provide hybrid options for those wishing to participate in Council meetings, whether regular, special or committee, when they cannot otherwise attend;

Now therefore be it resolved:

1. **That:** Participation at Town of Fort Erie Council meetings electronically be permitted as follows:

a) Members of Council in open meetings if they:
   i) are ill;
   ii) have a disability which makes it difficult to attend in person;
   iii) need to care for a sick family member, or
   iv) due to inclement weather;

subject to advance notice being provided to the Clerk of the need to attend electronically and the reason; and

b) Members of the public as a delegation, upon providing notice to the Clerk by noon on the Friday prior to the meeting.

2. **That:** Statutory Public Meetings under the *Planning Act* or any other legislative meeting shall be held as hybrid meetings for both in person and electronic participation.

3. **That:** For greater clarity, meetings that are not open to the public may not be held electronically except where an emergency has been declared by the Head of Council.

4. **That:** By-law No. 36-2016, being Council’s Rules of Procedure, be amended to accommodate the above changes and any incidental changes recommended by the Clerk.

Resolution No. 11A
Moved by: Councillor Zanko
Seconded by: Councillor Butler

That: The Resolution be amended to provide that members of Council may attend meetings electronically for any reason.

Councillor Zanko requested a friendly amendment to the Motion that members of Council be permitted to attend meetings electronically if they are required to work out of Town, which was accepted by Mayor Redekop and his seconder, as a new subsection 1 (a) (v).

Councillor Zanko requested a friendly amendment to the Motion that staff be permitted to attend meetings electronically in the discretion of the Chief Administrative Officer, which was accepted by Mayor Redekop and his seconder, as a new subsection 1 (c).

That: The Resolution be amended to provide that members of Council may attend meetings electronically for any reason. **(Lost)**

Following the friendly amendments, Resolution No. 11 was voted on, as amended, as follows:

Now therefore be it resolved:

1. **That:** Participation at Town of Fort Erie Council meetings electronically be permitted as follows:

a) Members of Council in open meetings if they:
   i) are ill;
   ii) have a disability which makes it difficult to attend in person;
   iii) need to care for a sick family member;
   iv) due to inclement weather; or
   v) are required to work out of Town; and

subject to advance notice being provided to the Clerk of the need to attend electronically and the reason; and

b) Members of the public as a delegation, upon providing notice to the Clerk by noon on the Friday prior to the meeting.
c) Members of Town Staff, in the discretion of the Chief Administrative Officer.

2. **That:** Statutory Public Meetings under the *Planning Act* or any other legislative meeting shall be held as hybrid meetings for both in person and electronic participation.

3. **That:** For greater clarity, meetings that are not open to the public may not be held electronically except where an emergency has been declared by the Head of Council.

4. **That:** By-law No. 36-2016, being Council's Rules of Procedure, be amended to accommodate the above changes and any incidental changes recommended by the Clerk. **(Carried)**

(c) Councillor Butler

Re: Bidding Wars on Apartment Rentals

(Postponed to May 30, 2022)

13. Notice of Motion

(a) Councillor Dubanow

Councillor Dubanow gave notice of motion with respect to the Federal Government to remove ArriveCan and to begin the process to remove COVID-19 public health measures at border crossings.

(Returnable May 30, 2022)

14. Consideration of By-laws

Mayor Redekop requested that By-law No. 43-2022 be removed and dealt with separately.

By-law No. 46-2022 was removed and dealt with separately due to Councillor Zanko's declared pecuniary interest.

Resolution No. 12
Moved by: Councillor Zanko
Seconded by: Councillor McDermott

That: the by-law package containing:

39-2022 To Appoint Temporary Municipal Law Enforcement Officers for the 2022 Summer Season

40-2022 To Delegate Authority for the Purpose of Approving the Extension of Roadworks, Watermains and Sewers and for the Execution of Development Agreements and Servicing Agreements Related to such Extensions (By-law Nos. 539-75, 68-06 and 66-2016)
41-2022 To Authorize the Execution of an Amending Subdivision Agreement with Crystal Beach Estates Ltd. (José Marques) - (Elizabeth Road Subdivision)
42-2022 To Set The 2022 Tax Rates and to Levy Taxes for the Year 2022
44-2022 To Amend Zoning By-law No. 129-90 – Housekeeping Amendment
45-2022 To Authorize the Entry into a Licence Agreement with the Crystal Beach Business Improvement Area Board of Management (Farmers' Market – Queen's Circle)

is given first and second reading. **(Carried)**

Resolution No. 13
Moved by: Councillor Lubberts
Seconded by: Councillor McDermott

That: By-laws:

39-2022
40-2022
41-2022
42-2022
44-2022
45-2022

are given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

Resolution No. 13A
Moved by: Councillor Zanko
Seconded by: Councillor McDermott

That: By-law No.43-2022 To Appoint Chris McQueen as Chief Administrative Officer and Deputy Clerk for the Town of Fort Erie and to Repeal By-law No.21-2022 is given first and second reading. **(Carried)**

Resolution No. 13B
Moved by: Councillor Lubberts
Seconded by: Councillor McDermott

That: By-law No. 43-2022 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

Resolution No. 13C
Moved by: Councillor Dubanow
Seconded by: Councillor McDermott

That: By-law No. 46-2022 To Accept and Dedicate Parkland - 3399 North Shore Drive (Sider Bros. Builders Ltd., Paul Philip & Susana Philip) is given first and second reading. **(Carried)**

Resolution No. 13D
Moved by: Councillor Lubberts
Seconded by: Councillor McDermott

That: By-law No. 46-2022 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

Resolution No. 14
Moved by: Councillor Dubanow
Seconded by: Councillor Noyes

That: By-law No. 47-2022: To Confirm the Actions of Council at its Council-in-Committee Meetings Held on April 4, 2022 and April 11, 2022, Special Council-in-Committee Meeting Held on April 19, 2022, and Council Meeting Held on April 25, 2022 is given first and second reading. **(Carried)**

Resolution No. 15
Moved by: Councillor Zanko
Seconded by: Councillor McDermott

That: By-law No. 47-2022 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

15. Scheduling of Meetings

- Planning and Development Services Subcommittee, May 4, 2022, 5:00 p.m., Conference Rm. No. 1
- Accessibility Advisory Committee, April 26, 2022, 4:00 p.m., Conference Rm. No. 1
- Fort Erie Not-for-Profit Housing Committee, April 27, 2022, 12:00 p.m., The Barrel
- Affordable Housing Committee, April 27, 2022, 9:30 a.m., Conference Rm. No. 1

16. Adjournment

Resolution No. 16
Moved by: Councillor Dubanow
Seconded by: Councillor Noyes

That: Council adjourns at 8:59 p.m. to reconvene into a Regular Meeting of Council on May 30, 2022. **(Carried)**

_____
Mayor

_____
Clerk

The Municipal Corporation of the Town of Fort Erie

Special Council Meeting Minutes

Monday, May 9, 2022

Council Chambers

All meetings can be viewed at: Town's Website:
https://www.forterie.ca/pages/CouncilAgendasandMinutes
Town's YouTube Channel: www.youtube.com/townofforterie
or click on the YouTube icon on the home page of the Town's website (www.forterie.ca) or Cogeco "YourTV"

1. Call to Order

Mayor Redekop called the meeting to order at 5:30 p.m.

2. Invocation

The Clerk read the Invocation.

3. Roll Call

Present: His Worship Mayor Redekop and Councillors Butler, Dubanow, *Lubberts, McDermott, Noyes and **Zanko

(*Arrived at: 5:51 p.m.)
(**Arrived at: 5:35 p.m.)

Staff: K. Beauchamp, C. Patton, T. Marotta, and C. Schofield

(Closed Session Staff: Item (a) J. Janzen, T. Marotta, C. McQueen, C. Schofield, and J. Stirton); Item (b) C. Sheddon (Daniel & Partners LLP), J. Janzen, T. Marotta, C. McQueen, C. Schofield, and J. Stirton)

4. Announcements/Addenda

There was one addendum as follows:

Addition under Item No. 6 (b) Closed Session - Pursuant to Section 239 (2) (e) of the *Municipal Act, 2001* (Litigation or potential litigation, including matters before administrative tribunals, affecting the

municipality or local board) and Section 239 (2) (f) (advice that is subject to solicitor-client privilege, including communications necessary for that purpose) Re: Ontario Land Tribunal Appeal - Community Voices of Fort Erie Inc. v. Fort Erie - Official Plan & Zoning By-law Amendments & Proposed Plan of Subdivision "Harbourtown Village"

5. Declarations of Pecuniary Interest

None.

6. Closed Session

Resolution No. 1
Moved by: Councillor Noyes
Seconded by: Councillor Dubanow

That: Council will now hold a Closed Session meeting at 5:33 p.m. to consider the following:

(a) Pursuant to Section 239 (2) (c) of the Municipal Act, 2001 (a proposed or pending acquisition or disposition of land by the municipality or local board), and Section 239 (2) (f) (advice that is subject to solicitor-client privilege, including communications necessary for that purpose)

Re: 4152 Erie Road

(b) Pursuant to Section 239 (2) (e) of the *Municipal Act, 2001* (Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board) and Section 239 (2) (f) (advice that is subject to solicitor-client privilege, including communications necessary for that purpose)

Re: Ontario Land Tribunal Appeal - Community Voices of Fort Erie Inc. v. Fort Erie - Official Plan & Zoning By-law Amendments & Proposed Plan of Subdivision "Harbourtown Village" **(Carried)**

(a) Re: 4152 Erie Road

Ms. Stirton provided background and an update on the matter, followed by a question and answer period. Ms. Stirton also provided legal advice to Council, and Council gave direction to staff.

(b) Re: Ontario Land Tribunal Appeal - Community Voices of Fort Erie Inc. v. Fort Erie - Official Plan & Zoning By-law Amendments & Proposed Plan of Subdivision "Harbourtown Village"

Mr. Sheddon provided background and information as to a proposed settlement, followed by a question and answer period. Council gave direction to legal counsel.

Resolution No. 2
Moved by: Councillor Zanko
Seconded by: Councillor

That: Council does now rise and reconvene from closed session at 6:40 p.m. with report as to Item (a) that staff proceed as directed, and as to Item (b), that staff proceed as directed. **(Carried)**

7. Consideration of By-laws

Resolution No.3
Moved by: Councillor Lubberts
Seconded by: Councillor McDermott

That: The by-law package containing:

48-2022 To Authorize the Entry into a Lease and Municipal Capital Facility Agreement with the Crystal Beach Hill Cottagers' Organization (0 Erie Road)

49-2022 To Exempt Lands from Taxes Levied for Municipal and School Purposes (0 Erie Road)

50-2022 To Amend Council Rules of Procedure By-law No. 36-2016, as amended - Electronic Meetings & Participation

is given first and second reading. **(Carried)**

Resolution No.4
Moved by: Councillor Butler
Seconded by: Councillor McDermott

That: By-laws:

48-2022
49-2022
50-2022

are given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

Resolution No.5
Moved by: Councillor McDermott
Seconded by: Councillor Dubanow

That: By-law No. 51-2022: To Confirm the Actions of Council at its Special Council Meeting held on May 9, 2022 is given first and second reading. **(Carried)**

Resolution No.6
Moved by: Councillor Noyes
Seconded by: Councillor Dubanow

That: By-law No. 51-2022 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

8. Adjournment

Resolution No. 7
Moved by: Councillor Dubanow
Seconded by: Councillor Noyes

That: Council adjourns at 6:43 p.m. to reconvene into a Regular Meeting of Council on May 30, 2022. **(Carried)**

_____
Mayor

_____
Clerk

The Municipal Corporation of the Town of Fort Erie

Council-in-Committee Meeting Minutes

Monday, May 9, 2022

Council Chambers

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Town's YouTube Channel: www.youtube.com/townofforterie
or click on the YouTube icon on the home page of the Town's website (www.forterie.ca) or Cogeco "YourTV"

1. Call to Order

Mayor Redekop called the meeting to order at 6:44 p.m.

2. Roll Call

Present: His Worship Mayor Redekop and Councillors Butler, Dubanow, Lubberts, McDermott, Zanko, and Noyes

Staff: K. Beauchamp, M. Ceci, K. Gennings, A. Herlovitch, J. Janzen, T. Marotta, J. McCaffrey, C. McQueen, C. Millar, C. Schofield and D. Vander Veen

3. Announcements/Addenda

There was one Addendum as follows:

Revision under Item No. 8.2 Report No. PDS-26-2022 to replace Councillor Dubanow with Councillor Zanko as the previous mover; an addition under Item No. 7.2 Consent Agenda Items for Approval – to add a Memorandum regarding Report No. IS-12-2022; addition of a Delegation under Item No. 8.1: (f) Carly Zarzycki, 19 Wood Street Re: Animal Care & Control Services Award of Contract (Report No. PDS-26-2022); and an addition of 2 delegations under Item No. 10.1: (b) Darcy and Jennifer Michelic, 236 Lincoln Road West Re: Request for Encroachment Agreement – Ulster Lane and (c) Matthew J. Holowatsch, Solicitor, Martin Shepard Fraser, Amanda Harris and Shawn Slater, 329 Cambridge Road West Re: Request for Encroachment Agreement – Ulster Lane (Report No. CAO-06/LC-09-2022).

Mayor Redekop made the following announcements:

- **Mother's Day**

I want to wish all of the mothers a belated happy Mother's Day. It was a fantastic day. I hope all of you had an opportunity to spend time with your children.

- **Cover the Kids Run – Bikers Rights Organization Niagara**

On Saturday, I attended the 36th Annual "Cover the Kids Run", which is a motorcycle run done by the "Bikers Rights Organization Niagara", which has been partnering with COPE in Fort Erie for 28 years. They provide toys and other things primarily for children, and it's a great event. These are motorcyclists from all over Niagara that traditionally end in Fort Erie and drop off items at COPE. It was a great day and was something that I think the community should be aware of.

- **New Chief Administrative Officer**

This evening behind me to the right is our new CAO, Chris McQueen. This is his first Council Meeting. He began work last Monday and has had a week to get to know the staff and the Councillors. Mr. McQueen, we welcome you to Fort Erie. He has a Fort Erie connection as his wife was raised and grew up in Fort Erie. Mr. McQueen, would you like to say a few words?

Mr. McQueen advised that he is excited and honoured to join the Town of Fort Erie team as the Chief Administrative Officer. For the past week, he's had the pleasure of reintroducing himself to the members of Council. As he did the Strategic Plan work in 2019, he started reacquainting with some of the staff. He has been orienting himself to many of the key issues, and thanked everyone, not just within Town Hall, but the community, who've reached out with a warm welcome and offers of assistance and information that he will find invaluable in the coming weeks and months. He thanked Council for their vote of confidence, and is excited and honoured to be serving the Town of Fort Erie.

4. Declarations of Pecuniary Interest

(a) Councillor Dubanow

Councillor Dubanow declared a pecuniary interest with respect to Item No. 8.1 a), b), c), d), e), f) Re: Animal Care and Control Services Award of Contract, as the company he works for provides

contract services to the Fort Erie SPCA. He abstained from discussing the matter.

(b) Councillor Dubanow

Councillor Dubanow declared a pecuniary interest with respect to Report Nos. PDS-26-1-2022 and PDS-26-2022 Re: Supplemental Report and Report respectively, Animal Care and Control Services Award of Contract, as the company he works for provides contract services for the Fort Erie SPCA. He abstained from discussing and voting on the matters.

(d) Mayor Redekop

Mayor Redekop declared a pecuniary interest with respect to Item No. 10.1 (a) delegation by Kim Helsdon and Brian Maskell, and under Item No. 10.2: Item 1) 5) Report No. CAO-28/LC-2021 Land Committee Minutes December 2, 2021, and Item No. 3) 16) Report No. CAO-06/LC-09-2022, as he previously represented the parties in a legal capacity and has declared a pecuniary interest on this issue in the past. He abstained from discussing and voting on the matters.

5. Notice of Upcoming Public Meetings

(a) Proposed Official Plan and Zoning By-law Amendments

Re: 124 Windmill Point Road South - Owner: Craig and Katie Kuhn - Agent: Quartek Group Inc. (Susan Smyth) - Monday, May 30, 2022 - 6:00 p.m. The information report will be available by 5:00 p.m. on May 26, 2022.

(b) Proposed Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments

Re: 0-17482 & 0-17484 Black Creek Road - Owner: 5009823 Ontario Inc. (Capital Contracting) - Agent: Matt Kernahan (Upper Canada Consultants) - Monday, May 30, 2022 - 6:00 p.m. The information report will be available by 5:00 p.m. on May 26, 2022.

6. Public Meetings

(a) Proposed Official Plan and Zoning By-law Amendment

Re: 97 Gorham Road - Owner: Bomofive Inc. (Ross Bomcore and Kam Mofid) - Agent: Urban Environments (Greg Hynde). The

Applicant's request is to amend the Official Plan Medium Density Residential land use designation which limits the maximum density to a maximum of 75 units/hectare and this development proposes a density of 111.3 units/hectares. The Applicant's request is also to rezone the subject property from Residential Multiple 1 (RM1-508) Zone to a site-specific Residential Multiple 2 (RM2) Zone that contains provisions to permit reduced lot areas, reduced amount of on-site parking and reduced front year setback. The amendments will facilitate development of two four storey apartment buildings.

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of the Public Meeting.

Mr. Vander Veen, Junior Development Planner, Development approvals, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Mr. Vander Veen confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the Application, and public comments received.

Greg Hynde, Urban Environments (Agent), and Matthew Schmid of Matthew Schmid Architecture Inc. (Architect) were present to speak on behalf of the Application.

Mr. Hynde provided the following comments:

- The site is the conversion from motel units to apartment rentals with parking in the front, and on the side, and 1 building.
- The recommendation is instead of 1 building on the site, it is split into 2 for the streetscape, and the building placement is closer to the road for parking in the rear.
- Internal sidewalks will be put in, connecting the parking lots with the street, and landscaping and fencing would be included.
- The traffic consultant advised that the traffic is operationally sufficient, structurally sound, and the roadway is able to accommodate the traffic.
- They will only use 4.2 % of the sewer's capacity and the driveways and parking lot are going to serve as partial detention of storm water.
- There were problems with environmental issues such as oil, heating, and lead paint that will be replaced with new development and environmentally sensitive materials.

Mr. Schmid provided a PowerPoint Presentation and the following commentary:

- The development consists of twin apartment 4 story buildings located to the north and south, and are short in dimension maintaining the required setbacks.
- Accessible parking paths of travel and accessible units are provided to maximise convenience for people with mobility challenges.
- There is a classic AB rhythm created down the length of each building, with the recessed balconies and a glazed facade that creates a sense of lightness.
- The landscape plan involves creating a vegetation buffer around the building consisting of ornamental trees, flower beds, a privacy screen of trees and a wood fence.
- An analysis was run on shadows, and the outcome is that there was little to no impact on neighbouring properties.

Mayor Redekop enquired whether there were any members of the public who wish to speak in favour of the Application.

No members of the public came forward.

Mayor Redekop enquired if any members of the public wished to speak in opposition to the Application or ask questions.

Available for viewing on the Town's YouTube Channel: www.youtube.com/townofforterie

**Presenters speaking notes retained in Clerk's office*

(a) *Jean-Claude LeLay, 113 Gorham Road, Ridgeway

- The proposed development does not fit with the feel of "small town Ridgeway".
- The Official Plan only allows for 89 parking spots and there are 72 dwellings with possibly 150 – 200 people.
- Concerned with parking, traffic, safety and privacy.

(b) *Pat Huffman, 104 Gorham Road

- The property is 2/3 hectare in size.
- The proposal is to exceed the limits of a full hectare in the number of dwelling units, the amount of on-site parking spaces, and the front yard setback.
- Safety concerns with no sidewalks, increased traffic, and the location of the driveway / entrance.

(c) Geoffrey Aldridge, 3765 Rebstock Road, Crystal Beach

Mr. Aldridge provided a PowerPoint Presentation and the following commentary:

- The 3 proposed amendments are: 6 m front vs 7.5, 1.24 parking spaces vs 1.5, and 111.3 u/ha vs (max) 75.
- Concerned with municipal water and sanitary sewer capacity, vegetation, traffic, no sidewalks, and impact on neighbours.
- Evans Planning Inc. requested that the lands be added to the Region's and Town's urban settlement area.

Mayor Redekop enquired whether the Clerk received any written submissions subsequent to the posting of the Report. The Clerk advised that she received a written submission from Faith Blacquiere, Kanata, ON, which will be appended to the Minutes.

Mayor Redekop declared the Public Meeting closed.

Council recessed at 8:20 p.m. for 10 minutes.

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

Re: 3914 Alexandra Road - Owner: Centurion Building Corporation. The Applicant's request is to rezone the subject property from Residential 2 (R2) Zone to Residential 2B (R2B) Zone which permits a minimum lot frontage of 10.00 m to construct a one-story single detached dwelling on the existing undersized lot.

Ms. Ceci, Junior Development Planner, Development approvals, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Ms. Ceci confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the Application, and public comments received.

Matt Kernahan Upper Canada Consultants (Agent), was present to speak on behalf of the Application. He provided a PowerPoint Presentation and the following commentary:

- The property is made up of 2 full lots from the original subdivision. The existing dwelling and detached garage are both located entirely on lot 239, and the applicant is seeking to construct a single detached dwelling on lot 240.

- The application asks for re-zoning to the R2B zone, permitting and regulating the development of the Town's historic subdivisions.
- The proposed dwelling is 1300 sq. ft. including 1 bedroom, den, and 2 bathrooms. It has a maximum height of 7 m, or 23 ft. to the peak of the roof, with a single car garage.
- The existing frontage is typical of the development.

Mayor Redekop enquired whether there were any members of the public who wish to speak in favour of the Application.

No members of the public came forward.

Mayor Redekop enquired if any members of the public wished to speak in opposition or had any questions regarding the Application.

No members of the public came forward.

Mayor Redekop enquired whether the Clerk received any written submissions subsequent to the posting of the Report. The Clerk advised that she did not.

Mayor Redekop declared the Public Meeting closed.

7. Consent Agenda Items

7.1 Request to Remove Consent Agenda Items

Mayor Redekop requested that Report No. IS-12-2022 be removed and dealt with separately.

7.2 Consent Agenda Items for Approval

PDS-30-2022 Bill 109 - *More Homes for Everyone Act, 2022* Information Report

That: Council receives Report No. PDS-30-2022 for information purposes regarding the Province of Ontario Bill 109, enacted as the *More Homes for Everyone Act, 2022* on April 12, 2022, and further

That: Council directs staff to forward a copy of this report to the Niagara Region and to the Ministry of Municipal Affairs and Housing. **(Carried)**

IS-12-2022 Fort Erie Transit Update

That: Council approves an increase in the Fort Erie Transit-On-Demand conventional service levels to accommodate an increase in ridership; and further

That: Council amends the 2022 General Levy Operating Budget to supplement conventional transit by $146,000 with funding from the General Levy Rate Stabilization Reserve.

CS-05-2022 Request to Stop Up, Close and Convey part of Crystal Beach Drive to the Owner of 0 Crystal Beach Drive to Correct a Title Defect

That: Council approves the stopping up and closing of part of Crystal Beach Drive, shown as Part 1 on the draft Reference Plan attached to Report No. CS-05- 2022 as Appendix No. “1”, and the conveyance of the said Part 1 to the owner of 0 Crystal Beach Drive for nominal consideration, to correct a title defect.

(Carried)

Consent Agenda Recommendation

Recommendation No. 1
Moved by: Councillor Dubanow

That: Council approves the Consent Agenda Items as recommended, save and except Report No. IS-12-2022.

(Carried)

7.3 Items Removed to be Dealt with Separately

Recommendation No. 2
Moved by: Councillor Zanko

IS-12-2022 Fort Erie Transit Update

That: Council approves an increase in the Fort Erie Transit–On-Demand conventional service levels to accommodate an increase in ridership; and further

That: Council amends the 2022 General Levy Operating Budget to supplement conventional transit by $146,000 with funding from the General Levy Rate Stabilization Reserve.

Recommendation No. 3
Moved by: Councillor Dubanow

That: The second recommendation be amended by changing "$146,000" to "$425,0000. **(Carried)**

Recommendation No. 4
Moved by: Councillor Dubanow

That: The following recommendations be added:

"**That:** Council approves one (1) more vehicle to be added to the On-Demand Fleet, as of June 1, 2022; and further

That: Council delegates authority to the Director, Infrastructure Services or Designate to increase the service hours on an as-needed basis, to an upset limit of $262,300, based on the ridership data in order to continue to meet Levels of Service (LoS); and further

That: Council approves a Level of Service (LoS) change from 20 minutes to 30 minutes for vehicle wait time in order to accommodate more riders." **(Carried)**

Following approval of the amendments, Recommendation No. 2 was voted on, as amended, as follows:

That: Council approves an increase in the Fort Erie Transit–On-Demand conventional service levels to accommodate an increase in ridership; and further

That: Council amends the 2022 General Levy Operating Budget to supplement conventional transit by $425,000 with funding from the General Levy Rate Stabilization Reserve, and further

That: Council approves one (1) more vehicle to be added to the On-Demand Fleet, as of June 1, 2022; and further

That: Council delegates authority to the Director, Infrastructure Services or Designate to increase the service hours on an as-needed basis, to an upset limit of $262,300, based on the ridership data in order to continue to meet Levels of Service (LoS); and further

That: Council approves a Level of Service (LoS) change from 20 minutes to 30 minutes for vehicle wait time in order to accommodate more riders. **(Carried)**

8. Planning and Development Services

Chaired by Councillor Zanko due to Councillor Dubanow's declared pecuniary interests.

8.1 Presentations and Delegations

Available for viewing on the Town's YouTube Channel: www.youtube.com/townofforterie

*****Presenters speaking notes retained in Clerk's office*

(a) *****Julie Ayres, President, Fort Erie SPCA

Re: Animal Care and Control Services Award of Contract (Report No. PDS-26-2022)

- The Fort Erie SPCA is fully operational and the LCHS is not.
- Page 8 of PDS-26-2022 states that awarding the contract to LCHS "will permit seamless continuation of Animal Care and Control Services."
- Services proposed by LCHS is doubled compared to the Fort Erie SPCA.

(b) Russ Young, 2000 Jewson Road

Re: Animal Care and Control Services Award of Contract (Report No. PDS-26-2022)

- SPCA services are expeditious and LCHS is spread thin.
- Services from LCHS could be impeded by inclement weather in Fort Erie.
- Over 3000 people petitioned to keep the Fort Erie SPCA.

(c) *****Martha Lockwood, 134 Belvidere Road

Re: Animal Care and Control Services Award of Contract (Report No. PDS-26-2022)

- The Fort Erie SPCA has been in existence since 1954.

- The Fort Erie SPCA has expeditious service when dealing with sick, infected animals and she has concerns with the response time of LCHS.
- The Fort Erie SPCA is the precedent for the best bid.

Recommendation No. 5
Moved by: Councillor Butler

That: The hour of adjournment be extended to 11:00 p.m.
(Carried)

(d) *Jamielee Vail, 94 Burleigh Road North

Re: Animal Care and Control Services Award of Contract (Report No. PDS-26-2022)

- Fort Erie SPCA building has deficiencies, and there are concerns with animal safety and response time.
- LCHS has a 19-point intake sheet including a vision exam, teeth, and gum inspection.
- Lincoln County Humane Society came in 1st place with the most points, lowest cost, and most service for the Contract.

(e) Karen Jones, 1083 Sunset Drive

Re: Animal Care & Control Services Award of Contract (Report No. PDS-26-2022)

Ms. Jones withdrew her delegation.

(f) *Carly Zarzycki, 19 Wood Street

Re: Animal Care & Control Services Award of Contract (Report No. PDS-26-2022)

- The Fort Erie SPCA harassed Ms. Zarzycki for assisting in the rescue of “death row” cats and dogs.
- Ms. Zarzycki is concerned with unsatisfactory service from the Fort Erie SPCA.
- When addressing the matter of sick animals, the Fort Erie SPCA dismissed it.

8.2 Reports

PDS-26-1-2022 Supplemental Information Report - Animal Care and Control Services Award of Contract

Recommendation No. 6
Moved by: Mayor Redekop

That: Council receives for information purposes Report No. PDS-26-1-2022 regarding additional information for the proposal submitted by the Lincoln County Humane Society (LCHS) for Animal Care and Control Services for the Town of Fort Erie.

Recommendation No. 7
Moved by: Councillor McDermott

That: The hour of adjournment be extended to 11:30 p.m.
(Carried)

Following the approval of Recommendation No. 7 to extend the hour of adjournment, Recommendation No. 6 was voted on as follows:

That: Council receives for information purposes Report No. PDS-26-1-2022 regarding additional information for the proposal submitted by the Lincoln County Humane Society (LCHS) for Animal Care and Control Services for the Town of Fort Erie.
(Carried)

PDS-26-2022 Animal Care and Control Services Award of Contract ***(Postponed from April 25, 2022, Council Meeting - Previously Moved by Councillor Zanko and Seconded by Councillor McDermott as Resolution No. 2)***

That: Council accepts and approves the proposal by the Lincoln County Humane Society (LCHS) for Animal Care and Control Services for the Town of Fort Erie for a period of 5 years with an increase of 2.00% per year for the duration of the contract with an option to extend for an additional two, two-year periods.

Recommendation No. 8
Moved by: Mayor Redekop

That: The duration of the contract be changed to a period of 3 years. **(Carried)**

Recommendation No. 9
Moved by: Mayor Redekop

That: The contract provide for a mechanism to return dogs that are licensed and running at large, to be returned to the owner in Fort Erie, whether it be an agreement with a pet store in Fort Erie, the Fort Erie SPCA or some other place that that can take place so that residents do not have to go to St. Catharines or Thorold to pick up their pets. **(Carried)**

Recommendation No. 10
Moved by: Mayor Redekop

That: The contract provide for a user friendly licensing program to assist residents seeking licences, whether digitally or with a local pet shop or some other place. **(Carried)**

Recommendation No. 11
Moved by: Mayor Redekop

That: Current Fort Erie SPCA employees be given fair consideration for employment with the Lincoln County Humane Society. **(Carried)**

Recommendation No. 12
Moved by: Mayor Redekop

That: The contract provide that the Lincoln County Humane Society provide opportunities for local residents co-op and volunteer work in Fort Erie without travelling to St. Catharines or Thorold. **(Carried)**

Recommendation No. 13
Moved by: Councillor Noyes

That: The contract provide for monthly reporting the same as the Fort Erie S.P.C.A. currently provides to the Town under its contract. **(Carried)**

Recommendation No. 14
Moved by: Mayor Redekop

That: The hour of adjournment be extended to 12:00 a.m. **(Carried)**

Following approval of the amendments, Resolution No. 2 from the April 25th, 2022 Council Meeting, was voted on as amended, as follows:

That: Council accepts and approves the proposal by the Lincoln County Humane Society (LCHS) for Animal Care and Control Services for the Town of Fort Erie for a period of 3 years with an increase of 2.00% per year for the duration of the contract with an option to extend for an additional two, two-year periods, and further

That: The contract provide for a mechanism to return dogs that are licensed and running at large, to be returned to the owner in Fort Erie, whether it be an agreement with a pet store in Fort Erie, the Fort Erie SPCA or some other place that that can take place so that residents do not have to go to St. Catharines or Thorold to pick up their pets, and further

That: The contract provide for a user friendly licensing program to assist residents seeking licences, whether digitally or with a local pet shop or some other place, and further

That: Current Fort Erie SPCA employees be given fair consideration for employment with the Lincoln County Humane Society, and further

That: The contract provide that the Lincoln County Humane Society provide opportunities for local residents co-op and volunteer work in Fort Erie without travelling to St. Catharines or Thorold, and further

That: The contract provide for monthly reporting the same as the Fort Erie S.P.C.A. currently provides to the Town under its contract.

Councillor Lubberts requested a recorded vote, the results of which are as follows:

Yes	No
Councillor McDermott	Councillor Lubberts
Councillor Zanko	
Councillor Butler	
Councillor Noyes	
Mayor Redekop	

(Carried)

Council recessed for 5 minutes at 11:35 p.m.

10. Corporate and Community Services

Chaired by: Councillor McDermott

10.1 Presentations and Delegations

Available for viewing on the Town's YouTube Channel: www.youtube.com/townofforterie

*****Presenters speaking notes retained in Clerk's office*

(a) *****Kim Helsdon and Brian Maskell, 1799 Niagara River Parkway

Re: Opposed to Land Committee Recommendations (Report No. CAO-28/LC-20-2021)

- Ms. Helsdon requested to allow the native vegetation planted to the East of her home to remain in place.
- Mayor Redekop wrote an article referring to Fort Erie adopting policies to protect natural heritage.
- The road allowance is impacted by the Region's Core Natural Heritage System consisting of Provincially significant wetland and woodland.

12. Adjournment

Recommendation No. 15
Moved by: Councillor Dubanow

That: Council-in-Committee hereby adjourns at 12:04 a.m. and adjourns the balance of the Agenda to a Special Council-in-Committee meeting on May 11, 2022 at 6:00 p.m. **(Carried)**

_____
Mayor

_____
Clerk



Technical Studies Pg 24



Google Streetview 4/2021

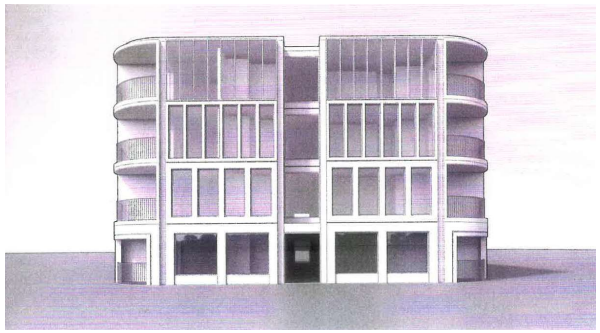
Official Plan and Zoning By-law Amendments for 97 Gorham Road PDS-28-2022
Public Meeting Presentation to Committee-in-Council

Faith Blacquiere
Kanata, ON
9 May 2022

1. WHAT's GOOD ABOUT THIS DEVELOPMENT?



Technical Studies Pg 24



Technical Studies Pg 25

- Rental housing – will it be affordable? Are there enough smaller units?
- 12 accessible units shown on the ground floor plan – will they be reserved for people who need them? Will there be enough accessible parking spaces for them? Do the units have accessibility features?
- Elevators – will the soil conditions support them?
- Garbage stored in the buildings
- Attractive if it looks like the top rendering versus the "shades of grey" described by the developers
- Provides floor plans so the public can see what's inside

2. WHAT's WRONG WITH THIS DEVELOPMENT?

- Requires demolition of 10 apartments and 1 house
- Displaces low-income tenants. Consider whether a MOU or other process could protect tenants and ensure that they are compensated and/or can return when the buildings are completed, as is being done by the City of Ottawa - see Appendix A for more detail
- Density is higher than permitted and has adverse impacts on the neighbours. RM1-508 density of 35uph permits 22 units – Ridgeway/Thunder Bay Secondary Plan (RTB SP) Medium Density of 75 uph permits 49 units - versus the 72 units requested
- Infrastructure has not been evaluated yet – the Region was uncertain as to whether the Nigh Road Sewage Pumping Station needs upgrading
- There is no bicycle lane south of the driveway to Farr Avenue – real "ghost bike" memorials may be needed if more bicycles are encouraged here
- There is no sidewalk on the west side of Gorham
- The south building may face a retaining wall if the Commercial parcel south of it is feasible based on amount of fill required and ability to provide access
- The setback from the 113 Gorham R1 zone doesn't provide privacy and is only 2.91m along the parking lot area rather then the 3.0m required. The Planning Report Pg 10 says it is 6.0m
- Adds a lot more traffic to an already hard to access high-volume traffic road. The Google Traffic map is useful for checking on traffic flow problems
- The Information Report Pg 6 Zoning Table has errors

3. Future development may overwhelm infrastructure because density keeps being added with no analysis of impact



RTB SP 9 Sep 2013 Pg 36



CBSP 2 Dec 2021 Pg 63



SABR 8 Mar 2022 PDS 6-2022
Appendix 1



SABR 8 Mar 2022 PDS 6-2022
Submission 4.1 Pg 19

Parcels which will have the most impact on Gorham and Farr:

- RTB SP Gorham and Farr parcels at 75uph
  337 units 862 people
- Possible 243 Gorham NCDSB parcel
  96 units 234 people
- Crystal Beach Secondary Plan (CBSP) north parcels (appealed)
  433 units 1,039 people
- SABR 171 Gorham 21.3ha (1.39ha in urban boundary)
  226 units 550 people – 4 new intersections
- SABR Crystal Beach parcels 20.8ha – similar to 171 Gorham
  226 units 550 people

This analysis results in 1,318 units with 3,235 people

The CBSP remaining parcels total 1361 units with 3,300 people excluding the CMU Area, and 0-15850 Rebstock adds 42 more units (in process), The total CBSP units was 49% of the 3,680 Designated Built-Up Area units required for 2051

The 12 July 2021 Affordable Housing OPA and CIP increases Low Density to 50uph, Medium Density to 100uph, High Density to over 100uph (coming to Council in 2022)

And this doesn't include Thunder Bay and most of Ridgeway, all other intensification, or the impact of large Commercial attractors

Note: Ridgeway calculated at 75uph, CBSP varies between 50 and 100
The SABR 50 people plus jobs per hectare results in density of 20.5uph
Conversion of units to people is based on 2.44 persons per unit

4. The development needs to be coordinated with future plans



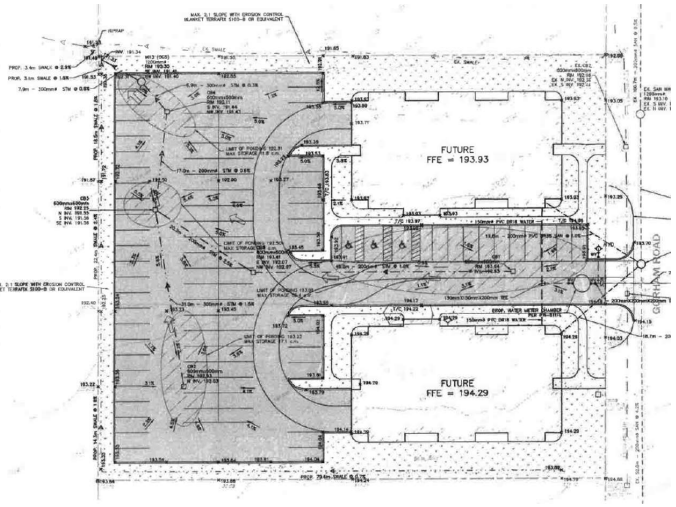
Planning Report Pg 64
RTB-2 Land Use Plan



171 Gorham Appendix 4
Submission 4.1 Pg 19

- The RTB Secondary Plan includes a future road on the east side in the 2 medium density parcels which would have an intersection close to the proposed driveway
- Moving the buildings, or a building, further south, as requested by the adjacent owner, and connecting to the future road should be considered. This could eliminate the need for a pedestrian crossing through heavy traffic
- The 171 Gorham concept plan has a road across from the north part of this future road and plans 4 new accesses on the west side, with 2 stop-controlled
- The 97 Gorham site servicing plan sends flow via a storm sewer and swale system to the 171 Graham rearyards. An easement and covered storm sewer will be needed to convey the flow to a new outlet. This easement could easily provide access to the Friendship Trail system being planned for that property. Providing a pathway through the 97 Gorham parcel for the public could provide shortcuts and reduce reliance on crossing Gorham to go north
- Extending a sidewalk from the site to connect to the Michener north sidewalk would provide access to Crystal Beach and the Trailhead planned on 171 Gorham
- Once the New Official Plan process starts, transportation and infrastructure master plans should be prepared for the Crystal Beach, Ridgeway and Thunder Bay neighbourhoods and more realistic densities should be assigned to prevent excessive infrastructure improvement costs and destruction of the “small village” feel and quality of life

5. There are problems with the perimeter swales and setbacks on the interior and rear yards



Technical Studies Pg 13 Site Servicing Plan
[extract darkened]



Google Streetview 4/2021

- ZBL 120-90 Section 15.3 Regulations for Apartment Dwellings requires “at least 25% landscaped area [be] unused for … any other purpose other than landscaped area”
- ZBL 120-90 Section 6.21(a) Landscaping and Planting Strips requires that “a strip of land adjoining … shall be used for no other purpose than a planting strip” for interior side yards abutting a Residential zone
- The swales are not “planting strips” so trees cannot be planted in them and they cannot be included as landscaped area. Some protected trees are in the swale or will interfere with proposed fences
- The existing swale which crosses the north property line is an outlet for Gorham Road drainage and needs to be shown and coordinated. The Gorham west side ditches need improvements . It is unclear as to whether the catchbasins connect to a storm sewer
- The site plan should have shown details on adjacent lands
- The Planning Report says snow storage will also be between the boundary fence and parking area which will contain swales
- Topography and elevations in the “environmental scarp area” close to Gorham need to be evaluated to determine whether the Gorham Road embankment and right-of-way will be impacted

Appendix A City of Ottawa Solution to Tenant Displacement

Request staff to determine if a MOU or other process could protect these tenants and ensure that they are compensated and/or can return when the buildings are completed, as is being done by the City of Ottawa:

> Report Recommendations
> c) That the implementing amendment to the Official Plan/new Official Plan shall not proceed to Council until such time as the Memorandum of Understanding is executed
> MOTION NO 59/6 WHEREAS the final outcomes of the first ever Social Contract as part of a Memorandum of Understanding (MOU) was negotiated between the City of Ottawa and Hazelview, as per the redevelopment plan of the Herongate community,
> WHEREAS the MOU is a binding agreement between the City and the developer of the site to establish clear commitments, including the provision of affordable housing; and
> WHEREAS it is in the interest of the City to continuously improve processes, including the negotiations of Memoranda of Understanding with developers.
> THEREFORE IT BE RESOLVED that Council direct staff to review the Herongate development Memorandum of Understanding and report back to Council no later than Q2 – 2022 with respect to best practices, lessons learned, and the challenges negotiating the respective MOU. CARRIED
>
> MOTION NO 59/7 BE RESOLVED that Council formally request Hazelview engage with previous tenants, who have accepted **move out compensation packages**, to inform them of the number of affordable housing units within the development; and that if they qualify, that they are **welcome to apply for an affordable housing unit** within the respective development. CARRIED

REF City of Ottawa Council Minutes 8 Sep 2020 Item 7 https://app05.ottawa.ca/sirepub/mtgviewer.aspx?meetid=8221&doctype=SUMMARY
Also has the MOU

The Municipal Corporation of the Town of Fort Erie

Special Council-in-Committee Meeting Minutes

Wednesday, May 11, 2022
(Balance of Council-in-Committee Meeting Agenda Adjourned from May 9, 2022 due to the lateness of the meeting)

Council Chambers
Meetings are being held in-person and via Video Teleconference as may be permitted. All meetings can be viewed at: Town's Website:
https://www.forterie.ca/pages/CouncilAgendasandMinutes
Town's YouTube Channel: www.youtube.com/townofforterie
or click on the YouTube icon on the home page of the Town's website (www.forterie.ca) or Cogeco "YourTV"

1. Call to Order

Mayor Redekop called the meeting to order at 6:01 p.m.

Mayor Redekop acknowledged the land on which we gather is the traditional territory of the Haudenosaunee, Mississaugas of the New Credit, and Anishinaabe people, many of whom continue to reside in this area.

2. Roll Call

Present: His Worship Mayor Redekop and Councillors Butler, Dubanow, Lubberts, Noyes and Zanko

Absent: Councillor McDermott

Staff: K. Beauchamp, K. Davis, A. Herlovitch, C. McQueen, C. Schofield, and K. Walsh

4. Declarations of Pecuniary Interest

(a) Mayor Redekop

Mayor Redekop declared a pecuniary interest at the May 9, 2022 Council-in-Committee meeting with respect to Item 10.1 (a) delegation by Kim Helsdon and Brian Maskell, and under Item

10.2: Item 1) 5) Report No. CAO-28/LC-20-2021 Land Committee Minutes - December 2, 2021, and Item 3) 16) Report No. CAO-06/LC-09-2022, as he previously represented the parties in a legal capacity and has declared a pecuniary interest on this issue in the past. He abstained from discussing and voting on the matter.

8. Planning and Development Services

Chaired by Councillor Dubanow

8.2 Reports

PDS-28-2022 Proposed Combined Official Plan and Zoning By-law Amendment - 97 Gorham Road - Urban Environments - Greg Hynde (Agent) - Bomofive Inc. - Ross Boncore & Kam Mofid (Owners)

Recommendation No. 1
Moved by: Councillor Zanko

Councillor Dubanow gave the Chair to Councillor Zanko in order to speak to the matter.

That: Council receives for information purposes Report No. PDS-28-2022 regarding a proposed Combined Official Plan and Zoning By-law Amendment for 97 Gorham Road. **(Carried)**

Councillor Zanko returned the Chair to Councillor Dubanow.

PDS-29-2022 Information Report - Proposed Zoning By-law Amendment - 3914 Alexandra Road - Upper Canada Consultants - Matt Kernahan & Ethan Laman (Agent) - Centurion Building Corporation - Nicholas Colaneri (Owners)

Recommendation No. 2
Moved by: Councillor Noyes

That: Council receives for information purposes Report No. PDS-29-2022 regarding a proposed Zoning By-law Amendment for 3914 Alexandra Road. **(Carried)**

8.3 New Business/Enquiries

None.

8.4 Business Status Report

No changes.

9. Infrastructure Services

Chaired by Councillor Noyes

9.1 Presentations and Delegations

None.

9.2 Reports

None.

9.3 New Business/Enquiries

(a) Councillor Butler

Councillor Butler advised that she received an updated email from Richard Bertran with respect to receiving an Information Report from the Niagara Regional Police regarding incidents that occur on Ridge Road in the downtown core. Councillor Noyes had responded to him to let him know that she's forwarded it on to the Traffic Committee. Councillor Butler asked Mr. Walsh if he sees the speed being reduced in the Ridgeway core as a direct result of this.

Mr. Walsh responded that he did not look at the email yet. Staff's preference is to defer any decisions on traffic calming requests Town wide until they can get the Traffic Calming Policy in place. It is listed on the Business Status Report for June 13, 2022, and with the addition of the future June 20, 2022 Meeting, the 4 Traffic Reports will come forward then. There are a number of hotspots that are on the target list and Ridge Road in this area is one of them.

(b) Councillor Butler

Councillor Butler advised that there have been a number of dump trucks and construction trucks that have been entering in and out of Nicholas Road, and have caused damage to the road so much so that residents are

concerned about damage to their vehicles. She enquired if someone could take a look at that.

Mr. Walsh responded that last year the Town passed a by-law regarding weight limits on all surface treated roads and that they can look into that.

(c) Councillor Zanko

Councillor Zanko advised that she had a request from a resident regarding a “Children at Play” sign and enquired about the cost of the sign.

Mr. Walsh responded that they do have a sign program in place called “Slow Down Think of Us” and the signs cost $100 each, installed, including taxes.

Councillor Noyes enquired if there are requirements or criteria for where the signs should be placed.

Mr. Walsh advised that the “Children at Play” diamond is very specific as to where they go, essentially in playgrounds. The “Slow Down Think of Us” signs are non-regulatory in display and residents may request them. Until a number of years ago, when the regulations changed, they had innumerable “Children at Play” signs (yellow diamond), and have corrected that to meet the regulation. These signs would typically go in a subdivision or an area where there are many children at play and it's appropriate.

(d) Mayor Redekop

Mayor Redekop advised that a tree has fallen over Six Mile Creek, immediately South of Dominion Road and has been there for a while. He asked if somebody could take a look at it because it may be part of the process to prevent water from getting down Six Mile Creek to flood the neighbours in heavy rains, or it may be that beavers are starting to build a dam, but it looks like it is becoming more of a permanent structure.

Mr. Walsh responded that he can look into it and asked for clarification if it was south of Dominion on the lake side.

Mayor Redekop advised that it was, and it is 100 ft from the road.

9.4 Business Status Report

No Changes.

10. Corporate and Community Services

Chaired by Councillor Butler

10.1 Presentations and Delegations

Available for viewing on the Town's YouTube Channel: www.youtube.com/townofforterie

*****_Presenters speaking notes retained in Clerk's office_

(b) *****Darcy and Jennifer Michelic, 236 Lincoln Road West

Re: Request for Encroachment Agreement - Ulster Lane (Report No. CAO-06/LC-09-2022)

- She requested Council to allow the neighbours to care for Ulster Lane as they have removed garbage, planted grass, seeds, and perennials.
- There is plenty of room in the laneway for both a 5 to 6 ft wide sidewalk and fence preserving natural features for plant and wildlife.
- Concerned that with the Town putting in a sidewalk on Ulster Lane, a road would follow causing pollution leading to health concerns.
- If unsuccessful with the Encroachment Agreement, they would request an extension to move the fence, and to secure funds.

(c) Matthew J. Holowatsch, Solicitor, Martin Sheppard Fraser, Amanda Harris and Shawn Slater, 329 Cambridge Road West

Re: Request for Encroachment Agreement - Ulster Lane (Report No. CAO-06/LC-09-2022)

Mr. Holowatsch provided a PowerPoint Presentation. Materials previously circulated to Council for consideration are available on the website.

Ms. Harris provided the following comments:

- She did not know there was an encroachment on Ulster Lane.
- There is a beautiful community garden established there and is worried that if they disrupt the land it can have a negative impact on wildlife.
- With an encroachment agreement, it still would be possible to have a sidewalk of 5 ft wide, and could be 6 ft at the intersections of Ulster and Lincoln.
- If they lose this land they will have no place to park.
- They hope that the Town will either come to a compromise or give them more time to resolve this.

10.2 Reports

CAO-28/LC-20-2021 Land Matters: December 2, 2021 Land Committee Meeting Minutes ***(Item, 1) 5) being Recommendation No. 2 in Appendix "2" (1799 Niagara River Parkway)) Postponed from December 13, 2021 and February 28, 2022 Council Meetings - Postponed to the April 11, 2022 Council-in-Committee Meeting and deferred to May 9, 2022 Council-in-Committee Meeting and further to the May 11, 2022 Special Council-in-Committee Meeting - Previously Moved by Councillor Noyes and Seconded by Councillor Dubanow as Resolution No. 1D)***

That: Council approves Item 1) 5), being Recommendation No. 2 contained in Appendix “2” to Report No. CAO-28/LC-20-2021.

Councillor Dubanow requested that the Recommendations in Recommendation No. 2 be dealt with separately.

That: Land Committee denies the request to enter into an encroachment agreement with the owners of 1799 Niagara River Parkway for vegetation planted on the Burnside Avenue municipal road allowance. **(Carried)**

That: The vegetation encroachment be removed from the municipal road allowance and replanted on the owner’s property or; alternatively, the Town will remove the plantings at the owner’s expense.

Recommendation No. 3
Moved by: Councillor Dubanow

That: The second recommendation be amended to read: “That the vegetation encroachment be allowed on the municipal road allowance”.

Councillor Noyes moved a friendly amendment that the following be added: “so long as it’s not creating a safety or sight line issue, and that a property marker be installed indicating that it is Town owned land, at the property owner’s expense”.

Councillor Lubberts moved a friendly amendment that: “no further plantings will be permitted on the road allowance and the Town now owns whatever is planted”.

Councillor Noyes moved a further friendly amendment that: “the Town reserves the right to remove vegetation if it so deems necessary or desirable”.

Following acceptance of the friendly amendments to the amendment, Recommendation No. 3 was voted on as follows:

That: The vegetation encroachment be allowed on the municipal road allowance so long as it’s not creating a safety or sight line issue, a property marker be installed indicating that it is Town owned land, at the property owner’s expense, no further plantings will be permitted on the road allowance and the Town now owns whatever is planted it and reserves the right to remove vegetation if it so deems necessary or desirable.

(Carried)

Following approval of the amendment, as amended, Item 1) 5), being Recommendation No. 2 contained in Appendix “2” to Report No. CAO-28/LC-20-2021, as amended, was voted on as follows:

That: Land Committee denies the request to enter into an encroachment agreement with the owners of 1799 Niagara River Parkway for vegetation planted on the Burnside Avenue municipal road allowance, and further

That: The vegetation encroachment be allowed on the municipal road allowance so long as it’s not creating a safety or sight line issue, a property marker be installed indicating that it is Town

owned land, at the property owner's expense, no further plantings will be permitted on the road allowance and the Town now owns whatever is planted it and reserves the right to remove vegetation if it so deems necessary or desirable.

(Carried)

CAO-03-/LC-04-2022 Land Matters: February 10, 2022 - Land Committee Meeting Minutes
(Reconsideration of Item 1) 1), being Recommendation No. 1 in Appendix "2" (4152 Erie Road):

At the March 28, 2022 Regular Council Meeting, Moved by: Councillor McDermott, and Seconded by Councillor Dubanow as Resolution No. 10C):

"**That:** Council reconsider the decision made by Council on February 28, 2022 to deny an extension of the time for the owner of 4125 Erie Road."

Council held a Closed Session Meeting and rose with Report as follows:
Resolution No. 10F
Moved by: Councillor Dubanow
Seconded by: Councillor Butler

That: Council does now rise and reconvene from Closed Session at 10:50 p.m., with report that the matter be postponed to the April 11, 2022, Council-in-Committee Meeting, no action be taken by staff, and the owner be notified that Council is reconsidering the matter. **(Carried)**

This matter was subsequently deferred to the May 9, 2022, Council-in-Committee Meeting and further to the May 11, 2022, Special Council-in-Committee Meeting.

Matter for Reconsideration:

That: Council approves Recommendation No. 1) contained in Appendix "2" to Report No. CAO-03/LC-04-2022:

That: The Land Committee denies the owner's request for a further six-month extension for the Town's Right to Re - Conveyance of 4152 Erie Road.

Recommendation No. 4
Moved by: Mayor Redekop

That: The matter be postponed to the May 30, 2022 Council meeting. **(Carried)**

CAO-06/LC-09-2022 Land Matters: April 21, 2022 - Land Committee Meeting Minutes ***(Deferred to the May 11, 2022, Special Council-in-Committee Meeting)***

Recommendation No. 5
Moved by: Mayor Redekop

That: Council receives the April 21, 2022, Land Committee meeting minutes attached as Appendix "1" to Report No. CAO-06/LC-09-2022.

That: Council approves the recommendations contained in Appendix "2". **(Carried)**

10.3 New Business/Enquiries

(a) Mayor Redekop

Mayor Redekop referred to the property owners on Ulster Lane who both expressed concerns with the September 30, 2022 date to remove the encroachments. He asked for clarification from the CAO if there is a problem removing the encroachments, if the property owners on Ulster Lane can request the Land Committee to provide them with an extension.

Mr. McQueen responded that he spoke with Mr. Walsh and they don't have the project slated for construction this season, and would be looking for in a future report some consideration by Council for the capital for the project to move forward in 2023.There's currently an appeal on the Secondary Plan, but it is the hope that they will release those areas. The Town will not be proceeding in 2022 as a result of that. If they release those areas under appeal, they would be looking at moving forward in 2023 during the

construction season. An extension to the end of April of 2023 would not impede the Town's project in any way and give the property owners some additional time as they have requested.

10.4 Business Status Report

No Changes.

11. Scheduling of Meetings

None.

12. Adjournment

Recommendation No. 6
Moved by: Councillor Dubanow

That: Council-in-Committee hereby adjourns at 7:56 p.m. **(Carried)**

_____
Mayor

_____
Clerk

The Municipal Corporation of the Town of Fort Erie

Council-in-Committee Meeting Minutes

Monday, May 16, 2022

Council Chambers

Meetings are being held in-person and via Video Teleconference as may be permitted. All meetings can be viewed at: Town's Website:
https://www.forterie.ca/pages/CouncilAgendasandMinutes
Town's YouTube Channel: www.youtube.com/townofforterie
or click on the YouTube icon on the home page of the Town's website (www.forterie.ca) or Cogeco "YourTV"

1. Call to Order

Acting Mayor McDermott called the meeting to order at 6:06 p.m.

Acting Mayor McDermott acknowledged the land on which we gather is the traditional territory of the Haudenosaunee, Mississaugas of the New Credit, and Anishinaabe people, many of whom continue to reside in this area.

2. Roll Call

Present: Councillors Butler, Dubanow, Lubberts, McDermott, and Noyes

Absent: Mayor Redekop, Councillor Zanko

Staff: K. Beauchamp, A. Herlovitch, J. Janzen, C. McQueen, C. Schofield, and K. Walsh

3. Announcements/Addenda

There was one addendum as follows:

Addition of a delegation under Item No. 8.1 Planning and Development Services – Presentations and Delegations: (a) Srdjan Moraca, JADE Amusement Inc. Re: 2579 Dominion Road Building Permit Extension (Report No. PDS-31-2022).

Acting Mayor McDermott made the following announcement:

Shooting in Buffalo, New York

Because of the tragic shooting in Buffalo, I want to read the comments of the Mayor, and then followed by that, I'd like to have a minute silence for the people that we lost.

"The residents of Fort Erie are shocked and horrified at the senseless shooting of innocent people in Buffalo. The knowledge that the shooter was racially motivated is extremely troubling. There is no place for hate and racism in our societies. We grieve the families of those killed and maimed yesterday, and are residents of the City of Good Neighbours. We all have an obligation to speak out against and oppose the ideology that promote hate, racism, and discrimination. There are close family ties between our two communities, as well as deep friendships amongst our residents and those of Buffalo. In many respects, we are one community, connected by our history, geography, and culture. The type of incident has an impact on all of us on both sides of the border."

Acting Mayor McDermott asked that we stand and take a minute of silence.

4. Declarations of Pecuniary Interest

None.

5. Notice of Upcoming Public Meetings

(a) Proposed Official Plan and Zoning By-law Amendments

Re: 124 Windmill Point Road South - Owner: Craig and Katie Kuhn - Agent: Quartek Group Inc. (Susan Smyth) - Monday, May 30, 2022 - 6:00 p.m. The information report will be available by 5:00 p.m. on May 26, 2022.

(b) Proposed Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments

Re: 0-17482 & 0-17484 Black Creek Road - Owner: 5009823 Ontario Inc. (Capital Contracting) - Agent: Matt Kernahan (Upper Canada Consultants) - Monday, May 30, 2022 - 6:00 p.m. The information report will be available by 5:00 p.m. on May 26, 2022.

6. Public Meetings

None.

7. Consent Agenda Items

7.1 Request to Remove Consent Agenda Items

None.

7.2 Consent Agenda Items for Approval

PDS-32-2022 Award of Contract for Backstop Replacement at AC Douglas Park 1 and United Empire Loyalist (Ott Road) Park

That: Council accepts and approves the tender submission from Touchstone Site Contractors Inc. for Tender PDS-22T-BACK22 Backstop Replacement at an upset limit of $108,581.70 (including 13% HST), and further

That: Council amends the 2022 Capital Budget to supplement the Backstop Replacement Contract No. PDS-22T-BACK22 by $37,000 with funding from the Parkland Reserve. **(Carried)**

PDS-33-2022 Proposed Combined Official Plan & Zoning By-law Amendment - 1107 Garrison Road - Sullivan Planning Services - Michael Sullivan (Agent) - 1107 Garrison Road GP Inc. - Mohammed Y. Alhadi (Owner)

That: Council approves the amendments to the Town's Official Plan and Zoning Bylaw No. 129-90 as detailed in Appendix "6" and Appendix “7” of Report No. PDS-33-2022 for the lands known as 1107 Garrison Road, and further

That: Council directs staff to prepare the necessary by-laws. **(Carried)**

IS-13-2022 Single Source Purchase for the Phase 2 Environmental Site Assessment (ESA) of the Former Ridgeway Works Yard

That: Council approves the single source purchase for the Phase 2 Environmental Site Assessment (ESA) of the Former Ridgeway Works Yard at 402 Ridge Road North from MTE

Consultants Inc., at an upset limit of $ 89,512.95 (including 13% HST). **(Carried)**

IS-14-2022 Request for Amendment to the Awarded Contract Amount for Lakeside Road Watermain Replacement - Contract No. ISE-18T-LAKE07

That: Council amends the 2022 Capital Budget to supplement the Lakeside Road Watermain Replacement – Contract No. ISE-18T-LAKE07 by $397,380.00 (including non-relatable HST) as identified in 'Table 1' with funding from $134,712.00 Road Reserve, $87,026.00 Storm Reserve, $108,882.00 Wastewater Reserve, $66,760.00 Water Reserve; and further

That: Council authorizes an amendment to the Lakeside Road Watermain Replacement – Contract No. ISE-18T-LAKE07 to $4,757,300.00 (including 13% HST); and further

That: Council authorizes an amendment to GHD Group Ltd. services for contract administration and inspection services for the Lakeside Road Watermain Replacement – Contract No. ISE-18T-LAKE07 to $205,750.59 (including 13% HST). **(Carried)**

CS-06-2022 Spring 2022 Capital Variance Report

That: Council authorizes the closure of capital projects identified in Appendix "1" to Report No. CS-06-2022, and further

That: Council allocates all other capital project variances, with a total net surplus of $1,344,094 in accordance with Appendix "1" to Report No. CS-06-2022, and further

That: Council amends the 2022 Capital Budget to fund the Erie Road Development capital project (ERIE20) by $378,502 sourced from Deferred Revenue for Security deposits (account BL.10050.7264), and further

That: Council amends the 2022 Capital Budget to fund the Burleigh Rd Development capital project (BURL20) by $83,259 sourced from Deferred Revenue for Security deposits (account BL.10050.7264), and further

That: Council amends Crystal Ridge Park Improvements capital project (CRYS18) to substitute Development Charges Reserve for Parks and Recreation (ID 3.2.7) funding of $201,825 with $161,825 from the Parkland Reserve (Non-deferred) and

$40,000 from the General Levy Rate Stabilization Reserve, and further

That: Council amends the 2022 Capital Budget to substitute $154,506 Development Charges Reserve for Parks and Recreation (ID 3.2.2) with Parkland Reserve for the Crystal Ridge Park Improvements Phase 2 capital project (CRYS21), and further

That: Council amends the 2022 Capital Budget to substitute Sanitary Sewer Refurbishing Reserve funding with the Combined Sewer Overflow (CSO) grant funds to capital project BRPL19 in the amount of $53,265, and further

That: Council authorizes the Director, Corporate Services/Treasurer to approve any required changes to the reserve transactions to close the capital projects, up to the lesser of 10% or $25,000. **(Carried)**

COS-03-2022 Award of Contract for Website Creation

That: Council accepts and approves the proposal from eSolutions Group Ltd. for the redesign of the Town's Website (Contract No. COS-22P-WEBS) in the amount $75,924.70 (including 13% HST). **(Carried)**

Consent Agenda Recommendation

Recommendation No. 1
Moved by: Councillor Dubanow

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

7.3 Items Removed to be Dealt with Separately

None.

8. Planning and Development Services

Chaired by Councillor Dubanow

8.1 Presentations and Delegations

Available for viewing on the Town's YouTube Channel: www.youtube.com/townofforterie

(a) Srdjan (DeJan) Moraca, JADE Amusement Inc.

Re: 2579 Dominion Road Building Permit Extension (Report No. PDS-31-2022)

- In 1999 his father opened up a business known as JADE Amusement Inc. and they equip different venues like bars, restaurants, bowling alleys, with different kinds of amusement machines, like pool tables, arcade games, jukeboxes, and we do revenue share.
- Since the pandemic his revenue is down 40% and 2 years to build a house proposed by Planning and Development Services is not financially possible.
- Asking for 5 years to build a home on the property and is willing to give the $10,000 deposit for the building permit as requested with no further extensions.

8.2 Reports

PDS-31-2022 Extension of Agreement between the Corporation of the Town of Fort Erie and Jade Amusement Inc. (DeJan Moraca) to Obtain a Building Permit - 2579 Dominion Road

Recommendation No. 2
Moved by: Councillor Butler

That: Council authorizes an extension to the agreement between The Corporation of the Town of Fort Erie and Jade Amusement Inc. (DeJan Moraca) to obtain a building permit for a period of two years, subject to the conditions outlined in this report, and that the Owner be so advised.

Recommendation No. 3
Moved by: Councillor Butler

That: The recommendation be amended to change the extension from two years to three & one-half years.

Councillor Lubberts requested a friendly amendment to notify the owner that the commercial use has to cease, which was not accepted by Councillor Butler.

That: The recommendation be amended to change the extension from two years to three & one-half years. **(Carried)**

Recommendation No. 4
Moved by: Councillor Lubberts

That: The owner be notified to cease use of the property for his commercial business. **(Carried)**

Following approval of the amendments, Recommendation No. 2 was voted on, as amended, as follows:

That: Council authorizes an extension to the agreement between The Corporation of the Town of Fort Erie and Jade Amusement Inc. (Dejan Moraca) to obtain a building permit for a period of three & one-half years, subject to the conditions outlined in this report, and that the Owner be so advised, and further,

That: The Owner also be advised to cease use of the property for his commercial business. **(Carried)**

8.3 New Business/Enquiries

(a) Councillor Lubberts

Councillor Lubberts advised that he received a phone call from a gentleman that lives in Ridgeway-by-the-Lake, regarding concerns with the tennis and pickleball courts at Crystal Ridge Park. Councillor Lubberts explained to him that when the tennis courts were put in, the pickleball courts were Phase 2. In order to accommodate the pickleballers, they painted lines in the tennis courts for pickleball, which is inconvenient for the tennis players because the lines don't match, causing discrepancies of what's in and out of bounds. Councillor Lubberts understood that this was temporary. When the pickleball courts were finished, the tennis courts would get their regular paint on the tennis courts and then there would be pickleball paint on the pickleball courts. Due to the cost of changing the lines back to just tennis, it would have to come to Council for approval to have it changed. Councillor Lubberts asked staff what that cost would be and would like to put it in next year's budget to accommodate both tennis and pickleball players.

Mr. Herlovitch responded that this could be referred to staff.

Councillor Lubberts requested that a Report be provided due to suggestions that the budget may have to be amended.

A Report will be provided at a future meeting.

(b) Councillor Noyes

Councillor Noyes enquired about the LCBO trailer as it came before Council 1 ½ to 2 years ago, and it is still there. The Economic Development and Tourism Services Department have not heard from the LCBO and she has not heard of any new movement. She does not think that they have granted them an extension and asked what the situation is right now as it has been going on for 7 to 8 years and is temporary.

Mr. Herlovitch responded that Council did not extend the agreement and it ran out in February 2022.

Mr. Herlovitch advised that they did receive an Application from the owner of the property to develop a plaza.

Councillor Noyes advised that she heard the same thing 10 years ago, that the plaza was going to be built, which was the reason why the LCBO was allowed to go into the parking lot in the first place.

Mr. Herlovitch advised that he has received an Application.

Councillor Noyes added she is glad that something's moving, and enquired about the timeframe.

Councillor Noyes advised that Mr. Herlovitch could get back to her but the problem is that the LCBO has had ample opportunity to find other commercial areas. Councillor Noyes enquired as to what they can do to put the LCBO in compliance regardless of the Site Plan She advised that if they want to move into the plaza when it's finished, wonderful, but in the meantime, they should not be there and she is not prepared to extend it.

(c) Councillor Butler

Councillor Butler advised that prior to COVID, she met with Mr. Kompson, one of the major owners of the property.

When they spoke, he had every intention of bringing the Site Plan to the Town, then COVID hit a month after they had met. They had met in December and February, and it was already casted what was going to happen. The LCBO was one of his main anchors for the development site. She enquired if Mr. Herlovitch knows that the anchor is going to be the LCBO.

Councillor Dubanow advised that it is in contravention of the by-law as it is a storage trailer.

Councilor Butler enquired if it would be sufficient for the LCBO to construct a temporary building, not a trailer, such as a pop-up building.

Mr. Herlovitch responded that they would still require a Site Plan for the property even for a temporary building.

Councillor Dubanow advised that the CAO has told him that there will be a Report coming in June regarding this issue.

Councillor Lubberts added that when the LCBO first came to the Town to use this site temporarily, they said that they were also looking at other sites in Ridgeway as there were other commercial properties coming up for development. It was not etched in stone that they were going to be there permanently. His sister lives across the street and one of the conditions of the extension was dust suppressant and according to his sister, it had never been done. Councillor Lubberts advised dust suppressant is needed.

Councilor Dubanow asked Mr. Herlovitch if he can notify the owner about the dust suppressant issue.

Mr. Herlovitch responded that he would reach out to the owner regarding the dust and will be looking into the Report for a full explanation for Council.

8.4 Business Status Report

No changes.

9. Infrastructure Services

Chaired by Councillor Noyes

9.1 Presentations and Delegations

None.

9.2 Reports

None.

9.3 New Business/Enquiries

None.

9.4 Business Status Report

No Changes.

10. Corporate and Community Services

Chaired by Councillor Butler

10.1 Presentations and Delegations

None.

10.2 Reports

CAO-07-2022 Funding Request for Dr. Evan Llewellyn

Recommendation No. 5
Moved by: Councillor Noyes

That: Council approves the request in the amount of $75,000 from the Community Health and Wellness Reserve as a Physician Recruitment incentive for Dr. Evan Llewellyn, who will practise as a Family Physician at 238 Bertie Street Family Group Practice in the Summer of 2022; and further

That: Council amends the 2022 Operating Budget to provide grant funding to Dr. Evan Llewellyn in the amount of $75,000 with funding from the Community Health and Wellness Reserve

(Carried)

10.3 New Business/Enquiries

(a) Councillor Noyes

Councillor Noyes enquired since they have been very successful in certain areas of Town, but not in Stevensville, if there is a way that they can increase the incentive for areas like Stevensville for physician recruitment. She is not sure if it should be a Report and enquired if it could be considered a possibility. She requested a Response to Enquiry.

A Response to Enquiry will be provided at a future meeting.

(b) Councillor Dubanow

Councillor Dubanow commented about the City of Niagara Falls motion regarding correspondence from the Public Bridge Authorities both in Niagara Falls and in Fort Erie. There was an ArriveCan update that happened on the 15th that changed the way travelers entered in information. On April 25th, the Federal Government no longer required a quarantine plan for entering Canada. The May 15th ArriveCan update is now asking for a location of where you're going to be staying when you visit Canada. The problem is that, it might work well for a flight, for someone who flies into Canada, because they're not going to be leaving the same day. It is incredibly naive to request an address where there are visitors who visit the Niagara Region for the day, and may not have an address where they're staying. They may be coming to Victoria Park or Queens Heights and asked how they would enter that.

Councillor Dubanow has a motion coming up on May 30th and is going to be bringing this up.

There was an article regarding Florida's tourism economy that has now recovered beyond what it was prior to COVID-19. People are desperate to go out and enjoy life again, and this is going to be the summer where it should be redeemed here in Niagara. 50% of the visitors who come here and spend money in the local economy come from the United States. Business owners, families, and people all over this Region are frustrated.

Councillor Dubanow advised that it is important for the Regional Chair and Regional Council to defend the tourism and hospitality economy in the Region as 40 to 60,000 people in Niagara rely on this to feed their families.

The Federal Government needs to express that the land border is not the same as flying in. Councillor Dubanow is concerned that people may not want to come over to Canada as they need an address.

(c) Councillor Noyes

Councillor Noyes advised that a while ago Family and Children Services made a presentation about Lemonade Stands. They're hoping that there would be some places in Fort Erie that would take them up on their offer. A recent email that Councillor Noyes received is that no one has, and she enquired how to promote it. With markets starting soon, perhaps some of the BIA's would consider a Lemonade Stand for Family and Children Services.

Councillor Butler advised that she has a meeting with the Ridgeway BIA and would raise that there. She told Family and Children Services that she would work with them to arrange with the local schools on Garrison Road to see if they can pop up a Lemonade Stand.

10.4 Business Status Report

No Changes.

11. Scheduling of Meetings

- Fort Erie Public Library Board, May 17, 2022, 4:00 p.m., Crystal Ridge Branch
- Community Health Care Services Committee, May 17, 2022, 5:00 p.m., Conference Rm. No. 1
- Infrastructure Services Subcommittee, May 25, 2022, 3:00 p.m., Conference Rm. No. 1
- Accessibility Advisory Committee, May 31, 2022, 4:00 p.m., Conference Rm. No. 1

12. Adjournment

Recommendation No. 6
Moved by: Councillor Dubanow

That: Council-in-Committee hereby adjourns at 7:28 p.m. **(Carried)**

_____
Acting Mayor

_____
Clerk

A

Operation Smile Canada

A

Dear Mayor Wayne Redekop,

In these unprecedented times, Operation Smile Canada recognizes the importance of engaging community members in ways that enable them to use their passion and creativity to encourage positive change.

Which is why we are inviting you as the Mayor of Fort Erie to proclaim June 19th, 2022 as the Longest Day of SMILES® in your community.

The Longest Day of SMILES® encourages community ambassadors to raise awareness and funds to help a child born with a cleft condition smile and change their life with free, safe, cleft surgery and comprehensive care. From sun-up to sun-down, from coast to coast to coast, Canadians are dedicating June 19th, 2022, and the time leading up to it, to helping children SMILE.

Operation Smile Canada is a volunteer-delivered global medical charity that exists to ensure everyone has access to safe, effective surgery that they need wherever they live in the world. Surgery that will change a child's life forever… help families, communities, countries, regions and yes, the world.

By proclaiming June 19th, 2022, as the Longest Day of SMILES® in Fort Erie and challenging other Mayors to do the same, you can provide waiting children with exceptional cleft care and a hopeful future with a new smile.

Our Community Engagement & Fundraising team is happy to support you and your community should you choose to participate with us.

To confirm your participation or to request more info, please email Candy Keillor, Community Engagement Specialist candy.keillor@operationsmile.org

To learn more about the transformational impact of Operation Smile Canada, visit: operationsmile.ca

We look forward to collaborating with you and your team to make this the best Longest Day of SMILES® yet! Together we can make a difference one smile at a time!

Keep Smiling,

Candy Keillor

Candy Keillor (she/her)
Community Engagement Specialist

RECEIVED
MAY 30 2022
BY COUNCIL

375 University Ave., Suite 204, Toronto, ON M5G 2J5 ▪ 647-696-0600
operationsmile.ca ▪ ca-supporters@operationsmile.org

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Senior Citizen's Advisory Committee
Town of Fort Erie

May 13, 2022

Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON

Town Council:

We are requesting the Town of Fort Erie to proclaim the month of June as "Senior Citizens" month and to proclaim October 1st as "World Senior's Day" in the Town of Fort Erie and to fly the Age-Friendly flag during that time.

We are also requesting that the "Age-Friendly" flag be raised at Town Hall on Wednesday June 1st at 9:00 am. We are requesting the presence of Mayor Redekop at the flag raising.

Thanking you in advance for your consideration.

Barbara Hopkins

Barbara Hopkins
Secretary
SCAC

RECEIVED
MAY 30 2022
BY COUNCIL

Office of the City Clerk
Matthew Trennum
905-227-6613 ext. 226
matthew.trennum@thorold.ca

City of Thorold
3540 Schmon Parkway P.O. Box. 1044
Thorold, ON L2V 4A7

Where Ships Climb The Mountain...

May 5, 2022

Sent ELECTRONICALLY

Re: Thorold City Council Submission – Bill 109

At its meeting held on May 3rd, 2022, Thorold City Council adopted the following resolution respecting Council's submission to the Province pertaining to Bill 109 and the recommendations proposed by the Province's Housing Affordability Task Force:

> **THAT** Report CC2022-39 **BE RECEIVED** for information and **BE CIRCULATED** to Regional Council, Niagara's Local Area Municipalities, Local MPPs and AMO.

Please find appended to this correspondence, a copy of Report CC2022-39 and the City's submission to the Province for your information.

Yours truly,

Matthew Trennum
City Clerk

RECEIVED
MAY 30 2022
BY COUNCIL

Title:	**Council's Submission to the Province respecting Bill 109 and the recommendations proposed by the Province's Housing Affordability Task Force**
Report Number:	**CC2022-39**
Meeting Date:	**Tuesday, May 03, 2022**
Report Prepared:	**Thursday, April 28, 2022**

RECOMMENDATION(S):

That Report CC2022-39 **BE RECEIVED** for information and **BE CIRCULATED** to Regional Council, Niagara's Local Area Municipalities, and Local MPPs and AMO.

REPORT:

Please find attached to this Report as Appendix 1, City Council's submission to the Province respecting Bill 109 and the recommendations proposed by the Province's Housing Affordability Task Force.

This submission was submitted on behalf of Regional Council on Friday, April 29, 2022, as directed by City Council as directed at its meeting held on Monday, April 25, 2022.

BUDGETARY STATUS:

There are no budget implications to this Report

STRATEGIC PLAN:

Responsible Community Growth and Infrastructure Planning

CANADIAN CONTENT:

Not applicable.

ATTACHMENTS:

Appendix 1 – City Council's Comments on Bill 109 and the recommendations proposed by the Province's Housing Affordability Task Force

PREPARED BY: "original signed" Matthew Trennum, City Clerk

SUBMITTED BY: "original signed" Matthew Trennum, City Clerk

APPROVED BY: "original signed" Manoj Dilwaria, Chief Administrative Officer

At a Special Council meeting held on Monday, April 25, 2022, Thorold City Council held a round table discussion on the impacts of Bill 109, *More Homes for Everyone Act,* 2022, and the recommendations proposed by the Province's Housing Affordability Task Force (HATF).

Thorold City Council supports the Association of Municipalities of Ontario (AMO's) response to the HAFT report, and specifically addressed the following issues during the roundtable discussion:

- Increasing the supply of housing, without municipal intervention through planning and financial instruments, will not address affordability. Rather, a more targeted approach, to ensure an appropriate mix of supply is needed to ensure the needs of individuals of all income levels in Ontario are met;
- The importance of municipal decision-making and the insight provided by locally elected officials. Additional municipal engagement on these issues is necessary, to ensure a productive and coordinated approach to addressing housing affordability; and
- More generally the need for a comprehensive examination of housing, rather than specific policy outcomes.

As an additional comment, specifically related to zoning by-law and official plan amendment applications, City Council recommends that the timelines for response to an application should be determined by a formula based on the size of the municipality and its level of growth, rather than a set amount of time for all municipalities. The City of Thorold is experiencing vast growth at this time. Although a boom for the City itself, the ability for planning staff to manage the increased workload, and receive punitive penalties if they don't, is a risk to smart growth planning.

With regards to the passing of Bill 109, the *More Homes for Everyone Act,* the City Council additionally wished to support the resolution passed by the Township of Mulmar, at its meeting on April 6, 2022, which stated the following:

1. Final Decision making should rest with elected officials
2. Planner's recommendations should be subject to public input and local expertise
3. Ratepayers should not be subsidizing development applications through refunds to application fees intended to cover the cost of processing applications
4. That a definition of minor rezoning has not been established
5. Planners should not be put in a position of having to be experts and decision makers over all other disciplines
6. Delegating authority for site plans and creating penalties for site plan and minor rezonings will not solve housing crisis, as the proposed legislation targets single lot developments opposed to large scale residential development

   AND FURTHER THAT a copy of this resolution be forwarded to the Province of Ontario, Ministry of Municipal Affairs and Housing, Environmental Registry, the County of Dufferin and all Ontario municipalities.

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Ontario Land Tribunal
Tribunal ontarien de l'aménagement du territoire

Ontario

ISSUE DATE: May 17, 2022 **CASE NO(S).:** OLT-21-001447

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant:	Ashton Homes (Western) Ltd.
Appellant:	Tom Maniatis
Subject:	By-law No. 96-2021
Municipality:	Town of Fort Erie
OLT Lead Case No.:	OLT-21-001447
OLT Case No.:	OLT-21-001447
OLT Case Name:	Maniatis v. Fort Erie (Town)

Heard: April 28, 2022 by Video Hearing

APPEARANCES:

Parties	**Counsel*/Representative**
Tom Maniatis ("Appellant")	Self-represented
G & P Steaks and Burgers Ltd. ("Co-Appellant")	No one appeared
Ashton Homes (Western) Ltd. ("Applicant")	Patrick Maloney*
Town of Fort Erie ("Town")	Robert Di Lallo*

MEMORANDUM OF ORAL DECISION DELIVERED BY T.F. NG AND S. BOBKA ON APRIL 28, 2022 AND ORDER OF THE TRIBUNAL

RECEIVED
MAY 30 2022
BY COUNCIL

INTRODUCTION

[1] The Appellant and the Co-Appellant (collectively, the "Appellant") have appealed to the Ontario Land Tribunal ("Tribunal") against the Town Council ("Council") passing of Zoning By-law No. 96-2021 ("ZBA") on August 23, 2021, to amend Zoning By-law No.129-90 ("ZBL") to facilitate the Applicant's 24-Unit Townhouse Development with attached garages and 16 visitor parking spaces on lands municipally known as 397 Garrison Road ("subject lands").

[2] The Appellant, the adjacent property owner of 385 Garrison Road ("Maniatis lands") appealed the ZBA by notice of appeal, dated September 9, 2021. The Applicant requested Party status at the Hearing, which was granted without objections.

[3] The Applicant filed a Notice of Motion, dated November 26, 2021, supported by an Affidavit of William Heikoop sworn on November 26, 2021, to dismiss the appeal without a hearing. The Affidavit of Service of Suzanne Martin sworn on December 23, 2021, is marked as Exhibit 1. The Motion Record is marked as Exhibit 2.

[4] The Town's counsel, Robert Di Lallo, was in attendance and submitted in support of the Applicant's motion to dismiss the appeal.

[5] The Appellant did not appoint counsel or an authorised representative, did not file any response to the motion and opted to have a spokesperson, Hope Blanco, read out a statement to the Tribunal. There being no objections from counsel, the said statement was accepted as a verbatim statement made by the Appellant. This statement repeated the contents in the appeal form with the addition of an alleged claim of the Appellant's land value being decreased by the proposed development.

[6] Patrick Maloney, Counsel for the Applicant, submitted that the Appeal should be dismissed without a hearing. The Tribunal is satisfied that the Appeal should be dismissed for the following reasons.

ISSUE

[7] The issue in this matter is whether the Appeal contains apparent land use planning grounds.

[8] Pursuant to s. 34(25) of the *Planning Act* ("Act"), the Tribunal may, on its own initiative or on the motion of any party, dismiss an appeal without holding a hearing if, it is of the opinion that (i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could allow all or part of the appeal.

ANALYSIS

[9] The principles that are applicable may briefly be stated as follows:

1. Under the provision, the Tribunal is entitled to examine the reasons stated to determine whether reasons stated constitute genuine, legitimate and authentic planning reasons [*Toronto (City) v. East Beach Community Assn.* 1996 CarswellOnt 5740, [1996)] O.M.B.D. No.1890, 42 O.M.B.R. 505].

2. At the time of the motion, there should be the presence of a real, relevant and tenable issue or issues, expressly raised by the Appellant, worthy of adjudication with a demonstration of an intent to call probative evidence on the issue at the ultimate hearing and the steps taken to that end. [*Millar v. St. Catharines (City)* 2017 CarswellOnt 2540, [2017] O.M.B.D. No. 164, 2 O.M.B.R. (2d) 297, 74, M.P.L.R. (5th) 344].

3. The Appellant's reasons, provided in the notice of appeal, are briefly as follows:

a. The development proposed by the Applicant has reduced the number of parking spaces in front of the Appellants' restaurant by 40%;

b. The development proposed by the Applicant will be the only residential development fronting onto Garrison Road in the entire business district;

c. The only access point for the proposed development is from Garrison Road;

d. The proposed development does not have the required frontage for a multi-residential development;

e. The proposed development's planned access road is too close to the intersection of Garrison Road and Concession Road;

f. The access road will exacerbate existing safety issues in the area of Garrison Road; and,

g. The Applicant is in violation of subsection 52(1) and s. 61 of the Act.

NOTICE OF MOTION

[10] The Notice of Motion advanced the following grounds to dismiss:

1. The grounds set out by the Appellant in the Appeals are false, misleading, and/or do not raise or disclose any apparent land use planning ground upon which the Tribunal could allow all or part of the Appeal, for the following reasons:

   a. The Applicant's proposed development has not affected the parking available for the Appellant's business. In fact, the Appellant recently repainted the lines for the parking spaces on the Maniatis lands,

resulting in a total of eleven marked parking spaces on the Maniatis lands. Prior to the repainting of the lines, there were also eleven marked parking spaces on the Maniatis lands, however, the configuration was slightly different. While it is possible that the Appellants were encroaching onto the subject lands for access to the Maniatis lands, the Application for Absolute Title (made on or about August 8, 2006) notice of which would have been served on Tom Maniatis as an adjoining landowner, extinguishes any acquired right to access the subject lands that the Appellant may now be asserting. Further, as no statutory authority has undertaken construction work relating to this matter, the Appellant does not have a claim for injurious affection;

b. The Appellant asserts that the proposed development of the subject lands would be the only residential development fronting onto Garrison Road. The subject lands have been zoned as Residential Multiple 1 (RM1-376) (H) since 2007. The existing zoning permits the proposed townhouse development and cannot be changed through this Appeal;

c. The Appellant has raised that the proposed development will only have access from Garrison Road and will not have a secondary access. This is wrong. The proposed development will have two access points: through the private road that will front onto Garrison Road, and an emergency access at the southerly end of the subject lands known as Block 71 on Plan 59M-470 to Burwell Street through the widening of a pedestrian walkway that connects the proposed development with the Peace Bridge Village Phase 1 subdivision. Furthermore, there is no requirement for a secondary access to a private site under the Ontario Building Code or any Town policy. The secondary access on Block 71 was originally intended as a pedestrian connection. However, comments received from Council, and specifically, the Mayor at the

Public Meeting, requested that a secondary access to the subject lands be provided. Through consultation with the Fire Chief, it was determined that Block 71 would be sufficient to satisfactorily provide for a secondary access to the subject lands;

d. The Appellant is incorrect that the proposed development does not have the required frontage for multi-residential development. The subject lands' existing lot frontage was established through By-law No. 102-07 on July 16, 2007. The purported denial of the Appellant's application for consent to sever the Maniatis lands is irrelevant to the Applicant's proposed development of the subject lands;

e. The Appellant asserts that the access from Garrison Road to the subject lands is too close to the intersection of Garrison Road and Concession Road. The Region, as the road authority, reviewed the Applications and had no objection to the proposed development, with the exception of its request for daylighting triangles. Further, the subject lands have been zoned as Residential Multiple 1 (RM1-376) (H) since 2007, which permits a townhouse development on the subject lands. Such zoning was approved by Council in 2007, with Council knowing that access to the subject lands would be from Garrison Road. There have been no substantive changes to the intersection of Garrison Road and Concession Road since the site-specific zoning was approved for the subject lands in 2007. The access to the subject lands is subject to approval of a draft plan of condominium and site plan control, which will require the Applicant to produce detailed drawings of the proposed development for review by the Town and Region;

f. The Appellant asserts that the proposed development will add another entrance/exit to Garrison Road, exacerbating existing safety issues.

The subject lands historically had a driveway with access to Garrison Road, which serviced a single detached dwelling that existed on the subject lands until in or around 2013 to 2015, when it was demolished. The present zoning of the subject lands permits the proposed townhouse development and such zoning cannot be changed through the within Appeal. Further, the Region, as the road authority, has required a daylighting triangle at the access to Garrison Road, which will improve sightlines; and

g. The Appellant asserts that the Applicant is in violation of s. 52(1) and s. 61 of the Act. The Applicant denies this assertion however, in any event, this is not a basis on which to appeal Council's approval of the Applications and the passing of the Site-Specific By-law.

[11] The Tribunal finds that, in the face of the Motion to dismiss, the Appellant has failed to substantiate with planning evidence, any of the mere apprehensions that were listed in the notice of appeal. The Tribunal finds that these apprehensions do not constitute genuine or authentic planning reasons. There is no tenable issue raised that is worthy of adjudication.

[12] The Tribunal is entitled to examine the reasons stated in the appeal to determine whether they disclose a legitimate land use planning ground.

[13] The Tribunal finds that the Appellant's appeal does not disclose any apparent land use planning ground upon which the Tribunal could allow all or part of the appeal. Section 34(25)1(i) of the Act for the dismissal of the appeal without holding a hearing has been met.

[14] The Tribunal notes as well that there are no land use planning grounds raised in the Appeal that relate to the Zoning By-law or that constitute zoning-related issues.

[15] There is a complete and full policy basis to support the Site-Specific By-law.

[16] The proposed development is fully supported by the necessary assessments, reports and the relevant policy framework. A full hearing will not reveal any other matters that are not already before this Tribunal and will be a waste of resources of the Applicant and the Town.

ORDER

[17] The Tribunal Orders that Ashton Homes (Western) Ltd.'s motion is allowed and Tom Maniatis and G & P Steaks and Burgers Ltd.'s appeal is dismissed without a hearing.

"T.F. Ng"

T.F. NG
MEMBER

"S. Bobka"

S. BOBKA
MEMBER

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

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May 16, 2022

Public Health Agency of Canada
130 Colonnade Road
A.L. 650 1H
Ottawa, ON K1A 0K9

To Whom It May Concern:

Re: Cross Border Travel and ArriveCAN

Please be advised that at the May 10, 2022 meeting of Niagara Falls City Council, the following motion was passed:

> **Ordered on the motion of Councillor Vince Kerrio, Seconded by Councillor Chris Dabrowski that Council endorse the letter received from the Niagara Falls Bridge Commission and the Buffalo and Fort Erie Bridge Authority to ask the Government of Canada to continue to market the ArriveCAN application as an "optional" tool when crossing the border and that it no longer be a mandatory requirement; And that a copy of the letter and Council's motion be forwarded to the Public Health Agency of Canada, bordering municipalities across Ontario, Members of Parliament for Niagara and Local Area Municipalities in Niagara for support.**

The background to the above motion is relating to the current mandatory ArriveCAN application at border crossings to enter Canada. A copy of the letter from the Niagara Falls Bridge Commission and the Buffalo and Fort Erie Bridge Authority is attached.

If you have any questions, please contact me directly.

Sincerely,

William G. Matson
City Clerk

cc.
Tony Baldinelli, MP, Niagara Falls tony.baldinelli@parl.gc.ca
Wayne Gates, MPP, wgates-co@ndp.on.ca
City of Windsor, mayoro@citywindsor.ca
City of Sarnia, mayor@sarnia.ca
Local Area Municipalities

RECEIVED
MAY 30 2022
BY COUNCIL

Working Together to Serve Our Community

Clerks
Ext 4342 Fax 905-356-9083
billmatson@niagarafalls.ca

CROSSING PATHS ★ BUILDING FUTURES
THE PEACE BRIDGE

NIAGARA FALLS BRIDGE COMMISSION

May 10, 2022

VIA EMAIL

Mayor Jim Diodati and Councillors
City of Niagara Falls
4310 Queen Street
Niagara Falls Ontario
L2E 6X5

Dear Mayor Diodati and Councillors

Re: Cross Border Travel and ArriveCan

The Covid-19 pandemic has decimated cross border traffic. Even after the Covid testing requirements to enter Canada were lifted on April 1, 2022, auto traffic for the month of April was down 52% at the bridges of the Niagara Falls Bridge Commission and 43% at the Peace Bridge, compared to pre-pandemic April 2019. This has had a devastating impact on our toll revenues, the tourism industry and other border dependent businesses.

The Government of Canada's **mandatory** ArriveCan app to enter Canada is a major contributing factor to depressing discretionary travel. This is due to a number of factors:

- For travelers by air, airlines require and assist passengers in completing ArriveCan and in airports people are much easier to move than cars. ArriveCan simply works better and is more applicable at an airport than at a land port of entry.

- ArriveCan is not known in the U.S. The result is people arriving at the border without ArriveCan and then completing it at the inspection booth or having technical difficulties (especially prevalent at borders with competing U.S. and Canadian cell towers and roaming) resulting in inordinately long processing times, sometime exceeding ten minutes. Meanwhile, compliant drivers behind such a vehicle have no place to go and are also delayed leading to lengthy border wait times. CBSA processing times have increased dramatically compared to pre-pandemic processing.

- The technology discriminates against a large population of senior travelers. A January 2022 PEW Research survey found *"that 96% of those ages 18 to 29 own a smartphone compared with 61% of those 65 and older, a 35 percentage point difference."* 50% of Niagara tourism revenue comes from Americans and with 39% of Americans over 65 not having a smartphone it will undoubtedly have a negative impact on their ability to enter Canada and therefore Niagara tourism revenue. 40,000 people in the Niagara Region rely on tourism to provide for their families.

- Even for people aware of ArriveCan, the requirement to use the app for every border crossing is a disincentive to discretionary travel. Unlike air travel, the nature of this bi-national community is being able to cross frequently to visit friends or family, for dinner, a show, a winery tour, a baseball game, shopping, beach, etc without going through the process and inconvenience of having to file with ArriveCan each and every time. People just won't bother to cross the border for discretionary travel as they have enjoyed for decades.

- CBSA/Government of Canada will at some point declare success and say that a high percentage of travelers are using ArriveCan. That will **not** account for the half of the population that has decided it is no longer worth the inconvenience and delays to cross the border. That will be devastating to the Niagara tourism industry and other border dependent businesses.

- While CBSA has not provided us with the American/Canadian split of entrants to Canada, we believe, based on our license plate observations, that it is overwhelmingly Canadians returning to Canada after spending time and money in the U.S., as the U.S. is much simpler and easier to enter with no digital app requirement.

ArriveCan was developed in April 2020, to provide mandatory travel information before and after entry to Canada including the filing of quarantine plans. As of April 25, 2022 it is no longer necessary to file a quarantine plan to visit Canada or for Canadians returning to Canada. Both Canada and the U.S. only allow vaccinated individuals to cross the border. The exception is Canadians who are able to return to Canada unvaccinated but at this stage that number would be very small. Accordingly, ArriveCan now provides very little public health benefit while depressing border traffic and the tourism economy. ArriveCan does have potential traffic facilitation benefits for CBSA as it relates to pre-arrival information and for this reason it should be marketed as such and made optional at the land border.

The Victoria Day and Memorial Day holidays are only couple of weeks away. This is also the traditional start of the summer tourist season. Continuing to mandate ArriveCan will insure another disappointing season for traffic and tourism, not much better than the pandemic summers of 2020 and 2021.

Yours truly,

Kenneth Bieger
CEO
Niagara Falls Bridge Commission

Ron Rienas
General Manager
Buffalo and Fort Erie Public Bridge Authority

F F

May 18, 2022

Mayor Redekop,

2022 is the Year of The Garden across Canada. It is an initiative aiming to inspire and inform Canadians about the many health and well being, economic and environmental benefits which gardens and gardening provide.

Supported by the Communities in Bloom Organizations, more than 100 municipalities across Canada have proclaimed this the Year of the Garden in their community. These cities and towns include Niagara Falls, Niagara-on-the-lake, St. Catharines, Thorold and Welland. Our committee would like to respectfully request that we join our neighbouring communities by having you make a similar proclamation in the Town of Fort Erie.

Our committee has also undertaken a project to honour the outstanding landscaped yards in greater Fort Erie which our citizens have proudly cultivated. We are holding a Community Wide Garden Tour July 23rd and 24th from 10 a.m. to 3 p.m. each day. Thirteen families are preparing their yards for the occasion. Tickets being sold will benefit several local organizations.

Hopefully you will be able to help us promote the Year of the Garden. We have a wonderful Town and we look forward to showing it off for two days in July! Perhaps we will see you and your family there if you are available.

Respectfully submitted,

Beth O'Brien
Co-Chair, Year of the Garden 2022 Garden Tour
Fort Erie Communities In Bloom Committee

RECEIVED
MAY 30 2022
BY COUNCIL

MINUTES

MAYOR YOUTH ADVISORY COMMITTEE

Meeting Date, Time, and Location
Monday April 4, 2022. Conference Room #1. 4:30pm

Members

PRESENT
Mollee Morin, Tristain Jagiello, Thomas Mete, Mackenzie Arts, Paige Gismondi, Enza Wybraniak

Mayor Wayne Redekop
Fran Vella - Staff Advisor

ABSENT:
Sydney Steele, Logan Steele, Sawyer Smith

1) **Call to Order**

The meeting was called to order by Chair ***Thomas Mete*** at ***4:36***p.m.

2) **Approve Agenda**

The Chair asked if the members were in agreement with the Agenda or if there are any changes/additions. Moved by: Molle Morin Seconded by: Tristan Jagiello That: The MYAC Agenda for the April 4, 2022 meeting be accepted.

(CARRIED)

3) **Declaration of Conflict of Interest**

None

4) **Adoption of Minutes**

Board/Committee to pass a motion to adopt the minutes of the previous meeting: Moved by: Molle Morin Seconded by: Tristan Jagiello That: The minutes of the MYAC meeting of March 7, 2022 be approved. (CARRIED)

5) **Delegations**

None

6) **Business Arising from Minutes**

1. ***Free Skate briefing. What went well? Items that we need to work on for additional free skates?***
    a. *the event went well and was attended by three members. We would like to do it again next year.*
    b. *promotional flyers or our flag at the event with more members greeting and being present will allow people to know who is hosting the event.*
    c. *the event cost 235.30*

2. ***Survey Monkey….Review/Change/Approve and make a plan to send it out immediately***
    a. ***https://www.surveymonkey.com/r/7KV9KDR***
    The above is the link to the survey. Please check it out before the meeting so we can discuss/change and finalize at the meeting
    - social media flyer/post needs to be created (this must come to Fran first before it is shared (it must be approved by the town).
    B. Lakeshore - grade classrooms and Instagram post (Thomas)
    GFESS- grade D2L and announcement/Instagram post (Mackenzie)
    Mackenzie will create a flyer to be posted
    Fran will reach out to NCC, FEIA and all elementary schools

3. ***MYAC Scholarship. Review the google form and google doc Amend and approve to be sent out ASAP to high schools and elementary schools.***
    a. ***one scholarship for secondary - $500***
    b. ***one scholarship for elementary - $50 towards Activity Fee/Spirit Wear***
    c. ***Fran will send out Elementary scholarship details***
    Form: https://forms.gle/nBLnNxS2eZJjy94C9
    Doc: https://docs.google.com/document/d/1s6N4NHFt5FBPi-SMSflE7ZYwS7A032l-cI_QAoX9DGs/edit?usp=sharing
    -. Committee decided on No Flyer
    - Fran will email all high schools the application

4. ***Library: Spoke with Craig Shufelt at the Fort Erie Public Library and he welcomed a partnership with MYAC to sponsor or put on events for our youth. He is going to bring this to a meeting (today) and then reach out to me to discuss possible opportunities.***

7) **New Business**

1. ***Earth Day activities:***

a. ***Sean Hutton: Trail clean up: choose a day and location for the clean up.*** ***If your group is contemplating a few sections of the trail, you could lead them towards any portion east of Windmill Point Road (Crescent park area or Waverly Beach) or the western limit of the trail (Gorham road west to the Port Colborne border). - Mackenzie will speak to Take Action Committee, Thomas will speak to Climate Committee (1 hour) Crescent to Buffalo? Thomas will make poster for Earth day***

b. ***Tree Give Away Event: The event will be hosted in the parking lot of the Leisureplex on Saturday, May 14th. All available hands on deck (more info to come in our May meeting).***

2. ***https://docs.google.com/forms/d/1NBSj2oQX2vRvYbg75aD_Q3zoyBh0hBsDY-Yw5gj-Ikk/edit?usp=sharing***
Check out the above link for a virtual Easter Egg Hunt
(assign a location to each member and have the clue sent to Fran by Friday April 8th)
- social media flyer/post needs to be created- Mollee, Enza (this must come to Fran first before it is shared (it must be approved by the town).
- old Fort visitors centre (MOLLY), Fort Erie Library (THOMAS), Crescent Park arches (MACKENZIE) , Fountains in Ridgeway (TRISTAIN), Town Hall (ENZA), Battle of Ridgeway (MACKENZIE), Mathers Arch (THOMAS), any friendship trail entrance sign

3. ***Next meeting Jennifer Pennell-Ajie*** **will join us to discuss the transit system. Please think about this over the next month. Explanation, promotion and how do we reach youth.**

4. **Put out more announcements to the schools (announcement, instagram) WE NEED more members**

5. **Send your community service hours in (2 hours per meeting, Sept-March plus free skate hours)**

6. **Niagara Games are looking for a youth ambassador from each municipality on August 6th for open ceremonies as well as events (Mr Mayor will forward information) nomination will need to be by April 30th**

7. **Send sizes to Fran ASAP (Red crewneck, white logo)**

8) **Enquiries by Members**

None

9) **Next Meeting**

The next meeting of ***MYAC*** will be held on ***May 9, 2022*** in ***Conference room #1.***

10) **Adjournment**

Chair ***Thomas Mete called to adjourn the*** at 5:20 p.m.

Moved by: Molle Morin Seconded by: Tristan Jagiello That: The the meeting be adjourned . (CARRIED)

Minutes recorded by: Minutes approved by:

Mackenzie Arts, Secretary ***Thomas Mete, Chair***

MINUTES

FORT ERIE AFFORDABLE HOUSING COMMITTEE

Meeting Date, Time, and Location
April 27, 2022 – 9:30 am, Town Hall, Conference Room #1

Committee Members	Council/Staff Support
Ashley Chiarello Anne Watters *(regrets)* Martha Mason, (*regrets)* Richard Paterak Kelly Kendrick-Collings *(absent)* Sherrie Kechego-Weekes *(regrets/mat.)* Desiree Pembleton (o/b FENFC) *(absent)* Juli Longaphie, *(regrets)* Brian Hodge Mark Newman William Thomas, *(regrets)*	Mayor, Wayne Redekop, Marina Butler, Councillor, *(regrets)* Chris Millar, Senior Community Planner

1) Call to Order/Welcome/Quorum

No quorum present. Meeting adjourned to May 18, 2022

2 Administrative Matters

3 Business Arising

4 New Business

6) Next Meeting

The next meeting will be held on May 18, 2022 @ 9:30 am in Conference Room #1

7) Adjournment

MINUTES

FORT ERIE AFFORDABLE HOUSING COMMITTEE

Meeting Date, Time, and Location
May 18, 2022 – 10:00 am, Town Hall, Conference Room #1

Committee Members	Council/Staff Support
Ashley Chiarello *(regrets)*	Mayor, Wayne Redekop, *(regrets)*
Anne Watters *(regrets)*	Marina Butler, Councillor, *(absent)*
Martha Mason	Chris Millar, Senior Community Planner
Richard Paterak	
Kelly Kendrick-Collings *(regrets)*	
Sherrie Kechego-Weekes *(regrets/mat.)*	
Desiree Pembleton (o/b FENFC) *(absent)*	
Juli Longaphie, *(regrets)*	
Brian Hodge *(regrets)*	
Mark Newman	
William Thomas	

1) Call to Order/Welcome/Quorum

No quorum present. Meeting adjourned to yet to be determined date.

2 Administrative Matters

3 Business Arising

4 New Business

6) Next Meeting

The next meeting is scheduled for June 15, 2022 @ 9:30 am however, staff will poll the Committee for mutually responsive date to avoid further quorum issues.
Therefore, schedule date may change. Committee will be advised on poll results once taken.

7) Adjournment

Crystal Beach Beautification Committee

Meeting Date, Time, and Location
May 4, 2022 from 10.30 am until 11:30 am at Ridgeway Rd/Rebstock Rd, Crystal Beach.

Members
Winnie Swalm, Bruce Lowther, Andrea Morrow, Lorraine Wigmore, Lois Wilson Absent: Jane Seaborne-Davies, Cindy Logsdail Guest: Karen Dobson

1) **Call to order**

Bruce Lowther meeting called to order at 10.30 am

2) **Agenda**

Motion to accept the agenda: Moved by Andrea Morrow, seconded by Winnie Swalm - carried.

3) **Minutes of the last meeting**

Motion to accept the minutes of the last meeting: Moved Lois Wilson, seconded by Lorraine Wigmore - carried.

4) **New Business**

New volunteer – Bruce Lowther presented new volunteer Karen Dobson for acceptance by committee. Moved by Andrea Morrow, seconded by Winnie Swalm – carried.

Watering Budget – Bruce Lowther advised Seasons Change has cancelled their watering contract as of this year. He has approached Katrina Bailey at Yardstick to contract with our committee, however, an increase to the watering budget would be necessary. Bruce has contact TOFE to request an increase to our watering budget. Moved by Lorraine Wigmore, seconded by Andrea Morrow - carried.

2022 Garden Tour – Winnie Swalm gave an overview for this year's tour planned by Community's in Bloom, and to include gardens within all of Fort Erie, Stevensville, Ridgeway and Crystal Beach. Motion to go ahead with this tour was made by Andrea Morrow, seconded by Lois Wilson, carried.

Work Schedule for this year – Bruce proposed gardens be attended Monday, Wednesday, and Thursday mornings from 9:30 to 10:30 weather permitting. Moved by Bruce Lowther, seconded by Winnie Swalm and Lois Wilson - carried.

Motion to Adjourn- Made by Andrea Morrow, seconded by Lois Wilson - carried.

5) **Next Meeting Date and Adjournment**

The next meeting date: to be arranged

Meeting adjourned at 11.30 am

Minutes recorded and prepared by:	Minutes approved by:
Andrea Morrow	Bruce Lowther
Committee Member	Chair

Crystal Beach BIA

Minutes

Meeting Date, Time, and Location
Tuesday April 5th, 2022 @ Casa Hugos, 4060 Erie Road in Crystal Beach ON

Members Present
Board Members – Dave Bergeron, Chris Hawkswell, Sandra Lyons, Kirk Fretz, Robin Bannerman, Mayor Redekop
Regrets – Phil Smith Absent –
BIA Members – Guest –

1) **Call to Order**

Meeting called to order by Kirk Fretz at 6:04 pm.

2) **Roll Call**

Recording secretary noted all attendees.

3) **Disclosures of Pecuniary Interest**

None.

4) **Approval of Agenda**

Motion to approve the agenda as amended.

Amend agenda under item 7(B) to discuss crafting a letter to Council to understand their direction for public parking in "The Grove"- suggest time sensitive or free parking in the summer time??

Add agenda item entitled 7(E) to discuss parking for local business.

Moved by Robin Bannerman /Seconded by Sandra Lyons Carried.

DRAFT

5) **Presentations and Delegations**

Shane Therrien – Hot Dog Eating Contest on Derby Road

Initially, Shane was proposing a weekend event with a Derby road closure however, as the conversation evolved, we are looking to closing the road on weekends for the summer season.

Motion to make application to the Town of Fort Erie to close Derby Road from Friday night to Monday 9am from the Victoria Day weekend (May 20th, 2022) until Labour Day weekend (September 4th, 2022). The Derby Road closure runs from Erie Road to Cambridge (from Planks to Big Pappi's) to accommodate walking traffic ONLY – no vehicular traffic.
Moved by Chris Hawkswell / Seconded by Sandra Lyons Carried.

6) **Approval of Minutes**

Motion to approve the Minutes of March 8th, 2022 as presented/amended.
Moved by Chris Hawkswell /Seconded by Dave Bergeron Carried

7) **Agenda Items**

A) EVENTS

- Children's Easter Egg Hunt – Saturday April 16th, 2022

  Update: Unfortunately, the Easter egg Hunt was cancelled (this year). We look forward to planning an organized event next year and will do a call out to request for volunteers to ensure a successful and organized event.

- Other events' update:

SupperMarket – Melissa Dubois has been in touch with the food truck businesses. The application has been approved by the TOFE. Overall feedback is positive. The BIA will extend first right of refusal to the local Crystal Beach businesses with their SmartServe staff to handle the beer / wine sales. This format will also be used for the other licenced events (Spring Splash, Heritage, Polar Plunge)

Farmers Market – Sandra Lyons confirmed the approval of the road closure from Queen's Circle to Lincoln during the Farmers Market (Sundays 10am-2pm). Sandra is looking to increase events within the market. The previously mentioned 'mini grant' was secured so Sandra will invest the money in increased signage for the gazebo which the TOFE will install.

B) Parking in the “Grove” on Erie Road throughout the summer

Much discussion was had in regard to how to best accommodate parking for the business core. The decision was made to table the discussion. Further discussion needs to be had. Per Mayor Redekop, we do not wish to disrupt the momentum in regard to discussions surrounding the municipal parking lot east of Derby Road.

C) Social Media Manager update

Contract to be signed by Kirk Fretz engaging the services of Matt Anthony.

D) Street signage update

The TOFE will be installing the new street signs at no charge!

E) Local Business Staff Parking issue

The discussion pertaining seasonal parking permits being issued to the staff of local businesses, was tabled.

8) **Reports & Correspondence**

a. Treasurer’s Report – n/a

b. Councillor’s Report – n/a

9) **New Business and Inquiries by Members**

Kirk Fretz shared the picnic tables will be put out by Easter weekend. 15 picnic tables will be spread out around the business areas as the rest will need to go to the Waterfront Park in support of the SupperMarket.

11) **Next Meeting Date and Adjournment**

The next meeting will be May 3rd, 2022

Motion to adjourn. Moved by Kirk Fretz / Seconded by Dave Bergeron Carried.

The meeting was adjourned at 7:38 pm.

Crystal Beach BIA

Minutes

Meeting Date, Time, and Location
Tuesday May 10th, 2022@ Casa Hugos, 4060 Erie Road, Crystal Beach ON

Members Present
Board Members – Kirk Fretz, David Bergeron, Chris Hawkswell, Robin Bannerman, Sandra Lyons
Regrets – Phil Smith, Mayor Redekop Absent –
BIA Members – Guest –

1) **Call to Order**

Meeting called to order by Kirk Fretz at 6:11 pm.

2) **Roll Call**

Recording secretary noted all attendees.

3) **Disclosures of Pecuniary Interest**

None.

4) **Approval of Agenda**

Motion to approve the agenda as amended
Motion to include item (D) – General Events' update
Moved by Robin Bannerman / Seconded by Sandra Lyons Carried.

5) **Presentations and Delegations**

Bailey Gear– Movie Night in the Beach?

Exploring the notion of holding a movie night in the Beach that is family friendly. Potential venue choices include: "The Grove", Bay Beach entrance, or Roger Bullock's wall on Derby Road, adjacent to the former Tropical Hut. While there would be no charge for the film, some monies could be raised selling popcorn / concessions and donate raised funds to an organization such as the Dream Centre. Bailey will reach out to Sean Hutton of the TOFE to discuss next steps and approval.

DRAFT

Motion to approve and support a weekly family movie on Wednesday nights @ Bay Beach from the end of June to the end of September 2022.
Moved by Robin Bannerman / Seconded by Sandra Lyons Carried

6) **Approval of Minutes**

Motion to approve the Minutes of April 5th, 2022 to include: the Motion previously carried under Item 7(A) "Other Events", whereby a Motion to expand on the Farmers Market to include an Artist Show to run concurrently to the Farmers Market, Sundays 10am to 2pm, incorporating the "Circle of Art" in the Queen's Circle.
Moved by Chris Hawkswell /Seconded by Robin Bannerman Carried

Motion to approve amended Minutes of April 5th, 2022
Moved by Kirk Fretz / Seconded by Chris Hawkswell Carried

7) **Agenda Items**

A) Vice Chair BIA Executive Position
Presently, we do not have a Vice-Chair in place since the resignation of Rick Boivin. It is our desire to nominate a Board member into this role. We will reach out to Phil Smith to understand if he would consider taking the role until the end of the year (that is an approximate a 6 month term).

B) Levies
We have a copy of the TOFE 2021 Levies statement but notice the incongruities between Crystal Beach and Ridgeway for example. Robin will reach out to the TOFE and invite the Levy expert to join one of our BIA meetings.

C) Social Media
Matt has connected with the business community and has been posting relevant pictures and information and is seeing the growth in followers (82 new ones to date!).

D) Events

****Farmers Market**: Sandra Lyons is just awaiting the insurance coverage via the TOFE's insurance.

****Spring Splash** – CANCELLED – the BIA was just informed, the TOFE has changed insurance providers. The new insurance company has changed the requirements for LICENCED events which now require the BIA to provide a rider to the existing TOFE insurance. As this change was not brought to our attention by the TOFE at time (or even post) event application submission, it has compromised the Spring Splash event and perhaps, the Supper Market.
In an effort to save the Super Market, the BIA's short term solution is to make a request to one of the food truck companies and see if they are willing to extend their liquor licence to the Supper Market event. In this way, the BIA will still be able to capitalize on the $2/$5 split for alcohol sales. Kirk Fretz intimated Johnny Rocco's would be open to this arrangement.

****Volleyball Tournament**

Motion to support and sanction a Crystal Beach Volleyball Tournament on the weekend of July 23rd / July 24th – 2022 at Bay Beach aka Crystal Beach which may include the promenade
Moved by Chris Hawkswell / Seconded by David Bergeron Carried

8) **Reports & Correspondence**

a. Treasurer's Report – n/a

b. Councillor's Report – n/a

9) **New Business and Inquiries by Members**

n/a

11) **Next Meeting Date and Adjournment**

The next meeting will be Tuesday June 7th, 2022

Motion to adjourn. Moved by Chris Hawkswell / Seconded by Sandra Lyons Carried.

The meeting was adjourned at 7:18 pm.

Town of
Fort Erie
Our Focus: Your Future

MINUTES

Fort Erie
Active Transportation
Advisory Committee

Meeting Date, Time, and Location

Tuesday May 10, 2022 at 5:00 pm at Town Hall, Committee Room 1

Members Invited:

Committee Members
Dennis Hernandez-Galeano, *Chair*
Richard Paterak , *Vice Chair*
Oliver Carthew (*Regrets)*
Luisa Maria Galeano de Hernandez
Frank Raso
Shaila Stoddard
Councillor Zanko (*Regrets)*

Staff Resources
Chris Millar, *Sr. Community Planner, Recorder*

1) **Call to Order**

The meeting was called to order at 5:25 pm.

2) **Approve Agenda**

The Chair sought confirmation of the Agenda.

Resolution No. 01/22
Richard Paterak (RP) and Frank Raso (FR)
THAT: The FEAT Agenda for the May 10, 2022 meeting be accepted.
(CARRIED)

3) **Declaration of Conflict of Interest**

None

4) **Adoption of the Fort Erie Active Transportation Minutes of February 11, 2020**

Resolution No. 02/22
RP and Luisa Maria Galeano de Hernandez (LH)
THAT: Minutes of the Fort Erie Active Transportation Committee meeting of February 11, 2020, be accepted as written.
(CARRIED)

5) Business Arising from Minutes

1. Review of Pre-pandemic item and actions – The Committee refreshed on some of the main items that were occurring prior to the suspension of Committees.

   FEAT had participated by way of delegation at the March 9, 2020 Council-in-Committee meeting in support of the Active Transportation Master Plan while staff sought Council's approval via Town staff Report.

   A few items in the approved report recommendations remain of interest to Committee to pursue at this time including linkage to Stevensville and the development of a Marketing and Communications Plan. The Committee will refer to their own FEAT Strategic Plan to generate an outline for discussion with Town Communications staff. More will be discussed at next meeting with the input of Committee.

   A separate item discussed related to the storm event that destroyed portions of the Friendship Trail in the Waverly Beach area. Staff liaison advised that repair/ replacement contract was awarded late last year for work to begin later this season. The news was welcomed by FEAT. Chris Millar (CM) noted that the Town was successful in receiving a federal grant to assist in costs.

   In general terms, it was noted that throughout the pandemic when less traffic was apparent, people were notably more active on bike and walking. It is a positive observation and will help gain support for improvement or new infrastructure as AT users will have first hand experience in what makes them feel safe vs. feeling at risk. CM suggested this might be something for the Communications Plan to address.

2. Active Transportation Master Plan (ATMP) – CM reminded Committee that additional work on the ATMP's full implementation in terms of capital planning will require another report to Council at budget time. CM advised he will be working with Infrastructure Services to pick up on where such activity was beginning pre-pandemic.

   CM advised the ATMP has been immediately useful for reference when reviewing development applications and commenting on requirements for AT related infrastructure or linkage in locations identified in the ATMP.

6) New Business

1. MARCOM – As touched on earlier in the meeting, the Committee is amenable in trying to put together a framework for a Marketing and Communications Plan. It was discussed as being something the Committee could populate from their existing FEAT Strategic Plan. Timing on whether a press for a MARCOM being in place in advance of next term or allow next term to finalize was also discussed.

   CM advised he would draft and provide a heading framework together with the latest version of the Strategic Plan and send to members for their review prior to next meeting. It was felt the framework could be completed quickly as a jump off point with the Communications representative.

2. ATNN Semi-Annual meeting – CM briefed FEAT members on his attendance at the recent Active Transportation Niagara Network meeting on May 3. The meeting included a presentation from Regional Transportation regarding updates to OTM Book 18. CM advised he will share the presentation with members as it was not immediately available.

   Additionally, a series of MTO produced videos were shown by a Pelham AT Committee representative. Links to these videos were shared with attendees for further dissemination. CM has added the links to the FEAT webpage for those interested. The videos are very short (1-2 minutes each) animations that are used to help visualize the types and definitions of "Micromobility Devices". Additionally, how micromobility is blending into AT infrastructure and the need for rules/regulation concerning their use mixed with general pedestrian use/flow.

   Fort Erie is scheduled to host the next semi-annual meeting anticipated some time around beginning of November 2022. The host municipality is requested to provide a professional education segment as part of their hosting agenda. CM will give consideration as to who may be suitable.

8) **Enquiries by Members**

Nil

9) **Next Meeting**

The next meeting of FEAT will be held on Tuesday, June 14, 2022, in Committee Room 1 at approximately 5:00 pm.

10) **Adjournment**

Resolution No 03/22
FR and LH
THAT: The meeting does hereby adjourn at 6:27 p.m.
(CARRIED)

Minutes recorded by:
Chris Millar

Minutes approved by:
Dennis Hernandez-Galeano (Chair)

MINUTES

Community Health Care Services Committee

Meeting Date, Time, and Location

April 19, 2022, Town of Fort Erie, Town Hall, Conference Room #1, 5:00 p.m.

Members

PRESENT:

Mayor Wayne Redekop, Joan Christensen, Mary Jane Johnson, Carol Nagy, John Walpole, Councillor Dubanow, Councillor McDermott

REGRETS:
Jill Croteau, Amy Devereaux, Dr. Henry, Jonathan Janzen, Susan Fyke

ABSENT:

None

TOWN STAFF:

Alice Preston, Community Health Care Services Coordinator

DELEGATIONS / GUESTS

Rhonda Thompson/Talia Storm – Pubic Health Niagara/Positive Living Niagara

1) **Call to Order**

The meeting was called to order by Chair Joan Christensen at 5:10 p.m.

2) **Approve Agenda**

Moved by: George McDermott
Seconded by: Carol Nagy

That: The Community Health Care Services Committee Agenda for the April 19th meeting be accepted.

(Carried)

3) **Declaration of Conflict of Interest**

None.

4) **Adoption of Minutes**

Moved by: Nick Dubanow
Seconded by: George McDermott

That: The minutes of the Community Health Care Services Committee meeting of March 22nd be accepted.

(Carried)

5) **Delegations**

Presentation by: Rhonda Thompson, Harm Reduction Lead, Niagara Region Public Health and Talia Storm, Director of StreetWorks Services, Positive Living Niagara.

Subject: Substance Use in Fort Erie
Topics covered included: What is Harm Reduction, Canadian Drugs and Substances Strategy – Four Pillars,Transtheoretical Mode of Change, StreetWorks Program, Consumption and Treatment Services, Overdose Prevention & Education Network of Niagara, Harm Reduction Program Enhancement, Data

In Fort Erie, users can call the Outreach Van Monday to Friday; there is street level work done - satellite sites are mostly methadone treatment centers, with Boggios open on the weekend. The program is Naloxone specific; there were 42 kits used in 2021. They are serving 6-10 people on a regular basis, but they know this isn't accurate [because people are reluctant to attend] due to the stigma; many may not be yet aware of the program.

The Ministry capped the number of safe consumption sites at 21 in the province. We have reached that cap. But, studies have shown that users won't go more than two blocks to a safe consumption site.

Harm Reduction Program Enhancement assesses who is eligible to distribute Naloxone kits; it is those organizations that work with this population, over 40 across the region. Weekly emails ask stakeholders what they are hearing on the streets, i.e. drug colours, are symptoms different. Responses are monitored and alerts are sent out as required.

In Fort Erie we are dealing with such small numbers that we must be mindful of confidentiality. EMS calls/Hospitalizations and Fatalities data are shared. Fort Erie's numbers are trending upwards.

Mayor Redekop asked if they have evidence but are just unable to share it, to which Ms. Thompson replied that with such small numbers, it's a big privacy issue. Mayor Redekop asked if Public Health has a similar map that shows Fort Erie because if you are talking about a regional problem, then you should show all towns. Ms. Christensen commented on how the increasing rates were concerning and asked what we could do to taper this rising. Ms.

Thompson said we have a drug poisoning crisis. Ms. Storm indicated that we need to talk about it more in the community, to advertise the program.

Ms. Nagy asked if there were physician and dental training programs as she knows from experience with end-of-life cases, how often drugs are being picked up at the houses. Ms. Thompson replied that the College of Physicians and Surgeons has really clamped down on prescribing practices. However, what we are seeing isn't the use of prescription meds but fentanyl analogs. Recipes being made out there during COVID blew this wide open. Opioids and stimulants flooding the market are being made in basements. We need to look at more progressive programs that involve doctors giving prescriptions so they get clean drugs. Ms. Storm added that when prescribing rules changed, patients who had been on a more restricted product for years, were all of a sudden forced to buy on the street.

Ms. Thompson announced that they are having a Prescription Drop Off Day at the Leisureplex on May 14th. It's time to clean out your medicine cabinets. Last time they collected 400 kg of product. The Town will put it up on its website and social media.

Ms. Christensen commented that she had been reading a lot about this topic recently and that it was extremely concerning. To which Ms. Storm added that there have been 150 deaths this past year in Niagara. Mr. Walpole asked about demographics and Ms. Storm answered that the average age is late 30's, but that more and more younger folks are coming forward. Ms. Johnson added that the NHS can tell you where they are presenting.

6) Business Arising from Minutes

None

7) New Business

- Report from Health Services – A. Preston

- Jill Croteau reports that 96 Family Physicians are needed in Niagara. Jill estimates that Fort Erie needs (8). With only 400 Family Physicians graduating each year in Ontario and currently over 2000 job postings just in southern Ontario, there is no question that we have a big supply and demand issue.
- Good news: On March 15th, the Ontario Government announced that it is adding 160 undergraduate seats and 295 postgraduate positions over the next five years. This expansion will support all six medical schools across Ontario including McMaster. McMaster will receive 28 postgraduate positions.
- Also, to strengthen the health and long-term care workforce, Ontario announced that they plan to investing $342 million beginning in 2021-2022 to add over 5000 new and upskilled registered nurses and registered practical nurses as well as 8000 personal support workers.

They are also investing $57.6 million, beginning in 2022-23 to hire 225 nurse practitioners in the long-term care sector.

Mr. Walpole commented that if we could increase the number of NP's, it would help take the load off the family physicians. Ms. Nagy added that it's the cost of the NP because they can't bill directly for their work. Ms. Christensen spoke about the decision to limit the number of FHT's and NPLC's, most likely due to the cost (the budget for FHTs across the province in 2016 were on the order of $360 million). There needs to be much more advocacy from communities like ours. Because the scope of practice of NPs was significantly increased, there are opportunities for rethinking delivery of primary healthcare and the roles of physicians, NPs and other interprofessional health care providers. There are some interesting examples of primary healthcare practices taking on more responsibility: some northern B.C. practices have offered peritoneal dialysis when appropriate and when patients don't have access to hospital care. With NPs in northern and rural areas (esp. in other provinces) they use their full scope of practice and can do much of what primary care doctors offer in more urban areas. Communities need to start talking about it other than just at the Ministry of Health level. Ms. Nagy added that CHC's are excellent examples of alternative primary care practice. Ms. Christenson agreed We need to participate in these discussions. Ms. Nagy concluded that we need to work on establishing more CHCs and interprofessional, group practices rather than solo practitioners.

8) **Enquiries by Members**

None

9) **Other Business**

None

10) **Next Meeting**

The next meeting of Community Health Services Committee will be held on May 17th, 2022 in Conference Room #1.

11) **Adjournment**

The meeting was adjourned at 6:21 p.m.

Moved by: John Walpole
Seconded by: Mary Jane Johnson

That: The meeting of April 19th was adjourned at 6:21p.m.

(Carried)

Minutes recorded by:

_____Original Signed_____
Alice Preston, Secretary

Minutes approved by:

_____Original Signed_____
Joan Christensen, Chair

MINUTES

Senior Citizens Advisory Committee

Meeting Date, Time, and Location		
Wednesday May 4, 2022	10:00 am	Fort Erie Lions' Seniors Centre

Members

Board Members Present: Rosalie Snyder, Graham Rignall, Barbara Hopkins, Bill Doyle, Noreen Smith, Eleanor Hurst, Sandra Peitsch, Maria Scott, Fran Hill, Wyndmill Hoskin, Jayne Cruickshank

Absent: Councillor Noyes, Deborah Fairlee
Regrets: Brigid Brown

1) **Welcome & Announcements**

- Meeting was called to order at 10:05 am by Rosalie Snyder who thanked everyone for attending

2) **Introduction of Special Guests**

- Catherine Mindorff & Helen Rignall

3) Minutes of Previous Meeting

- Barb Hopkins read the minutes as most members did not receive their email copy

Motion to accept minutes of April 6, 2022 was made by Snyder, 2nd Doyle

4) **Treasurer's Report**

- Bill Doyle went to Town Hall but nothing was decided yet. Bill was told once the minutes are approved at Council the funding would be available.

No Motion as nothing to approve yet

5) **Business Arising from the Previous Meeting**

- **Update on June 22nd event**

Barb Hopkins excused herself due to Conflict of Interest
Catherine reviewed the event and explained the organization "A Strong Fort Erie Neighbourhood". Catherine gave an overview of the statistics in Fort Erie as reported 44% residence over 50 years of age and 27% are over 60. As noted in the Treasurer's report funding will come when the minutes are approved at Council. Catherine that for future events there will be grant applications submitted. Regarding the financing Bill Doyle will meet with the Town regarding the handling of the funding. There will be a review of the event to be available for following years. Catherine explained that there will be posters and table tents distributed throughout our community.

- **Ellie Hurst report**

Inventory: Ellie distributed an updated inventory of SCAC supplies in storage at the Leisureplex – Rosalie thanked Ellie for completing this task.
Euchre: Summer euchre party has been moved to September – lunch will be at noon and cards will start at 1 pm. Ellie has contacted Mae's regarding catering.
Country Event: Is scheduled for August at the Fort Erie Legion. The Legion will cater at approximately $12.00 per person. Band is still to be announced

- **Barb Hopkins report**

Barb indicated that Ridgeway Legion was well equipped to host a Bingo luncheon as they already have the bingo machine and the space to accommodate players. Barb will be looking for assistance with this event.

- **Graham Rignall report**

December: Graham indicated he will organize the Christmas luncheon in December at the Crystal Ridge Community Centre.
January: Graham indicated he will organize the back-to-back luncheon in January at Happy Jacks. This event has always been so popular that SCAC decided to schedule two luncheons on two consecutive weekends.

6) **Correspondence**

- Nothing at this time

7) **Other Business**

- Nothing new at this time
- Rosalie suggested the committee reintroduce themselves to provide an opportunity for the new committee members to be introduced to the current committee members.

8) **Next Meeting Date and Adjournment**

The next official meeting date has been scheduled for Wed. June 1, 2022 at 10:00 am

The May 4th meeting adjourned at 11:12 am
Motion for adjournment was made by Doyle, 2nd by Snyder

Minutes prepared by **Minutes approved by**

Barbara Hopkins

Office of the CAO

Prepared for	Council	**Report No.**	CAO-08-2022
Agenda Date	May 30, 2022	**File No.**	120501

Subject

PURCHASE OF A POOL LIFT FOR THE E.J. FREELAND COMMUNITY CENTRE

Recommendations

THAT Council amends the 2022 Capital Budget to include an accessible pool lift for the E.J. Freeland Centre for $13,270 with $2,500 in donations, $1,500 from the Accessibility Advisory Committee operating budget, and $9,270 from the Facilities Maintenance Reserve, and further

THAT Council approves the purchase of the pool lift for $14,735.20 (including 13% HST) from Motion Specialties to allow for independent entry into the pool for persons with disabilities, and further

THAT Council acknowledges the monetary donations from the Ridgeway Lions Club and the Fort Erie Lions Club, of $1,250 each, to assist with the cost of the pool lift and the in-kind donation by the Boys and Girls Club of Niagara.

Relation to Council's 2018-2022 Corporate Strategic Plan

Priority: Optimizing health, housing and social well-being through service access and healthy lifestyles

Goal: 1.5 Capital investment plan to include healthy living infrastructure (trails, parks/recreation, transit connections, etc.)

List of Stakeholders

- Persons with disabilities and those that require a lift to access the pool independently
- Boys and Girls Club of Niagara
- Ridgeway Lions Club
- Fort Erie Lions Club

Prepared by:	Approved by:
Original Signed	*Original Signed*
Bev Bradnam, DPA, CMM III Manager, Strategic Initiatives	Chris McQueen, MBA Chief Administrative Officer

Purpose of Report

The purpose of this report is to seek Council's approval for the purchase of a pool lift for the E.J. Freeland Community Centre to allow persons with disabilities to access the pool independently. The report also acknowledges the monetary donation by the Ridgeway Lions Club and Fort Erie Lions Club and the in-kind donation by the Boys and Girls Club of Niagara.

Analysis

As background, in February 2019 a letter was sent to the Manager of the E.J. Freeland YMCA requesting a meeting with members of the Town's Accessibility Advisory Committee (AAC) to discuss the possibility of working with the YMCA to install a pool lift which could be independently used by someone that utilizes a wheelchair or may have a mobility challenge (i.e. knee replacement) and does not feel comfortable or safe using the ramp. The letter also noted a presentation to the AAC by a Ridgeway Lions Club member and the possibility of working with community partners to improve access to the pool. No response was received by the YMCA and shortly thereafter the announcement was made that the Fort Erie YMCA would be closing its doors.

The community is very fortunate that the Town purchased the property so that a Community Centre would still be available to the residents of Fort Erie and entered into an agreement with the Boys and Girls Club of Niagara (BGCN) to operate the facility. The Centre was renamed the E.J. Freeland Community Centre and shortly after its opening the COVID-19 pandemic hit.

AAC members reached out to the BGCN and were able to visit the E.J. Freeland Community Centre once some of the COVID-19 restrictions were lifted. On September 16, 2021 AAC members met with the Facilities staff of the Centre to discuss the possibility of working together to have a pool lift installed. It was agreed at the meeting that there was a perfect location for a lift and the BGCN staff undertook to obtain quotations from three vendors so that there would be an idea of how much funding would be required. The initial successful quotation was received in October 2021 and was good for a period of 60 days. AAC members began corresponding with both the Ridgeway and Fort Erie Lions Club to determine their interest in funding part of the project. The BGCN advised that, due to the impacts of COVID-19 on their fundraising, they were unable to provide any financial commitment but they would be responsible for finalizing the purchase, installation and training staff on the use of the lift. A follow-up with the successful proponent resulted in a revised quotation that included a slight increase for material and freight as well as installation.

The Fort Erie Lions Club were the first to commit to providing $1,250 towards the cost of the pool and members of the AAC met with the Ridgeway Lions Club on April 27, 2022 and provided a presentation to the Club. The Ridgeway Lions Club have confirmed their commitment to provide $1,250 in funding as well.

The addition of the pool lift will make it possible for individuals who use a wheelchair/mobility device or other individuals with mobility challenges to access the pool with dignity, eliminate or reduce the risk of slipping or falling and eliminate the need of a support worker to transfer and push an individual in and out of the pool.

People with disabilities were, for too long, excluded from participating in many recreational activities, including swimming and accessing the waterfront. With the inclusion of our beach mats we have made it easier for everyone to enjoy our beautiful beach.

The addition of the pool lift also helps fulfill the AAC's mission to be an accessible community for all.

Financial/Staffing and Accessibility (AODA) Implications

The BGCN undertook obtaining quotations from several vendors and confirmed that the quotation from Motion Specialties was the preferred vendor based on lowest cost with an initial quote for the Mighty 600 Pool Lift installed at $11,229.66 (schematics are attached as Appendix "1" to the Report).

Staff also reviewed grant opportunities, as was suggested by the Ridgeway Lions Club; however, at this time there are no funding programs to cover the cost of a capital asset in a Town-owned facility.

The revised quotation received by the BGCN, which is good for 60 days (expiring on June 14, 2022) is for $14,735.20, including 13% HST.

The Town of Fort Erie's AAC operating budget allows for $1,500 and commitments of $1,250 each have been received by the Fort Erie Lions Club and the Ridgway Lions Club. The Manager, Facilities and Parks, initially had set aside $5,000 for accessibility improvements but has confirmed that the remaining funds can be accessed from the Facilities Maintenance Reserve. Use of the Reserve has also been confirmed by the Director, Corporate Services, as the pool lift will be a Town asset. The Director has also confirmed with the BGCN Operating Director that the pool lift will be included in their insurance.

The Director, Corporate Services, and the Manager, Strategic Initiatives, spoke with the BGCN Operations Director and provided three options for funding:

Option 1 – BCGN purchases the lift and TOFE donates funds to cover the full cost.

Option 2 – TOFE purchases the lift and then donates the lift to BGCN and it becomes an asset of BGCN.

Option 3 – TOFE purchases the lift and it remains a Town capital asset. TOFE would also realize a greater HST rebate.

The BGCN Operations Director has confirmed with the Executive Director that their preference is that the Town purchases the lift and it remains a Town asset.

The following table provides a breakdown of the funding requirements and commitments.

Funding	Amount	Balance
Cost of purchase and installation (in-kind installation assistance and training will be conducted by the Boys & Girls Club of Niagara)	Initial quote Revised	~~$11,229.66~~ **$13,270.00***
Town of Fort Erie AAC operating budget	$1,500.00	$11,770.00
Commitment from the Fort Erie Lions Club	$1,250.00	$10,520.00
Commitment from the Ridgeway Lions Club	$1,250.00	$ 9,270.00
Remaining amount to be funded by the Facilities Maintenance Reserve		**$ 9,270.00**

* Net of non-refundable taxes

The purchase of the pool lift responds to the needs of persons with disabilities and those that may require the lift on a temporary basis to address mobility challenges.

Policies Affecting Proposal

By-law No. 124-2019 adopted Council's 2018-2022 Corporate Strategic Plan. Goal 1.5 speaks to the capital investment plan that includes recreation to ensure access for the community.

By-law No. 157-2019 adopted the Town of Fort Erie 2019-2023 Multi-Year Accessibility Plan.

Comments from Relevant Departments/Community and Corporate Partners

The Manager, Parks and Facilities, and the Chief Building Official have been involved in the consultation with the BGCN. The project has been an outstanding agenda item for the Town of Fort Erie Accessibility Advisory Committee.

As one of our AAC members noted in her original letter … "*I can't tell you how freeing it is to swim. Moving unrestricted in water without gravity makes me feel like I used to before the wheelchair".*

The Director, Corporate Services, has assisted in discussions with the Operating Director of the BGCN as it relates to financial resources and planning.

Communicating Results

As this is such a great story of community working together to improve access for all of our residents, a media release will be distributed following approval of the pool lift and installation.

Alternatives

Council may choose not to fund the pool lift at this time. This alternative is not recommended as the AAC has worked hard to obtain additional funding from two community organizations and have worked for three years to make this a reality.

Conclusion

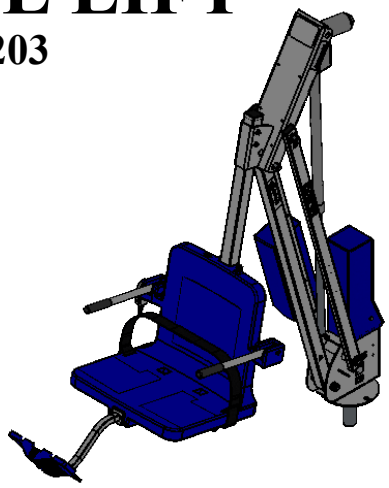
Adding a pool lift at the E.J. Freeland Community Centre will allow persons with disabilities and individuals that may have a temporary disability access the pool independently.

Attachments

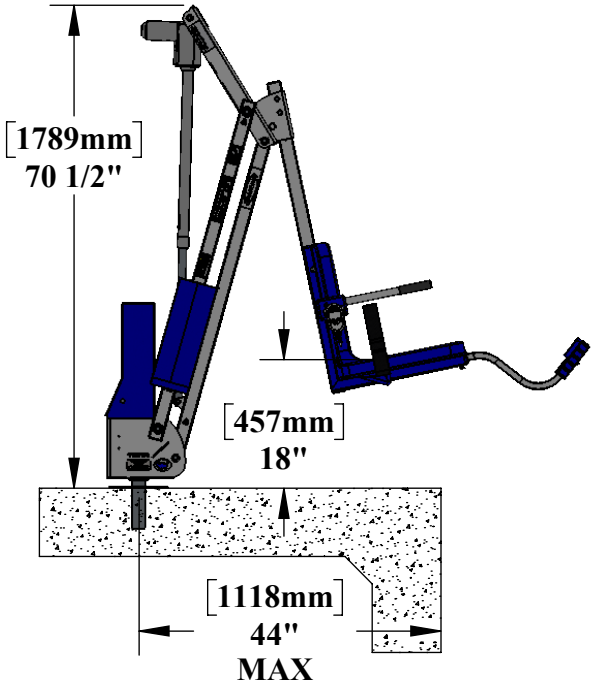
Appendix 1- Schematic of the Mighty 600 Pool Lift

MIGHTY 600 POOL LIFT

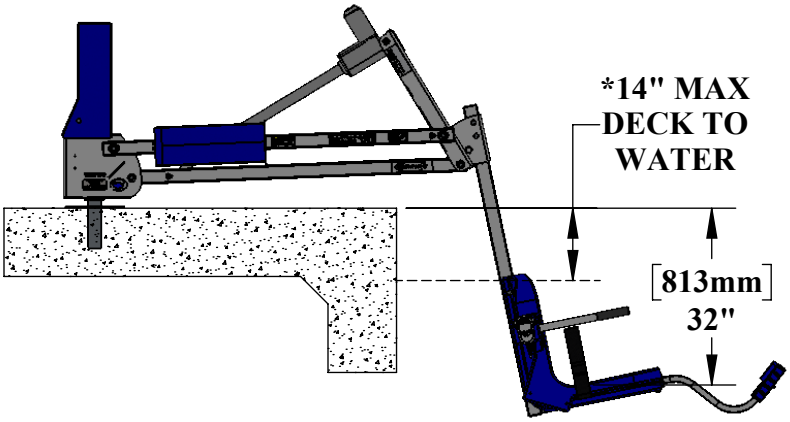
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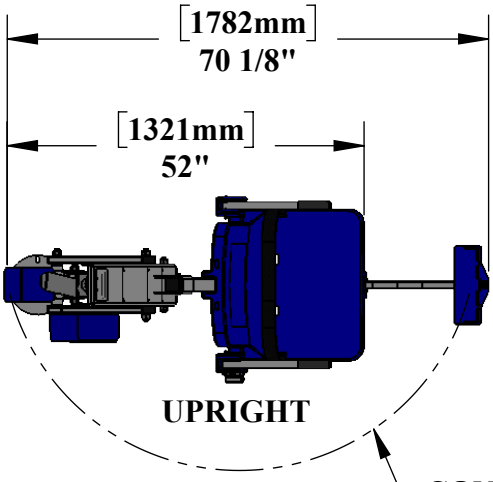


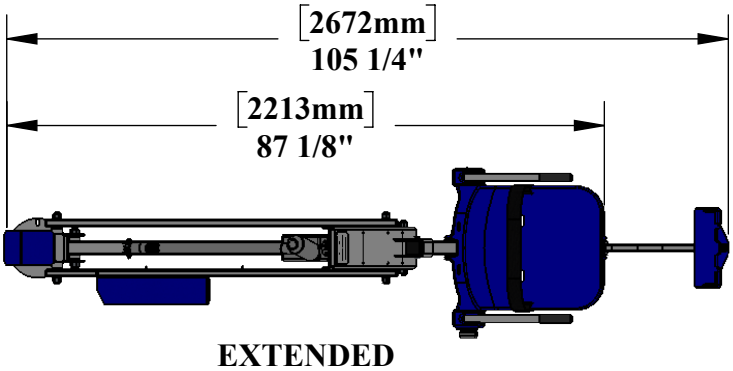
PRODUCT WEIGHT: 170lbs [77kg]
MAX WEIGHT CAPACITY: 600lbs [272kg]
MIN ANCHOR SETBACK: 24"
MAX ANCHOR SETBACK: 44"
MAX WATER DRAFT: 14"
SEAT HEIGHT ADJUSTMENT: 4" IN 2" INCREMENTS
VERTICAL TRAVEL DISTANCE: 50"



***MEASUREMENT TAKEN WITH THE LIFT AT FULL LOAD**







CERTIFIED

Aqua Creek Products®

9889 GARRYMORE LANE
MISSOULA, MT 59808
(406) 549-0769
FAX (406) 549-2602

NOTE:
*SPECIFICATIONS ARE SUBJECT TO CHANGE WITHOUT NOTICE

PRODUCT:	MIGHTY 600		
PART #:	F-MTY600		
SCALE:	1:28	DATE:	2/18/2021
DRAWN BY:	KB	REVISION:	03

Office of the C.A.O.

Prepared for	Council	**Report No.**	CAO-03/LC-04-2022
Agenda Date	February 28, 2022	**File No.**	120902

Subject

LAND MATTERS:

FEBRUARY 10, 2022 LAND COMMITTEE MEETING MINUTES

Recommendations

THAT Council receives the February 10, 2022, Land Committee meeting minutes attached as Appendix "1" to Report No. CAO-03/LC-04-2022.

THAT Council approves the recommendations contained in Appendix "2".

Relation to Council's 2018-2022 Corporate Strategic Plan

Land Committee Minutes are provided to Council together with recommendations associated with property and land matter requests.

List of Stakeholders

- Residents, organizations and businesses of Fort Erie as contained in the report

Prepared by:	Approved by:
Original Signed	*Original Signed*
Bev Bradnam, DPA, CMM III Manager, Strategic Initiatives	Jonathan Janzen, CPA, CA Acting Chief Administrative Officer

Purpose of Report

The purpose of this report is to ensure that members of Council are provided with current land information and staff's deliberations associated with the land matters discussed at the February 10, 2022, Land Committee meeting.

Land Committee minutes are intended to be presented to Council for approval on a regular basis. While not all reports will provide recommendations for Council's deliberations, they will provide background information on land matters discussed.

Analysis

Attached as Appendix "1" to the Report is a copy of the February 10, 2022, Land Committee meeting minutes.

The Committee passed two recommendations related to:

1) the request for an additional six-month extension to the Right to Reconveyance Agreement for 4152 Erie Road (former Bay Beach parking lot); and

2) the request to stop up, close and convey part of an unopened road allowance between Concessions 9 & 10 Niagara River, Bertie to correct a title defect.

Members of the Land Committee will be in attendance during Council's deliberation to answer any questions arising from the minutes.

Financial/Staffing and Accessibility (AODA) Implications

Detailed in the February 10, 2022, Land Committee meeting minutes.

Policies Affecting Proposal

By-law No. 168-91, as amended, established and appointed members to the Land Committee. The By-law sets out the role of the Land Committee and defines mandates and responsibilities of its members. The sale of land is governed by By-law No. 60-2017.

Comments from Relevant Departments/Community and Corporate Partners

The Land Committee is represented by the Mayor, the Chief Administrative Officer, the Director of Financial Services, the Director of Community and Development Services, the Director of Infrastructure Services and the Manager, Economic Development and Tourism Services. The Executive Director of the Fort Erie Native Friendship Centre also attends the Land Committee meetings.

Other staff members are invited to participate in the Land Committee meetings depending upon their specific duties, responsibilities and specific area of expertise.

Communicating Results

Not applicable.

Alternatives

No alternatives are provided.

Attachments

Appendix “1” - February 10, 2022, Land Committee Meeting Minutes
Appendix “2” - Recommendations for Council’s Approval

FORT ERIE ONTARIO
Our Focus: Your Future

MINUTES

Land Committee Meeting

Meeting Date, Time, and Location
Thursday, February 10, 2022 at 10:00 a.m. in Conference Room #1

Members	Support Staff
Mayor Wayne Redekop **T. Kuchyt**, Chief Administrative Officer, Chair **A. Herlovitch, Acting** Director, Planning and Development Services **C. Grummett**, Manager, Economic Development and Tourism Services **J. Janzen,** Director, Corporate Services **K. Walsh,** Director, Infrastructure Services **J. Dockstader,** Executive Director, Fort Erie Native Friendship Centre **J. Stirton**, Town Solicitor (regrets)	**S. Hansen**, Manager, Community Planning **C. Schofield,** Manager, Legislative Services and Clerk **R. Firenze**, Law Clerk **B. Bradnam**, Manager, Strategic Initiatives **M. Ceci,** Planning Technician

1) **New Business**

1) 4152 Erie Road – Right to Re-Conveyance

A memorandum from the Manager, Development Approvals, was reviewed by the Committee, which included details on the acceptance of the Purchase and Sale Agreement (authorized by By-law No. 20-2019) and the request by the owner for an additional six-month extension to the Right to Re-Conveyance Agreement. It was noted that a six-month extension had previous been provided, which expires on March 9, 2022. The CAO noted that the new details provided show a phased in approach. The Director, Infrastructure Services noted that the memo states construction would not commence until after the building permit was issued and the water table conditions allowed, which is of concern. Land Committee members agreed that a further extension should not be granted and the following recommendation was passed.

Recommendation No. 1:

THAT: the Land Committee denies the owner's request for a further six-month extension for the Town's Right to Re-Conveyance of 4152 Erie Road.

(Carried)

The Director, Corporate Services, was asked to follow-up with the Town Solicitor and instruct her to prepare a letter to the current owners about repurchasing the property.

1) **New Business, continued**

2) Request to Stop Up, Close and Convey part of an unopened road allowance between Concessions 9 & 10 Niagara River, Bertie to correct a Title Defect

Report No. LC-03-2022 prepared by the Law Clerk is attached as Appendix "1.2" to the Minutes. The Land Committee members reviewed the report and noted that the applicant has been paying taxes on the parcel since 1996. It was agreed that the applicants should pay a nominal fee and be responsible for the costs associated with the transfer. The following recommendation was passed by the Committee:

Recommendation No. 2:

THAT: **A by-law be brought to Council to stop up and close part of an unopened road allowance between Concessions 9 and 10 Niagara River, Bertie, designated as Part 4 on Reference 59R-9548, and, if necessary, to convey the said part of the unopened road allowance to the Applicant, for nominal consideration, to correct a title defect; and further**

THAT: The applicant be responsible for all costs associated with the transfer.

(CARRIED)

3) Crystal Beach Hill Cottagers Organization – Lease Agreement for use of Parking Lot
The Manager, Community Planning, provided an update on the negotiations taking place with the CBHCO for the use of the Erie Road parking lot. The Manager and Director, Infrastructure Services, confirmed that the Town already maintains the property and is responsible for grass cutting, minor maintenance and garbage collection. The Manager was asked to prepare a list defining operational and capital requirements and which party would be responsible and provide those details to the Land Committee. It was noted that there should be no subletting of the lot without the approval of both parties. Remain on outstanding.

4) Bowen Road at Ott Road – Road Allowance
The Director, Infrastructure Services, advised that at issue is a stub of Bowen Road (as shown on Appendix "1.4" to the Minutes) that is extraneous to Town operational needs and it will need further maintenance in the near future (surface treatment). The Director advised that he would recommend stopping up the road and extending the small improved Bowen Road driveway to Ott Road (re: 2181 Ott Road). The Director questioned whether this matter should first be discussed at the Traffic Coordinating Committee (TCC). The CAO advised that the TCC should first be consulted, then we should hear from the broader public as well through Let's Talk Fort Erie, and then brought back to the Land Committee. Add to outstanding.

2) **Outstanding Parks and Open Space Development Land Matters**

1) Coal Docks Property

Rankin Construction is undertaking the reconstruction of the shorewall and the Mayor noted that the work is on schedule. The CAO noted that, once complete, the design of a passive park on the property will come back to the Manager, Community Planning. The Manager confirmed that funding has been forecasted for the project based on the concept plan that was developed.

3) **Outstanding Land Matters for Discussion**

1) Request to purchase old Ridgeway Public Works Yard

No new updates were provided. Remain on outstanding.

2) Property Acquisition, Land Exchange and Road Widening at the North East corner of Hagey Avenue and Concession Road

The Law Clerk advised that she received the fully executed agreement of Purchase and Sale from the Ministry of Transportation Ontario and that there is a 60-day inspection period with a closing 30 days after the Town waves any conditions. Remain on outstanding until the acquisition is complete.

3) Property off of Queen Street/Douglas Street

The Planning Technician advised that she has contacted the one remaining land owner to the north and they haven't yet provided a written offer to purchase the lands but she has provided them with some additional information and options so that hopefully we can proceed with the disposal plan that was presented in August. Remain on outstanding.

4) Disposition of Fire Stations 4 and 6

As the Manager, Economic Development and Tourism Services, has declared a conflict on this matter, it was moved to the end of the agenda; however, the Minutes reflect the agenda order. The CAO advised that there was a request that Station No. 6 be considered a heritage building. The Heritage Committee has evaluated the building and a report is coming forward to Council recommending that it not be designated as a heritage building as they cannot justify the reasons to do so. The CAO advised that he followed up with the Law Clerk regarding reaching out to local realtors to obtain fees to dispose of the Station.

The Law Clerk confirmed that she is moving forward with work on the severance for Station No. 4 and a Reference Plan has been ordered. Remain on outstanding.

3) **Outstanding Land Matters for Discussion, continued**

5) Waterfront Encroachment – Burleigh Road

This matter has been tabled until April. Remain on outstanding.

6) Request to purchase Town-owned Lands – 390 Derby Road (Smith)

Discussion took place regarding the request by Planning staff for direction on the sale of the property and the interest shown by Mr. Smith. The Law Clerk confirmed that she received the appraisal and has forwarded it to Planning staff. The Mayor advised that this matter is also included in the report coming to Council on February 14, 2022 related to the January 13, 2022 Land Committee meeting minutes and Council may wish to have further discussion on the sale of the property in light of the discussion that took place during the January Land Committee meeting. Remain on outstanding.

7) Bert Miller Nature Club request

The Planning Technician advised that a revised appraisal is being conducted. Remain on outstanding.

8) Request to improve walkability and signage of Munster and Ulster Lanes

The landowners have until April 30, 2022 to remove the encroachments. Remain on outstanding.

9) Request to purchase 0-16255 Lincoln Road West

The Planning Technician advised that a revised appraisal is being conducted. Remain on outstanding.

10) Holloway Bay Road Ownership Dispute

As the Town Solicitor was unable to attend the meeting, no update was provided. Remain on outstanding.

11) Request to lease spaces in municipal parking lots – 62 Courtwright and 97 Jarvis St.

The Manager, Community Planning, advised that this matter is on staff's work plan. Remain on outstanding.

12) Water Lot Attributes

The Mayor forwarded details he received to the Law Clerk who provided a brief overview of the documents. It was agreed that this matter should be forwarded to external legal counsel for an opinion as it is such an important issue and findings could be significant. Remain on outstanding.

3) **Outstanding Land Matters for Discussion, continued**

13) Realignment of Albany Road

The Acting Director, Planning and Development Services, advised that this matter is in the works. Remain on outstanding.

14) Lease Agreement for use of pool – Fort Erie International Academy (FEIA)

The Town Solicitor is working on the draft lease agreement for use of the pool next summer. Remain on outstanding.

15) Proposal for Disposition of Surplus Real Property – 243 Gorham Road, Ridgeway

The CAO advised that a Closed Session Council meeting took place and Council gave direction to staff. Remain on outstanding.

16) Request to purchase limited marketability land – Part of the Road Allowance between Lots 22 and 32, Concession 3, Lake Erie Bertie, being part of PUIN 64194-0900 LT

The Acting Director, Planning and Development services, advised that he will be reaching out to Regional staff to determine what they are doing about those additional requests for lands to be included in the urban boundary expansion. Remain on outstanding.

17) Information regarding a request to consider a residential encroachment on a Municipal Road Allowance – 1799 Niagara River Parkway

The Mayor declared a conflict of interest on this matter and left the meeting.

This matter was deferred by Council at the December 2, 2021 Council-in-Committee meeting and asked to be brought back on February 28, 2022 in order to provide an opportunity for members of Council to speak to both property owners. The CAO advised that he believes the trees need to be moved and noted that staff has done a tremendous amount of work over the past ten plus years to remove encroachments from Town road allowances and should continue with zero tolerance and no exceptions should be made. The Manager, Legislative Services/Town Clerk, advised that she received an e-mail from the adjacent owner requesting details on how to register as a delegation. It was noted that additional details are also included in the January 13, 2022 minutes that are part of an upcoming report at the February 14, 2022 Council-in-Committee meeting but the Manager would recommend directing the adjacent owner to the February 28, 2022 meeting when the report is coming back before Council. Remain on outstanding.

18) Healing Garden

The Manager, Community Planning, advised that she will be working with the Executive Director of the FENFC on this project and they will be getting together in a couple of months to discuss strategy and the approach. Remain on outstanding.

4) **Other Matters**

The Director, Infrastructure Services, described a recent discussion that took place with a consulting engineer regarding a possible development in Crystal Beach. The Director will keep Land Committee members advised of any further discussions.

5) **Next Meeting Date and Adjournment**

The next Land Committee meeting date will take place on Thursday, March 17, 2022 at 9:00 a.m. in Conference Room #1.

The February 10, 2022 Land Committee meeting adjourned at 11:18 a.m.

Minutes recorded and prepared by:	Minutes approved by:
Bev Bradnam, DPA, CMM III Manager, Strategic Initiatives	Jonathan Janzen, CPA, CA Acting Chief Administrative Officer

CORPORATE SERVICES

Prepared for	Land Committee	**Report No.**	LC-03-2022
Agenda Date	February 10, 2022	**File No.**	360507

Subject

REQUEST TO STOP UP, CLOSE AND CONVEY, PART OF AN UNOPENED ROAD ALLOWANCE BETWEEN CONCESSIONS 9 & 10 NIAGARA RIVER, BERTIE, TO CORRECT A TITLE DEFECT

Recommendations

THAT A by-law be brought to Council to stop up and close part of an unopened road allowance between Concessions 9 and 10 Niagara River, Bertie, designated as Part 4 on Reference 59R-9548, and, if necessary, to convey the said part of the unopened road allowance to the Applicant, for nominal consideration, to correct a title defect.

OR

THAT

A by-law be brought to Council to stop up and close part of an unopened road allowance between Concessions 9 and 10 Niagara River, Bertie, designated as Part 4 on Reference 59R-9548, and to sell the said unopened road allowance as limited marketability lands, at a value to be determined by appraisal, to the Applicant, and in accordance with the Town's Sale of Land Policy.

Relation to Council's 2018-2022 Corporate Strategic Plan

Priority: Not applicable
Goal:
Initiative:

List of Stakeholders

Applicant/Owner – Elaine Lucy Zappitelli-Andrews
The Corporation of the Town of Fort Erie

Prepared by:	Approved by:
Rosanna Firenze Law Clerk	Tom Kuchyt, CET Chief Administrative Officer

Purpose of Report

The purpose of this report is to provide Land Committee with information regarding a request that was received to stop up and close a portion of an unopened road allowance located between Concessions 9 and 10, Niagara River, Bertie designated as Part 4 on Reference Plan 59R-9548, and to convey the portion of the unopened road allowance, if necessary, to the Applicant, owner of 1652 Ridge Road North, to correct a title defect.

Analysis

The Road Allowance

Road allowance between Concessions 9 and 10, Niagara River is an original unopened road allowance. The portion of the unopened road allowance subject of this matter is Part 4 on 59R-9548 (the "subject road allowance"), which lies east of the Teal Road road allowance (north of Garrison Road), near the Teal Road and Ridge Road North intersection. It has a total area of 57,368.52 square feet (1.317 acres). A copy of Reference Plan 59R-9548 and an area map of 1652 are attached as Appendix "1" and Appendix "2", respectively.

Consent from the Crown to stop up and close the subject road allowance is not required as it does not abut land owned by the Crown nor does it lead to or abut a bridge wharf, dock, quay or other work owned by the Crown.

Background

On May 31, 1996 Ontario Land Surveyor, J. Edward Lanthier completed Reference Plan 59R-9548 and designated the subject road allowance as Part 4 thereon. The Reference Plan was deposited on title on June 4, 1996 and on June 5, 1996 a Transfer/Deed of Land for the lands known municipally today as 1652 Ridge Road North was registered from the Estate of L. Leventhal to L. and M. Foster. By this Transfer, it appears that the new owners made a quit claim over the subject road allowance. The Transfer specifically states: *"Provided that with respect to the lands thirdly described [Part of the road allowance between Concessions 9 and 10, Niagara River, formerly in the Township of Bertie, now in the Town of Fort Erie, Regional Municipality of Niagara designated as Part 4, 59R-9548] this Transfer shall constitute a quit claim only and the covenants implied by The Land Registration Reform Act, R.S.O. 1990 c.L.4, section 5(1) paragraph 1 and 3ii shall not apply to such thirdly described lands."* (The covenants implied by the *Land Registration Reform Act* deal with assurances of land.) As a result of this Transfer/Deed of Land, Part 4, 59R-9548 was included in the Assessment Roll Number for 1652 Ridge Road North.

The legal description for 1652 Ridge Road North erroneously states that part of the road allowance between Concessions 9 and 10 (the subject road allowance) was closed by RO6292723. RO6292723 is registered By-law No. 11-92, which closes and conveys part of the Gilmore Road and Shishler Road unopened road allowance between Lots 4

and 5 in Concession 9, designated as Part 4 on Reference Plan 59R7925. By-law 11-92 does not close and convey the subject road allowance designated as Part 4 on Reference Plan 59R-9548.

An extensive search of title and a search through municipal records indicates that the road allowance between Concessions 9 and 10 has not been stopped up and closed, nor has a Deed ever been given to any abutting land owner without an authorizing by-law, as is required by the *Municipal Act*.

In order for the Applicant to have proper title to the unopened road allowance, a by-law to stop up and close the subject road allowance must be passed and subsequently registered by the Town. Additionally, a transfer of the subject road allowance to the Applicant may be required at the direction of the Land Registry Office.

Financial/Staffing Implications

All costs associated with the road closing and transfer, if necessary, will be borne by the Applicant/Owner.

Policies Affecting Proposal

Section 34(1) of the *Municipal Act, 2001, r*equires that a by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office.

The *Municipal Act, 2001,* as amended, and Public Notice Policy By-law No. 206-07 do not require notice of intention to pass a by-law pertaining to the closure of a road.

The sale of municipal land is governed by By-law No. 060-2017, known as the “Sale of Land Policy”.

Comments from Relevant Departments/Community and Corporate Partners

Town Staff and external agencies were circulated for comment on the disposal of the subject road allowance. No objections were received from Town Staff, and the following comments were received from The Regional Municipality of Niagara – Planning and Development Services:

> *“The subject lands are located in the “Prime Agricultural Area” of the Provincial Policy Statement, 2020 (“PPS”) and are designated within the “Good General Agricultural Area” of the Regional Official Plan (“ROP”). The predominant use of lands in the Prime Agricultural Area and the Good General Agricultural Area is for agricultural uses, agriculture-related uses, and on-farm diversified uses. These areas are to be protected for the long-term use for agriculture. Based on 2018 aerial imagery, the historical use of 1652 Ridge Road North has been for a livestock operation (alpaca farm), which includes an existing dwelling and accessory structures.*

Archaeology
The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. The PPS and ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. The subject property is also identified as having archaeological potential based on the Town of Fort Erie's Official Plan, Schedule D: Cultural Heritage Archaeological Zones of Potential.

Staff acknowledge that the request does not propose any new development on the subject lands. However, the potential future owner is advised that any future Planning Act applications involving the property may require an Archaeological Assessment.

Natural Heritage
The subject property is impacted by the Region's Core Natural Heritage System ("CNHS"), consisting of the Upper Frenchman's Creek Provincially Significant Wetland Complex and Significant Woodland. The property is also mapped as part of the A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation Provincial Natural Heritage System. As such, these features are considered Key Natural Heritage Features ("KNHF") and Key Hydrologic Features ("KHF").

The road allowance (Part 4) does not contain any Regional CNHS features or KNHF/KHF. As such, staff offer no objection to the sale of these lands. The potential future owner is advised that any future Planning Act applications for the subject property will likely require a Natural Heritage Evaluation / Environmental Impact Study.

Conclusion
In conclusion, Regional staff do not have any objection, in principle, to the circulated request to purchase Town-owned surplus lands."

Alternatives

Land Committee may determine that no action be taken.

OR

Land Committee may recommend that the subject road allowance be sold as limited marketability land at a value to be determined by appraisal and in accordance with Parts 6 and 7 of the Sale of Land Policy, where applicable, provided that the Applicant provides in writing, her willingness to be responsible for costs associated with obtaining an Appraisal and all other legal costs and disbursements. However, it is recognized that the

Applicant may not be favourable to this recommendation, given the fact that she has paper title to the subject road allowance and has been paying taxes in relation thereto.

Conclusion

Given the information at hand, it appears that the Town of Fort Erie still has an interest in Part 4 59R-9548, which remains a road allowance until closed by by-law. However, as a result of the quit claim over this land, and by a review of the Town's property tax inquiry, it appears that taxes have been assessed in proportion to the value of the subject road allowance.

Accordingly, it is recommended that the applicant's request for clear title to the subject road allowance be granted and that the necessary steps be taken to close and convey the subject road allowance to the Applicant, for nominal consideration.

Attachments

Appendix "1" – Reference Plan 59R-9548
Appendix "2" – Area Map of 1652 Ridge Road North

T 33

F-493

PLAN 59R-9548

RECEIVED AND DEPOSITED

DATE: 4th June 1996

R G Lawrence

DEP. LAND REGISTRAR FOR THE LAND REGISTRY DIVISION OF NIAGARA SOUTH (No. 59)

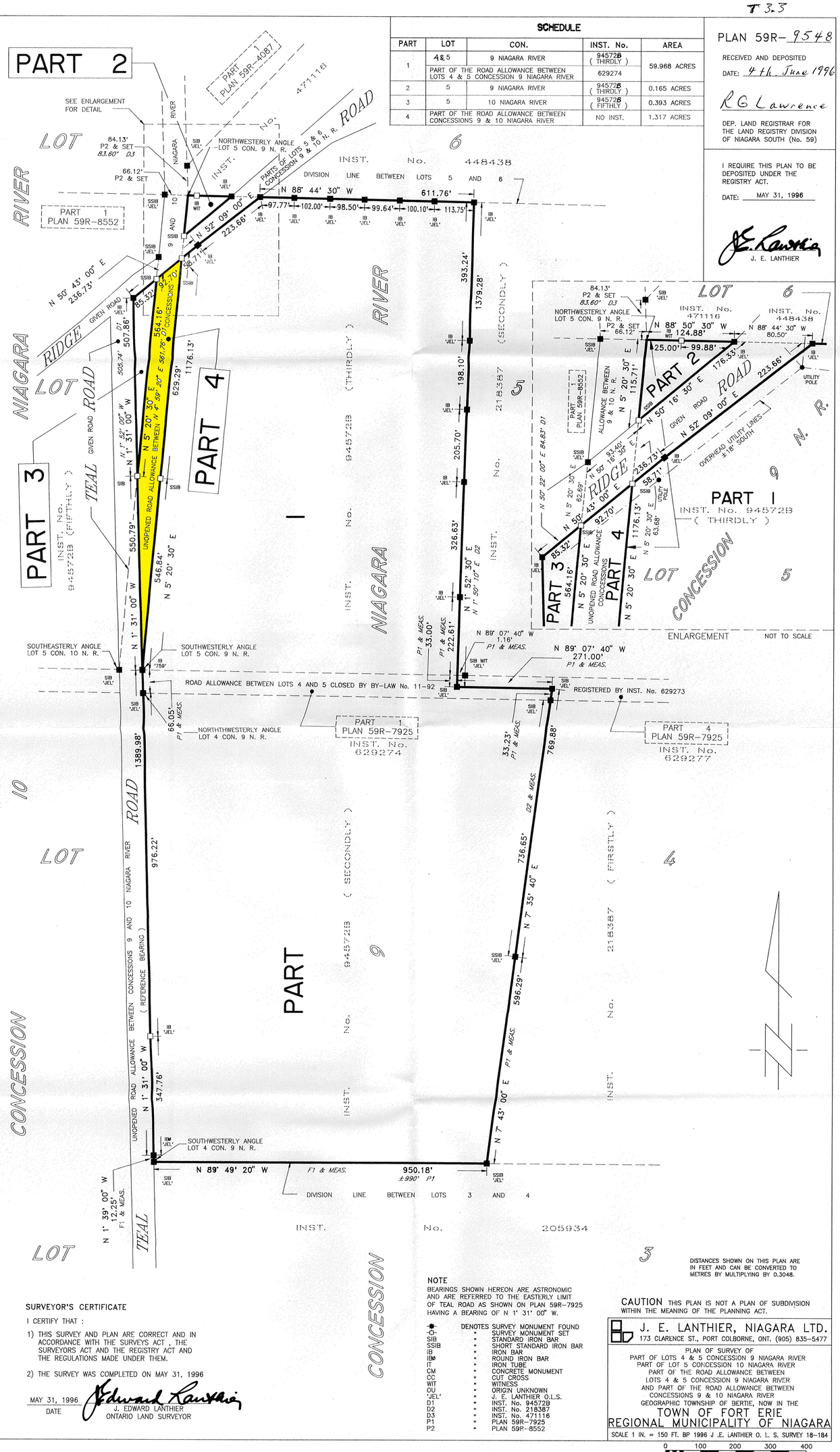
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT.

DATE: MAY 31, 1996

J. E. LANTHIER

SCHEDULE

PART	LOT	CON.	INST. No.	AREA
1	4&5	9 NIAGARA RIVER	94572B (THIRDLY)	59.968 ACRES
	PART OF THE ROAD ALLOWANCE BETWEEN LOTS 4 & 5 CONCESSION 9 NIAGARA RIVER		629274	
2	5	9 NIAGARA RIVER	94572B (THIRDLY)	0.165 ACRES
3	5	10 NIAGARA RIVER	94572B (FIFTHLY)	0.393 ACRES
4	PART OF THE ROAD ALLOWANCE BETWEEN CONCESSIONS 9 & 10 NIAGARA RIVER		NO INST.	1.317 ACRES



DISTANCES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048.

NOTE

BEARINGS SHOWN HEREON ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERLY LIMIT OF TEAL ROAD AS SHOWN ON PLAN 59R-7925 HAVING A BEARING OF N 1° 31' 00" W.

■	DENOTES	SURVEY MONUMENT FOUND
⊕	"	SURVEY MONUMENT SET
SIB	"	STANDARD IRON BAR
SSIB	"	SHORT STANDARD IRON BAR
IB	"	IRON BAR
IBø	"	ROUND IRON BAR
IT	"	IRON TUBE
CM	"	CONCRETE MONUMENT
CC	"	CUT CROSS
WIT	"	WITNESS
OU	"	ORIGIN UNKNOWN
'JEL'	"	J. E. LANTHIER O.L.S.
D1	"	INST. No. 94572B
D2	"	INST. No. 218387
D3	"	INST. No. 471116
P1	"	PLAN 59R-7925
P2	"	PLAN 59R-8552

SURVEYOR'S CERTIFICATE

I CERTIFY THAT :

1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT , THE SURVEYORS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE UNDER THEM.

2) THE SURVEY WAS COMPLETED ON MAY 31, 1996

MAY 31, 1996 — DATE

J. EDWARD LANTHIER
ONTARIO LAND SURVEYOR

CAUTION THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.

J. E. LANTHIER, NIAGARA LTD.
173 CLARENCE ST., PORT COLBORNE, ONT. (905) 835-5477

PLAN OF SURVEY OF
PART OF LOTS 4 & 5 CONCESSION 9 NIAGARA RIVER
PART OF LOT 5 CONCESSION 10 NIAGARA RIVER
PART OF THE ROAD ALLOWANCE BETWEEN
LOTS 4 & 5 CONCESSION 9 NIAGARA RIVER
AND PART OF THE ROAD ALLOWANCE BETWEEN
CONCESSIONS 9 & 10 NIAGARA RIVER
GEOGRAPHIC TOWNSHIP OF BERTIE, NOW IN THE
TOWN OF FORT ERIE
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 IN. = 150 FT. BP 1996 J .E. LANTHIER O. L. S. SURVEY 18-184

0 100 200 300 400

F-493

Appendix "1"

Appendix “2”




2181
Bowes Road
0-14156

Appendix "2" to Administrative Report No. CAO-03/LC-04-2022

Date of Meeting	Land Matter	Rec. No.	Tasks identified/ Recommendation of Land Committee	Status/Council Action Required
Feb. 10/22	**4152 Erie Road – Right to Re-Conveyance**	**1**	**THAT**: **the Land Committee denies the owner's request for a further six-month extension for the Town's Right to Re-Conveyance of 4152 Erie Road.**	**Requires Council's Approval**
Feb. 10/22	**Request to Stop Up, Close and Convey part of an unopened road allowance between Concessions 9 & 10 Niagara River, Bertie to correct a title defect**	**2**	**THAT**: **A by-law be brought to Council to stop up and close part of an unopened road allowance between Concessions 9 and 10 Niagara River, Bertie, designated as Part 4 on Reference 59R-9548, and, if necessary, to convey the said part of the unopened road allowance to the Applicant, for nominal consideration, to correct a title defect; and further** **THAT: The applicant be responsible for all costs associated with the transfer.**	**Requires Council's Approval**

Interoffice Memorandum

April 6, 2022
File No. 350307-0311

To: Mayor and Council
From: Alex Herlovitch, Director, Planning and Development Services
Subject: **Supplemental Information – 4152 Erie Road – Motion to Reconsider**

The following information is provided to Council-in-Committee as a history of the dealings with 4152 Erie Road starting with the approval of the Bay Beach Master Plan in 2016 up to today. A timeline summarizing this narrative is attached as **Attachment "1".**

The Bay Beach Master Plan was approved by Council on January 11, 2016 with the approval of Administrative Report No. CDS-06-2016. That report included various recommendations including a recommendation to proceed with the rezoning 4152 Erie Road to permit the uses recommended in the Bay Beach Master Plan as well as a recommendation to proceed with the sale of 4152 Erie Road after the property was rezoned.

Following approval of the Bay Beach Master Plan, Planning staff brought forward Administrative Report No. PDS-33-2016 which included a summary of the proposed changes and additional uses for 4152 Erie Road. The existing zoning permitted various commercial uses as well as mixed-use buildings with commercial on the ground floor and residential on the upper floors but pure residential was not permitted under the existing zoning. The rezoning added both apartments and townhouses as permitted uses subject to various regulations. The zoning was approved with the passing of By-law No. 49-2016 on April 25, 2016.

Subsequent to the approval of the zoning by-law amendment, Planning staff initiated the process to sell 4152 Erie Road through Administrative Report No. PDS-29-2018 on May 7, 2018. An additional report (Administrative Report No. PDS-76-2018) was brought before Committee-in-Council on November 13, 2018 recommending the use of D. W. Howard Realty to sell the property.

On February 9, 2019, Administrative Report No. PDS-02-2019 reported that two bids were received for the property with various conditions. The report recommended the sale of the lands to Elong Realty Brokerage Inc. A copy of the development concept was included with the offer of purchase and sale and is attached as an appendix to Administrative Report No. PDS-02-2019. By-law No. 20-2019 was passed on February 11, 2019 to ratify Council-in-Committee's approval of the purchase and authorized the acceptance of the offer of purchase and sale. The accepted Agreement of Purchase and Sale does not contain any conditions requiring any particular form of development for the property.

As a condition of the sale of the property, the Town and Elong Realty Brokerage Inc. entered into a Right to Re-conveyance agreement which outlined the terms of development of the lands. This agreement gave the Town the right to have the property re-conveyed back to the

Town if Elong Realty Brokerage Inc. did not enter into a site plan agreement with two years of the registration of the transfer of the lands and furthermore if a complete building application was not received within one year of the execution of the site plan agreement. The right to reconveyance agreement was executed on September 6, 2019 and registered on September 9, 2019. The executed Right to Re-Conveyance Agreement does not contain any conditions requiring any particular form of development for the property.

On August 7, 2021, Planning staff received a request from Ms. Lixia Lin requesting that the right to reconveyance deadline be extended by one year to September 9, 2022. This request was considered and Land Committee recommended the approval of a six-month extension to Council-in-Committee. Council-in-Committee approved the recommendation of Land Committee to extend the deadline for execution of a site plan agreement to March 9, 2022. A supplemental right to reconveyance agreement was approved with the passing of By-law No. 108-2021 on September 20, 2021. The agreement was executed on September 29, 2021 and registered on November 8, 2021.

Planning staff received a complete application for site plan approval for development of 4152 Erie Road on December 20, 2021 from 2713166 Ontario Inc. Due to the scheduled Town of Fort Erie office shut-down from December 24, 2021 to January 3, 2022, the applicant was advised that the application would be circulated for review on January 4, 2022. The application for site plan approval proposes to construct two blocks of townhouses for a total of 11 units fronting on Erie Road.

With the extended deadline looming, Ms. Lin submitted a second request for extension on January 21, 2022 to Planning staff. Land Committee considered this request and recommended to Council-in-Committee that the request be denied and that the Town proceed to reconvey the property.

The matter before Council-in-Committee is a Motion to Reconsider Item 1) 1), being Recommendation No. 1 in Appendix "2" of Administrative Report No. CAO-03-/LC-04-2022. If Council-in-Committee reconsiders this motion and deems it appropriate to extend the deadline to enter into a site plan agreement under the right to reconveyance agreement, Planning staff suggest that the deadline be extended from the date of the supplemental agreement. It is anticipated that the processing of the site plan application could take between 6 to 8 months. A motion from Council-in-Committee would be required to direct staff regarding the exact timeline for entering into a site plan agreement and to prepare a By-law to enter into a supplemental agreement with 2713166 Ontario Inc. to amend the time limits set out in Section 1.1 of the Supplemental Agreement between the Town and 2713166 Ontario Inc.

All of which is respectfully submitted,

Original Signed

Alex Herlovitch, MCIP, RPP
Director, Planning and Development Services

Bay Beach Master Plan

January 11, 2016 - Administrative Report CDS-06-2016 was approved at the January 11, 2016 Council-in-Committee meeting which approved the Bay Beach Master Plan.

Zoning By-law Amendment

April 4, 2016 - At the Council-in-Committee Meeting of April 4, 2016, Administrative Report PDS-33-2016 was brought forward to approve the Zoning By-law Amendment.

April 25, 2016 - The amendment was implemented with the passing of By-law No. 49-2016 on April 25, 2016.

Property Purchase

May 7, 2018 - Administrative Report PDS-29-2018 - May 7, 2018 Council-in-Committee Meeting - Award of Contract for the Bay Beach Site Improvements

November 13, 2018 - Administrative Report PDS-76-2018 – November 13, 2018 Council-in-Committee Meeting – Sale of Full Marketability Lands – 4152 Erie Road

February 4, 2019 - Administrative Report PDS-02-2019 – Acceptance of Offer of Purchase and Sale

February 11, 2019 - By-law No. 20-2019 – Authorization to enter Agreement of Purchase and Sale

February 12, 2019 – Accepted Agreement of Purchase and Sale

September 6, 2019 - Right to Re-Conveyance Agreement – This agreement was signed on September 6, 2019 and registered on September 9, 2019

August 7, 2021 – Request from 2713166 Ontario Inc. to extend the right to reconveyance deadline by one year.

September 20, 2021 - By-law No. 108-2021 – Authorizing the Entry into a Supplemental Right to Re-Conveyance Agreement to extend the deadline to execute a site plan agreement to March 9, 2022. This agreement was signed September 29, 2021 and registered on November 8, 2021

December 20, 2021 – Complete Application for Site Plan Approval received from 2713166 Ontario Inc. Due to the scheduled Town of Fort Erie office shut-down from December 24, 2021 to January 3, 2022, the applicant was advised that the application would be circulated for review on January 4, 2022

January 21, 2022 – Request from 2713166 Ontario Inc. to extend the right to reconveyance deadline by six months.

February 28, 2022 – Council adopted the February 10, 2022 Land Committee Minutes to deny the request for a six-month extension of the Re-Conveyance Agreement.

Planning and Development Services

Prepared for	Regular Council	**Report No.**	PDS-34-2022
Agenda Date	May 30, 2022	**File Nos.**	350302-131, 350309-540 & 350308-123

Subject

PROPOSED DRAFT PLAN OF SUBDIVISION AND COMBINED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT
SPRING CREEK ESTATES – 0-17482 AND 0-17484 BLACK CREEK ROAD
5009823 ONTARIO INC. - MITCH WILLIAM AND MIKE COLOSIMO (OWNERS)
UPPER CANADA CONSULTANTS - MATT KERNAHAN (AGENT)

Recommendation

THAT Council receives for information purposes Report No. PDS-34-2022 regarding a proposed Draft Plan of Subdivision and Combined Official Plan and Zoning By-law Amendment for 0-17482 and 0-17484 Black Creek Road.

Relation to Council's 2018-2022 Corporate Strategic Plan

Priority: Managed Growth through Responsibility, Stewardship and Preservation

List of Stakeholders

5009823 Ontario Inc.- Mitch William and Mike Colosimo (Owners)
Upper Canada Consultants – Matt Kernahan (Agent)
Residents and Property Owners in the Town of Fort Erie

Prepared by:	Submitted by:	Approved by:
ORIGINAL SIGNED	***ORIGINAL SIGNED***	***ORIGINAL SIGNED***
Anamika Dilwaria, M.Pl, MCIP, RPP Acting Manager, Development Approvals	Alex Herlovitch, MCIP, RPP Director, Planning & Development Services	Chris McQueen, MBA Chief Administrative Officer

Purpose

Applications for a Draft Plan of Subdivision and a Combined Official Plan and Zoning By-law Amendment have been submitted by Upper Canada Consultants, Agent and Applicant for 5009823 Ontario Inc. c/o Mitch Williams and Mike Colosimo, Owners of the subject properties known as 0-17482 and 0-17484 Black Creek Road. The applications were deemed complete on February 7, 2022. The subject lands are located on the east side of Black Creek Road between Baker Road and River Trail Road, as illustrated in **Appendix "1."**

The Applicant is requesting to subdivide 8.6 hectares of lands to create fifty-four (54) lots for single-detached dwellings, eight (8) blocks for semi-detached dwellings, thirteen (13) blocks for street townhouse dwellings, one (1) block for condominium townhouse dwellings, one (1) block for an apartment building, and one block for a stormwater management pond. A Combined Official Plan and Zoning By-law Amendment is requested to facilitate the proposed development.

The draft plan (**Appendix "2")** submitted by the Applicant shows the details of the proposed development.

The northerly and southerly portions of the subject lands are currently designated Medium Density Residential, and the central portion of the subject lands are designated Low Density Residential in the Town's Official Plan and Douglastown-Black Creek Secondary Plan. The Applicant is requesting to redesignate the subject lands as Medium Density Residential. A Special Policy Area designation is requested to be added to the northerly portion of the subject lands to allow stacked and block townhouses as permitted uses with a density ranging between 17 units per hectare and 75 units per hectare.

The subject lands are currently zoned Residential Multiple 2 (RM2-549) Zone, in part, Residential 2 (R2) Zone, in part and Residential Multiple (RM1-548) Zone, in part, in accordance with the Zoning By-law No. 129-90, as amended by By-law No. 2016-035. The Applicant is requesting to rezone the northerly portion of the subject property to a site-specific Residential Multiple 2 (RM2) Zone, and the southerly portion to a site-specific Residential Multiple 1 (RM1) Zone.

The purpose of this report is to provide information on the proposed Draft Plan of Subdivision and Combined Official Plan and Zoning By-law Amendment in support of the May 30, 2022, Public Meeting for the application. A Recommendation Report will be brought forward for Council's consideration at a future meeting.

Nature of the Site

The subject lands are approximately 8.6 hectares in area and are located in the Douglastown/Black Creek neighbourhood. A Location Plan is included as **Appendix "1"** to this report. The subject property is located between Black Creek Road to the east and Netherby Road to the west and has frontage on Black Creek Road. The subject lands are currently vacant.

The following are the land uses surrounding the subject property:

North: Black Creek Community Centre, Faith Reformed Church, and vacant commercial lands to the north
South: Queen's Elizabeth Way (QEW).
East: Black Creek Road and single detached dwellings.
West: Netherby Road

Planning Context

2020 Provincial Policy Statement

The subject lands are located within a Settlement Area under the 2020 Provincial Policy Statement (PPS). The policies of the PPS direct growth to settlement areas and encourage the building of strong communities through the efficient use of land, resources, infrastructure and public service facilities through the development of complete communities with a diverse mix of land uses that provide an appropriate range and mix of housing types. The intensification and redevelopment of underutilized lands is encouraged.

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

The subject lands are located within the Delineated Built-Up Area under the 2020 Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation (Growth Plan). The Growth Plan contains policies that encourage infill and intensification within the built-up area to support the achievement of complete communities with a diverse mix of land uses that promote economic development and competitiveness and provide a range of housing types. The policies further state that until the Region completes a municipal comprehensive review that is approved and in effect, the annual minimum intensification target contained in the Regional Official Plan for the Delineated Built-Up Area, being fifteen per cent (15%), will continue to apply

2014 Regional Official Plan

The Regional Official Plan identifies the subject lands as Built-Up Area in the Urban Area Boundary of Fort Erie. A full range of residential, commercial and industrial uses are permitted generally within the Urban (Built-Up) Area subject to the availability of

adequate municipal services and infrastructure and other policies relative to urban design, compatibility and environmental conservation. The ROP promotes higher density development in urban areas and supports growth that contributes to the overall goal of providing a sufficient supply of housing that is suited to the needs of a variety of households and income groups in Niagara. This proposal is also consistent with Regional Intensification policies as it contributes to the achievement of residential intensification targets.

Official Plan and Douglastown Black Creek Secondary Plan

The northerly and southerly portions of the subject lands are currently designated Medium Density Residential and the central portion is designated Low-Density Residential in the Town's Official Plan and Douglastown-Black Creek Secondary Plan.

The Plan allows the lands designated Medium Density Residential to be developed for multiple-unit structures such as townhomes, triplex, quads and/or low-rise apartment dwellings and their accessory uses. The Medium Density Residential designation permits a maximum density of 50 units per hectare.

Section 4.20.7 (d) requires the northerly portion of the subject lands, located immediately south of the existing church and the community centre, to be developed for two to three low rise apartment buildings with building heights ranging from two to three storeys. The maximum density permitted for all of the apartment buildings is approximately 100 units per hectare. The plan outlines that the future apartment buildings at this location may be suitable for seniors' development that may provide for fully independent living, semi-assisted living or fully assisted nursing home level of care and accommodation. A variety of tenure (condominium, life lease and rental) is also encouraged to provide broader housing choices.

The Plan also allows fully assisted nursing homes or homes for the aged as an institutional use in the Medium Density Residential designation. The policies further state that development containing fully assisted senior care, in whole or in part, can be developed for a density on the site to 75 units per hectare.

Section 4.20.6 of the Official Plan allows the lands designated Low Density Residential to be developed for single-detached, semi-detached and duplex dwellings. The Low Density Residential designation permits a maximum density of 16 units per hectare.

The Applicant is requesting to reconfigure the Medium Density Residential designation on the northerly portion of the subject lands by adding a Special Policy Area designation to approximately 1.4 hectares of land, shown as Part 1 on **Appendix "3"** to allow stacked townhouses and block townhouses as permitted uses. The remaining 0.6 hectares, shown as Part 2 on **Appendix "3"**, which are currently designated Medium Density Residential will be developed for street townhouses. The Applicant is proposing

a density between 17 and75 units per hectare for Part 1. and 16 to 50 units per hectare for Part 2.

The Applicant is requesting to redesignate the central portion of the lands from Low Density Residential to Medium Density Residential with the density ranging between 16 and50 units per hectare.

The southerly portion of the property will maintain the Medium Density Residential designation and will be developed for a stormwater management pond. Section 4.20.5 (h) allows stormwater management facilities on lands with residential designations

Section 4.7.4.1.II provides criteria for consideration when medium density and high density residential uses, redevelopment and infill residential intensification on vacant land are being considered. Considerations include the following:

(a) The height, bulk and arrangement of buildings and structures to achieve a harmonious design, compatible integration with the surrounding area and not negatively impact on lower density residential uses;

(b) Appropriate open space, including landscaping and buffering to maximize privacy and minimize the impact on adjacent lower density uses;

(c) Parking areas that are sufficient size to satisfy the need of the development and are well designed and properly related to buildings and landscaped areas;

(d) The design and location of refuse pick-up and recycling service areas meets Regional Waste Collection design requirements;

(e) Driveway access, internal roadways and pedestrian walkways that are safe and properly designed;

(f) Convenient access to a collector or arterial road;

(g) Location in regard to the elements of traditional neighbourhood design and within convenient walking distance of the central focus of the neighbourhood;

(h) Building designs that place windows and balconies to overlook pedestrian routes and parking areas to encourage “eyes on the street”; and

(i) Site planning considerations that facilitate walking and cycling activity such as secured bike storage, lighting and bikeways.

The central portion of the subject lands will be developed for a single and on-street townhouse development and will be located on a local road. The proposed dwellings will be two storeys which is similar to the existing dwellings on the west side of Black

Creek Road. The proposal will provide adequate parking spaces for the proposed development.

The Applicant has submitted a Traffic Impact Study to assess the impact of the proposed development on the existing roads in the neighbourhood. The findings of the Traffic Report are discussed later in the report.

Policy 13.7 of the Official Plan contains criteria for Council to consider when making amendments to the Official Plan and Zoning By-law. An analysis of the consistency of the proposal with this policy will be included in the future recommendation report to Council.

Zoning By-law No. 129-90

The northerly portion of the subject lands is currently zoned site-specific Residential Multiple 2 (RM2-549) Zone, the central portion is zoned Residential 2 (R2) Zone, and the southerly portion is zoned site-specific Residential Multiple 1 (RM1-548) Zone, in accordance with the Zoning By-law No. 129-90, as amended by By-law No. 2016-035.

Northerly Portion

The northerly portion is currently zoned site-specific Residential Multiple 2 (RM2-549) Zone. The Applicant is proposing to reconfigure the zone boundary by rezoning a portion of the subject lands located immediately south of the existing Black Creek Community Centre, Faith Reformed Church to a new site-specific RM2 Zone. The new site-specific RM2 Zone is requested to add stacked and block townhouses to the list of permitted uses. The following site-specific provisions are requested for the stacked and apartments that are proposed on Block 75 shown as Part 1 on **Appendix "3".** Part 1 is to develop with apartment dwellings or stacked townhouses.

The site-specific provisions are mentioned below:

Zone	Requirement	Proposed
Permitted uses	• Fourplexes • Apartment dwellings • Home for the Aged • Residential uses existing at the date of passing of this by-law • Assisted Living House Nursing Home • Uses, buildings and structures accessory to the foregoing permitted use	• Fourplexes • Apartment dwellings • Home for the Aged • Residential uses existing at the date of passing of this by-law • Assisted Living House Nursing Home

		• Uses, buildings and structures accessory to the foregoing permitted use • Stacked townhouses • Block Townhouses
Minimum lot frontage	30m	12m (stacked townhouse and apartment)
Minimum lot area	200 sqm /unit	200 sq.m m/unit
Maximum Density	50 units/ha	75 units
Minimum Density	17 units/ ha	17 units/ha
Maximum height	3 storeys (12m)	4 storeys (14m)
Minimum Setback along Netherby		14m
Minimum Interior side yard	One half the building height 14 m/ 2= 7 m	5m

Block 74 shown as Part 2 on **Appendix "3"** will be rezoned to a new site-specific RM2 Zone. The site-specific regulation is requested to add Block Townhouses to the list of permitted uses.

The remaining portion of the lands, shown as Part 3 on **Appendix "3"** that is currently zoned Residential Multiple 2 (RM2) Zone will be rezoned to a site-specific Residential Multiple 1 (RM1) Zone. Part 3 is to develop with street townhouses.

Central Portion

The Applicant is requesting to rezone the lands shown as Part 4 on **Appendix "3"** from Residential 2 (R2) Zone to a site-specific specific Residential Multiple 1 (RM1) which allows the lands to be developed for single detached dwellings, semi-detached dwellings, duplexes, triplexes, fourplexes, street townhouse dwellings, and block townhouse dwellings Zone.

Southerly Portion

The lands are currently zoned Residential Multiple 1 (RM1-548) Zone. The Applicant is requesting to rezone the lands to a new site-specific RM1 Zone which would allow the use of the lands for a stormwater management pond. The lands are shown as Part 5 on **Appendix "3"**

The requested site-specific regulations for Parts 3, 4 and 5 shown on **Appendix "3"** are outlined below.

Zone	Requirement	Proposed
Permitted uses	• Single detached dwellings • Semi-detached dwellings • Duplexes • Triplexes • Fourplexes • Street townhouse dwellings • Block townhouse dwellings • Residential uses existing at the date of passing of this by-aw	• Single detached dwellings • Semi-detached dwellings • Duplexes • Triplexes • Fourplexes • Street townhouse dwellings • Block townhouse dwellings • Residential uses existing at the date of passing of this by-aw • Stormwater Management pond • Open spaces uses
Minimum lot area Section 14.3	4000 sq.m, except 200 sq.m for an interior street townhouse lot and 270 sq.m for a corner street townhouse	4000 sq. m except 180 sq.m for an interior street townhouse lot and 215 sq.m for a corner street townhouse
Maximum Density	50 units/ha	50 units/ha
Minimum Density	17 units/ ha	17 units/ha
Maximum Lot Coverage	Block townhouse or exterior street townhouse - 40% Interior street townhouse – 60%	Delete the requirement
Minimum Interior Side Yard setback Section 13.4 (semi-detached dwellings	1.2m plus an additional .5m for every storey or part thereof above the ground floor; except where no private garage or carport is provided a side yard of not less than 3.0m on one side of such semi-detached dwelling is required	1.5 m
Maximum lot coverage Section 12.3(Single-detached dwelling)	50%	Delete the requirement

Planning Staff will assess the merit of the requested zoning departures in the future recommendation report to Council.

Subdivision Design

The Draft Plan of Subdivision will subdivide the 8.67 hectares of land into fifty-four (54) residential lots for single-detached dwellings (Lots 1-54), eight (8) blocks for sixteen (16) semi-detached dwellings (Blocks 53-59), thirteen (13) blocks for fifty-nine (59) street townhouse dwellings (Blocks 61-69), one (1) block for sixteen (16) block (condominium) townhouse dwellings (Block 74), one (1) block for up to eighty (80) apartment dwellings (Block 75), a block for stormwater management pond (Block 76), and 0.3-metre reserves (Block 77-81). The proposed subdivision will have frontage on Black Creek Road and will be accessed via three new roads, shown as Street A, Street B and Street Con **"Appendix 2"**. A noise barrier wall will be provided along the west property line. Lastly, the proposed subdivision will provide a mix of housing types.

Studies

Archaeological Assessment

A Stage 1-2 Archeological Assessment for the northern part and Stage 1-2 Archaeological Assessment for the southern part, prepared by Detritus Consulting Ltd. dated October 13, 2017, and October 28, 2021, respectively, were submitted with the applications.

The Stage 1-2 Archaeological Assessment for the northern part did not identify or document any archaeological resources and recommended that no further archaeological assessment of its Study Area is required. A Letter of Acknowledgement, dated September 11, 2019, from the Ministry of Heritage, Sport, Tourism and Cultural Industries (MHSTCI), formerly known as the Ministry of Tourism, Culture and Sport (MTCS) stating that the assessment was entered into the Ontario Public Register of Archaeological Reports has also been provided with the applications.

The Stage 1-2 Archaeological Assessment for the southern part resulted in the identification and documentation of two archaeological sites that were registered with the MHSTCI. Based on the test pit surveys of these sites, the assessment determined that one of the site does not warrant the completion of a Stage 3 Archaeological Assessment due to the limited recovery of non-diagnostic artifacts within the survey pit area. However, the second site resulted in a greater number of documented artifacts which fulfills the criteria for a Stage 3 Assessment. The recommended Stage 3 Archaeological Assessment was not provided within the application submissions. The Applicant has confirmed that Stage 3 Archaeological Assessment is currently underway.

Noise Study

An Environmental Noise Feasibility Study prepared by Valcoustics Canada Ltd. dated December 14, 2021, has been submitted in support of the proposed applications. The Noise Study was completed to assess on-site sound levels in accordance to the Ministry

of the Environment, Conservation and Parks (MECP) NPC-300 Guideline. The Study included an assessment of potential impacts from the nearby transportation-related noise sources, Netherby Road, and QEW, as well as two identified stationary noise sources, Faith Reformed Church, and Black Creek Community Centre.

The Noise Study's assessment concludes that the proposed development would experience noise impacts that exceed the MECP's NPC-300 Guidelines. In order to meet the sound thresholds as set out in the Guidelines, the Study recommends the following noise mitigation measures/devices and warning clauses for the subdivision:

- Upgraded building materials and architectural design elements (i.e., exterior wall and windows) during the construction of development blocks, including Blocks 53, 70, and 75, and Lots 15-18, 31-38, and 41-54.
- Mandatory air-conditioning for Blocks 53-62 and Lots 1-14.
- A provision to add air conditioning for Blocks 63-65 and 70, Lots 15-18, 31-38, 41, 54 and Block 75.
- Construction of sound barriers up to 2.8m in height at the rear of Blocks 55-56; up to 2.4m in height at the rear of Blocks 53-54; and up to 2.6m in height at the rear of Blocks.
  57-64 and Lots 1-14.
- Inclusion of noise warning clauses to included in Offers of Purchase and Sale for designated lots.

Functional Servicing Report

A Preliminary Functional Servicing Report for Spring Creek Estates, prepared by Upper Canada Consultants, dated December 2021, has been submitted with the applications.

Water Servicing

There is an existing 250mm diameter watermain located on Black Creek Road. The new watermain for the subject site will connect to the existing 250mm diameter watermain at each proposed intersection. The new watermains will be extended within the site to provide a looped watermain system for domestic water supply and fire protection for the 129 proposed dwellings. Individual water service for Blocks 74 and 75 will be provided by connecting to the existing 250mm diameter watermain on Black Creek Road.

There are four existing municipal fire hydrants located on Black Creek Road. Additional municipal fire hydrants will be constructed within the subject lands to provide fire protection for all proposed dwellings. The locations of the proposed hydrants will be determined as part of the detailed engineering design for the site *Sanitary Servicing*

There are two existing 250mm diameter sanitary sewers flowing easterly on Westbrook Avenue and Lawrence Avenue which receive sanitary flows from existing sanitary

sewers ranging from 200mm to 250mm diameter on Black Creek Road. The existing sanitary sewers on Westbrook Avenue and Lawrence Avenue ultimately convey sanitary flows to the Regional Douglastown Sewage Pumping Station.

The sanitary flow from the site is proposed to split between the Westbrook Avenue and Lawrence Avenue sanitary sewers. The southern portion of the subject lands Area A1 shown on **Appendix "7"** will be conveyed to the existing 250mm diameter sanitary sewer on Westbrook Avenue and the remaining portion of the subject lands, Area A2, A3 and A4 will be conveyed to the existing 250mm diameter sanitary sewer on Lawrence Avenue.

Area A1 will include an approximate population of 96 persons in a drainage area of approximately 1.81 hectares, and will produce a peak sanitary flow of approximately 1.93 L/s to the receiving sanitary sewers on Westbrook Avenue.

Areas A2, A3, and A4 comprise a total approximate population of 593 persons in a total drainage area of approximately 5.85 hectares and will produce a peak sanitary flow of approximately 10.94 L/s to the receiving sanitary sewers on Lawrence Avenue.

The report concludes that there is sufficient capacity in both the Westbrook Avenue and Lawrence Avenue sanitary sewers to accommodate the additional sanitary flows generated by the proposed development.

Stormwater Management

Currently, there are no storm sewers located on Black Creek Road. Existing stormwater flows are conveyed through a series of existing roadside ditches and drainage culverts which ultimately outlet to Black Creek.

The stormwater flows generated from the proposed development and Black Creek Road will be captured and conveyed to the proposed stormwater management facility located at the southern limit of the subject lands. The stormwater will then be discharged with a new stormwater outlet between #3390 and #3396 River Trail, as shown on **Appendix "8"**

As Black Creek has been classified as Critical Fish Habitat (Type1 by the Ministry of Natural Resources), the stormwater outlet to Black Creek will have to be constructed to Enhanced levels to comply with the Ministry's requirements.

Lastly, the minor and major stormwater flows from the subject lands will discharge to Black Creek downstream of the QEW lands. Therefore, there will be no negative impact on the adjacent MTO controlled lands as a result of the proposed stormwater management plan.

Traffic Study

A traffic study prepared by R.V Anderson Associates Limited, dated October 15, 2021, has been submitted with the applications. The report was prepared to evaluate the following objectives:

- Determine if the proposed site intersections/driveways on Black Creek Road conforms to the access spacing guidelines as per the Transportation Association of Canada (TAC) Geometric Design Guidelines for Canadian Roads;

- Determine if the intersection of Lawrence Avenue at Black Creek Road warrants all-way stop control upon build-out of the subject development per the Ontario Traffic Manual (OTM) All-way Stop Control Warrant methodology; and

- Determine if there is a sightline concern at the internal site intersection of Street "A" at Street "C" due to the proposed horizontal curve just west of the intersection, and recommended mitigation measures if required.

RVA has reviewed the proposed development against the driveway and intersection spacing guidelines per the TAC Geometric Design Guide for Canadian Roads. TAC recommends driveways have a minimum separation of 5 metres from an intersecting roadway, and 3 metres from an adjacent driveway. TAC recommends local road T-intersections have a minimum spacing of 40 metres (measured centreline-to-centreline) along local roadways. The proposed driveway and intersection locations exceed the minimum TAC spacing guidelines.

The proposed residential development is estimated to generate approximately 111 trips during the a.m. peak hour (27 inbound and 84 outbound) and approximately 138 trips during the p.m. peak hour (86 inbound and 52 outbound). An All-way stop control is not warranted at the intersection of Lawrence Avenue at Black Creek Road based on the OTM All-Way Stop Control Warrant. However, the intersection of Lawrence at Black Creek Road will require a two-way stop (free-flow for the north-south approaches, stop-controlled for the east-west approaches).

The intersection sight distance (for Street "C" traffic) at the future intersection of Street "A" and Street "C" will not meet the recommended minimum sight distance per TAC guidelines. To mitigate the sightline concerns the future intersection of Street "A" and Street "C" should be considered for an all-way stop.

Best Management Practices Report

At the pre-consultation meeting, the Regional staff had requested the submission of an Environmental Impact Study (EIS). However, during the site visit following the pre-consultation meeting, it was observed that the property had been cleared of vegetation with only new growth remaining on the subject land. Based on the finding during the

site visit, the Regional Environmental Planning staff was supportive of waiving the requirement to complete an Environmental Impact Study. Staff, however, recommended that best management practices be implemented during and prior to construction to ensure no negative impacts on the natural heritage system and adherence to other applicable legislation (i.e., Migratory Birds Act, Endangered Species Act, etc.). A report outlining the Best Management Practices, prepared by Ecological & Environmental Solutions (EES), dated November 25, 2021 has been submitted with the applications, **Appendix "9"**. The report recommends the following:

- That any vegetation removal is completed outside of the birds' breeding window (between March 15 and September 15) to avoid the destruction of nests of migratory birds. If vegetation removal is proposed between March 15 and September 15, a nesting survey may be completed to ensure no active nests are damaged.

- Prior to construction, a silt fence barrier be properly installed (OPSD 219.110) along Black Creek Road and the southwestern portion of the property along the QEW. The fencing should be regularly inspected and maintained throughout the construction to prevent sediment and other substances from being conveyed through the roadside ditch to Black Creek.

- That appropriate quantity and quality controls should be put in place to ensure no negative impact to fish habitat in Black Creek or the associated Provincially Significant Wetland (PSW).

- To encourage connectivity and promote natural cover, a streetscaping plan should be prepared for the proposed development which incorporates native species where possible. Light pollution should be minimized to protect migratory birds by ensuring all exterior lighting, including streetlights, are shielded and installed so that light is directed downward.

Financial/Staffing Implications

All costs associated with the applications and the development of the property is the responsibility of the Owner.

Policies Affecting Proposal

Notice of the meeting was circulated in accordance with the *Planning Act* by placing an advertisement in the May 5, 2022 edition of the *Fort Erie Post*. In addition, all property owners within 120 metres of the subject lands were mailed a "Notice of Complete Application and Public Meeting" on the same date.

Land-use policies for the subject property are contained in the Town's Official Plan and applicable Regional and Provincial regulations

Comments from Relevant Departments/Community and Corporate Partners

A request for comments regarding the Draft Plan of Subdivision and Combined Official Plan and Zoning By-law Amendment applications was circulated to relevant Departments/Community and Corporate Partners on February 7, 2022. Comments received to date are summarized below and are attached in full as **Appendix "4"**.

Building Services

No questions or concerns. The detailed comments are included in **"Appendix "4".**

Community Planning – review comments with Pieter

Detached dwellings on the single lots located between Black Creek Road and proposed Street 'A' should be designed in a manner that presents a positive interface to both Black Creek Road and proposed Street 'A'. It is assumed that access to these lots will be taken off Street 'A' and therefore back onto Black Creek Road. Staff recommends that the backs of these houses should have back entrances and openings such as windows to activate the street. If privacy fences are to be erected along Black Creek Road, the fences should have pedestrian gates and preferably be low (4ft in height). This will aid in passive surveillance and safety along the street. Any mitigating landscaping and tree planting on the Black Creek Road edge will also be supported. The detailed comments are included in **"Appendix "4".**

Development Coordinator

As the subject lands are located within the Urban Area boundary, the lands must be serviced by the municipal services. The developer will be responsible for all associated costs to extend required municipal services into the subject lands.

Staff has reviewed the Traffic Brief prepared by R. V. Anderson Associates Limited dated October 15, 2021, and we agree with the conclusions of the Traffic Brief that an All-Way Stop control is not warranted at the proposed four-way intersection of Lawrence Avenue and Black Creek Road. The traffic consultant has used industry-standard guidelines to estimate existing and future traffic counts in coming to this conclusion.

Additionally, a Traffic Brief Addendum prepared by R.V. Anderson Associates Limited dated April 28, 2022, was prepared in response to both public feedback received at the open house meeting for this application held on April 7, 2022. The feedback indicated concerns regarding the operation and capacity of the intersections of Black Creek Road and Baker Road as well as Netherby Road and Baker Road. Staff agrees with the

conclusions of the report that the increase in traffic volumes as a result of the subject development will not have an adverse impact on the operation of either of the aforementioned intersections. Furthermore, staff agrees that the increase in traffic volumes does not warrant any upgrades or changes to the traffic control at these intersections.

The Preliminary Functional Servicing Report prepared by Upper Canada Consultants dated December 2021 has been reviewed and staff agrees with the initial assessment and methodology proposed by Upper Canada Consultants for stormwater management which will limit post-development run-off to pre-development levels. Further, Staff also agrees with Upper Canada Consultant's assessment that the receiving sanitary sewer has adequate capacity to service the proposed development.

Engineering Division is currently undertaking a traffic study in the Douglastown neighbourhood at the direction of Council to explore opportunities for providing a third municipal access to the neighbourhood. The outcome of that report may have bearing on the road network and lot layout of this application for the draft plan of subdivision.

Therefore, we recommend that no recommendation be made to Council-in-Committee until the study is complete and the recommendations contained therein (if any) are applied to this property and application.

The detailed comments are included in **"Appendix "4".**

Fire Services

No issues. The detailed comments are included in **"Appendix "4".**

Canada Post

No issues. The detailed comments are included in **"Appendix "4".**

Hydro

No issues. The detailed comments are included in **"Appendix "4".**

Ministry of Transportation (MTO)

No objection in principle with the proposed applications. As the subject lands are located within the ministry's permit control limits (extends up to 800m from MTO property); hence, MTO permits will be required.

All above and below ground structures (including but not limited to, frontage roads, fire routes, stormwater management facilities [ponds/drainage channels], sidewalks,

retaining walls and servicing/utilities) must be setback a minimum of 14.0m from all ministry property limits.

A noise attenuation feature (e.g. earth berms) must be contained within the subject lands and must provide a setback of a minimum of 0.3m from all ministry property limits Direct access from the subject property to the Ministry lands will not be permitted. All-access to the subject site must be via the internal municipal road system. The Ministry has not been consulted on the proposed access from Netherby Road and such access would not be allowed. Note that Netherby Road, from the highway to Baker Street, is designated as a controlled-access highway hence no access of any kind is permitted. The detailed comments are included in **"Appendix "4".**

Region

Archaeological Resources

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

The Stage 1-2 Archaeological Assessment for the southerly portion resulted in the identification and documentation of two registered archaeological sites. One of the identified does not warrant the completion of a Stage 3 Archaeological Assessment. However, the second site resulted in a greater number of documented artefacts which fulfil the criteria for a Stage 3 Assessment. As Stage 3 Archaeological Assessment was not provided within the application submissions, Regional staff requires that a Stage 3 Archaeological Assessment, plus any subsequent recommended assessments and MHSTCI Letters of Acknowledgement for the property are required as conditions of the Draft Plan of Subdivision Approval.

Staff has reviewed Environmental Noise Feasibility Study ("Noise Study") prepared by Valcoustics Canada Ltd., dated December 14, 2021. The Noise Study's assessment concludes that the proposed development would experience noise impacts that exceed the MECP's NPC-300 Guidelines. Detail comments regarding the implementation of the recommendations of the Noise Study is included in **Appendix "4"**

At the virtual pre-consultation meeting, Regional staff identified that the subject lands may experience adverse odour impacts from nearby agricultural uses and the Douglastown Sewage Lagoons. In lieu of an Odour Impact Assessment, Regional staff requested that warning clauses be included within the Subdivision Agreement and all future Agreements of Purchase and Sale or Lease or Occupancy.

Regional Environmental Planning staff conducted a site visit of the subject lands on October 7, 2021. Through the site visit, staff confirmed that the properties were cleared of vegetation with only new growth remaining. As such, there are no Regionally designated core natural heritage features present on the subject lands. Therefore, the Regional Environmental Planning staff offer no environmental planning requirements for the proposed applications.

Regional staff has reviewed the Preliminary Functional Servicing Report, Spring Creek Estates, prepared by Upper Canada Consultants, dated December 2021. Staff recommend the incorporation of Low Impact Development practice for water retention in order to mitigate the development's impact on the downstream waterway and properties.

The subject property has frontage along Netherby Road (Regional Road 25). In order to avoid any future access requests to Netherby Road, the Region requires that a clause be included in the Subdivision Agreement that prohibits access to the road instead of taking a 1 ft reserve along the rear of all lots on Netherby Road.

The detailed comments are included in **"Appendix 4"**

Public Comments

An informal public open house was held by Town Staff regarding the proposal on April 7, 2022. The open house meeting was attended by Staff, the Owner and his agent and numerous area residents. In addition, staff has also received a few emails from the area residents, **Appendix "5".**

The Agent has also submitted a document summarizing the issues raised by members of the public to date. This summary is attached as **Appendix "6"**. Comments raised by members of the public are summarized below.

Traffic

Several residents expressed concerns regarding the additional traffic that will be generated by the proposed development. They also expressed concerns regarding the timing of the completion of the traffic study. They were of the opinion that the traffic data was not accurate since the study was completed during COVID.

Applicant's response

A traffic study was completed by a qualified professional and reviewed by Town, Regional and MTO Staff. No concerns have been cited by the commenting parties. Further, no issues were identified by the Town with the Black Creek and Baker Road intersection.

The Traffic Impact Studies used both current traffic counts and traffic counts from prior to COVID (adjusted for growth) to ensure the accuracy of estimates.

Staff response

The addendum to the Traffic study that reviewed the intersection of Baker Road and Black Creek Road and Netherby Road and Baker Road has been reviewed and staff has no objection to the finding of the study.

Third access to the Douglastown Neighbourhood

Residents raised concerns regarding the existing access to the Douglastown neighbourhood. A need for third access to the neighbourhood was identified.

Applicant's response.

The Town is currently investigating the feasibility of third access to the Douglastown neighbourhood and it is the Applicant's understanding that the results of this investigation are expected to be presented to Council in early May 2022. It is understood that the study will provide an analysis of the feasibility of providing access from the subdivision to Netherby Road.

Staff response

The study investigating the feasibility of third access to the Douglastown neighbourhood is currently underway. Staff is hoping to bring the report to Council in June.

Servicing Concerns

The residents were concerned regarding the existing capacity of the pumping station /sewage lagoons. They expressed concerns that the construction of additional homes in the neighbourhood will result in an increase in the frequency of sewage backups.

Applicant's response

A Functional Servicing Study was completed by a Professional Engineer in support of the applications. The study assessed sanitary sewage capacity in the municipal sanitary sewers, pumping stations and lagoons and the capacity of the infrastructure to accommodate the development. No capacity issues were identified. The functional servicing study was reviewed by Town Infrastructure Services and Regional Engineering Services. None of the commenting agencies had expressed concerns regarding the findings of the report.

Staff response

Staff has reviewed the submitted Functional Servicing Study and agrees with the findings of the study.

Regarding the concerns raised at the Open House meeting regarding the sewage backup, staff contacted the Town's Infrastructure Services to investigate the concerns. Mentioned below is the record of CRM's received from the neighbourhood regarding the sewage backups. **Appendix "4"**

2022 - Two private property issues and two rain-related sewer back-ups
2021 - One private issue and one construction-related issue
2020 - No CRMs
2019 - No CRMs
2018 - One private property issue
2017 - No CRMs

Removal of trees

The residents requested information from the Applicant regarding the removal of trees from the subject property.

Applicant's response

The site did not contain any features that were regulated by the NPCA or the Region or any area identified by the Town. The developer did not contravene any laws by removing vegetation.

Stormwater Management Pond

A resident was of the opinion that the proposed Stormwater Management Pond would be better located on the northerly portion of the proposed development to function as a park.

Applicant's response

The location of the pond is determined by the natural site topography, the Stormwater Master Plan for the neighbourhood and the location of the outlet. As the Land generally drains to the south and east, the stormwater pond must be located at a low point where land generally drains and must outlet to Black Creek.

Staff response
Based on the preliminary grading information provided by Upper Canada Consultants the side slopes for the pond are proposed to be at a ratio of 5:1. In accordance with the Town's By-law No. 110-05, Stormwater Management Facility Policy and Standards, the

proposed side slopes will necessitate the installation of a 1.5m tall, black, chain link fence around Block 76. In order to eliminate the need for a fence, the slopes would need to be increased to 7:1 for the north, south and west slopes and 10:1 for the slope adjacent to Black Creek Road. In addition, a 3.0m wide maintenance access/ pedestrian walkway would have to also have to be accommodated. This would result in additional land required for the pond and thereby reducing the land that could be used for housing.

Park for the proposed development

Residents expressed concerns as no park was provided as part of the proposed development.

Applicant's response

The Town's Parks and Open Space Master Plan does not identify the need for a park within the subdivision. A large park will be provided in Phase 2 of the Black Creek Signature Subdivision and a short distance to the north and the development will also be serviced by the park within the River Trail Subdivision.

Proposed apartment building

The residents were concerned regarding the request for an increase in the building height. The Secondary Plan allows a maximum building height of 3 storeys and the proposed apartment will be 4 storeys. Further, as there is an existing senior's living facility, there is no need for additional seniors' living in the Black Creek neighbourhood.

Applicant's response

While the Secondary Plan contemplates a maximum building height of 3 storeys, it is also prescriptive in requiring an apartment building with up to 100 units in the location where the apartment building is proposed. As a means of efficiently using the apartment block, the Applicant is requesting a maximum height of 4-storeys. Due to the site's adjacency to Netherby Road, commercially zoned lands and institutional uses, there will be no privacy or overlook issues from this increased height.

While there may be other development geared to seniors in the area, the neighbourhood proper does not include any apartment or senior's oriented housing opportunities. The developer is proposing to zone the higher density block to permit an apartment and stacked townhouses as a means to permit existing residents with the opportunity to age in place.

Alternatives

N/A.

Communicating Results

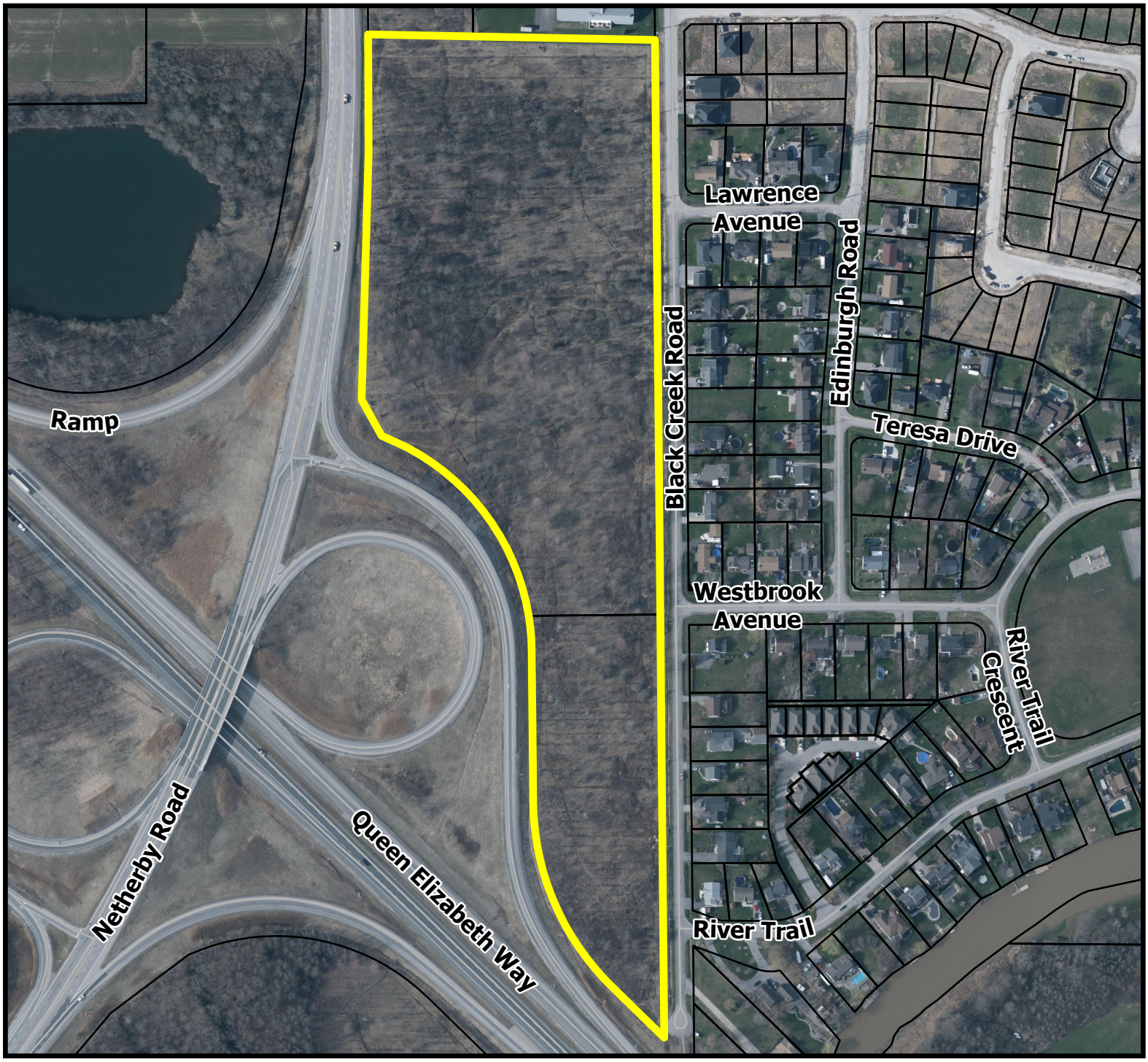
There are no communication requirements at this time.

Conclusion

This report should be received for information purposes. Staff will prepare a recommendation report to the Council on the proposed Draft Plan of Subdivision and Combined Official Plan and Zoning By-law Amendment that will be scheduled for a future Council meeting.

Attachments

Appendix "1"- Location Plan
Appendix "2"- Draft Plan
Appendix "3"- Requested Changes to Official Plan & Zoning
Appendix "4"- Agency and Resident Comments
Appendix "5"- Public Comments
Appendix "6"- Applicant's Response to Public Comments
Appendix "7"- Proposed Sanitary Design
Appendix "8"- Proposed Stormwater Design
Appendix "9"- Best Management Practice Report



0 45 90 Meters

N

LOCATION PLAN - 0-17482 & 0-17484 BLACK CREEK ROAD

Combined Official Plan and Zoning By-law Amendment & Draft Plan of Subdivision

Subject Lands

Planning and Development Services
Map Created May 17, 2022

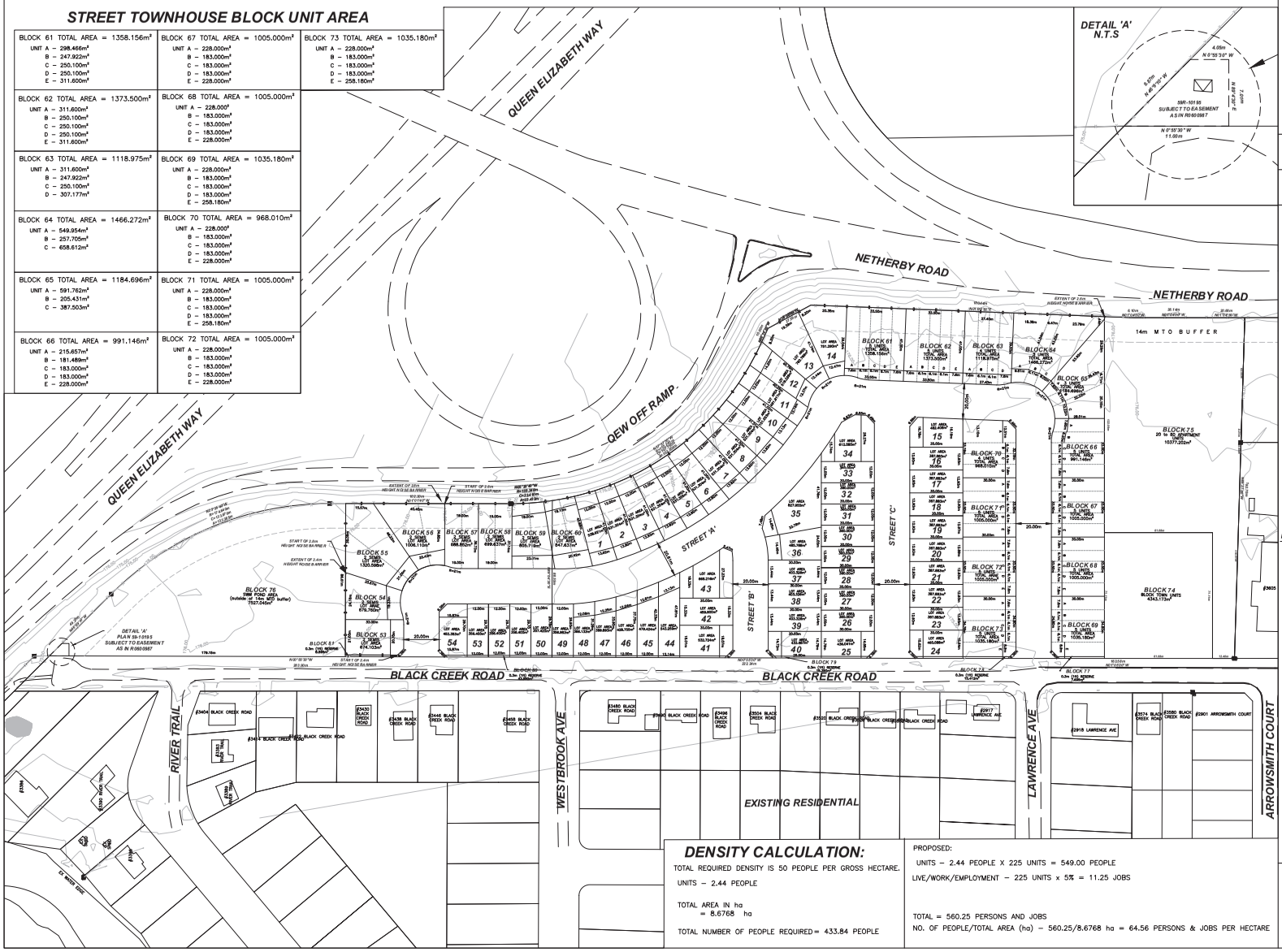
FORT ERIE ONTARIO Our Focus: Your Future

SPRING CREEK ESTATES SUBDIVISION

TOWN OF FORT ERIE

STREET TOWNHOUSE BLOCK UNIT AREA

BLOCK 61 TOTAL AREA = 1358.156m² UNIT A – 298.466m² B – 247.922m² C – 250.100m² D – 250.100m² E – 311.600m²	BLOCK 67 TOTAL AREA = 1005.000m² UNIT A – 228.000m² B – 183.000m² C – 183.000m² D – 183.000m² E – 228.000m²	BLOCK 73 TOTAL AREA = 1035.180m² UNIT A – 228.000m² B – 183.000m² C – 183.000m² D – 183.000m² E – 258.180m²
BLOCK 62 TOTAL AREA = 1373.500m² UNIT A – 311.600m² B – 250.100m² C – 250.100m² D – 250.100m² E – 311.600m²	BLOCK 68 TOTAL AREA = 1005.000m² UNIT A – 228.000² B – 183.000m² C – 183.000m² D – 183.000m² E – 228.000m²	
BLOCK 63 TOTAL AREA = 1118.975m² UNIT A – 311.600m² B – 247.922m² C – 250.100m² D – 307.177m²	BLOCK 69 TOTAL AREA = 1035.180m² UNIT A – 228.000m² B – 183.000m² C – 183.000m² D – 183.000m² E – 258.180m²	
BLOCK 64 TOTAL AREA = 1466.272m² UNIT A – 549.954m² B – 257.705m² C – 658.612m²	BLOCK 70 TOTAL AREA = 968.010m² UNIT A – 228.000² B – 183.000m² C – 183.000m² D – 183.000m² E – 228.000m²	
BLOCK 65 TOTAL AREA = 1184.696m² UNIT A – 591.762m² B – 205.431m² C – 387.503m²	BLOCK 71 TOTAL AREA = 1005.000m² UNIT A – 228.000m² B – 183.000m² C – 183.000m² D – 183.000m² E – 258.180m²	
BLOCK 66 TOTAL AREA = 991.146m² UNIT A – 215.657m² B – 181.489m² C – 183.000m² D – 183.000m² E – 228.000m²	BLOCK 72 TOTAL AREA = 1005.000m² UNIT A – 228.000m² B – 183.000m² C – 183.000m² D – 183.000m² E – 228.000m²	



DENSITY CALCULATION:

TOTAL REQUIRED DENSITY IS 50 PEOPLE PER GROSS HECTARE.

UNITS – 2.44 PEOPLE

TOTAL AREA IN ha
= 8.6768 ha

TOTAL NUMBER OF PEOPLE REQUIRED= 433.84 PEOPLE

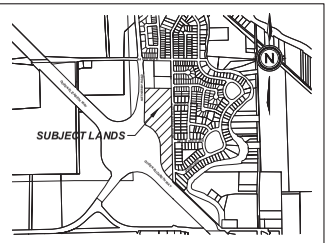
PROPOSED:

UNITS – 2.44 PEOPLE X 225 UNITS = 549.00 PEOPLE

LIVE/WORK/EMPLOYMENT – 225 UNITS x 5% = 11.25 JOBS

TOTAL = 560.25 PERSONS AND JOBS

NO. OF PEOPLE/TOTAL AREA (ha) – 560.25/8.6768 ha = 64.56 PERSONS & JOBS PER HECTARE



KEY PLAN
N.T.S.

DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION

PART OF LOT 19, BROKEN FRONT CONCESSION AT THE SOUTH ANGLE AND PART OF LOT 22, ADJOINING CROSS CONCESSION, GEOGRAPHIC TOWNSHIP OF WILLOUGHBY, COUNTY OF WELLAND NOW IN THE TOWN OF FORT ERIE

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY AUTHORIZE UPPER CANADA CONSULTANTS TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE TOWN OF FORT ERIE FOR APPROVAL.

5009823 Ontario Inc. (Mike Colosimo) DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED ARE CORRECTLY SHOWN.

MICHAEL S. HAYWARD
ONTARIO LAND SURVEYOR

Dec. 9, 2021
DATE

J.D BARNES LTD.

REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

a) SEE PLAN	e) SEE PLAN	i) CLAY LOAM
b) SEE PLAN	f) SEE PLAN	j) SEE PLAN
c) SEE PLAN	g) SEE PLAN	k) FULL SERVICE
d) SEE PLAN	h) MUNICIPAL WATER	l) SEE PLAN

LAND USE SCHEDULE

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
SINGLE LOT RESIDENTIAL	LOT 1–54	54	2.4864	28.65
SEMI–DETACHED RESIDENTIAL	BLOCK 55–60	16	0.6622	7.63
STREET TOWNHOUSE	BLOCK 61–73	59	1.4551	16.77
BLOCK TOWNHOUSE	BLOCK 74	16	0.4343	5.00
APARTMENT/STACKED TOWNS	BLOCK 75	80	1.0377	11.95
SWM POND	BLOCK 76		1.0086	11.62
ROADWAY			1.5828	18.24
0.3m RESERVE	BLOCK 77–81		0.0093	0.10
TOTAL		225	8.6768	100.00

DEVELOPABLE AREA: 8.6768 ha
DEVELOPABLE DENSITY: 25.93 units/ha

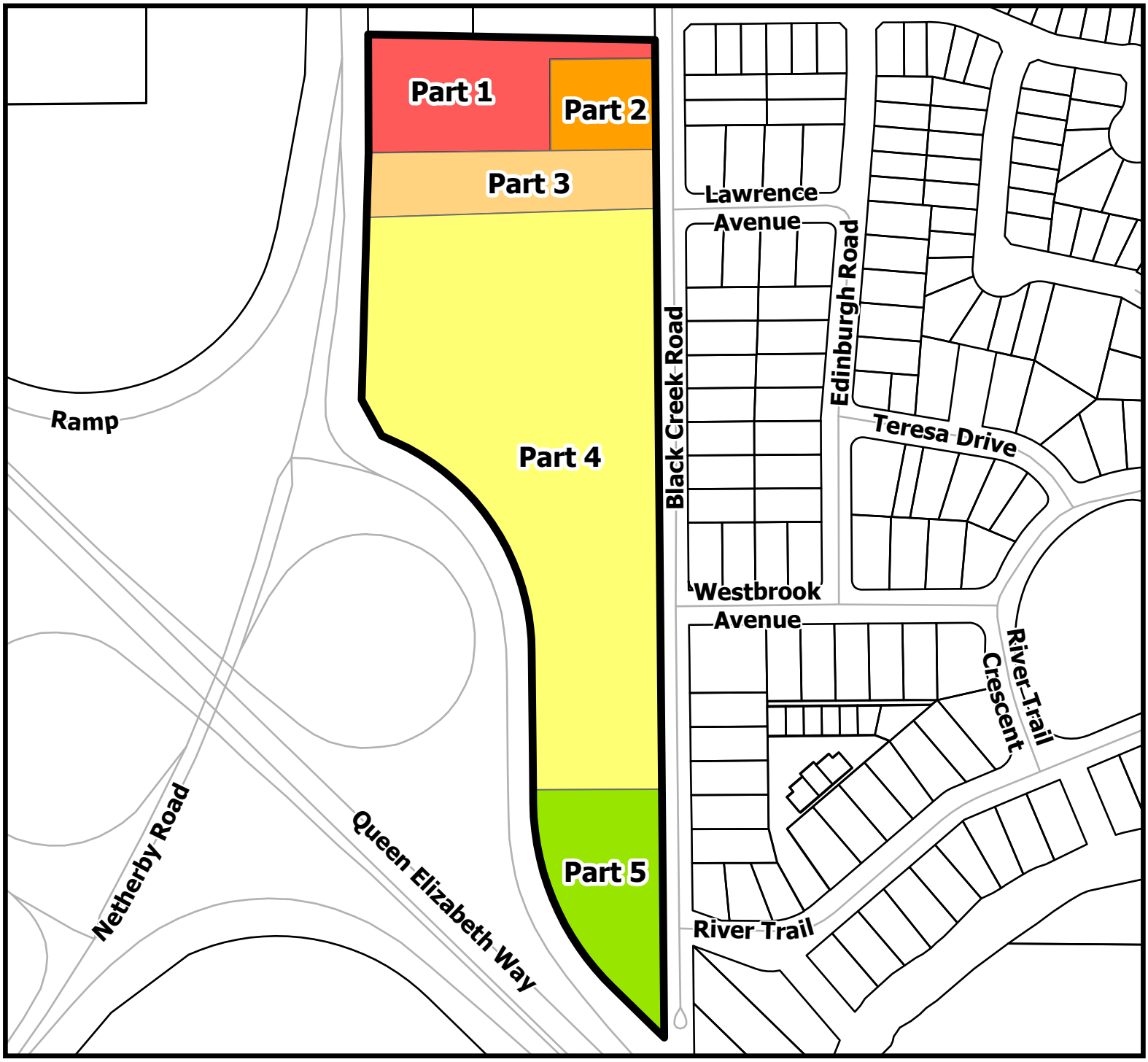
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0	CIRCULATED FOR REVIEW	2021–12–9	MK/AV
#	REVISION	DATE	INIT

UPPER CANADA CONSULTANTS
ENGINEERS / PLANNERS

DRAWING TITLE

DRAFT PLAN OF SUBDIVISION

DRAFTING	MK/AV
DATE	DECEMBER 9, 2021
PRINTED	DECEMBER 9, 2021
SCALE	1:1000
DWG No.	20174-DP
REV	0



REQUESTED CHANGES TO ZONING - 0-17482 & 0-17484 BLACK CREEK ROAD

Subject Lands

Planning and Development Services
Map Created May 17, 2022



Proposed OPA, ZBA and Draft Plan of Subdivision- Spring Hill Estates 0-17482 and 0-17484 Black Creek Road

Keegan Gennings to: Anamika Dilwaria, Aaron Butler 02/28/2022 04:03 PM

From: Keegan Gennings/FortErie
To: Anamika Dilwaria/FortErie@TownOfFortErie, Aaron Butler/FortErie@TownOfFortErie

	Keegan Gennings	Proposed OPA, ZBA and Draft Plan of Subdivision- Spring Hill Estates 0-17482

Hi Anamika,

A review of the proposed OPA, ZBA and draft approval of subdivision for Spring Estates has been reviewed and I have no comments.

Regards,

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

Re: Information Update - Subject has changed: Request for Comments- Proposed OPA, ZBA and Draft Plan of Subdivision- Spring Creek Estates 0-17482 and 0-17484 Black Creek Road

Ed Melanson to: Anamika Dilwaria 02/09/2022 09:55 AM

From: Ed Melanson/FortErie
To: Anamika Dilwaria/FortErie@TownOfFortErie

Ed Melanson *Good Morning Anamika, I have no objections to the proposed OPA, ZB*

Good Morning Anamika,

I have no objections to the proposed OPA, ZBA and draft plan of subdivision for spring Creek estates.

Ed Melanson
Fire Chief / CEMC
Office: (905) 871-1600 ext. 2600
Cell: (905) 329-7255

Anamika Dilwaria https://filr.forterie.ca:8443/filr/public-link/file-do... 2022-02-08 02:49:21 PM

Information Update - Subject has changed: Request for Comments- Proposed OPA, ZBA and Draft Plan of Subdivision- Spring Creek Estates 0-17482 and 0-17484 Black Creek Road

2022-02-28 Mon 12:00 PM - 12:30 PM
Attendance is **required** for Ed Melanson
Chair: **Anamika Dilwaria/FortErie**
No Location Information

Anamika Dilwaria has sent updated information; subject has changed

Interoffice Memorandum

Date 25 February 2022
File No. 350302-131, 350309-0540 & 350308-0123

To: Anamika Dilwaria, MCIP, RPP Senior Development Planner
From: Pieter Wasserman, Neighbourhood Planner & Urban Designer
Subject: Request for Comments - Combined Official Plan & Zoning By-law Amendment Application & Draft Plan of Subdivision
Location: 0-17482 and 0-17484 Black Creek Road (Spring Creek Estates)
Applicant: Matt Kernahan (Upper Canada Consultants)
Owner: 5009823 Ontario Inc.

Comment was last provided on this application on 12n August 2022. The Application has changed since then and will be commented on according to the current submission and materials provided.

1. OFFICIAL PLAN & SECONDARY PLAN

The site is within the Douglastown-Black Creek Secondary Plan area and is designated as “Medium Density” and “Low Density: residential. Please see sections 4.20.6 Low Density Residential and 4.20.7 Medium Density Residential for more detail.

2. URBAN DESIGN

Please note that as per the Active Transportation Master Plan (ATMP), Black Creek Road is identified in the Short Term for an Urban Shoulder or In-boulevard Multi-use Path as per Map 2a, page 49. The townhouse blocks 66 to 68 has since been removed from the proposal and have been replaced by single residential lots backing onto Black Creek Road. This is not preferable from an Urban Design perspective. Houses on these lots should be designed in a manner that presents a positive interface with Black Creek Road. This should be explored and suggestions should be reflected in the Urban Design Guidelines forming part of or a section of the overall Planning Justification Report.

The Storm Water Management Pond (Block 76) could potentially be used as additional passive recreational amenity space for the development. This may include pathways around the pond with appropriate fencing and safety measures.

Please ensure that corner lots and units facing onto Black Creek Road (Blocks 53, 69, 78 and Lots 24, 25, 40, 41 and 54) provide a positive interface onto the street on all edges. This will improve the development interface with the public realm.

3. CONCLUSION

Neighbourhood Planning & Urban Design in principle do not oppose the proposed Zoning By-law Amendment of 0-17482 and 0-17484 Black Creek Road. However, a strong emphasis should be put on urban design principles and landscaping to improve the interface with Black Creek Road, buffer from the QEW and integrate the SWM facility as part of the development (if possible).

Please provide the following additional documentation:

1. A Landscape Plan is required, pursuant to the Site Plan Control Guidelines. Ensure Plan addresses pedestrian circulation, outdoor public amenity space, site landscaping, streetscape treatments, appropriate buffering of the QEW/QEW interchange and interface with Black Creek Road.
2. Payment of 5% of the appraised value of the residential development to "The Town of Fort Erie", in lieu of dedication of land for park purposes must be made, if it has not already been done. This is as per By-Law No. 69-08 Parkland Dedication or Payment of Cash-In-Lieu as a Condition of Development or Redevelopment, Part 4 – Parkland Dedication, 4.1, b.
3. A Tree Preservation Plan is required, pursuant to the Site Plan Control Guidelines. Plan should ensure to illustrate how trees on Town lands will be protected during construction. Written permission is required from the Town, to remove trees on Town property.
4. Urban Design Guidelines for the different units and areas where applicable. This study should form part of or a section of the overall Planning Justification Report (i.e. can be an annexure to the report).
5. All the unit, plans, sections and elevations. Any renders and 3-Dimensional imagery of the envelope or massing of the development may also be helpful.
6. Detailed Site Plan showing sidewalks, curbs, possible building footprints and landscaping.
7. A Streetscape Plan as part of the Urban Design Guidelines showing how the development will respond the interface with Black Creek Road.

Kind regards,

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

PCW/
Attach. none

Interoffice Memorandum

March 17, 2022
File No. 350302-0131, 350308-0122 & 350309-0540

To: Anamika Dilwaria, Senior Development Planner
From: Jeremy Korevaar, Coordinator, Development Approvals
Subject: **COMBINED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT AND DRAFT PLAN OF SUBDIVISION APPLICATION – 0-17482 AND 0-17484 BLACK CREEK ROAD, STEVENSVILLE - COMMENTS**

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

The Applications

- Official Plan Amendment – Re-designate the property to Medium Density Residential with a minimum density of 17 units per hectare on the north portion and a maximum density of 70 units per hectare and add stacked townhouses and block townhouses as permitted uses.
- Zoning By-law Amendment – Rezone to site-specific Residential Multiple 2 (RM2) and site-specific Residential Multiple 1 (RM1) zone.
- Draft Plan of Subdivision - Fifty-four residential lots for single-detached dwellings, eight blocks for sixteen semi-detached dwellings, thirteen blocks for fifty-nine street townhouse dwellings, one block for sixteen condominium townhouse dwellings, one block for up to eighty apartment dwellings and one block for stormwater management on the property.

Combined Official Plan and Zoning By-law Amendment

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

Application for Draft Plan of Subdivision

General Comments

1. The internal lands of this development are not serviced. The developer will be responsible for all associated costs to extend required municipal services into the subject lands. Since the planned lots are within the urban area boundary, they must be serviced by the municipal sanitary sewer system and the municipal water distribution system.

2. The Owner shall retain a qualified Engineer to prepare site engineering, cost estimates and administer servicing work associated with developing the subject lands.

3. All municipal servicing is to be designed and constructed to Ontario Provincial Standards and Town Guidelines and will be subject to the approval of the Town of Fort Erie Director of Infrastructure Services.

4. Prior to installing sewer services, the Owner must obtain Environmental Compliance Approval from the Ministry of Environment, Conservation and Parks for sewer and storm water management works needed to service the proposed development. Prior to installing the watermain to service the proposed development, the Owner must submit Ministry of Environment 'Form 1' Record of Watermain to the Town.

5. A geotechnical study is required to confirm sewer pipe design, pipe bedding and backfill and to assess ground water conditions and bedrock elevations.

6. The Traffic Brief prepared by R. V. Anderson Associates Limited dated October 15, 2021 has been reviewed and we agree with the conclusions of the brief that all-way stop control is not warranted at the proposed four-way intersection of Lawrence Avenue and Black Creek Road. The traffic consultant has used industry standard guidelines to estimate existing and future traffic counts in coming to this conclusion.

7. The Preliminary Functional Servicing Report prepared by Upper Canada Consultants dated December 2021 has been reviewed and we have the following comments:
    - We agree with the initial assessment and methodology proposed by Upper Canada Consultants for storm water management which will limit post-development run-off to pre-development levels.
    - We agree with Upper Canada Consultant's assessment that the receiving sanitary sewer has adequate capacity to service the proposed development.

8. The Infrastructure Services Department – Engineering Division is currently undertaking a study of traffic in the Douglastown neighbourhood at the direction of Council to explore opportunities for providing a third municipal access to the neighbourhood. The outcome of that report may have bearing on the road network and lot layout of this application for draft plan of subdivision. Therefore, we recommend that no recommendation be made to Council-in-Committee until the Douglastown Third Access Pre-Design Review is complete and the recommendations contained therein (if any) are applied to this property and application.

Roads Comments

1. All internal roads within this development shall be designed and constructed to a full urban cross section consistent with the Town of Fort Erie typical urban cross section standard, (PW-501 FE), (curb & gutter, storm sewer and sidewalk), Ontario Provincial Standards (OPS) and Transportation Association of Canada (TAC).

2. All proposed roadways within the plan shall be dedicated as public highways.

3. All road intersections and curves shall be designed and constructed in accordance with OPS and TAC requirements. Road allowance widths (20m minimum) must be able to accommodate all turning radii under this requirement.

4. LED Streetlights will be required as per the Town street light policy.

5. At a minimum a 1.5m wide concrete sidewalk shall be provided on one side of all streets. Cross-walks shall be limited to intersections with STOP control as much as practical.

Watermain Comments

1. Fire hydrants at the standard spacing must be provided, and hydrant layout is also subject to review and approval by the Town of Fort Erie.

Storm Drainage Comments

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

2. Storm Water Management (SWM) and the site storm drainage system is to be addressed in accordance with the Town of Fort Erie's Storm Drainage Guidelines, the Town of Fort Erie Lot Grading Policy, Town of Fort Erie Stormwater Management Facility Design, Operation and Maintenance Policy and Standards and Ministry of Environment Best Management Principles. The minor system is to be capable of accommodating the 5-year storm. The major system shall provide unencumbered flow for the major event (100-year storm) to the storm water management facility.

3. The developer must provide a SWM report for all development phases of the subject lands.

4. Rear yard catch basins (RYCB) must also be incorporated into the development drainage system. The rear yard catch basins would provide a means to ensure consistent rear yard drainage, provide outlets for the swale system and provide access to the storm sewer system for flushing maintenance. 3.0m wide easements, in favour of the Town, would be required to allow access to the catch basins and leads for maintenance purposes. RYCB leads shall be offset from lot lines.

5. A Subdivision Grade Control Plan showing existing and proposed grades, overland flow routes and building envelope and basement floor elevations is to be submitted by the Owner for review and approval by the Town.

6. Existing overland drainage patterns must be maintained.

7. The Developer is advised that prior to registration of this plan, the owner shall obtain Ministry of the Environment Environmental Compliance Approvals to the satisfaction of the Director of Infrastructure Services, for the necessary storm sewers for this development.

8. Preliminary grading information was provided by Upper Canada Consultants confirming that the side slopes for the pond are proposed to be at a ratio of 5:1. In accordance with By-law No. 110-05 (Stormwater Management Facility Policy and Standards), the proposed side slopes will necessitate the installation of 1.5m tall, black, chain link fence around Block 76. In order to eliminate the need for a fence the slopes would need to increase to 7:1 for the north, south and west slopes and 10:1 for the slope adjacent to Black Creek Road. In addition, a 3.0m wide maintenance access/ pedestrian walkway would have to also be accommodated. This would nearly double to land requirements for the pond and reduce land that could be used for housing.

Development Charge Project Comments

1. The current Development Charges Background Study of the Town of Fort Erie prepared by Hemson Consulting Ltd. dated May 23, 2019 identifies the following Development Charge related projects in the immediate vicinity of the subject development
   a. Black Creek Road from Lawrence Avenue to Westbrook Avenue
      i. Upgrade road to urban standard
      ii. Construct storm sewers including section on Lawrence Avenue to Edinburgh Road
   b. Black Creek Road from Westbrook Avenue to River Trail
      i. Upgrade road to urban standard
      ii. Construct storm sewers

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

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

1. That the owner deed Block 76, as shown on the Draft Plan to the Town for stormwater management purposes, free and clear of any mortgages, liens and encumbrances.

2. That the owner deed Blocks 78 to 80, inclusive, as shown on the Draft Plan to the Town for 0.30m reserves, free and clear of any mortgages, liens and encumbrances.

3. That the owner deed any and all easements that may be required for access utility and drainage purposes be granted to the appropriate authorities and utilities.

4. That all roads within the subdivision be designed according to Town of Fort Erie Standards and the lands be conveyed to the Town of Fort Erie as public highways.

5. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that *"Roof downspouts shall discharge only to the ground surface*

via splash pads to either the front, rear or exterior side yards. No direct connection to the storm sewer will be permitted nor should downspouts discharge directly to the driveway or a roadway."

6. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that *"Public sidewalk installation will be in accordance with the terms of the subdivision agreement and as per the approved plans on file at Town Hall."*

7. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that *"The owner (developer) shall be responsible for installing paved driveway aprons from curb to the property line or from the curb to the sidewalk."*

8. That prior to receiving Final Approval, the owner shall submit, for review and approval by the Town, a Geotechnical Study prepared by a qualified engineer, that verifies the soil bearing capacity, assesses bedrock elevations and groundwater conditions, appropriate sewer pipe design, pipe bedding, backfill and roadway designs and appropriate mitigation measures to address groundwater issues encountered.

9. That the owner prepare a detailed Subdivision Grade Control Plan showing both existing and proposed grades and the means whereby major storm flows will be accommodated across the site be submitted to the Town of Fort Erie.

10. That the owner shall enter into any agreement as required by utility companies for installation of services, including street lighting, all in accordance with the standards of the Town of Fort Erie. All utilities servicing the subdivision shall be underground. Upon installation and acceptance by the Town, streetlights and streetlight electrical supply system will be added to the Town's inventory.

11. That the streets be named to the satisfaction of the Town.

12. That the owner agrees, at a minimum, to construct 1.5 metre sidewalks on one side of all internal streets within the subdivision to the satisfaction of the Town or to the satisfaction of the Town.

13. That the design drawings for the water, sanitary sewer and storm water drainage systems, including storm water management, to service this development be submitted to the Town of Fort Erie for review and approval.

14. That prior to approval of the final plan or any on-site grading, the owner submit to the Town of Fort Erie for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled "Stormwater Management Planning and Design Manual", March 2003, and "Stormwater Quality Guidelines for New Development", May 1991, and in accordance with Town of Fort Erie's Storm Drainage Guidelines, the Town of Fort Erie Lot Grading Policy,

Town of Fort Erie Stormwater Management Facility Design, Operation and Maintenance Policy and Standards:

a) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
b) Detailed sediment and erosion control plans.

15. That the subdivision agreement between the owner and the Town of Fort Erie contain provisions whereby the owner agrees to implement the approved stormwater management plan required in accordance with Condition 14 above.

16. That the Developer is responsible to front-end the reconstruction of Black Creek Road from Lawrence Avenue to River Trail to an urban cross-section and the construction of storm sewers on Black Creek Road from Lawrence Avenue to River Trail and on Lawrence Avenue from Black Creek Road to Edinburgh Road.

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

Interoffice Memorandum

March 17, 2022
File No. 350302-0131, 350308-0122 & 350309-0540

To: Anamika Dilwaria, Senior Development Planner
From: Jeremy Korevaar, Coordinator, Development Approvals
Subject: **COMBINED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT AND DRAFT PLAN OF SUBDIVISION APPLICATION – 0-17482 AND 0-17484 BLACK CREEK ROAD, STEVENSVILLE - COMMENTS**

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

The Applications

- Official Plan Amendment – Re-designate the property to Medium Density Residential with a minimum density of 17 units per hectare on the north portion and a maximum density of 70 units per hectare and add stacked townhouses and block townhouses as permitted uses.
- Zoning By-law Amendment – Rezone to site-specific Residential Multiple 2 (RM2) and site-specific Residential Multiple 1 (RM1) zone.
- Draft Plan of Subdivision - Fifty-four residential lots for single-detached dwellings, eight blocks for sixteen semi-detached dwellings, thirteen blocks for fifty-nine street townhouse dwellings, one block for sixteen condominium townhouse dwellings, one block for up to eighty apartment dwellings and one block for stormwater management on the property.

Combined Official Plan and Zoning By-law Amendment

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

Application for Draft Plan of Subdivision

General Comments

1. The internal lands of this development are not serviced. The developer will be responsible for all associated costs to extend required municipal services into the subject lands. Since the planned lots are within the urban area boundary, they must be serviced by the municipal sanitary sewer system and the municipal water distribution system.

2. The Owner shall retain a qualified Engineer to prepare site engineering, cost estimates and administer servicing work associated with developing the subject lands.

3. All municipal servicing is to be designed and constructed to Ontario Provincial Standards and Town Guidelines and will be subject to the approval of the Town of Fort Erie Director of Infrastructure Services.

4. Prior to installing sewer services, the Owner must obtain Environmental Compliance Approval from the Ministry of Environment, Conservation and Parks for sewer and storm water management works needed to service the proposed development. Prior to installing the watermain to service the proposed development, the Owner must submit Ministry of Environment 'Form 1' Record of Watermain to the Town.

5. A geotechnical study is required to confirm sewer pipe design, pipe bedding and backfill and to assess ground water conditions and bedrock elevations.

6. The Traffic Brief prepared by R. V. Anderson Associates Limited dated October 15, 2021 has been reviewed and we agree with the conclusions of the brief that all-way stop control is not warranted at the proposed four-way intersection of Lawrence Avenue and Black Creek Road. The traffic consultant has used industry standard guidelines to estimate existing and future traffic counts in coming to this conclusion.

7. The Preliminary Functional Servicing Report prepared by Upper Canada Consultants dated December 2021 has been reviewed and we have the following comments:
    - We agree with the initial assessment and methodology proposed by Upper Canada Consultants for storm water management which will limit post-development run-off to pre-development levels.
    - We agree with Upper Canada Consultant's assessment that the receiving sanitary sewer has adequate capacity to service the proposed development.

8. The Infrastructure Services Department – Engineering Division is currently undertaking a study of traffic in the Douglastown neighbourhood at the direction of Council to explore opportunities for providing a third municipal access to the neighbourhood. The outcome of that report may have bearing on the road network and lot layout of this application for draft plan of subdivision. Therefore, we recommend that no recommendation be made to Council-in-Committee until the Douglastown Third Access Pre-Design Review is complete and the recommendations contained therein (if any) are applied to this property and application.

Roads Comments

1. All internal roads within this development shall be designed and constructed to a full urban cross section consistent with the Town of Fort Erie typical urban cross section standard, (PW-501 FE), (curb & gutter, storm sewer and sidewalk), Ontario Provincial Standards (OPS) and Transportation Association of Canada (TAC).

2. All proposed roadways within the plan shall be dedicated as public highways.

3. All road intersections and curves shall be designed and constructed in accordance with OPS and TAC requirements. Road allowance widths (20m minimum) must be able to accommodate all turning radii under this requirement.

4. LED Streetlights will be required as per the Town street light policy.

5. At a minimum a 1.5m wide concrete sidewalk shall be provided on one side of all streets. Cross-walks shall be limited to intersections with STOP control as much as practical.

Watermain Comments

1. Fire hydrants at the standard spacing must be provided, and hydrant layout is also subject to review and approval by the Town of Fort Erie.

Storm Drainage Comments

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

2. Storm Water Management (SWM) and the site storm drainage system is to be addressed in accordance with the Town of Fort Erie's Storm Drainage Guidelines, the Town of Fort Erie Lot Grading Policy, Town of Fort Erie Stormwater Management Facility Design, Operation and Maintenance Policy and Standards and Ministry of Environment Best Management Principles. The minor system is to be capable of accommodating the 5-year storm. The major system shall provide unencumbered flow for the major event (100-year storm) to the storm water management facility.

3. The developer must provide a SWM report for all development phases of the subject lands.

4. Rear yard catch basins (RYCB) must also be incorporated into the development drainage system. The rear yard catch basins would provide a means to ensure consistent rear yard drainage, provide outlets for the swale system and provide access to the storm sewer system for flushing maintenance. 3.0m wide easements, in favour of the Town, would be required to allow access to the catch basins and leads for maintenance purposes. RYCB leads shall be offset from lot lines.

5. A Subdivision Grade Control Plan showing existing and proposed grades, overland flow routes and building envelope and basement floor elevations is to be submitted by the Owner for review and approval by the Town.

6. Existing overland drainage patterns must be maintained.

7. The Developer is advised that prior to registration of this plan, the owner shall obtain Ministry of the Environment Environmental Compliance Approvals to the satisfaction of the Director of Infrastructure Services, for the necessary storm sewers for this development.

8. Preliminary grading information was provided by Upper Canada Consultants confirming that the side slopes for the pond are proposed to be at a ratio of 5:1. In accordance with By-law No. 110-05 (Stormwater Management Facility Policy and Standards), the proposed side slopes will necessitate the installation of 1.5m tall, black, chain link fence around Block 76. In order to eliminate the need for a fence the slopes would need to increase to 7:1 for the north, south and west slopes and 10:1 for the slope adjacent to Black Creek Road. In addition, a 3.0m wide maintenance access/ pedestrian walkway would have to also be accommodated. This would nearly double to land requirements for the pond and reduce land that could be used for housing.

Development Charge Project Comments

1. The current Development Charges Background Study of the Town of Fort Erie prepared by Hemson Consulting Ltd. dated May 23, 2019 identifies the following Development Charge related projects in the immediate vicinity of the subject development
   a. Black Creek Road from Lawrence Avenue to Westbrook Avenue
      i. Upgrade road to urban standard
      ii. Construct storm sewers including section on Lawrence Avenue to Edinburgh Road
   b. Black Creek Road from Westbrook Avenue to River Trail
      i. Upgrade road to urban standard
      ii. Construct storm sewers

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

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

1. That the owner deed Block 76, as shown on the Draft Plan to the Town for stormwater management purposes, free and clear of any mortgages, liens and encumbrances.

2. That the owner deed Blocks 78 to 80, inclusive, as shown on the Draft Plan to the Town for 0.30m reserves, free and clear of any mortgages, liens and encumbrances.

3. That the owner deed any and all easements that may be required for access utility and drainage purposes be granted to the appropriate authorities and utilities.

4. That all roads within the subdivision be designed according to Town of Fort Erie Standards and the lands be conveyed to the Town of Fort Erie as public highways.

5. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that *"Roof downspouts shall discharge only to the ground surface*

via splash pads to either the front, rear or exterior side yards. No direct connection to the storm sewer will be permitted nor should downspouts discharge directly to the driveway or a roadway."

6. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that *"Public sidewalk installation will be in accordance with the terms of the subdivision agreement and as per the approved plans on file at Town Hall."*

7. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that *"The owner (developer) shall be responsible for installing paved driveway aprons from curb to the property line or from the curb to the sidewalk."*

8. That prior to receiving Final Approval, the owner shall submit, for review and approval by the Town, a Geotechnical Study prepared by a qualified engineer, that verifies the soil bearing capacity, assesses bedrock elevations and groundwater conditions, appropriate sewer pipe design, pipe bedding, backfill and roadway designs and appropriate mitigation measures to address groundwater issues encountered.

9. That the owner prepare a detailed Subdivision Grade Control Plan showing both existing and proposed grades and the means whereby major storm flows will be accommodated across the site be submitted to the Town of Fort Erie.

10. That the owner shall enter into any agreement as required by utility companies for installation of services, including street lighting, all in accordance with the standards of the Town of Fort Erie. All utilities servicing the subdivision shall be underground. Upon installation and acceptance by the Town, streetlights and streetlight electrical supply system will be added to the Town's inventory.

11. That the streets be named to the satisfaction of the Town.

12. That the owner agrees, at a minimum, to construct 1.5 metre sidewalks on one side of all internal streets within the subdivision to the satisfaction of the Town or to the satisfaction of the Town.

13. That the design drawings for the water, sanitary sewer and storm water drainage systems, including storm water management, to service this development be submitted to the Town of Fort Erie for review and approval.

14. That prior to approval of the final plan or any on-site grading, the owner submit to the Town of Fort Erie for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled "Stormwater Management Planning and Design Manual", March 2003, and "Stormwater Quality Guidelines for New Development", May 1991, and in accordance with Town of Fort Erie's Storm Drainage Guidelines, the Town of Fort Erie Lot Grading Policy,

Town of Fort Erie Stormwater Management Facility Design, Operation and Maintenance Policy and Standards:

a) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
b) Detailed sediment and erosion control plans.

15. That the subdivision agreement between the owner and the Town of Fort Erie contain provisions whereby the owner agrees to implement the approved stormwater management plan required in accordance with Condition 14 above.

16. That the Developer is responsible to front-end the reconstruction of Black Creek Road from Lawrence Avenue to River Trail to an urban cross-section and the construction of storm sewers on Black Creek Road from Lawrence Avenue to River Trail and on Lawrence Avenue from Black Creek Road to Edinburgh Road.

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

Interoffice Memorandum

April 29, 2022
File No. 350302-0131, 350308-0122 & 350309-0540

To: Anamika Dilwaria, Acting Manager, Development Approvals
From: Jeremy Korevaar, Coordinator, Development Approvals
Subject: **COMBINED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT AND DRAFT PLAN OF SUBDIVISION APPLICATION – 0-17482 AND 0-17484 BLACK CREEK ROAD, STEVENSVILLE – TRAFFIC BRIEF ADDENDUM – COMMENTS**

On behalf of the Infrastructure Services Department, Engineering Services Division, a review has been completed of the Traffic Brief Addendum prepared by R.V. Anderson Associates Limited dated April 28, 2022. The Traffic Brief Addendum was prepared in response to both public feedback received at the open house meeting for this application held on April 7, 2022. The feedback indicated concerns regarding the operation and capacity of the intersections of Black Creek Road and Baker Road as well as Netherby Road and Baker Road.

We agree with the conclusions of the report that the increase in traffic volumes as a result of the subject development will not have an adverse impact on the operation of either of the aforementioned intersections. Furthermore, we agree that the increase in traffic volumes does not warrant any upgrades or changes to the traffic control at these intersections.

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

Spring Creek Estates - Open House Meeting Comments - Historic Sewer Back-Up Problems

Jeremy Korevaar to: Anamika Dilwaria 04/19/2022 09:46 AM

From: Jeremy Korevaar/FortErie
To: Anamika Dilwaria/FortErie@TownOfFortErie
History: This message has been replied to.

Jeremy Korevaar	Spring Creek Estates - Open House Meeting Comments - Historic Sewer Back-U
Anamika Dilwaria	*Hi Jeremy, Thank you for the information.*

Hi Anamika,

In response to allegations from the public at the open house meeting for Spring Creek Estaes regarding historic sewer back-up problems in the Douglastown area, I asked the Water/Wastewater group to go through our CRM records to see if the allegations have any merit.

Here is a summary of the number of CRMs that the Water/ Wastewater Division has received in this neighbourhood:

2022 - Two private property issues and two rain related sewer back-ups

2021 - One private issue and one construction related issue

2020 - No CRMs

2019 - No CRMs

2018 - One private property issue

2017 - No CRMs

Let me know if you have any questions.

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

Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario
Canada
L2A 2S6

TEL: 1-905-871-1600 ext.2505
FAX: 1-905-871-6411

Niagara Region

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

Via Email

February 18, 2022

Region Files: D.11.01.SD-22-0004
D.10.01.OPA-22-0004
D.18.01.ZA-22-0009

Ms. Anamika Dilwaria, MCIP, RPP
Senior Development Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON, L2A 2S6

Dear Ms. Dilwaria:

Re: Regional and Provincial Comments
Draft Plan of Subdivision, Local Official Plan Amendment, and Zoning By-law Amendment Applications
Owner: 5009823 Ontario Inc.
Agent: Upper Canada Consultants (c/o Matt Kernahan)
0-17482 Black Creek Road (Spring Creek Estates Subdivision)
Town of Fort Erie

Regional Planning and Development Services staff has reviewed the circulated Draft Plan of Subdivision, Local Official Plan Amendment, and Zoning By-law Amendment Applications with respect to the 0-17482 Black Creek Road (Spring Creek Estates Subdivision) located in the Town of Fort Erie. The Region received the circulation of these application from the Town of Fort Erie on February 8, 2022.

The Draft Plan of Subdivision proposes 54 single-detached residential lots, eight lots for 16 semi-detached dwellings, thirteen blocks for 59 street townhouse dwellings, one block for 16 (condominium) townhouse dwelling units, one block for up to 80 apartment units, and one block for a stormwater management facility.

The subject lands are located within the Douglastown-Black Creek Secondary Plan Area within the Town of Fort Erie's Official Plan. Currently, the northerly and southerly portion of the property is designated "Medium Density Residential" and the middle portion of the property is designated "Low-Density Residential". The Medium Density Residential designation permits a maximum density of 50 units per hectare. An Amendment to the Town's Official Plan is required to implement a "Special Policy Area" designation to the northerly portion of the property in order to allow for a minimum

density of 17 units per hectare and a maximum density of 70 units per hectare, as well as to include stacked and block townhouses as permitted uses.

The Town's Zoning By-law (No. 129-90 as amended by By-law No. 2016-035) currently zones the subject lands as "Residential Multiple 2 (RM2-549) Zone" in part, "Residential 2 (R2) Zone" in part, and "Residential Multiple (RM1-548) Zone" in part. An Amendment to the Zoning By-law is required to zone the property to a "Site-Specific Residential Multiple 2 (RM2) Zone" in part, and "Site-Specific Residential Multiple (RM1) Zone", in part in order to permit the proposed mix of dwelling units and its associated provisions.

A pre-consultation meeting was held for these applications on August 12, 2021 with Town staff, Regional staff, and the agent in attendance. The following comments are provided from a Regional and Provincial perspective to assist the Town in considering these applications.

Provincial and Regional Policies

The subject lands are designated "Settlement Area" under the *Provincial Policy Statement, 2020* ("PPS") and "Delineated 'Built-Up' Area" under the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"). The PPS and Growth Plan direct growth to settlement areas and encourage the efficient use of land, resources, infrastructure and public service facilities though the development of complete communities. Provincial policies set out for intensification and infill by means of compact built form that is compatible with the surrounding urban fabric and offers a range of housing options for current and future population needs.

The subject lands are designated "Urban (Built-Up) Area" in the *Regional Official Plan* ("ROP"). A full range of residential, commercial and industrial uses are permitted generally within the Urban (Built-Up) Area subject to the availability of adequate municipal services and infrastructure and other policies relative to urban design, compatibility and environmental conservation. The ROP promotes higher density development in urban areas and supports growth that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara.

Regional staff has reviewed "*Planning Justification Report*" ("PJR") prepared by Upper Canada Consultants (dated December 2021) and finds the Report acceptable. The PJR justifies that the proposed development will make efficient use of underutilized urban lands and available municipal servicing, while offering a variety housing options (i.e., semi-detached dwellings, townhouse dwellings, apartment units). Staff acknowledge that the development will make better use of existing urban lands and municipal infrastructure, as well as contribute to the diversification of Niagara's housing supply. As such, staff is satisfied that the proposed application is consistent with the PPS and conforms to Provincial and Regional growth management policies, subject to the discussion of this letter. Town staff should be satisfied that the proposed development aligns with the objectives of the Douglastown-Black Creek Secondary Plan, is

compatible with the surrounding urban fabric, and can be appropriately accommodated within forecasted municipal servicing capacities.

Archaeological Resources

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

Regional staff has reviewed the "*Stage 1-2 Archeological Assessment (Northern Part)*" and "*Stage 1-2 Archaeological Assessment (Southern Part)*" that was prepared by Detritus Consulting Ltd. (dated October 13, 2017 and October 28, 2021, respectively).

The Stage 1-2 Archaeological Assessment for the Northern Part resulted in the identification and documentation of no archaeological resources and recommended that no further archaeological assessment of its Study Area is required. Regional staff was also provided with a Letter of Acknowledgement (dated September 11, 2019) from the Ministry of Heritage, Sport, Tourism and Cultural Industries ("MHSTCI") – formerly known as the Ministry of Tourism, Culture and Sport ("MTCS") – stating that the assessment was entered into the Ontario Public Register of Archaeological Reports.

The Stage 1-2 Archaeological Assessment for the Southern Part resulted in the identification and documentation of two archaeological sites that were registered with the MHSTCI as Site P1 (AfGs-147) and Site P2 (AfGs-146). Based on the test pit surveys of these sites, the Assessment determined that that Site P1 does not warrant the completion of a Stage 3 Archaeological Assessment due to the limited recovery of non-diagnostic artifacts within the survey pit area. However, Site P2 resulted in a greater number of documented artifacts which fulfills the criteria for a Stage 3 Assessment. Staff note this recommended Stage 3 Archaeological Assessment was not provided within the application submissions.

As such, Regional staff requires that a Stage 3 Archaeological Assessment, plus any subsequent recommended assessments and MHSTCI Letters of Acknowledgement for the property are required as conditions of Draft Plan of Subdivision Approval. Staff acknowledge that the "*Planning Justification Report*" prepared by Upper Canada Consultants (dated December 2021) states that the Stage 3 Archaeological Assessment is currently underway with an expected completion in 2022.

Appropriate Regional conditions and warning clauses with respect to archaeological requirements for the Draft Plan of Subdivision Agreement is included within the attached Appendix.

Land Use Compatibility

Potential Noise Impacts

The completion of a Noise Feasibility Study is required in order to assess and address the land use compatibility policies of the PPS (Policy 1.2.6.1) given the property's proximity to nearby agricultural uses, transportation-related noise sources, including the QEW, which is a Provincial 400 Series Highway.

Regional staff has reviewed "*Environmental Noise Feasibility Study*" ("Noise Study") prepared by Valcoustics Canada Ltd. (dated December 14, 2021) that was submitted in support of the proposed applications. The Noise Study was completed to assess on-site sound levels in accordance to the Ministry of the Environment, Conservation and Parks ("MECP") NPC-300 Guideline. The Study included an assessment of potential impacts from the nearby transportation-related noise sources (Netherby Road, and QEW), as well as two identified stationary noise sources (Faith Reformed Church, and Black Creek Community Association) that could result in potential impacts.

The Noise Study's assessment concludes that the proposed development would experience noise impacts that exceed the MECP's NPC-300 Guidelines. In order to meet the sound thresholds as set out in the Guidelines, the Study recommends the following noise mitigation measures / devices and warning clauses for the subdivision:

- Upgraded building materials and architectural design elements (i.e., exterior wall and windows) during the construction of development blocks, including Blocks 53-70, and 75, and Lots 15-18, 31-38, and 41-54.
- Mandatory air-conditioning for Blocks 53-62 and Lots 1-14.
- A provision to add air conditioning for Blocks 63-65 and 70, Lots 15-18, 31-38, 41-54 and Block 75.
- Sound barriers up to 2.8m in height at the rear of Blocks 55-56; up to 2.4m in height at the rear of Blocks 53-54; and up to 2.6m in height at the rear of Blocks 57-64 and Lots 1-14.
- Recommended noise warning clauses registered on title and included in Offers of Purchase and Sale for designated lots.

An appropriate condition with respect to the implementation of the recommendations of the Noise Study is included within the attached Appendix. The applicant is advised that any revisions to the proposed Draft Plan will result in a need to update the Noise Study in order to evaluate these changes.

Potential Odour Impacts

At the virtual pre-consultation meeting, Regional staff identified that the subject lands may experience adverse odour impacts from nearby agricultural uses and the

Douglastown Sewage Lagoons. In lieu of an Odour Impact Assessment, Regional staff requested that warning clauses be included within the Subdivision Agreement and all future Agreements of Purchase and Sale or Lease or Occupancy. An appropriate condition and warning clauses is included within the attached Appendix.

Core Natural Heritage System

Regional Environmental Planning staff conducted a site visit of the subject lands on October 7, 2021. Through the site visit, staff confirmed that the properties were cleared of vegetation with only new growth remaining. As such, there are no Regionally designated core natural heritage features present on the subject lands.

Therefore, Regional Environmental Planning staff offer no environmental planning requirements for the proposed applications.

Regional Road

The subject property has frontage along Netherby Road (Regional Road 25). The applicant is advised that Regional staff will provide further comments with respect to future engineering submissions in regards to any planned construction / grading works within the Regional Road Allowance (if required).

Regional Road Allowance

In accordance to the ROP, there is a sufficient Regional Road Allowance along this section of the road. Therefore, no further road widening is requested at this time.

In order to avoid any future access requests to Netherby Road, the Region requires that a clause be included in the Subdivision Agreement that prohibits access to the road instead of taking a 1 ft reserve along the rear of all lots on Netherby Road. An appropriate clause is included in the attached Appendix.

Regional Construction Encroachment and Entrance Permits

The applicant is advised that prior to any construction or entrance construction taking place within the Regional Road Allowance, a Regional Construction Encroachment and/or Entrance Permit must be obtained from the Region's Transportation Services Division, Public Works Department. Applications can be submitted online through the Region's website at: http://niagararegion.ca/living/roads/permits/default.aspx.

General Servicing

The applicant is advised that any extension of municipal storm and sanitary infrastructure prior to the Consolidated Linear Environmental Compliance Approval ("ECA") being approved requires ECA approvals from the Ministry of the Environment,

Conservation, and Parks ("MECP"). These ECA approvals can be completed through the MECP's Transfer of Review Program with the Region. Appropriate conditions to this effect, as well as with respect to general servicing allocation provisions, is included within the attached Appendix.

Stormwater Management

Regional staff has reviewed the "*Preliminary Functional Servicing Report Spring Creek Estates*" prepared by Upper Canada Consultants (dated December 2021) and offer the following comments:

- Staff requests that documents are provided to justify how the development without peak flow control will not increase the creek flooding hazard.
- Staff requests the incorporation of Low Impact Development practice for water retention in order to mitigate the development's impact on the downstream waterway and properties.
- Staff note that the ratio of impervious land coverage is a major factor in sizing the storage required for water quality control. The tributary areas to pond include Blocks 74, 75, and an external area. Staff suggest that the presumed ratio of imperviousness of these future development areas be identified, as it will help with understanding how flows from these areas is presumably accommodated in the pond for water treatment.
- Staff suggest the pond emergency flow route is confirmed and that the pond can accommodate water from a 100-year 24-hour storm event.

Appropriate conditions with respect to the Region's stormwater management requirements is included in the attached Appendix.

Waste Collection

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

- Recycling blue / grey bins or containers – no limit (weekly collection).
- Organics green bins or containers – no limit (weekly collection).
- Garbage / waste bags or cans – 2 maximum per property (bi-weekly collection).
- Collection will be at the curbside only.

Region staff note that in order for Regional waste collection services to be provided, the developer / owner shall comply with Niagara Region's Corporate Waste Collection Policy. The policy can be found at the following link: www.niagararegion.ca/waste.

Regional staff will provide more detailed comments through future *Planning Act* applications once detailed engineering drawings are provided showing how the proposed development blocks / street network can meet the current waste collection requirements. An appropriate condition with respect to waste collection is included within the attached Appendix.

Survey Evidence

The applicant is advised that survey evidence adjacent to Regional Road Allowance shall not be damaged or removed during the development of the property. Any agreements entered into for this development should include a clause that requires the applicant 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. An appropriate condition with respect to survey evidence is included within the attached Appendix.

Conclusion

Regional Planning and Development Services staff do not object to the proposed Draft Plan, Zoning By-law Amendment, or Local Official Plan Amendment, in principle, as the applications is consistent to the PPS and conforms with Provincial and Regional growth management policies subject to the discussion of this letter, the Conditions of Draft Approval in the Appendix, and any local requirements or provisions.

In accordance with the Memorandum of Understanding and ROP Exemption (Chapter 14) policies, the proposed Local Official Plan Amendment is exempt from Regional Council approval.

Should you have any questions related to the above comments, please feel free to contact me at alexander.morrison@niagararegion.ca. Please send a copy of Council's decision on these applications and a copy of the Official Plan and Zoning By-law Amendments as adopted.

Respectfully,

Alx Mor

Alexander Morrison, MCIP, RPP
Senior Development Planner

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

Appendix: Conditions of Draft Plan of Subdivision Approval

Appendix

Conditions of Draft Plan of Subdivision Approval

0-17482 Black Creek Road (Spring Creek Estates Subdivision)

Town of Fort Erie

1. That as recommended by the Stage 1-2 Archaeological Assessment prepared by Detritus Consulting Ltd. (dated October 28, 2021) that the owner submits a Stage 3 Archaeological Assessment (including any subsequent recommended assessments) prepared by a licensed archaeologist to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for review and approval. A copy of each completed archaeological assessment involving the subdivision lands, including all applicable Letters of Acknowledgement from the Ministry shall be provided to the Niagara Region. The completed archaeological assessments shall cover the areas of the property that will be disturbed as a result of the proposed development and must be accepted by the MHSTCI, and to the satisfaction of Niagara Region, prior to clearance of this condition.

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

2. That the owner agrees to include the following warning clause with respect to the potential discovery of archaeological resources in the Subdivision Agreement:

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

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

3. That the Subdivision Agreement between the owner and the Town contain a provision whereby the owner agrees to implement the approved noise mitigation measures / devices and ensure that the required warning clauses be included in all Agreements of Purchase and Sale or Lease or Occupancy in accordance with the

Environmental Noise Feasibility Study prepared by Valcoustics Canada Ltd. (dated December 14, 2021).

4. That the owner agrees to include the following warning clauses in the Subdivision Agreement and in all Agreements of Purchase and Sale or Lease or Occupancy for Units in the subdivision:

- *"Purchasers/tenants are advised that sound levels due to increasing road traffic on Netherby Road and the QEW may occasionally interfere with some activities of the dwelling unit occupants as the sound level exceed the Municipality's and the Ministry of Environment, Conservation and Parks' noise criteria."*
- *"The lands in the Plan of Subdivision may be exposed to noise, reduced air quality, odour, and/or dust from nearby agricultural uses/operations, vehicle traffic, and/or Douglastown Sewage Lagoons that may interfere with some activities of the owners/tenants who occupy these lands."*

5. That the owner agrees to include a clause in the Subdivision Agreement noting that no access will be permitted to Netherby Road.

6. That the owner provides a written acknowledgement to the Niagara Region Planning and Development Services Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by the Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.

7. That the owner provides a written undertaking to the Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the Town.

8. That prior to final approval for registration of this Plan of Subdivision, the owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment, Conservation and Parks (MECP) Compliance Approval under the Transfer of Review Program.

9. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment documents entitled *Stormwater Management Planning and Design Manual, March 2003* and *Stormwater Quality Guidelines for New Development, May 1991*, or their successors to the Niagara Region for review and approval:

- Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
- Detailed erosion and sedimentation control plans; and
- Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the subdivision) planned to be serviced by the stormwater management facility.

10. That the Subdivision Agreement between the owner and the Town contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the approved Stormwater Management Plan.

11. That the applicant ensure that all streets can provide access in accordance with the Regional Municipality of Niagara Corporate Policy for Waste Collection, and By-laws relating to the curbside collection of waste.

12. That the Subdivision Agreement between the owner and the Town contain a provision whereby the owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.

Clearance of Conditions

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

Subdivision Agreement

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

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

RE: [SUSPECTED SPAM]Re: Request for Comments- 0-17482 and 0-17484 Black Creek Road- Spring Creek Estates

CA - Circulations to: Anamika Dilwaria 02/24/2022 09:34 AM

From: "CA - Circulations" <CA.Circulations@wsp.com>
To: "Anamika Dilwaria" <ADilwaria@forterie.ca>

Anamika Dilwaria	Anamika Dilwaria	Request for Comments- 0-17482 and 0-17484 Blac
Mail Router	Mail Router	*Hi Everyone, Applications for a Combined Of*
Mail Router	Mail Router	*Hi Everyone, Applications for a Combined Of*
Mail Router	Mail Router	*Hi Everyone, Applications for a Combined Of*
Mail Router	Mail Router	*Hi Everyone, Applications for a Combined Of*

Thank you for your circulation on [SUSPECTED SPAM]Re: Request for Comments- 0-17482 and 0-17484 Black Creek Road- Spring Creek Estates. Your email has been received and relayed to Bell staff for review. The information that municipalities provide to Bell Canada is instrumental to the provisioning of telecommunications infrastructure. Bell Canada also appreciates the opportunity to be proactively engaged in development applications and infrastructure and policy initiatives.

Bell Canada will provide a response should any comments/input be required on the information included in the circulation. Bell Canada kindly requests to always be circulated on any future materials related to this development project or infrastructure/policy initiative. Please note that Bell Canada does not generally comment on the following development applications - official plan and zoning by-law amendments, part lot control, temporary use and interim control by-laws. However, Bell Canada does generally comment on site plan approval, draft plans of subdivision and draft plan of condominium applications.

If you have any questions, please contact planninganddevelopment@bell.ca directly.
Please note that this circulations email account is managed by WSP on behalf of Bell Canada. All reviews and responses are always undertaken by Bell Canada.

wsp.com

From: Anamika Dilwaria <ADilwaria@forterie.ca>
Sent: Thursday, February 10, 2022 9:35:45 PM
To: Andrew.Carrigan@Canadapost.ca <Andrew.Carrigan@Canadapost.ca>
Cc: aaazouz@csdccs.edu.on.ca <aaazouz@csdccs.edu.on.ca>; aazouz@csdccs.edu.on.ca <aazouz@csdccs.edu.on.ca>; alexander.morrison@niagararegion.ca <alexander.morrison@niagararegion.ca>; Ash.Neville@rci.rogers.com <Ash.Neville@rci.rogers.com>; cara.lampman@niagararegion.ca <cara.lampman@niagararegion.ca>; cgrummett@forteriecanada.com <cgrummett@forteriecanada.com>; CA - Circulations <CA.Circulations@wsp.com>; CA - Circulations <CA.Circulations@wsp.com>; clerk@niagararegion.ca <clerk@niagararegion.ca>; craig.krueger@cogeco.com <craig.krueger@cogeco.com>; devtplanningapplications@niagararegion.ca <devtplanningapplications@niagararegion.ca>; erik.acs@niagararegion.ca <erik.acs@niagararegion.ca>; esavoia@niagaraparks.com <esavoia@niagaraparks.com>; executivedirector@fenfc.org <executivedirector@fenfc.org>; fawn.sault@mncfn.ca <fawn.sault@mncfn.ca>; jabrahamse@npca.ca <jabrahamse@npca.ca>; karen.singer@bell.ca <karen.singer@bell.ca>; kathy.levinski@ncdsb.com <kathy.levinski@ncdsb.com>; kaudet@forteriecanada.com <kaudet@forteriecanada.com>; kris.watson@cnpower.com <kris.watson@cnpower.com>; LandUsePlanning@HydroOne.com <LandUsePlanning@HydroOne.com>; mr18enquiry@mpac.ca <mr18enquiry@mpac.ca>; MunicipalPlanning@enbridge.com <MunicipalPlanning@enbridge.com>; planification@csdccs.edu.on.ca <planification@csdccs.edu.on.ca>; pontdj@hotmail.com <pontdj@hotmail.com>; Randy.Leppert@cogeco.com <Randy.Leppert@cogeco.com>; Sarah__Mastroianni <smastroianni@npca.ca, John.armstrong@, scott.whitwell
Subject: [SUSPECTED SPAM]Re: Request for Comments- 0-17482 and 0-17484 Black Creek Road- Spring Creek Estates

Hi Everyone,

Please see below the new link to review the application and the supporting documents.

https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080827eb2b5a1017edf361d251ec5/1315/7010018787195826914/Black%20Creek.zip

Thanks,

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

From: Anamika Dilwaria/FortErie
To: Andrew.Carrigan@Canadapost.ca, circulations@mmm.ca, cara.lampman@niagararegion.ca, kathy.levinski@ncdsb.com, kris.watson@cnpower.com, LandUsePlanning@HydroOne.com, MunicipalPlanning@enbridge.com, planification@csdccs.edu.on.ca, Randy.Leppert@cogeco.com, sue.mabee@dsbn.org, karen.singer@bell.ca, circulations@wsp.com, erik.acs@niagararegion.ca, executivedirector@fenfc.org, craig.krueger@cogeco.com, esavoia@niagaraparks.com, mr18enquiry@mpac.ca, aazouz@csdccs.edu.on.ca, cgrummett@forteriecanada.com, kaudet@forteriecanada.com, scott.whitwell@ncdsb.com, alexander.morrison@niagararegion.ca, aaazouz@csdccs.edu.on.ca, fawn.sault@mncfn.ca, pontdj@hotmail.com, clerk@niagararegion.ca, devtplanningapplications@niagararegion.ca, Ash.Neville@rci.rogers.com, jabrahamse@npca.ca, Sarah Mastroianni" <smastroianni@npca.ca, John.armstrong@rci.rogers.com
Date: 02/08/2022 02:50 PM
Subject: Request for Comments- 0-17482 and 0-17484 Black Creek Road- Spring Creek Estates

Hi Everyone,
Applications for a Combined Official Plan and Zoning by-law Amendment and Draft Plan of Subdivision have been received by the Town of Fort Erie for the lands municipally known as 0-17482 and 0-17484 Black Creek Road. The applicant is proposing fifty-four (54) residential lots for single-detached dwellings, eight (8) blocks for sixteen (16) semi-detached dwellings, thirteen (13) blocks for fifty-nine 59 street townhouse dwellings, one (1) block for sixteen (16) block (condominium) townhouse dwellings and one (1) block for up to eighty (80) apartment dwellings on the property.
The subject properties are located within the urban boundary. Currently, the northerly and southerly portion of the property is designated Medium Density Residential and the middle portion of the property is designated Low-Density Residential in the Town's Official Plan and Douglastown-Black Creek Secondary Plan. The Medium Density Residential designation permits a maximum density of 50 units per hectare. The applicant is requesting to redesignate the subject property as Medium Density Residential. A Special Policy Area designation will be added to the northerly portion of the property to allow a minimum density of 17 units per hectare and a maximum density of 70 units per hectare and add stacked and block townhouses as permitted uses.
The subject lands are Zoned Residential Multiple 2 (RM2-549), in part, Residential 2 (R2) Zone, in part and Residential Multiple (RM1-548), in part, in accordance with the Zoning By-law No. 129-90 as amended by By-law No. 2016-035. The applicant is requesting to rezone the subject property to a site-specific Residential Multiple 2 (RM2) zone, in part and site-specific Residential Multiple (RM1) Zone, in part.

The Draft Plan of Subdivision will accommodate the intended division of the land.

For the Planning and Development Services Department to properly assess the application and prepare our report to Town Council, we would appreciate your comments as they pertain to the scope and jurisdiction of your department or agency in the form of a memorandum or letter. If we do not receive your comments or a request for an extension, staff may interpret this as your approval of the applications as submitted. We would request any comments you have on this application within 20 days (i.e. not later than **Monday, February 28th, 2021)**.

The information regarding the applications can be accessed by clicking the link below:

Thanks,

Anamika Dilwaria, M.Pl., MCIP, RPP

Senior Development Planner, Planning and Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6
TEL: 1-905-871-1600 ext.2507
E-mail-adilwaria@forterie.ca

Thanks for connecting.

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

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

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

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

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955 HIGHBURY AVE N
LONDON ON N5Y 1A3
POSTESCANADA.CA

February 14, 2022

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

Re: Spring Creek Estates Draft Plan of Subdivision

Dear Anamika,

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

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

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

a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:

   i) that the home/business mail delivery will be from a designated Centralized Mail Box.

   ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

b) The owner further agrees to:

   i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.

ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes

iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.

iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

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

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

I appreciate the opportunity to comment on this project.

Regards,

A. Carrigan
Officer, Delivery Planning
(226) 268-5914
Andrew.Carrigan@Canadapost.ca

DISTRICT SCHOOL BOARD OF NIAGARA
191 Carlton St. ▪ St. Catharines, ON ▪ L2R 7P4 ▪ 905-641-1550 ▪ dsbn.org

February 10, 2022

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

Dear Ms. Dilwaria:

RE: Applications for Official Plan and Zoning By-law Amendment & Draft Plan of Subdivision 0-17482 and 0-17484 Black Creek Road- Spring Creek Estates

Thank you for circulating the District School Board of Niagara (DSBN) the applications for Official plan and Zoning By-law Amendment and Draft Plan of Subdivision. The applications propose fifty-four (54) residential lots for single-detached dwellings, eight (8) blocks for sixteen (16) semi-detached dwellings, thirteen (13) blocks for fifty-nine 59 street townhouse dwellings, one (1) block for sixteen (16) block (condominium) townhouse dwellings and one (1) block for up to eighty (80) apartment dwellings The Official Plan and Zoning Bylaw Amendment applications will rezone the lands accordingly to facilitate the proposed development.

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

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

Sincerely,

SMabee

Sue Mabee, MCIP, RPP
Supervisor of Planning

Fort Erie - 17482 and 17484 Black Creek Rd
LANDUSEPLANNING to: ADilwaria@forterie.ca 03/02/2022 10:54 AM
Sent by: "LUK Kitty" <Kitty.Luk@hydroone.com>

From: "LANDUSEPLANNING" <LandUsePlanning@HydroOne.com>
To: "ADilwaria@forterie.ca" <ADilwaria@forterie.ca>
Sent by: "LUK Kitty" <Kitty.Luk@hydroone.com>

	LANDUSEPLANNING	LANDUSEPLANNING	Fort Erie - 17482 and 17484 Black Creek Rd

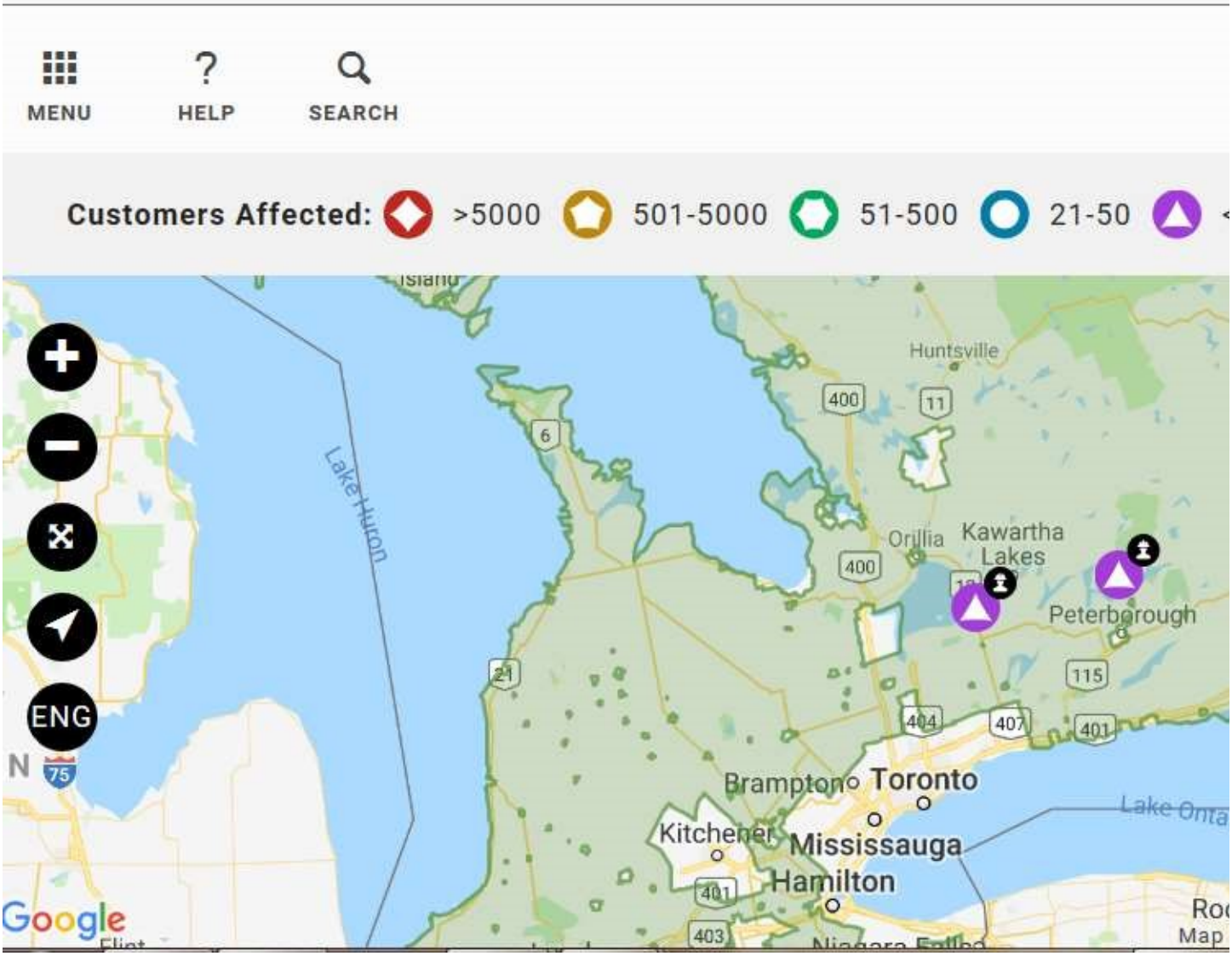
Hello,

We are in receipt of your Draft Plan of Subdivision Application, dated February 8, 2022. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

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

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



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

Thank you,
Kitty Luk
Real Estate Assistant I Land Use Planning

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

Email: landuseplanning@hydroone.com

From: Anamika Dilwaria <ADilwaria@forterie.ca>
Sent: Tuesday, February 8, 2022 2:51 PM
To: Andrew.Carrigan@Canadapost.ca; circulations@mmm.ca; cara.lampman@niagararegion.ca; kathy.levinski@ncdsb.com; kris.watson@cnpower.com; LANDUSEPLANNING <LandUsePlanning@HydroOne.com>; MunicipalPlanning@enbridge.com; planification@csdccs.edu.on.ca; Randy.Leppert@cogeco.com; sue.mabee@dsbn.org; karen.singer@bell.ca; circulations@wsp.com; erik.acs@niagararegion.ca; executivedirector@fenfc.org; craig.krueger@cogeco.com; esavoia@niagaraparks.com; mr18enquiry@mpac.ca; aazouz@csdccs.edu.on.ca; cgrummett@forteriecanada.com; kaudet@forteriecanada.com; scott.whitwell@ncdsb.com; alexander.morrison@niagararegion.ca; aaazouz@csdccs.edu.on.ca; fawn.sault@mncfn.ca; pontdj@hotmail.com; clerk@niagararegion.ca; devtplanningapplications@niagararegion.ca; Ash.Neville@rci.rogers.com; jabrahamse@npca.ca; Sarah_Mastroianni@ddei4.hydroone.com; " <smastroianni@npca.ca, John.armstrong@rci.rogers.com"@ddei4.hydroone.com
Subject: Request for Comments- 0-17482 and 0-17484 Black Creek Road- Spring Creek Estates

*** Exercise caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. ***

Hi Everyone,

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The Draft Plan of Subdivision will accommodate the intended division of the land.

For the Planning and Development Services Department to properly assess the application and prepare our report to Town Council, we would appreciate your comments as they pertain to the

scope and jurisdiction of your department or agency in the form of a memorandum or letter. If we do not receive your comments or a request for an extension, staff may interpret this as your approval of the applications as submitted. We would request any comments you have on this application within 20 days (i.e. not later than **Monday, February 28th, 2021)**.

The information regarding the applications can be accessed by clicking the link below:

https://ddei5-0-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2ffilr.forterie.ca%3a8443%2ffilr%2fpublic%2dlink%2ffile%2ddownload%2fff8080827eb2b5a1017edad0abdb21a0%2f1314%2f77723941608285489 55%2fBlack%2520Creek.7z&umid=824E6F4B-D787-0905-B21F-5A8FCC664740&auth=2d642bc0e91c4252d9fd41a45fae119e296f143e-16cd4b77d70cc0aed7fb5bb9781f1913fbdb6a06

Thanks,

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

Thanks for connecting.

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

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

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

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

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FW: Spring Creek Estates
Matt Kernahan to: Anamika Dilwaria 04/06/2022 01:20 PM

From: "Matt Kernahan" <matt@ucc.com>
To: "Anamika Dilwaria" <ADilwaria@forterie.ca>

Matt Kernahan	Matt Kernahan	*Hi Anamika, FYI. It occurs to me that I forgot*

Hi Anamika,

FYI. It occurs to me that I forgot to copy you initially.

Matt

Matt Kernahan, MCIP, RPP
Planning Manager
Upper Canada Planning & Engineering Ltd.
30 Hannover, Unit #3
St. Catharines, ON, L2W 1A3
Cell: (905) 329-4914
Tel: (905) 688-9400 ext. 504
Email: matt@ucc.com

From: Matt Kernahan
Sent: April 6, 2022 12:07 PM
To: Jeremy Korevaar <JKorevaar@forterie.ca>
Cc: Patterson, Kelly <kelly.patterson@woodplc.com>; Susan Dunsmore <Susan.Dunsmore@niagararegion.ca>; Adam Mildenberger <AMildenberger@rvanderson.com>; Capital Contracting Group <info@capitalcontractinggroup.com>
Subject: FW: Spring Creek Estates

Hi Jeremy,

Further to our call, it would appear that a connection to the Spring Creek Development from Netherby Road is not possible. Please see correspondence from the MTO below.

Please let me know if you have any questions or would like to discuss.

Matt

Matt Kernahan, MCIP, RPP
Planning Manager
Upper Canada Planning & Engineering Ltd.
30 Hannover, Unit #3
St. Catharines, ON, L2W 1A3
Cell: (905) 329-4914
Tel: (905) 688-9400 ext. 504
Email: matt@ucc.com

From: Lagakos, Ted (MTO) <Ted.Lagakos@ontario.ca>
Sent: April 5, 2022 9:41 PM
To: Matt Kernahan <matt@ucc.com>
Cc: Adam Mildenberger <AMildenberger@rvanderson.com>; Nunes, Paul (MTO) <Paul.Nunes@ontario.ca>; Deluca, Peter (MTO) <Peter.Deluca@ontario.ca>; MacKinnon, John (MTO) <John.MacKinnon@ontario.ca>
Subject: RE: Spring Creek Estates

Hello Matt,

The ministry has not been consulted on a proposed access from Netherby Road and such an access would not be allowed.

Note that Netherby Road, from the highway to Baker Street, is designated as controlled-access highway hence no access of any kind is permitted.

I hope this answers your questions. Please do not hesitate to contact me directly if you would like to discuss further.

Take care,
Ted Lagakos
Senior Project Manager (Niagara/Hamilton)
Highway Corridor Management Section - Central Operations

Ministry of Transportation
159 Sir William Hearst Avenue, 7th Floor
Toronto, ON M3M 0B7

Phone: 416-268-3932
E-Mail: ted.lagakos@ontario.ca
Web: www.mto.gov.on.ca/english/engineering/management/corridor

From: Matt Kernahan <matt@ucc.com>
Sent: April 5, 2022 12:47 PM
To: Lagakos, Ted (MTO) <Ted.Lagakos@ontario.ca>
Cc: Adam Mildenberger <AMildenberger@rvanderson.com>; Nunes, Paul (MTO) <Paul.Nunes@ontario.ca>
Subject: FW: Spring Creek Estates

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hi Ted,

I am in receipt of the attached comments from the MTO and Town on the Spring Creek Subdivision in Fort Erie. The Town is recommending that consideration be given to providing an access to Netherby Road through the proposed subdivision in approximately the location shown on the attached mark-up. I am wondering if the MTO has been consulted on this and if you could provide input on the possibility of this connection. We are working our way through the public process and it would be really helpful for us to understand if this is something that the MTO would entertain.

If it is easier for you, please give me a call to discuss.

Thanks,

Matt

Matt Kernahan, MCIP, RPP
Planning Manager
Upper Canada Planning & Engineering Ltd.
30 Hannover, Unit #3
St. Catharines, ON, L2W 1A3
Cell: (905) 329-4914
Tel: (905) 688-9400 ext. 504
Email: matt@ucc.com

From: Anamika Dilwaria <ADilwaria@forterie.ca>
Sent: April 5, 2022 11:32 AM
To: Matt Kernahan <matt@ucc.com>
Subject: Spring Creek Estates

Hi Matt,

Attached are the staff and agency comments.

Thanks,

NIAGARA PARKS

ELLEN SAVOIA
T 905.295.4396 x3258
M 289.241.8375
esavoia@niagaraparks.com

February 28,, 2022

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

Dear Ms. Dilwaria:

RE: Spring Creek Estates Draft Plan of Subdivision

0-17482 & 0-17484 Black Creek Road

The Niagara Parks Commission has reviewed the application package for the above noted proposed draft plan of subdivision, Official Plan amendment and zoning by-law amendment and would advise that there are no concerns with the applications nor request conditions of subdivision plan approval.

Please keep Niagara Parks informed with regard to these applications.

Sincerely,

Ellen Savoia,
Senior Manager, Planning and Environmental Sustainability

Re: Proposed Subdivision , Spring Creek Estates(Douglastown)
Anamika Dilwaria to: Bibi Dimitri 02/09/2022 04:26 PM

From: Anamika Dilwaria/FortErie
To: "Bibi Dimitri" <>

Bibi Dimitri	Proposed Subdivision , Spring Creek Estates(Douglastown)	
Anamika Dilwaria	*Hi Biljana, Town has received an application for a Combined Official Pl*	

Hi Biljana,

Town has received an application for a Combined Official Plan and Zoning By-law amendment and Draft Plan of Subdivision. I will posting the information regarding the applications on the Town's website by end of this week. As the applications are still in the review process, the date for the Public Meeting has not decided yet.

Thanks,

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

"Bibi Dimitri" Hello Mr Waria, It has recently come to my atten... 02/09/2022 03:52:31 PM

From: "Bibi Dimitri" <>
To: adilwaria@forterie.ca
Date: 02/09/2022 03:52 PM
Subject: Proposed Subdivision , Spring Creek Estates(Douglastown)

Hello Mr Waria,
It has recently come to my attention that there are plans to build an apartment building across from my home in Black Creek, Myself along with many of my neighbors would like the opportunity to raise questions and express our concerns regarding this proposed build. Please let us know when there will be a public meeting to address said concerns. Thanking you in advance

Biljana Dimitrijevski

To: Anamika Dilwaria 1-April 2022

From: Greg Hunter

Re: Proposed Spring Creek Estates Development

My name is Greg Hunter and I live in the Douglastown area of Fort Erie. I have reviewed the documents for the proposed Spring Creek Estates development in preparation for the Open House on April 7. I found a number of issues and have questions about what is being proposed. I also have a suggestion for the Storm Water Management Pond. In addition to this list, I created a PowerPoint file so I can show images of documents which explain the questions in greater detail. I'm hoping you and the proponent will be able to answer these questions for me at the Open House on April 7.

1. **Traffic:** The draft plan shows (1) block for up to eighty (80) apartment dwellings (ie, High Density) on Black Creek Rd. at a location that is toward the middle of the neighbourhood. The Town of Fort Erie Subdivision Control Guidelines, section 1.14, states, "the more dense the development, the closer it should be to the perimeter of the neighbourhood." I see a conflict between what is being proposed and the Town's development guidelines.
2. **Traffic:** The Stevensville / Douglastown Secondary plan for potential development shows medium density areas on Black Creek Rd. The Town of Fort Erie Subdivision Control Guidelines, section 1.14, states, "the more dense the development, the closer it should be to the perimeter of the neighbourhood." Black Creek Rd. is not on the perimeter of the neighbourhood. The existing neighbourhood consists of low-density single-family homes. I see a conflict between the Stevensville /Douglastown Secondary Plan and the Town's development guidelines.
3. **Traffic**: The Traffic Study commissioned by the proponent seems to assume only one (1) vehicle per unit (home). Because of the rural location of the Douglastown neighbourhood, residents must drive to any and all services, meaning that most adults who live in this neighbourhood have a vehicle. On Sussex Lane, where I live, I counted twenty-five (25) homes and forty-six (46) vehicles, with an average of (1.84) vehicles per home. I believe the Traffic Study commissioned by the proponent under-counted the traffic volume by 50% and should be redone.
4. **Traffic**: If the development is built as proposed, the traffic turning left from Black Creek Rd. onto Baker Rd. during morning hours, will increase by approx. **360%,** which will make this intersection extremely busy and dangerous. One problem we currently have in Douglastown is that there are only two (2) roads in or out of the neighbourhood and one of those roads, (Black Creek Rd. between River Trail and the Niagara Parkway) is a "Given" road that is narrow, winding and has no sidewalks for pedestrians. I feel a Traffic Study should be done for the intersection of Black Creek Rd. and Baker Rd. and this proposed development should not be approved until the Town decides on a route for a third access road into / out of the Douglastown neighbourhood.
5. **Traffic:** The map in the Traffic Study shows an issue for a left-turn from Street "C", onto Street "A" and states "To address the deficient sight distances for Street "C" traffic, it is recommended that the Town consider configuring this intersection as an all-way stop." My concern is that the driveway from Lot 34 will conflict with the stop zone for the proposed all-way stop.
6. **Sewage:** The March 31, 2022 edition of the Niagara Falls Review included a story about home owners living on River Trail who experienced raw sewage backing-up into their basements on Feb. 17, 2022, which may have been caused by recent construction in the neighbourhood. My concern is that building more homes in the Douglastown neighbourhood will increase the volume of sewage, particularly during rain and snow melting events and result in more residents with raw sewage backing-up into their basements.
7. **Sewage:** The Stevensville /Douglastown sewage lagoons are fed by three (3) sewage pumping station locations. The areas serviced by these pumping stations are all experiencing rapid on-going or proposed development and I question whether the sewage lagoons have enough capacity to service all current and proposed development.

8. **Sewage:** The Niagara Regions 2016 Waster Water Master Plan shows the sewage lagoon capacity as 2.7 million Litres per Day (MLD). The Ontario Ministry of Environment operating certificate, issued in 2008, for the sewage lagoons shows a capacity of 2,289 cubic metres per day or 2.289 MLD. Which figure is correct and which figure did the proponent use to determine if the sewage lagoon has enough capacity to accommodate their proposed development?
9. **Sewage:** The Niagara Regions 2016 Waste Water Master Plan, section G.2.2, uses 275 L of sewage per person per day to calculate the sewage volume generated by the population of future developments. The Town of Fort Erie Subdivision Control Guidelines, section 3.8.1, uses 320 Litres/Person/Day. Which figure is correct and which figure did the proponent use to determine if the sewage pumping station and sewage lagoon have enough capacity to accommodate their proposed development? My calculations indicate additional sewage pumping capacity problems may occur even before the Black Creek Signature development, which currently under construction, is completed.
10. **Ecology:** In September 2018, the land the proposed Spring Creek Estates development is to be built on was home to a large number of trees, bushes, grasses and wildlife (see Google Earth images). At some time before September 2021, someone clear cut the property and removed the vast majority of trees and bushes. Did they have approval from local governments and agencies to remove those trees and bushes? On October 1, 2021, the company conducting the Ecology study visited the site and found that the site “was largely clear of woody vegetation with only a few isolated trees along the perimeter of the property.” Also “there does not appear to be significant habitat for SAR (Species At Risk)”. Is it acceptable for anyone to clear-cut a property, remove the vast majority of trees and bushes, then commission an Ecology Report to support a proposed development?
11. **Sound:** Personally, I consider sound barrier walls to be ugly and a temptation for Graffiti vandalism. No one wants graffiti vandalism in Douglastown. If the developer can build Spring Creek Estates without sound barrier walls that would be more attractive and cheaper. The Sound Study appears to have been conducted using “Predictive Modelling”, not actual sound measurements. The “Source Height” in the predictive modelling equation is shown as 1.94m, which does not represent the actual condition on-site, because the off-ramp next to the proposed development is elevated approx. 7m above the land where the homes are proposed to be built. I know from personal experience spending time at the base of that embankment, before the trees were removed, that the sound from the off-ramp and highway tend to travel at an elevated height. I propose that the developer repeat the sound study using actual on-site acoustic measurements, instead of relying on predictive modelling and using trees instead of sound barrier walls to mitigate road noise. Trees will look better and help restore and sustain the environment.
12. **Storm Water Management (SWM) Pond and Park:** The Fort Erie Subdivision Control Guidelines, section 6.7, states that the Stormwater Management Facility should be a “neighbourhood feature” and “This facility will be integrated as a park area”. The SWM Pond and Park built on River Trail for the River Trail Estates development is attractive and definitely a neighbourhood feature as a community gathering space with its landscaping, a walking path, gazebo and benches. It should be the model for all future SWM facilities built in Fort Erie. The SWM facility proposed for Spring Creek Estates is located at the extreme southern end of Black Creek Rd., a long walk and out-of-sight for the majority of residents in Douglastown. I propose changing the location of the SWM facility for Spring Creek Estates to the corner of Black Creek Rd. and Baker Rd. on vacant, open space land currently owned by the Black Creek Community Association (BCCA). This location is near the entrance to the neighbourhood, visible to all who visit and a short walk for all residents of the neighbourhood (ie, a gathering place). I believe the Town of Fort Erie could acquire approx.. 40% of the land the BCCA currently owns in order to build an attractive pond and park next to the community centre, in exchange for relief from municipal taxes for the BCCA in perpetuity. The Town would own the land and the developer would pay to build an attractive pond and park, near the middle of the community and next to the community centre.

We all want the same thing, A neighbourhood that people want to live in and enjoy everyday.

If you have any questions, please don’t hesitate to contact me at or xxx-xxx-xxxx

Fw: Proposed draft plans 0-17482 & 0-17484 Black Creek Road - Public Meeting May 30th -

Carol Schofield to: Mayor and Council 05/06/2022 08:27 AM

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

From: Carol Schofield/FortErie
To: Mayor and Council
Cc: Anamika Dilwaria/FortErie@TownOfFortErie, Chris McQueen/FortErie@TownOfFortErie, Kelly Walsh/FortErie@TownOfFortErie, Jonathan Janzen/FortErie@TownOfFortErie, Alex Herlovitch/FortErie@TownOfFortErie

Carol Schofield Fw: Proposed draft plans 0-17482 & 0-17484 Black Creek Road - Public Meetin

Please refer to the comments received below concerning the above noted Public Meeting to be held on May 30th.

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

Our Focus: Your Future

Please consider the environment before printing this email.

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----- Forwarded by Carol Schofield/FortErie on 05/06/2022 08:25 AM -----

From: "Ian" <> cschofield@forterie.ca
To: anoyes@forterie.ca
Cc: 05/05/2022 09:06 PM
Date: Proposed draft plans 0-17482 & 0-17484
Subject:

Council :
Being a resident of Douglastown/Black Creek I have some serious concerns regarding the proposed changes to subdivision 0-17482 & 0-17484.
It is my understanding that ;

1. the environmental study of the area was completed AFTER the developer had cut down all of the trees and destroyed the habitat in the area.
2. The traffic study was completed @ Lawrence ave and Black Creek rd during COVID

when traffic was at a historic low.

3. There is NO additional entrances to a subdivision which is expanding from 225 homes to a proposal of over 620 homes with almost all entering from Netherby Rd onto Baker rd.
4. The application is calling for apartments and condos which is a complete contradiction of the “community “ which is currently there. There is absolutely NO shopping and NO regular transit for kilometres around therefore driving the vehicular trafffic through the roof.
5. On top of all the issues listed above I do not believe that the gas lines or sewer lines or above ground water runoff is adequate for the application changes.

I DO NOT understand why the council would approve this application when there is ZERO benefit to the area or community . There is NO additional parkland, NO additional playgrounds, NO additional ball fields which the families in the condos/apartments would need, as they have no yards. There is NOTHING that benefits the community.

Thank you
Ian MacIver
2885 Arrowsmith crt
Stevensville
L0S1S0



Black Creek Subdivision proposal

Rob Currell to: adilwaria 03/30/2022 12:03 PM

Cc: "Wayne Redekop", anoyes

From: "Rob Currell" <>

To: adilwaria@forterie.ca

Cc: "Wayne Redekop" <WRedekop@forterie.ca>, anoyes@forterie.ca

Rob Currell	Black Creek Subdivision proposal
Ann-Marie Noyes	*Re: Black Creek Subdivision proposal*
Rob Currell	*Hi Ann-Marie, thanks for your timely response. I will be at the meetin*

I have been a resident of Black Creek for 35 years and I have watched the alarming growth here and in Stevensville. I realize there is nothing I can do to stop businesspersons and developers from realizing a profit from their investments and the town is happy to increase it's tax base. This quiet country community that the signboards tout has now been eaten up by houses stuffed onto small lots and now an additional section will bring many more people here. Such is "Progress ".

I have brought up on several occasions my, and many of my neighbours, concerns regarding the treatment and disposal of sewage here. We have a primitive way of handling sewage that was acceptable when the lagoon was originally built. Now we have more than tripled the number of homes using this facility and, to my knowledge, only minor improvements have been made to increase the capacity. This past winter it was necessary to divert sewage directly into the water of Black Creek. This occurred after the region spent copious amounts of money in upgrading the pumping station here and replacing the force main pipe to the lagoon. This is totally unacceptable! I realize that this was a particularly heavy storm but still not acceptable. Many people swim, paddle and use the water for irrigation. Will the town or region pay for water quality testing here?

I know the town is not responsible for sewage treatment and so I am asking you to request the Niagara Regional administration to provide a qualified engineer with knowledge of our situation to be present at this event so we can get our concerns discussed. We feel the current disposal method to be totally inadequate with the rapid growth we are experiencing. Are there any plans to connect us to Anger avenue and what is the schedule?

Respectfully, Robert Currell

Sent from my iPad



RE: Spring Creek Estates - Noise Study, Stamson calculation for lot 11 or 13

Matt Kernahan to: Greg Hunter 05/04/2022 04:45 PM
Cc: "ADilwaria@forterie.ca"

From: "Matt Kernahan" <>
To: "Greg Hunter" <>
Cc: "ADilwaria@forterie.ca" <ADilwaria@forterie.ca>

Matt Kernahan *Hi Greg, I will see if I can get you an answer on that.*

Hi Greg,

I will see if I can get you an answer on that.

Matt

Matt Kernahan, MCIP, RPP
Planning Manager
Upper Canada Planning & Engineering Ltd.
30 Hannover, Unit #3
St. Catharines, ON, L2W 1A3
Cell: (905) 329-4914
Tel: (905) 688-9400 ext. 504
Email: matt@ucc.com

From: Greg Hunter <>
Sent: May 4, 2022 4:35 PM
To: Matt Kernahan <>
Cc: ADilwaria@forterie.ca
Subject: Spring Creek Estates - Noise Study, Stamson calculation for lot 11 or 13

Hello Matt,
I'm working on my presentation to Town council for the May 31 meeting regarding Spring Creek Estates and want to understand a few details about the noise study better. In Appendix "C" of the report, Valcoustics Canada included a sample Stamson calculation for the Block 56 West Facade. The report also shows results for lots 11 and 13, but not sample calculations. Would you please email me the Stamson calculations for either lot 11 or 13? The predicted noise values in the report for these lots are above 60 dBA which seems high to me. I have stood on the ground at these locations and was surprised

at how quiet it is, which I think is a result of the fact that vehicle traffic on the off-ramp was 20 feet above my head and the noise passed above me. I want to understand how Valcoustics got their numbers.
Thank You,
Greg Hunter

Townhall meeting 07 April 2022

Bruce Edward Halliday to: ADilwaria@forterie.ca 04/07/2022 09:18 PM

From: "Bruce Edward Halliday" > "ADilwaria@forterie.ca"
To: <ADilwaria@forterie.ca>

Bruce Edward Halliday Bruce Edward Halliday Townhall meeting 07 April 2022

Good day,

I attended a town hall meeting for the proposed Spring Creek Subdivision on 07 April 2022.
I have attached a screen shot from the documents that were provided for the meeting. Could you please confirm that the area circled in red indicates an underground storm sewer system terminating at the waters edge at Black Creek?

Thanks,



Bruce Halliday Screenshot_20220407-185525_Samsung Notes.jpg

Re: Fwd: Proposed subdivision, Spring Creek Estates, Douglastown
Anamika Dilwaria to: Samantha Booth 02/09/2022 04:29 PM

From: Anamika Dilwaria/FortErie
To: "Samantha Booth" <>

Samantha Booth	*Good afternoon, My husband and I are extremely concerned with the p*
Anamika Dilwaria	*Samantha, Town has received an application for a Combined Of*

Samantha,

Town has received an application for a Combined Official Plan and Zoning By-law amendment and Draft Plan of Subdivision. I will posting the information regarding the applications on the Town's website by end of this week. As the applications are still in the review process, the date for the Public Meeting has not decided yet.

Thanks,

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

"Samantha Booth" Good afternoon, My husband and I are extremel... 02/09/2022 02:30:22 PM

From: "Samantha Booth" <> adilwaria@forterie.ca
To: 02/09/2022 02:30 PM
Date: Fwd: Proposed subdivision, Spring Creek Estates, Douglastown
Subject:

Good afternoon,
My husband and I are extremely concerned with the plan proposed for the Spring Creek Estates. Can you please advise us when the town meeting will be discussing this proposed complex so that we can attend and voice our concerns with this complex?
thank you so much,
Samantha Booth



RE: Development Plans for Black Creek Road?

Steve Simkus to: Aaron Butler 01/31/2022 02:40 PM
Cc: "Anamika Dilwaria"

From: "Steve Simkus" <> "Aaron Butler"
To: <AButler@forterie.ca>
Cc: "Anamika Dilwaria" <ADilwaria@forterie.ca>

History: This message has been replied to.

Aaron Butler	Aaron Butler	*Hi Steve, Nice to hear from you again.*
Steve Simkus	Steve Simkus	*Thanks for the update Aaron; per your*
Steve Simkus	Steve Simkus	*Hello Aaron: Following up on my email*
Anamika Dilwaria	Anamika Dilwaria	*Hi Steve, As mentioned in Aaron's*
Steve Simkus	Steve Simkus	*Hello Anamika: Yes I would*

Hello Aaron:

Following up on my email from earlier this month, I see that the sign has been posted on the land on the west side of Black Creek Road for the subdivision plan that has been submitted by developers.

I'd like to get some additional information on this, in anticipation of making a submission to comment and to participate in any public meetings. Where can I get information on the details of this plan, in particular the "residential apartment" proposal that is line of sight directly across from my property at 3574 Black Creek?

Thank you in advance,

Steve Simkus

https://www.linkedin.com/in/stephen-simkus

From: Aaron Butler <AButler@forterie.ca>
Sent: January 14, 2022 12:02 PM
To: Steve Simkus <>
Cc: Anamika Dilwaria <ADilwaria@forterie.ca>
Subject: Re: Development Plans for Black Creek Road?

Hi Steve,

Nice to hear from you again.

When the Town receives an application under the Planning Act (e.g. zoning amendment, plan of subdivision), it has 30 days to deem the application either complete or incomplete, in terms of submission materials. If the Town provides an affirmative notice to the applicant (i.e., that the application is complete), it then has 15 days to make the information and material provided with the application available to the public. The process of circulating the application for comments, holding an information open house meeting, and then ultimately a public meeting at a Council meeting, would commence.

I can confirm that applications have been received for the lands in question on December 15, 2021, however the applications have not been deemed complete. Coincidentally, today is the 30th day from December 15, 2021. The Town has not received all required information for a complete application at this time.

Please feel free to follow-up with us in the next week or two if you would like an update on the application status. Anamika Dilwaria, Senior Development Planner, is copied and will be the lead on this file.

As you are located within 120 metres of the subject lands, you will also be notified by direct mailout when the first information open house meeting has been scheduled. The Town would be posting application materials (e.g., relevant plans, studies) on its website for public viewing at that time.

Aaron

Aaron Butler, MCIP, RPP
Manager, Development Approvals
The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2502| F: 905-871-6411

From: "Steve Simkus" <> "Aaron Butler"
To: <AButler@forterie.ca>
Date: 01/11/2022 05:19 PM
Subject: Development Plans for Black Creek Road?

Hi Aaron:

I've reached out previously to you regarding tree clearing on an undeveloped parcel of land on the west side of Black Creek Road. Happy to report there's been no further tree clearing activity since we last corresponded in July, but I was curious if there have been any development proposals submitted for this land that you've been made aware of? I have heard conflicting rumors from various sources, so I thought I would ask directly, to confirm or put an end to these rumors.

Obviously with property on the east side of Black Creek we remain very interested in learning about any potential new neighbors; any information that you might have would be greatly appreciated.

Thanks and Regards,

Steve Simkus

Thanks for connecting.

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

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

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

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

Public Comment Response Table – Spring Creek Estates – Draft Plan of Subdivision and Combined Official Plan and Zoning By-law Amendment (Town Files 350302-131, 350309-0540 & 350308-0123)

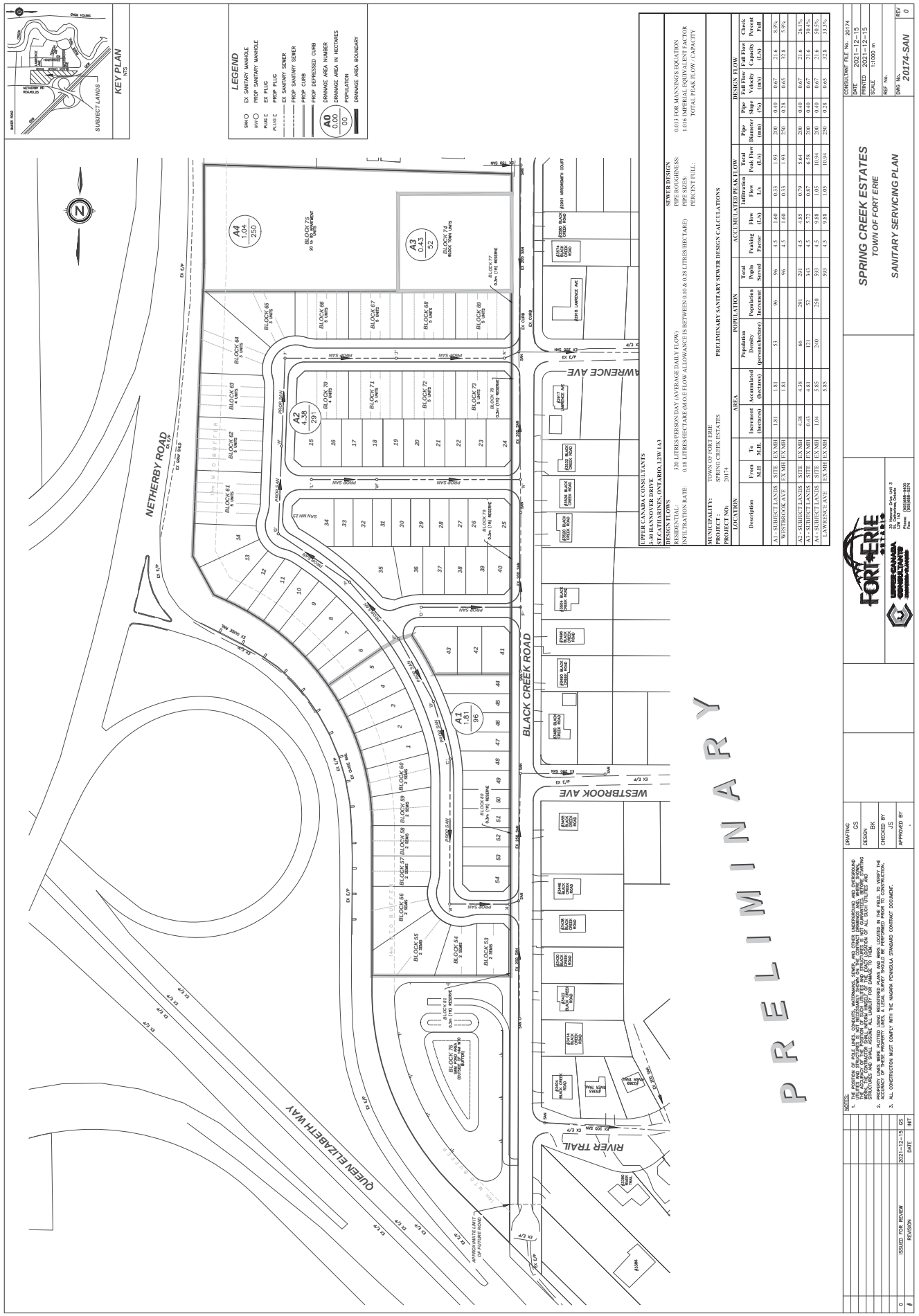
No.	Comment	Commenter	Comment Submission Type	Response
1	Density of Development Location of the proposed high density block (Block 75) conflicts with the Town's development guidelines.	Greg Hunter	Email Submission, April 1, 2022	The Douglastown – Black Creek Secondary Plan envisions the development of these lands with 100 units – possibly for assisted living. The location is at the perimeter of the neighborhood as contemplated in the Town's subdivision guidelines. Policies in the Secondary Plan for medium density residential development specifically indicated that approximately 200 medium density residential dwelling units should be located west of Black Creek Road.
2	Traffic • Traffic Study misrepresented actual traffic data by 50%. • Development will increase volume at Black Creek / Baker Road intersection. • Third access should be provided for Douglastown. • Potential conflict between the driveway from Lot 34 and the proposed all-way stop.	Greg Hunter	Email Submission, April 1, 2022	The traffic study was completed by a qualified professional and reviewed by Town, Regional and MTO Staff. No concerns have been cited by these parties. No issues were identified by the Town with the Black Creek / Baker Road intersection. The developer is voluntarily undertaking additional assessment on this intersection. Results of this assessment will be available at the Public Meeting. Netherby Road is a Regional Road. The portion of Netherby Road between the QEW and Baker Road where the development lands have frontage is a controlled access highway under MTO jurisdiction. The MTO has indicated via email to the applicant that a road or driveway access to this portion of Netherby Road would not be permitted by the MTO. The Town is currently investigating the feasibility of a third access to the Douglastown Neighbourhood and it is the applicant's understanding that the results of this investigation are expected to be presented to Council in early May 2022. It is understood that the study will provide an analysis of the feasibility of providing an access from the subdivision to Netherby Road. The driveway for Lot 34 will be provided from Street C and will be a minimum 7.5m from the intersection per the Zoning By-law and TAC guidelines.
3	Sewage • The construction of more homes may result in increased frequency of sewage backups in the area. • Concern with the capacity of pumping stations / sewage lagoons. • Discrepancy between Niagara Region Wastewater Masterplan and MECP compliance approval for sewage lagoon capacity. • The Niagara Regions 2016 Waste Water Master Plan calculates sewage flows at 275 L of sewage per person per day. The Town of Fort Erie Subdivision Control Guidelines calculates sewage flows at 320 litres per	Greg Hunter	Email Submission, April 1, 2022	A Functional Servicing Study was completed by a Professional Engineer in support of the applications. The study assessed sanitary sewage capacity in the municipal sanitary sewers, pumping stations and lagoons and the capacity of the infrastructure to accommodate the development. No capacity issues were identified. The functional servicing study was reviewed by Town Infrastructure Services Staff who indicated they agreed with the conclusions of the study. Regional Engineering Staff also reviewed the study and did not indicate any issue with the report. The Region assesses sewage capacity and did not have any concerns with the proposed development. A volume of 320 liters per person per day was used to estimate sewage flows from the development in the Functional Servicing Study. It is understood that there were instances of basement flooding in March 2022 that the Town is currently investigating. The Town has indicated that this occurrence was related to extraneous flows into the system and not related to sanitary capacity issues. The addition of more homes to the neighbourhood would not increase the instances of basement flooding.

No.	Comment	Commenter	Comment Submission Type	Response
	person per day. Which figure was used to determine capacity.			
4	Ecology • The site was clear cut between 2018 and 2021 prior to the Environmental Impact Study.	Greg Hunter	Email Submission, April 1, 2022	The site did not contain any features that were regulated by the NPCA or the Region or any area identified by the Town. The developer did not contravene any laws by removing vegetation.
5	Sound • Sound barriers are ugly and attract graffiti and vandalism. Prefer not to have a sound wall or consider trees instead. • Sound Study uses "predictive modelling" rather than actual on-site measurements and does not account for the elevation of the off-ramp relative to the site.	Greg Hunter	Email Submission, April 1, 2022	Valcoustics, the noise consultant attended the site to undertake sound measurements and was provided with contour elevations for the site. The noise study was completed by a professional acoustical engineer who scoped the study in consultation with the Region of Niagara in accordance with MOE noise guidelines. Recommendations were made based on existing site topography and conditions. The barrier suppliers do have designs to protect the wall against graffiti and vandalism (details should be checked with the suppliers). Unfortunately despite being able to block the view of a roadway, trees do very little in reducing noise.
6	Stormwater Management Pond and Park • Consider relocating stormwater management pond to the north of the development to better function as a neighbourhood park.	Greg Hunter	Email Submission, April 1, 2022	The developer is committed to an attractive, park like stormwater management facility. The facility will be well connected to the neighbourhood via a multi-use trail along Black Creek Road. The location of the pond is determined by the natural site topography, the Stormwater Master Plan for the neighbourhood and the location of the outlet. Land generally drains to the south and east. Pond must be located at low point where land generally drains and must outlet to Black Creek. The stormwater management facility will be municipal infrastructure. The developer is responsible for locating the infrastructure within the development lands, constructing the infrastructure and then dedicating it to the municipality following the construction and maintenance period.
7	Traffic / Roads • Concerns with traffic volume. • Data in Traffic Study is skewed (COVID, no public transit, construction vehicles). • The Traffic Study did not analyze all of the relevant intersections.	Various	Open House Meeting, April 7, 2022	Two traffic studies were completed at the request of the Town and MTO. Neither study identified any concerns with respect to increased traffic volume from the subdivision. The applicant has voluntarily commissioned an addendum to the Traffic Study to address concerns heard at the information meeting. The results of the addendum will be available at the Public Meeting. The Traffic Impact Studies used both current traffic counts and traffic counts from prior to COVID (adjusted for growth) to ensure accuracy of estimates. See response under item 2 regarding additional access to the community.

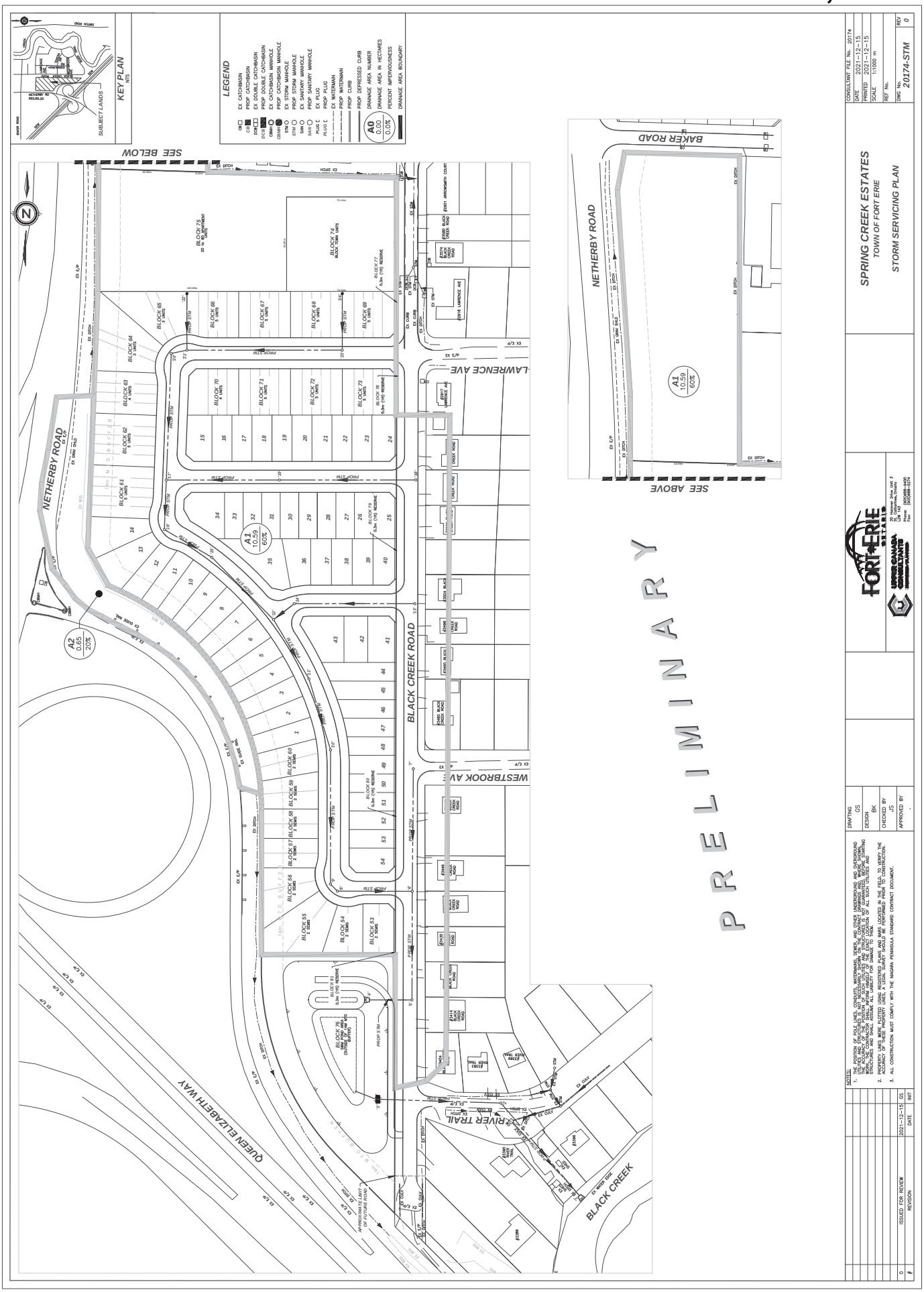
No.	Comment	Commenter	Comment Submission Type	Response
	• Need for another access into the community. • Street parking concerns. • Concerns with vehicles speeding in the community. • Will Black Creek Road be urbanized?			Parking will be permitted on one side of each of the new road. All dwelling units meet the Town's standard for parking so street parking is not anticipated to be an issue. Speeding vehicles are an enforcement issue and not related to the approvals process for this development. Black Creek Road will be urbanized by the developer as part of this project. A portion of the urbanization will be covered through the Town's development charges.
8	<u>Municipal Infrastructure</u> • Sewage capacity concerns due to history of sewage backups in the area. • The Town is aware that there is no sewage capacity and is dumping raw sewage into the creek. • Concern that this development along with the ongoing development of surrounding lands will overwhelm infrastructure. • Where will stormwater outlet? • Ontario Power Generation controls flows in the creek. • Concern that the development will result in flooding of adjacent dwellings. • Concern with use of swales for stormwater management. • Will underground sewers be used for stormwater management? • Will existing catchbasins on Black Creek Road feed into the proposed stormwater management facility? • Will the stormwater management pond be under public or private ownership?	Various	Open House Meeting, April 7, 2022	A Functional Servicing Study was completed by a Professional Engineer in support of the applications. The study assessed sanitary sewage capacity in the municipal sanitary sewers, pumping stations and lagoons and the capacity of the infrastructure to accommodate the development. No capacity issues were identified. The functional servicing study was reviewed by Town Infrastructure Services Staff who indicated they agreed with the conclusions of the study. Regional Engineering Staff also reviewed the study and did not indicate any issue with the report. The stormwater outlet is Black Creek. The outlet will be constructed in the municipal right of way between 3390 and 3396 Black Creek Road. The detailed design of the outlet will be completed following draft plan approval and will be subject to review and/or approval by the Town, Region, NPCA and MECP. The development's contribution of flow to Black Creek is inconsequential to natural and OPG fluctuations in water levels. The contribution of stormwater to Black Creek will not impact flooding from Black Creek. The use of rear yard swales for stormwater management is standard practice and is a generally accepted method for handling stormwater from development. The Town's Subdivision Control Guidelines permit the use of rear yard swales. Underground storm sewers will be used for stormwater management but not the storage or treatment of stormwater. A wet pond is proposed to treat stormwater as is common practice for subdivision developments. Stormwater collected within catchbasins in Black Creek Road south of Lawrence Avenue will drain to the proposed stormwater management pond within the subdivision. Catchbasins in Black Creek Road north of Lawrence Avenue will continue to drain to the pond in the River Trail Subdivision. The stormwater management pond in the subdivision will be constructed by the developer at their cost and will be transferred to the Town following a maintenance period.

No.	Comment	Commenter	Comment Submission Type	Response
9	Parks • No park or playground provided for the development. • Consider converting stormwater management pond into an underground facility to allow for the block to be developed into a park.	Various	Open House Meeting, April 7, 2022	The Town's Parks and Open Space Master Plan does not identify the need for a park within the subdivision. A large park will be provided in Phase 2 of the Black Creek Signature Subdivision and short distance to the north and the development will also be serviced by the park within the River Trail Subdivision. The Town generally discourages the use of underground stormwater management facilities due to maintenance issues. There are opportunities available to the Town for using the proposed stormwater management facility for recreational purposes.
10	Apartment Block • The Secondary Plan permits a 3-storey apartment. The application proposes a 4 storey apartment. • There is an existing senior's living facility and therefore no need for additional seniors' living in Black Creek. • Will there be a fence between the apartment buildings and the Church? • How will the property be sited? • The community does not have the amenities required to support apartment development. • How will traffic from the apartment block be controlled? • Will the apartment block be developed as a gated community? • Will the apartment block be income-based housing?	Various	Open House Meeting, April 7, 2022	While the secondary plan contemplates a maximum height of 3 storeys, it is also prescriptive in requiring an apartment building with up to 100 units in the location where the apartment building is proposed. As a means of efficiently using the apartment block, the applicant is requesting a maximum height of 4-storeys. Due to the site's adjacency to Netherby Road, commercially zoned lands and institutional uses, there will be no privacy or overlook issues from this increased height. While there may be other development geared to seniors in the area, the neighbourhood proper does not include any apartment or senior's oriented housing opportunities. The developer is proposing to zone the higher density block to permit an apartment and stacked townhouses as a means to permit existing residents with the opportunity to age in place. A wood privacy fence will be provided between the higher density block and the church at the developers cost. There is a parcel of land immediately north of the proposed apartment block which is designated and zoned for commercial purposes. The addition of the residential units to the neighbourhood increases the feasibility of locating neighbourhood amenities in this location. The immediate area benefits from a community centre, church, access to trails and proximity to an existing and proposed parks which are all considered amenities. Traffic from the apartment block will enter and exit via a private driveway with access to Black Creek Road. The access will not be gated. There is no proposal for income based or affordable housing within the apartment block at this time.
11	Zoning / Land Use Regulation • What site-specific zoning relief is requested for the development? • What are the criteria for determining "Medium-density Residential"?	Various	Open House Meeting, April 7, 2022	The details of the site specific zoning requested are included in the Notice of Public Information Meeting, Notice of Public Meeting and will be included in the Information Report to Council. Medium density residential development is proposed to a maximum density of 75 units per hectare in the area of the apartment/stacked townhouse block and between 17 and 50 units per hectare in other parts of the site. These densities are consistent with the secondary plan parameters for medium density development.
12	Development Charges	Various		Development charges are utilized in accordance with the approved development charges by-law and associated schedules. Currently, the Town does not have area specific development charges.

No.	Comment	Commenter	Comment Submission Type	Response
	• The community will not directly benefit from the development charges levied through the proposed development.		Open House Meeting, April 7, 2022	



LOCATION			AREA			POPULATION			ACCUMULATED PEAK FLOW				DESIGN FLOW				
Description	From MH	To MH	Increment (hectares)	Accumulated (hectares)	Population Density (persons/hectare)	Population Increment	Total Popln Served	Peaking Factor	Flow (L/s)	Infiltration Flow L/s	Total Peak Flow (L/s)	Pipe Diameter (mm)	Pipe Slope (%)	Full Flow Velocity (m/s)	Full Flow Capacity (L/s)	Check Percent Full
A1- SUBJECT LANDS	SITE	EX MH1	1.81	1.81	53	96	96	4.5	1.60	0.33	1.93	200	0.40	0.67	21.6	8.9%
WESTBROOK AVE	EX MH1	EX MH2		1.81			96	4.5	1.60	0.33	1.93	250	0.28	0.65	32.8	5.9%
A2- SUBJECT LANDS	SITE	EX MH3	4.38	4.38	66	291	291	4.5	4.85	0.79	5.64	300	0.40	0.67	21.6	26.1%
A3- SUBJECT LANDS	SITE	EX MH3	0.43	4.81	121	52	343	4.5	5.72	0.87	6.58	300	0.40	0.67	21.6	30.4%
A4- SUBJECT LANDS	SITE	EX MH3	1.04	5.85	240	250	593	4.5	9.88	1.05	10.94	300	0.40	0.67	21.6	50.5%
LAWRENCE AVE	EX MH3	EX MH2		5.85			593	4.5	9.88	1.05	10.94	250	0.28	0.65	32.8	33.3%


KEY PLAN
NTS
SUBJECT LANDS
LEGEND
EX. CATCHBASIN
PROP. CATCHBASIN
EX. DOUBLE CATCHBASIN
PROP. DOUBLE CATCHBASIN
EX. STORM MANHOLE
PROP. CATCHBASIN MANHOLE
EX. STORM MANHOLE
PROP. STORM MANHOLE
EX. SANITARY MANHOLE
PROP. SANITARY MANHOLE
EX. PLUG
PROP. PLUG
EX. WATERMAIN
PROP. WATERMAIN
PROP. CURB
PROP. DEPRESSED CURB
DRAINAGE AREA NUMBER
DRAINAGE AREA IN HECTARES
PERCENT IMPERVIOUSNESS
DRAINAGE AREA BOUNDARY
SEE BELOW
SEE ABOVE
NETHERBY ROAD
BAKER ROAD
LAWRENCE AVE
BLACK CREEK ROAD
WESTBROOK AVE
RIVER TRAIL
QUEEN ELIZABETH WAY
BLACK CREEK
PRELIMINARY
SPRING CREEK ESTATES
TOWN OF FORT ERIE
STORM SERVICING PLAN
CONSULTANT FILE No. 20174
DATE 2021-12-15
PRINTED 2021-12-15
SCALE 1:1000 m
REF No.
DWG No. 20174-STM
REV 0
NOTES:
1. THE POSITION OF UTILITIES (WITHIN, WITHIN, AND OTHER) UNDERGROUND, AND ABOVEGROUND STRUCTURES SHOWN HEREON ARE BASED ON EXISTING RECORDS AND FIELD LOCATIONS AND ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UTILITIES PRIOR TO COMMENCING WORK. THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND BE RESPONSIBLE FOR ANY DAMAGE CAUSED TO THEM.
2. PROPERTY LINES WERE PLOTTED USING REGISTERED PLANS AND BARS LOCATED IN THE FIELD. TO VERIFY THE ACCURACY OF THESE PROPERTY LINES, A LEGAL SURVEY SHOULD BE PERFORMED PRIOR TO CONSTRUCTION.
3. ALL CONSTRUCTION MUST COMPLY WITH THE NIAGARA PENINSULA STANDARD CONTRACT DOCUMENT.
DRAFTING CS
DESIGN BK
CHECKED BY VS
APPROVED BY -
0 ISSUED FOR REVIEW 2021-12-15 GS
REVISION DATE INIT
FORT ERIE ONTARIO
UPPER CANADA CONSULTANTS
30 Hannover Drive, Unit 7
St. Catharines, Ontario
Phone (905)688-9400
Fax (905)688-5274

Ecological & Environmental Solutions

November 25, 2021

Matt Kernahan, MCIP, RPP
Planning Manager
Upper Canada Planning & Engineering Ltd.
30 Hannover, Unit #3
St. Catharines, ON, L2W 1A3

Dear Mr. Kernahan,

Re: Black Creek Road Subdivision – BMP Recommendations
0-17482 Black Creek Rd, *Town of Fort Erie*

Ecological & Environmental Solutions (EES) was retained by Capital Contracting to provide a preliminary assessment of the property located at 0-17482 Black Creek Rd (ARN:270304005524600 &270304005524625) in the Town of Fort Erie, and to review the EIS Scoping prepared by the Region of Niagara.

The Draft Plan of Subdivision prepared for the subject property proposes 225 units of mixed density housing, including detached and semi-detached homes, town homes, and an 80-unit apartment block. An 8400m^2 Storm Water Management (SWM) facility is located in the southern portion of the property, and a noise barrier will be installed along a portion of the western property boundary (Appendix).

A Regional EIS Scoping Checklist, prepared April 27, 2020 following a site visit with Regional staff on the same day, was provided with the pre-consultation agreement (August 12, 2021). The checklist was prepared based on the conditions of the site in the spring of 2020 and available air photos. EIS Scoping indicated the potential for Significant Wildlife Habitat and unevaluated wetlands on the property, recommending the completion of Ecological Land Classification, Breeding Bird Studies, Amphibian surveys, and surveys for bats and bat habitat to assess the natural areas.

EES reviewed the Regional comments in the pre-consultation agreement and visited the site on October 1, 2021 to complete a preliminary assessment. The property was largely clear of woody vegetation with only a few isolated trees present along the perimeter of the property. A list of vegetative species present on the property was compiled and a preliminary classification of the community was completed using ELC protocols, noting the dominant vegetation form and soil types. The property was classified as a Goldenrod Forb Meadow Type (MEFM1-1) with moist silty clay soil. The vegetation on the whole property was dominated by Goldenrod and Asters with other species common in disturbed areas, such as Yarrow, Indian Hemp, Knapweed, Thistle, Wild Grape, and Vetch.

Ecological & Environmental Solutions
104-155 Main Street East, Suite 136, Grimsby, ON L3M 1P2
aemcdonald@eesn.ca

A small depression on the east side of the property along Black Creek Road included more wetland species such as sedges, Soft Rush, and some regeneration of Meadowsweet and Dogwood shrubs. However, the pocket was very small (<0.1 hectares) and did not appear to have any surface connection to the roadside ditch leading to Black Creek. The pocket resulted from alterations to grade and the use of heavy equipment allowing moist conditions to develop on the poorly drained soils. Consequently, the area was not identified as a potential wetland and no other potential unevaluated wetlands or watercourses were identified on the subject property. To the west, the property is bound by Netherby Road, which has provided a linear vector for the spread of invasive Phragmites along the perimeter.

There were no other features identified on the subject property and based on this preliminary evaluation, there is no habitat available which would likely support any Species at Risk. It is noted that the roadside ditch along Black Creek Road conveys surface water to the MTO ditch along the north side of the QEW and outlets into Black Creek, east of the subject property.

Following the preliminary site assessment, EES requested an additional site visit with Regional staff to review the current conditions of the site and revise the scoping requirements for an EIS as appropriate to reflect the changes that have occurred since April 2020. The Region confirmed that the current conditions do not support any natural heritage features (woodlands, wetlands, significant wildlife habitat etc.) and agreed there was no watercourse present on the property. Based on these current conditions, Regional staff have agreed to waive the requirements for an EIS for the proposed development (Appendix).

In lieu of an EIS, Regional staff recommended that best management practices be implemented during and prior to construction to ensure no negative impacts to the natural heritage system and adherence to other applicable legislation. EES provides the following recommendations to ensure no negative impacts to the natural heritage system and compliance with all applicable legislation:

- ***Endangered Species Act, 2007; Fish and Wildlife Conservation Act, 1997; Migratory Birds Convention Act, 1994****:* The Endangered Species Act protects all species listed as Threatened or Endangered from being harmed or killed and prohibits destruction of their habitat. The FWCA and MBCA both prohibit harm to nests or eggs of any wild bird. Although there does not appear to be significant habitat for SAR birds on the subject property, it is recommended that any vegetation removal be completed outside of the bird breeding window (between March 15 and September 15) to avoid destruction of nests of migratory birds. If vegetation removal is proposed between March 15 and September 15, a nesting survey may be completed to ensure no active nests are damaged.
- ***Fisheries Act, 1985*****:** Prohibits the deposition of deleterious substances into water containing fish, or in any place where the substance may enter fish habitat. It is recommended that prior to construction, a silt fence barrier be properly installed (OPSD 219.110) along Black Creek Road and the southwestern portion of the property along the QEW. The fencing should be

regularly inspected and maintained throughout the duration of construction to prevent sediment and other substances from being conveyed through the roadside ditch to Black Creek.

- **Stormwater management:** Appropriate quantity and quality controls should be put in place to ensure no negative impact to fish habitat in Black Creek or the associated Provincially Significant Wetland (PSW). The Region has requested that the SWM Report ensures the development meets the Enhanced standard water treatment rule to protect Type 1 Critical Fish habitat in Black Creek.
- **Other mitigation measures:** To encourage connectivity and promote natural cover, a streetscaping plan should be prepared for the proposed development which incorporates native species where possible. Light pollution should be minimized to protect migratory birds by ensuring all exterior lighting, including streetlights, are shielded and installed so that light is directed downward.

As noted by the Region of Niagara, the proposed development is not located within or adjacent to any natural features and does not interfere with any regulated buffer zones. As such, the development does not require environmental studies be completed under the planning act. However, the recommendations provided above will ensure that development conforms to applicable legislation and that best management practices are employed to protect wildlife and the natural heritage system.

We trust that the above will satisfy Regional recommendation to ensure compliance with applicable legislation. If you have any questions regarding the above information, please do not hesitate to contact us.

Sincerely,



Anne McDonald, B.Sc., EPt
Ecologist

Appendix

Anne McDonald

From: Boudens, Adam <Adam.Boudens@niagararegion.ca>
Sent: October 14, 2021 9:29 AM
To: Anne McDonald; Lampman, Cara
Cc: 'Matt Kernahan'; Morrison, Alexander; Jessica Abrahamse (jabrahamse@npca.ca)
Subject: RE: 0-17482 Black Creek Rd: Site visit to review EIS scoping checklist

Follow Up Flag: Follow up
Flag Status: Completed

Hi Anne,

Thanks for arranging the site visit last week. As discussed on-site, as the property has been cleared of vegetation with only new growth remaining on the subject lands, Regional Environmental Planning staff are supportive of waiving the requirement to complete an Environmental Impact Study. Staff instead recommend that best management practices be implemented during and prior to construction to ensure no negative impacts to the natural heritage system and adherence to other applicable legislation (i.e., Migratory Birds Act, Endangered Species Act, etc.).

Please let me know if you have any questions.

Thanks,
Adam

Adam Boudens
Senior Environmental Planner/Ecologist

Planning and Development Services, Niagara Region
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7
Phone: **905-980-6000 ext. 3770** Toll-free: 1-800-263-7215
Adam.Boudens@niagararegion.ca

From: Anne McDonald <amcdonald@eesn.ca>
Sent: Sunday, October 3, 2021 7:50 PM
To: Boudens, Adam <Adam.Boudens@niagararegion.ca>; Lampman, Cara <Cara.Lampman@niagararegion.ca>
Cc: 'Matt Kernahan' <matt@ucc.com>
Subject: RE: 0-17482 Black Creek Rd: Site visit to review EIS scoping checklist

CAUTION EXTERNAL EMAIL: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Hi Adam,

We can meet on Black Creek Road where it intersects with Lawrence Avenue.

See you Tuesday at 10am.

Anne

From: Boudens, Adam <Adam.Boudens@niagararegion.ca>
Sent: September 27, 2021 12:39 PM
To: Anne McDonald <amcdonald@eesn.ca>; Lampman, Cara <Cara.Lampman@niagararegion.ca>
Cc: 'Matt Kernahan' <matt@ucc.com>
Subject: RE: 0-17482 Black Creek Rd: Site visit to review EIS scoping checklist

Hi Anne,

October 5th at 10 am works for me.

Let me know where you would like to meet.

See you then,
Adam

Adam Boudens
Senior Environmental Planner/Ecologist

Planning and Development Services, Niagara Region
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7
Phone: **905-980-6000 ext. 3770** Toll-free: 1-800-263-7215
Adam.Boudens@niagararegion.ca

From: Anne McDonald <amcdonald@eesn.ca>
Sent: Monday, September 27, 2021 11:57 AM
To: Boudens, Adam <Adam.Boudens@niagararegion.ca>; Lampman, Cara <Cara.Lampman@niagararegion.ca>
Cc: 'Matt Kernahan' <matt@ucc.com>
Subject: RE: 0-17482 Black Creek Rd: Site visit to review EIS scoping checklist

CAUTION: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Hi Adam,

Do any of the following times work for you?
Oct 5 – 10am or 2pm
Oct 6 – 11am
Oct 7 – 1:30pm

Anne

From: Boudens, Adam <Adam.Boudens@niagararegion.ca>
Sent: September 27, 2021 11:45 AM
To: Anne McDonald <amcdonald@eesn.ca>; Lampman, Cara <Cara.Lampman@niagararegion.ca>
Cc: 'Matt Kernahan' <matt@ucc.com>
Subject: RE: 0-17482 Black Creek Rd: Site visit to review EIS scoping checklist

Hi Anne,

I'd be happy to meet with you on-site to review EIS scoping requirements.

My availability this week is extremely limited so I suggest we find a date next week that works. I'm currently available from Tuesday – Friday (October 5-8) if you want to suggest a few dates/times that work for you we can go from there.

Thanks,
Adam

Adam Boudens
Senior Environmental Planner/Ecologist

Planning and Development Services, Niagara Region
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7
Phone: **905-980-6000 ext. 3770** Toll-free: 1-800-263-7215
Adam.Boudens@niagararegion.ca

From: Anne McDonald <amcdonald@eesn.ca>
Sent: Monday, September 27, 2021 11:21 AM
To: Lampman, Cara <Cara.Lampman@niagararegion.ca>
Cc: 'Matt Kernahan' <matt@ucc.com>; Boudens, Adam <Adam.Boudens@niagararegion.ca>
Subject: 0-17482 Black Creek Rd: Site visit to review EIS scoping checklist

CAUTION: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Good morning,

I would like to request a site visit with Regional Planning staff to the review the property located at 0-17482 Black Creek Rd in Fort Erie. I understand a pre-consultation meeting was held on Aug 12, and an EIS Scoping checklist was provided based on a previous site visit (April 2020) and existing air photos. Recent review of the site indicates that the current conditions of the site may not reflect what is shown in the air photos, and we would like to meet with staff on site to review the items in the EIS scoping checklist before moving forward with preparing a Terms of Reference.

Please let me know your earliest availability to meet on site and review existing conditions.

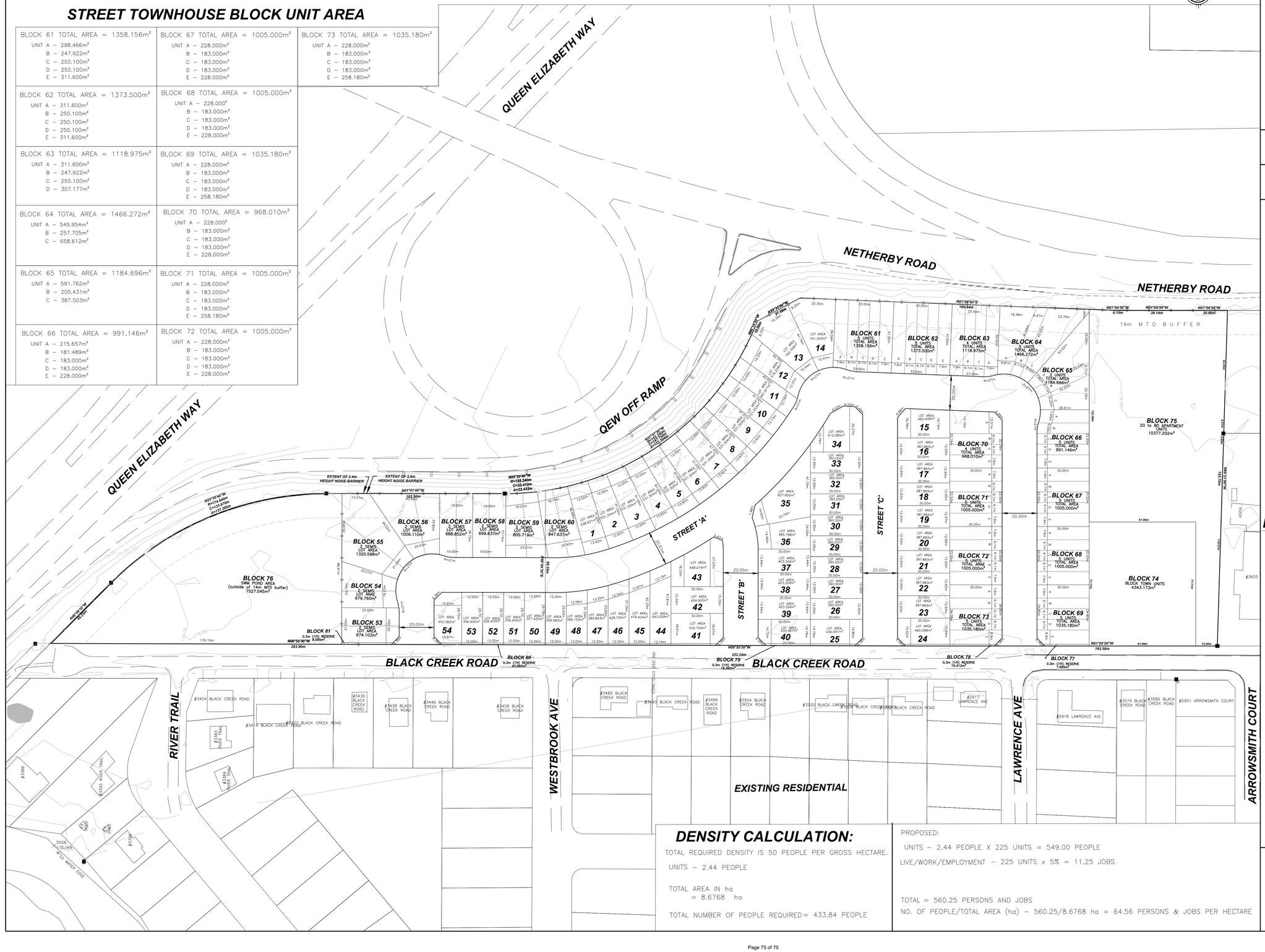
Thank you,
Anne McDonald
The Regional Municipality of Niagara Confidentiality Notice The information contained in this communication including any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

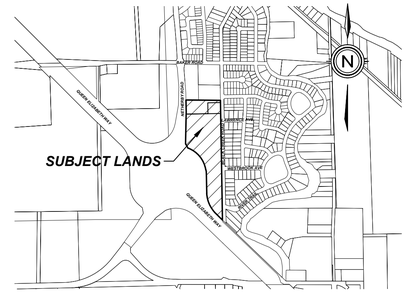
SPRING CREEK ESTATES SUBDIVISION

TOWN OF FORT ERIE

STREET TOWNHOUSE BLOCK UNIT AREA

BLOCK 61 TOTAL AREA = 1358.156m² UNIT A – 298.466m² B – 247.922m² C – 250.100m² D – 250.100m² E – 311.600m²	BLOCK 67 TOTAL AREA = 1005.000m² UNIT A – 228.000m² B – 183.000m² C – 183.000m² D – 183.000m² E – 228.000m²	BLOCK 73 TOTAL AREA = 1035.180m² UNIT A – 228.000m² B – 183.000m² C – 183.000m² D – 183.000m² E – 258.180m²
BLOCK 62 TOTAL AREA = 1373.500m² UNIT A – 311.600m² B – 250.100m² C – 250.100m² D – 250.100m² E – 311.600m²	BLOCK 68 TOTAL AREA = 1005.000m² UNIT A – 228.000² B – 183.000m² C – 183.000m² D – 183.000m² E – 228.000m²	
BLOCK 63 TOTAL AREA = 1118.975m² UNIT A – 311.600m² B – 247.922m² C – 250.100m² D – 307.177m²	BLOCK 69 TOTAL AREA = 1035.180m² UNIT A – 228.000m² B – 183.000m² C – 183.000m² D – 183.000m² E – 258.180m²	
BLOCK 64 TOTAL AREA = 1466.272m² UNIT A – 549.954m² B – 257.705m² C – 658.612m²	BLOCK 70 TOTAL AREA = 968.010m² UNIT A – 228.000² B – 183.000m² C – 183.000m² D – 183.000m² E – 228.000m²	
BLOCK 65 TOTAL AREA = 1184.696m² UNIT A – 591.762m² B – 205.431m² C – 387.503m²	BLOCK 71 TOTAL AREA = 1005.000m² UNIT A – 228.000m² B – 183.000m² C – 183.000m² D – 183.000m² E – 258.180m²	
BLOCK 66 TOTAL AREA = 991.146m² UNIT A – 215.657m² B – 181.489m² C – 183.000m² D – 183.000m² E – 228.000m²	BLOCK 72 TOTAL AREA = 1005.000m² UNIT A – 228.000m² B – 183.000m² C – 183.000m² D – 183.000m² E – 228.000m²	





KEY PLAN
N.T.S.

DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION

PART OF LOT 19

BROKEN FRONT CONCESSION AT SOUTHEAST ANGLE

GEOGRAPHIC TOWNSHIP OF WILLOUGHBY, COUNTY OF WELLAND NOW IN THE TOWN OF FORT ERIE

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY AUTHORIZE UPPER CANADA CONSULTANTS TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE TOWN OF FORT ERIE FOR APPROVAL.

5009823 Ontario Inc. (Mike Colosimo) DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED ARE CORRECTLY SHOWN.

DATE

J.D BARNES LTD.

REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

a) SEE PLAN	e) SEE PLAN	i) CLAY LOAM
b) SEE PLAN	f) SEE PLAN	j) SEE PLAN
c) SEE PLAN	g) SEE PLAN	k) FULL SERVICE
d) SEE PLAN	h) MUNICIPAL WATER	l) SEE PLAN

LAND USE SCHEDULE

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
SINGLE LOT RESIDENTIAL	LOT 1–54	54	2.4864	28.65
SEMI–DETACHED RESIDENTIAL	BLOCK 53–60	16	0.6622	7.63
STREET TOWNHOUSE	BLOCK 61–73	59	1.4551	16.77
BLOCK TOWNHOUSE	BLOCK 74	16	0.4343	5.00
APARTMENT/STACKED TOWNS	BLOCK 75	80	1.0377	11.95
SWM POND	BLOCK 76		1.0086	11.62
ROADWAY			1.5828	18.24
0.3m RESSERVE	BLOCK 77–81		0.0093	0.10
TOTAL		225	8.6768	100.00

DEVELOPABLE AREA: 8.6768 ha
DEVELOPABLE DENSITY: 25.93 units/ha

.	.	.	.
.	.	.	.
0	CIRCULATED FOR REVIEW	2021–10–19	MK/AV
#	REVISION	DATE	INIT

UPPER CANADA CONSULTANTS
ENGINEERS / PLANNERS

DENSITY CALCULATION:

TOTAL REQUIRED DENSITY IS 50 PEOPLE PER GROSS HECTARE.

UNITS – 2.44 PEOPLE

TOTAL AREA IN ha
= 8.6768 ha

TOTAL NUMBER OF PEOPLE REQUIRED = 433.84 PEOPLE

PROPOSED:

UNITS – 2.44 PEOPLE X 225 UNITS = 549.00 PEOPLE

LIVE/WORK/EMPLOYMENT – 225 UNITS x 5% = 11.25 JOBS

TOTAL = 560.25 PERSONS AND JOBS

NO. OF PEOPLE/TOTAL AREA (ha) – 560.25/8.6768 ha = 64.56 PERSONS & JOBS PER HECTARE

DRAWING TITLE

DRAFT PLAN OF SUBDIVISION

DRAFTING	MK/AV
DATE	OCTOBER 19, 2021
PRINTED	OCTOBER 19, 2021
SCALE	1:1000
DWG No.	REV
20174-DP	**0**

Planning and Development Services

Prepared for	Regular Council	**Report No.**	PDS-35-2022
Agenda Date	May 30, 2022	**File No.**	350302-0130 & 350309-0539

Subject

PROPOSED COMBINED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT
124 WINDMILL POINT ROAD SOUTH
QUARTEK GROUP INC - SUSAN SMYTH (AGENT)
CRAIG & KATIE KUHN (OWNERS)

Recommendation

THAT Council receives for information purposes Report No. PDS-35-2022 regarding a proposed Combined Official Plan and Zoning By-law Amendment for 124 Windmill Point Road South.

Relation to Council's 2018-2022 Corporate Strategic Plan

Priority: Managed Growth through Responsibility, Stewardship and Preservation

List of Stakeholders

Quartek Group Inc - Susan Smyth (Agent)
Craig & Katie Kuhn (Owners)
Residents and Property Owners in the Town of Fort Erie

Prepared by:	Submitted by:	Approved by:
ORIGINAL SIGNED	***ORIGINAL SIGNED***	***ORIGINAL SIGNED***
Daryl Vander Veen Junior Development Planner	Alex Herlovitch, MCIP, RPP Interim Director, Planning & Development Services	Chris McQueen Chief Administrative Officer
Reviewed by: ***ORIGINAL SIGNED*** Anamika Dilwaria, MCIP, RPP Acting Manager, Development Approvals		

Purpose

The purpose of this report is to provide information in support of the May 30, 2022 Public Meeting for this proposed Combined Official Plan and Zoning By-law Amendment application for 124 Windmill Point Road South. Susan Smyth of Quartek Group Inc (Agent) submitted the application on behalf of Craig and Katie Kuhn, the Owners of the subject property. The intent of this application is to permit creation of two new lots in the rural area intended for future construction of residential dwellings.

A location map of the subject property is attached as **Appendix "1"**. An application survey sketch is attached as **Appendix "2"**.

Background

An Official Plan Amendment is required to permit creation of two new lots in an area designated as Rural that do not meet the infill policies of Section 4.6.3 II of the Official Plan. The Official Plan policies for lot creation in the Rural area only permit severances on an infill basis. This proposal does not meet the first requirement that "… [an] infilling lot shall mean the establishment of one new dwelling on a new lot which fronts on a public road and which is situated on the same side of the road and between either an existing dwelling and another existing dwelling or a natural heritage feature or an improved road allowance where the distance between such structures or features is 90 metres or less;".

The lands are currently zoned Rural (RU) Zone, in part, Environmental Conservation (EC) Overlay Zone, in part and Environmental Protection (EP) Zone, in part, in accordance with the Town's Comprehensive Zoning By-law No. 129-1990. A Zoning By-law Amendment is required to change the portions of the subject property zoned Rural (RU) Zone to site-specific Rural (RU) Zones to permit reduced lot frontage and reduced lot area for the proposed new lots and reduced lot frontage for the retained lot.

The applicant is also requesting removal of the Environmental Conservation (EC) Overlay Zone from the two proposed residential lots (Parts 1 and 2 on **Appendix "2"**) to facilitate the construction of the future single detached dwellings. The Environmental Conservation (EC) Overlay Zone will be maintained on the remaining portion of the property (Part 3 on **Appendix "2"**). No changes are proposed to areas zoned Environmental Protection (EP) Zone.

Creation of the proposed lots will be subject to future applications to the Town's Committee of Adjustment for severance.

Nature of the Site

The subject property is located in the rural area of the Town of Fort Erie. The property is a through lot that is approximately 11.51 ha in area and has approximately 105.36 m of frontage along Windmill Point Road South and approximately 141.87 m of frontage along Thunder Bay Road. The parcel is mostly wooded, however there is an existing dwelling on the subject property with access from Windmill Point Road South. This dwelling will be retained. The proposed new lots are located on the northern edge of the property and will front onto Thunder Bay Road. Provincially Significant Wetlands exist on the eastern portion of the property and are under the regulation of the Niagara Peninsula Conservation Authority. The wetland areas will not be impacted by the proposed lot creation.

The following summarizes the land uses surrounding the subject property:

North: Thunder Bay Road, wooded area and Provincially Significant Wetlands, and several single detached dwellings around a former quarry that is filled with water.

South: A large rural parcel with a single detached dwelling and single detached dwellings along the Lake Erie waterfront.

East: Provincially Significant Wetlands, wooded area, and single detached dwellings along the Lake Erie waterfront.

West: Provincially Significant Wetlands, wooded area, and single detached dwellings along Windmill Point Road South.

Planning Context

2020 Provincial Policy Statement (PPS)

The lands are within the Rural Area of the Provincial Policy Statement (PPS) and are considered “Rural Lands”, which permits lot creation that is locally appropriate and is compatible with the rural landscape, locally appropriate, can be sustained on private services and will not impact upon agricultural uses, groundwater resources, natural heritage features, archaeological resources or aggregate resources.

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

The lands are within the Rural Area of the Growth Plan for the Greater Golden Horseshoe (Growth Plan) and are considered “Rural Lands”. Creation of lots for residential use is permitted in Rural Lands provided it is compatible with the rural landscape and surrounding local land uses, can be sustained by rural service levels, will not adversely affect the protection of agricultural uses or other resource-based uses such as mineral aggregate operations, and does not constitute the creation of “multiple

lots". The Growth Plan defines "multiple lots" as being the creation of more than three new lots.

2014 Regional Official Plan (ROP)

The Regional Official Plan identifies the subject lands as Rural Area. The ROP permits creation of residential lots in the Rural Area provided it constitutes limited, non-agricultural development that is compatible with the rural landscape, will not negatively impact natural resources or agricultural activities and can be sustained on a private sewage disposal system. The Region has provided comments on how the proposal relates to the ROP's Rural, Core Natural Heritage and Archaeological policies. Detailed comments from Niagara Region are included in the 'Comments from Relevant Departments/Community and Corporate Partners' of this report.

2011 Town of Fort Erie Official Plan

Official Plan Schedule A - Land Use Plan

The Town's Official Plan designates this property as Rural, in part, Environmental Conservation, in part and Environmental Protection, in part. The proposed lots are located in an area of the subject property that is designated Rural and Environmental Conservation.

Planning staff note that areas of the subject property that are designated as Environmental Protection due to the presence of Provincially Significant Wetlands (PSWs) will not be impacted by the proposed consent. The PSW areas will be retained in their entirety on the remnant parcel.

The Environmental Conservation designation will be retained on the remnant portion of the subject property.

Official Plan Rural Policies for Consent to Sever

Creation of residential lots in the Rural area are required to meet the Official Plan infill policies or require an Official Plan Amendment.

Infill lots are defined as *"a new lot which fronts on a public road and which is situated on the same side of the road and between either an existing dwelling and another existing dwelling or a natural heritage feature or an improved road allowance where the distance between such structures or features is 90 metres or less*." The Official Plan also requires a minimum lot area of 0.4 hectares and a minimum frontage of 46 m for new lots in the Rural designation.

An Official Plan Amendment is required as the distance between the two proposed lots and existing dwellings and/or natural heritage features along Thunder Bay Road is

greater than 90.00 m. The other criteria required under Section 4.6.3. II of the Official Plan for consent to sever in the Rural area are met.

Official Plan Schedule B - Mineral Aggregate & Petroleum Resources

Schedule B of the Official Plan illustrates that the subject property is not located within are identified as bedrock resource area or a petroleum resource area. Section 7.3 of the Official Plan requires the protection of petroleum resource operations (wells) as identified by the Ministry of Natural Resources and Forestry (MNR) by ensuring a minimum setback of 75 metres. Staff note that there are no active petroleum wells within 75.00 metres of the subject property as identified on MNR map data of petroleum resources.

Official Plan Schedule C - Natural Heritage Features

Schedule C of the Official Plan identifies portions of the subject property to be Provincially Significant Wetlands (PSWs), Significant Natural Area, Woodlands Over 2 Hectares and Environmental Corridor. The proposed new lots are located in a portion of the subject property that is identified as Significant Natural Area and Woodland Over 2 Hectares.

The Applicant has submitted an Environmental Impact Study (EIS) and an EIS Addendum to address impacts on the natural heritage features on site. Natural Resource Solutions Inc. completed an Environmental Impact Study (EIS) for the subject property in August 2020 and an EIS Addendum in December of 2021. The current lot configuration illustrated in **Appendix "2"** is a result of the conclusions and recommendations of the EIS and Addendum. Highlights of the EIS and Addendum are as follows:

- The proposed new lots off of Thunder Bay Road were reduced in size from 1.18 ha and 1.86 ha to 0.42 ha and 0.51 ha, respectively, to avoid direct impacts to regulated features including, the Significant Woodland, Significant Wildlife Habitats, Six Mile Creek PSW, Environmental Protection Area and Environmental Conservation Area features.
- A wildlife corridor west of the proposed lots was proposed connecting to Thunder Bay Road. The corridor provides connection to the wooded area and wetland area to the north on the other side of Thunder Bay Road. The wildlife corridor is to remain naturally wooded with undisturbed understorey.
- The proposed lot configuration of Part 1 and Part 2 is based on the results of the EIS. The proposed new lots are wholly located outside of a 10.00 m buffer area from Significant Wildlife Habitat and Significant Woodland and a 30.00 m buffer from Provincially Significant Wetlands under the Regulation of the NPCA.

Niagara Region staff have noted that the boundaries of natural heritage features as identified in the EIS Addendum are sufficient and agree with the studies. The NPCA has

similarly commented that they have no objection to this proposal as their regulated features will not be impacted.

A map from the EIS Addendum illustrating the recommended wildlife movement corridor, the recommended lot configuration, and the location of natural heritage features and their associated buffers is attached as **Appendix "3"**.

Official Plan Schedule C1 - Natural Hazards & Fish Habitat

There are no natural hazard areas or fish habitat on or in the immediate vicinity of the subject property as identified on Schedule C1 of the Town's Official Plan.

Official Plan Schedule D - Cultural Heritage Archaeological Zones of Potential

Schedule D of the Official Plan identifies the subject property as being within an area of archaeological potential.

A Stage 1-2 Archaeological Assessment prepared by Detritus Consulting Ltd. in 2017 was submitted with this application. A Stage 1 background research assessment of the site indicated that the subject property exhibited moderate to high potential for the identification and recovery of archaeological resources and so completion of a Stage 2 assessment was recommended. A Stage 2 field assessment occurred on August 21, 2017 consisting of test pits spaced at 5 m intervals across portions of the subject property. No archaeological material was documented in the test pits and so the study concluded that no further archaeological assessment of the subject property is required.

Niagara Region has noted that the current parcel configuration proposed by this application has changed from the time of the fieldwork completed for the original Archaeological Assessment and that this has resulted in some portions of the subject property that were not included in the original assessment. An updated Stage 1 and 2 Archaeological Assessment will be required to be submitted with a future consent application if this application is approved. **Appendix "4"** illustrates those portions of the subject property that were examined in the Stage 1-2 Archaeological Assessments. An acknowledgement letter from the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) will be required as a condition of consent.

Comprehensive Zoning By-law No. 129-1990

The lands are currently zoned Rural (RU) Zone, in part, Environmental Conservation (EC) Overlay Zone, in part and Environmental Protection (EP) Zone, in part, in accordance with Zoning By-law No. 129-1990.

A Zoning By-law Amendment application is required to permit creation of the two new residential lots (Parts 1 and 2 on **Appendix "2"**) as they are deficient in lot area and lot frontage in relation to the base Rural (RU) Zone regulations. Site-specific Rural (RU) Zones are requested with special provisions for the following:

- reduced lot frontage of 68.96 m from 95.00 m and a reduced lot area of 0.42 ha from 6.00 ha for Part 1;
- reduced lot frontage of 52.91 m from 95.00 m and a reduced lot area of 0.52 ha from 6.00 ha for Part 2;
- reduced lot frontage of 20.00 m from 95.00 m for Part 3 (retained lot).

The applicant is also requesting removal of the Environmental Conservation (EC) Overlay Zone from the two proposed residential lots (Parts 1 and 2) to facilitate the construction of the future single detached dwellings. The Environmental Conservation (EC) Overlay Zone will be maintained on the remaining portion of the property. No changes are proposed to areas zoned Environmental Protection (EP) Zone. This application will be circulated to the Town's Environmental Advisory Committee (EAC).

Planning staff note that site-specific zoning to permit reduced lot frontage and reduced lot area for Parts 1 and 2 may not be required if the recently-approved housekeeping amendment to the Zoning By-law clears its appeal period. The housekeeping amendment is due to come into force and effect on May 25, 2022. The new regulations for the Rural (RU) Zone will permit creation of lots for residential purposes provided they have a minimum lot frontage of 46.00 m and a minimum lot area of 1.00 ha. A minimum lot area of 0.40 ha may be permitted if a hydrogeological study is submitted that demonstrates that the lots have sufficient lot area to accommodate septic systems. If these new zoning regulations come into force and effect Part 1 and Part 2 will comply the new RU zone regulations for residential lots.

Tera-Dynamics Consulting Inc. completed a hydrogeological study in October of 2021 to determine if the proposed lots are of adequate size to safely accommodate private septic systems. The study concluded that the lots can be safely serviced with private septic systems provided they are designed to meet certain technical requirements. Niagara Region has reviewed the hydrogeological study and concur with its conclusions subject to future review and approval of the septic system design at the building permit stage.

Financial/Staffing Implications and Accessibility (AODA) Implications

All costs associated with processing the application and the development of the property is the responsibility of the owner. No impediments to the AODA legislation are expected as a result of this proposal.

Policies Affecting Proposal

An information open house meeting for this application was held on February 23, 2022. Comments received are summarized in the 'Comments from Relevant Departments/Community and Corporate Partners' section of this report.

Notice of the May 30, 2022 Public Meeting was circulated in accordance with the *Planning Act* by placing an advertisement in the May 5, 2022 edition of the *Fort Erie Post*. In addition, all property owners within 120 metres of the subject lands were mailed a "Notice of Complete Application and Public Meeting" on May 9, 2022.

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

Comments from Relevant Departments/Community and Corporate Partners

A request for comments regarding this Zoning By-law amendment was circulated to relevant Departments/Community and Corporate Partners. Comments received to date are summarized below. Agency/Staff comments are attached as **Appendix "5"**.

Agency Comments

Enbridge Gas Distribution

No objection.

Niagara Peninsula Conservation Authority (NPCA)

The NPCA noted that the proposed lots are located outside of Provincially Significant Wetlands (PSW) and a 30.00 m buffer from the wetlands that is also heavily restricted. NPCA staff is satisfied that the proposal will not negatively impact the Provincially Significant Six Mile Creek Wetland Complex and have no objections.

Niagara Region

Niagara Region notes that the subject property is designated as "Rural Lands" within the Provincial Policy Statement, 2020 ("PPS") and "Rural Area" in the Regional Official Plan ("ROP"). Region staff note that they have reviewed the planning justification report prepared by Quartek and find its analysis relating to Provincial and Regional rural lot creation acceptable.

Region staff have reviewed the hydrogeological study submitted by the Agent and agree with the findings of the study that the proposed new lots can be safely serviced by tertiary private sewage systems. Detailed review of the septic system designs will occur at the future building permit stage to ensure they met Regional requirements.

Niagara Region note that the subject property is impacted by the ROP's Core Natural Heritage System, namely the Provincially Significant Six Mile Creek Wetland Complex and Significant Woodland. Regional staff have reviewed the EIS and EIS Addendum and note that is demonstrates that there will be no significant negative impact on natural heritage features as a result of this proposal provided the specific mitigation measures

and recommendations of the study are implemented through conditions of approval for future applications.

Niagara Region staff have noted that the current lot configuration contains some areas that were not assessed as part of the Stage 1 and 2 archaeological assessment that occurred in 2017 by Detritus Consulting Ltd. Submission of an updated Stage 1 and 2 archaeological assessment will be required as part of a future Consent application and an acknowledgement letter from MHSTC will be required as a condition of approval.

Niagara Region do not object to the proposed Official Plan and Zoning By-law Amendment provided an updated archaeological assessment is submitted with a future Consent application.

Staff Comments

Chief Building Official, Building Division

No comments or objections.

Coordinator, Development Approvals Division

On behalf of the Infrastructure Services Department, Engineering Division, I have reviewed the proposed Zoning By-law Amendment for 124 Windmill Point Road South and have no comments or objections.

Fort Erie Fire Department

No comments or objections.

Community Planning Division

No comments or objections.

Neighbourhood Planner & Urban Designer

The subject property is located outside the urban boundary and is currently designated Rural, in part and Environmental Protection, in part. The lands are zoned Rural (RU) Zone, in part, Environmental Conservation (EC) Overlay Zone, in part and Environmental Protection (EP) Zone, in part.

No comments on urban design.

Public Comments

A public information open house was held virtually via Zoom by Town staff on February 23, 2022 from 5.00 p.m. to 6.00 p.m. All property owners within 120 metres of the

subject lands were notified of the information open house on February 2, 2022 via mailed notice. The open house meeting was attended by Town staff, the Agent and several members of the public. Three members of the public participated in the information open house meeting. No written correspondence from the public has been received as of the writing of this report.

Drainage/Lot Grading

One member of the public inquired if there will be any drainage impacts to parcels along Staniland Park Road that will occur as a result of this proposal

Planning Response

Drainage and lot grading will be reviewed in detail as part of the future Consent application if this Combined Official Plan and Zoning By-law Amendment application is approved. The Owner will be required to submit a grading plan to demonstrate that there will be no negative drainage impacts to adjacent properties resulting from the construction of dwellings on the new lots. The grading plan will be a condition of approval for the consent.

Question about Mapping Feature in Agent's EIS South of Proposed Lots

One member of the public asked for clarification about a green dotted line south of the proposed lots that is visible on mapping associated with the Agent's EIS that was shown during the Agent's presentation during the information open house meeting.

Planning Response

Planning staff and the Agent confirmed that the green dotted line represents a buffer from what was identified as significant woodland on 124 Windmill Point Road South in the EIS. The proposed lots are outside of the significant woodland natural heritage feature and the buffer area.

Alternatives

N/A

Communicating Results

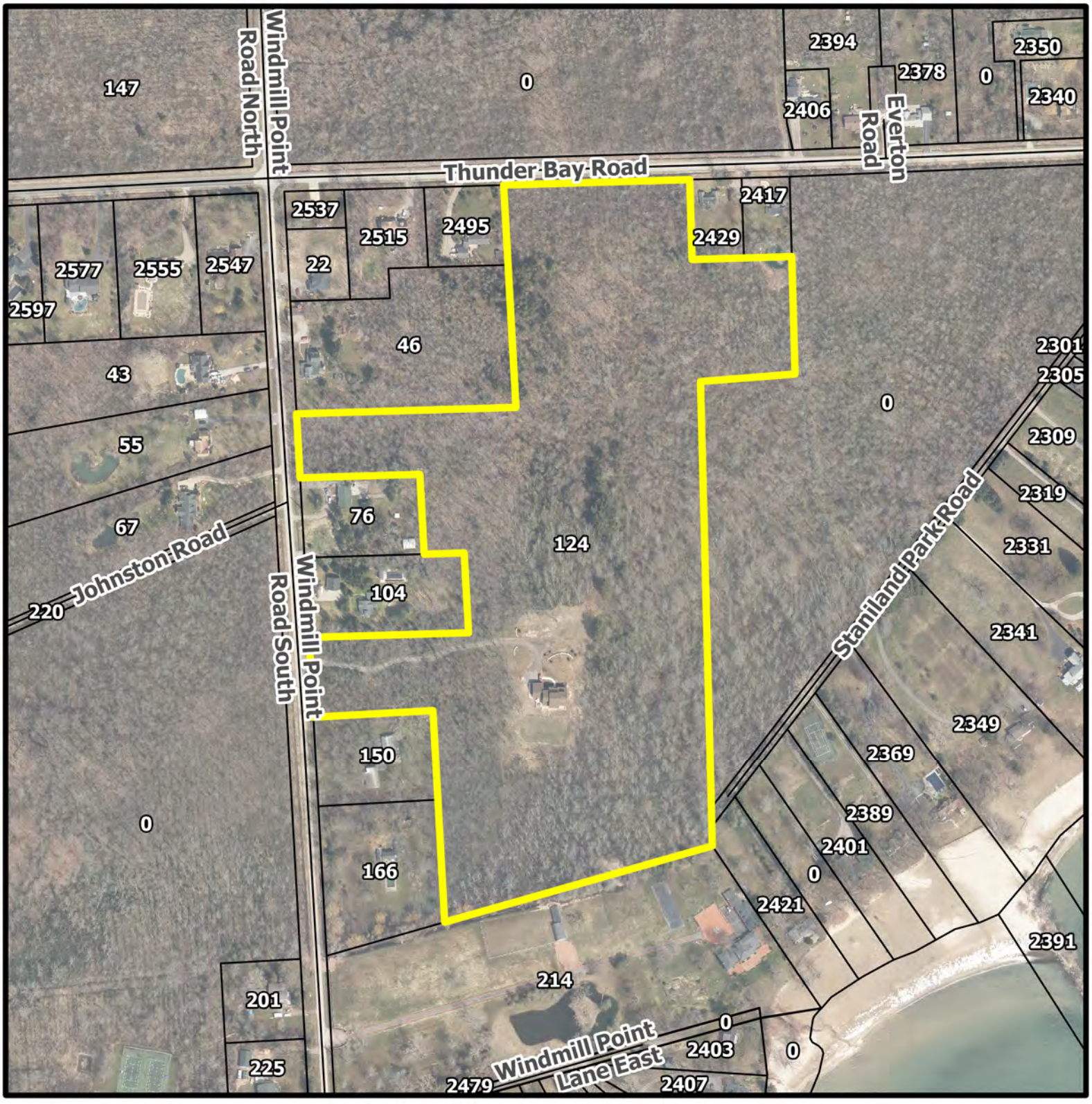
There are no communication requirements at this time.

Conclusion

This report is submitted to Council for information purposes. Should Council approve the Staff recommendation contained herein, Staff will prepare a recommendation report to Council on the proposed Zoning By-law Amendment for a future Council meeting.

Attachments

Appendix "1" - Location Plan
Appendix "2" - Application Survey Sketch
Appendix "3" - EIS Addendum Map
Appendix "4" - Area Reviewed by Archaeological Assessment
Appendix "5" - Agency and Staff Comments



0 65 130 260 Meters

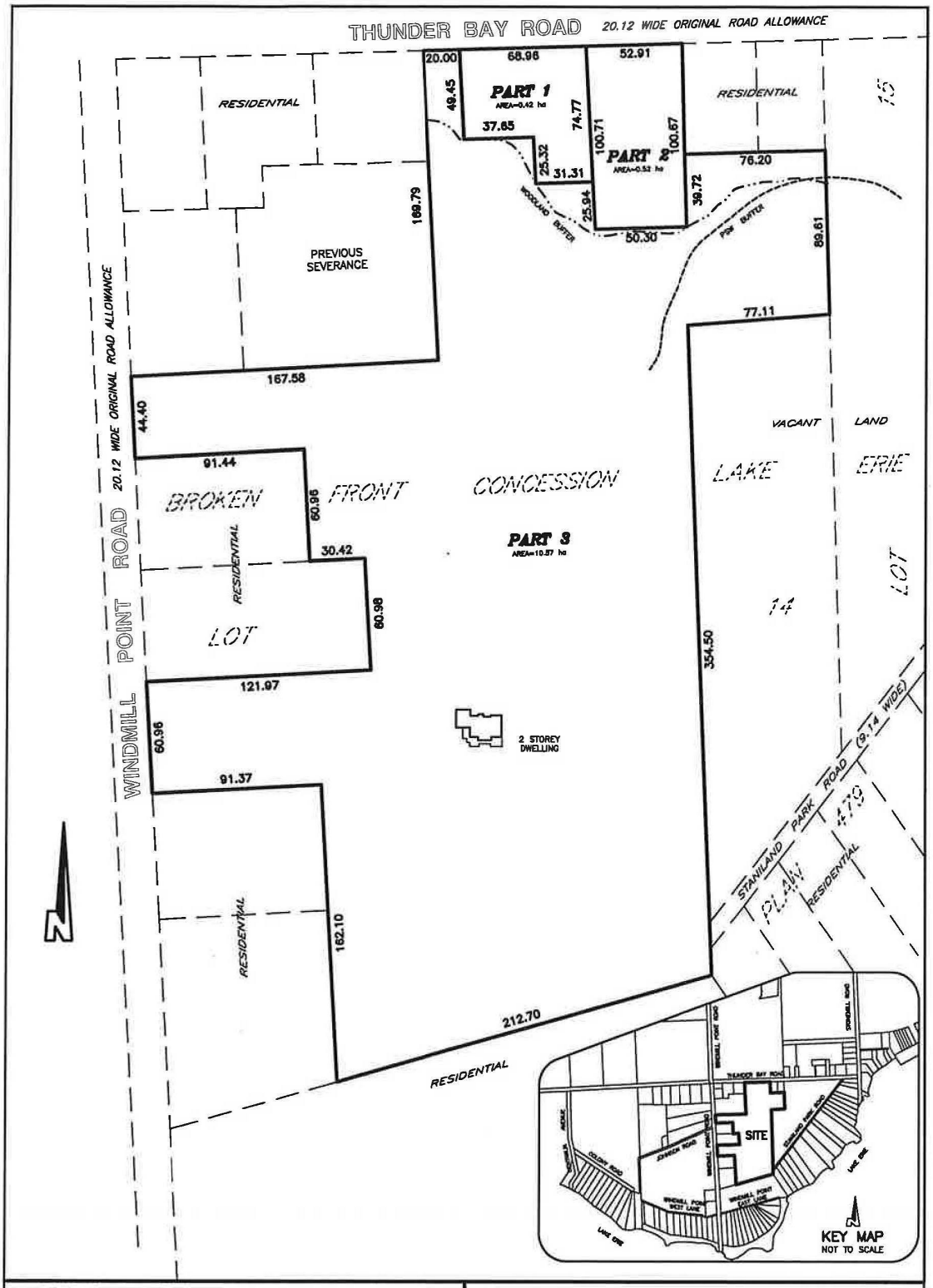
LOCATION PLAN
Combined Official Plan and Zoning By-law Amendment - 124 Windmill Point Road South

Subject Lands - 124 Windmill Point Road South

N

Planning & Development Services
Map created May 18, 2022

FORT ERIE ONTARIO Our Focus: Your Future



SKETCH

PREPARED FOR SEVERANCE APPLICATION

PART OF LOT 14, BROKEN FRONT CONCESSION LAKE ERIE

GEOGRAPHIC TOWNSHIP OF BERTIE

IN THE

TOWN OF FORT ERIE

REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 2500 (METRIC)

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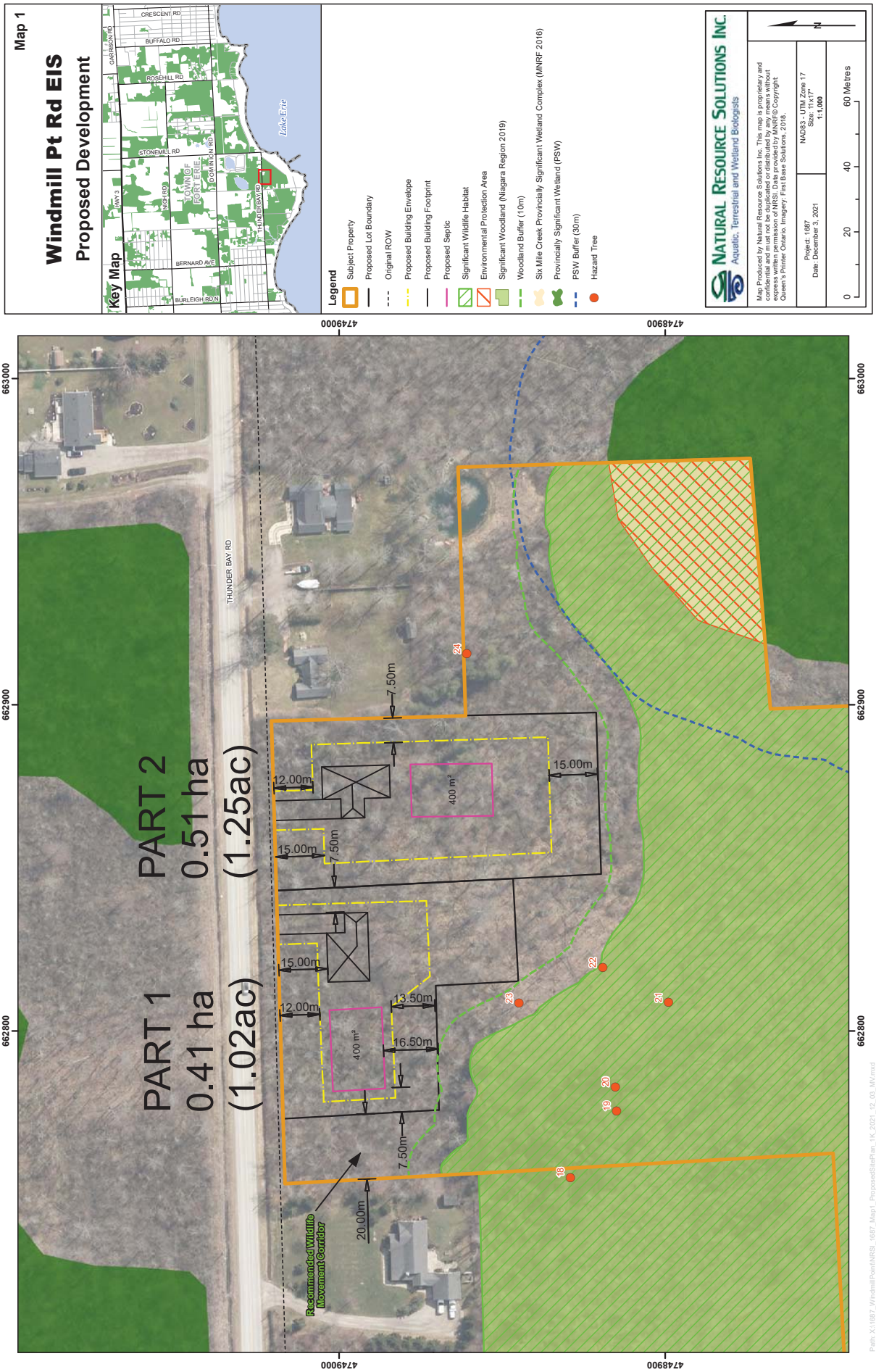
DONALD G. CHAMBERS, B. Sc., O.L.S.

CHAMBERS AND ASSOCIATES SURVEYING LTD

12 THOROLD ROAD EAST
WELLAND ONTARIO
L3C 3T2

(905) 735-7841 / 735-7844
FAX (905) 735-7333
www.cosl-surveying.com

DATE NOVEMBER 15, 2021 FILE No 89-295-2 (89295-2-SEV5)


Map 1
Windmill Pt Rd EIS
Proposed Development
Key Map
Legend
Subject Property
Proposed Lot Boundary
Original ROW
Proposed Building Envelope
Proposed Building Footprint
Proposed Septic
Significant Wildlife Habitat
Environmental Protection Area
Significant Woodland (Niagara Region 2019)
Woodland Buffer (10m)
Six Mile Creek Provincially Significant Wetland Complex (MNRF 2016)
Provincially Significant Wetland (PSW)
PSW Buffer (30m)
Hazard Tree
NATURAL RESOURCE SOLUTIONS INC.
Aquatic, Terrestrial and Wetland Biologists
Project: 1687
Date: December 3, 2021
NAD83 - UTM Zone 17
Size: 11x17
1:1,000
0
20
40
60 Metres
THUNDER BAY RD
Lake Erie
PART 1
0.41 ha
(1.02ac)
PART 2
0.51 ha
(1.25ac)
Recommended Wildlife Movement Corridor
20.00m
7.50m
12.00m
15.00m
13.50m
16.50m
400 m²
663000
662900
662800
474900
474800

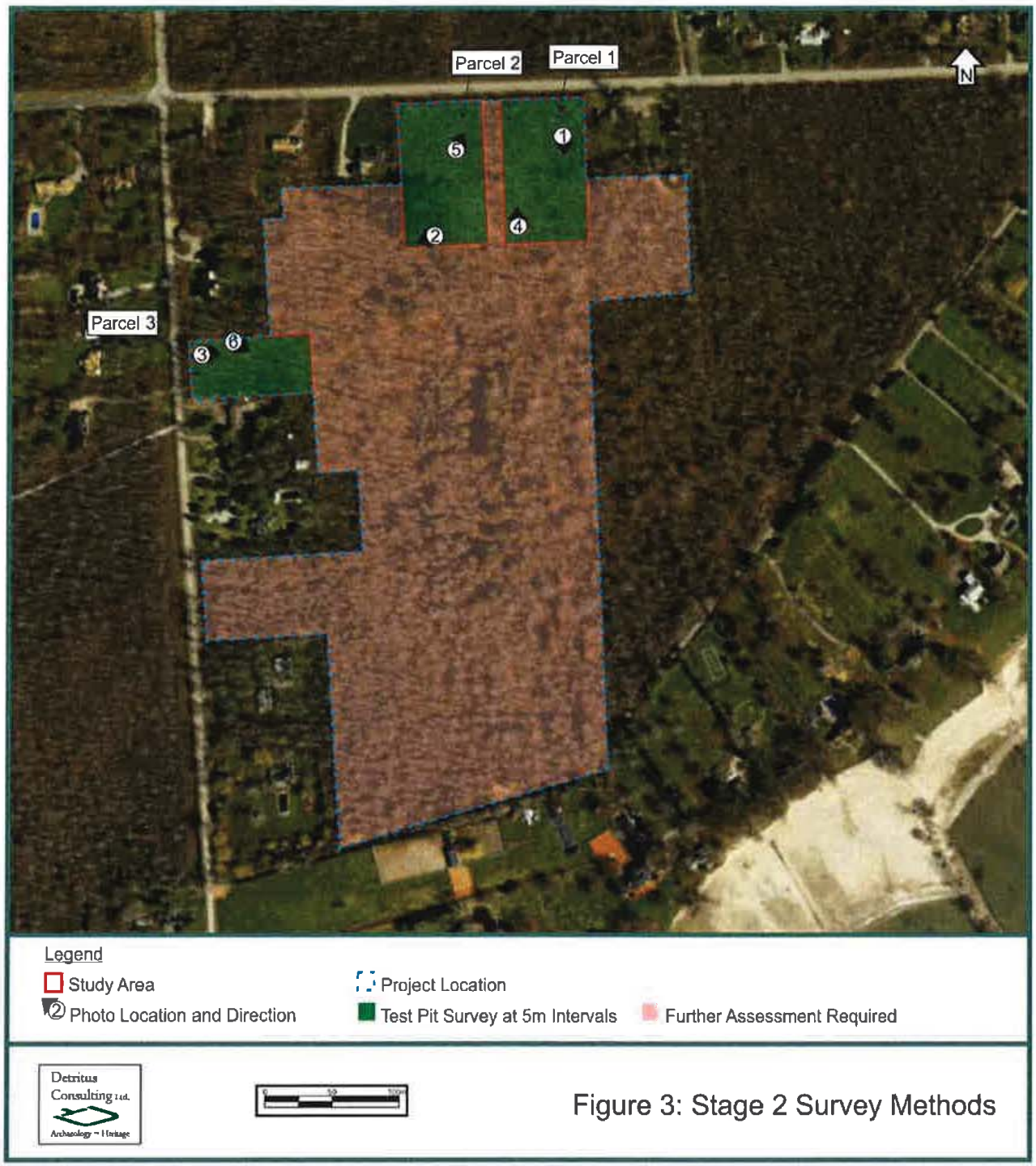


Figure 3: Stage 2 Survey Methods

Niagara Region

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

Via Email

February 8, 2022

Region File: D.10.01.OPA-21-0062
D.18.01.ZA-21-0133

Ms. Anamika Dilwaria
Senior Development Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON, L2A 2S6

Dear Ms. Dilwaria:

Re: Regional and Provincial Review Comments
Proposed Local Official Plan and Zoning By-law Amendments
Applicant: Craig & Katie Kuhn
Agent: Quartek Group Inc. (c/o Susan Smyth)
124 Windmill Point Road South
Town of Fort Erie

Regional Planning and Development Services staff have reviewed the proposed applications to amend the Town's Official Plan and Zoning By-law Amendment as it relates to 124 Windmill Point Road South located in the Town of Fort Erie. The subject property is approximately 28.44 acres (11.51 ha) in size and has approximately 105.36 m of frontage along Windmill Point Road South and approximately 141.87 m of frontage along Thunder Bay Road.

The lands are outside of the Town of Fort Erie's urban area and is designated in the Town's Official Plan as "Rural" in part and "Environmental Protection" in part, and zoned in the Town's Zoning By-law (No. 129-90) as "Rural (RU) Zone" in part, "Environmental Conservation (EC) Overlay Zone" in part, and "Environmental Protection (EP) Zone" in part. The property currently occupies a single-detached dwelling.

The applicant is proposing to amend the Town's Official Plan and Zoning By-law to facilitate future severances to create two residential infill lots, Part 1 and Part 2, that are approximately 1.02 acres (0.42 ha) and 1.25 acres (0.52 ha) in size, respectively. The proposed amendments are required by the Town, as the proposal does not meet the definition of "infill lots" as set out in the Town's Official Plan, and site-specific provisions are needed for a reduced minimum lot area and lot frontage as set out in the Zoning By-law. The applicant is also proposing to remove the EC Overlay Zone from the portion of

the property that is subject to the current application. There are no changes proposed to the EP Zone.

A virtual pre-consultation meeting for this proposal was held on March 25, 2021 with Town staff, Region staff, and applicant in attendance. The following comments are provided from a Provincial and Regional perspective to assist the Town in considering these applications.

Regional and Provincial Policies

The subject property is located outside of the urban area boundary for the Town of Fort Erie and is designated as “Rural Lands” within the *Provincial Policy Statement, 2020* (“PPS”) and “Rural Area” in the *Regional Official Plan* (“ROP”). Provincial and Regional policies state that the prominent use in rural areas shall be for agriculture; however, some non-farm development may be permitted provided such development does not adversely affect the viability of agricultural uses, is compatible with the rural landscape, protects natural features and areas, and can be sustained by rural services.

The ROP sets out that development in the Rural Area will only be permitted where soil conditions are suitable for long-term use of private septic system and water supply. With respect to water resource protection, the ROP states that development and site alteration shall only be permitted where there are no negative impacts on the quantity or quality of surface and ground water. The subject property is located on a highly vulnerable aquifer. Further, in accordance with ROP policies for rural residential lot creation for development consisting of up to three lots, the minimum lot size will be 1 ha unless it is determined through a Hydrogeological Study that soil conditions and a smaller lot size will adequately accommodate private water and sewage treatment facilities for the long-term operation.

Staff have reviewed the “*Hydrogeological Assessment*” prepared by Terra-Dynamics Consulting Inc. (dated October 25, 2021). The Assessment recommends that Part 1 and Part 2 can be safely serviced by private sewage systems provided that both lots are equipped with at least a 75% nitrogen reduction of septic sewage effluent Level IV / Tertiary Treatment, and that the systems adhere to the required Ontario Building Code set-backs from water supplies and surface water. Regional staff concur with the recommendations of the Hydrogeological Assessment and note that sewage system designs, including the specified treatment, is required for review and approval at the future Building Permit stage.

Regional staff have also reviewed the “*Planning Justification and Impact Analysis Report*” (“PJR”) prepared by Quartek Group Inc. (dated December 2021) and find its analysis relating to Provincial and Regional rural lot creation policies acceptable. Therefore, Regional staff do not object to the subject amendment applications from a rural lot creation perspective, in principle, as the proposed future lot creations will not adversely impact any nearby agricultural lands and soil conditions is suitable for long-

term private servicing. Additional discussion relating to archaeological potential and natural heritage system features impacting the subject lands is provided below.

Archaeological Potential

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

At the pre-consultation meeting, Regional staff identified that the subject property exhibits a high potential for the discovery of archaeological resources in accordance with Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI") Criteria for Evaluating Archaeological Potential. Specifically, the site is located within 300 m of known archaeological sites, natural watercourse features, and a significant water body (Lake Erie). The property is also mapped as having "Archaeological Potential" as mapped in the Town's Official Plan "Schedule D - Cultural Heritage Archaeological Zones of Potential".

Regional staff have reviewed the submitted "*Stage 1-2 Archaeological Assessment*" prepared by Detritus Consulting Ltd. (dated October 26, 2017) that assessed a scoped Study Area consisting of three rectangular parcels (totalling 1.82 ha of land) on the subject property, as well as the provided acknowledgement letter from the MHSTCI (dated July 15, 2020).

The Study Area includes lands (labelled as Parcel 1 and Parcel 2 in the Archaeological Assessment) that are subject to the current proposed amendment applications; however, Parcel 1 and Parcel 2 do not appear to include the entirety of the proposed Part 1 and Part 2 lands as depicted within the current amendment applications. Although the Stage 1-2 Assessment concluded that no further archaeological work is recommended for lands within the Study Area; it also notes that all lands on the subject property that were not included within the Study Area retains cultural heritage value or interest and will require archaeological assessment prior to any future development.

Therefore in recognizing that there is lands shown in the proposed lot creation for Part 1 and Part 2 that remain unassessed, Regional staff requires that the Stage 1-2 Archaeological Assessment is updated to include the remaining unassessed portions of Part 1 and Part 2 that were omitted from the original Study Area. Staff notes that the updated Stage 1-2 Archaeological Assessment work can be submitted with the future Consent Application and that the applicable acknowledgement letter from the MHSTCI can be addressed through a condition of consent.

Core Natural Heritage

Regional Environmental Planning staff note that the subject property is impacted by the Region's Core Natural Heritage System ("CNHS"), consisting of the Six Mile Creek Provincially Significant Wetland Complex ("PSW") and Significant Woodland. As such, consistent with ROP Policy 7.B.1.11, an Environmental Impact Study ("EIS") was requested by Regional staff to demonstrate that there will be no significant negative impact on the features or their ecological function as a result of the proposed development/site alteration.

Staff have reviewed the EIS and EIS Addendum prepared by Natural Resource Solutions Inc. ("NRSI") (dated August 2020 and December 31, 2021, respectively) and are satisfied that the boundaries of the features as identified in the EIS Addendum are consistent with the Draft Schedules included within the PJR.

As such, Environmental Planning staff do not object to the proposed amendments, in principle, and will ensure that the specific mitigation measures and recommendations as outlined in the approved EIS are implemented through the conditions of future applications.

Any questions with respect to the above Core Natural Heritage System comments should be directed to either **Adam Boudens**, Senior Environmental Planner / Ecologist, at (905) 980-6000 ext. 3770 (adam.boudens@niagararegion.ca), or **Cara Lampman**, Manager, Environmental Planning at (905) 980-6000 ext. 3430 (cara.lampman@niagararegion.ca).

Conclusion

In conclusion, Regional Planning and Development Services staff do not object, in principle, to the proposed Local Official Plan Amendment and Zoning By-law Amendment applications provided that an updated Stage 1-2 Archaeological Assessment (and its applicable letter of acknowledgement from the MHSTCI) is submitted with the future Consent Application. The updated Assessment must have a Study Area that includes the entirety of the lands that is subject to the proposed lot creation (Part 1 and Part 2). Town staff should be satisfied that the proposed applications meet the intent of all applicable local provisions and requirements.

Regional staff notes that in accordance with the Memorandum of Understanding and ROP Exemption (Chapter 14) policies, the proposed Local Official Plan Amendment is exempt from Regional Council approval. Please send a copy of the notice of Town Council's decision on the applications and a copy of the Official Plan and Zoning By-law Amendments as adopted.

Should you have any questions related to the above comments, please feel free to contact me at alexander.morrison@niagararegion.ca.

Respectfully,



Alexander Morrison, MCIP, RPP
Senior Development Planner, Niagara Region

cc: Cheryl Selig, Manager (A), Development Planning, Niagara Region
Phill Lambert, Director, Infrastructure Planning & Development Engineering, Niagara Region
Susan Dunsmore, Manager, Development Engineering, Niagara Region
Cara Lampman, Manager, Environmental Planning, Niagara Region
Adam Boudens, Senior Environmental Planner / Ecologist, Niagara Region



124 Windmill Point Road - Proposed OPA and ZBA

Keegan Gennings to: Anamika Dilwaria 02/08/2022 12:28 PM

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

Keegan Gennings	124 Windmill Point Road - Proposed OPA and ZBA	

Hi Anamika,

A review of the proposed official plan amendment and zoning by-law amendment has been completed and I have no comments.

Regards,

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

Interoffice Memorandum

February 8, 2022
File No: 350302-130 and 350309-539

To: Anamika Dilwaria, Senior Development Planner
From: Signe Hansen, Manager, Community Planning
Subject: **124 Windmill Point Road South - OPA/ZBA Application**

I have no comments relative to the application for a Zoning By-law Amendment for 129 Cook Avenue.

Pursuant to the March 25, 2021 Pre-consultation meeting, I will have comments relative to future severances.

Regards

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

Interoffice Memorandum

February 7, 2022
File No. 350302-130 and 350309-539

To: Anamika Dilwaria, Senior Development Planner

From: Jeremy Korevaar, Coordinator, Development Approvals

Subject: **Application for Combined Official Plan and Zoning By-law Amendment – 124 Windmill Point Road South**

On behalf of the Infrastructure Services Department, Engineering Division, I have reviewed the proposed Zoning By-law Amendment for **124 Windmill Point Road South** and have no comments or objections.

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

RE: [External] Request for Comments- Proposed Official Plan and Zoning By-law Amendment Applications- 124 Windmill Point Road South

Municipal Planning to: Anamika Dilwaria 01/18/2022 06:44 PM

From: "Municipal Planning" <MunicipalPlanning@enbridge.com>
To: "Anamika Dilwaria" <ADilwaria@forterie.ca>

Anamika Dilwaria	Anamika Dilwaria	Request for Comments- Proposed Official Plan an
Mail Router	Mail Router	*Hi Everyone, A combined Official Plan and Z*
Mail Router	Mail Router	*Hi Everyone, A combined Official Plan and Z*
Mail Router	Mail Router	*Hi Everyone, A combined Official Plan and Z*
Mail Router	Mail Router	*Hi Everyone, A combined Official Plan and Z*

Thank you for your circulation.

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

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Alice Coleman
Municipal Planning Analyst
Long Range Distribution Planning
—
ENBRIDGE
TEL: 416-495-5386 | MunicipalPlanning@Enbridge.com
500 Consumers Road, North York, Ontario M2J 1P8

enbridge.com
Safety. Integrity. Respect. Inclusion.

From: Anamika Dilwaria <ADilwaria@forterie.ca>
Sent: Tuesday, January 18, 2022 4:35 PM
To: Andrew.Carrigan@Canadapost.ca; circulations@mmm.ca; cara.lampman@niagararegion.ca; kathy.levinski@ncdsb.com; kris.watson@cnpower.com; LandUsePlanning@HydroOne.com; Municipal Planning <MunicipalPlanning@enbridge.com>; planification@csdccs.edu.on.ca;

Randy.Leppert@cogeco.com; sue.mabee@dsbn.org; karen.singer@bell.ca; circulations@wsp.com; erik.acs@niagararegion.ca; executivedirector@fenfc.org; craig.krueger@cogeco.com; esavoia@niagaraparks.com; mr18enquiry@mpac.ca; aazouz@csdccs.edu.on.ca; cgrummett@forteriecanada.com; kaudet@forteriecanada.com; scott.whitwell@ncdsb.com; alexander.morrison@niagararegion.ca; aaazouz@csdccs.edu.on.ca; fawn.sault@mncfn.ca; pontdj@hotmail.com; clerk@niagararegion.ca; devtplanningapplications@niagararegion.ca; Ash.Neville@rci.rogers.com; jabrahamse@npca.ca; Sarah_Mastroianni <smastroianni@npca.ca, John.armstrong@rci.rogers.com
Subject: [External] Request for Comments- Proposed Official Plan and Zoning By-law Amendment Applications- 124 Windmill Point Road South

CAUTION: EXTERNAL EMAIL
This email originated from outside Enbridge and could be a phish . Criminals can pretend to be anyone. Do not interact with the email unless you are 100% certain it is legitimate. Report any suspicious emails.

Hi Everyone,
A combined Official Plan and Zoning by-law Amendment application has been received by the Town of Fort Erie for the lands known as 124 Windmill Point Road South. The applicant is requesting an amendment to the Official Plan and zoning by-law to facilitate future severances to create two residential lots.
The subject property is located outside the urban boundary and is currently designated Rural, in part and Environmental Protection, in part. The lands are zoned Rural (RU) Zone, in part, Environmental Conservation (EC) Overlay Zone, in part and Environmental Protection (EP) Zone, in part.

An amendment is requested to the Official Plan as the proposed lots do not comply with the definition of the infill lots outlined in the Plan. The applicant is also requesting to rezone the subject lands to a new site-specific Rural (RU) Zone. The site-specific regulations are requested for the reduction in the minimum lot area and minimum lot frontage requirement of the by-law. The applicant is requesting to remove the EC Overlay zone from the portion of the property that is subject to the current application. No changes are proposed to the EP Zone.

The supporting documents that includes Scan of Official Plan and Zoning By-law Amendment Application, Pre-consultation Agreement, Survey Sketch, Planning Justification Report, Stage 1-2 Archaeological Assessment, EIS report and EIS addendum, Hydrological Assessment Report can be accessed by clicking the link mentioned below:

https://secure-web.cisco.com/1mu1RNQ9_xxHTvLPO2pNg10wwvluw4Hsy--8Sezixnrg2yqmFI6qUSL_iWIwaFK-KUCmdi0cA_aHUDGEVvrXP5o3WKM5jnJELIAIvDsbmHMGrHcMg6-3RvtCkn46eJppmS9viQHFdjoBzD9Vj49_wMzDlPGWiVDo0D7UwzDVdNEGY_J-4VBjF2WxMr1fdIk2ZrLjIWgetU1o6HalBBtdhslqmTs2R1ZpcJN2MiLLkUgDLBYwVvBNTQqPU0cu8_q0NKdpI4ouJ5iavKwpMxI0jQiDSrrsPfhsWXik12RC7hakkHHNLOttq8MDPWYdmxoUW/https%3A%2F%2Ffilr.forterie.ca%3A8443%2Ffilr%2Fpublic-link%2Ffile-download%2Fff8080827e6920bd017e6f1067fe007b%2F1309%2F66885908828514778

52%2F124%2520Windmill.zip

For the Planning and Development Services Department to properly assess the application and prepare our report to Town Council, we would appreciate your comments as they pertain to the scope and jurisdiction of your department or agency in the form of a memorandum or letter. If we do not receive your comments or a request for an extension, staff may interpret this as your approval of the applications as submitted. We would request any comments you have on this application within 20 days (i.e. not later than Tuesday**, February 8th, 2022)**.

Thanks,

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

Thanks for connecting.

For up-to-date information about the Town of Fort Erie's response to the COVID-19 virus, please visit https://secure-web.cisco.com/1v-Bd8YqaM9a82gG5802H5Uqsan7TSjGJoDVDER0U75TmWBjLZYVL-nREvb7MpznlmTjF71Nsl2nZCTBFqprLEALa2V6gUz56A9oNNBATZ_wFPoVb-zCR9Kz8eGX5DEry7PVDXvDDQ3nu8i7wLPJk-8ARUMpyymqq63rVP0AkVg4nwLNajOkG--D13-BYkcgk7_-uKz5_huGB90WS9WNjUyWbH22-cLh40_fK4w4x9dZgjW-ox7PPCoNLsQItB7Md60TKYa_t0vC7lJAwvi82vosi6tCbSnn-DTkxcpa-wjJyX9OxDIzMBGUMmLEOpJMc/https%3A%2F%2Fwww.forterie.ca%2Fpages%2FCovid19News

We also strongly encourage you to stay-up-to-date with the latest advice from Niagara Region Public Health at https://secure-web.cisco.com/1CJcThgwma3BFYmlkE-o1r01PHoVanuMOl52HZzdUfQh3gVuBYAQaLD8vAsPWMJy8ladAbatypHHf3Rm3H5GLodvmsnoO1D18O9pVt5D2EEWnnn_4NwO19_yUa6sp6_48NaNiNlxiCBtUdzicm-NWWQPogAeWE3EhkNC4n9S7Yb1TkmXptRMPtPwxT_P_FBw94-zQlI56VLJnFVpyAVdy8Sm3daxjmyIuIEYaSZHU4zEy22bCa0GTdr4C3mbeFL0aXsh19sITPDb2GWGQFqEhzA0PvVG_tA0t58zyoYvGbVV8i3abDnr7TqDK3l9Fm6WR/https%3A%2F%2Fwww.niagararegion.ca%2Fhealth%2Fcovid-19%2Fdefault.aspx

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

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

Re: Invitation: Request for Comments - Proposed OPA and ZBA Application - 124 Windmill Point Road South (Jan 28 12:00 PM EST)

Ed Melanson to: Anamika Dilwaria 01/19/2022 10:36 AM

From: Ed Melanson/FortErie
To: Anamika Dilwaria/FortErie@TownOfFortErie

	Anamika Dilwaria	Request for Comments - Proposed OPA and ZBA Application - 124 Windmill Po
✓	Mohammad Kamruzzaman	*Accepted: Request for Comments - Proposed OPA and ZBA Application -*
✓	Aaron Butler	*Accepted: Request for Comments - Proposed OPA and ZBA Application -*
✓	Signe Hansen	*Accepted: Request for Comments - Proposed OPA and ZBA Application -*
✓	Pieter Wasserman	*Accepted: Request for Comments - Proposed OPA and ZBA Application -*

Good Morning Anamika,

I have reviewed the attachments for the proposed zoning and official plan amendments and have no objections or questions at this time,

Ed Melanson
Fire Chief / CEMC
Office: (905) 871-1600 ext. 2600
Cell: (905) 329-7255

Anamika Dilwaria https://filr.forterie.ca:8443/filr/public-link/file-dow... 2022-01-18 04:27:10 PM

Invitation: Request for Comments - Proposed OPA and ZBA Application - 124 Windmill Point Road South

2022-01-28 Fri 12:00 PM - 12:15 PM
Attendance is **required** for Ed Melanson
Chair: **Anamika Dilwaria/FortErie**
No Location Information

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

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

Description

[attachment "Internal Staff Circulation Memo -.pdf" deleted by Ed Melanson/FortErie]

https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080827e6920bd017e6f1067fe007b/1309/6688590882851477852/124%20Windmill.zip

Interoffice Memorandum

Date 8 February 2022
File No. 350302-130 and 350309-539

To: Anamika Dilwaria, Senior Development Planner
From: Pieter Wasserman, Neighbourhood Planner & Urban Designer
Subject: **Request for Comments –Combined Official Plan & Zoning By-law Amendment Application**
Location: 124 Windmill Point Road South
Applicant/Owner: Craig and Katie Khun
Agent: Susan Smyth (Quartek Group)

1. OFFICIAL PLAN & SECONDARY PLAN

The subject property is located outside the urban boundary and is currently designated Rural, in part and Environmental Protection, in part. The lands are zoned Rural (RU) Zone, in part, Environmental Conservation (EC) Overlay Zone, in part and Environmental Protection (EP) Zone, in part.

2. URBAN DESIGN

No further comment.

Kind regards,

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

PCW/
Attach. none



RE: Request for Comments- Proposed Official Plan and Zoning By-law Amendment Applications- 124 Windmill Point Road South

Jessica Abrahamse to: Anamika Dilwaria 03/07/2022 01:00 PM

From: "Jessica Abrahamse" <jabrahamse@npca.ca>
To: "Anamika Dilwaria" <ADilwaria@forterie.ca>

Anamika Dilwaria	Anamika Dilwaria	Request for Comments- Proposed Official Plan an
Mail Router	Mail Router	*Hi Everyone, A combined Official Plan and Z*
Mail Router	Mail Router	*Hi Everyone, A combined Official Plan and Z*
Mail Router	Mail Router	*Hi Everyone, A combined Official Plan and Z*
Mail Router	Mail Router	*Hi Everyone, A combined Official Plan and Z*

Hi Anamika,

I have very late comments for this application – The proposed development is located outside of the 30 m PSW buffer with the exception of a small fragment of buffer that extends across Thunder Bay Road. NPCA staff are satisfied that the proposed development will not negatively impact the Provincially Significant Six Mile Creek Wetland Complex. Therefore, no objections to the proposed zoning change, however it is requested that the PSW is zoned Environmental Protection.

With Best Regards,

Jessica Abrahamse M.E.S.
Watershed Planner

250 Thorold Road West, 3rd Floor
Welland, On
L3C 3W2
(905) 788-3135 Ext. 235
jabrahamse@npca.ca
www.npca.ca
NPCA Mapping Tool

Thank you for your email. Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. NPCA enforcement, permitting and planning functions are continuing to operate, however there may be delays in receiving responses to inquiries or complaints due to staff restrictions and remote work locations. Updates with regards to NPCA operations and activities can be found on our website at www.npca.ca/our-voice, the NPCA Facebook page at https://www.facebook.com/NPCAOntario and on Twitter at https://twitter.com/NPCA_Ontario.

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

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

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

From: Anamika Dilwaria <ADilwaria@forterie.ca>
Sent: January-18-22 4:35 PM
To: Andrew.Carrigan@Canadapost.ca; circulations@mmm.ca; cara.lampman@niagararegion.ca; kathy.levinski@ncdsb.com; kris.watson@cnpower.com; LandUsePlanning@HydroOne.com; MunicipalPlanning@enbridge.com; planification@csdccs.edu.on.ca; Randy.Leppert@cogeco.com; sue.mabee@dsbn.org; karen.singer@bell.ca; circulations@wsp.com; erik.acs@niagararegion.ca; executivedirector@fenfc.org; craig.krueger@cogeco.com; esavoia@niagaraparks.com; mr18enquiry@mpac.ca; aazouz@csdccs.edu.on.ca; cgrummett@forteriecanada.com; kaudet@forteriecanada.com; scott.whitwell@ncdsb.com; alexander.morrison@niagararegion.ca; aaazouz@csdccs.edu.on.ca; fawn.sault@mncfn.ca; pontdj@hotmail.com; clerk@niagararegion.ca; devtplanningapplications@niagararegion.ca; Ash.Neville@rci.rogers.com; Jessica Abrahamse <jabrahamse@npca.ca>; Sarah_Mastroianni <smastroianni@npca.ca, John.armstrong@rci.rogers.com
Subject: Request for Comments- Proposed Official Plan and Zoning By-law Amendment Applications- 124 Windmill Point Road South

Hi Everyone,
A combined Official Plan and Zoning by-law Amendment application has been received by the Town of Fort Erie for the lands known as 124 Windmill Point Road South. The applicant is requesting an amendment to the Official Plan and zoning by-law to facilitate future severances to create two residential lots.
The subject property is located outside the urban boundary and is currently designated Rural, in part and Environmental Protection, in part. The lands are zoned Rural (RU) Zone, in part, Environmental Conservation (EC) Overlay Zone, in part and Environmental Protection (EP) Zone, in part.

An amendment is requested to the Official Plan as the proposed lots do not comply with the definition of the infill lots outlined in the Plan. The applicant is also requesting to rezone the subject lands to a new site-specific Rural (RU) Zone. The site-specific regulations are requested for the reduction in the minimum lot area and minimum lot frontage requirement of the by-law. The applicant is requesting to remove the EC Overlay zone from the portion of the property that is subject to the current application. No changes are proposed to the EP Zone.

The supporting documents that includes Scan of Official Plan and Zoning By-law Amendment Application, Pre-consultation Agreement, Survey Sketch, Planning Justification Report, Stage 1-2 Archaeological Assessment, EIS report and EIS addendum, Hydrological Assessment Report can be accessed by clicking the link mentioned below:

https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080827e6920bd017e6f1067fe007b/1309/6688590882851477852/124%20Windmill.zip
For the Planning and Development Services Department to properly assess the application and prepare our report to Town Council, we would appreciate your comments as they pertain to the scope and jurisdiction of your department or agency in the form of a memorandum or letter. If we do not receive your comments or a request for an extension, staff may interpret this as your approval of the applications as

submitted. We would request any comments you have on this application within 20 days (i.e. not later than Tuesday**, February 8th, 2022)**.

Thanks,

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

Thanks for connecting.

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

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

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

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

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the Staff Directory and reach out to the staff member you wish to speak or meet with directly. Our Conservation Areas are currently open, but may have modified amenities and/or regulations.

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

The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and

permanently delete the original and any copy from your computer system . Thank-you. Niagara Peninsula Conservation Authority.

Interoffice Memorandum

February 08, 2022
File Nos. 350302-130 and 350309-539

To: Anamika Dilwaria, M.Pl, MCIP, RPP, Senior Development Planner

From: Mohammad Kamruzzaman, Zoning Technician

Subject: Zoning Review
Combined Official Plan & Zoning By-law Amendment Application
Location: 124 Windmill Point Road South
Applicant/Owner: Craig and Katie Khun
Agent: Susan Smyth (Quartek Group)

The subject property is located outside the urban boundary and is currently designated Rural, in part and Environmental Protection, in part. The lands are zoned Rural (RU) Zone, in part, Environmental Conservation (EC) Overlay Zone, in part, and Environmental Protection (EP) Zone, in part. The subject lands are comprised of a large, irregular shaped lot totalling 11.51 hectares. Curreently the lot has frontage on both Windmill Point Road South (105.36 metres) and Thunder Bay Road (141.87 metres).

An amendment is requested to the Official Plan as the proposed lots do not comply with the definition of the infill lots outlined in the Plan. The applicant also requests to rezone the subject lands to a new site-specific Rural (RU) Zone. The site-specific regulations are requested for the reduction in the minimum lot area and minimum lot frontage requirement of the by-law. The applicant requests to remove the EC Overlay zone from the portion of the property that is subject to the current application. No changes are proposed to the EP Zone.

Zoning Comments are provided based on the survey sketch (prepared for severance application) dated November 15, 2021, and the Conceptual Site Plan (Appendix A) attached with the Planning Justification and Impact Analysis Report.

SECTION 8: RU ZONE – Rural (RU) Zone

Section 8.3 Zoning Regulations

Regulation	Requirement	Part 1	Part 2	Part 3	Compliance
Permitted Use	Single Detached Dwelling	Single Detached Dwelling	Single Detached Dwelling	Single Detached Dwelling	YES
Minimum Lot Frontage	95 m	68.96 m	52.91	20.0 m *	YES

Minimum Lot Area	6 ha	0.42 ha	0.52 ha	10.57 ha	For Part 3 'YES', for part 1 and 2 'NO.'
Maximum Lot Coverage	10%	please provide the lot coverage	please provide the lot coverage	YES but please provide the lot coverage	Please provide the lot coverage
Minimum Front Yard	(i)15 metres for dwellings (ii)30 metres for agricultural buildings and structures.	15.0 m	15.0 m	YES – existing	YES
Min interior Side Yard	(i) 7.5 metres for dwellings. (ii) 23 metres for agricultural buildings and structures.	7.5 m	7.5 m	YES – existing	YES
Min Rear Yard	(i) 15 metres for dwellings. (ii) 30 metres for agricultural buildings and structures.	15.0 m	15.0 m	YES – existing	YES
Maximum Building Height	i) 2-1/2 storeys ii) 10m	Please provide the Building Height	Please provide the Building Height	YES – existing	Please provide the Building Height
Minimum Floor Area for a Dwelling	100 sq.m	Please provide the Minimum Floor Area of the proposed dwelling	Please provide the Minimum Floor Area of the proposed dwelling	YES – existing	Please provide the Minimum Floor Area of the proposed dwelling

*Please note that per Section **"5.201 "LOT LINE, FRONT"** means the lot line that divides the lot from a public or private street, but;

(i) in the case of a corner lot the shorter street line shall be deemed to be the front lot line and the longer street line(s) shall be deemed to be side lot line(s), but

(ii) in the case of a corner lot with two (2) street lines of equal length, the lot line that abuts the wider street, or abuts a Regional Road or Highway shall be deemed to be the front lot line, and in the case of both streets being under the same jurisdiction, or of the same width, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line;

(iii) in the case of a through lot, the front lot line shall be deemed to be the street line where the principal access to adjoining lots is provided

Planning and Development Services

Prepared for	Regular Council	**Report No.**	PDS-36-2022
Agenda Date	May 30, 2022	**File Nos.**	350308-0122 & 350309-0531

Subject

PROPOSED DRAFT PLAN OF SUBDIVISION AND ZONING BY-LAW AMENDMENT
3285 THUNDER BAY ROAD
UPPER CANADA CONSULTANTS - CRAIG ROHE (AGENT)
WESTWIND NIAGARA DEVELOPMENTS INC. - ALFRED BEAM (OWNER)
WESTWIND SHORES SUBDIVISION

Recommendation

THAT Council approves the amendment to the Town's Zoning By-law No. 129-90 as detailed in **Appendix "3"** of Report No. PDS-36-2022 for the lands known as 3285 Thunder Bay Road, and further

THAT Council approves the Westwind Shores Draft Plan of Subdivision dated January 5, 2022, showing 41 lots for single detached dwellings, 2 blocks of parkland, 1 block for shoreline protection area, 1 block for environmental protection area and 2 blocks for road widenings, as attached as **Appendix "2"** of Report No. PDS-36-2022, in accordance with the provisions of the *Planning Act,* R.S.O. 1990 c. P. 13 and the Regulations thereunder, subject to the conditions contained in **Appendix "4"** of Report No. PDS-36-2022, and further

THAT Council directs staff to circulate the Conditions of Draft Plan Approval in **Appendix "4"** of Report No. PDS-36-2022 to the applicable agencies in accordance with the requirements of the *Planning Act*, and further

THAT Council authorizes the entry into an Agreement to amend the Memorandum of Understanding with Westwind Niagara Developments Inc. for 3285 Thunder Bay Road authorized by By-law No. 71-2021, as amended by authority of By-law 123-2021, to replace Appendix "A" to the Memorandum of Understanding with **Appendix "5"** to Report No. PDS-36-2022, and further

THAT Council directs staff to prepare the necessary by-laws.

Relation to Council's 2018-2022 Corporate Strategic Plan

Priority: Managed Growth through Responsibility, Stewardship and Preservation

List of Stakeholders

Upper Canada Consultants - Craig Rohe (Agent)
Westwind Niagara Developments Inc. - Alfred Beam (Owner)
Residents and Property Owners in the Town of Fort Erie

Prepared by:	Reviewed and Submitted by:	Approved by:
ORIGINAL SIGNED	***ORIGINAL SIGNED***	***ORIGINAL SIGNED***
Daryl Vander Veen Junior Development Planner	Alex Herlovitch, MCIP, RPP Interim Director, Planning & Development Services	Chris McQueen, MBA Chief Administrative Officer
Reviewed by: ***ORIGINAL SIGNED*** Anamika Dilwaria, MCIP, RPP Acting Manager, Development Approvals		

Purpose

Craig Rohe of Upper Canada Consultants (Agent) has submitted applications for Draft Plan of Subdivision and Zoning By-law Amendment for lands located at 3285 Thunder Bay Road, on behalf of Westwind Niagara Developments Inc (Alfred Beam), Owner of the subject property. The applications would facilitate the development of a plan of subdivision with 41 lots for single detached dwellings, as well as land for parkland, environmental protection and shoreline protection. A location map showing the subject lands is attached as **Appendix "1"**. The proposed Draft Plan of Subdivision is attached as **Appendix "2"** to this report.

The purpose of this report is to provide a recommendation to Council on the proposed Draft Plan of Subdivision and Zoning By-law Amendment applications.

Background

The subject property is currently zoned Waterfront Residential (WR) Zone in part, and Hazard (H) Zone in part. This Zoning By-law Amendment application proposes to change the zoning of the subject property to Residential 2A (R2A) Zone in part, Open Space (OS) Zone in part, and Environmental Protection (EP) Zone in part in order to implement the proposed plan of subdivision. Portions of the property that are currently zoned Hazard (H) Zone will remain unchanged.

The proposed new zoning corresponds to the following elements of the proposed plan of subdivision:

- Residential 2A (R2A) Zone - 41 lots intended for construction of single detached dwellings.
- Open Space (OS-745) Zone - Land to be acquired by the Town for future park purposes either through parkland dedication or purchase of additional land from the developer in accordance with a Memorandum of Understanding (MOU) previously approved by Council.
- Environmental Protection (EP) Zone - A block of land containing a watercourse regulated by the Niagara Peninsula Conservation Authority (NPCA) and a 10.00 m vegetated buffer intended to protect the watercourse.

The statutory Public Meeting for these applications was held on October 4, 2021. Council received the related Report No. PDS-88-2021 for information purposes that evening.

Nature of the Site

The subject property is located in the Ridgeway-Thunder Bay neighbourhood of the Town of Fort Erie at the southeast corner of Thunder Bay Road and Burleigh Road South. The subject property also has access to the Lake Erie shoreline, which has a mainly rocky beach in this location. A watercourse and associated vegetation traverse the site from the west to the east. The site is generally flat with a gentle slope south of the watercourse towards Lake Erie. A single detached dwelling exists on the south side of the watercourse with a manicured lawn near the shoreline. Lands north of the watercourse contain a detached accessory building and a driveway to Thunder Bay Road. The site is treed mainly on the north side of the watercourse.

The following summarizes the land uses surrounding the subject property:

North: Single detached dwellings north of Thunder Bay Road.
South: Single detached dwellings on Lakecrest Court; the Lake Erie shoreline.
East: Single detached dwellings along the Lake Erie shoreline.
West: Single detached dwellings west of Burleigh Road South.

Planning Context

2020 Provincial Policy Statement (PPS)

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

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

The subject property is within the Greater Golden Horseshoe Growth Plan Area and designated Built-up Area. In general, the Growth Plan directs new residential development within the delineated Built-up Area and encourages opportunities for intensification. The Growth Plan encourages the development of complete communities with a diverse mix of land uses that promote economic development and competitiveness, while provide a range and mix of housing types.

2014 Regional Official Plan (ROP)

The subject lands are within the Urban Area in the Regional Official Plan (ROP). A full range of residential, commercial and industrial uses are permitted within the Urban Area designation, subject to the availability of adequate municipal services and infrastructure. The ROP promotes higher density development and efficient development in Urban Areas. By utilizing existing services and providing a variety housing options in the community, the proposal aligns with Regional growth management policies.

Portions of the property are with the Region's Core Natural Heritage System, including Significant Woodland and Fish Habitat associated with Lake Erie and the watercourse on site. A summary of comments provided by Regional Staff is included in the 'Agency Comments' section of this report.

2013 Ridgeway-Thunder Bay Secondary Plan

Ridgeway-Thunder Bay Secondary Plan – Land Use Designations

The subject property is designated Low Density Residential, Environmental Conservation and Environmental Protection in the Ridgeway-Thunder Bay Secondary Plan. The Secondary Plan states that lands within the Low Density Residential designation are intended for single detached, semi-detached and duplex dwellings, and a density range of up to 25 units per hectare. The proposed Plan of Subdivision has a net density of 18.0 units per hectare, excluding the environmental and parkland blocks, and lands to be dedicated to the Town for road widening and public roads. The gross density of the development is 8.9 units per hectare. Subsection 4.18.6 (c) of the

Secondary Plan notes that new or redeveloping low density development can be expected to comprise smaller lot area and dimension. This assists with maximizing use of the existing infrastructure in the neighbourhood and provides additional housing variety. Details regarding the proposed lot sizes is discussed in the zoning section of this report.

Lands designated Environmental Protection are associated with the Lake Erie shoreline and hazard lands related to the 1-in-100 year floodplain. No development is proposed in this area.

Lands within the Environmental Conservation overlay are identified as being comprised of wooded areas over 2 hectares in size. The applicant completed an Environmental Impact Study (EIS) which has been reviewed by Town Staff, the Environmental Advisory Committee, the Niagara Region and Niagara Peninsula Conservation Authority (NPCA). This is discussed later in the report.

Ridgeway-Thunder Bay Secondary Plan - Open Space Public Waterfront

The Ridgeway-Thunder Bay Secondary Plan notes that public waterfront represents an important component to the overall open space network with respect to broader community interests. The publicly accessible waterfront areas are destinations for many residents and visitors from beyond Fort Erie's boundary. The Secondary Plan notes that the Town shall remain diligent in protecting its public waterfront property and related points of access. The plan encourages the acquisition of additional waterfront lands via implementation of existing Town policy when opportunities arise.

The proposal represents an opportunity to acquire waterfront lands as well as parkland directly adjacent to the waterfront. The applicant has entered into a Memorandum of Understanding (MOU) with the Town which in part details the acquisition of waterfront lands and adjacent parkland should the proposed Zoning By-law Amendment and Draft Plan of Subdivision applications be approved. Details of the MOU are provided later in the report.

2011 Town of Fort Erie Official Plan

Official Plan Schedule A - Land Use Designations

The subject property is designated as Low Density Residential, Environmental Conservation and Environmental Protection in the Town's Official Plan. The proposed development is located outside of the Environmental Protection lands associated with the shoreline of Lake Erie. The lands are with the Ridgeway-Thunder Bay Secondary Plan Area, as detailed above.

Official Plan Schedule B - Mineral Aggregate & Petroleum Resources

Schedule B of the Official Plan illustrates that the subject property is within a petroleum resource area. Section 7.3 of the Official Plan requires the protection of petroleum resource operations (wells) as identified by the Ministry of Natural Resources and Forestry (MNR) by ensuring a minimum setback of 75 metres. Staff note that there are no active wells within 75 metres of the subject property as identified on MNR map data of petroleum resources. The subject property is not within an area identified as having potential for mineral aggregate resources.

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

Schedule C of the Official Plan identifies the subject property as being within a Significant Natural Area associated with the Lake Erie shoreline. Lands within the Significant Natural Area are proposed to be dedicated to the Town for environmental protection. Schedule C also identifies the property as containing Woodlands over 2 hectares. An EIS has been submitted with the applications and will be discussed in detail later in the report.

Official Plan Schedule C1 - Natural Hazards & Fish Habitat

Schedule C1 of the Official Plan identifies the subject property as being within natural hazard area along the Lake Erie shoreline. This area represents the greatest extent of wave uprush, 1-in-100-year flood elevation or erosion risk area along the shoreline and is under the regulation of the NPCA. No development is proposed in this area. The subject property is also identified as being adjacent to fish habitat in Lake Erie. The required EIS has been reviewed by staff and agencies and will be discussed later in the report. The watercourse on the property is also identified on Schedule C1 of the Official Plan is Unclassified Fish Habitat. This has been classified as Marginal (Type 3) through the completion of the EIS.

Official Plan Schedule D - Cultural Heritage Archaeological Zones of Potential

Schedule D of the Official Plan does not identify the subject property as being within an area of archaeological potential. Notwithstanding, the Owner/Agent obtained an archaeological consultant to conduct a Stage 1 & 2 archaeological assessment. The Stage 2 assessment did not locate any cultural heritage or archaeological resources and the study recommended that no further assessment is required for the subject property.

Comprehensive Zoning By-law No. 129-1990

The subject property is currently zoned Waterfront Residential (WR) Zone, in part and Hazard (H) Zone, in part in accordance with the Town of Fort Erie's Comprehensive Zoning By-law No. 129-1990. The subject property currently has Environmental

Conservation (EC) Overlay Zone on it. The Town's Environmental Advisory Committee (EAC) has recommended removal of the EC Overlay Zone following review of the Environmental Impact Study and a site visit.

The attached **Appendix "3"** illustrates the Applicant's proposed zoning changes. The zoning is proposed to be changed from Waterfront Residential (WR) Zone to Residential 2A (R2A) Zone to facilitate the development of 41 single detached dwellings (Part 1). All of the proposed lots meet or exceed the minimum lot frontage and minimum lot area requirements of the proposed R2A zoning. No special provisions are being requested.

Areas for parkland dedication are proposed to be zoned Open Space (OS-745) Zone with special provisions for lot area (Part 2). The watercourse and its buffer are proposed to be zoned Environmental Protection (EP) Zone (Part 3). The existing Hazard (H) Zone is not proposed to be changed. All lands to be zoned OS, EP and H are proposed to be conveyed to the Town through parkland dedication, shoreline dedication and through purchase by the Town.

Draft Plan of Subdivision Design

The proposed Draft Plan of Subdivision contains a new public road to serve the new interior lots of the development. The new road intersects Thunder Bay Road at Gordon Avenue and connects to Burleigh Road South at the west side of the site. The Plan includes nine lots which would have frontage on Thunder Bay Road, as well as two lots with exterior side yard along Thunder Bay Road. Three lots would have exterior side yards along Burleigh Road South, with no driveways proposed along Burleigh Road South. Twelve new lots interior to the subdivision back onto an existing watercourse along the south boundary of the site. Six lots would back onto residential lands to the east at 3261 Thunder Bay Road.

The parkland block adjacent to the Lake Erie shoreline would be accessed via a block with frontage on the new internal public road, which has the potential to provide public parking for the park block.

Conditions of approval for the proposed draft plan of subdivision are attached to this report as **Appendix "4"**.

Memorandum of Understanding

On May 31, 2021, through approval of By-law No. 71-2021, Council authorized entry into a Memorandum of Understanding (MOU) with Westwind Niagara Developments Inc., Owner of the subject lands, for the proposed acquisition of a portion of the property located on the subject lands. The MOU details the acquisition of parklands by the Town, the Developer's responsibilities for upgrading infrastructure in the area, and the Developer's responsibilities for enhanced buffer plantings on the lands. The MOU also details costs and other obligations by both parties.

On July 26, 2021 Council approved the recommendations of report PDS-65-2021, to authorize the entry into an amended MOU which reflects the Draft Plan of Subdivision submitted by the applicant as part of the subject applications. A change to the Draft Plan of Subdivision was made by the applicant as a result of a modification to the new road alignment and a small reconfiguration of one of the open space blocks that is proposed to be used as parking area. This has resulted in the need to consider an amendment to the MOU's Appendix 'A' to reference the updated plan of subdivision. The revised MOU is attached for review as **Appendix "5"**.

Studies

Archaeological Assessment

Schedule D of the Official Plan does not identify the subject property as being within an area of archaeological potential. Notwithstanding, the Owner/Agent obtained an archaeological consultant to conduct a Stage 1 & 2 archaeological assessment. The Stage 2 assessment did not locate any cultural heritage or archaeological resources and the study recommended that no further assessment is required for the subject property. The study has been entered into the Ontario Public Register of Archaeological Reports.

Environmental Impact Study

An Environmental Impact Study (EIS) was submitted with the applications, prepared by Beacon Environmental Ltd. and dated June 2021. The EIS examined the woodland on site, fish habitat associated with Lake Erie and the on-site watercourse, as well as Fowler's Toad habitat along the Lake Erie shoreline.

The EIS recommends a number of mitigation measures to be implemented through the subdivision process, including:

- Installation of wire fencing with filter fabric along the upslope of the Hazard lands, to ensure construction does not impose on the shoreline beach area and protect potential habitat of adult Fowler's Toads
- Installation of sediment and erosion control measures along the watercourse
- Site clearing to occur outside of nesting migratory bird season

The EIS also recommends a minimum 10 metre buffer along the watercourse and an associated tree preservation plan for this area. Niagara Region and the NPCA are in agreement that this buffer is sufficient to protect the watercourse. The Region will require a Restoration Plan be for the watercourse buffer that includes additional native plantings.

Planning staff note that area noted as being potential habitat for Fowler's Toad will be located in the south portion of the subject property that will be acquired by the Town for parkland, open space and shoreline protection area. No development is occurring in this

area. All development will be taking place to the north on the other side of the watercourse and so no impacts to potential Fowler's Toad habitat are anticipated. A paige wire fence with fabric will be maintained along the upslope limit of waterfront hazard area during the construction process in accordance with the recommendations of the EIS to ensure no indirect impacts to the Fowler's Toad habitat area occur.

Lastly, a single butternut tree, which is an endangered species in Ontario, was identified in a hedgerow along the east property line, within Block 43 to be dedicated to the Town. The tree is considered to have been planted and therefore the regulations of the Endangered Species Act do not apply. Notwithstanding, the butternut is outside of any area proposed for development. Planning staff note that all development will be on the other side of the watercourse to the north. The butternut tree is located on the eastern property line south of the watercourse and so the tree will not be negatively impacted by the proposed development area.

Functional Servicing Report

A Preliminary Functional Servicing Report (FSR) was submitted with the applications, prepared by Upper Canada Consultants and dated June 2021. The FSR details water, sanitary and stormwater management needs for the site. The following summarizes the servicing proposal for this development:

- The existing watermains on Thunder Bay Road and Burleigh Road South have sufficient capacity to provide both domestic and fire protection water supply to the proposed subdivision.
- The majority of the site will outlet to an existing Town sanitary sewer which exists on the property and runs west to east through an easement. This sewer has capacity to service the subdivision. The sanitary sewer runs north east and eventually ties into another sanitary sewer that runs along Thunder Bay Road. Ultimately the sanitary flows are sent to Shirley Road Pumping Station.
- The existing sanitary sewer on Thunder Bay Road has adequate capacity to service the subdivision. This sewer would be extended westerly to service the subdivision lands.
- Stormwater quantity controls are proposed to ensure post-development flows do not exceed pre-development flows up to and including the 100-year storm event. The Developer will extend an existing storm sewer on Thunder Bay Road westerly to the subject lands from Cook Avenue. The stormwater pipes proposed on site will store water during such a storm event and outlet to the new Thunder Bay Road storm sewer at pre-development rates. A portion of the property will continue to discharge surface water overland to the existing watercourse on site, also at pre-development rates. The majority of surface water in the area south of the watercourse will continue to flow overland towards Lake Erie, as it occurs today.
- Stormwater quality protection is proposed to be provided by a stormwater oil/grit separator.

Financial/Staffing and Accessibility (AODA) Implications

All costs associated with processing the application is the responsibility of the Owner.

No impediments to the AODA legislation are expected to be developed through the amendments proposed.

The MOU between the Owner and Town outlines cost obligations of both parties as it relates to the conveyance of parkland, extension of a sanitary sewer on Thunder Bay Road, replacement of a watermain on Thunder Bay Road, construction of a storm sewer on Thunder Bay Road, and the reconstruction of the road itself. These obligations are summarized below. All other costs associated with the development of the lands are the responsibility of the Owner.

	Developer	Town
Parkland Dedication (Block 43)	Gratuitously convey 5% of the property to the Town pursuant to parkland dedication by-law	Purchase the remaining balance of Block 43 for $320,000 (from Major Capital Reserves)
Parking Lot Land Dedication (Block 45)	Gratuitously convey to the Town and pave parking lot	-
Thunder Bay Road Sanitary Sewer Extension	Sole cost and expense of Developer	-
Thunder Bay Road Waterline Replacement	Pay for 50% of the cost (not expected to exceed $91,125 each)	Pay for 50% of the cost (not expected to exceed $91,125 each)
Thunder Bay Road Storm Sewer Extension	Payment of design/build upfront	Development Charges project: Town will reimburse the Developer up to $340,000
Reconstruction of Thunder Bay Road	Payment of design/build upfront	

Policies Affecting Proposal

An information open house meeting for this application was held on August 30, 2021. All public comments received to date are summarized in the ‘Public Comments’ section of this report.

Notice of the October 4, Public Meeting was circulated in accordance with the Planning Act by placing an advertisement in the September 9, 2021 edition of the Fort Erie Post. In addition, all property owners within 120 metres of the subject lands were mailed a “Notice of Complete Application and Public Meeting” on September 13, 2021.

Land use policies for the subject property are contained in the Town’s Official Plan and applicable Regional and Provincial regulations.

Comments from Relevant Departments/Community and Corporate Partners

A request for comments regarding these applications was circulated to relevant Departments/Community and Corporate Partners on July 27, 2021. Comments received to date are summarized below and are attached in full as **Appendix "6"**.

Agency Comments

Niagara Region

Regional Staff have reviewed the applications and provided comments with respect to Provincial and Regional policies, including growth management, the Core Natural Heritage System, archaeology, servicing, stormwater management and waste collection. The Region has commented that the proposal is consistent with the Provincial Policy Statement and conforms to Provincial and Regional growth policies. The Region has commented that the Town may want to encourage the Developer to consider higher density forms of housing (e.g., semi-detached and townhouse dwellings) to provide a variety of housing types within the development. A number of conditions of Draft Plan approval have been requested relating to the above policies, including mitigation measures recommended through the applicant's Environmental Impact Study (EIS).

Regional Environmental Planning staff are satisfied with the findings, proposed mitigation measures and recommendations of the EIS, including buffer widths from the watercourse. It is noted that the wooded area on the property has been adequately assessed by the applicant's consultant who confirmed that it does not satisfy any of the Significant Woodland criteria identified in Regional policy. The Region is satisfied that the natural heritage features and their buffers will be placed in appropriate environmental and open space zones. The Region has requested a Restoration Plan be for the watercourse buffer, to include additional native plantings.

Niagara Peninsula Conservation Authority (NPCA)

The watercourse on the property is regulated by the NPCA. Staff from the NPCA have commented that they are satisfied with a 10.00 m buffer from the watercourse to the proposed new lots, but that a work permit is required for any disturbance within 15 metres of the feature. The NPCA is satisfied with the placement of the watercourse within an Environmental Protection Zone. The shoreline hazard area on site is also regulated by the Conservation Authority. The NPCA is satisfied that the shoreline hazard has been depicted accurately on the Plan and that no development is proposed within this area. The NPCA offers no objection to the applications, subject to a number of conditions being included with any approval.

Town of Fort Erie Environmental Advisory Committee

The Town's Environmental Advisory Committee (EAC) was circulated for comment on the EIS submitted with the applications as well as the proposed removal of the Environmental Conservation (EC) Overlay from the Zoning By-law. EAC met on site with Staff and the Developer's agents on September 14th, 2021, to review the proposal and offer comments. Formal EAC comments will be provided via their next set of meeting minutes.

EAC was supportive of the proposal and had no objection to the results of the EIS. EAC commented that the Owner should use a variety of native plantings through the revegetation of the watercourse and planting of boulevard trees, and that a tree preservation plan should be required for the site where possible. EAC did not object to the removal of the EC Overlay from the subject property.

Mississaugas of the Credit First Nation (MCFN)

The MCFN requested copies of the archaeological study and EIS. These were provided to MCFN by Staff, and the MCFN Department of Consultation and Accommodation (DOCA) followed up with a response noting that cultural heritage resources located to the west may have impacts on the subject property. The MCFN had concerns regarding potential development near the cultural heritage resource.

Planning staff corresponded with the DOCA and clarified that all development associated with this proposal is occurring to the north on the other side of the watercourse that bisects the property. The land on the subject property adjacent to the cultural heritage resources to the west will remain undeveloped and used as open space/parkland. DOCA staff acknowledged that their concerns were somewhat alleviated knowing that the cultural heritage resources are in no immediate danger of being impacted. However, the MCFN DOCA noted that the Archaeological Assessment completed for the subject property was a Stage 2 assessment and it did not directly address the cultural heritage resources on the lands to the west. In the view of DOCA a Stage 3 Archaeological Assessment should be completed for the subject property.

Following these comments Niagara Region, who is the local delegated approval authority on archaeological planning review matters in Niagara, corresponded with the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for comment on the Archaeological Assessment prepared for 3285 Thunder Bay Road. The Ministry confirmed that they have entered the report on the Stage 1-2 Archaeological Assessment into the Ontario Public Register of Archaeological reports. No evidence of cultural heritage resources from the land to the west were identified within 3285 Thunder Bay Road and therefore the MHSTCI support the recommendation in the Archaeological Assessment that no further assessment is required at 3285 Thunder Bay Road.

Correspondence between Town Planning staff and the MCFN DOCA is attached for review as part of **Appendix "6"**.

Canada Post

Canada Post commented that the subdivision would receive mail service via a Community Mail Box (CMB) location. The Developer is required to install concrete pads for the placement of the CMB within their development, to the satisfaction of Canada Post and the Town.

Enbridge

No objection.

Hydro One

No objection.

Bell

No objection.

Cogeco

No objection.

Staff Comments

Engineering Services

Development Approvals Staff has reviewed the applications on behalf of Infrastructure Services, Engineering Division, and offer no objections. The following summarizes the comments and requirements from a Town Engineering perspective:

- A road widening is required across the Thunder Bay Road frontage, as shown on the Draft Plan
- A daylight triangle is required at the intersection of Thunder Bay Road and Burleigh Road South, as shown on the Draft Plan
- In accordance with the approved MOU for the lands, the Developer is required to:
  - Front-end reconstruction of Thunder Bay Road from Burleigh Road South to Cook Avenue. This includes the upgrade of Thunder Bay Road to an urban standard including curbs and gutter, sidewalks, storm sewers, etc. This project has been identified in the 2018 Development Charges Background Study and the Town will reimburse the developer in accordance with Special Provisions which will be included in the future Subdivision Agreement.
  - Reconstruct the intersection of Thunder Bay Road and Burleigh Road South.

- Replace the existing cast-iron watermain from Burleigh Road South to Cook Avenue. Cost sharing arrangements as outlined in the MOU will be detailed in the subdivision agreement.
- Extend the sanitary sewer on Thunder Bay Road from its current terminus to the west to front on the proposed subdivision lots facing Thunder Bay Road. A number of conditions of approval related to the approval of detailed engineering plans and reports have been requested as conditions of Draft Plan approval.

Community Planning and Urban Design

A number of conditions have been requested by the Community Planning Division, including a Tree Preservation Plan for the development, a Streetscape Plan and Landscape Plan. Consideration of the development of Urban Design Guidelines should be given to evaluate the design of dwellings within the context of the surrounding built form.

Building Division, Chief Building Official

No objection or comments.

Fort Erie Fire Department

No objection or comments.

Public Comments

A public information open house was held by Town staff via Zoom on August 30, 2021 from 5.00 p.m. to 6.00 p.m. All property owners within 120 metres of the subject lands were notified of the information open house via mailed notice. The open house meeting was attended by Town staff and the applicant's Agent. Six members of the public spoke at the meeting and several other were watching the meeting live on YouTube and Zoom. A number of emails were also submitted with comments on the applications, before and after the Open House meeting. All public comments and correspondence received to date are attached as **Appendix "7"** for review. The Agent has also submitted a document summarizing the issues raised by members of the public to date. This summary is attached as **Appendix "8"**. Public comments are summarized below, with preliminary response/comments from Planning Staff.

Community Mail Box Location, Gordon Avenue Improvements

Concern of new development utilizing Community Mail Box on Gordon Avenue. Are there any plans to improve this Mail Box location on Gordon Avenue?

Staff Comment

The new subdivision would be served by a new Community Mail Box within the development, at a location to be approved by Canada Post and the Town. There are no current plans to improve Gordon Avenue.

Increased Vehicle Traffic

Members of the public have expressed concern of increased traffic levels on the surrounding road system and have inquired if a traffic signal is proposed at the intersection of Thunder Bay Road and Burleigh Road. There is a traffic safety concern on Thunder Bay Road and Burleigh Road. There is also a concern with the number of driveways which would be located on Thunder Bay Road.

Staff Comment

A Traffic Impact Study was not requested as part of the development for 41 new dwellings. The existing road network can accommodate the additional vehicles. Thunder Bay Road will be reconstructed to an urban standard from Burleigh Road easterly to Cook Avenue, including the intersection at Thunder Bay Road and Burleigh Road South. This is a Town Development Charges project that the Developer would front-end.

There is no plan for the installation of traffic lights at the intersection of Thunder Bay Road and Burleigh Road South and the proposed development does not trigger such need.

Sidewalks on Thunder Bay Road

Members of the public inquired about which side of the road sidewalks would be installed on Thunder Bay Road.

Staff Comment

Sidewalk construction would take place as part of the urbanization of Thunder Bay Road, which is a Development Charges project in the Town's Capital Plan. Thunder Bay Road is a Collector Road in the Town's Official Plan, which calls for sidewalks on both sides. Further review of sidewalk placement would take place during the detailed engineering exercise.

The Town will also look to the approved Active Transportation Master Plan guidance on design of Thunder Bay Road.

Access to Future Town Parkland

Comments were received regarding access to the waterfront lands to be dedicated to the Town. Will parking be accommodated? Will there be resident passes?

Staff Comment

The waterfront lands would be accessible and open to the public. The Plan of Subdivision includes land within Block 45 which is to be dedicated to the Town in addition to the waterfront parkland (Block 43). Block 45 would be accessible by vehicle, walking or cycling via the new internal street, and is proposed to be used for public parking with the ability to accommodate 20 parking spaces. This parking lot connects via an existing driveway and foot bridge to the waterfront lands. The Town will initiate a separate review process at a future date for the details of how the proposed waterfront park will be utilized and operated. It is unknown at this time if a resident pass system will be implemented for this waterfront park.

Use of Future Town Parkland, Loss of Privacy to Adjacent Landowner

Comments were received regarding the future use of the parkland and the use of the existing buildings (former dwelling and accessory building) on site. Comments were also received from the adjacent landowner regarding loss of privacy, and the delineation of public and private property.

Staff Comment

This planning process will not decide the ultimate use of the lands proposed for public park purposes. The former dwelling is located on Block 43, the parkland block. Block 43 is mainly a large manicured lawn area leading to the shoreline, which contains a rocky beach. The use of the land and building would be subject to a future public consultation process and Council approval. An additional accessory building (former garage and storage) is located on Block 45.

The Town would require additional vegetation/plantings along the east property line of the park block to help buffer the lands from the adjoining property owner. This is also detailed in the approved MOU between the Town and the Developer. Consideration to delineate public and private property can be given at the time of future parks planning.

Vegetation of the Watercourse within Block 42

A comment was received from a resident on Burleigh Road South adjacent to the watercourse that the vegetation in the watercourse buffer should remain untouched and the buffer would be fenced on the rear lot line of the new subdivision lots.

Staff Comment

Block 42 containing the watercourse is 16 metres wide adjacent to the Lakecrest Court lots. A buffer is proposed on the north side of the watercourse to the new lots within the subdivision, at 11.42 metres from the watercourse. This buffer contains existing vegetation. A tree preservation plan will be required for this area and the owner may be required to plant additional native vegetation in this buffer through a restoration plan. The restoration plan may also include removal of invasive species. A fence would be required along the north limit of the watercourse adjacent to the new residential lots.

Impact to the Watercourse from added Drainage

Comments have been received regarding the impact of adding drainage from the development into the watercourse, crossing adjacent lands to the east and outletting to Lake Erie. There is concern about the amount of water being added to the watercourse, the quality of the water, and erosion of the watercourse downstream and at the outlet to Lake Erie. The resident states that since the development of Ridgeway by the Lake, water volumes in the ditch have increased.

A series of emails have also been received from a resident regarding the discharge of stormwater to this watercourse on the subject lands and upstream from other sites. The resident claims that the discharge of stormwater into this watercourse, which traverses private property, is illegal. The resident also claims that the Developer of the Oaks at Six Mile Creek Subdivision is not in compliance with the Environmental Compliance Approval (ECA) issued by the province for their stormwater management pond. This pond outlets to the same watercourse that traverses the subject lands.

Staff Comment

The Development is designed to ensure post-development flows do not exceed predevelopment flows up to and including the 100-year storm event. The Developer will extend an existing storm sewer on Thunder Bay Road westerly to the subject lands from Cook Avenue. The stormwater pipes proposed on site will store water during large storm events and outlet to the new Thunder Bay Road storm sewer at pre-development rates. A portion of the property will continue to discharge surface water overland to the existing watercourse on site, also at pre-development rates. The majority of surface water in the area south of the watercourse will continue to flow overland towards Lake Erie, as it occurs today.

The Town has reached out to the Ministry of Environment, Conservation and Parks (MECP) regarding the stormwater management pond at the Oaks at Six Mile Creek development, which has not yet been assumed by the Town. No response has been received to indicate that there is an issue with the stormwater management infrastructure at the Oaks at Six Mile Creek.

Town staff monitored water outflow from the stormwater pond located at the Oaks at Six Mile Creek subdivision over a period of several days between October 19 and November 1, 2021. This included site visits and photographs taken of the ditch inlet for the storm pond outlet, water in the ditch along Thunder Bay Road and a ditch inlet on Thunder Bay Road. Clear water was observed in all three locations on multiple occasions. Staff do not have any evidence at the current time that silty water is entering the watercourse from The Oaks at Six Mile Creek subdivision.

Bernard Beach Impacts

Concern that the majority of drainage from the site will outlet at Bernard Beach.

Staff Comment

Town's Development Coordinator has reviewed the drainage concern. The proposed stormwater management plan aligns with the Thunder Bay Drainage Improvements design that was undertaken in 2007. The flows being directed to the Bernard Beach drain from this development site were anticipated in the 2007 design therefore the system has been designed and constructed to receive the drainage from 3285 Thunder Bay Road.

Proposed R2A Zoning and Proposed Number of Dwellings

Various comments were received stating that the proposal to zone the lands as 'R2A' instead of 'R1' should not be permitted, and that the proposal is too dense. One resident also commented that the lots along the south boundary of the subdivision should be zoned the same as the lots to the south on Lakecrest Court (R1). Only the lots interior to the subdivision should be zoned R2A.

A question was also raised regarding the number of lots that could be developed on site under the current Waterfront Residential (WR) Zone.

Staff Comment

As Council is aware, "compatibility" does not mean "the same as". Further, the Secondary Plan for this area notes that new or redeveloping low density development can be expected to comprise smaller lot area and dimension. The proposed development is under the maximum density envisioned by the Secondary Plan for the Low Density Residential designation.

The WR Zone requires a minimum lot area of 600 square metres and a minimum lot frontage of 18 metres, whereas the R2A Zone requires a minimum of 375 square metres and 12 metres respectively. Staff have not developed a Plan illustrating a development of all WR zoned lots as the proposed Plan is well under the maximum density permitted by the Secondary Plan policies. If the proposed lots were to meet the WR Zone regulations the density of the plan of subdivision would drop further.

The proposed lot configuration is compatible with the area. While the proposed lots are smaller than some of the larger residential lots in the area the current lot configuration strikes a balance between density and lot sizes that are congruous to other parcels in the area. Most of the proposed lots are similar to or exceed the requirements of Residential 2 (R2) zoning. Approximately 39% of the proposed parcels in the subdivision have lot frontages of less than 15.00 m and these are internalized within the development. All of the parcels exceed the minimum lot area and minimum lot frontage requirements of the proposed Residential 2A (R2A) zoning.

Buffer Between Subdivision and Lands to the East

The landowners to the east have requested that no lots be developed between the existing driveway on site and their property line, and instead this area be left as open space. This would eliminate Lots 36 to 41 within the Plan.

Staff Comment

It is Staff's opinion that the proposed single-detached dwellings (Lots 36-41) will be compatible with the abutting single-detached dwellings located on the easterly parcels. Further, the planting strip proposed along the easterly property line will also help in mitigating any possible compatibility issues. The proposed development is under the maximum density envisioned by the Secondary Plan for the Low-Density Residential designation.

Removal of Woodlot and Environmental Conservation (EC) Overlay Zone

One comment was received regarding the removal of trees on the lands to develop the subdivision. Town Council previously considered a request to clear trees and remove the EC Overlay.

Staff Comment

The Owner previously applied to the Town to remove the EC Overlay Zone from the lands and conduct removal of dead ash trees and other damaged trees. After consideration of the request and input from the Town's Environmental Advisory Committee (EAC), Council approved the following resolution:

> **"That**: EC Overlay remain on the entirety of 3285 Thunder Bay Road and that the selective removal of dead ash trees is permitted provided that the owner:
> - engage a certified arborist to identify non-ash trees on the site;
> - tag those trees and prepare a plan to be submitted to the Town that identifies the location and species of non-ash trees;
> - identify on the plan the location of the access corridor - only dead ash trees can be removed to establish the access corridor; and
> - Town staff will need to approve the plan prior to any cutting of ash trees, or the establishment of the access corridor;

- all trees when cut down must be removed from the site, leaving it in a tidy condition; and
- no cutting or removal of during the nesting season as communicated by staff."

The above was carried out by the Owner through 2018 and 2019. The EC Overlay remains on the lands at the present time however dead ash removal has occurred, in addition to other dead or damaged trees. The treed area on site no longer meets Regional criteria for Significant Woodland and the decision to remove the EC Overlay is a decision of Town Council. EAC has provided comments to staff, through a meeting on site, that there is no objection to the current EC Overlay removal. A tree preservation plan will be required as a condition of Draft Plan of Subdivision, if the development is approved.

Planning staff note that approximately 51 trees will be planted within the proposed subdivision in accordance with the Town's street tree planting program. Additional trees will be planted inside the vegetated watercourse buffer in accordance with the Restoration Plan that will be required by Niagara Region. Additional tree plantings will occur within a naturalized vegetated buffer area along the eastern boundary of the subject property that is required as part of the Memorandum of Understanding between the Town and the Developer. The details of this buffer area will be finalized as part of a landscaping plan that will be a condition of approval.

Support of Development

A letter of support was received from a landowner on Lakecrest Court, stating that the development is within the Town's urban boundary and will contribute to the Town's future growth. The plan is sensitively designed and provide significant greenspace which will be beneficial to the community.

Staff Comment

Noted and will be taken into consideration.

Further Public Notice

One comment was received that notice of the development should have been given beyond Planning Act distance requirements of 120 metres from the subject lands.

Staff Comment

The Town of Fort Erie provides notices of its Public Meetings in accordance with the requirements of the Planning Act, including publishing the formal Public Meeting Notice in the *Fort Erie Post* and posting the Notice on the Town's website. Any members of the public that participated in the process will be notified when this recommendation report

is posted to the Town's Council meeting agenda and will also be copied on the future Notice of Decision sent out by planning staff.

Flooding of Ditches on Thunder Bay Road

A comment was received that recent storms have caused ditched on Thunder Bay Road to overflow.

Staff Comment

The Town has planned for the removal of ditches on Thunder Bay Road and installation of storm sewers. This work will be undertaken by the Developer and paid for by Development Charges.

Loss of Privacy and Impact from Vehicle Headlights

A comment was made that the development would cause a loss of privacy for lots on the north side of Thunder Bay Road and would also result in vehicle headlights shining on existing homes.

Staff Comment

The new road for the development is planned to align with Gordon Avenue. Headlights from vehicles turning onto Thunder Bay Road from the new street would shine down Gordon Avenue. Respectfully, Staff do not have privacy concerns for dwellings located on the opposite side of Thunder Bay Road.

Communicating Results

There are no communication requirements at this time.

Alternatives

Council may decide to deny this Plan of Subdivision and Zoning By-law Amendment application. Planning staff do not recommend this as the proposed subdivision conforms with the Low Density Residential portions of the property and also presents an opportunity to acquire more waterfronts lands in the Ridgeway-Thunder Bay neighbourhood. This proposal is consistent with Provincial and Regional Policies, conforms to relevant Town Policies and represents good land use planning.

Second Opinion Clause

Should a motion be placed before Council that does not support Planning Staff's Recommendation, Council is advised to table its decision to consider the matter further or until such time as a second planning opinion on the motion, from an independent

planning consultant can be obtained. If the applicant has an opinion from an independent planning consultant then Council can consider their report as the second planning opinion. In the event, the second planning opinion, obtained by the clerk or provided by the applicant, is supported by Council, and Council makes a decision based on that second planning opinion, then the planner who has provided the second opinion shall be retained for the purpose of an Ontario Land Tribunal hearing. The procedures under PLA-06 shall be followed as well.

Conclusion

The proposed Plan of Subdivision and Zoning By-law Amendment will facilitate development of an underutilized land in the urban boundary and is consistent with Town, Regional and Provincial planning policy. The proposal also presents an opportunity to acquire additional waterfront property for public park purposes while adequately protecting natural heritage and archaeological assets along the Lake Erie waterfront. Planning staff support this application and are of the opinion this application represents good planning.

Attachments

Appendix "1" - Location Plan
Appendix "2" - Draft Plan of Subdivision
Appendix "3" - Draft Amending By-law
Appendix "4" - Subdivision Conditions of Approval
Appendix "5" - Amended Memorandum of Understanding
Appendix "6" - Agency and Staff Comments
Appendix "7" - Public Comments



0 30 60 Meters

LOCATION PLAN

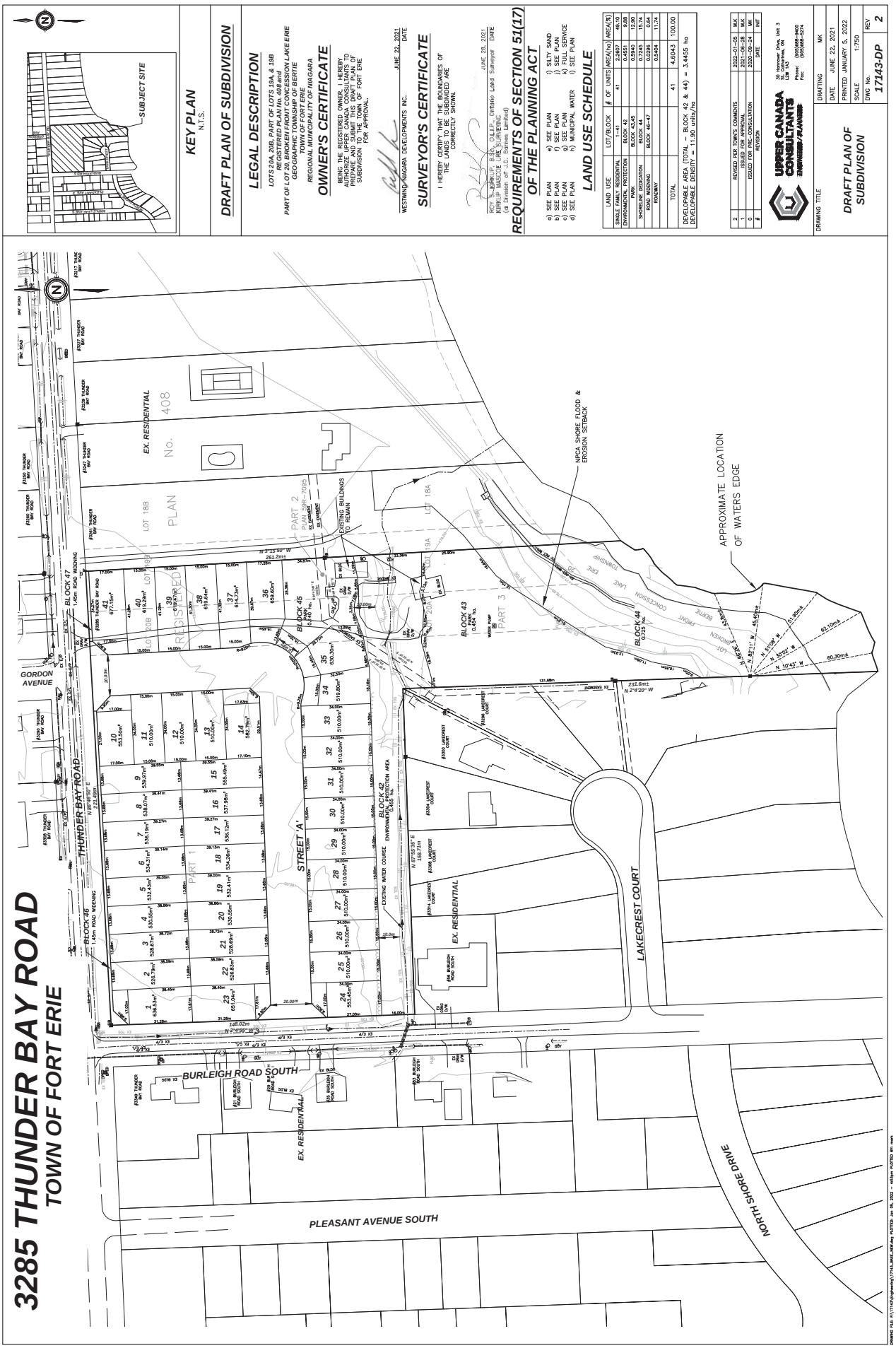
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Zoning By-law Amendment and Draft Plan of Subdivision - 3285 Thunder Bay Road

Subject Lands - 3285 Thunder Bay Road

Planning and Development Services
Map Created September 23, 2021

FORT ERIE ONTARIO Our Focus: Your Future


3285 THUNDER BAY ROAD
TOWN OF FORT ERIE
KEY PLAN
N.T.S.
SUBJECT SITE
DRAFT PLAN OF SUBDIVISION
LEGAL DESCRIPTION
LOTS 20A, 20B, PART OF LOTS 19A, & 19B
REGISTERED PLAN No. 408 and
PART OF LOT 20, BROKEN FRONT CONCESSION LAKE ERIE
GEOGRAPHIC TOWNSHIP OF BERTIE
TOWN OF FORT ERIE
REGIONAL MUNICIPALITY OF NIAGARA
OWNER'S CERTIFICATE
BEING THE REGISTERED OWNER, I HEREBY AUTHORIZE UPPER CANADA CONSULTANTS TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE TOWN OF FORT ERIE FOR APPROVAL.
WESTWIND NIAGARA DEVELOPMENTS INC.
JUNE 22, 2021
DATE
SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED ARE CORRECTLY SHOWN.
JUNE 28, 2021
DATE
REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT
a) SEE PLAN
b) SEE PLAN
c) SEE PLAN
d) SEE PLAN
e) SEE PLAN
f) SEE PLAN
g) SEE PLAN
h) MUNICIPAL WATER
i) SILTY SAND
j) SEE PLAN
k) FULL SERVICE
l) SEE PLAN
LAND USE SCHEDULE
LAND USE | LOT/BLOCK | # OF UNITS | AREA(ha) | AREA(%)
SINGLE FAMILY RESIDENTIAL | 1–41 | 41 | 2.2607 | 49.10
ENVIRONMENTAL PROTECTION | BLOCK 42 | | 0.4551 | 9.88
PARK | BLOCK 43,45 | | 0.0940 | 12.90
SHORELINE PROTECTION | BLOCK 44 | | 0.7245 | 15.74
ROAD WIDENING | BLOCK 46–47 | | 0.0286 | 0.64
ROADWAY | | | 0.5404 | 11.74
TOTAL | | 41 | 4.6043 | 100.00
DEVELOPABLE AREA (TOTAL – BLOCK 42 & 44) = 3.4455 ha
DEVELOPABLE DENSITY = 11.90 units/ha
2 REVISED PER TOWN'S COMMENTS 2022–01–05 M.K.
1 ISSUED FOR APPROVAL 2021–06–28 M.K.
REVISION DATE INIT.
UPPER CANADA CONSULTANTS
ENGINEERS PLANNERS
30 Hannover Drive, Unit 3
St. Catharines, ON
L2W 1A3
Phone: (905)688–9400
Fax: (905)688–5274
DRAFT PLAN OF SUBDIVISION
DRAFTING MK
DATE JUNE 22, 2021
PRINTED JANUARY 5, 2022
SCALE 1:750
DWG No. 17143-DP
REV 2
BLOCK 46 1.45m ROAD WIDENING
BLOCK 47 1.45m ROAD WIDENING
THUNDER BAY ROAD
GORDON AVENUE
BURLEIGH ROAD SOUTH
PLEASANT AVENUE SOUTH
NORTH SHORE DRIVE
LAKECREST COURT
STREET 'A'
EX. RESIDENTIAL
EX. RESIDENTIAL
EX. RESIDENTIAL
EXISTING BUILDINGS TO REMAIN
BLOCK 42 ENVIRONMENTAL PROTECTION AREA
BLOCK 43 0.094 ha PARK
BLOCK 44 0.725 ha
BLOCK 45 0.040 ha
NPCA SHORE FLOOD & EROSION SETBACK
APPROXIMATE LOCATION OF WATERS EDGE
LOT 18B
LOT 19A
LOT 20A
LOT 20B
REGISTERED PLAN No. 408
PART 1
PART 2 PLAN 59R–7095
PART 3
CONCESSION LAKE FRONT
TOWNSHIP OF BERTIE

The Municipal Corporation of the Town of Fort Erie

By-law No. XX-2022

Being a By-law to Amend Zoning By-law No. 129-90, as amended
3285 Thunder Bay Road
Upper Canada Consultants (Craig Rohe) - Agent
Westwind Niagara Developments Inc. - Owner

Whereas an application was received from Craig Rohe of Upper Canada Consultants (Agent) on behalf of Westwind Niagara Developments Inc. (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands municipally known as 3285 Thunder Bay Road; and

Whereas a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c. P.13 was held on October 4, 2021; and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90, as amended, pursuant to the recommendations of Report No. PDS-36-2022 considered and approved at the Council-in-Committee meeting held on May 16, 2022;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Schedule "A" of By-law No. 129-90, as amended, is further amended by changing the zoning of the lands municipally known as 3285 Thunder Bay Road and shown as Parts 1, 2 and 3 on the attached Appendix "1" from "Waterfront Residential (WR) Zone" and "Environmental Conservation (EC) Overlay Zone" to "Residential 2A (R2A) Zone" (Part 1), "Open Space (OS-745) Zone" (Part 2), and "Environmental Protection (EP) Zone" (Part 3).

2. That By-law no. 129-90 as amended, is further amended by adding to "Section 33 - Open Space (OS) Zone" Subsection - "Exceptions to the Open Space (OS) Zone" the following exception:

"OS-745 (XX-2022) 3285 Thunder Bay Road

These lands are zoned "Open Space (OS-745) Zone" and all of the provisions that relate to lands zoned "Open Space (OS) Zone" by this by-law shall apply to those lands zoned "Open Space (OS-745) Zone" subject to the following special provision:

a) Minimum Lot Area - 1,400 sq. m."

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 23rd day of May, 2022.

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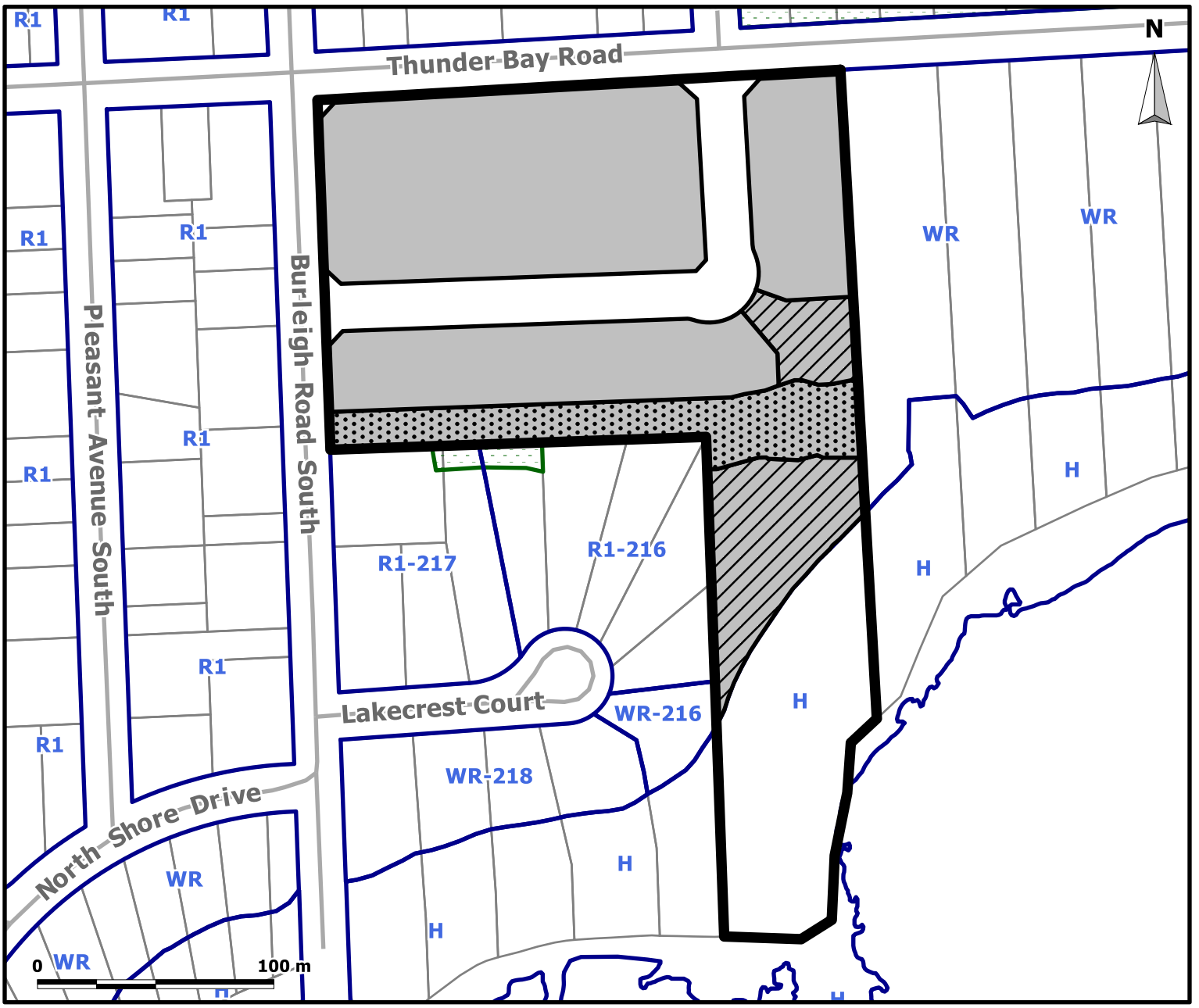
Mayor

_____

Clerk

I, Carol Schofield, Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 20-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

_____



By-law No. XX-2022
THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW NO. 129-90
PASSED THIS 23rd DAY OF MAY, 2022

Subject Lands - 3285 Thunder Bay Road (Westwind Shores Subdivision)

Part 1 - Change from Environmental Conservation (EC) Overlay Zone and Waterfront Residential (WR) Zone to Residential 2A (R2A) Zone

Part 2 - Change from Environmental Conservation (EC) Overlay Zone and Waterfront Residential (WR) Zone to Open Space (OS-745) Zone

Part 3 - Change from Environmental Conservation (EC) Overlay Zone and Waterfront Residential (WR) Zone to Environmental Protection (EP) Zone

CONDITIONS OF DRAFT PLAN APPROVAL
Westwind Shores Subdivision (3285 Thunder Bay Road)
(May 16, 2022)

The conditions of final approval and registration of the Westwind Shores Plan of Subdivision by Westwind Niagara Developments Inc. File No. 350308-0112, Town of Fort Erie are as follows:

1. That this approval applies to Westwind Shores Subdivision, located at the southeast corner of Thunder Bay Road and Burleigh Road South, Lots 20A, 20B, Part of Lots 19A and 19B Registered Plan No. 408 and Part of Lot 20, Broken Front Concession Lake Erie Geographic Township of Bertie, Town of Fort Erie, prepared by Upper Canada Consultants, dated January 5, 2022, with 41 lots for single detached dwellings, 2 blocks of parkland, 1 block for shoreline protection area, 1 block for environmental protection area and 2 blocks for road widenings.

2. That the Developer gratuitously dedicate 0.0296 ha of land shown as Blocks 46 and 47 on the Draft Plan, to the Town for road allowance widenings, free and clear of any mortgages, liens and encumbrances.

3. That the Developer gratuitously dedicate 0.4551 ha of land shown as Block 42 on the Draft Plan, to the Town of Fort Erie for environmental protection area, free and clear of any mortgages, liens and encumbrances.

4. That the Developer gratuitously dedicate 0.7245 ha of land shown as Block 44 on the Draft Plan, to the Town of Fort Erie for shoreline dedication, free and clear of any mortgages, liens and encumbrances.

5. In accordance with the Memorandum of Understanding between the Developer and the Town of Fort Erie relating to the subdivision lands, as amended (‘the Memorandum of Understanding”), the Developer shall gratuitously dedicate 0.140 ha of land shown as Block 45 on the Draft Plan, to the Town of Fort Erie for parkland purposes (parking lot), free and clear of any mortgages, liens and encumbrances.

    a) In accordance with the Memorandum of Understanding, the Developer or its designate will pave a parking lot on Block 45, to contain nor more than 20 parking spaces, at the Town’s expense. The paving is subject to prior review and approval by the Town of the parking lot layout and the paving cost.

6. In accordance with the Memorandum of Understanding, the Developer shall dedicate a portion of Block 43 on the Draft Plan, equivalent to 5% of the development lands (0.1292 ha), to the Town of Fort Erie for parkland dedication purposes, free and clear of any mortgages, liens and encumbrances.

    a) In accordance with the Memorandum of Understanding, the Developer and the Town shall enter into an Agreement of Purchase and Sale for the

remaining portion of Block 43 on the Draft Plan, equivalent to 0.5958 ha, at a purchase price of $320,000.00

7. In accordance with the Memorandum of Understanding, the Developer shall, at its sole cost and expense, enhance the east boundary of the lands to provide a naturalized buffer for the lands immediately adjacent to the east. The buffer shall be illustrated on a Landscape Plan subject to the review and approval by the Town, if the naturalized buffer is to be installed on subdivision lands. The owner of the lands immediately adjacent to the east boundary of the subdivision shall have the option to determine whether the naturalized buffer is to be installed on the subdivision lands or on their owner's lands.

8. The Developer shall install a privacy fence along the east boundary of the lands, to be illustrated on a Landscape Plan subject to the review and approval by the Town.

9. The Developer deed any and all easements that may be required for access utility and drainage purposes be granted to the appropriate authorities and utilities.

10. That all roads within the subdivision be designed according to Town of Fort Erie Standards and the lands be conveyed to the Town of Fort Erie as public highways.

11. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that *"Roof downspouts shall discharge only to ground surface via splash pads to either rear yards or exterior side yards, with no direct connection to the storm sewer or discharge directed to the driveway or roadway."*

12. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that *"Public sidewalk installation will be in accordance with the terms of the subdivision agreement and as per the approved plans on file at Town Hall."*

13. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that *"The Developer shall be responsible for installing paved driveway aprons from curb to the property line or from the curb to the sidewalk."*

14. That prior to receiving Final Approval, the Developer shall submit, for review and approval by the Town, a Geotechnical Study prepared by a qualified engineer, that verifies the soil bearing capacity, assesses bedrock elevations and groundwater conditions, appropriate sewer pipe design, pipe bedding, backfill and roadway designs and appropriate mitigation measures to address groundwater issues encountered.

15. That the Developer prepare a detailed Subdivision Grade Control Plan showing both existing and proposed grades and the means whereby major storm flows will be accommodated across the site be submitted to the Town of Fort Erie.

16. That the Developer shall enter into any agreement as required by utility companies for installation of services, including street lighting, all in accordance with the standards of the Town of Fort Erie. All utilities servicing the subdivision shall be underground. Upon installation and acceptance by the Town, streetlights and streetlight electrical supply system will be added to the Town's inventory.

17. That the streets be named to the satisfaction of the Town.

18. That the design drawings for the water, sanitary sewer and storm water drainage systems, including storm water management, to service this development be submitted to the Town for review and approval.

19. That the Developer agrees, at a minimum, to construct 1.5 metre sidewalks on one side of all internal streets within the subdivision to the satisfaction of the Town.

20. That the design drawings for the water, sanitary sewer and storm water drainage systems, including storm water management, to service the development be submitted to the Town for review and approval.

21. That prior to the approval of the final plan or any on-site grading, the Developer submit to the Town of Fort Erie for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled "Stormwater Management Planning and Design Manual", March 2003, and "Stormwater Quality Guidelines for New Development", May 1991, and in accordance with Town of Fort Erie's Storm Drainage Guidelines, the Town of Fort Erie Lot Grading Policy, Town of Fort Erie Stormwater Management Facility Design, Operation and Maintenance Policy and Standards:

    a) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
    b) Detailed sediment and erosion control plans.

22. That the subdivision agreement between the Developer and the Town of Fort Erie contain provisions whereby the Developer agrees to implement the approved stormwater management plan required in accordance with Condition 21 above.

23. That a Streetscape Plan be submitted for review and approval, pursuant to the Town of Fort Erie Subdivision Control guidelines.

24. That the Developer is responsible to front-end the reconstruction of Thunder Bay Road to an urban cross-section and the construction of storm sewers from Burleigh Road North to Cook Avenue. Reimbursement of costs shall be in accordance with the Memorandum of Understanding.

25. That the Developer is responsible to complete the replacement of the existing watermain on Thunder Bay Road from Burleigh Road North to Cook Avenue. Costs-sharing arrangements shall be in accordance with the Memorandum of Understanding.

26. That prior to any site clearing, the Developer submit a Tree Preservation Plan, prepared by a Certified Arborist, to the satisfaction of the Director of Planning & Development Services. The Developer shall agree in the Subdivision Agreement to implement the tree protection measures recommended in the approved Tree Preservation Plan.

27. That a Tree Saving Plan (“TSP”) be prepared to the satisfaction of the Niagara Region as required under Policy 7.B.1.19 of the Regional Official Plan. The TSP shall be prepared by a qualified professional, preferably by a Certified Arborist or qualified member of the Ontario Professional Foresters Association.

28. That paige wire fencing with filter fabric shall be installed along the up slope of the limit of the Hazard lands by April 1 of the first year of construction and prior to the commencement of any site works, including clearing. The fencing shall be maintained by the Developer for the duration of construction and shall only be removed when construction is complete.

29. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that existing overland flow patterns are maintained and that no grading within the natural heritage features and/or their buffers will occur. The Grading Plan shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural heritage features and their buffers and a minimum of 10 metres from the dripline of any trees to be retained. The Grading Plan should also illustrate the location and installation details associated with sediment control and limit of work fencing. Limit of work fencing must be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.

30. That a Restoration Plan be prepared to the satisfaction of Niagara Region which demonstrates restoration of the watercourse within Block 42. The Restoration Plan should incorporate dense plantings of native trees, shrubs and groundcover that complement the adjacent vegetation communities. The removal of invasive species should also be incorporated as appropriate. As it relates to the Block 44 adjacent to the Lake Erie shoreline, staff understand that these lands will be dedicated to the Town of Fort Erie and restored through a future Park Planning

exercise. Staff request that through that process the Town of Fort Erie consider incorporating additional plantings of native trees, shrubs and groundcover that complement the adjacent vegetation communities, as well incorporate educational signage where appropriate.

31. That a 1.5 m high chain link permanent chain link fence be provided along the north boundary of Block 42, adjacent to the watercourse buffer, to the satisfaction of the Niagara Region and the Niagara Peninsula Conservation Authority. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.

32. That a clause be added to the Subdivision Agreement indicating that vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window.

33. That a clause be added to the Subdivision Agreement indicating that the developer obtain all necessary approvals from the Ministry of Environment, Conservation and Parks relating to any Species at Risk on the subject lands.

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

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

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

35. That the owner provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.

36. That the Developer provides a written undertaking to Niagara Region Planning and Development Services Department stating that all Offers and Agreements of

Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the Developer and the Town.

37. That the owner provides a written undertaking to Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the Town.

38. That prior to final approval for registration of this Plan of Subdivision, the owner shall submit the design drawings [with calculations] for the new sanitary and storm sewers required to service this development and obtain the necessary Ministry of the Environment Compliance Approval under the Transfer of Review Program.

39. That the owner provides detailed crossing of the Regional infrastructure on both Thunder Bay Road and Burleigh Road South.

40. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks ("MECP") documents entitled Stormwater Management Planning and Design Manual March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to Niagara Region Planning and Development Services for review and approval:

    a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
    b) Detailed erosion and sedimentation control plans.

41. That the Subdivision Agreement between the owner and the Town contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the condition above.

42. That the owner/developer shall comply with Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection prior to Regional curbside waste collection services commencing.

43. That the Developer provide limit of work/construction fencing along the boundary of Block 42 to the satisfaction of the Niagara Peninsula Conservation Authority prior to any site alteration beginning on the subject lands. There is to be no site alteration within Block 42 without approval from the Niagara Peninsula Conservation Authority.

44. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, detailed grading and construction sediment and erosion control plans.

45. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to beginning any work within the 15-metre watercourse buffer. In support of the Work Permit application, the following information will be required:

    a) A grading plan prepared by a qualified professional to the satisfaction of the NPCA showing the total limit of development and site alteration.
    b) Confirmation from a qualified professional that there will be no negative impact of the stormwater being discharged into the regulated watercourse.
    c) An erosion and sediment control plan prepared by a qualified professional to the satisfaction of the NPCA.

46. That NPCA conditions be incorporated into the Subdivision Agreement between the Developer and the Town of Fort Erie, to the satisfaction of the NPCA. The Town of Fort Erie shall circulate the draft Subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

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

48. The Developer shall complete to the satisfaction of the Town of Fort Erie and Canada Post:

    a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:

        i. That the home/business mail delivery will be from a designated Centralized Mail Box.
        ii. That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

    b) The Developer further agrees to:

        i. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
        ii. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes

iii. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.

iv. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

49. That if final approval is not given to this plan within three years of the approval date and no extensions have been granted, draft approval shall lapse.

Clearance of Conditions

Prior to granting prior to granting approval of the final plan, the Town will require written confirmation from the following agencies that their respective conditions have been met satisfactorily:

- Niagara Region Planning & Development Department for Conditions No. 27 and 29 to 42 (inclusive)
- Niagara Peninsula Conservation Authority (NPCA) for Conditions No. 43 to 46 (inclusive)
- Bell Canada for Condition No. 47
- Canada Post for Condition No. 48

1. THE LANDS REQUIRED TO BE REGISTERED UNDER THE LAND TITLES ACT:

   a) Section 160(1) of the Land Titles Act which requires all new plans to be registered in the Land Titles system.

   b) Section 160(2) allows certain exceptions.

2. WATER AND SEWER SYSTEMS

   Inauguration or extension of a piped water supply, a sewage system or a storm drainage system is subject to the approval of the Ministry of the Environment, Conservation and Parks under Section 52 and 53 of the Ontario Water Resources Act, R.S.O. 1990.

3. CONVEYING

   As the land mentioned above be conveyed to the Municipal Corporation may be more easily described in the conveyance by reference to a registered plan than by “metes and bounds” be it suggested that the description be so worded and be it further suggested the Developer give to the Municipality an undertaking to deposit with the Clerk a properly executed copy of the conveyance concurrent with the registration of the plan.

4. In order to assist agencies listed above in clearing the conditions of final approval and registration of the plan, it may be useful to forward executed copies of the agreement between the Developer and the Town to these agencies. In this instance this copy should be sent to:

Alexander Morrison
Senior Development Planner
Planning & Development Services
Regional Municpality of Niagara
1815 Sir Isaac Brock Way
Thorold, Ontario, L2V 4T7
Phone: 905-980-6000
Toll-free Phone: 1-800-263-7215
Email: alexander.morrison@niagararegion.ca

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

Andrew Carrigan
Officer, Delivery Planning
Canada Post
955 Highbury Avenue North
London, Ontario N5Y 1A3
Phone: 226-268-5914
Email: Andrew.Carrigan@Canadapost.ca

Sarah Mastroianni
Manager, Planning & Development
250 Thorold Road West, 3rd Floor
Welland, On
L3C 3W2
(905) 788-3135 ext. 249
smastroianni@npca.ca

REVIEW OF CONDITIONS

The applicants are advised that should any of the condition appear unjustified or their resolution appear to be too onerous they are invited to bring their concerns to Council's attention. Council will consider a request to either revise or delete conditions.

5. SUBDIVISION AGREEMENT

Prior to final approval for registration, a copy of the executed Subdivision Agreement for the proposed development should be submitted to the Regional Planning and Development Department for verification that the appropriate clauses pertaining to any of these conditions of approval have been included.

6. NOTES

- Prior to granting final plan approval, the Town must be in receipt of written confirmation that the requirements of each condition have been met and all fees have been paid to the satisfaction of the Niagara Region.
- Prior to final approval for registration, a copy of the executed subdivision agreement for the proposed development should be submitted to the Niagara Region for verification that the appropriate clauses pertaining to any of these conditions have been included.
- The Niagara Region recommends that a copy of the draft agreement also be provided in order to allow for the incorporation of any necessary revision prior to execution.
- In order to request clearance of the above noted Regional conditions, a letter outlining how the conditions have been satisfied, together with all studies and reports (two hard copies and a PDF digital copy), the applicable review fee, and the draft subdivision agreement shall be submitted to the Niagara Region by the applicant as one complete package, or circulated to the Niagara Region by the Town of Fort Erie.

WESTWIND NIAGARA DEVELOPMENTS INC.

("the Developer")

- and -

THE CORPORATION OF THE TOWN OF FORT ERIE

("the Town")

AMENDMENT TO MEMORANDUM OF UNDERSTANDING

WHEREAS the Developer and the Town entered into a Memorandum of Understanding dated June 8, 2021 in relation to the proposed development of a residential subdivision at a property known as 3285 Thunder Bay Road ("the Memorandum of Understanding");

AND WHEREAS the Developer has now submitted a draft plan of subdivision dated January 5, 2022~~June 22, 2021~~, which necessitates amendments to various provisions of and the appendix to the Memorandum of Understanding;

AND WHEREAS paragraph 6.1 of the Memorandum of Understanding provides that any amendments or modifications will be made in writing, signed by the parties, and appended to the Memorandum of Understanding;

NOW THEREFORE the Developer and the Town (each "a party" and collectively "the parties"), in consideration of the promises and mutual covenants contained within the Memorandum of Understanding, the further promises and covenants contained within this Amendment and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, agree as follows:

1. Paragraph 4.1 of the Memorandum of Understanding is amended as follows:

    4.1. For the purposes of defining and describing their rights and responsibilities in relation to this Memorandum of Understanding, the parties accept the general configuration, layout and dimensions of the Property as set out in the draft plan of subdivision dated ~~June 22, 2021~~January 5, 2022 submitted by the Developer to the Town, which is attached hereto as Appendix "A".

2. Paragraph 4.2 of the Memorandum of Understanding is amended as follows:

   4.2. For greater certainty, all references in this Memorandum of Understanding to Block 42, Block 43, Block 44, Block 45, Street 'A' and any other aspect of the Property or adjacent lands will be construed with reference to and in accordance with Appendix "A".

3. Paragraph 5.1 of the Memorandum of Understanding is amended as follows:

   5.1. The Developer will gratuitously convey Block 42 and Block 44 to the Town as Environmental Protection Areas pursuant to Town of Fort Erie By-Law No. 69-08 ("the parkland dedication by-law").

4. Paragraph 5.2 of the Memorandum of Understanding is amended as follows:

   5.2. The Developer will convey a portion of Block 43 equivalent to five percent (5%) of the Property to the Town as parkland dedication pursuant to the parkland dedication by-law. ~~–~~The location of the portion of Block 43 to be dedicated shall be determined by mutual agreement of the parties.

5. Paragraph 5.3 of the Memorandum of Understanding is amended as follows:

   5.3. The Developer and the Town will enter into an Agreement of Purchase and Sale pursuant to which the Town will acquire the balance of Block 43 from the Developer at a purchase price of three hundred and twenty thousand dollars ($320,000).

6. Paragraph 5.5 of the Memorandum of Understanding is amended as follows:

   5.5. The Developer will gratuitously convey Block 45 to the Town for the purposes of a parking lot that contains no more than twenty (20) parking spaces, which conveyance is subject to registration of the subdivision plan by the Developer with the Town. As part of the road works to be undertaken at the Property, the Developer or its designate will pave the parking lot at the Town's expense, subject to prior review and approval by the Town of the parking lot layout and the paving cost.

7. Appendix "A" to the Memorandum of Understanding is revoked and replaced with the draft plan of subdivision dated ~~June 22, 2021~~January 5, 2022 submitted by the Developer to the Town, which is attached as Appendix "A" to this Amendment.

8. All other terms and provisions of the Memorandum of Understanding are unchanged and remain in full force and effect and are binding upon the parties.

9. This Amendment may be signed in counterpart, each of which is an original and all of which together constitute a single document. Counterparts may be executed in original or electronic form and may be exchanged by way of mail or PDF file delivered by email.

DRAFT

EXECUTED as an Amendment to the Memorandum of Understanding this …….. day of ……, 2022~~1~~

WESTWIND NIAGARA DEVELOPMENTS INC.

By: _____
Name:
Title:

I have authority to bind the Corporation.

THE CORPORATION OF THE TOWN OF FORT ERIE

By: _____
Name: Wayne H. Redekop
Title: Mayor

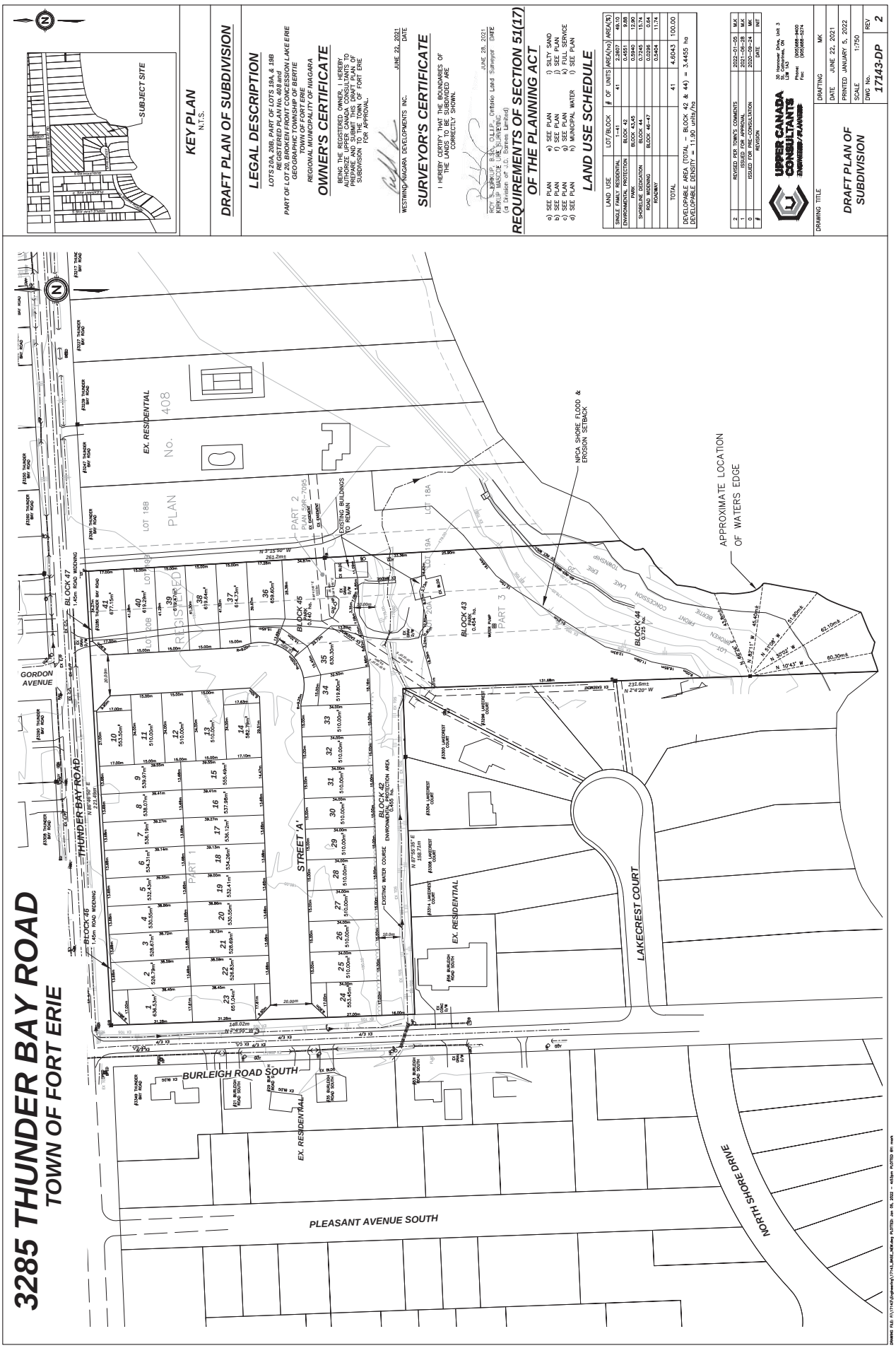
By: _____
Name: Carol Schofield
Title: Clerk

We have authority to bind the Corporation.

DRAFT

APPENDIX “A”

DRAFT


3285 THUNDER BAY ROAD
TOWN OF FORT ERIE
KEY PLAN
N.T.S.
SUBJECT SITE
DRAFT PLAN OF SUBDIVISION
LEGAL DESCRIPTION
LOTS 20A, 20B, PART OF LOTS 19A, & 19B
REGISTERED PLAN No. 408 and
PART OF LOT 20, BROKEN FRONT CONCESSION LAKE ERIE
GEOGRAPHIC TOWNSHIP OF BERTIE
TOWN OF FORT ERIE
REGIONAL MUNICIPALITY OF NIAGARA
OWNER'S CERTIFICATE
BEING THE REGISTERED OWNER, I HEREBY AUTHORIZE UPPER CANADA CONSULTANTS TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE TOWN OF FORT ERIE FOR APPROVAL.
WESTWING NIAGARA DEVELOPMENTS INC.
JUNE 22, 2021
DATE
SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED ARE CORRECTLY SHOWN.
JUNE 28, 2021
REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT
a) SEE PLAN
b) SEE PLAN
c) SEE PLAN
d) SEE PLAN
e) SEE PLAN
f) SEE PLAN
g) SEE PLAN
h) MUNICIPAL WATER
i) SILTY SAND
j) SEE PLAN
k) FULL SERVICE
l) SEE PLAN
LAND USE SCHEDULE
LAND USE | LOT/BLOCK | # OF UNITS | AREA(ha) | AREA(%)
SINGLE FAMILY RESIDENTIAL | 1–41 | 41 | 2.2607 | 49.10
ENVIRONMENTAL PROTECTION | BLOCK 42 | | 0.4551 | 9.88
PARK | BLOCK 43,45 | | 0.0940 | 12.90
SHORELINE EROSION | BLOCK 44 | | 0.7245 | 15.74
ROAD WIDENING | BLOCK 46–47 | | 0.0286 | 0.64
ROADWAY | | | 0.5404 | 11.74
TOTAL | | 41 | 4.6043 | 100.00
DEVELOPABLE AREA (TOTAL – BLOCK 42 & 44) = 3.4455 ha
DEVELOPABLE DENSITY = 11.90 units/ha
2 REVISED PER TOWN'S COMMENTS 2022–01–05 M.K.
1 ISSUED FOR APPROVAL 2021–06–28 M.K.
REVISION DATE INIT.
UPPER CANADA CONSULTANTS
30 Hannover Drive, Unit 3
St. Catharines, ON
L2W 1A3
Phone: (905)688–9400
Fax: (905)688–5274
DRAFT PLAN OF SUBDIVISION
DRAFTING MK
DATE JUNE 22, 2021
PRINTED JANUARY 5, 2022
SCALE 1:750
DWG No. 17143-DP
REV 2
BLOCK 46 1.45m ROAD WIDENING
BLOCK 47 1.45m ROAD WIDENING
THUNDER BAY ROAD
GORDON AVENUE
STREET 'A'
BURLEIGH ROAD SOUTH
LAKECREST COURT
PLEASANT AVENUE SOUTH
NORTH SHORE DRIVE
EX. RESIDENTIAL
PLAN No. 408
LOT 18B
LOT 19A
LOT 20B
LOT 20A
PART 1
PART 2
PART 3
PLAN 59R–7095
BLOCK 42 ENVIRONMENTAL PROTECTION AREA
BLOCK 43 0.094 ha
BLOCK 44 0.725 ha
BLOCK 45 0.420 ha
EXISTING BUILDINGS TO REMAIN
EXISTING WATER COURSE
NPCA SHORE FLOOD & EROSION SETBACK
APPROXIMATE LOCATION OF WATERS EDGE
CONCESSION LAKE ERIE TOWNSHIP
FRONT
BERTIE

Via Email Only

August 25, 2021

Region Files.: SD-21-0031
ZA-21-0082

Ms. Anamika Dilwaria, MCIP, RPP
Senior Development Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Ms. Dilwaria:

Re: Regional and Provincial Comments
Zoning By-law Amendments, Draft Plan of Subdivision
Applicant: Westwind Niagara Developments Inc.
Agent: Upper Canada Consultants, Craig Rohe
3285 Thunder Bay Road
Town of Fort Erie

Regional Development Services staff has reviewed the information circulated for the above noted applications. The draft plan of subdivision prepared by Upper Canada Consultants, dated June 28, 2021, proposes 41 single detached residential lots, 1 Environmental Protection block, 2 Park blocks, 1 Shoreline Protection block and 2 Road Widening blocks and the associated roadway (shown as Street A) on 4.60 hectares. The concurrent zoning by-law amendment proposes to rezone the lands from "Waterfront Residential" (WR) Zone" and "Environmental Conservation (EC) Overlay Zone", to "Residential 2A (R2A) Zone", site specific "Open Space (OS-XXX) Zone" with reduced minimum lot frontage and area, and "Environmental Protection (EP) Zone".

A pre-consultation meeting was held for these applications on June 25, 2020. The applications and associated review fees were received on July 27, 2021. The following comments are provided from a Regional and Provincial perspective to assist the Town in considering these applications.

Provincial and Regional Policies

The subject lands are located within a "Settlement Area" under the *Provincial Policy Statement, 2020* ("PPS") and "Designated Built-Up Area" under the *A Place to Grow:*

Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation ("Growth Plan"). The PPS and Growth Plan direct growth to settlement areas and encourage the efficient use of land, resources, infrastructure and public service facilities though the development of complete communities with a diverse mix of land uses that provide an appropriate range and mix of housing types.

The PPS directs growth to settlement areas and the delineated built-up area to efficiently use existing servicing, infrastructure, and public service facilities that are planned or available. Within delineated built-up areas, the policies encourage intensification and infill in a compact form with a mix of uses and densities at an appropriate type and scale and transition to adjacent areas that allows for efficient use of land, infrastructure and public service facilities. The policies encourage a range of housing options to meet the needs of the current and future population.

The subject lands are designated "Urban (Built-Up) Area" in the Regional Official Plan ("ROP"). A full range of residential, commercial and industrial uses are permitted generally within the urban area designation, subject to the availability of adequate municipal services and infrastructure and other policies relative to urban design, compatibility and environmental conservation. The ROP promotes higher density development in urban areas and supports growth that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara.

By utilizing existing services and providing a variety housing options in the community, the proposal aligns with Regional growth management policies. The Town may wish to encourage the applicant consider higher density forms of housing within to plan (i.e. semis or townhouses) in addition to the proposed single dwelling lots in order to provide a variety of housing types and make more efficient use of urban serviced land.

Core Natural Heritage System

The subject property contains and is adjacent to portions of the Region's Core Natural Heritage System ("CNHS"). Specifically, the CNHS consists of "Significant Woodland" and "Fish Habitat" associated with Lake Erie. In addition, "Type 3 Marginal Fish Habitat" associated with a watercourse on the property was identified through the completed "*Environmental Impact Study*" ("EIS") prepared by Beacon Environmental Ltd. (dated June 2021). The EIS also confirmed that the Lake Erie Shoreline located at the southern extent of the subject lands provides habitat for Fowler's Toad, a Provincially Endangered Species at Risk.

Regional Environmental Planning staff have reviewed the EIS to verify that the findings, proposed mitigation measures and recommendations were sufficient to satisfy Provincial and Regional environmental policy. Staff notes that the wooded area on the property has been adequately assessed by the consultant who confirmed that it does not satisfy any of the Significant Woodland criteria identified in ROP Policy 7.B.1.5. Further, staff are satisfied that the buffer widths proposed for the watercourse providing

Type 3 Marginal Fish Habitat are adequate to protect the CNHS feature from negative impacts.

Although restoration was not recommended in the EIS, consistent with ROP policies and objectives, new development proposed within or adjacent to the Region's CNHS should be designed to maintain, restore and where possible enhance the long-term ecological health, integrity and biodiversity of the CNHS.

As such, staff recommend that a Restoration Plan be developed to enhance the watercourse and associated riparian area. Further, Regional shoreline objectives and policies require that where feasible, lands adjacent to the shoreline should be maintained in, or restored to, a naturally vegetated state. The Restoration Plan should also incorporate the proposed "Park Block" adjacent to the Lake Erie shoreline. Staff recommends that the applicant work closely with Town of Fort Erie staff to ensure that restoration within the watercourse and park blocks, which are proposed to be dedicated to the Town, is compatible with all Town requirements and objectives.

As it relates to the proposed Zoning By-law Amendment, Regional Environmental Planning staff request that the CNHS features and buffers identified in the EIS be placed into an appropriately restrictive environmental / open space zone. In summary, staff are satisfied that relevant environmental policies have been adequately addressed and as such, recommended conditions of approval are provided in the attached Appendix.

Archaeological Potential

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

Regional staff have reviewed a "*Stage 1-2 Archeological Assessment*" prepared by Detritus Consulting Ltd. (dated August 27, 2019) that was submitted with the application. The Stage 1 background research indicated that portions of the Study Area exhibited moderate to high potential for the identification and recovery of archaeological resources. Therefore, a Stage 2 assessment was recommended for the manicured lawn and forested areas observed throughout the Study Area, as shown in Figure 3. The existing house, garage and driveway were evaluated as having no potential based on the identification of extensive and deep land alteration that has severely damaged the integrity of archaeological resources. Portions of the remainder of the property were disturbed by brush removal and landscaping. However, disturbance in these area was not sufficient to preclude standard test pit assessment.

The Stage 2 field assessment was conducted on July 12, 2019 and July 16, 2019 and consisted of a typical test pit survey at a 5 m interval. This investigation resulted in the

identification of no archaeological material. As such, no further archaeological assessment of the Study Area is recommended by the licensed archaeologist.

Regional staff have been provided with an acknowledgement letter (dated July 3, 2020) from the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI") confirming that all archaeological resource concerns have met licensing and resource conservation requirements was submitted with the application. Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff recommends the inclusion of a standard archaeological clause in the subdivision agreement relating to deeply buried archaeological materials that may be encountered during grading and construction activities. A condition for the archaeological warning clause is included in the attached Appendix.

Servicing

Regional staff note that site servicing will be under the jurisdiction of the Town of Fort Erie and will require the construction of new sanitary services for the proposed development. As a condition of draft plan approval, the Region shall review and approve any new / extended sanitary sewer services under the Ministry of Environment, Conservation and Parks ("MECP") Transfer of Review Program. Detailed engineering design drawings with calculations for the services must be submitted to this department for review and approval.

Detailed drawings will need to be provided for the crossing of the Regional forcemain on Thunder Bay Road as well as the crossing of the Regional trunk sewer on Burleigh Road South. The applicant is advised to contact **Christina Bellon-Graves** (Area 1 Wastewater Operations Manager) and **Barry Robins** (Area 1 Wastewater System Maintenance Manager) by phone at (905) 871-2264 a minimum of 72 hours prior to any works near the Regional infrastructure.

Stormwater Management

Regional staff reviewed the submitted "*Preliminary Functional Servicing Report*" prepared by Upper Canada Consultants (dated June 2021) and offer the following preliminary comments:

- The preliminary stormwater management ("SWM") plan proposes installation of an oil/grit separator ("OGS") to provide an Enhanced standard water treatment prior to discharge from the site. The plan also proposes the stormwater from main development be captured and directed to Thunder Bay Road storm sewers and backyards and the proposed parks (Blocks 43 and 45) drain to the existing ditch. In principle, Region has no objection to this plan, which is subject to the satisfaction of the Town in regard to the compliance with the "*Thunder Bay Drainage Improvement Overall Drainage Area Plan (2007)*". Regional staff suggest a model program be used to size the storages for flow control instead of

the Modified Rationale Method ("MRM"), as the result of MRM is considered underestimated.

- The following items should be addressed at the time of submission of a detailed SWM plan, grading / servicing plan, and construction sediment control plan:
    a) Correct the catchment EX1 runoff coefficient as shown on "Figure 1 – Existing Storm Drainage Plan" to represent the existing condition.
    b) Supplementary information relating to why the Time of Concentration 10 minutes is adopted for EX1 peak flow calculation.
    c) The OGS sizing should base on the drainage area to storm sewer and the weighted imperviousness.

Conditions of draft approval with respect to stormwater management are included in the attached Appendix.

Waste Collection

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

- Recycling blue / grey bins – no limit (weekly collection).
- Organics green bins – no limit (weekly collection).
- Waste / garbage bags / cans – 2 maximum per property (bi-weekly collection).
- Collection will be at the curbside only.

Region staff note that in order for Regional waste collection services to be provided, the developer/owner shall comply with Niagara Region's Corporate Waste Collection Policy. The policy can be found at the following link: www.niagararegion.ca/waste.

At this time detailed road designs have not been submitted and Regional staff would like to review to ensure there will be no issues with the Regions waste collection trucks maneuvering. Conditions of draft plan approval related to the provision of conformity with Waste Collection Policy and By-laws are requested and included in the attached Appendix.

Conclusion

In conclusion, the proposed development is consistent with the PPS and conforms to Provincial and Regional growth management policies. As such, Regional staff offer no objection, in principle, to the Draft Plan of Subdivision and Zoning By-law Amendment

applications subject to the Draft Plan conditions included in Appendix and any local requirements.

Should you have any questions related to the above comments, please feel free to contact me at alexander.morrison@niagararegion.ca or Lindsay Earl, Senior Development Planner, at lindsay.earl@niagararegion.ca.

Respectfully,



Alexander Morrison, MCIP, RPP
Development Planner

cc: Mr. Pat Busnello, Manager of Development Planning, Niagara Region
Ms. Lindsay Earl, Senior Development Planner, Niagara Region
Ms. Susan Dunsmore, P.Eng., Manager, Development Engineering, Niagara Region
Ms. Cara Lampman, Manager, Environmental Planning, Niagara Region
Mr. Adam Boudens, Senior Environmental Planner / Ecologist, Niagara Region
Mr. William Heikoop, Upper Canada Consultants

Appendix: Conditions of Draft Plan of Subdivision Approval, 3285 Thunder Bay Road, Fort Erie

Appendix

Conditions of Draft Plan of Subdvision Approval

3285 Thunder Bay Road, Town of Fort Erie

1. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that existing overland flow patterns are maintained and that no grading within the natural heritage features and/or their buffers will occur. The Grading Plan shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural heritage features and their buffers and a minimum of 10 metres from the dripline of any trees to be retained. The Grading Plan should also illustrate the location and installation details associated with sediment control and limit of work fencing. Limit of work fencing must be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.

2. That a Restoration Plan be prepared to the satisfaction of Niagara Region which demonstrates restoration of the watercourse block as well as the park block adjacent to the Lake Erie shoreline. The Restoration Plan should incorporate dense plantings of native trees, shrubs and groundcover that complement the adjacent vegetation communities. The removal of invasive species should also be incorporated as appropriate.

3. That a Tree Saving Plan (“TSP”) be prepared to the satisfaction of the Niagara Region as required under Policy 7.B.1.19 of the Regional Official Plan. The TSP shall be prepared by a qualified professional, preferably by a Certified Arborist or qualified member of the Ontario Professional Foresters Association.

4. That permanent rear-lot fencing be provided along the boundary of the environmental block, adjacent to the watercourse buffer. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.

5. That a clause be added to the Subdivision Agreement indicating that vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window.

6. That a clause be added to the Subdivision Agreement indicating that the developer obtain all necessary approvals from the Ministry of Environment, Conservation and Parks (“MECP”) relating to any Species at Risk on the subject lands.

7. That the following clause be included in the Subdivision Agreement:

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

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

8. That the owner provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.

9. That the owner provides a written undertaking to Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the Town.

10. That prior to final approval for registration of this Plan of Subdivision, the owner shall submit the design drawings [with calculations] for the new sanitary and storm sewers required to service this development and obtain the necessary Ministry of the Environment Compliance Approval under the Transfer of Review Program.

11. That the owner provides detailed crossing of the Regional infrastructure on both Thunderbay Road and Burleigh Road South.

12. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks ("MECP") documents entitled Stormwater Management Planning and Design

Manual March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to Niagara Region Planning and Development Services for review and approval:

a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;

b. Detailed erosion and sedimentation control plans.

13. That the Subdivision Agreement between the owner and the Town contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the condition above.

14. That the owner/developer shall comply with Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection prior to Regional curbside waste collection services commencing.

Clearance of Conditions

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

Subdivision Agreement

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

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

Via Email Only

September 27, 2021

Region Files.: SD-21-0031
ZA-21-0082

Ms. Anamika Dilwaria, MCIP, RPP
Senior Development Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Ms. Dilwaria:

Re: Regional and Provincial Comments
Zoning By-law Amendments, Draft Plan of Subdivision
Applicant: Westwind Niagara Developments Inc.
Agent: Upper Canada Consultants, Craig Rohe
3285 Thunder Bay Road
Town of Fort Erie

Regional Development Services staff has reviewed the information circulated for the above noted applications. The draft plan of subdivision prepared by Upper Canada Consultants, dated June 28, 2021, proposes 41 single detached residential lots, 1 Environmental Protection block, 2 Park blocks, 1 Shoreline Protection block and 2 Road Widening blocks and the associated roadway (shown as Street A) on 4.60 hectares. The concurrent zoning by-law amendment proposes to rezone the lands from "Waterfront Residential" (WR) Zone" and "Environmental Conservation (EC) Overlay Zone", to "Residential 2A (R2A) Zone", site specific "Open Space (OS-XXX) Zone" with reduced minimum lot frontage and area, and "Environmental Protection (EP) Zone".

A pre-consultation meeting was held for these applications on June 25, 2020. The applications and associated review fees were received on July 27, 2021. The following comments are provided from a Regional and Provincial perspective to assist the Town in considering these applications.

Provincial and Regional Policies

The subject lands are located within a "Settlement Area" under the *Provincial Policy Statement, 2020* ("PPS") and "Designated Built-Up Area" under the *A Place to Grow:*

Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation ("Growth Plan"). The PPS and Growth Plan direct growth to settlement areas and encourage the efficient use of land, resources, infrastructure and public service facilities though the development of complete communities with a diverse mix of land uses that provide an appropriate range and mix of housing types.

The PPS directs growth to settlement areas and the delineated built-up area to efficiently use existing servicing, infrastructure, and public service facilities that are planned or available. Within delineated built-up areas, the policies encourage intensification and infill in a compact form with a mix of uses and densities at an appropriate type and scale and transition to adjacent areas that allows for efficient use of land, infrastructure and public service facilities. The policies encourage a range of housing options to meet the needs of the current and future population.

The subject lands are designated "Urban (Built-Up) Area" in the Regional Official Plan ("ROP"). A full range of residential, commercial and industrial uses are permitted generally within the urban area designation, subject to the availability of adequate municipal services and infrastructure and other policies relative to urban design, compatibility and environmental conservation. The ROP promotes higher density development in urban areas and supports growth that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara.

By utilizing existing services and providing a variety housing options in the community, the proposal aligns with Regional growth management policies. The Town may wish to encourage the applicant consider higher density forms of housing within to plan (i.e. semis or townhouses) in addition to the proposed single dwelling lots in order to provide a variety of housing types and make more efficient use of urban serviced land.

Core Natural Heritage System

The subject property contains and is adjacent to portions of the Region's Core Natural Heritage System ("CNHS"). Specifically, the CNHS consists of "Significant Woodland" and "Fish Habitat" associated with Lake Erie. In addition, "Type 3 Marginal Fish Habitat" associated with a watercourse on the property was identified through the completed "*Environmental Impact Study*" ("EIS") prepared by Beacon Environmental Ltd. (dated June 2021). The EIS also confirmed that the Lake Erie Shoreline located at the southern extent of the subject lands provides habitat for Fowler's Toad, a Provincially Endangered Species at Risk.

Regional Environmental Planning staff have reviewed the EIS to verify that the findings, proposed mitigation measures and recommendations were sufficient to satisfy Provincial and Regional environmental policy. Staff notes that the wooded area on the property has been adequately assessed by the consultant who confirmed that it does not satisfy any of the Significant Woodland criteria identified in ROP Policy 7.B.1.5. Further, staff are satisfied that the buffer widths proposed for the watercourse providing

Type 3 Marginal Fish Habitat are adequate to protect the CNHS feature from negative impacts.

Although restoration was not recommended in the EIS, consistent with ROP policies and objectives, new development proposed within or adjacent to the Region's CNHS should be designed to maintain, restore and where possible enhance the long-term ecological health, integrity and biodiversity of the CNHS.

As such, staff recommend that a Restoration Plan be developed to enhance the watercourse and associated riparian area. Further, Regional shoreline objectives and policies require that where feasible, lands adjacent to the shoreline should be maintained in, or restored to, a naturally vegetated state. The Restoration Plan should also incorporate the proposed "Park Block" adjacent to the Lake Erie shoreline. Staff recommends that the applicant work closely with Town of Fort Erie staff to ensure that restoration within the watercourse and park blocks, which are proposed to be dedicated to the Town, is compatible with all Town requirements and objectives.

As it relates to the proposed Zoning By-law Amendment, Regional Environmental Planning staff request that the CNHS features and buffers identified in the EIS be placed into an appropriately restrictive environmental / open space zone. In summary, staff are satisfied that relevant environmental policies have been adequately addressed and as such, recommended conditions of approval are provided in the attached Appendix.

Archaeological Potential

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

Regional staff have reviewed a "*Stage 1-2 Archeological Assessment*" prepared by Detritus Consulting Ltd. (dated August 27, 2019) that was submitted with the application. The Stage 1 background research indicated that portions of the Study Area exhibited moderate to high potential for the identification and recovery of archaeological resources. Therefore, a Stage 2 assessment was recommended for the manicured lawn and forested areas observed throughout the Study Area, as shown in Figure 3. The existing house, garage and driveway were evaluated as having no potential based on the identification of extensive and deep land alteration that has severely damaged the integrity of archaeological resources. Portions of the remainder of the property were disturbed by brush removal and landscaping. However, disturbance in these area was not sufficient to preclude standard test pit assessment.

The Stage 2 field assessment was conducted on July 12, 2019 and July 16, 2019 and consisted of a typical test pit survey at a 5 m interval. This investigation resulted in the

identification of no archaeological material. As such, no further archaeological assessment of the Study Area is recommended by the licensed archaeologist.

Regional staff have been provided with an acknowledgement letter (dated July 3, 2020) from the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI") confirming that all archaeological resource concerns have met licensing and resource conservation requirements was submitted with the application. Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff recommends the inclusion of a standard archaeological clause in the subdivision agreement relating to deeply buried archaeological materials that may be encountered during grading and construction activities. A condition for the archaeological warning clause is included in the attached Appendix.

Servicing

Regional staff note that site servicing will be under the jurisdiction of the Town of Fort Erie and will require the construction of new sanitary services for the proposed development. As a condition of draft plan approval, the Region shall review and approve any new / extended sanitary sewer services under the Ministry of Environment, Conservation and Parks ("MECP") Transfer of Review Program. Detailed engineering design drawings with calculations for the services must be submitted to this department for review and approval.

Detailed drawings will need to be provided for the crossing of the Regional forcemain on Thunder Bay Road as well as the crossing of the Regional trunk sewer on Burleigh Road South. The applicant is advised to contact **Christina Bellon-Graves** (Area 1 Wastewater Operations Manager) and **Barry Robins** (Area 1 Wastewater System Maintenance Manager) by phone at (905) 871-2264 a minimum of 72 hours prior to any works near the Regional infrastructure.

Stormwater Management

Regional staff reviewed the submitted "*Preliminary Functional Servicing Report*" prepared by Upper Canada Consultants (dated June 2021) and offer the following preliminary comments:

- The preliminary stormwater management ("SWM") plan proposes installation of an oil/grit separator ("OGS") to provide an Enhanced standard water treatment prior to discharge from the site. The plan also proposes the stormwater from main development be captured and directed to Thunder Bay Road storm sewers and backyards and the proposed parks (Blocks 43 and 45) drain to the existing ditch. In principle, Region has no objection to this plan, which is subject to the satisfaction of the Town in regard to the compliance with the "*Thunder Bay Drainage Improvement Overall Drainage Area Plan (2007)*". Regional staff suggest a model program be used to size the storages for flow control instead of

the Modified Rationale Method ("MRM"), as the result of MRM is considered underestimated.

- The following items should be addressed at the time of submission of a detailed SWM plan, grading / servicing plan, and construction sediment control plan:
    a) Correct the catchment EX1 runoff coefficient as shown on "Figure 1 – Existing Storm Drainage Plan" to represent the existing condition.
    b) Supplementary information relating to why the Time of Concentration 10 minutes is adopted for EX1 peak flow calculation.
    c) The OGS sizing should base on the drainage area to storm sewer and the weighted imperviousness.

Conditions of draft approval with respect to stormwater management are included in the attached Appendix.

Waste Collection

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

- Recycling blue / grey bins – no limit (weekly collection).
- Organics green bins – no limit (weekly collection).
- Waste / garbage bags / cans – 2 maximum per property (bi-weekly collection).
- Collection will be at the curbside only.

Region staff note that in order for Regional waste collection services to be provided, the developer/owner shall comply with Niagara Region's Corporate Waste Collection Policy. The policy can be found at the following link: www.niagararegion.ca/waste.

At this time detailed road designs have not been submitted and Regional staff would like to review to ensure there will be no issues with the Regions waste collection trucks maneuvering. Conditions of draft plan approval related to the provision of conformity with Waste Collection Policy and By-laws are requested and included in the attached Appendix.

Conclusion

In conclusion, the proposed development is consistent with the PPS and conforms to Provincial and Regional growth management policies. As such, Regional staff offer no objection, in principle, to the Draft Plan of Subdivision and Zoning By-law Amendment

applications subject to the Draft Plan conditions included in Appendix and any local requirements.

Should you have any questions related to the above comments, please feel free to contact me at alexander.morrison@niagararegion.ca or Lindsay Earl, Senior Development Planner, at lindsay.earl@niagararegion.ca.

Respectfully,



Alexander Morrison, MCIP, RPP
Senior Development Planner

cc: Mr. Pat Busnello, Manager of Development Planning, Niagara Region
Ms. Susan Dunsmore, P.Eng., Manager, Development Engineering, Niagara Region
Ms. Cara Lampman, Manager, Environmental Planning, Niagara Region
Mr. Adam Boudens, Senior Environmental Planner / Ecologist, Niagara Region
Mr. William Heikoop, Upper Canada Consultants

Appendix: Conditions of Draft Plan of Subdivision Approval, 3285 Thunder Bay Road, Fort Erie

Appendix

Conditions of Draft Plan of Subdvision Approval

3285 Thunder Bay Road, Town of Fort Erie

1. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that existing overland flow patterns are maintained and that no grading within the natural heritage features and/or their buffers will occur. The Grading Plan shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural heritage features and their buffers and a minimum of 10 metres from the dripline of any trees to be retained. The Grading Plan should also illustrate the location and installation details associated with sediment control and limit of work fencing. Limit of work fencing must be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.

2. That a Restoration Plan be prepared to the satisfaction of Niagara Region which demonstrates restoration of the watercourse block. The Restoration Plan should incorporate dense plantings of native trees, shrubs and groundcover that complement the adjacent vegetation communities. The removal of invasive species should also be incorporated as appropriate. As it relates to the Park Block adjacent to the Lake Erie shoreline, staff understand that these lands will be dedicated to the Town of Fort Erie and restored through a future Park Planning exercise. Staff request that through that process the Town of Fort Erie consider incorporating additional plantings of native trees, shrubs and groundcover that complement the adjacent vegetation communities, as well incorporate educational signage where appropriate.

3. That a Tree Saving Plan (“TSP”) be prepared to the satisfaction of the Niagara Region as required under Policy 7.B.1.19 of the Regional Official Plan. The TSP shall be prepared by a qualified professional, preferably by a Certified Arborist or qualified member of the Ontario Professional Foresters Association.

4. That permanent rear-lot fencing be provided along the boundary of the environmental block, adjacent to the watercourse buffer. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.

5. That a clause be added to the Subdivision Agreement indicating that vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window.

6. That a clause be added to the Subdivision Agreement indicating that the developer obtain all necessary approvals from the Ministry of Environment, Conservation and Parks ("MECP") relating to any Species at Risk on the subject lands.

7. That the following clause be included in the Subdivision Agreement:

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

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

8. That the owner provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.

9. That the owner provides a written undertaking to Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the Town.

10. That prior to final approval for registration of this Plan of Subdivision, the owner shall submit the design drawings [with calculations] for the new sanitary and storm sewers required to service this development and obtain the necessary Ministry of the Environment Compliance Approval under the Transfer of Review Program.

11. That the owner provides detailed crossing of the Regional infrastructure on both Thunderbay Road and Burleigh Road South.

12. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks ("MECP") documents entitled Stormwater Management Planning and Design Manual March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to Niagara Region Planning and Development Services for review and approval:

- **a.** Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
- **b.** Detailed erosion and sedimentation control plans.

13. That the Subdivision Agreement between the owner and the Town contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the condition above.

14. That the owner/developer shall comply with Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection prior to Regional curbside waste collection services commencing.

Clearance of Conditions

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

Subdivision Agreement

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

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

NIAGARA PENINSULA CONSERVATION AUTHORITY

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

September 10, 2021

Our File No.: PLSUB202101114

BY E-MAIL ONLY

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

Attention: Aaron Butler, MCIP, RPP, Manager Development Approvals

Subject: **Application for Draft Plan of Subdivision and Zoning By-Law Amendment**
Agent: Upper Canada Consultants
Applicant: Westwind Niagara Developments Inc.
ARN 270302001102000

The NPCA has received an email circulation dated July 27th, 2021 from the Town of Fort Erie for a Zoning By-Law Amendment and a Draft Plan of Subdivision, submitted to the Town of Fort Erie by Upper Canada Consultants on behalf of Westwind Niagara Developments Inc. The purpose of the applications is to permit the development of the property for 41 single detached dwellings, one block for environmental protection, two blocks for parkland dedication and one block for shoreline hazard.

NPCA Policies

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 155/06* of the *Conservation Authorities Act*. The *NPCA Policy Document: Policies for the Administration of Ontario Regulation155/06 and the Planning Act* (NPCA policies) provides direction for managing NPCA regulated features. The subject lands contain a regulated watercourse and are adjacent to a shoreline hazard area.

There is a regulated watercourse on the subject property, shown on the Draft Plan of Subdivision, prepared by Upper Canada Consultants dated June 22, 2021 and printed June 28, 2021. The watercourse is shown as having a 10m buffer from the proposed new lots and is contained within its own block, Block 42, zoned as Environmental Protection. The NPCA is in favour of this approach, however a work permit will be required for the lots encroaching within 15m of the watercourse buffer.

NPCA staff have reviewed the shoreline hazard area as shown on the Draft Plan of Subdivision, prepared by Upper Canada Consultants dated June 22, 2021 and printed June 28, 2021. The shoreline hazard area has been depicted accurately and a block has been appropriated as Block 44 to account for the Shoreline Hazard area. The NPCA is satisfied that the proposed development is outside of the Shoreline Hazard area.

Based on the above, NPCA staff have no objections to the Zoning By-Law and Draft Plan of Subdivison applications as they relate to NPCA policies, subject to rezoning the recommended Conditions of Draft Plan Approval.

Conditions of Draft Plan Approval

NPCA staff request the following conditions be incorporated into the Conditions of Draft Plan Approval.

1. That the Developer provide limit of work/construction fencing along the boundary of Block 42 to the satisfaction of the Niagara Peninsula Conservation Authority prior to any site alteration beginning on the subject lands. There is to be no site alteration within Block 42 without approval from the Niagara Peninsula Conservation Authority.

2. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, detailed grading and construction sediment and erosion control plans.

3. That the Developer provide 1.5-metre-high chain link fencing along the boundary of Block 42 to the satisfaction of the Niagara Peninsula Conservation Authority.

4. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to beginning any work within the 15-metre watercourse buffer. In support of the Work Permit application, the following information will be required:

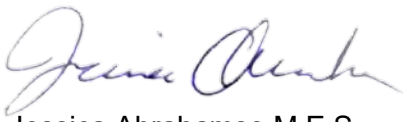
    a. A grading plan prepared by a qualified professional to the satisfaction of the NPCA showing the total limit of development and site alteration.
    b. Confirmation from a qualified professional that there will be no negative impact of the stormwater being discharged into the regulated watercourse.
    c. An erosion and sediment control plan prepared by a qualified professional to the satisfaction of the NPCA.

5. That conditions 1 to 5 above be incorporated into the Subdivision Agreement between the Developer and the Town of Fort Erie, to the satisfaction of the Niagara Peninsula Conservation Authority. The Town of Fort Erie shall circulate the draft Subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

Conclusion

At this time, NPCA staff have no objections to the applications subject to the above noted rezoning and the Conditions of Draft Plan Approval. I hope this information is helpful. Please send a copy of any staff reports to Committee/Council once they are available. If you have any questions, please let me know.

With Best Regards,



Jessica Abrahamse M.E.S.,
Watershed Planner
(905) 788-3135, ext. 235

cc:

RE: Request for Comments - Proposed Draft Plan of Subdivision and Zoning By-law Amendment - 3285 Thunder Bay Road, Fort Erie
Fawn Sault to: Aaron Butler 07/27/2021 11:25 AM
From: "Fawn Sault" <Fawn.Sault@mncfn.ca>
To: "Aaron Butler" <AButler@forterie.ca>
History:
This message has been replied to.

Hi Aaron,

Can you tell me please if there were any archaeological or environmental studies completed or if there are any that need to be completed?

Miigwech,

Fawn Sault
Consultation Coordinator
Mississaugas of the Credit First Nation
4065 Hwy. 6, Hagersville, N0A 1H0
Website: http://mncfn.ca/
Ph: 905-768-4260
Cell:289-527-6580

From: Aaron Butler <AButler@forterie.ca>
Sent: Tuesday, July 27, 2021 11:13 AM
To: Andrew.Carrigan@Canadapost.ca; circulations@mmm.ca; kathy.levinski@ncdsb.com; LandUsePlanning@HydroOne.com; MunicipalPlanning@enbridge.com; planification@csdccs.edu.on.ca; Randy.Leppert@cogeco.com; Sue Mabee <Sue.Mabee@dsbn.org>; karen.singer@bell.ca; circulations@wsp.com; Pieter Wasserman <PWasserman@forterie.ca>; Signe Hansen <SHansen@forterie.ca>; Ed Melanson <EMelanson@forterie.ca>; Keegan Gennings <KGennings@forterie.ca>; Jeremy Korevaar <JKorevaar@forterie.ca>; Deluce David <ddeluce@npca.ca>; executivedirector@fenfc.org; craig.krueger@cogeco.com; aazouz@csdccs.edu.on.ca; scott.whitwell@ncdsb.com; Fawn Sault <Fawn.Sault@mncfn.ca>; pontdj@hotmail.com; Clerks <clerk@niagararegion.ca>; lola.emberson@niagararegion.ca; Caralee Grummett <CGrummett@forterie.ca>; Mohammad Kamruzzaman <MKamruzzaman@forterie.ca>; john.armstrong@rci.rogers.com; devtplanningapplications@niagararegion.ca; jeff.hoover@cnpower.com; Anamika Dilwaria <ADilwaria@forterie.ca>; Kira Dolch <KDolch@forterie.ca>
Subject: Request for Comments - Proposed Draft Plan of Subdivision and Zoning By-law Amendment - 3285 Thunder Bay Road, Fort Erie

Good morning,
Applications have been received from Upper Canada Consultants on behalf of Westwind Niagara Developments Inc. for a Draft Plan of Subdivision and Zoning By-law Amendment for the lands known as 3285 Thunder Bay Road. The purpose of the applications is to permit the development of the property for 41 single detached dwellings, one block for environmental protection, two blocks for parkland dedication and one block for shoreline hazard. The following was submitted with the application package for review:

1. Application for Draft Plan of Subdivision
2. Application for Zoning By-law Amendment
3. Draft Plan of Subdivision
4. Planning Justification Report
5. Functional Servicing Report
6. Archaeological Assessment & Ministry Clearance Letter

Digital copies of the all of the above can be downloaded from the following link:
https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080827ae6e1ae017ae873e00b16b4/1248/-3762943117148636361/3285%20Thunder%20Bay%20Road%20Application%20Submission.zip
The proposed Draft Plan of Subdivision is attached. If your agency has a review fee it will be sent via courier. Please provide any comments you have on the applications no later than **Thursday, August 26, 2021**.

Please let me know if you have any questions.

Aaron Butler, MCIP, RPP
Manager, Development Approvals
The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2502| F: 905-871-6411

Thanks for connecting.

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

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

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

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

August 24, 2021

AARON BUTLER, MCIP, RPP
TOWN OF FORT ERIE
1 MUNICIPAL CENTRE DRIVE
FORT ERIE, ONTARIO, L2A 2S6

Re: 3285 Thunder Bay Road

Dear Aaron,

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

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

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

a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:

   i) that the home/business mail delivery will be from a designated Centralized Mail Box.

   ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

b) The owner further agrees to:

   i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.

ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes

iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.

iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

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

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

I appreciate the opportunity to comment on this project.

Regards,

A. Carrigan
Officer, Delivery Planning
(226) 268-5914
Andrew.Carrigan@Canadapost.ca

September 7, 2021

Aaron Butler, MCIP, RPP
Manager, Development Approvals
Planning & Development Services
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Aaron,

Re: Draft Plan of Subdivision, Zoning By-law Amendment
Westwind Niagara Developments Inc.
3285 Thunder Bay Road
Town of Fort Erie
File No.: 350309-0532, 350308-0122

Enbridge Gas Inc. does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

This response does not constitute a pipe locate, clearance for construction or availability of gas.

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

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

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

Sincerely,

Alice Coleman
Municipal Planning Analyst
Long Range Distribution Planning
—
ENBRIDGE
TEL: 416-495-5386
MunicipalPlanning@enbridge.com
500 Consumers Rd, North York, ON, M2J 1P8

enbridgegas.com
Safety. Integrity. Respect. Inclusion.

APPENDIX "6" TO ADMINISTRATIVE REPORT PDS-36-2022 DATED MAY 30, 2022

Fort Erie - 3285 Thunder Bay Road - files 350309-0532 and 350308-0122
LANDUSEPLANNING to: 'Aaron Butler' 09/21/2021 09:24 AM
Sent by: "SHETTY Dolly" <Dolly.Shetty@HydroOne.com>
From: "LANDUSEPLANNING" <LandUsePlanning@HydroOne.com>
To: "'Aaron Butler'" <AButler@forterie.ca>
Sent by: "SHETTY Dolly" <Dolly.Shetty@HydroOne.com>

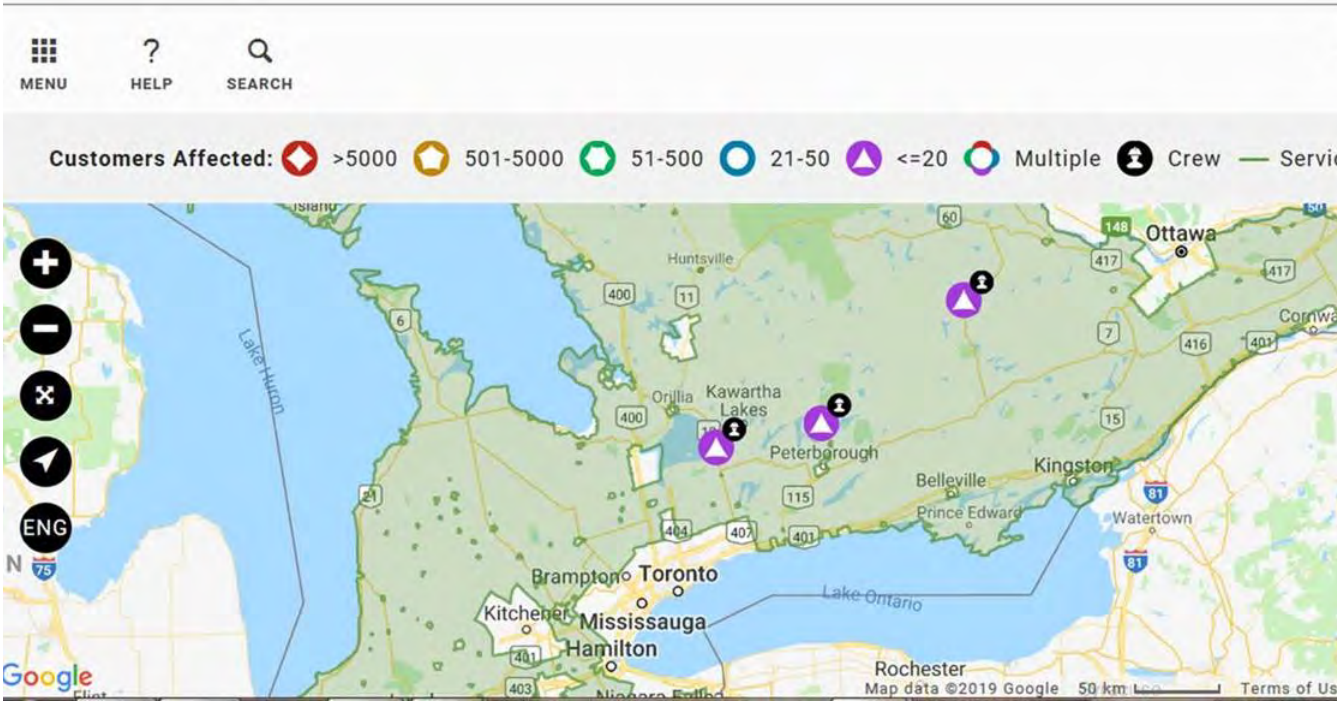
Hello,

We are in receipt of Applications 350309-0532 and 350308-0122 dated September 10, 2021. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

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

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



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

Thank you,

Best Wishes,

Dolly Shetty
Real Estate Assistant | Land Use Planning

Hydro One Networks Inc.
185 Clegg Road (R32)
Markham, ON | L6G 1B7
Email: Dolly.Shetty@HydroOne.com

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From: Aaron Butler <AButler@forterie.ca>
Sent: Friday, September 10, 2021 3:54 PM
Subject: Re: Request for Comments - Proposed Draft Plan of Subdivision and Zoning By-law Amendment - 3285 Thunder Bay Road, Fort Erie

*** Exercise caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. ***

Good afternoon,

Please see notice of Complete Application and Public Meeting for the subject property attached. The meeting will take place on October 4th, 2021 at 6:00 PM.

Aaron Butler, MCIP, RPP
Manager, Development Approvals
The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2502| F: 905-871-6411

From: Aaron Butler/FortErie
To: Andrew.Carrigan@Canadapost.ca, circulations@mmm.ca, kathy.levinski@ncdsb.com, LandUsePlanning@HydroOne.com, MunicipalPlanning@enbridge.com, planification@csdccs.edu.on.ca, Randy.Leppert@cogeco.com, Sue Mabee <Sue.Mabee@dsbn.org>, karen.singer@bell.ca, circulations@wsp.com, Pieter Wasserman/FortErie@TownOfFortErie, Signe Hansen <SHansen@forterie.ca>, Ed Melanson <EMelanson@forterie.ca>, Keegan Gennings <KGennings@forterie.ca>, Jeremy Korevaar <JKorevaar@forterie.ca>, Deluce David <ddeluce@npca.ca>, executivedirector@fenfc.org, craig.krueger@cogeco.com, aazouz@csdccs.edu.on.ca, scott.whitwell@ncdsb.com, Fawn.Sault@mncfn.ca, pontdj@hotmail.com, Clerks <clerk@niagararegion.ca>, lola.emberson@niagararegion.ca, Caralee Grummett/FortErie@TownOfFortErie, Mohammad Kamruzzaman/FortErie@TownOfFortErie, john.armstrong@rci.rogers.com, devtplanningapplications@niagararegion.ca, jeff.hoover@cnpower.com, Anamika Dilwaria/FortErie@TownOfFortErie, Kira Dolch/FortErie@TownOfFortErie
Date: 07/27/2021 11:12 AM
Subject: Request for Comments - Proposed Draft Plan of Subdivision and Zoning By-law Amendment - 3285 Thunder Bay Road, Fort Erie

---

Good morning,
Applications have been received from Upper Canada Consultants on behalf of Westwind Niagara Developments Inc. for a Draft Plan of Subdivision and Zoning By-law Amendment for the lands known as 3285 Thunder Bay Road. The purpose of the applications is to permit the development of the property for 41 single detached dwellings, one block for environmental protection, two blocks for parkland dedication and one block for shoreline hazard. The following was submitted with the application package for review:

1. Application for Draft Plan of Subdivision
2. Application for Zoning By-law Amendment
3. Draft Plan of Subdivision
4. Planning Justification Report
5. Functional Servicing Report
6. Archaeological Assessment & Ministry Clearance Letter

Digital copies of the all of the above can be downloaded from the following link: https://ddei5-0-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2ffilr.forterie.ca%3a8443%2ffilr%2fpublic%2dlink%2ffile%2ddownload%2fff8080827ae6e1ae017ae873e00b16b4%2f1248%2f%2d3762943117148636361%2f3285%2520Thunder%2520Bay%2520Road%2520Application%2520Submission.zip&umid=FB136D99-CBA9-7A05-9E67-F3EEAF0D4D07&auth=2d642bc0e91c4252d9fd41a45fae119e296f143e-f7c3de6fb253373951c7e1889456e6a5998abecf
The proposed Draft Plan of Subdivision is attached. If your agency has a review fee it will be sent via courier. Please provide any comments you have on the applications no later than **Thursday, August 26, 2021**.

Please let me know if you have any questions.

Aaron Butler, MCIP, RPP
Manager, Development Approvals
The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2502| F: 905-871-6411
[attachment "17143-DRAFT PLAN -SIGNED.pdf" deleted by Aaron Butler/FortErie]

Thanks for connecting.

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

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

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

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

ZBLA & SUB: 3285 Thunder Bay Rd
circulations to: AButler 08/27/2021 11:29 AM
From: <circulations@wsp.com>
To: <AButler@forterie.ca>
Please respond to <circulations@wsp.com>

2021-08-27

Aaron Butler

Fort Erie
, ,

Attention: Aaron Butler

Re: ZBLA & SUB: 3285 Thunder Bay Rd; Your File No. TBD

Our File No. 91192

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application and have no objections to the application as this time. However, we hereby advise the Owner to contact Bell Canada at planninganddevelopment@bell.ca during detailed design to confirm the provisioning of communication/telecommunication infrastructure needed to service the development. We would also ask that the following paragraph be included as a condition of approval:

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

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

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

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

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

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

Should you have any questions, please contact the undersigned.

Yours truly,

Ryan Courville
Manager - Planning and Development
Network Provisioning
Email: planninganddevelopment@bell.ca92;#Infrastructure|99ba27ae-002d-47ab-aa90-899ac195e6e7
Bell Canada Bell Canada

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APPENDIX "6" TO ADMINISTRATIVE REPORT PDS-36-2022 DATED MAY 30, 2022

Re: Request for Comments - Proposed Draft Plan of Subdivision and Zoning By-law Amendment - 3285 Thunder Bay Road, Fort Erie
Randy Leppert to: Aaron Butler 07/27/2021 11:47 AM
From: "Randy Leppert" <randy.leppert@cogeco.com>
To: "Aaron Butler" <AButler@forterie.ca>

Aaron

Cogeco has no objections to this proposed development.

thanks

RANDY LEPPERT
Regional Program Lead

T 289-296-6228 | C 905-351-3771

7170 McLeod Rd

Niagara Falls, Ontario

L2G 3H2 Canada
cogeco.ca

On Tue, Jul 27, 2021 at 11:12 AM Aaron Butler <AButler@forterie.ca> wrote:

> Good morning,
> Applications have been received from Upper Canada Consultants on behalf of Westwind Niagara Developments Inc. for a Draft Plan of Subdivision and Zoning By-law Amendment for the lands known as 3285 Thunder Bay Road. The purpose of the applications is to permit the development of the property for 41 single detached dwellings, one block for environmental protection, two blocks for parkland dedication and one block for shoreline hazard. The following was submitted with the application package for review:
>
> 1. Application for Draft Plan of Subdivision
> 2. Application for Zoning By-law Amendment
> 3. Draft Plan of Subdivision
> 4. Planning Justification Report
> 5. Functional Servicing Report
> 6. Archaeological Assessment & Ministry Clearance Letter
>
> Digital copies of the all of the above can be downloaded from the following link:
> https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080827ae6e1ae017ae873e00b16b4/1248/-3762943117148636361/3285%20Thunder%20Bay%20Road%20Application%20Submission.zip
> The proposed Draft Plan of Subdivision is attached. If your agency has a review fee it will be sent via courier. Please provide any comments you have on the applications no later than **Thursday, August 26, 2021**.
>
> Please let me know if you have any questions.
>
> **Aaron Butler, MCIP, RPP**
> **Manager, Development Approvals**
> The Corporation of the Town of Fort Erie | Planning and Development Services
> 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
> T: 905-871-1600 x 2502| F: 905-871-6411

Thanks for connecting.

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

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

Interoffice Memorandum

August 30, 2021
File No. 350308-0122 & 350309-0531

To: Aaron Butler, Manager, Development Approvals
From: Jeremy Korevaar, Coordinator, Development Approvals
Subject: **DRAFT PLAN OF SUBDIVISION AND ZONING BY-LAW AMENDMENT APPLICATION – 3285 THUNDER BAY ROAD, RIDGEWAY - COMMENTS**

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

- We have no objections to the proposed Official Plan Amendment and Zoning By-law Amendment.
- In accordance with the Official Plan, the Developer is required to convey to the Town of Fort Erie a road widening across the Thunder Bay Road frontage. Thunder Bay Road from Ridge Road to Stonemill Road is identified as a Collector Road with a road allowance width of 23.0m. The current road allowance width is 20.1m therefore a road widening of 1.45m will need to be conveyed to the Town. It appears that Blocks 46 and 47 show this required widening. There is no road widening required across the Burleigh Road South frontage.
- A 7.0m x 7.0m daylight triangle shall be provided at the north-west corner of the subject lands as well as on the west and east side of the intersection of Street ‘A’ and Thunder Bay Road. The draft plan shows the required 7.0m daylight triangles. In addition a 4.5m x.4.5m daylight triangle is required on the north and south side of the intersection of Street ‘A’ and Burleigh Road South. The draft plan shows 7.0m daylight triangles in this location. We have no objection to receiving 7.0m daylight triangles in these locations.
- There is an existing sanitary sewer easement that traverses the subject lands. Based on the draft plan, the easement will cross the south-east corner of proposed lot 35. We recommend that the Subdivision Agreement contain a warning clause to advise prospective purchasers of the presence of the easement.
- In accordance with the Memorandum of Understanding the servicing upgrades that will be completed are:
  - Front-end the reconstruction of Thunder Bay Road from Burleigh Road North to Cook Avenue. The reconstruction includes and upgrade of Thunder Bay Road to an urban standard including curbs and gutter, sidewalks, storm sewers, etc. This project has been identified in the 2018 Development Charges Background Study and the Town will reimburse the developer in accordance with Special Provisions which will be included in the future Subdivision Agreement.
  - Replace the existing 300mm cast-iron watermain from Burleigh Road North to Cook Avenue. Cost sharing arrangements as outlined in the MOU will be detailed in the subdivision agreement.

  - The sanitary sewer on Thunder Bay Road shall be extended from the current terminus to the west to front on the proposed lots of the draft plan of subdivision. The sewer extension will be completed entirely at the expense of the Developer.
- The Functional Servicing Report prepared by Upper Canada Consultants dated June 2021 has been reviewed and we have the following comments:
  - We agree with the initial assessment and methodology proposed by Upper Canada Consultants for storm water management which will limit post-development run-off to pre-development levels.
  - We agree with Upper Canada Consultant's assessment that the receiving sanitary sewer has adequate capacity to service the proposed development.

General Comments

1. The internal lands of this development are not serviced. The developer will be responsible for all associated costs to extend required municipal services into the subject lands. Since the planned lots are within the urban area boundary, they must be serviced by the municipal sanitary sewer system and the municipal water distribution system.

2. The Owner shall retain a qualified Engineer to prepare site engineering, cost estimates and administer servicing work associated with developing the subject lands.

3. All municipal servicing is to be designed and constructed to Ontario Provincial Standards and Town Guidelines and will be subject to the approval of the Town of Fort Erie Director of Infrastructure Services.

4. Prior to installing sewer services, the Owner must obtain Environmental Compliance Approval from the Ministry of Environment, Conservation and Parks for sewer and storm water management works needed to service the proposed development. Prior to installing the watermain to service the proposed development, the Owner must submit Ministry of Environment 'Form 1' Record of Watermain to the Town.

5. A geotechnical study is required to confirm sewer pipe design, pipe bedding and backfill and to assess ground water conditions and bedrock elevations.

6. Given the small magnitude of the development proposal, phasing of the development servicing will not be permitted.

Roads Comments

1. All internal roads within this development shall be designed and constructed to a full urban cross section consistent with the Town of Fort Erie typical urban cross section standard, (PW-501 FE), (curb & gutter, storm sewer and sidewalk), Ontario Provincial Standards (OPS) and Transportation Association of Canada (TAC).

2. All proposed roadways within the plan shall be dedicated as public highways.

3. All road intersections and curves shall be designed and constructed in accordance with OPS and TAC requirements. Road allowance widths (20m minimum) must be able to accommodate all turning radii under this requirement.

4. LED Streetlights will be required as per the Town street light policy.

5. At a minimum a 1.5m wide concrete sidewalk shall be provided on one side of all streets. Cross-walks shall be limited to intersections with STOP control as much as practical.

Watermain Comments

1. Fire hydrants at the standard spacing must be provided, and hydrant layout is also subject to review and approval by the Town of Fort Erie.

Storm Drainage Comments

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

2. Storm Water Management (SWM) and the site storm drainage system is to be addressed in accordance with the Town of Fort Erie's Storm Drainage Guidelines, the Town of Fort Erie Lot Grading Policy, Town of Fort Erie Stormwater Management Facility Design, Operation and Maintenance Policy and Standards and Ministry of Environment Best Management Principles. The minor system is to be capable of accommodating the 5-year storm. The major system shall provide unencumbered flow for the major event (100-year storm) to the storm water management facility.

3. The developer must provide a SWM report for all development phases of the subject lands.

4. Rear yard catch basins (RYCB) must also be incorporated into the development drainage system. The rear yard catch basins would provide a means to ensure consistent rear yard drainage, provide outlets for the swale system and provide access to the storm sewer system for flushing maintenance. 3.0m wide easements, in favour of the Town, would be required to allow access to the catch basins and leads for maintenance purposes. RYCB leads shall be offset from lot lines.

5. A Subdivision Grade Control Plan showing existing and proposed grades, overland flow routes and building envelope and basement floor elevations is to be submitted by the Owner for review and approval by the Town.

6. Existing overland drainage patterns must be maintained.

7. The Developer is advised that prior to registration of this plan, the owner shall obtain Ministry of the Environment Environmental Compliance Approvals to the satisfaction of the Director of Infrastructure Services, for the necessary storm sewers for this development.

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

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

1. That the owner deed Blocks 43 and 45, as shown on the Draft Plan to the Town for parkland purposes, free and clear of any mortgages, liens and encumbrances.

2. That the owner deed Blocks 46 and 47, as shown on the Draft Plan to the Town for road widening purposes, free and clear of any mortgages, liens and encumbrances.

3. That the owner deed any and all easements that may be required for access utility and drainage purposes be granted to the appropriate authorities and utilities.

4. That all roads within the subdivision be designed according to Town of Fort Erie Standards and the lands be conveyed to the Town of Fort Erie as public highways.

5. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that *“Roof downspouts shall discharge only to ground surface via splash pads to either side or rear yards, with no direct connection to the storm sewer or discharge directed to the driveway or roadway.”*

6. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that *“Public sidewalk installation will be in accordance with the terms of the subdivision agreement and as per the approved plans on file at Town Hall.”*

7. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that *“The owner (developer) shall be responsible for installing paved driveway aprons from curb to the property line or from the curb to the sidewalk.”*

8. That prior to receiving Final Approval, the owner shall submit, for review and approval by the Town, a Geotechnical Study prepared by a qualified engineer, that verifies the soil bearing capacity, assesses bedrock elevations and groundwater conditions, appropriate sewer pipe design, pipe bedding, backfill and roadway designs and appropriate mitigation measures to address groundwater issues encountered.

9. That the owner prepare a detailed Subdivision Grade Control Plan showing both existing and proposed grades and the means whereby major storm flows will be accommodated across the site be submitted to the Town of Fort Erie.

10. That the owner shall enter into any agreement as required by utility companies for installation of services, including street lighting, all in accordance with the standards of the Town of Fort Erie. All utilities servicing the subdivision shall be underground. Upon installation and acceptance by the Town, streetlights and streetlight electrical supply system will be added to the Town's inventory.

11. That the streets be named to the satisfaction of the Town.

12. That the owner agrees, at a minimum, to construct 1.5 metre sidewalks on one side of all internal streets within the subdivision to the satisfaction of the Town or to the satisfaction of the Town.

13. That the design drawings for the water, sanitary sewer and storm water drainage systems, including storm water management, to service this development be submitted to the Town of Fort Erie for review and approval.

14. That prior to approval of the final plan or any on-site grading, the owner submit to the Town of Fort Erie for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled "Stormwater Management Planning and Design Manual", March 2003, and "Stormwater Quality Guidelines for New Development", May 1991, and in accordance with Town of Fort Erie's Storm Drainage Guidelines, the Town of Fort Erie Lot Grading Policy, Town of Fort Erie Stormwater Management Facility Design, Operation and Maintenance Policy and Standards:

    a) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
    b) Detailed sediment and erosion control plans.

15. That the subdivision agreement between the owner and the Town of Fort Erie contain provisions whereby the owner agrees to implement the approved stormwater management plan required in accordance with Condition 14 above.

16. That the Developer is responsible to front-end the reconstruction of Thunder Bay Road to an urban cross-section and the construction of storm sewers from Burleigh Road North to Cook Avenue

17. That the Developer is responsible to complete the replacement of the existing watermain on Thunder Bay Road from Burleigh Road North to Cook Avenue. Costs-sharing arrangements shall be in accordance with the Memorandum of Understanding approved by Council with the passing of By-law No. 71-2021.

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

Interoffice Memorandum

August 30, 2021

To: Aaron Butler, Manager, Development Approvals
From: Signe Hansen, Manager, Community Planning
Subject: **3285 THUNDER BAY RAOD**
PROPOSED DRAFT PLAN OF SUBDIVISION and ZBA

Below are comments pertaining to the 1st submission for the above noted Draft Plan of Subdivision application. Comments are provided relative to the Town of Fort Erie Subdivision Control Guidelines.

- A Tree Preservation Plan is required. The requirements for a Tree Preservation Plan are outlined in the Town's Site Plan Control Guidelines.
- A Streetscape Plan is required, pursuant to the Subdivision Control Guidelines.
- A Landscape Plan is required, to identify buffer plantings along the east property line as mutually agreed upon with owners of 3261 Thunder Bay Road, any additional buffer planting, and any vegetative restoration as may be required (eg. Block 42)
- Please identify the parking lot layout for Block 45.

Regards

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

Interoffice Memorandum

Date 30 August 2021
File No.

To: Anamika Dilwaria, M.Pl, MCIP, RPP, Senior Development Planner
From: Pieter Wasserman, Neighbourhood Planner & Urban Designer
Subject: **Request for Comments - 20210826 - Draft Plan of Subdivision & ZBA - 3285 Thunder Bay**

1. SECONDARY PLAN

The site is located within the Ridgeway – Thunder Bay Secondary Plan area and is identified as being designated 'Low Density' residential as per Schedule RTB-2 (Future Land Use Plan). Therefore, it is subject to 4.18.6 Low Density Residential, page 22. The site is currently zoned as Waterfront Residential WR Zone. It also has an Environmental Conservation overlay.

2. URBAN DESIGN

- It is strongly suggested that Urban Design Guidelines are developed for the subdivision in order for future dwellings to be designed to fit in with the existing context. Guidelines should be developed and submitted for approval.
- To evaluate the development from an urban realm perspective additional documentation such as plans, sections and elevations need to be provided in time in order to comment on the development in greater detail. Please provide these for each building on the site. Additional perspectives and renders may also be supplied to illustrate the site layout. This should be submitted at Site Plan stage for the lots.

Kind regards,

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

PCW/
Attach. none



Proposed Draft Plan of Subdivision and Zoning By-law Amendment - 3285 Thunder Bay Road

Keegan Gennings to: Aaron Butler 08/26/2021 10:53 AM

From: Keegan Gennings/FortErie
To: Aaron Butler/FortErie@TownOfFortErie

Hi Aaron,

A review of the plan of subdivision and zoning by-law amendment for 3285 Thunderbay road has been completed and I have no comments.

Regards,

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

Re: Request for Comments - Proposed Draft Plan of Subdivision and Zoning By-law Amendment - 3285 Thunder Bay Road, Fort Erie

Ed Melanson to: Aaron Butler 08/03/2021 03:21 PM

From: Ed Melanson/FortErie
To: Aaron Butler/FortErie@TownOfFortErie

Good afternoon Aaron,

I have reviewed the attachments for the proposed draft plan of sub-division and proposed zoning by-law amndment. I have no objections or questions at this time. I paid particular attention to the servicing plan and access and I am satisfied that it has been addressed or plans to be addressed.

Thanks for reaching out.

Ed Melanson
Fire Chief / CEMC
Office: (905) 871-1600 ext. 2600
Cell: (905) 329-7255

Aaron Butler Good morning, Applications have been received... 2021-07-27 11:12:47 AM

From: Aaron Butler/FortErie
To: Andrew.Carrigan@Canadapost.ca, circulations@mmm.ca, kathy.levinski@ncdsb.com, LandUsePlanning@HydroOne.com, MunicipalPlanning@enbridge.com, planification@csdccs.edu.on.ca, Randy.Leppert@cogeco.com, Sue Mabee <Sue.Mabee@dsbn.org>, karen.singer@bell.ca, circulations@wsp.com, Pieter Wasserman/FortErie@TownOfFortErie, Signe Hansen <SHansen@forterie.ca>, Ed Melanson <EMelanson@forterie.ca>, Keegan Gennings <KGennings@forterie.ca>, Jeremy Korevaar <JKorevaar@forterie.ca>, Deluce David <ddeluce@npca.ca>, executivedirector@fenfc.org, craig.krueger@cogeco.com, aazouz@csdccs.edu.on.ca, scott.whitwell@ncdsb.com, Fawn.Sault@mncfn.ca, pontdj@hotmail.com, Clerks <clerk@niagararegion.ca>, lola.emberson@niagararegion.ca, Caralee Grummett/FortErie@TownOfFortErie, Mohammad Kamruzzaman/FortErie@TownOfFortErie, john.armstrong@rci.rogers.com, devtplanningapplications@niagararegion.ca, jeff.hoover@cnpower.com, Anamika Dilwaria/FortErie@TownOfFortErie, Kira Dolch/FortErie@TownOfFortErie
Date: 2021-07-27 11:12 AM
Subject: Request for Comments - Proposed Draft Plan of Subdivision and Zoning By-law Amendment - 3285 Thunder Bay Road, Fort Erie

Good morning,

Applications have been received from Upper Canada Consultants on behalf of Westwind Niagara Developments Inc. for a Draft Plan of Subdivision and Zoning By-law Amendment for the lands known as 3285 Thunder Bay Road. The purpose of the applications is to permit the development of the property for 41 single detached dwellings, one block for environmental protection, two blocks for parkland dedication

and one block for shoreline hazard. The following was submitted with the application package for review:

1. Application for Draft Plan of Subdivision
2. Application for Zoning By-law Amendment
3. Draft Plan of Subdivision
4. Planning Justification Report
5. Functional Servicing Report
6. Archaeological Assessment & Ministry Clearance Letter

Digital copies of the all of the above can be downloaded from the following link:
https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080827ae6e1ae017ae873e00b16b4/1248/-3762943117148636361/3285%20Thunder%20Bay%20Road%20Application%20Submission.zip

The proposed Draft Plan of Subdivision is attached. If your agency has a review fee it will be sent via courier. Please provide any comments you have on the applications no later than **Thursday, August 26, 2021**.

Please let me know if you have any questions.

Aaron Butler, MCIP, RPP
Manager, Development Approvals
The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2502| F: 905-871-6411

[attachment "17143-DRAFT PLAN -SIGNED.pdf" deleted by Ed Melanson/FortErie]

RE: Request for Comments - Proposed Draft Plan of Subdivision and Zoning By-law Amendment - 3285 Thunder Bay Road, Fort Erie
Aaron Butler to: Mitchell Avis 2022-03-20 07:13 PM
Cc: "Adam LaForme", "'Adrian Blake'"
From: Aaron Butler/FortErie
To: "Mitchell Avis" <mitchell.avis@sharedvaluesolutions.com>
Cc: "Adam LaForme" <Adam.LaForme@mncfn.ca>, "'Adrian Blake'" <Adrian.Blake@mncfn.ca>

To: "Mitchell Avis" <mitchell.avis@sharedvaluesolutions.com>

Cc: "Adam LaForme" <Adam.LaForme@mncfn.ca>, "'Adrian Blake'" <Adrian.Blake@mncfn.ca>

Hi Mitchell,

You're welcome. It will likely be end of April or early may for a Council decision.

Aaron

Aaron Butler, MCIP, RPP
Manager, Development Approvals
The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2502| F: 905-871-6411

"Mitchell Avis" ---03/16/2022 11:29:42 AM---Aaron - thank you for the reply. Do you have a sense of when these planning applications will be bro

From: "Mitchell Avis" <mitchell.avis@sharedvaluesolutions.com>
To: "Aaron Butler" <AButler@forterie.ca>
Cc: "Adam LaForme" <Adam.LaForme@mncfn.ca>, "'Adrian Blake'" <Adrian.Blake@mncfn.ca>
Date: 03/16/2022 11:29 AM
Subject: RE: Request for Comments - Proposed Draft Plan of Subdivision and Zoning By-law Amendment - 3285 Thunder Bay Road, Fort Erie

---

Aaron – thank you for the reply. Do you have a sense of when these planning applications will be brought forward to Town Council for a decision?

Mitchell

Mitchell Avis, MSc, MCIP, RPP | **Planner**
(He/him – why is this here?)

SHARED VALUE SOLUTIONS
Office 226-706-8888 ext. 109
Mobile 226-789-8511
mitchell.avis@sharedvaluesolutions.com
www.sharedvaluesolutions.com
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From: Aaron Butler <AButler@forterie.ca>
Sent: Wednesday, March 9, 2022 10:32 AM
To: Mitchell Avis <mitchell.avis@sharedvaluesolutions.com>
Cc: Adam LaForme <Adam.LaForme@mncfn.ca>; 'Adrian Blake' <Adrian.Blake@mncfn.ca>
Subject: RE: Request for Comments - Proposed Draft Plan of Subdivision and Zoning By-law Amendment - 3285 Thunder Bay Road, Fort Erie

You don't often get email from abutler@forterie.ca. Learn why this is important
Hi Mitchell,

My colleague Alexander Morrison at the Niagara Region Planning Department (who is the delegated approval authority on archaeological planning review matters in Niagara) has had further correspondence with the Ministry of Heritage, Sport, Tourism and Culture Industries, specifically Malcolm Horne, Archaeology Review Officer. Malcolm has provided the following additional comment to the Region and Town on this matter:
"For the draft plan of subdivision at 3285 Thunder Bay Road, this ministry has entered the report on the Stage 1-2 assessment of that proposed development into the Ontario Public Register of Archaeological Reports. No evidence of archaeological site Location 11 (AfGs-109) was identified within 3285 Thunder Bay Road. We therefore support the recommendation in that report that no further archaeological assessment is required at 3285 Thunder Bay Road."
I understand that Malcolm has reviewed the Ministry's file with respect to the adjacent Burleigh Road Subdivision and the Archaeological Studies.
The Town will be considering this comment from the Ministry in its review of this Planning Act applications. Comments from MCFN-DOCA will also be provided to Fort Erie Council when considering the applications.
I appreciate the dialogue from MCFN-DOCA on this. Please let me know if you have any further comments or questions.
Regards,

Aaron Butler, MCIP, RPP
Manager, Development Approvals
The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2502| F: 905-871-6411

From: Aaron Butler/FortErie
To: "Mitchell Avis" <mitchell.avis@sharedvaluesolutions.com>
Cc: "Adam LaForme" <Adam.LaForme@mncfn.ca>, "'Adrian Blake'" <Adrian.Blake@mncfn.ca>
Date: 02/28/2022 02:27 PM
Subject: RE: Request for Comments - Proposed Draft Plan of Subdivision and Zoning By-law Amendment - 3285 Thunder Bay Road, Fort Erie

Hi Mitchell,

A decision on the Planning Act applications has not been made by Town Council. Staff are still in the midst of reviewing the applications.

Thank you for your patience on this. I will respond to MCFN as soon as possible after completing our review of all comments.

Aaron

Aaron Butler, MCIP, RPP
Manager, Development Approvals

The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2502| F: 905-871-6411

From: "Mitchell Avis" <mitchell.avis@sharedvaluesolutions.com>
To: "Aaron Butler" <AButler@forterie.ca>
Cc: "'Adrian Blake'" <Adrian.Blake@mncfn.ca>, "Adam LaForme" <Adam.LaForme@mncfn.ca>
Date: 02/07/2022 10:21 AM
Subject: RE: Request for Comments - Proposed Draft Plan of Subdivision and Zoning By-law Amendment - 3285 Thunder Bay Road, Fort Erie

Good morning Aaron,

I am writing on behalf of the Mississaugas of the Credit First Nation (MCFN) to follow-up on Erika's e-mail and comments below. MCFN have not received any further correspondence or response from yourselves, the developer nor the developer's archaeologist regarding these comments from November 2021. Are you able to provide any update on the status of a response and when MCFN can expect one? In addition, can you please provide an update on the status of development approvals for this project?

Thanks,

Mitchell Avis, MSc, MCIP, RPP |Planner
(He/him – why is this here?)

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Mobile226-789-8511
mitchell.avis@sharedvaluesolutions.com
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From: Erika Johannsen
Sent: Thursday, November 4, 2021 11:02 AM
To: 'Aaron Butler' <AButler@forterie.ca>
Cc: Adrian Blake <Adrian.Blake@mncfn.ca>; Fawn Sault <Fawn.Sault@mncfn.ca>; Katherine.Cappella@ontario.ca; Kathryn.Bryant@ontario.ca
Subject: RE: Request for Comments - Proposed Draft Plan of Subdivision and Zoning By-law Amendment - 3285 Thunder Bay Road, Fort Erie

Good morning Aaron,

Thank you very much for lending your attention to MCFN-DOCA's comments on 3285 Thunder Bay Road. Apologies for not reviewing the most updated draft plan. Due to our later reply, the link provided was expired and only the archaeological report was initially retrieved and flagged for review. Thank you for attaching the plan to your reply.

The concerns previously brought forward by MCFN-DOCA are certainly somewhat alleviated in light

of the fact that site AfGs-109 is in no immediate danger of being impacted. Long-term avoidance and protection of the site is a very viable option within the designated park land, provided there is no soil disturbance (e.g. landscaping or grading to create infrastructure such as pathways, etc.) within the site area/buffer. There is still however the concern that the extents of the site were not fully defined in 2000 due to the site intersecting with the 3285 Thunder Bay Road property line.

The MHSTCI Standards and Guidelines state that the limits of an archaeological site must be established through Stage 2 and Stage 3 assessments prior to the implementation of any avoidance and protection strategy. This means that the presumed protected context of the site does not negate the requirements for Stage 2 and 3 archaeological assessment (Section 4.1, Standard 1). Presently, only Stage 2 assessment has taken place and it did not directly address site AfGs-109. As I understand, it is only after Stage 3 assessment that the consultant archaeologist is in a position to advise upon an avoidance and protection plan which protects sites not only from immediate construction impacts, but future land use changes as well. Long term protection involves the use of legal/planning tools, such as zoning by-law amendments, to make sure the site is either continuously protected, or ultimately fully mitigated by a licensed archaeologist (Section 4.1.4, Standard 1). Without such measures in place, the site is still vulnerable to future impacts. MCFN-DOCA again defers to the MHSTCI to advise whether AfGs-109 ought to be further assessed within the 3285 Thunder Bay Road property in order to make sound Stage 4 recommendations with respect to the current draft plan.

Thank you again for welcoming dialogue with MCFN-DOCA on this project.

Kind regards,

Erika Johannsen (she/they)
Field Archaeologist

Department of Consultation and Accommodation (DOCA)
Mississaugas of the Credit First Nation (MCFN)
4065 Highway 6 North, Hagersville, ON N0A 1H0
Mobile: 905-870-5844
http://www.mncfn.ca

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From: Aaron Butler <AButler@forterie.ca>
Sent: Tuesday, November 2, 2021 12:35 PM
To: Erika Johannsen <Erika.Johannsen@mncfn.ca>
Cc: Adrian Blake <Adrian.Blake@mncfn.ca>; Fawn Sault <Fawn.Sault@mncfn.ca>; Katherine.Cappella@ontario.ca; Kathryn.Bryant@ontario.ca
Subject: Re: Request for Comments - Proposed Draft Plan of Subdivision and Zoning By-law Amendment - 3285 Thunder Bay Road, Fort Erie

Good afternoon Erika,

Thank you for the details comments on this proposal. Town Council has not made a decision on the proposed Draft Plan of Subdivision and development has not commenced.

I will be providing your comments to the applicant and in turn their archaeological consultant. I will expect a response from them with respect to your comments.

Please note the development plan shown as Figure 4 in the Detritus Stage 1-2 Archaeological Assessment (dated August 27, 2019) does not reflect the current development plan. I have attached the proposed Draft Plan of Subdivision by Upper Canada Consultants (dated June 22, 2021) which was circulated with the application for comments. Blocks 42, 43, 44 and 45 are proposed to be dedicated to the Town for Open Space/Parkland purposes. Site AfGs-109 (Location 11, Figure 2 of the 2000 Stage 3 AA for 62 Burleigh Road Subdivision) appears to be directly adjacent to the proposed Town land. There is no development proposed on the Town land.

With this clarification, do your comments and recommendation change?

Regards,

Aaron Butler, MCIP, RPP
Manager, Development Approvals
The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2502| F: 905-871-6411

From: "Erika Johannsen" <Erika.Johannsen@mncfn.ca>
To: "AButler@forterie.ca" <AButler@forterie.ca>
Cc: "Fawn Sault" <Fawn.Sault@mncfn.ca>, "Katherine.Cappella@ontario.ca" <Katherine.Cappella@ontario.ca>, "Kathryn.Bryant@ontario.ca" <Kathryn.Bryant@ontario.ca>, "Adrian Blake" <Adrian.Blake@mncfn.ca>
Date: 10/29/2021 03:41 PM
Subject: Request for Comments - Proposed Draft Plan of Subdivision and Zoning By-law Amendment - 3285 Thunder Bay Road, Fort Erie

Dear Mr. Butler,

Thank you for sharing the Stage 2 Archaeological Assessment (AA) report for 3285 Thunder Bay Road with MCFN-DOCA. Apologies for being unable to meet the requested deadline for comments; MCFN-DOCA has regrettably been at capacity regarding report reviews.

While we are unsure as to whether the Westwind Niagara Developments Inc. Draft Plan of Subdivision was approved or whether development has commenced, MCFN-DOCA feels it necessary to caution that the results of our internal review suggest 3285 Thunder Bay Road likely retains Indigenous cultural resources.

MCFN-DOCA will frequently receive a Stage 2 AA report from an approval authority such as the Town of Fort Erie after it has already been entered into the MHSTCI Ontario Public Register of Archaeological Reports. No prior engagement was initiated by the proponent/archaeological consultant during Stage 2 field work and report preparation. Unfortunately this means that MCFN-DOCA is only able to bring forward concerns after the fact. None the less, MCFN-DOCA raises any perceived issues in the hopes that they can be redressed and illustrate the importance of early engagement with MCFN.

The Detritus Consulting Ltd., Stage 1 AA background study found that the 62 Burleigh Road Subdivision was assessed in 2000 by Mayer Heritage Consultants Inc. Five archaeological sites were

identified, including AfGs-109. After relaying basic information which can be found through the provincial archaeological sites database, the report states, “Although these sites are reported on the property adjacent to the west of the Study Area they appear in MTCS mapping to be within Lake Erie.” This dismissive statement gives the impression that little effort was made to determine the precise location of these sites, and no special consideration was given to nearby sites which may still retain Cultural Heritage Value or Interest (CHVI).

Having reviewed the 2000 Stage 3 AA for 62 Burleigh Road Subdivision report, it is apparent that site AfGs-109 (Location 11, Figure 2 attached) abuts the 3285 Thunder Bay Road property line where the western edge of Condo Unit 1, Block 2 is shown on the Development Plan (Figure 4 attached). AfGs-109 Stage AA 3 test unit excavation was carried out within 5 meters of the shared fence line, and Pre-contact Indigenous artifact yields with Stage 4 CHVI were documented along the easting closest to the fence line (Figure 7 attached). Presumably excavation ceased due to the property limits, otherwise it is clear that the site expands eastward. The 2000 Mayer HCI report recommends that if there were ever to be impacts to site AfGs-109, “Stage 4 mitigative excavation should be conducted for the Aboriginal component because it exhibits high information potential by provincial standards” (p. 12).

It is therefore concerning that no archaeological resources were found during Detritus’ property assessment. MCFN-DOCA can only conclude that Detritus’ Stage 1-2 assessment did not take into account the heightened archaeological potential along the south-western limits of the 3285 Thunder Bay Road Subject Area. Given the lack of background research, the lack of engagement with MCFN during Stage 2 test pitting, and the partially established site limits of AfGs-109, MCFN-DOCA is genuinely concerned that archaeological resources were overlooked. MCFN-DOCA would therefore recommend that this property be reassessed with the inclusion MCFN Field Liaison Representatives (FLRs), minimally a focused survey along the known edge of site AfGs-109.

If this is no longer feasible, there is still the issue of no recommendations being made to ensure the avoidance and protection of site AfGs-109. Minimally, a 10 m protective buffer zone for the site would still fall within the Draft Plan for Condo Unit 1, Block 2. Perhaps the argument can be made for a reduced buffer zone, but if grading/soil disturbance extends to the fence line, appropriate barriers are needed at the exposed edge of site AfGs-109. Most importantly, construction on the edge of AfGs-109 needs to be monitored as per MHSTCI Standards. If the site is altered in anyway, or previously undocumented archaeological resources are found, construction must stop and the MHSTCI must be notified. MCFN-DOCA therefore requests that an FLR be present to monitor any construction within 50 m of site AfGs-109.

Thank you for your consideration of this feedback. Please feel free to forward this communication to the appropriate personnel. MCFN-DOCA hopes that if there is still time to intervene, the Ministry (cc’d on this e-mail) will recommend the most appropriate steps to address site AfGs-109 at this point in the project.

Sincerely,

Erika Johannsen (she/they)
Field Archaeologist

Department of Consultation and Accommodation (DOCA)
Mississaugas of the Credit First Nation (MCFN)
4065 Highway 6 North, Hagersville, ON N0A 1H0
Mobile: 905-870-5844
http://www.mncfn.ca

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Thanks for connecting.

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

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

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

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

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

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

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Re: Proposed subdivision at 3285 thunder bay road
Bob Barna to: [redacted], abutler@forterie.ca 07/12/2021 02:59 PM
From: "[redacted]" <[redacted]>
To: [redacted], "abutler@forterie.ca" <abutler@forterie.ca>
Please respond to "[redacted]" <[redacted]>
History:
This message has been replied to.

I would also like clarification of EC overlay protection on the new subdivision (North side of the stream). This is not clear on sign posted.

Bob Barna

Sent from Yahoo Mail on Android

On Mon., 12 Jul. 2021 at 2:53 p.m., Sherry Barna [redacted] wrote:

> Hello
>
> I would like some more information on this subdivision as I live on lakecrest court and this will impact my family. Please send me any information you have on these plans including but not limited to when the public meeting will be and when any construction will start.
>
> Thank you
> *Sherry Barna*

Re: proposed 3285 Thunder Bay Rd Development
Leo D'Agostini to: abutler@forterie.ca 07/13/2021 02:33 PM
Cc: "Marina Butler", "wredekop@forterie.ca"
From: "Leo D'Agostini" <leodagostini@outlook.com>
To: "abutler@forterie.ca" <abutler@forterie.ca>
Cc: "Marina Butler" <MButler@forterie.ca>, "wredekop@forterie.ca" <wredekop@forterie.ca>
History:
This message has been replied to.

Dear Aaron,

I am a Thunder Bay Road resident. I as other Thunder Bay Road residents am experiencing the exponential growth of the areas close to the lake in Ridgeway and neighboring communities.

As there are many positives to a growing community I wish to voice a few concerns.

1. Gordon Road is presently our mailbox location. Gordon Road is in terrible repair. Dare not wear a good pair of shoes picking up your Mail. As Gordon Road will likely experience a heavier load of traffic and will possibly be the community mailbox for the additional residents, is there a plan to repair, expand and make more accessible this bank of mailbox's and/or add another mailbox location?

2. Burleigh Road will be another road which will likely experience a higher amount of traffic. The road is also in disrepair. It may or may not be part of the 5 year road reconstruction plan but it needs attention desperately. Has the increased traffic on the adjacent roads been taken into consideration and if so what is the plan?

3. Considering all of the new developments in the Ridge Road Thunder Bay Road area is there a plan for traffic control such as traffic lights at Burleigh and Thunder Bay and Ridge and Thunder Bay?

4. Is there a plan for sidewalks on Thunder Bay Road and if so will they be built on the north or south side? How far will they extend? Has the size of the lots on the south side of Thunder Bay Road east of the proposed development been a consideration for sidewalks given the depth of those properties?

5. The posted proposed site plan indicates environmental and park considerations. Will I have access to the beach by foot and/or Bicycle in this proposal? If so will there be resident passes? I live across from Bernard Beach. Two Sundays ago, Bernard Beach parking was at capacity and cars were parked along Thunder Bay Road for half a Kilometre east and west. As we allow for increasing development are we also considering extended access and parking for which inevitably the friends and family of the new residents will surely visit our neighborhood in addition to the weekend beach goers, to enjoy the shores of Lake Erie?

If you are not considering beach access parking for the friends, family and non residents which want to visit our north shore, have you considers parking restrictions and enforcement?

These are a few of my immediate concerns. Thanking you in advance for your reply.

Regards,

Leo D'Agostini
[redacted]
1208 Thunder Bay Road
Ridgeway Ontario L0s1n0
Call/Text: 289-322-0092
Email: leodagostini@outlook.com

Fwd: 3285 Thunder Bay Road Proposed Plan of Subdivision
Debbie Watson to: abutler 07/26/2021 01:27 PM
From: [redacted]
To: abutler@forterie.ca
History:
This message has been replied to.

Hello,

I would like to find out details of this proposed subdivision. Please send me a copy of the proposal.

Best regards,

Debbie Watson
[redacted]
46 Butlers Dr N
Ridgeway, On
C: 905-520-9249

Virus-free. www.avast.com

Re: 3285 Thunder Bay Rd Draft Plan of Proposed Subdivision (Westwind Niagara Developments Inc.)
Rick Bayley to: abutler 08/17/2021 12:49 PM
From: "Rick Bayley" <rbayley05@gmail.com>
To: abutler@forterie.ca
History:
This message has been replied to.

Mr. Butler,
My name is Rick Bayley. I reside at 56 Burleigh Rd S. I would like to comment on a few items on this file of draft plan at 3285 Thunder Bay Rd.

1) The proposed bylaw amendment as submitted by Upper Canada Consultants are proposing a rezone to R2 designation for all lots including lots abutting our existing property limit which is designated as R1 with site specific (216)(217). Cannot understand how the town could allow this. I have seen in my experience working in the City of Vaughan as Senior Plans Examiner of 31 years that this would have been split zoned to R1 with 18 metre frontages on abutting lots and R2 for interior lots with site specifics for coverages and setbacks for both locations. I would suggest that council review this.

2) It is noted the original dwelling and accessory buildings are to remain on blocks 43 and 45 as no information could be found in the reports as to future use. There is no access to these structures, please advise on this. As I am aware this is the parkland dedication as required that will be conveyed back to the city. Please let me know about this.

3) As you are aware this proposed subdivision abuts our property and I am aware of the 16 metre spatial separation from our property limit to the proposed property limit, however I would expect that in block 42 ALL vegetation including trees and shrubs will be left UNTOUCHED as stated from Beacon Environmentals report in section 6.1.1. I understand this is also conveyed back to the town and a black chain link fence will be installed at the property limit of the new lots and no fence on our property limit portion as reported.

Aaron, thank you.

Rick Bayley.

Proposed sub-division 3285 Thunder Bay Road
Laura Stotski to: abutler@forterie.ca 08/23/2021 03:13 PM
From: "Laura Stotski" [redacted]
To: "abutler@forterie.ca" <abutler@forterie.ca>
History:
This message has been replied to.

I would like to provide you with my questions and concerns about this development.

1. According to your zoning maps, all of the streets surrounding this area are zoned R1. Why is the builder asking for zone R2? If the only reason is so that he cram more houses into the space, then I am vehemently opposed. Many of us moved to this neighbourhood for its generous sized lots. If the development does not conform to the surrounding lot sizes, it will detract from the rural feel of this neighbourhood.
2. Will the lands designated for park be accessible to the public? Will there be access to the waterfront from the park? Why are the existing buildings being left on the park? Will the house be occupied?
3. Thunder Bay Road has no sidewalks and no shoulders. There is already a huge safety concern with pedestrians and cyclists who use the road daily and traffic which doesn't comply with the 50 km/hr speed limit. There is not enough space for cars going in opposite directions and a pedestrian or cyclist to pass safely, one of the three parties needs to stop. There will be a significant increase to traffic on this road with the addition of 41 residential units. What is the town or the builder willing to do to address this problem?

I will be viewing the live stream of the meeting on YouTube and hope to have my questions and concerns addressed in the meeting.

As a general note to the town council, it is very disappointing to see that much of the new housing developments in Ridgeway resemble the soulless suburbs which have been sprawling out from Toronto in the last decade. I am not opposed to development but you should carefully consider how your decisions are affecting the overall feel of the town. If you continue down this path, Ridgeway will lose the small town atmosphere that is the main attraction to living in this area. Please don't turn our quaint town into another suburb for Toronto. Thank you.

Laura Stotski
[redacted]



3285 Thunderbay Rd Ridgeway
mel annett to: abutler 08/28/2021 09:47 AM
From: "mel annett" [redacted]
To: abutler@forterie.ca
History:
This message has been replied to.

Good Morning Aaron,

I am not directly close to this project area however I do have a couple questions. I have read through the information but not having an engineering degree if you can give the answers it would be appreciated.
Is the storm water management and sanitary sewers for this development coming anywhere close to or will affecting Shirley Rd in anyway? I live across from the Regional pumping station that is slated for expansion .

Regards
Kathryn

Zoning Amendment- 3285 Thunder Bay Road Town Meeting Aug 30/21

m pull to: abutler 08/30/2021 10:25 AM

From: "m pull" [redacted]
To: abutler@forterie.ca

Good Morning Aaron

My name is Michele Pull. My husband and I live on the corner of Young Avenue (3275) and Gordon Avenue. We have received the Notice of Public Information regarding the new proposed subdivision at 3285 Thunder Bay Road.
We would like to know if there is any plans for improvement of Gordon Ave between Thunder Bay Road and Young Ave when developing the proposed subdivision.
This road is in need of repairs and with a subdivision being developed and one of the main entrances into the sub division lined up with Gordon Avenue, we feel the additional flow of traffic from the subdivision along with the mail box (on Gordon Ave) traffic will cause further deterioration .

Thanking you in advance for your response
Michele Pull



Comments re: Proposed subdivision at 3285 Thunder Bay Road, meeting this evening 5pm
big veggiedog to: abutler@forterie.ca, Marina Butler 08/30/2021 12:56 PM
Cc: "Wayne Redekop"
From: "big veggiedog" <[redacted]>
To: "abutler@forterie.ca" <abutler@forterie.ca>, "Marina Butler" <MButler@forterie.ca>
Cc: "Wayne Redekop" <WRedekop@forterie.ca>

Dear Mr. Butler, Mayor and Council,

As a resident living in close proximity to the proposed subdivision at 3285 Thunder Bay road, I do not support the zoning by-law amendments and the removing of the Environmental Conservation overlay required to accommodate it.

A request to remove the Environmental Conservation overlay was already previously refused by the towns Environmental Advisory Committee and subsequently town council. There must have been a reason for this. In order to accommodate the number of houses proposed for this subdivision, the land would need to be completely clear cut, removing all of the trees and brush thus eliminating more green space in this area for wildlife. A smaller sized subdivision could possibly allow more green space around each property to be preserved.

Safety on Burleigh road north is also an issue. Speeding and the size of the vehicles travelling on Burleigh road is very concerning. Last week I was cutting my front grass and there was a transport truck turning north on to Burleigh road from Thunder Bay road. This size of vehicle is not uncommon. There are no sidewalks and it is only wide enough for two cars to pass each other as long as they are not impeded by parked cars or the many pedestrians and bicycles that use this residential road on a daily basis. This subdivision will intensify this problem. Burleigh road north is also in terrible condition, especially between Dominion road and Jewell avenue yet instead of it being repaired, many of the roads surrounding it, that are far less travelled, are being repaved.

The Residential 2A zoning request greatly reduces the lot frontage and area required as well as allowing increased coverage and I don't understand why this subdivision can't be built more within the parameters of R1 zoning, like most of the individual lots in the established area of Ridgeway-Thunderbay, except for the fact that this wouldn't allow for as many houses... or profit. There are plenty of lots already subdivided in the area waiting to be developed that would accomplish the towns plan to increase the population here, as well as the subdivisions still under construction, without having another tightly packed subdivision.

I believe this property could still be developed with the current Waterfront residential (WR) zoning that is in place..... It would just mean less single detached dwellings on larger lots and I wish that would be considered.

Regards,
Sian Jarvis
[redacted]



3285 Thunder Bay Road
Joe N to: abutler 08/31/2021 09:57 AM
From: "Joe N" [redacted]
To: abutler@forterie.ca
History:
This message has been replied to.

Hi Aaron. I logged into the webinar yesterday regarding this development and I must say it was well done.

I live in the Oaks we have a private Facebook group that keeps people abreast of what's happening in their community. Just wondering if the webinar yesterday was recorded and if so is there a link that I can post on our Facebook groups of people if they wish can watch it.

Like most of the people living in Ridgeway by the Lake and the Oaks, we are from the GTA and not necessarily familiar with the lay of the land here in Fort Erie. My wife and I moved here in December 2019 and we are slowly becoming acquainted with the history, the culture, and the character of the area.

There is no doubt in my mind that the sleepy beachfront community is slowly going to change if not completely disappear within the near future. I know that I live in a development that is part of this process and judging by the comments in the various Facebook groups there is a growing resentment from the longtime residents in this area.

I was surprised that the homes along Thunder Bay Road will have their driveways front onto Thunder Bay Road. I know that there are existing driveways that go onto Thunder Bay Rd. buy they are well separated because of the lot sizes. Here we are talking about 44 ft lots so there will be a number of driveways in a row closely packed in with houses not set back all that far. Visually that will look more like a subdivision you find in Mississauga. The people who have lived here and the people who've moved recently do not want the area to look like Mississauga.

Joe

August 9th 2021

Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON. L2A 2S6

Attention: Aaron Butler, Manager, Development Approvals,

Re: 3285 Thunder Bay Road
Proposed Zoning By-law Amendment and Draft Plan of Subdivision

I reside at 3323 Lakecrest Court and I received the Notice of Public Information Open House in relation to the above noted development applications at 3285 Thunder Bay Road. My property is in close proximity to the development lands.

The property at 3285 Thunder Bay Road are part of the urban area boundary and they have potential to accommodate the Town's future growth if developed in a logical and sensitive fashion. I have reviewed the proposed plan of subdivision and the plan is sensitively designed and provides significant green spaces which will be beneficial to the community and I wish to express my support for the development proposal.

Thank for including me on the public notice circulation.

Your truly,

Rainer Hummel
[redacted]

September 9, 2021

To: The Fort Erie Town Council and the Zoning Board of Fort Erie

From: Kerry and Lauren Mitchell, joint owners of 3261 Thunder Bay Road

Re: Draft plan of Subdivision at 3285 Thunder Bay Road and related application to change the zoning from Waterfront Residential (WR) to Residential-2 (R-2)

These comments are submitted further to the 8/30/21 Public Information Open House regarding 3285 Thunder Bay Road and in advance of the anticipated 10/4/21 Fort Erie Town Council Meeting on the matter.

Concerns regarding direct impacts to our property located at 3261 Thunder Bay Road

As joint owners of the waterfront property located immediately to the east of the proposed development at 3285 Thunder Bay Road, we would like to raise a number of concerns regarding this proposal which will negatively impact the lived and visual experience of our property and its financial value. Clearly the neighbor most affected by this proposal, our concerns fall in three broad categories of interest:

1) Proximity to, and size of, the proposed development
2) Impact to the so-called "watercourse" from added drainage
3) Impact of a public park to our privacy, quiet enjoyment and the natural environment

1) Proximity to, and size of, the proposed development

Forty-one new structures with a property width of between 13 to 15 meters is an astounding number of buildings to squeeze into the segment of the property seeking the re-zoned W-2 classification. Not only will the property lots be wholly out of keeping with the lot sizes of their immediate non-waterfront neighbors, it is more than the number of total waterfront lots spanning the entire bay. Furthermore, the proposed location of six of those lots along our driveway is a direct infringement on our property, both visually and audibly, and runs counter to the historical development of the waterfront lots which were prevented by special covenant from any development. Allowance of this would forever alter the special character of the lakefront lots.

Further, how many seasons of building noise and other construction unpleasantries will a 41-unit development create? If some of the other developments along the road are an indication, it won't be just one or two.

Request: We recognize that a development project will take place but feel that a far smaller project with fewer units would be more in keeping with the area and allow for the maintenance of many of the remaining trees. Further, we are asking that no structures be located between the street/drive to 3285 and our driveway as well as a deep, dense and mature natural buffer. (Additional comments regarding development size etc. will be included in a section on broader impact to the neighboring community.).

2) Impact to the so-called "watercourse" from added drainage

This so-called "watercourse" has been nothing more than a dry ditch - save the occasional strong rain event - for the majority of my 64 years. With the development of Ridgeway by the Lake - we've experienced numerous and on-going torrential rushes of water through this ditch - creating sink holes and greatly contributing to the erosion of my neighbor's bank at 3247 Thunder Bay Road. This bank runs more or less along our property line and supports *and now threatens* a grand maple tree planted by my grandfather 100 years ago. Since the construction of the Ridgeway by the Lake development, the area of the lake into which this run-off is absorbed immediately takes on the hue of dense chocolate pudding. At other times less associated with a rain event, the run-off can appear very foamy as though multiple washing machines are discarding their soapy waste. What actually is the make-up of the brew coming through the channel is unknown to us.







The developer's environmental report states that the cumulative effects on this so-called watercourse are out of the scope of the report. "Why", I ask? The cumulative effects should always be included, all the more so as we have entered an era globally of hundred years storms occurring every 5 years etc. - the effects of a changing climate are clearly all around and clearly visible . Property damage has already occurred and is still occurring - at least here in the downstream section of this ditch - which was never fashioned with the water loads that it carries in mind. Furthermore, as a result of the unknown number of live trees which have been removed under the current ownership (not just dead ash existed on the proposed development property), there are considerably fewer natural means for absorbing water on the land - leading to even more water over the past four years or so through the channel. And I have a hard time

imagining that many of the trees which remain standing won't also be sacrificed to this development.

Request: Infrastructure consideration should be given to neighboring properties impacted by the increasing flows.

3) Impact of a public park to our privacy, quiet enjoyment and the natural environment

We understand the desirability and benefit to the Ridgeway community of parks, waterfront access and other special areas providing the peace and enjoyment that nature brings. No doubt that is much of what the residents love about the area and what brings new people here. Furthermore I understand the Town's desire to gain more access for its residents - but how that is done will be critically important - both for the residents themselves and in the means that the waterfront access is acquired.

My immediate concerns around this aspect of the proposal relate to how the park is used and by how many, the establishment of clear and natural public / private boundaries, loss of privacy and quiet enjoyment on my property, the nature of the amenities and parking in the public park and lastly - but not at all least - safety for those using the park.

The waterfront at this Point is slate and rock, with a healthy dose of algae when "in season". The combination can be a dangerous affair. The slippery slate is rarely understood for what it is - countless are the times over my life that I have called out to people - young, old and in between - to "be careful", "don't run - the slate is very slippery". Needless to say, even some who have heeded the advice have taken a serious tumble. Will the Town be responsible for any injuries? And what if a person has crossed over onto the slated area in front of our house before being injured?

Whether there are Fowlers Toads there at present I can't say (although there are toads on our property - but I don't know a Fowler from another kind of toad), but there certainly is a healthy flock of geese - upwards of 50 I would guess that consider that place home. Also, herons regularly rest here as well for the peace and quiet it offers

Request - All of this leads us to suggest that Waterfront Residential remains the best usage of the proposed park area in question. If however it is to become a park, all of these concerns lead back to the question of the nature of the park. It is not an appropriate place for public swimming, fires, loud music etc.; the setting is conducive to quiet enjoyment of another and/or nature, reflection etc. with only very modest amenities and designated access times. Similarly a clear boundary at the beach level should be constructed between our property and the park - ideally of a natural boulder-like barrier in keeping with the raw and natural beauty of the setting. Further, additional natural barriers (trees, tall shrubs etc.) between the land-based properties should be established with absolute respect and adherence to the property line and existing trees. And despite what was said at the presentation on 8/30/21, I understand that the house is to be torn down. This too seems out of sync with the kind of setting that this property has been over time and still is in its most essential nature. There were great plantings throughout most of its built existence and that type of peaceful beauty could be reimagined and reestablished, just as the house could be as well.

Concerns regarding the broader impact to the neighboring community

I would also like to touch on a number of key issues affecting the Thunder Bay and broader Ridgeway community.

1). **Bernard Beach** - adding the majority of the proposed development's drainage to the drainage at Bernard Beach is likely to produce even less beach through washout than currently exists at Bernard Beach. Further, harming one desirable public amenity through the creation of another is not a winning proposition for the Town it seems to me. Is there nowhere else further inland that this drainage could be directed - that through some creativity and engineering might even become a site of interest of its own?

2) **9 New driveways on Thunder Bay Road -** The privacy of the people and properties on the north of side of Thunder Bay across from the development will be entirely and negatively altered to say the least. Drawing this high degree of density down to this more natural area on on Thunder Bay Road fully alters the character of the road, the properties currently in existence, and hence the lived experience for all the presently invested homeowners.

3) **Increased traffic to Thunder Bay Road** - whether a two-stop intersection will be sufficient to accommodate the traffic from a new 41-unit sub-division is a serious question. 41 units likely means 80 people or more, which itself likely means at least 50 if not 80 or more cars. Moving that number of vehicles from this very small parcel of land is likely to create real congestion at times along the length of the road but also at the intersection in question.

4) **Need for broader public meeting notice regarding this development -** This development is a significant departure from the status quo on Thunder Bay Road with impacts and concerns beyond 120 meters from the proposed development site (which I gather is the distance requirement for households that will be notified of public meetings). In addition to the unprecedented residential development that has been proposed, the proposal to create a new park along the bay would also be of interest to both waterfront homeowners as well as residents and homeowners located inland.

Thank you for the opportunity to share our concerns over this proposal. Much is at stake with this project - not only for local landholders and residents - but for the natural environment of this community, which after all, is so much of what makes this area so beautiful and special.

Sincerely,

Kerry Mitchell and Lauren Mitchell
3261 Thunder Bay Road

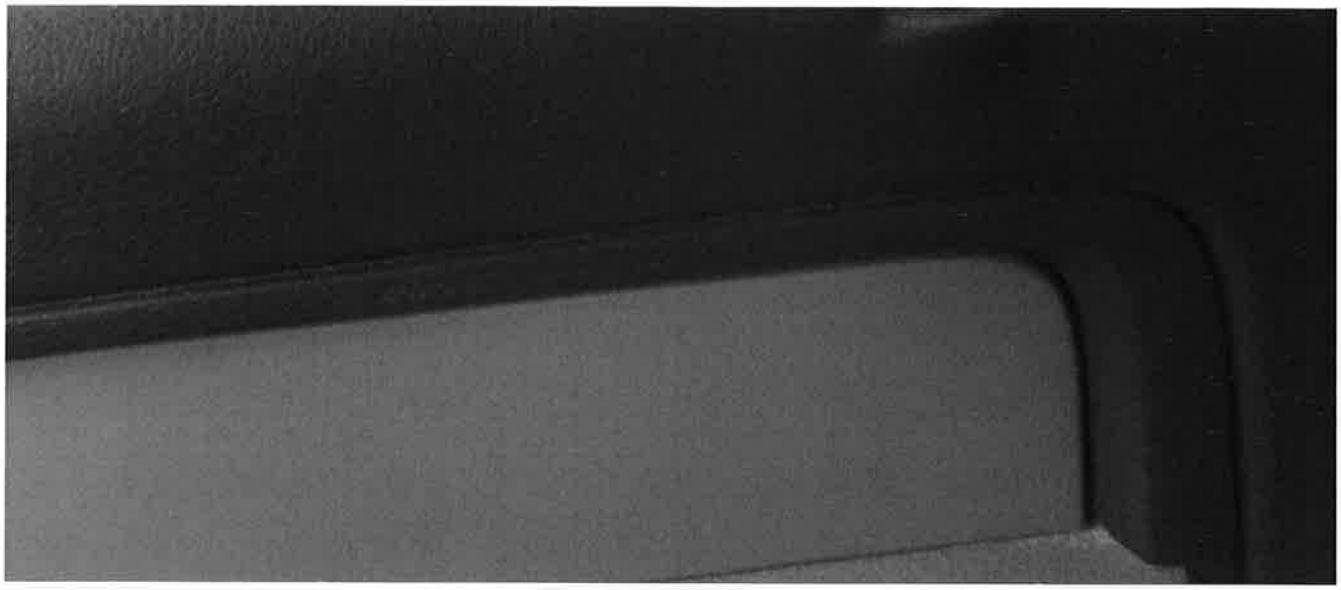
Re: Public Meeting - 3285 Thunder Bay Road
Leo D'Agostini to: Aaron Butler 09/17/2021 02:39 PM
From: "Leo D'Agostini" [redacted]
To: "Aaron Butler" <AButler@forterie.ca>

Dear Aaron, this is the ditch in front of my house across the street from the proposed development. I do not think that this development will solve my issue. Drainage is a great concern to me and would like to know if this has been taken into consideration.

I am also recommending that the proposed number of lots be reduced to one half.

Thank you for your time.





Leo D'Agostini
Cell/Text: 289-323-0092
Email: leodagostini@outlook.com

On Sep 13, 2021, at 4:02 PM, Aaron Butler <AButler@forterie.ca> wrote:

Good afternoon,

Please find the attached Public Meeting notice for a proposed Zoning By-law Amendment & Draft Plan of Subdivision at 3285 Thunder Bay Road. The Public Meeting is scheduled to occur via Zoom on October 4, 2021 at 6:00 PM.

The Zoom meeting link and call-in details will be available at 5:00 PM on October 4th, on this webpage: https://www.forterie.ca/resource/eservicesPlanning.xsp?s1=PZAA-HGAY-C4VNJ7

Please do not hesitate to reach out if you have any questions.

Aaron Butler, MCIP, RPP
Manager, Development Approvals
The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2502| F: 905-871-6411

Thanks for connecting.

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

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

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

As many Town staff are focusing on emergency management at this time, we thank you in advance for your patience.
<Notice of Public Meeting and Complete Application.pdf>

3285 Thunder Bay Rd open house comments.

Charles Kautz to: Wayne Redekop, Tom Kuchyt, Marina Butler, abutler 09/12/2021 02:08 PM

From: "Charles Kautz" [redacted]

To: "Wayne Redekop" <wredekop@town.forterie.on.ca>, "Tom Kuchyt" <tkuchyt@forterie.ca>, "Marina Butler" <mbutler@forterie.ca>, abutler@forterie.ca

7 attachments

IMG_8443.jpg IMG_8444.jpg IMG_8445.jpg IMG_8446.jpg IMG_8447.jpg IMG_8448.jpg IMG_8449.jpg

Good afternoon,
Upon review of the planning documents and reports available for the proposed subdivision approval at Thunder Bay and Burleigh Rds, I offer the following comments without prejudice. As the former owner of a home in this neighborhood, I find the developers documents somewhat misleading and contradictory to their consultants previous bodies of work, including Ridgeway by the Lake and "6 Mile Creek"?!? Subdivisions . What I find particularly disturbing is the Storm Water Management Plan that continues to pour over 300 acres of hardened storm water onto private property for the benefit of the town and its developers/agents. As you are well aware, this detrimental downstream flooding and erosion of the " unknown tributary to Lake Erie" onto and over private property is not only illegal, but unethical, and has been since 1999. As you remember, my public comments, especially in the Ridgeway/Thunder Bay Neighborhood Plan, are still valid and extremely accurate and timely now a decade later. Please feel free to reread them.

This document demonstrates some of the extent of Kautz Creek, as known in multiple water taking reports to provincial and federal agencies such as MOECC for many years. Note all the model outputs lead to Kautz Creek and private property, for the benefit of the developer.

This TFE map shows the ongoing years of construction that contributed tons of debris, silt and clay to the entire Bay, this will obvious continue as the sub water shed for this Creek is overburdened with upstream contributions sanctioned and now owned by the TFE

This Regional map shows some of the historic lengths, paths and modifications to Kautz Creek. Your entire West End Arena complex, including the enhanced sports fields drain into Kautz Creek. The TFE is the largest contributor of exporting their storm water onto private property. I will also point out that I have requested numerous times that this entire drain scheme be classified as a Municipal Drain under the Municipal Drainage Act. But I don't think that will fly with so many new homes benefiting with out handing the developers another fee forever.

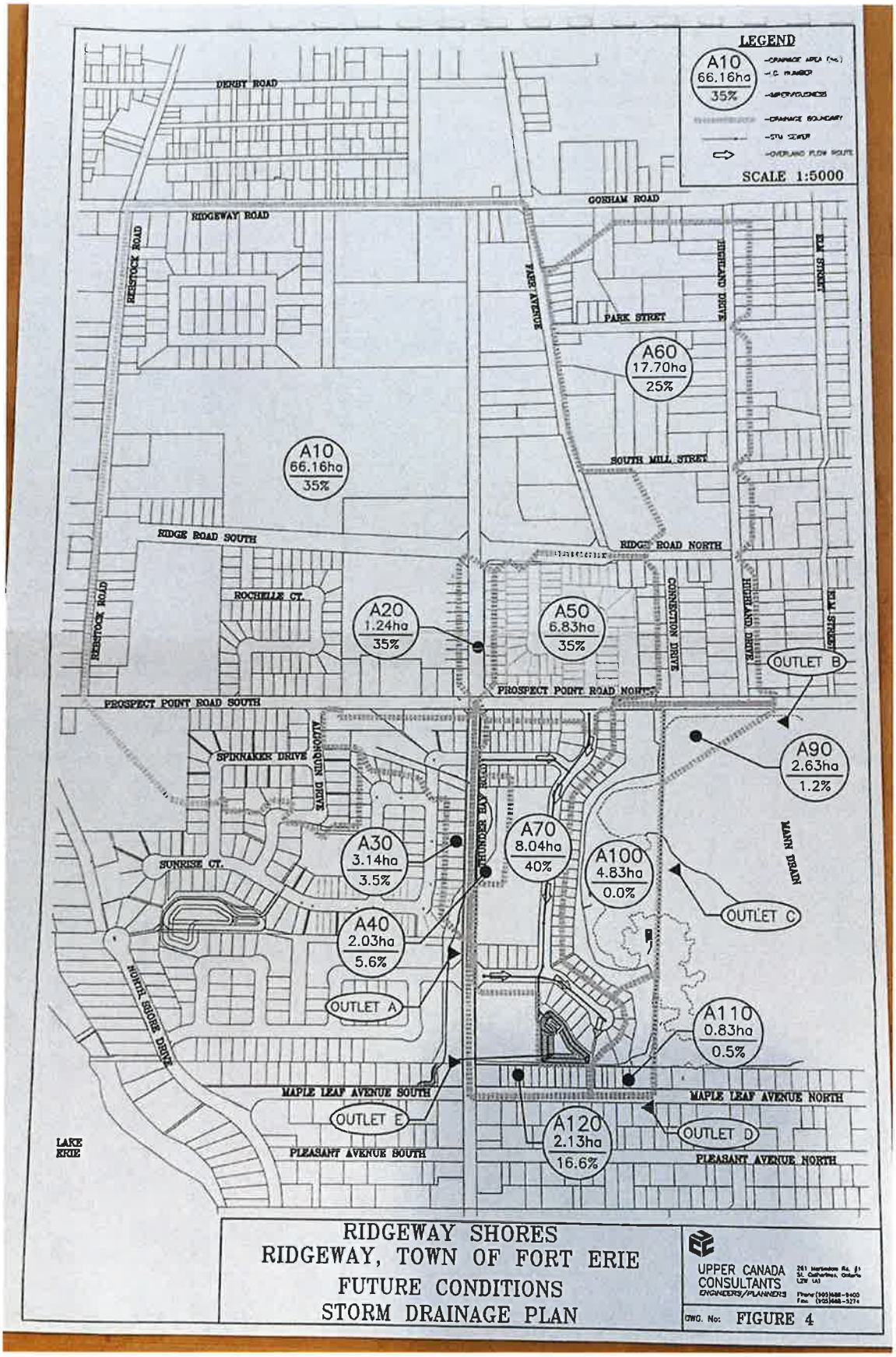
This map shows the specific storm water input model area for Kautz Creek , as derived in a 2011 study of these environmental crimes by a group of Urban Planning graduates from SUNY Buffalo. The focus of the study was Water Rights Trading. I gave the town a copy in 2012.

These Regional documents from 2010 show the surface areas of Kautz Creek, as it travels well over a mile, and it's environs on its way to my private property and numerous others.

Thes and other documents are submitted annually for my Water Taking Reports submitted to MOECC to enforce my riparian rights , property rights and civil rights.

Thank you for your time to review this first batch of documents, I will forward more to all of you in the near future , regarding this subdivision. Please keep in mind that while I no longer live in my family home of over 70 years, mainly due to flooding issue$, I am and will continue to be a property owner and corporate citizen in this town, and this concerns me on many levels. Especially as the owner of a large waterfront lot that I see many parallels with. In closing , I expect no response, but I do expect to see this and future documents I submit as public comments to be published in their entirety to the towns final planning report as required by law. Thank you for your concerns . Chip Kautz

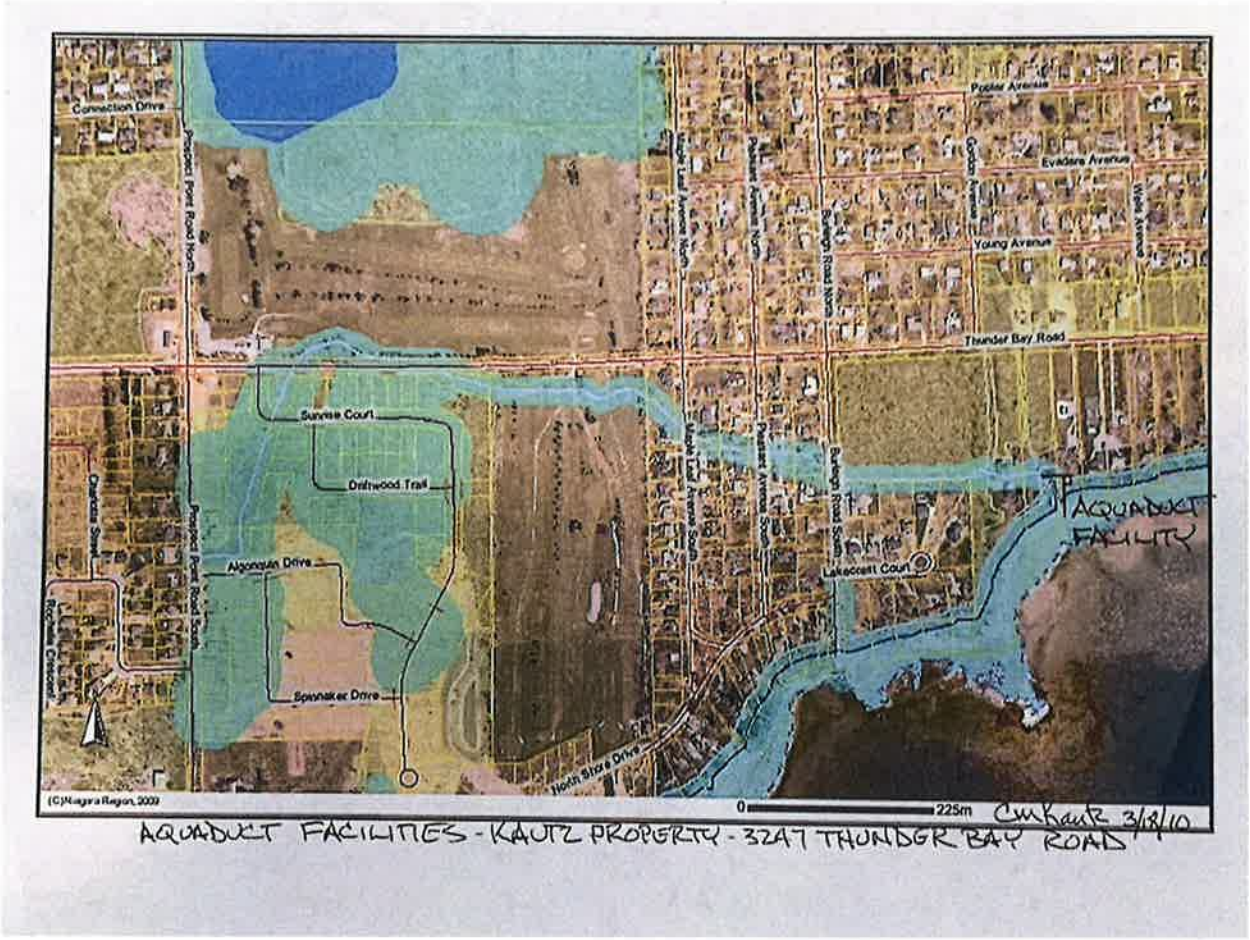
Sent from my iPhone

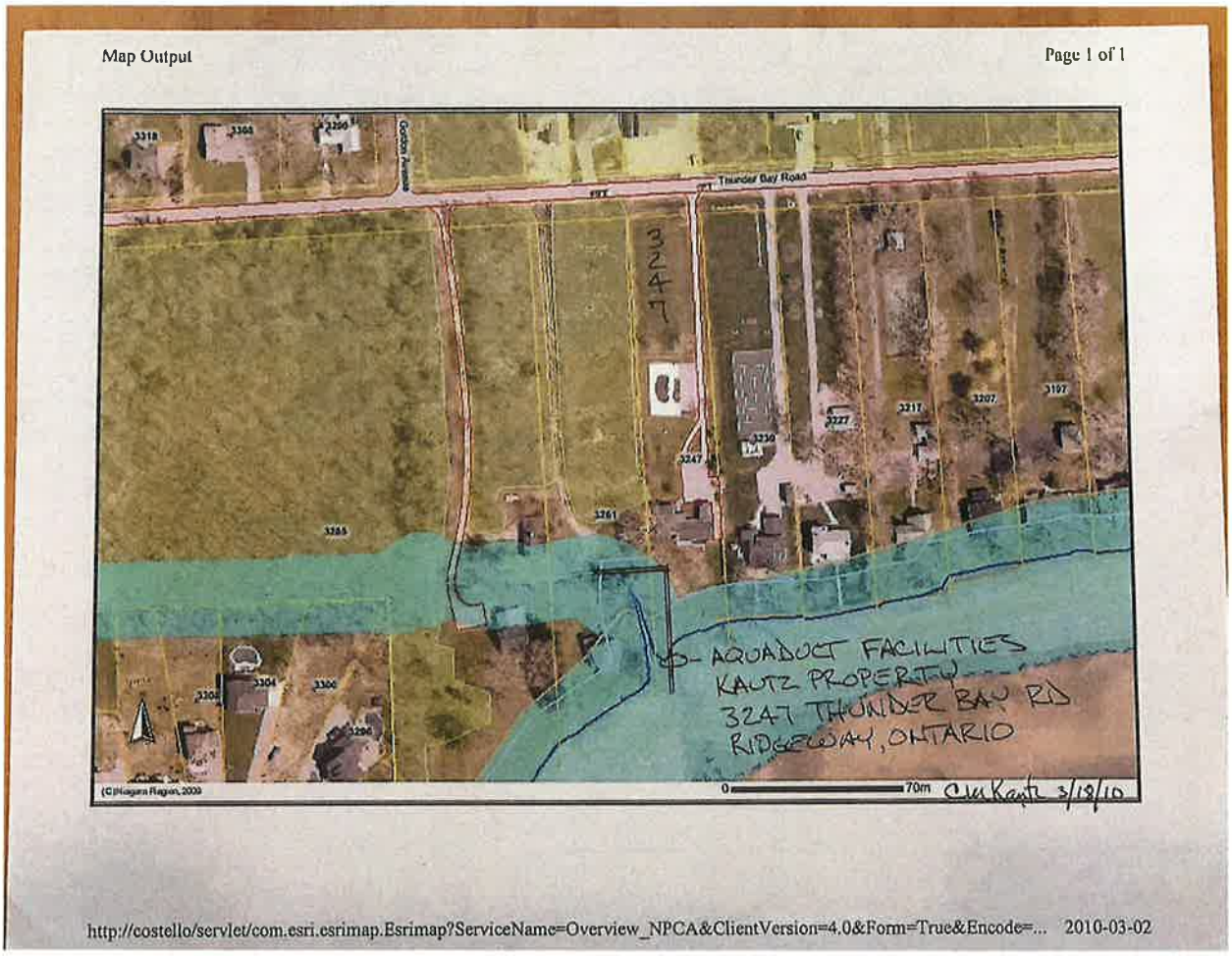

LEGEND
A10
66.16ha
35%
SCALE 1:5000
DERBY ROAD
GORHAM ROAD
RIDGEWAY ROAD
REDSTOCK ROAD
FAIRE AVENUE
HIGHLAND DRIVE
ELM STREET
PARK STREET
A60
17.70ha
25%
A10
66.16ha
35%
SOUTH MILL STREET
RIDGE ROAD SOUTH
RIDGE ROAD NORTH
ROCHELLE CT.
A20
1.24ha
35%
A50
6.83ha
35%
CONNECTION DRIVE
OUTLET B
PROSPECT POINT ROAD SOUTH
PROSPECT POINT ROAD NORTH
SPINNAKER DRIVE
ALGONQUIN DRIVE
A90
2.63ha
1.2%
A70
8.04ha
40%
A100
4.83ha
0.0%
MANN DRAIN
A30
3.14ha
3.5%
SUNRISE CT.
OUTLET C
A40
2.03ha
5.6%
NORTH SHORE DRIVE
OUTLET A
A110
0.83ha
0.5%
MAPLE LEAF AVENUE SOUTH
MAPLE LEAF AVENUE NORTH
OUTLET E
A120
2.13ha
16.6%
OUTLET D
LAKE ERIE
PLEASANT AVENUE SOUTH
PLEASANT AVENUE NORTH
RIDGEWAY SHORES
RIDGEWAY, TOWN OF FORT ERIE
FUTURE CONDITIONS
STORM DRAINAGE PLAN
UPPER CANADA CONSULTANTS
ENGINEERS/PLANNERS
DWG. No: FIGURE 4




15650
15600
(c) Regional Municipality of Niagara
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429m
1:9 027


Ridgeway
Thunder Bay


Connection Drive
Prospect Point Road North
Maple Leaf Avenue North
Parkside Avenue North
Burleigh Road North
Poplar Avenue
Gordon Avenue
Evadare Avenue
Young Avenue
Wood Avenue
Thunder Bay Road
Sunrise Court
Driftwood Trail
Algonquin Drive
Spinnaker Drive
Daphne Street
Riordan Crescent
Prospect Point Road South
Maple Leaf Avenue South
Parkside Avenue South
Burleigh Road South
Lakecrest Court
North Shore Drive
AQUADUCT FACILITY
(C)Niagara Region, 2009
0
225m
AQUADUCT FACILITIES - KAUTZ PROPERTY - 3247 THUNDER BAY ROAD
CMKautz 3/8/10


Map Output
Page 1 of 1
Thunder Bay Road
3247
3261
3285
3217
3207
3197
AQUADUCT FACILITIES
KAUTZ PROPERTY
3247 THUNDER BAY RD
RIDGEWAY, ONTARIO
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70m
3/19/10
http://costello/servlet/com.esri.esrimap.Esrimap?ServiceName=Overview_NPCA&ClientVersion=4.0&Form=True&Encode=...
2010-03-02


3247
3197
3207
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3239
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3251
AQUADUCT FACILITIES
KAUTZ PROPERTY
3247 THUNDER BAY RD
RIDGEWAY, ONTARIO
0
70m
Jim Kautz 3/18/10

Fwd: 3285 Thunder Bay Rd Open House Comments: Kautz Creek Annual Water Taking Reports: 2010-2020
Charles Kautz to: Wayne Redekop, Tom Kuchyt, abutler, Marina Butler 09/12/2021 04:03 PM
From: "Charles Kautz" [redacted]
To: "Wayne Redekop" <wredekop@town.forterie.on.ca>, "Tom Kuchyt" <tkuchyt@forterie.ca>, abutler@forterie.ca, "Marina Butler" <mbutler@forterie.ca>

Sent from my iPhone

Begin forwarded message:

From: Charles Kautz [redacted]
Date: September 12, 2021 at 3:37:57 PM EDT
Subject: 3285 Thunder Bay Rd Open House Comments: Kautz Creek Annual Water Taking Reports: 2010-2020

Good afternoon,
Upon review of your plans and documents available at the open house for the above proposed subdivision, I offer the following comments with out prejudice.
Attached please find a decades worth of Water Taking Reports
that I submit annually to the MOECC and various other agencies as required by law. They refer to the increased flows and changes over the years as part of my Best Management Practices for shoreline stewardship. They relate specifically to Kautz Creek, which is its published name. These reports are self explanatory and show the increased hydrological changes incurred via development and climate change, and it's ultimate discharge on my private property. As you can see by time date stamps, the town and the planning department were always copied for you files. Mr Brady used to be so amused, condescending, and polite at the same time, I hope that culture is changing.
I hope to find these complete documents available in the open house comments section of the public notice documents for final recommendations. If not, I'll be happy to resubmit them. Thank you for your time and attention to this matter that concerns me as a TFE property owner and corporate citizen .
Sincerely, Chip Kautz

Charles M. Kautz
[redacted]

February 4, 2010

Mr. Paul Widmeyer
Environmental Officer
Ontario Ministry of the Environment
Regional Office, 9th Floor
301 St. Paul Street
St. Catharines, ON L2R 7R4

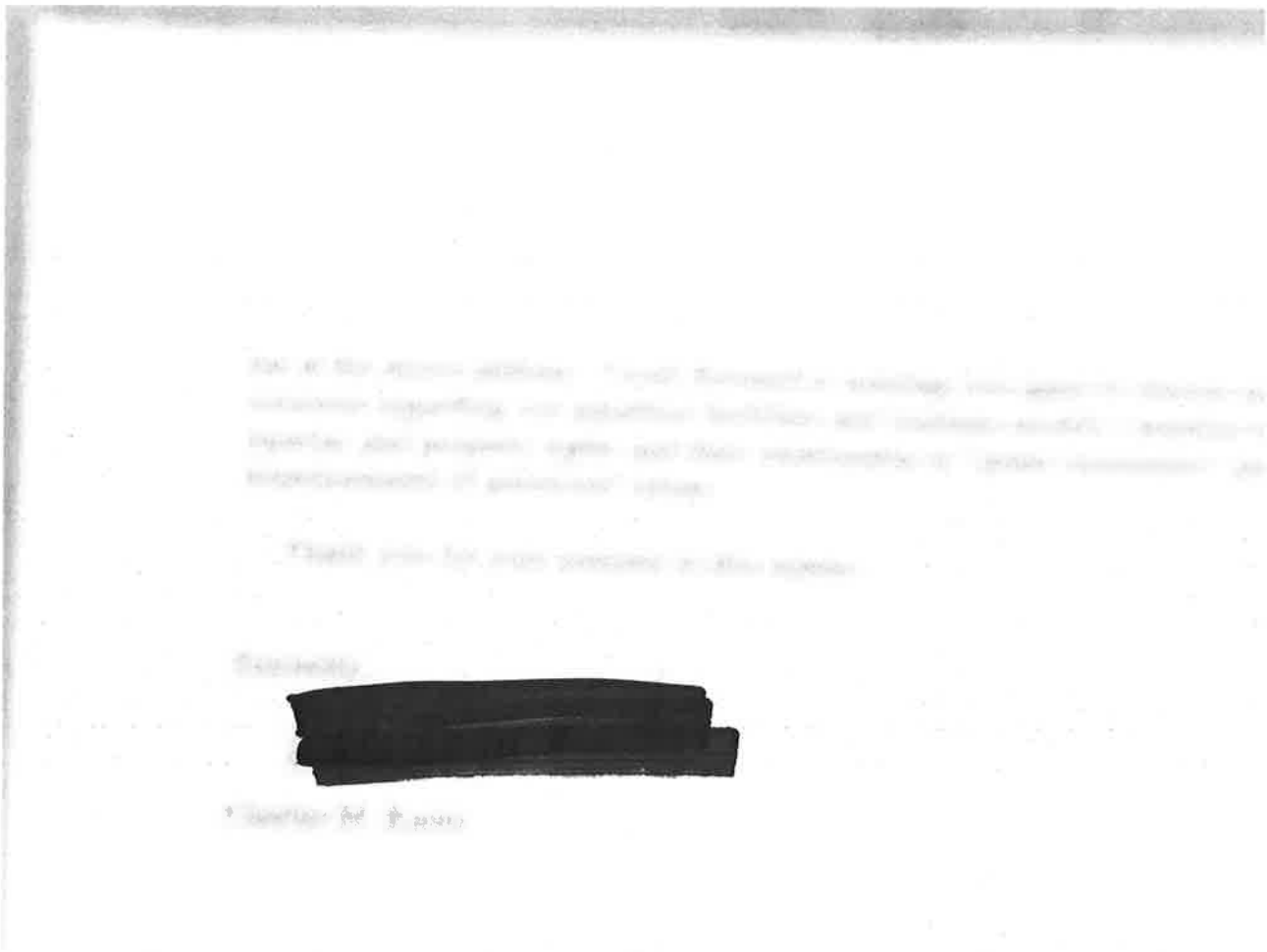
Dear Paul,

Re: 3247 Thunder Bay Road, Ridgeway, ON L0S 1NO

This letter is follow-up to our telephone conversation on February 2, 2010 regarding an End of Pipe Point Source of water discharge into Lake Erie. To refresh your memory, I have attached a previous correspondence from March 2006, a letter to the Town of Fort Erie from April2006, and a May 2006 letter from Paul Odom. Also enclosed are photographs showing water discharge from a one-meter pipe into Lake Erie. It is interesting to note that the typical daily flow volume is well below previous flow volumes that have left corrosion stains on the interior of the corrugated steel discharge pipe.

My family stewardship of this important water source is manifested in the tremendous amount of time, money and documentation we have expended to protect this surface water source that we claim and store in Lake Erie. The watershed area of this "unnamed tributary to Lake Erie" is approximately 300 acres of urban landscape serving several hundred homes and miles of rural type roadside ditches. This tributary is classified by the NPCA as a Type 2 Fish Habitat, and has reviewed multiple EIS's on behalf of the Region for the DFO. Since the Town of Fort Erie contributes the most water volume to this tributary, it is important to document our stewardship and best practice management of our substantial hydraulic contributions to the Great Lakes Basin. As Fort Erie continues to grow, we will accept more and more urban storm water and process it as we have in the past decades. Since I began measuring our riparian assets over a decade ago, the average daily water flow, which we claim, is in excess of 250,000 gallons per day. Storms and spring run-off multiply this daily amount tremendously. Our dated facilities can accommodate these hundreds of millions of gallons of water for acceptance and storage on an annual basis.

In closing, I invite your Ministry, as well as all other local, provincial and federal ministries to inspect our aqueduct facilities, property, records and correspondence relating to our riparian assets at any time. I prefer all communication to be in writing to





Charles M. Kautz
[redacted]

March 14, 2011

Paul Widmeyer
Environmental Officer
Ontario Ministry of the Environment
Regional Office 9th Floor
301 St. Paul Street
St. Cathrines, ON L2R 7R4

Re: 3247 Thunder Bay Road; Riparian Assets

Dear Paul,

This letter is an annual follow up to previous correspondence (attached) regarding my stewardship of an End of Pipe Point Source of Water discharge into Lake Erie. As previously determined, a PTTW or a Discharge C of A is not applicable in my situation due to the age of the aqueduct facilities. I continue to employ all Best Practice policies and models to maintain our significant contributions to the watershed management and drainage accommodations for this natural watercourse and over 300 hectares of watershed in the Ridgeway/Thunder Bay area of Fort Erie.

In 2010, I estimate that our facility handled over 210 million gallons of surface based storm water that I claim, divert, and store in Lake Erie as we have in the past. I typically use the Weir method with the Francis Formula to estimate and measure stream volume, flows, and depths. I am investigating the cost and feasibility of new technologies to measure and test the characteristics of this important creek and it's impact on Lake Erie.

In closing, I invite your ministry as well as local, provincial and federal ministries to inspect my aqueduct facilities, property, records and correspondence relating to our riparian assets at any time. I look forward to meeting you again to discuss any and all concerns regarding our aqueduct facilities and business models I practice to enforce our riparian and property rights, and their relationship to green economics and carbon/hydro credit measurements of perceived values.

Thank you for your interest and consideration in this matter.

Sincerely,

[redacted]

Charles M. Kautz

file:///C:/Users/dbrunet/AppData/Local/Temp/notes90BCAB/~web8446.htm

Charles M. Kautz
[redacted]

March 7, 2014

Mr. Paul Widmeyer
Environmental Officer
Ontario Ministry of the Environment
Regional Office, 9th Floor
301 St. Paul Street
St. Catharines, ON L2R 7R4

Re: 3247 Thunder Bay Road; Riparian Assets

Dear Paul,

This letter is an annual follow-up to previous correspondence regarding my stewardship of an End of Pipe Point Source of Water discharge into Lake Erie. As previously determined, a PTTW or a Discharge C of A is not applicable in my situation due to the age of the aqueduct facilities. I continue to employ all Best Management Practice policies and models to maintain and improve our significant contributions to the watershed management and drainage accommodations for this natural watercourse (Kautz Creek) and over 400 acres of watershed in the Ridgeway/Thunder Bay/Crystal Beach area of Fort Erie.

In 2013, I estimate that our facilities handled over 292 million gallons of surface based storm water that I claim, divert, and store in Lake Erie as we have in the past. I have enclosed a copy of correspondence to the Town of For Erie that demonstrates my commitment to BMP and OSS models that benefit the town.

In closing, I invite your ministry as well as local, provincial and federal ministries to inspect my aqueduct facilities, property, records and correspondence related to our riparian assets at any time. I look forward to meeting you again to discuss any and all concerns regarding our aqueduct facilities and business models I practice to enforce our riparian and property rights. My business models include, but are not limited to, environmental mitigation banking, water rights trading, water quality trading, conservation techniques, quantification and qualification techniques and OSS practices. These practices have an economic relationship to green economies and carbon/hydro credit measurements of perceived values.

Thank you for your interest and consideration in this matter.

Sincerely,

[redacted]
Charles M. Kautz

Paul Widmeyer
Senior Environmental Officer
Provincial Officer #070

Ontario

Ministry of the Environment
Niagara District Office
301 St. Paul Street, 9th Floor, Suite 15
St. Catharines ON L2R 7R4
Tel: 905 704 3910 / 800 263-1035 ext. 42910
Fax: 905 704 4015
Email: paul.widmeyer@ontario.ca

Charles M. Kautz
[redacted]

March 12, 2015 Denis Mon

Mr. Paul Widmeyer
Environmental Officer
Ontario Ministry of the Environment
Regional Office, 9th Floor
301 St. Paul Street
St. Catharines, ON L2R 7R4

Re: 3247 Thunder Bay Road; Riparian Assets

Dear Paul,

This letter is an annual follow-up to previous correspondence regarding my stewardship of an End of Pipe Point Source of Water discharge into Lake Erie. As previously determined, a PTTW or a Discharge C of A is not applicable in my situation due to the age of the aqueduct facilities. I continue to employ all Best Management Practice policies and models to maintain and improve our significant contributions to the watershed management and drainage accommodations for this natural watercourse (Kautz Creek) and over 400 acres of watershed in the Ridgeway/Thunder Bay/Crystal Beach area of Fort Erie.

In 2014, I estimate that our facilities handled over 371 million gallons of surface based storm water that I claim, divert, and store in Lake Erie as we have in the past. I have enclosed a copy of correspondence to the Town of For Erie that demonstrates my commitment to BMP and OSS models that benefit the town.

In closing, I invite your ministry as well as local, provincial and federal ministries to inspect my aqueduct facilities, property, records and correspondence related to our riparian assets at any time. I look forward to meeting you again to discuss any and all concerns regarding our aqueduct facilities and business models I practice to enforce our riparian and property rights. My business models include, but are not limited to, environmental mitigation banking, water rights trading, water quality trading, conservation techniques, quantification and qualification techniques and OSS practices. These practices have an economic relationship to green economics and carbon/hydro credit measurements of perceived values.

Thank you for your interest and consideration in this matter.

Sincerely,

[redacted]

Charles M. Kautz

Charles M. Kautz
[redacted]

March 11, 2016

Mr. Paul Widmeyer
Environmental Officer
Ontario Ministry of the Environment & Climate Change
Regional Office, 9th Floor
301 St. Paul Street
St. Catharines, ON L2R 7R4

Re. 3247 Thunder Bay Road; Riparian Assets

Dear Paul,

This letter is an annual follow-up to previous correspondence regarding my stewardship of an End of Pipe Point Source of Water discharge into Lake Erie. As previously determined, a PTTW or a Discharge C of A is not applicable in my situation due to the age of the aqueduct facilities. I continue to employ all Best Management Practice policies and models to maintain and improve our significant contributions to the watershed management and drainage accommodations for this natural watercourse (Kautz Creek) and over 400 acres of watershed in the Ridgeway/Thunder Bay/Crystal Beach area of Fort Erie.

In 2015, I estimate that our facilities handled over 412 million gallons of surface based storm water that I claim, divert, and store in Lake Erie as we have in the past. I have enclosed a copy of correspondence to the Town of For Erie that demonstrates my commitment to BMP and OSS models that benefit the town.

In closing, I invite your ministry as well as local, provincial and federal ministries to inspect my aqueduct facilities, property, records and correspondence related to our riparian assets at any time. I look forward to meeting you again to discuss any and all concerns regarding our aqueduct facilities and business models I practice to enforce our riparian and property rights. My business models include, but are not limited to, environmental mitigation banking, water rights trading, water quality trading, conservation techniques, quantification and qualification techniques and OSS practices. These practices have an economic relationship to green economics and carbon/hydro credit measurements of perceived values.

Thank you for your interest and consideration in this matter.

Sincerely,

[redacted]
Charles M. Kautz

Charles M. Kautz
[redacted]

March 06, 2017

Mr. Paul Widmeyer
Environmental Officer
Ontario Ministry of the Environment & Climate Change
Regional Office, 9th Floor
301 St. Paul Street
St. Catharines, ON L2R 7R4

Re: 3247 Thunder Bay Road; Riparian Assets

Dear Paul,

This letter is an annual follow-up to previous correspondence regarding my stewardship of an End of Pipe Point Source of Water discharge into Lake Erie. As previously determined, a PTTW or a Discharge C of A is not applicable in my situation due to the age of the aqueduct facilities. I continue to employ all Best Management Practice policies and models to maintain and improve our significant contributions to the watershed management and drainage accommodations for this natural watercourse (Kautz Creek) and over 400 acres of watershed in the Ridgeway/Thunder Bay/Crystal Beach area of Fort Erie.

In 2016, I estimate that our facilities handled over 274 million gallons of surface based storm water that I claim, divert, and store in Lake Erie as we have in the past.

In closing, I invite your ministry as well as local, provincial and federal ministries to inspect my aqueduct facilities, property, records and correspondence related to our riparian assets at any time. I look forward to meeting you again to discuss any and all concerns regarding our aqueduct facilities and business models I practice to enforce our riparian and property rights. My business models include, but are not limited to, environmental mitigation banking, water rights trading, water quality trading, conservation techniques, quantification and qualification techniques and OSS practices. These practices have an economic relationship to green economics and carbon/hydro credit measurements of perceived values.

Thank you for your interest and consideration in this matter.

Sincerely,

[redacted]
Charles M. Kautz

Charles M. Kautz
[redacted]

February 12, 2018

Mr. Paul Widmeyer
Environmental Officer
Ontario Ministry of the Environment & Climate Change
Regional Office, 9th Floor
301 St. Paul Street
St. Catharines, ON L2R 7R4

Rudy Pirosko
Senior Environmental Officer
Provincial Officer #1617
Niagara District Office

Ontario

News officer/Fort Erie-2018

Ministry of the Environment and Climate Change
301 St. Paul Street, 9th Floor, Suite 15
St. Catharines ON L2R 7R4
Tel 905 704-3904 Fax 905 704-4015
Toll Free 1 800 263-1035 Ext 43904
E-mail rudy.pirosko@ontario.ca Website www.ontario.ca

Re: 3247 Thunder Bay Road; Riparian Assets

Dear Paul,

This letter is an annual follow-up to previous correspondence regarding my stewardship of an End of Pipe Point Source of Water discharge into Lake Erie. As previously determined, a PTTW or a Discharge C of A is not applicable in my situation due to the age of the aqueduct facilities. I continue to employ all Best Management Practice policies and models to maintain and improve our significant contributions to the watershed management and drainage accommodations for this natural watercourse (Kautz Creek) and over 400 acres of watershed in the Ridgeway/Thunder Bay/Crystal Beach area of Fort Erie.

In 2017, I estimate that our facilities handled over 390 million gallons of surface based storm water that I claim, divert, and store in Lake Erie as we have in the past. I have enclosed a copy of correspondence to the Town of For Erie that demonstrates my commitment to BMP and OSS models that benefit the town.

In closing, I invite your ministry as well as local, provincial and federal ministries to inspect my aqueduct facilities, property, records and correspondence related to our riparian assets at any time. I look forward to meeting you again to discuss any and all concerns regarding our aqueduct facilities and business models I practice to enforce our riparian and property rights. My business models include, but are not limited to, environmental mitigation banking, water rights trading, water quality trading, conservation techniques, quantification and qualification techniques and OSS practices. These practices have an economic relationship to green economics and carbon/hydro credit measurements of perceived values.

Thank you for your interest and consideration in this matter.

Sincerely,

[redacted]

Charles M. Kautz

TFE
TC/DH
CMK

Charles M Kautz

[redacted]

Mr. Rudy Pirosko

Senior Environmental Officer

Ontario Ministry of the Environment and Climate Change

Regional Office, 9th Floor Suite 15

301 St. Paul Street

St. Catharines, ON L2R 7R4

Re: 3247 Thunder Bay Road; Riparian Assets

Dear Rudy,

This letter is an annual follow-up to previous correspondence regarding my stew
Pipe Point Source of Water Discharge into Lake Erie. As previously determined, ,
C of A is not applicable in my situation due to the age of the aqueduct facilities.
Best Management Practice policies and models to maintain and improve our sigr
the watershed management and drainage accommodations for this natural wate
and over 400 acres of watershed in the Ridgeway/Thunder Bay/Crystal Beach are

In 2017, I estimate that our facilities handled over 436 million gallons of surface

I claim, divert, and store in Lake Erie as we have in the past. I have been in conta
Fort Erie in regards to the massive amounts of clay, silt, soil, and trash that now
property and hence the Bay in Lake Erie. I consider this storm water run-off fron
construction to not only be an environmental crime, continuing from developers
property damage and potential pollution liabilities are of great concern to me. I
attachment that demonstrates my pollution liability concerns, not only on my pr
silting of the entire Thunder Bay/Lake Erie waters.

In closing, I invite your ministry as well as local, provinciai, and federal ministr facilities, property, records, and correspondence related to our riparian asset forward to meeting you to discuss any and all concerns regarding our aquedu models I practice to enforce our riparian and property rights. My business mc limited to, environmental mitigation banking, water rights trading, water qual techniques, quantification and qualification techniques and OSS practices. Th economic relationship to green economics and carbon/hydro credit measurer

Thank you for your interest and consideration in this matter

Sincerely,



Charles M. Kautz

Charles M Kautz

[redacted]

February 11, 2020

Mr Rudy Pirosko

Senior Environmental Officer

Ontario Ministry of the Environment and Climate Change

Regional Office, 9th Floor Suite 15

301 St Paul Street

St Catharines, ON L2R 7R4

Re: 3247 Thunder Bay Road; Riparian Assets

MOE-c.c

Dear Rudy,

Hand Delivery
Clerk

This letter is an annual follow-up to previous correspondence regarding my stewardship of an End of Pipe Point Source of Water Discharge into Lake Erie. As previously determined, , a PTTW or a Discharge C of A is not applicable in my situation due to the age of the aqueduct facilities. I continue to employ all Best Management Practice policies and models to maintain and improve our significant contributions to the watershed management and drainage accommodations for this natural watercourse (Kautz Creek) and over 400 acres of watershed in the Ridgeway/Thunder Bay/Crystal Beach area of Ft. Erie.

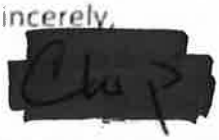
In 2019, I estimate that our facilities handled over 510 million gallons of surface based storm water that I claim, divert, and store in Lake Erie as we have in the past. I have been in contact with the Town of Fort Erie in regards to the massive amounts of clay, silt, soil, and trash that now contaminate my property and hence the Bay in Lake Erie. I consider this storm water run-off from increased upstream construction to not only be an environmental crime, continuing from developers, but the increased property damage and potential pollution liabilities are of great concern to me. I have enclosed an attachment that demonstrates my pollution liability concerns, not only on my property but the clay silting of the entire Thunder Bay/Lake Erie waters.

RECEIVED
Hand Delivered
MAR 03 2020
c/o Rick Brady - Clerk
CUSTOMER SERVICE UNIT
TOWN OF FORT ERIE

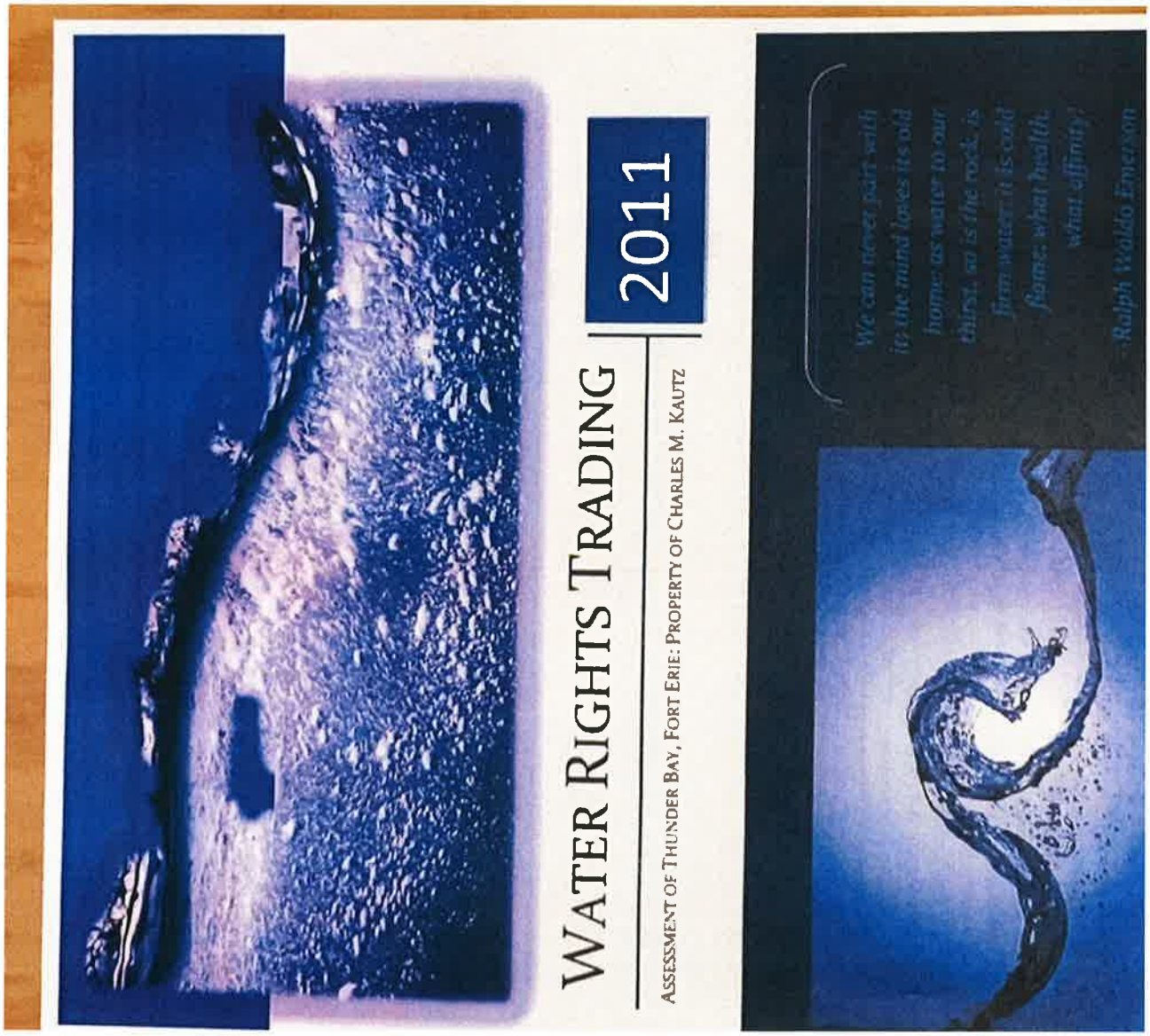
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Thank you for your interest and consideration in this matter

Sincerely,



Charles M. Kautz


WATER RIGHTS TRADING
2011
ASSESSMENT OF THUNDER BAY, FORT ERIE: PROPERTY OF CHARLES M. KAUTZ
We can never part with it: the mind loves its old home—as water to our thirst, so is the rock, is firm water; it is cold flame; what health, what affinity!
Ralph Waldo Emerson

Sent from my iPhone

3285 Thunder Bay Rd open House comments

Charles Kautz to: Wayne Redekop, Tom Kuchyt, abutler, Marina Butler 09/13/2021 10:19 AM

From: "Charles Kautz" [redacted]

To: "Wayne Redekop" <WRedekop@town.forterie.on.ca>, "Tom Kuchyt" <TKuchyt@forterie.ca>, abutler@forterie.ca, "Marina Butler" <MButler@forterie.ca>

Download Attachment
Available until Oct 13, 2021

Please enjoy this video of the applicants history of SWM as dictated ,and now owned , by the town. This video shows clay storm water exiting the Oaks 6 mile creek subdivision into Kautz Creek, after a modest rain event.
I will forward their MOECC permit which strictly prohibits this. I offer this document without prejudice and for inclusion in the public comments section for the subject property.
Sincerely, Chip KautzClick to Download

IMG_6539.MOV

0 bytes

Sent from my iPhone

3285 Thunder Bay Rd open House comments

Charles Kautz to: Wayne Redekop, Tom Kuchyt, abutler, Marina Butler 09/13/2021 11:14 AM

From: "Charles Kautz" [redacted]
To: "Wayne Redekop" <wredekop@town.forterie.on.ca>, "Tom Kuchyt" <tkuchyt@forterie.ca>, abutler@forterie.ca, "Marina Butler" <mbutler@forterie.ca>

3 attachments





IMG_8486.jpgIMG_8487.jpgIMG_8488.jpg

Good morning,
Please find the attached pages from the current developers ECA from MOECC dated Dec 2017. This is for their Oaks at 6 mile creek subdivision. I can provide a complete copy if you like. It shows the terms and conditions to operate a SWMFacility, which when demonstrated with my dozens of videos and pics, is a flagrant violation of the laws that govern such environmental abuse. The residents of Thunder Bay and the citizens of Fort Erie deserve better. Especially when Kautz Creek spoils your new shore expropriation for the public to enjoy rocky Hazard Lands, and find swimming in clay water noxious. I won't mention the fish and wildlife…

Please include this document in conjunction with videos that demonstrate the outrageous disregard for the environment by this developer at his upstream facilities and their new SWM scheme for this site, which seems to follow a familiar pattern of consultants, planning staff and council looking the other way.
I offer this document without prejudice, for inclusion in the public comments portion of this application and final recommendations report to council.
Sincerely, Chip Kautz

Sent from my iPhone

Ontario

Ministry of the Environment and Climate Change
Ministère de l'Environnement et de l'Action en matière de changement climatique

ENVIRONMENTAL COMPLIANCE APPROVAL
NUMBER 7904-ATXRT8
Issue Date: December 13, 2017

Westwind Niagara Developments Inc
1225 Sunset Dr
Fort Erie, Ontario
L2A 5M4

Site Location: The Oakes at Six Mile Creek
3570 Thunder Bay Rd
Fort Erie Town, Regional Municipality of Niagara
L0S 1N0

You have applied under section 20.2 of Part II.1 of the Environmental Protection Act, R.S.O. 1990, c. E. 19 (Environmental Protection Act) for approval of

establishment of stormwater infrastructure Works, serving an approximately 9.29 hectares of catchment area, located east of Prospect Point Road, west of Maple Leaf Avenue, north of Thunder Bay Road, in Fort Erie, for the collection, treatment and disposal of stormwater run-off, erosion protection, and attenuating post-development peak flows to the target peak flows for all storm events up to and including 100-year storm event, consisting of the following:

stormwater management facility (wet pond - catchment area 7.65 hectares): one (1) wet pond, providing Enhanced Level water quality control, located on the east side of the subdivision, with sediment forebay (with cable mat) and a main wet stormwater detention cell, having a permanent pool storage volume of approximately 1,502 m3, an extended detention storage volume of approximately 665 m3, and a total storage volume of approximately 2,155 m3 during 100-year storm event (including permanent pool), complete with:

- a 900 mm diameter inlet pipe to the wetland forebay with riprap and filter cloth via headwall 1 (HW1);
- a 13.6 m long, 300 mm diameter connecting/equalization pipe from forebay to wet cell;
- a 25.2 m long, 150 mm diameter outlet (with orifice) to the ditch inlet catchbasin;
- ditch inlet catchbasin at elevation 182.70 m, which discharges to stormwater sewers (ECA 8327-ATDHZM, issued November 28, 2017), which outlets at HW2 to the natural environment;
- an overflow spillway (2.4 m wide) with cable mat at an elevation of 183.1 m, which flows to the natural environment;

The reasons for the imposition of these terms and conditions are as follows:

1. Condition 1 is imposed to ensure that the Works are constructed and operated in the manner in which they were described and upon which approval was granted. This condition is also included to emphasize the precedence of conditions in the Approval and the practice that the Approval is based on the most current document, if several conflicting documents are submitted for review. Condition 1.7 is included to emphasize that the issuance of this Approval does not diminish any other statutory and regulatory obligations to which the Owner is subject in the construction, maintenance and operation of the Works. The Condition specifically highlights the need to obtain any necessary conservation authority approvals. The Condition also emphasizes the fact that this Approval doesn't limit the authority of the Ministry to require further information.

2. Condition 2 is included to ensure that, when the Works are constructed, the Works will meet the standards that apply at the time of construction to ensure the ongoing protection of the environment.

3. Condition 3 is included to ensure that the Ministry records are kept accurate and current with respect to approved Works and to ensure that subsequent owners of the Works are made aware of the Approval and continue to operate the Works in compliance with it.

4. Condition 4 is included as regular inspection and necessary removal of sediment and excessive decaying vegetation from the Works are required to mitigate the impact of sediment, debris and/or decaying vegetation on the treatment capacity of the Works. The Condition also ensures that adequate storage is maintained in the Works at all times as required by the design. Furthermore, this Condition is included to ensure that the Works are operated and maintained to function as designed.

5. Condition 5 is included as installation, regular inspection and maintenance of the temporary sediment and erosion control measures is required to mitigate the impact on the downstream receiving watercourse during construction until they are no longer required.

6. Condition 6 is included to enable the Owner to evaluate and demonstrate the performance of the Works, on a continual basis, so that the Works are properly operated and maintained at a level which is consistent with the design objectives specified in the Approval and that the Works do not cause any impairment to the receiving watercourse or the environment.

7. Condition 7 is included to provide a performance record for future references, to ensure that the Ministry is made aware of problems as they arise, and to provide a compliance record for all the terms and conditions outlined in this Approval, so that the Ministry can work with the Owner in resolving any problems in a timely manner.

In accordance with Section 139 of the Environmental Protection Act, you may by written Notice served upon me and the Environmental Review Tribunal within 15 days after receipt of this Notice, require a hearing by the Tribunal. Section 142 of the Environmental Protection Act provides that the Notice requiring the hearing shall state:

a. The portions of the environmental compliance approval or each term or condition in the environmental compliance approval in respect of which the hearing is required, and,
b. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

The Notice should also include:

1. The name of the appellant,
2. The address of the appellant,
3. The environmental compliance approval number,
4. The date of the environmental compliance approval,
5. The name of the Director, and,
6. The municipality or municipalities within which the project is to be engaged in.

And the Notice should be signed and dated by the appellant.

This Notice must be served upon:

The Secretary *
Environmental Review Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5

AND

The Director appointed for the purposes of
Part II.1 of the Environmental Protection Act
Ministry of the Environment and
Climate Change
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario
M4V 1P5

* **Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349, Fax: (416) 326-5370 or www.ert.gov.on.ca**

The above noted activity is approved under s. 20.3 of Part II.1 of the Environmental Protection Act.

DATED AT TORONTO this 13th day of December, 2017

C. Labarge

Christina Labarge, P.Eng.
Director
appointed for the purposes of Part II.1 of the
Environmental Protection Act

HW/
c: District Manager, MOECC Niagara
Adam Keane, P. Eng., Upper Canada Planning & Engineering Ltd.

Muddy Waters: Does New York City Have a Watershed Problem?

Charles Kautz to: Wayne Redekop, Tom Kuchyt, abutler, Marina Butler 09/20/2021 07:53 AM

From: "Charles Kautz"<[redacted]>

To: "Wayne Redekop" <wredekop@town.forterie.on.ca>, "Tom Kuchyt" <tkuchyt@forterie.ca>, abutler@forterie.ca, "Marina Butler" <mbutler@forterie.ca>

Good morning, I thought you might find this article interesting considering your lack of concern for developers and the town to pollute Lake Erie with clay silt.
I have hundreds of pics and dozens of videos over the past decades of environmental crimes under your watch, this article describes the problem perfectly.
This email is offered without prejudice. Sincerely, Chip Kautz
https://www.governing.com/now/muddy-waters-does-new-york-city-have-a-watershed-problem

Sent from my iPhone

Muddy Waters: Does New York City Have a Watershed Problem? Re: 3285 Thunder Bay Rd. Open house

Charles Kautz to: Wayne Redekop, Tom Kuchyt, abutler, Marina Butler 09/20/2021 08:29 AM

From: "Charles Kautz" [redacted]
To: "Wayne Redekop" <wredekop@town.forterie.on.ca>, "Tom Kuchyt" <tkuchyt@forterie.ca>, abutler@forterie.ca, "Marina Butler" <mbutler@forterie.ca>

Good morning, please include this article in the public comments portion of the above mentioned subdivision application. It is self explanatory, and demonstrates a similar problem(s) in conjunction with my previous comment submittals including videos and pictures of unmitigated pollution from these developers and the TFE. I offer this email without prejudice and welcome any questions.
Sincerely, Chip Kautz
https://www.governing.com/now/muddy-waters-does-new-york-city-have-a-watershed-problem

Sent from my iPhone

GOV
THE FUTURE

THE FUTURE OF WHAT'S HAPPENING NOW

Muddy Waters: Does New York City Have a Watershed Problem?

A century-old system of reservoirs, aqueducts and tunnels in the Catskills provides clean water to millions in New York City, some say at the expense of local communities.

September 20, 2021 • David Kidd



Photos by David Kidd

A half-dozen novice kayakers are about to paddle away from the village
ore they leave, they must first listen to
o has been renting out boats on the Esopus
she would tell them they can get out of their
ream, but not today. "I think they're more

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like mud bars right now," she says. The out-of-town tourists, most of them from New York City, don't seem to mind that the water is the color of a Hershey bar.

Nearby, a mother watches her two young children play at the water's edge. The town didn't bring in any sand this year, so the kids make do, scooping up mud with their shovels and pails. But they won't be swimming today. "I have not seen the water this brown," says the mom. "It's been a battle all summer, just with how not clear the creek has been."

With no one to watch over, a teenage lifeguard occupies herself with a laptop. "It's because of the storm that just came through," she says. "It clears up all the time." She's right. Occasional turbidity — or clouding of the water — has always been a problem in the Esopus Creek, the result of fine clay particles that become suspended in the water after a storm. To demonstrate the concept, Gail sticks a foot in the water and swishes it around. "See how it doesn't settle?"

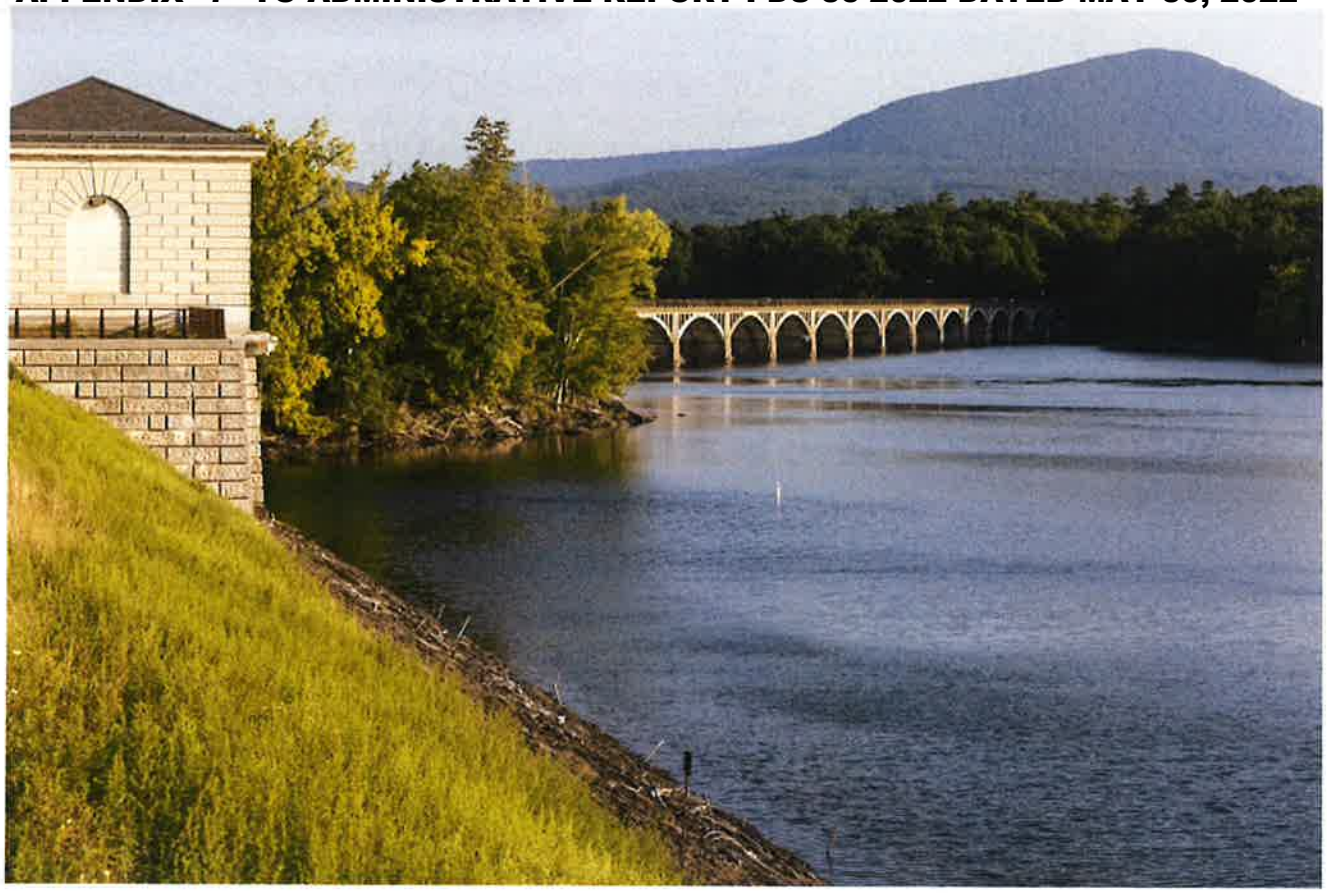
Typically, the creek clears in a matter of days. The bigger problem is when the water turns brown because of actions taken 20 miles upstream at the Ashokan Reservoir.

A Growing Demand for Water

As the 19th century came to a close, New York City was rapidly outgrowing its supply of fresh water. By 1905, city planners had identified the Catskill Mountains region as an ideal location for a new reservoir system. Using eminent domain, 2,000 residents along the Esopus Creek were displaced before four hamlets were flooded and another eight relocated. Completed in 1915, the Ashokan Reservoir and the system of tunnels and aqueducts that deliver its water to New York City were considered a marvel of the modern

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A bridge straddles the separation weir between the Ashokan's east and west basins.

The reservoir consists of an east and west basin, divided by a concrete weir, or low dam. A second reservoir, the Schoharie, was completed in 1928. Water from the Schoharie flows through an 18-mile-long tunnel into the Upper Esopus Creek, which then empties into the Ashokan's west basin, 12 miles downstream. Including the water it gets from the Schoharie, 40 percent of New York City's fresh water comes from the Ashokan Reservoir.

Naturally filtered by the rugged terrain of the Catskills watershed, New York City's water is considered to be some of the best anywhere. But there is a downside.

Water entering the Ashokan's west basin is often clouded by microscopic
oded streambanks. Held in suspension, the
er a murky, reddish-brown color. Because
ng time for the clay to settle. Once settling
er is transferred to the east basin and from

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there it makes the 90-mile downhill journey to New York City through a system of aqueducts.

Not all of the clear water goes to New York. Following state protocols, a prescribed amount is released into the Lower Esopus and then on to the Hudson River. Increasingly though, brown turbid water also ends up in the Esopus. Unlike natural events, when the water clears up within a few days, it can take several weeks or even months for that to happen when the reservoir releases turbid water into the creek.



The prolonged presence of turbid brown water in the Esopus Creek takes a toll on tourism.

For years, turbid water in the Ashokan was treated with aluminum sulfate (alum) which caused the clay particles to bind together and sink. Citing

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:e mandated an alternative be found.
)r 85 years," says Adam Bosch, a spokesman
ply System. "We were able to move water
e, if the west basin got overwhelmed, we

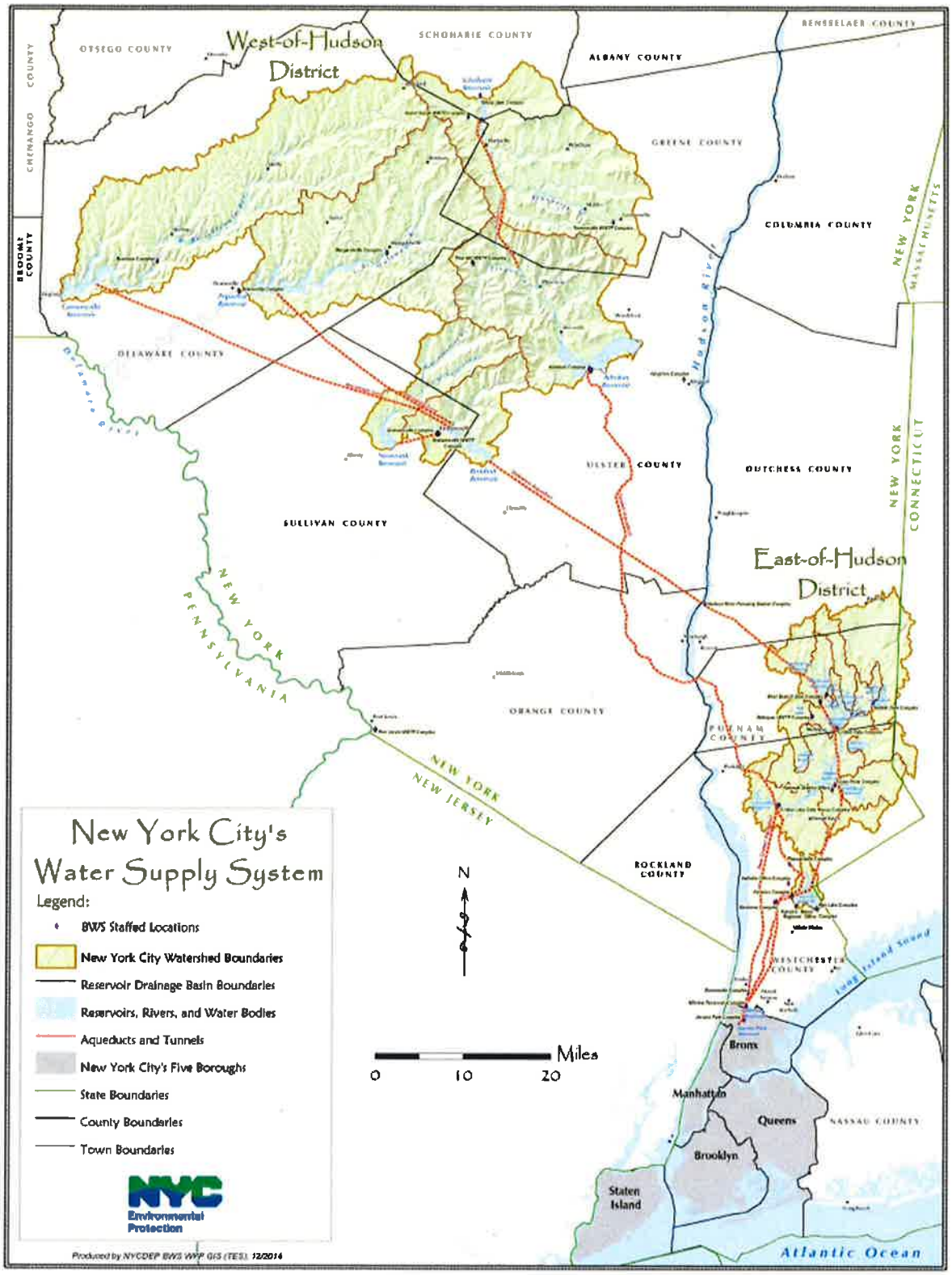
would treat it with alum. And all of that worked just fine."

Denied the use of alum in the 1990s, the solution was to dump the dirty water, much to the dismay of Saugerties Town Supervisor Fred Costello. "They dumped the most turbid water through the Lower Esopus down on us," he says. "Fifteen years of that has had a dramatic impact. Especially here in Saugerties."

"No combination of infrastructure and operations are going to reach a point where turbid water never goes down the creek again," says Bosch. "That's an irrational expectation. The question is, what can we do to minimize the duration and the number of times when that water goes down the creek."

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(Protection)

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Besides serving on the Saugerties town board, Leeanne Thornton also serves as president of the Esopus Creek Conservancy, a 161-acre preserve directly across from the village beach, where Gail Porter launches her kayaks. “You could stand on the deck and see fish in the water,” she says. “Now you can’t see anything. You don’t see turtles sitting out on the logs anymore.”

Recently, a dramatic increase of invasive species has plagued the Esopus, especially where the creek widens in front of the beach. Water chestnuts and milfoil were thriving to the point where the beach was closed for periods of time in 2018. A year later, the town purchased a floating harvester for $58,000. There is already talk of adding another. “Five years ago, that wouldn’t have been anything that we would have felt was necessary,” says Thornton. Many suspect a correlation between the increase of invasive plants and dumping dirty water from the Ashokan Reservoir. Fred Costello agrees. “Absent the harvester, that looks like an open body of water,” he says. “But if we didn’t harvest the milfoil and the water chestnut, it would look like a swamp.”



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The mechanical harvester returns to the dock in Saugerties, carrying a load of invasive plants taken from the Esopus Creek.

Supervisor Costello's greatest concern is the effect turbid brown water has on tourism. "One of the things that makes people want to stay here is our natural resources and the opportunity to enjoy them," he says. "If the creek is experiencing a turbidity release, it's not exactly picturesque or motivating for people to go swimming or kayaking or to just rent a house that overlooks that."

Gail Porter worries that people won't want to rent one of her kayaks if they think the creek is in bad shape. "It was bad, probably a month ago," she says. "It floods, and there's brown water and it's disgusting and it's horrible."

Costello hears often from fishermen about the dwindling bass population. "You would regularly see a lot of boats out there fishing," he says. "You don't see that at all anymore."

But Saugerties' supervisor readily admits to the benefits that come with the Ashokan nearby. "The reservoir is an outstanding taxpayer," he says. "[Many local] areas get a significant amount of their tax base because of the reservoir." The Ashokan also provides employment for many of the locals. "They're all good people," he says. "They are sensitive to a lot of what we are saying. But their primary mandate is to provide clean drinking water to the city."

"Would it make sense to build something that cost $5 billion if you use it once every 10 years?" asks Adam Bosch. "We're responsible to rate payers. We have to be responsible to them."

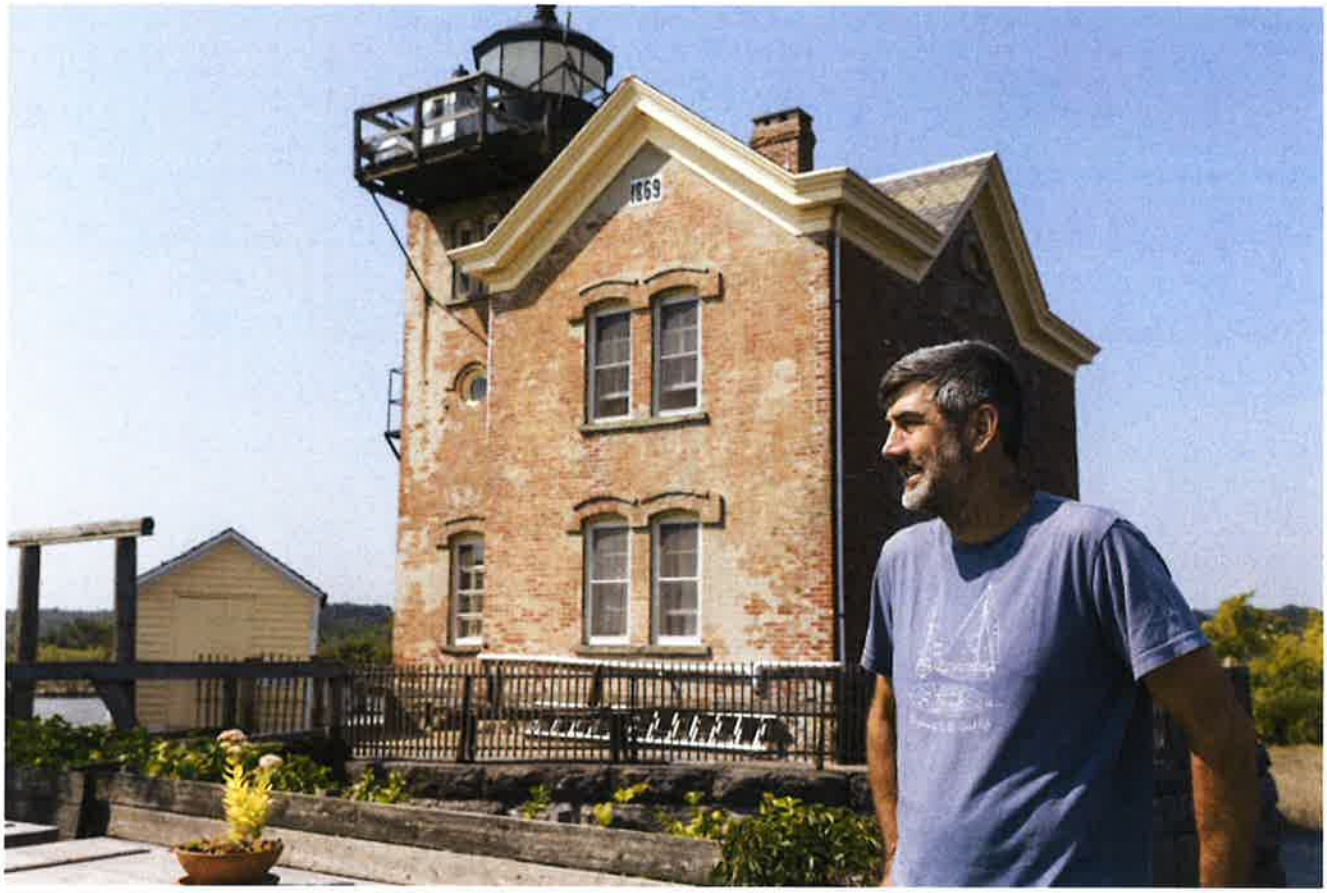
Watching Over the River

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each, where the Lower Esopus empties into
we lives with his wife and child at the
vith a solar-powered automated light, the
vigation. But the lighthouse keeper's duties

now revolve around maintaining the historic landmark, and acting as host to overnight guests. Two rooms are reserved as a bed and breakfast. "They still call us 'keeper,'" he says. "Inn keeper, grounds keeper, bookkeeper."



As keeper of the Saugerties Lighthouse for 16 years, Patrick Landewe has witnessed changes on the Esopus Creek and Hudson River up close.

From his perch on the Hudson, Landewe is perfectly positioned to observe 16 years of change in the creek and river. "You see the contrast of the turbid, muddy creek with waters of the Hudson River," he says. "So, we see how the creek is in direct contrast to the waters of the Hudson. The difference is the reservoir releases will be turbid and stay turbid for weeks [or even] months. So, it's a prolonged turbid event."

Landewe is convinced that climate change is exacerbating the problem. He
2005 when the Ashokan overflowed,
er over its spillway, causing major flooding
up the municipalities to the issues of the
oke up New York City to the fact that they're

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going to have to contend with these major storms."

Patrolling the Hudson

Twenty miles south of Saugerties, John Lipscomb is pulling away from the dock at the Kingston waterfront. "RIVERKEEPER" is spelled out in tall black letters along the hull of his 36-foot-long repurposed fishing vessel. A few puffy clouds hang low in the late summer sky.

With three-year-old yellow lab Batu aboard, Lipscomb makes a slow half circle on the Rondout Creek, eventually pointing toward the Hudson, just a short distance away. He stops for a minute to chat across the water with the crew of the Clearwater, a replica sloop dedicated to protecting the Hudson River.

Before he gets to the Rondout Lighthouse, he leans out his side window and challenges a couple of high school rowers to a race. "Let's go!" he says. If not for the fact that they were pointed in the opposite direction, the kids would have won. The Riverkeeper boat rarely gets above six knots.

Covering more than 5,000 nautical miles a year, Capt. Lipscomb has been patrolling the Hudson from March through December, for every one of the past 21 years. When on patrol, he and Batu sleep aboard the boat. "His community goes all the way up into the Mohawk River and all the way down into New York Harbor," Lipscomb says. "He's great company."

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John Lipscomb has been a fixture on the Hudson for over two decades. "The cost of processing Poughkeepsie's drinking water is higher because of New York City. Why isn't New York City paying for that?"

Out on the water, Capt. Lipscomb is often the face, eyes and ears of Riverkeeper, an organization founded in 1966 by a group of fishermen distraught at what had become of the Hudson River. Today the organization is a well-funded advocate for the river, conducting scientific tests, holding polluters accountable and working with communities and government agencies to ensure the health of the river and the people who depend on it. Besides his patrol duties, Lipscomb regularly and readily shares his knowledge of the river and its ecosystem with regional decision-makers and members of the media aboard his boat.

With Batu peering over the side, Lipscomb slows to point out a water treatment plant on the western shore. The facility serves the town of Esopus,

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have banded together over concerns about
m the river. It was three years ago that
ecognized a threat.

Aerial View of the Lower Esopus Creek



Ashokan Esopus 2Turbidity, courtesy of Michael Nelson, Vimeo.

Small Towns Consolidate Their Power

Alarmed about a proposal to park oil-laden barges on the Hudson, the mayor shared his concerns with Riverkeeper's Dan Shapley, a water quality expert. The two quickly came to the conclusion that by itself, Rhinebeck has no political power. "But if you start to add up [the seven communities], now you've got 100,000 people," says Shapley. "Suddenly it sounds like something that people will pay attention to when you raise a concern."

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ımunities had officially signed on.

ıt," says Bassett. "To get seven municipalities
ı that short a time and form an organization.

It's been a tremendous success."

Calling themselves the Hudson 7, the group's members include the towns of Esopus, Hyde Park and Lloyd, together with the town and city of Poughkeepsie and the town and village of Rhinebeck. Because they all depend on the Hudson for their drinking water, turbidity in the Esopus Creek and its effects on their own infrastructure is a major issue for the group.

When turbid water makes its way into the water intakes of communities downstream, it is not only inconvenient for them, but costly as well.



Riverkeeper's Dan Shapley. "What we're basically asking of the city is, don't continue this status quo solution, which is a great solution for you, but ruins the environment downstream, and ruins it for the communities that rely on that downstream."

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rns are pragmatic. "Some of the pumps can't says. "So those processors get shut down. y. Our costs go up as a result of that." With at any time, if the pumps go down, the town

is soon without water. "The river is our reservoir," he says. "We're counting on the river constantly being there. We're counting on our plants running 24/7."

Solving the problem of turbidity in the Esopus and Hudson is probably beyond the century-old engineering in use today. "This is a reservoir that has served well for 100 years," says Riverkeeper's Dan Shapley. "We've got to build it for the next 100 years, and that's going to take some actual investment, because the climate is changing. The issues are changing. And we have to be good neighbors, as well as getting our drinking water."

Lighthouse keeper Patrick Landewe is blunt in his assessment. "The local residents have always gotten the short end of the stick."

An Ongoing Problem

Leeanne Thornton, of the Esopus Creek Conservancy, remembers a time when most of the village children learned to swim in the Esopus. "Being able to swim out to the dock and back, that was a rite of passage for kids," she says. "This same group of adults now, when they bring their children to the beach, it's 'I'm not letting them go into that water. It's disgusting.'"

Thornton is sure she knows why things are different today. "We didn't have [the turbidity problem] until the releases started," she says. "There's been a direct correlation from the dumping starting to the negative visual impact on this community."

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Gail Porter has been renting kayaks on the Esopus for seven years. "They want to keep their drinking water clean at the expense of the drinking water of the folks that live here. How dirty is that?"

The mom and her kids at the village beach just recently moved to Saugerties. They still keep a home in Queens, at least for the time being. As such, they are well aware of where their city water comes from. "We're really thankful for this beach… but I also wish the water was clearer," she says, looking beyond her mud-covered children. "There's a lot of back and forth between keeping [New York City] happy, and people up here happy. I think it's more important to keep the people up here happy."

Leeanne Thornton takes the long view. "We want another generation to really be able to enjoy the beauty here."

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David Kidd

David Kidd is a photojournalist and storyteller for *Governing*. He can be reached at dkidd@governing.com.

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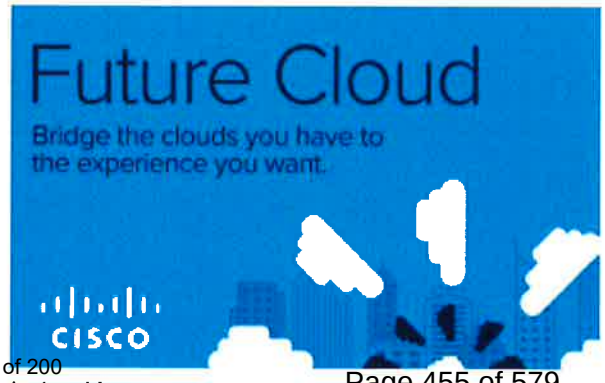






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Zoning By-law amendment - 3285 Thunderbay Road - comments
Mary and Brian Young to: abutler@forterie.ca 09/27/2021 11:01 AM
From: [redacted]
To: "abutler@forterie.ca" <abutler@forterie.ca>
History:
This message has been replied to and forwarded.

Hello Aaron - as per the recent notice in the Fort Erie Post concerning the above proposal, our comments are as follows:

We believe the number of single detached homes (41) is excessive for the lot in question, especially when it includes a total of four blocks for uses other than homes. While the notice in the paper does not state what the average lot size will be for the proposed 41 homes, it appears they will be much smaller than what is standard for the area in order to fit them all on the property.

The Ridgeway area in general has hosted numerous new builds over the years which has put a strain on local infrastructure. As new builds continue, we believe it is important to ensure we are not encouraging contractors to overbuild on properties.

As such we believe the proposal should be either overturned or reworked to allow a more realistic number of homes more in keeping with what exists in the area now.

Respectfully,
Brian and Mary Young
[redacted]
Ridgeway

Fw: A message from your 8Trees Inc. contact form.
shari ruston to: cschofield@forterie.ca, abutler@forterie.ca, wredekop@forterie, mbutler@forterie.ca, gmcdermott@forterie.ca, ndubanow@forterie.ca, kzanko@forterie.ca, dlubberts@forterie.ca, anoyes@forterie.ca 09/27/2021 02:46 PM
Cc: "shari ruston", "Arne Rungi"
From: [redacted]
To: "cschofield@forterie.ca" <cschofield@forterie.ca>, "abutler@forterie.ca" <abutler@forterie.ca>, "wredekop@forterie" <wredekop@forterie>, "mbutler@forterie.ca" <mbutler@forterie.ca>, "gmcdermott@forterie.ca" <gmcdermott@forterie.ca>, "ndubanow@forterie.ca" <ndubanow@forterie.ca>, "kzanko@forterie.ca" <kzanko@forterie.ca>, "dlubberts@forterie.ca" <dlubberts@forterie.ca>, "anoyes@forterie.ca" <anoyes@forterie.ca>
Cc: [redacted]
History:
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1 Attachment

Anne Yagi - Surface review of EIS for Public Comments and CV.pdf

Dear Carol, Aaron, Mr. Mayor and Councillors,

Please accept, review and include the 7 page attachment of Ms. Yagi's initial review of the EIS completed by Beacon Environmental Ltd., as well as Ms. Yagi's extensive Curriculum Vitae for inclusion in the final planning recommendations report for councils' consideration.
The surface review of the EIS, submitted by Westwind Niagara Developments Inc, is authored by Anne Yagi, M.Sc, EP, CERP and President of 8Trees Inc. I think we would be accurate in describing Ms. Yagi as an expert in her field after 35 years of employment with the Ministry of Natural Resources and Foresty.

Sincerely,

Ms. Shari Ruston and Dr. Arne Rungi
[redacted] Ridgeway ON, L0S1N0
Members of the Thunder Bay Association

On Sep 27, 2021, at 9:20 AM, Anne Yagi <anne.yagi@8trees.ca> wrote:

Hi Shari
I read through the documents. I could do a complete review and report with some funding for staff I could dig a bit more- but for now, I offer this review Pro-bono, to meet your timing needs for public comment.

I found some discrepancies between the Terms of Reference for the EIS, the data collected and the correct survey methods especially effort and seasons. For example, the Breeding Bird survey protocol was not used- instead, the surveyor walked through the site haphazardly and documented bird calls and observations- We are not sure how often, time of day, or how much time was spent doing this as there are no details, but the action of walking through a shrub thicket will disturb many breeding birds and therefore miss them. Another source of information is local birders, e-bird, or i-naturalist for this site. NHIC records are not complete across the province and the EIS process should use unbiased survey methods to try and find rare species. To find rare species you need to spend some time there looking during appropriate seasons, field conditions, and use repeatable survey methods.

There are broad assumptions made throughout the document and the (TOR) is missing data collection details. There is no data to support the surveys were completed during appropriate environmental conditions or the correct location- just broad statements. For example, They collected bat acoustic data but I didn't find a map for monitoring locations and whether the Species at Risk Biologist reviewed and supported the locations for the bat survey monitors. There are spatial limits to the acoustic monitoring equipment (~ 10 to 15 m radius) and the placement direction of the microphone is important considerations.

There is no soils data to support ELC classification or use of historical air photos- the regrowth is "naturalized" after an intense cultural land use. Surveys for Fowler's toads were not completed and there are indeed positive records along the shoreline here. Fowler's toads are not out of hibernation until mid to end of May depending upon nighttime temperatures. There is a suitable breeding habitat for Fowler's toads along the shoreline rocky pools and the watercourse. Therefore the site should have had more amphibian surveys completed especially during the breeding season for Fowler's toads to properly assess the presence of this endangered species and whether they use the site for dispersal function (August- September). They only did one amphibian survey in March and the spring rains may have come later to stimulate amphibian calling. They did not complete surveys for reptiles or search for burrows and features that would support their presence. Searching under cover objects for salamanders, and reptiles would be an appropriate survey method. I would also look for crayfish burrows and rotted tree root areas along the watercourses, ditches, and shoreline in the spring and fall seasons. They also did not complete any night surveys for SAR birds and assumed because MNRF didn't put them on the list- the species at not there. These types of assumptions are not correct when the habitat is suitable and the area is within range for these rare species. The gaps in their survey approach would not meet the data standards set today for this Region.

We have completed many bat surveys now along the Lake Erie shoreline beginning in 2020. We use a roving method and we are out in the first 2 hours from sunset and only during good weather nights (i.e., NO Wind, NO fog). Many factors affect the distribution and feeding behaviour of bats at night, especially flying insect abundance also bats do not fly in areas of camp smoke and fog because their echolocation does not work. **We have also always detected at least one SAR bat species using our method in all treed/shrub sites**, even in areas that may not meet the MNRF tree screening criteria. Bat habitat use along the shoreline is especially high during June. Also, the consultant fails to mention that overlapping calls and the presence of LASBOR (the migratory Red bat) interfere with detecting SAR bats- namely Myotis. Once LASBOR is detected or overlapping calls are detected, a manual review of the graphed data is necessary to discern species. Without checking for these factors one can easily miss detecting SAR bats because their abundance is low (i.e. they are endangered).

In terms of detecting an endangered species, Butternut- the consultant did not follow protocols in sending this information back to the regulatory agency (i.e MNRF or MECP) to ensure the Endangered Species Act

regulations are met. They avoided this without getting the required clearances from the regulatory agencies. This must happen. Instead, the consultant gave a 30-day ultimatum to MNRF- if they didn't hear back they assumed everything was ok. The consultant also assumed because the Butternut was in a hedgerow- that it was planted and if planted did not need an ESA clearance. That is a pretty broad assumption especially when the only treed habitat in 1934 was along the hedgerows, creek, and shoreline. This is a baseless assumption without checking the aerial photo records or speak to landowners. Squirrels would store nuts in hedgerows near cavity trees and this is a good natural explanation for the presence of Butternut here. Butternut was listed as likely present by MNRF, it is healthy and recommended for retention therefore the ESA regulations apply.

I would also suggest an Archaeological survey be completed here due to proximity to the shoreline.

Having reviewed the EIS and the Subdivision plan, the amount of vegetation to be removed here is > 30 % of the area- so technically the impact to local wildlife is high- there will be displacement- if there are no sensitive habitat features present (I am not clear if this was done) and from the data provided the vegetation is mostly buckthorn (invasive species) and dead ash (impacted by an invasive insect). This is not unusual for Fort Erie which is mostly regenerative farmlands that naturalized in the absence of core ecological areas or any land management. Since there are inconsistencies in the data collected here and the assumptions of impacts, I would recommend a third-party check to be sure the species are indeed invasive or dead. Invasive species removal must be done correctly or it will regrow- this needs to be addressed throughout the site especially in areas that are planned for parks and protection. A habitat management plan is an appropriate request to ensure regenerative processes track toward a suitable native biodiversity standard/ "healthy ecosystem" goal.

I can be available for the Oct 4th especially an 'on-line' meeting, please send me details.

Regards,

Anne Yagi, M.Sc., EP, CERP
President
<image001.jpg>
We are here to help!
www.8trees.ca
Ph: 905-892-1760



Anne R. Yagi

President, 8Trees Inc.
November 2016 - Present
M.Sc. Ecology and Evolution, Brock University
B.Sc. Honours Zoology, University of Guelph
ECO Canada Certified Environmental Professional (EP)
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8Trees Inc.
is a non-government environmental consulting company that aims to carry out innovative approaches to ecological restoration, data collection, enhance science-communication, and mentor students in the fields of biological conservation, ecology, environmental policy, and environmental impact studies.

Go to Google Play store or Apple store and download 8Trees newly developed free software; "My Field App" and contribute to citizen science biological data collection in your neighborhood. Now available, "My Fish App" which measures and organizes your fish catch data into a digital angler diary.

Current 8Trees Projects:

- "Managing an ecological trap on the reptile community inhabitating a partially mined peatland in Southern Ontario"; OSARF 2017 to 2020; CWS winter 2018 and 2019.
- "Monitoring the human impact on Fowler's toad at Niagara Beaches"; OSARF 2018 to 2021
- Science Advisor "Haldimand County Gray Ratsnake *(Pantherophis spiloides)* population recovery project"; OSARF 2017 to 2020
- "Building on Success: Using Habitat Modeling and outreach to confirm presence of Gray ratsnake and Foxsnake in Niagara-Hamilton", OSARP 2020
- Science Advisor "Pelee Island Blue Racer (*Coluber constrictor foxii*) Hibernation habitat restoration project"; OSARF 2018 to 2021
- PhD committee member for J. Choquette 2019-2023 "Managing translocations for Massasauga Recovery in Ojibway Prairie" Laurentian University
- Fowler's toad Recovery Implementation Team Chair.

8Trees Staff: One full-time biologist, four seasonal staff and associates, also students, interns and Co-op placements (1 to 5 per year).

MSc Thesis 2020: "Flood survival strategies of overwintering snakes"
Memberships: Canadian Herpetological Society, Society for the Study of Amphibians and Reptiles, American Fisheries Society and Society for Ecological Restoration (SER).

Canadian Herpetological Society 2019 award recipient: "Blue Racer Award" in recognition of significant contributions to the conservation of amphibians and reptiles in Canada.

Management Biologist (Retired Sep 30, 2016, after 35 years' service)
Ministry of Natural Resources and Forestry (Vineland Field Office, Guelph District)
My career at MNR began in 1981 as a summer student conducting a creel survey. After eight years of "back-to-back" contracts I was hired as the Fisheries Enhancement Officer and then as the Fish and Wildlife District Biologist. I continued in this position for 26 years until I retired in 2016. Although retired from government, my interest in fish and wildlife resources and mentoring continues within my

graduate studies, pursuit of research and development, proactive projects in natural resource management and applied ecosystem restoration.

Career Highlights:

- Identified, examined and accepted as an expert witness (Federal, Provincial Court and OMB hearings) in the areas of fish biology and habitat, wetlands, deer biology, freshwater turtles, Massasauga rattlesnakes and general wildlife biology.
- Provincial Wetland Evaluations Niagara- Hamilton-Haldimand (est > 200 evaluations)
- Fish Community Monitoring Project Niagara River Watershed (1997 to 2016)
- Winter Habitat Use by Wildlife: via Helicopter Surveys (White-tailed deer, wild turkeys, raptors, swans, ducks, geese)
- Niagara River Remedial Action- Fish population Impairment- Determination of Delisting Criteria
- Field Investigation of Headwater Channel Erosion and related impacts on the Fenwick Regional ANSI, Provincially Significant Wetlands and Species at Risk
- Welland River Fish Passage White Sucker and Walleye Telemetry Project at Old Welland Canal Junction (2000, 2013 to 2015)
- Navy Island Deer Exclosures project and management recommendations
- Restoration of Walleye in the Welland – Niagara River system
- Grand River Fisheries Management Plan and advocate for the removal of the Dunnville Dam
- Species at Risk Habitat Stewardship and Education projects (Fowler's toad, Massasauga, Spotted turtle, Blanding's turtle, Gray Ratsnake, Allegheny Mountain Dusky and Northern Dusky salamander) included managing field technicians and summer students and external funding sources annually since 2000 with an operating budget $50K to $100K. All projects included surveys and monitoring, habitat enhancement, restoration, and design and creation of outreach and educational products. These projects also included mentoring and liaison with partners including universities, agencies, landowners and other interested stakeholders.
- As part of this species at risk team we were the first to identify Allegheny Mountain Dusky Salamander in the Niagara Gorge
- Ecosystem restoration project (1998 to present) - managing two species at risk populations Massasauga and Spotted turtle before, during and after water levels were increased in the central historically peat mined area. This included mark –recapture (> 200) massasaugas and (>400) spotted turtle observations since 1998. Radio telemetry technique for both species was used to confirm habitat use. With increasing conservation concerns raised about massasaugas and the potential that the mined peatland to become an ecological trap on the population. Radio telemetry was abandoned in favour of my innovative and successful coverboard design and survey technique to continue to monitor massasaugas and the resident snake community. During this time, I designed and implemented a hibernation habitat study where I introduced the "life zone" hypothesis. A "life zone" is a subterranean space where snakes successfully overwinter. This space does not freeze or flood completely and is the focus of my graduate studies. "Overwintering behaviour and survival of temperate neonatal snakes" and the development of the "forced hibernation technique". This technique is a biological test of the life zone to confirm snakes can survive within the associated habitat. It is only used in areas where physical measures have confirmed a physical space is maintained in harsh and mild winters. Once a habitat is biologically tested using neonate gartersnakes (model species), species at risk neonates can be forcibly hibernated in these good habitats. This technique will aid in repopulating good habitat because snakes use homing behaviour to return to previously occupied burrows thus removing the ecological trap associated with the mined peatland.
- Fowler's toad Recovery Team Chair, Ontario Dusky Salamander Recovery Team Co-Chair, Gray Ratsnake and Massasauga rattlesnake and Ontario SAR turtle Recovery Team member
- Peregrine Falcon Recovery and Master Bander (1996 to present)

Other Highlights include:

- Provincial Amethyst Award: Grand River Fisheries Management Plan (1999)
- OMNR Pride Award: Recovery of Peregrine Falcon (2000)
- NPCA: Welland River Restoration Committee Recognition Award (2002)
- NPCA Conservation achievement awards (2002 to 2008)
- Niagara River Bathymetry, Habitat Mapping and habitat creation projects
- Niagara Region Fish Habitat Types with Management Rationale for municipal planning
- Binbrook Reservoir Electrofishing, and live trap netting projects
- Adult Walleye transfer from Bay of Quinte, Lake Ontario to Binbrook Reservoir
- Spring thermal flux studies Niagara River and Upper Niagara River Tributaries
- Long term thermal monitoring of last remaining Brook trout fishery Upper Twelve Mile Creek
- Upper Twelve Mile Creek Brook Trout Population Assessment 1984, 2000, 2008
- Upper Twelve Mile Creek Restoration Projects (1989 to 1995)
- Frenchman's Creek Grass Roots Watershed Restoration Project (1991 to 1995)
- Point Abino Drain Fisheries Study- Pre and Post Drainage Works 2001 – 2002
- Welland River Fish Community Assessment 1997
- Walleye Restoration Project, Grand River, Welland River and Community Involvement
- Lake Ontario Littoral Zone, Lake Gibson, Martindale Pond and Old Welland Canal Fish Community
- Wild turkey reintroduction, trap and transfer international project (1986 to 1996)
- Ontario Conservation Fishing and Hunting Licence, Pleasure Boat Certificate, Class 1 Electrofishing Certificate (all types), Standard First Aid and CPR, ROM Fish ID, Wetland Evaluation Certifications, Active golf enthusiast

Reports and Publications

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www.8trees.ca 11 Berkwood Place, Fonthill, ON L0S1E2 Tel: 905-892-1760, Email: anne.yagi@8trees.ca

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Rezoning 3285 Thunder Bay
Shari Ruston to: abutler 09/28/2021 12:52 PM
Cc: cschofield, aarungi, shariruston
From: [redacted]
To: abutler@forterie.ca
Cc: cschofield@forterie.ca, [redacted]

Hi Aaron,

In light of the following:

1. The negative review of Beacon Environmental's EIS by Anne Yagi, and the importance placed on the EIS by the Niagara Region " *it should also be noted that depending on the extent and sensitivity of the features development of the entirety of the property may not be supportable the EIS will be instrumental in determining the amount of develop of space* " as stated in the Pre-consultation notes, along with the suitability of storm water management with regards to these findings.

2. The need of an Official Plan amendment application rather than a rezoning of the waterfront residential to open space designation sought, as this use is not in line with the Town's official plan or the secondary plan for the Ridgeway-Thunder Bay area for this parcel as it calls for low density residential use.

3. An incomplete planning application due to the need for a traffic impact study based on the MTO and Niagara Region's guidelines for required traffic studies.

Would you and the Planning Department, Westwind Niagara Developments and Council agree that it would be prudent to postpone the rezoning hearing while these matters are investigated further by the applicant rather than allow a premature and incomplete application to be tabled?

Please let us know of your decision at your earliest convenience as we will be retaining expert witnesses, at our expense, for the October 4th hearing if it is to proceed.

Please include this as part of the final planning recommendations report for councils' consideration if you choose to move forward with the scheduled hearing.

Sincerely,

Shari and Arne

Sent from my iPhone

Proposed Subdivision at Burleigh & Thunderbay Roads
Diane Nielsen to: abutler@forterie.ca 10/04/2021 08:51 AM
Cc: "wredekop@forterie.ca", "mbutler@forterie.ca", "gmcdermott@forterie.ca", "ndubanow@forterie.ca", "kzanko@forterie.ca", "dlubberts@forterie.ca", "anoyes@forterie.ca"
From: "Diane Nielsen" [redacted]
To: "abutler@forterie.ca" <abutler@forterie.ca>
Cc: "wredekop@forterie.ca" <wredekop@forterie.ca>, "mbutler@forterie.ca" <mbutler@forterie.ca>, "gmcdermott@forterie.ca" <gmcdermott@forterie.ca>, "ndubanow@forterie.ca" <ndubanow@forterie.ca>, "kzanko@forterie.ca" <kzanko@forterie.ca>, "dlubberts@forterie.ca" <dlubberts@forterie.ca>, "anoyes@forterie.ca" <anoyes@forterie.ca>
History:
This message has been forwarded.

Dear Mr. Butler, Mayor & Councillors:

I have many questions and concerns about this development.

I retired from DSBN over a year ago and have worked in schools in Ridgeway and Fort Erie over the last 22 years. It was my dream to retire here from Niagara Falls because of the small-town feel (peace and tranquility) and the many friends I have made. I moved here 5 years ago but my dream has become a nightmare. The first couple of years I was able to go for a walk and always see deer in the bushes or yards. I have not seen any for at least a couple of years now. It used to be quiet sitting outside in the mornings but now all I hear is traffic, machinery and construction noises. Development is one thing but this has become overdevelopment and causing serious problems with traffic (speeders), crime, destruction of trees and eviction of wildlife. I know more tax dollars is very tempting but it is worth upsetting the lives of the residents who have been here most of their lives? How can their children afford to stay here with the prices of homes? I can barely make it myself living alone paying almost $5000 a year in property taxes for a 2-bedroom bungalow on a tiny lot. Why was my builder allowed to build these new homes so close to each other? Why are people being crammed together like sardines in a can? Why are the new homes not designed to fit the small-town look? Is anyone aware of how many of the new homes are being bought only to be rented out? People are not buying property to live here themselves. They are buying to make money and destroy this once appealing little town. I cannot even drive near the eyesore subdivision at Thunder Bay and Ridge Roads because it upsets me so much. Is anyone aware that there are 3 driveways running into the intersection of Farr and Ridge? Who approved it? Everywhere I go around here I'm asking Why? Why? Why? Why are the homes so massive and obstructing natural views? Why aren't builders required to replace trees they destroy? There is a new home listed at the corner of Bethune and Cook for $1,175,000.00. This used to be a little bush where I would see deer almost every morning. Now I see this out of character massive 2-bedroom bungalow that was only built to make huge money.

I watched the open house meeting on YouTube and now there is a plan to urbanize Thunder Bay Road? This cannot happen! Thunder Bay is suburban and needs to remain that way. Ridgeway is not able to meet the demands of more people. The only public school is already overflowing with 4

portables and students are sharing desks. Building 41 houses next to people who have been here for over 100 years is also a disgrace. It is just so wrong. Why can't the town see this?

Also, looks like there will be more construction here on Riselay. I watched that meeting and even though neighbors opposed they still allowed another lot to be severed. Please just leave Ridgeway/Thunder Bay alone! Any development should be consistent with small town feel...we don't want city life here!

I had friends visiting from out of town and was informed that Ridgeway is now called "Richway". This is embarrassing! I hope someone can answer my concerns.

Thanks for hearing me out,

Diane Nielsen
Keep Thunder Bay rural!

Virus-free. www.avg.com

Comments re: Proposed subdivision at 3285 Thunder Bay Road--Zoom meeting tonight
big veggiedog to: Carol Schofield, abutler@forterie.ca 10/04/2021 02:12 PM
Cc: "Wayne Redekop", "Marina Butler"
From: "big veggiedog" [redacted]
To: "Carol Schofield" <CSchofield@forterie.ca>, "abutler@forterie.ca" <abutler@forterie.ca>
Cc: "Wayne Redekop" <WRedekop@forterie.ca>, "Marina Butler" <MButler@forterie.ca>
History:
This message has been forwarded.

Dear Ms. Schofield, Mr. Butler, Mayor and Council,

As a resident living in close proximity to the proposed subdivision at 3285 Thunder Bay road, I would again like to reiterate that I do not support the zoning by-law amendments or the removing of the Environmental Conservation overlay required to accommodate the subdivision. It also seems a bit conflicting to me that the company that wants to develop the land is also the one who retained and paid the company that did the environmental impact study in order to again apply to have the Environmental overlay removed.

There are many large trees on this property that will all have to be removed to accommodate the building of this subdivision the way it is currently proposed. It will take at least 20-100 years for new ones to grow. Perhaps developers should be required to save a number of the larger trees within the properties they wish to develop.

Since blocks 42, 43, 44, and 45 are going to be the towns responsibility, I'm wondering how the town will be able to protect and preserve the environmental protection area, (block 42), running between the two blocks of designated parkland, (blocks 43 and 45), from erosion and degradation from people passing over it to get from one block of parkland to the other.

I am really disheartened at the proposal of another subdivision in a place I have chosen to make my home and am not looking forward to more constant construction noise, or the increased traffic on Burleigh road speedway, a road that is in dire need of repair and is only wide enough to accommodate two unimpeded vehicles going in opposite directions. Most of the residents in the area that I have spoken to do not want another subdivision here. There are plenty of lots in the area still waiting to be developed, as well as the subdivisions still under construction, without having another tightly packed subdivision with no trees. This property could still be modestly developed with the current zoning that is in place, or a more reasonable zoning, so I hope the town will at least consider that in their deliberations.

Regards,

Sian Jarvis
[redacted]

EIS Peer Review

Prepared b Anne Yagi, M.Sc., EP, CERP

President 8Tress Inc.

Retired MNRF Management Biologist

Findings

- Failed to conduct Biological Field Surveys during appropriate seasons (i.e., Fowler's toad- Endangered Species) and failed to complete due diligence with respect to ESA
- Failed to conduct Biological Surveys during appropriate environmental conditions (i.e Endangered bat species) and therefore did not complete due diligence with respect to MNRF protocol
- Failed to complete due diligence with respect to Butternut (Endangered species)
- The EIS would not meet today's standards.

Failed to conduct Biological Field Surveys during appropriate seasons or complete due diligence (i.e Fowler's toad- Endangered Species)

- Did not recognize the presence of a Fowler's toad breeding site and the potential breeding site within Kautz Creek mouth in any mapping and therefore not apply protective planning measures
- Amphibian surveys were conducted while Fowler's toads are in hibernation, ground frozen and freezing temperatures
- No follow-up communications with MNRF or MECP responsible agency for the Endangered Species Act

Failed to conduct Biological Field Surveys during appropriate Environmental Conditions

- MNRF SAR Bat protocol
  - Minimum of 10 days in June during low wind, warm nights
  - Did not provide details as to methods (where receivers were placed or how many, or orientation)
  - Did not provide detailed results especially when there are overlapping echolocations such as Red bat and Myotis sp.
  - No follow-up communications with MNRF or MECP responsible agency for endangered species

Butternut (Endangered Species)

- recommended that the habitat regulation be applied strictly to Butternut trees that are healthy (i.e., they are not affected by Butternut canker to such a degree that they are considered "non-retainable", as determined by a qualified Butternut Health Assessor and/or Ontario Ministry of Natural Resources) and are:
- naturally-occurring (i.e., that are not planted); or
- planted as a requirement of a permit issued under section 17 of the ESA, or are progeny of trees that were planted to satisfy such a requirement (e.g., for overall benefit or as part of an approved planting plan).

Recovery Strategy

- Butternut regulating a minimum radius of 25 m around each tree is an appropriate approach to ensure…
- the habitat conditions required for the survival of each tree can be maintained, including area for the potential growth of trees that may survive to maturity; and
- habitat for regeneration that occurs within this radius is also protected.

Follow up

- EIS be sent to MNRF (because they provided original species screening and should be checked for due diligence) and sent to MECP for agency review because they administer the Endangered Species Act.
- All field data be provided in EIS
- All correspondence with agencies be provided in EIS especially correspondence with NPCA, Municipality and Region
- Mapping of endangered species habitat protection areas may interfere with municipal plans for a public "shoreline park" and the protection required for Kautz creek especially at the shoreline interface.
- And the presence of endangered Fowler's toad will prohibit use of engineered storm ponds as they are an ecological trap for Fowler's toads.

3285 Thunder Bay Road

Zoning By-law Amendment and Draft Plan of Subdivision – October 4, 2021

Your Worship, Councilors, Town of Fort Erie Staff, Mr. Rohe and fellow citizens,

Westwind Niagara Development's (WND) Application for the Zoning By-law Amendment (ZBA) and Draft Plan of Subdivision (DPS) for 3285 Thunder Bay Road is pre-mature and does not conform to Provincial Policy, Municipal Policy or the Town of Fort Erie (TFE) Zoning By-laws (ZBL).

Councilors, the TFE Official Plan (OP) is pulling you in many directions in considering this ZBA and DPS. The OP requires you to consider the Intensification of the urban area, the protection of the environment, compatibility of the surrounding area and the acquisition of waterfront property. Unfortunately, the DPS, as shown, and the ZBA are failing in all of these categories with the exception of your waterfront strategy.

Councilors, good planning is not allowing this proposal to be made through a ZBA when an official plan amendment (OPA) is clearly required to support the change in use of the property. Good planning is not allowing scarce developable urban land to be purchased by the TFE for open space (OP). Good planning is not permitting half of the intensification required by Provincial and Town policy, nor for the incompatibility of adjacent properties. Good planning is not selectively investigating the core heritage features and species at risk as designated by Provincial Policy or ignoring the 135 years of common law with regards to private watercourses. Despite all of these concerns the overwhelming determinant of this application will be how the scope and suitability will fit in with the environment, as determined by the Environmental Impact study.

The Niagara Region (NR), in their Pre-Consultation Agreement Comments (PRECON) in reference to 3285 Thunder Bay Road, dated October 8, 2020, stated that *"...the development of the entirety of the property may not be supportable. The EIS will be instrumental in determining the amount of developable space." In*

addition, that "the proposed development is proposed within and adjacent to the Region's Core Natural Heritage System (CNHS) and that..." there may be species at risk." A scoped EIS should be developed consistent with policy 7.B.2 of the Regions Official Plan (NROP), which states "to recognize the linkages among natural heritage features and ground and surface water resources."

Beacon Environmental Limited (BEL) completed their EIS for Westwind Niagara Developments Inc. (WNDI) on June 2021. While the EIS was arguably the most important document for the possibility and suitability of this development, and the foundation for which the entire application was built, no governing body questioned its disregard for the methodology required for studying and reporting on the core natural heritage features and especially the endangered species at risk – not one! Upon reading the EIS, and reviewing some of the basic guidelines for studying natural heritage features and species at risk, we found the methodology used disturbing, unprofessional and lacking basic regard for the principles associated with a competent study.

"When conducting an EIS, the very fundamental principles for surveys are to conduct them when you are most likely to find them." Anne Yagi

Our search for a professional to review BEL's EIS resulted in us retaining the services of Anne Yagi, M.Sc, B.Sc, EP, CERP, chair of the Fowler's Toad Recovery Implementation Team and President of 8Trees Inc. With Anne's 35 years of employment with the Ministry of Natural Resources and Forestry (MNRF), we were confident that we had found an expert in the field. As per the planning Act, on September 27th, 2021, we emailed Ms. Yagi's "pro bono" surface review of BEL's EIS and her Curriculum Vitae to the TFE and requested that these documents be included in the final planning recommendation report for Council's Consideration. Unfortunately, due to semantics, there was confusion as to the inclusion of these documents for the public meeting tonight, and thus not included as determined by the TFE staff. Ms Yagi will be speaking to you tonight with regards to her findings.

In addition, the BEL's EIS acknowledged and identified a watercourse, known locally and provincially as Kautz Creek. Kautz Creek is under the protection of

over 135 years of Common Law against the construction run off of surface water. Charles Kautz, and expert in his own right, has written many published works and the Kautz family have been advocates for this Creek for decades. The evidence for the significance and protection of Kautz Creek is overwhelming, and as such, the TFE has proposed the ZBA to change the designation and surrounding area/buffer around Kautz Creek from WR to EP. We agree with and support this recommendation.

We would also like to note that the Niagara Peninsula Conservation Authority (NPCA), NR and TFE policies identify the need for "a 15m (49 feet) natural buffer for watercourses containing permanent flow, cool water, or cold-water systems or specialized aquatic or riparian habitat." Or "other considerations which may impact pollution or the conservation of land." Although the reduction of this buffer requirement may be reduced, it will only be considered in special circumstances based on a site-specific evaluation by NPCA staff. No such study has been provided for, and only a limited time visual inspection of the watercourse was undertaken by BEL to study aquatic or riparian habitat.

As noted by Anne Yagi, "the inexperience of the agency reviewers in biology and ecology resulted in a poor job when assessing the sites natural heritage features, especially species at risk – fowler's toad – which use the rocky pool and likely the creek mouth for breeding when the rocky pool areas are flood back at high water levels." BEL Studied the Fowler toad only once, on March 23, 2018, when the toad was hibernating – this was not sufficient based on Ontario's Endangered Species Act (ESA). However, BEL still makes note that "the nearshore of Lake Erie associated with the subject lands is assumed to provide habitat for the Fowler Toad." As such, the ESA habitat regulation for Fowler's toad protects "...suitable habitat up to a distance of 300m (984 feet) inland from the shoreline." In addition, regulations also protect, "any...other bodies of water, including vernal or other temporary pools that are being used for breeding, egg laying or tadpole development as well as the 30m (98.4feet) around such areas." This also makes a case for why the shoreline should not merely be considered hazard, but instead be given an EP zoning, in order to fully and completely protect the Fowler's Toad. Current studies are under way in nearby lakefront communities that are allowing

large quantities of vehicular and pedestrian traffic, and the affects of the compacting and disturbances of the toad's hibernation is alarming. While we would hope that a hazard overlay would significantly protect the hibernation sites of the fowler toad, as the TFE suggests, the only way to begin to fully protect this endangered species at risk is to grant an EP overlay to the entire shoreline.

Additionally, one category 2, retainable and healthy, Butternut tree, and also a species listed as endangered was found to occur in a hedgerow along the Eastern Boundary of the subject lands as per BEL's EIS. The EIS also continues to comment that the Butternut tree was considered to be planted. Unfortunately, BEL is required to send their findings to the Ministry of Natural Resources and Forestry (MNRF) for review, regardless of their own position – they did not. In addition, this Butternut is actually fully contained on the neighboring property and through an affidavit, the owners of this Butternut tree state that the Butternut tree was not planted by a human. Interestingly enough, the delineation of features, as surveyed by Kircup, mascoe ure Surveying ltd. (KMUS), also come into question not just with the Butternut tree, but with regards to the location of Kautz Creek as well as the buffer for the Creek and what it actually does and does not contain.

As per policy NROP 7.B.1.15, buffer requirements, as identified by the Ministry of Natural Resources and Forestry, require the measurement from a stable top of bank for watercourses. As per the survey submitted by KMUS, the water course and resulting 10m (33 feet) buffer appear to barely graze the accessory structure known as a four-car garage. In BEL's EIS, this same water course and buffer are shown to encompass approximately 40 percent of the garage floor. On our own subsequent measurement, using the guidelines provided for per policy NROP 7.B.1.15, we found the garage to only be 2.5m (8 feet) away from the watercourse. The implication in the actual location of Kautz Creek is significant for several reasons, perhaps most shocking is the proposed open space designation on Block 45, that will allow for sanitary drainage and a parking lot, and that will be in close proximity or within the minimum 10m (33 feet) protective buffer as proposed, but absolutely within the maximum 15m (49 feet) buffer expected, when an appropriate EIS is completed for watercourse

protection and the 25m protective buffer for the Butternut tree. Further, the back yards of the proposed lots 24-35 of the DPS will also have EP overlay within their boundaries.

Having large scale construction, such as housing developments or roads, in such close proximity to Kautz Creek, and within the maximum, never mind minimum buffer will most certainly result in increased surface water drainage into the watercourse. A woodlot that used to contain upwards of 1400 trees, significant or not, replaced by homes allowed to have 50 percent lot coverage, with asphalt roofs, roads, driveways and concrete sidewalks will most certainly provide more surface water post-development vs pre-development. The TFE planning justification report acknowledges the current pollution concerns, TFE staff say they are working with the Ministry of the environment, conservation and parks (MOECC), but no details have been given as to when these communications started. TFE staff state that these concerns will be subject to further report, but no report date or name has been assigned. Yet, they are encouraging the ZPA and DPS that proposes 41 new lots, by the same developers upstream, that will continue to contribute to the muddy, chocolate polluted waters in Thunder Bay that we will be experiencing for years to come. All one has to do is review the correspondence between private rate tax payers and the TFE, that span over decades, to truly understand the environmental crimes that are being committed and TFE policies and practices that pollute Lake Erie during every rain event.

Cleary, the findings of the EIS are unremarkable due to the studies being conducted when core natural heritage features and species at risk are least likely to be found. The consequence of this poor methodology is that the justification for the ZBA and DPS is standing on faulty ground. Therefore, the ZBA and the DPS is premature as the EIS submitted is incomplete and inaccurate.

As a result of the deficiencies of this EIS report, and the fact that the ZBA and DPS is being justified based on the findings of this report, we request that Council denies the ZBA and the DPS. That further, Council immediately applies a stop work order to this property and appoints a MNRF representative to qualify an independent, reputable and competent company to undertake and complete a

new EIS for 3285 Thunder Bay Road, at the Owner's expense, and suitable to the provincial guidelines for core natural heritage features and species at risk.

The Niagara Region Pre-Consultation Agreement Comments alluded to the fact that this property, in its entirety may not be developable. We believe, that with a competent EIS, Council will be provided with the documentation they require so that they can perform their due diligence with regards this ZPA and DPS application.

This presentation, as well as referenced and supporting material, will be emailed to the Town Clerk, Carol Schofield, as this public meeting is being held virtually and not in council chambers, when documents would normally be submitted to the Town Clerk at the conclusion of such presentation. We request that this material be included in the report that comes back to Council for consideration, and that we retain our right, as provided for in Section 34 of the Planning Act, to express our views at a later date, and to receive notification of future meetings, as well as Council's decision to the proposed rezoning of 3285 Thunder Bay Road in the Town of Fort Erie, Regional Municipality of Niagara located in the Northwest corner of Thunder Bay and Burleigh Roads, North of Lake Erie.

Sincerely,

Ms. Shari Ruston and Dr. Arne A Rungi

The Draft plan of Subdivision and Zoning Amendment are Premature.

3285 Thunder Bay Zoning By-law Amendment and Draft Plan of Subdivision – Public Meeting

October 4th 2021

The Draft plan of subdivision and Zoning Amendment are Premature.

1) No official plan amendment
2) EIS incomplete
3) Zoning amendment concerns
4) Stormwater Management concerns
5) House and accessory building left on property
6) Parking deficiency for OS and Traffic study omission
7) Parkland dedication concerns

The Draft plan of subdivision and Zoning Amendment are Premature.

1)No official plan amendment

Zoning being change from WR/EC/H → R2A + OS + EP + H

Official Plan Section 4.13 Open Space, Section 4.131 of General Policies Section states: "Any open space use other than a similar open space recreational or conservation type and intensity of use will require an amendment to the Plan."

OPA IS REQUIRED

The Draft plan of subdivision and Zoning Amendment are Premature.

2)EIS incomplete

Beacon study did not go through appropriate due diligence for:

- Endangered Butternut Tree
- Fowler Toad species
- Appropriate methodology to detect other endangered species

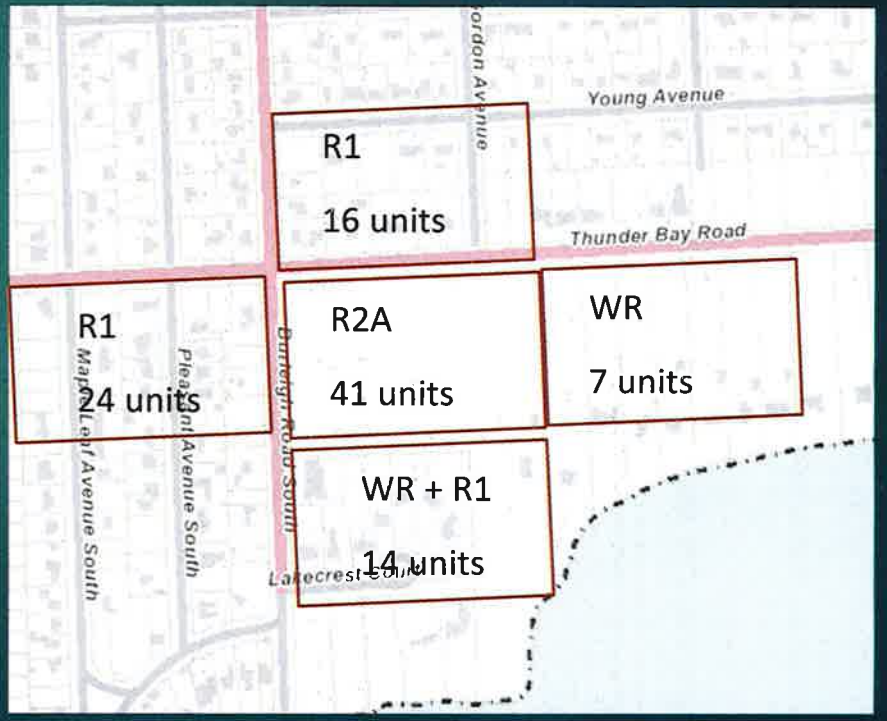
COMPLETE EIS REQUIRED

The Draft plan of subdivision and Zoning Amendment are Premature.

3) Zoning amendment concerns – Surrounding compatibility

R2A Zoning – Intensity is not compatible with surrounding Neighbourhood

NOT APPROPRIATE



The Draft plan of subdivision and Zoning Amendment are Premature.

3) Zoning amendment concerns – Zoning Parameters

	WR	R1	R2A
Frontage	18 m	18 m	12 m (-33%)
Area	600 Sqm	600 sqm	375 sqm (-37%)
Coverage	40%	25-35%	50% (+20%)
Accessory Apt	no	yes	yes
height	9	9	10.5 m(+16%)
storeys	2.5	2.5	2.5

These zoning parameters dictate Subdivision design. As the parameters differ so greatly from the surroundings, the Subdivision design will inevitably not be compatible.

The Draft plan of subdivision and Zoning Amendment are Premature.

3) Zoning amendment concerns – Surrounding compatibility

Most of the lots shown are larger than what R2A permits. If minimum areas were used, there could be up to 57 lots on this same property without a zoning change. With Each lot having at ADU = 114 units.

We cannot responsibly allow for density in such an Environmentally sensitive area.

****THIS DOES NOT FIT****

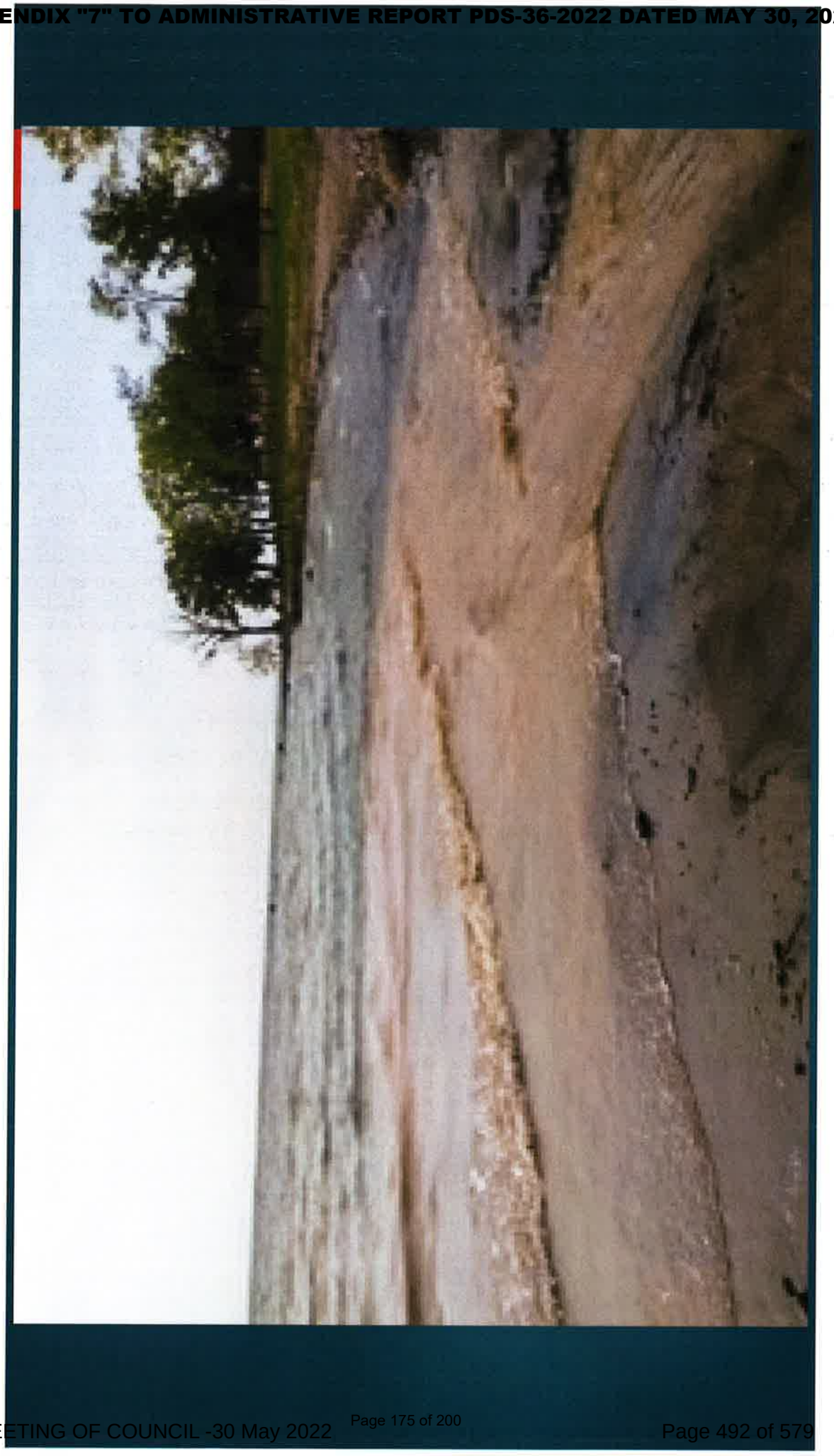
The Draft plan of subdivision and Zoning Amendment are Premature.

4) Stormwater Management concerns

- How will the pollution problems from the upstream owners and developers affect the environment, the subdivision and the Town of Fort Erie's Liability?

- "The town has reached out to the Ministry of Environment, Conservation and Parks regarding stormwater management…"

****LIABILITY TO TAXPAYERS****



The Draft plan of subdivision and Zoning Amendment are Premature.

5) Remaining Building on Property

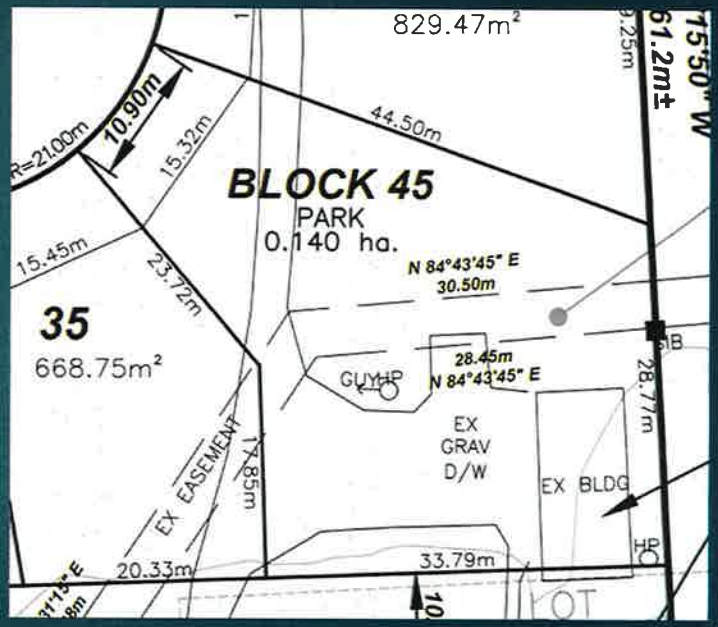
100+ year old building and garage on premises
No mention of purpose of Building or garage
No mention of budget
No mention of Risk assessment
No mention of Impact of EP area

LIABILITIES TO TAX PAYERS

The Draft plan of subdivision and Zoning Amendment are Premature.

6) Intensity, Parking, Traffic Study

41 units + 41 accessory dwellings = 82 units
18 new units with driveways onto TB road
Parking lot shape and encumbrances limit parking stalls
House units + ADU + Park = MORE TRAFFIC
No Traffic impact study



WHERE IS THE DUE DILIGENCE

The Draft plan of subdivision and Zoning Amendment are Premature.



6) Parkland dedication

- Where is the Plan for this Park?
- No budget for the 2nd biggest waterfront park in RTBCB
- TFE has numerous windows for which they completely Neglect (eg. Bernard Beach, Burleigh Rd, Maple Leaf Park)
- Cost to taxpayers going forward?
- Park will be on land that should be designated Environmental Protection

****GOOD PLANNING CANNOT BE IGNORED TO ACQUIRE WATER ACCESS****

The Draft plan of Subdivision and Zoning Amendment is Premature.

3285 Thunder Bay Zoning By-law Amendment and Draft Plan of Subdivision – Public Meeting

October 4th 2021

Re: Notice of public information open house 3285 thunder Bay road
Aaron Butler to: Krystyna Aleksic 2021-11-25 06:27 PM
From: Aaron Butler/FortErie
To: "Krystyna Aleksic" <[redacted]>

To: "Krystyna Aleksic" <[redacted]>

Hi Krystyna,

Thanks for reaching back out. The applicant is required to address all comments made at the Public Meeting. Town Staff will be reviewing their response and will determine next steps at that point. Staff would ultimately prepare a Recommendation Report on this application and provide to Council at a future meeting. A decision is ultimately made by Council. This subsequent meeting is not necessarily a Public Meeting in the sense that the public can speak again. But of course the public is welcomed to view the meeting.

If changes are made to the proposal by the applicant, the Town would need to determine if a subsequent Public Meeting would need to be held.

In either event you will be informed when this matter would be going back to Council for the next step.

Regards,

Aaron Butler, MCIP, RPP
Manager, Development Approvals
The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2502| F: 905-871-6411

"Krystyna Aleksic" ---11/24/2021 05:45:04 AM---Good morning, At the last public meeting there were a lot of comments related to

From: "Krystyna Aleksic" <[redacted]>
To: "Aaron Butler" <AButler@forterie.ca>
Date: 11/24/2021 05:45 AM
Subject: Re: Notice of public information open house 3285 thunder Bay road

---

Good morning,

At the last public meeting there were a lot of comments related to processes and procedures not followed. Will there be a follow-up meeting to address all the issues to bring this to closure?

I'm not familiar with how this process gets resolved.

Thank you

On Wed, Sep 1, 2021, 3:07 PM Aaron Butler <AButler@forterie.ca> wrote:

You're welcome!

Aaron Butler, MCIP, RPP
Manager, Development Approvals
The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2502| F: 905-871-6411

From: "Chris Aleksic" <[redacted]> "Aaron
To: Butler" <AButler@forterie.ca>
Date: 09/01/2021 11:08 AM
Subject: Re: Notice of public information open house 3285 thunder Bay road

Thank you. Much appreciated.

On Sep 1, 2021, at 10:21 AM, Aaron Butler <AButler@forterie.ca> wrote:

Good morning,

Further to your voicemail yesterday, the meeting is now posted on the Town's YouTube channel here: https://www.youtube.com/watch?v=TYQzVMcY6bE

Please let me know if you have any questions.

Aaron Butler, MCIP, RPP
Manager, Development Approvals
The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2502| F: 905-871-6411

From: Aaron Butler/FortErie
To: "Krystyna Aleksic" <[redacted]>
Cc: Mackenzie Ceci/FortErie@TownOfFortErie
Date: 08/30/2021 04:47 PM
Subject: Re: Notice of public information open house 3285 thunder Bay road

Hi Krystyna, the webinar ID is published on the page provided below (it automatically updates at 4:30).

For reference, the webinar ID is 846 5539 3450

If asked for a password, simply hit the # sign.

You can "raise your hand" during the public participation portion of the meeting by pressing * 9 on your telephone. When it is your turn, you will then be allowed to speak.

Aaron Butler, MCIP, RPP
Manager, Development Approvals
The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2502| F: 905-871-6411

From: "Krystyna Aleksic" <[redacted]> "Aaron
To: Butler" <AButler@forterie.ca>
Date: 08/30/2021 04:21 PM
Subject: Re: Notice of public information open house 3285 thunder Bay road

---

We will be calling in by telephone, where do I get a participant number and password

On Fri, Aug 20, 2021, 10:20 AM Aaron Butler <AButler@forterie.ca> wrote:
Good morning,

Thank you very much for reaching out.

Application information on this proposal is available on the Town's website here:
https://www.forterie.ca/resource/eservicesPlanning.xsp?s1=PZAA-HGAY-C4VNJ7

You will be able to access the Zoom meeting on August 30th at 5:00 PM from the same page. Alternatively, you may use the following direct link to the Zoom webinar meeting: https://us02web.zoom.us/j/84655393450

Please do not hesitate to reach out if you have any questions ahead of the Open House meeting.

Aaron

Aaron Butler, MCIP, RPP
Manager, Development Approvals
The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2502| F: 905-871-6411

From: "Krystyna Aleksic" <[redacted]>
To: "abutler@forterie.ca" <abutler@forterie.ca>
Date: 08/05/2021 08:18 AM
Subject: Notice of public information open house 3285 thunder Bay road

---

I'd like to advise that my husband and I will be participating in the zoom meeting on August 30th. The notice indicated that we were to advise you to obtain more information on the logistics.

Please ensure that we are kept informed of any notices and release of publication regarding this proposed development.

Thank you.

Krystyna Aleksic
John Aleksic
[redacted]

APPENDIX "7" TO ADMINISTRATIVE REPORT PDS-36-2022 DATED MAY 30, 2022



3285 ThunderBay Road subdivision
Joyce Stark to: abutler@forterie.ca 2021-12-04 04:49 PM
From: "Joyce Stark" <[redacted]>
To: "abutler@forterie.ca" <abutler@forterie.ca>
History:
This message has been replied to.

Hello, I am enquiring about the above subdivision. Is there a time line for approval? I'm just looking for more information. Thanks, [redacted]

Re: Fw: 3285 Thunder Bay Road Subdivision

Daryl Vander Veen to: Gino Venditteli 2022-05-24 03:54 PM

From: Daryl Vander Veen/FortErie
To: "Gino Venditteli" <[redacted]>

Hello Gino,

A planning recommendation report for this development is on track to go to Council for the Council meeting this coming Monday, May 30, 2022. Once the agenda for the meeting is finalized on Thursday, May 26, 2022, I'll send you a copy of the report via email. Council will be making a decision on the proposal that evening.

I've attached a previous staff information report as a PDF document for review. If you have any questions please feel free to contact me.

Regards,

Daryl

Daryl Vander Veen, BES
Junior Development Planner

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

PDS-88-2021 3285 Thunder Bay Road Information Report.pdf

Anamika Dilwaria Hi Daryl, Can you please respond to Mr. Venditt... 2022-05-24 10:49:25 AM

From: Anamika Dilwaria/FortErie
To: Daryl Vander Veen/FortErie@TownOfFortErie
Cc: [redacted]
Date: 2022-05-24 10:49 AM
Subject: Fw: 3285 Thunder Bay Road Subdivision

Hi Daryl,

Can you please respond to Mr. Venditelli's email mentioned below.

Thanks,

Anamika Dilwaria, M.Pl., MCIP, RPP
Acting Manager, Development Approvals
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6

TEL: 1-905-871-1600 ext.2507
E-mail-adilwaria@forterie.ca

----- Forwarded by Anamika Dilwaria/FortErie on 05/24/2022 10:48 AM -----

From: "Gino Vendittelli" <[redacted]>
To: "Anamika Dilwaria" <ADilwaria@forterie.ca>
Date: 05/24/2022 10:47 AM
Subject: 3285 Thunder Bay Road Subdivision

Good morning,

Can you please send me information regarding this proposed subdivision.

Thank you,
Gino Vendittelli

Comment Response Table – 3285 Thunder Bay Road – Draft Plan of Subdivision and Zoning By-law Amendment (Town Files 350309-0532 & 350308-0122)

The following comment responses have been collaboratively prepared and provided by members of the Project Consulting Team including Mr. Craig Rohe (Professional Planner) and Mr. Jason Schooley (Professional Engineer) of Upper Canada Consultants, and Mr. Ron Huizer (Consulting Biologist) of Beacon Environmental Ltd.

No.	Comment	Commenter	Comment Submission Type	Response
1	The Scale of Development • Did not realize 6 lots would be along the driveway – not in favour, remove all abutting lots or significantly reduce the amount. • Wants a dense, view blocking buffer along the shared property line. • Dwellings and design are out of keeping with traditional lifestyle in the area.	Kerry Mitchell 3261 Thunder Bay Road	Open House Meeting ZOOM	The proposed development configuration has been arranged to ensure that the proposed roadway and Gordon Avenue line up geometrically. The lots backing onto the neighbouring lot will be adjacent to the driveway, as the existing dwelling is located close to the shoreline. The impacts of rear yards on the neighbouring driveway are considered minimal. The developer will be providing perimeter fencing and preserving vegetation rooted on adjacent lands along the eastern lot line. The proposed dwellings are not considered to be out of character with the existing dwellings in the area. A mix of dwelling sizes and forms exist in the Thunder Bay Area.
2	Impact to Water Course • Watercourse was originally a dry ditch. • Development of Ridgeway on the Lake has led to increased flows of water in the ditches, especially during storm events. • Significant erosion and sinkholes occurring due to water flows in ditch.	Kerry Mitchell 3261 Thunder Bay Road	Open House Meeting ZOOM	The watercourse has intermittent flows, where stormwater only flows during and after rainfall events. The Ridgeway by the Lake development has a direct outlet to Lake Erie via North Shore Drive and does not rely on the watercourse for drainage. The soils in the area of the watercourse are clay materials. Sinkholes are not likely to occur in these conditions. Erosion is a natural occurrence within watercourses.
3	Public Parks • Desirability and benefit of parkland is clear. • House on property is understood to not be remaining. • Concern about the number of people that will use the park and traffic/parking. It is not a good sand beach. • Great loss of privacy on property at this end of the bay. • Quiet enjoyment will be reduced. • Seeking a natural buffer between the proposed public beach lands and their property line.	Kerry Mitchell 3261 Thunder Bay Road	Open House Meeting ZOOM	The existing house and accessory structure are to remain on the property, as per the Memorandum of Understanding with the Town. The future use of the structures and lands will be under the control of the Town. The beach lands do not need to be sandy to be beneficial to the public. The table lands provide a unique overlook and vista to the Lake and across to the United States. Parkland does come with increases in public usage and some nuisance such as noise. Once transferred, the park design and management will be under the control and direction of the Town of Fort Erie. Efforts could be made at that time to design screening and buffering along the property lines to mitigate any nuisance impacts. The inclusion of a physical buffer along the beach or park where the lands abut adjacent private property would be the decision of the Town.

No.	Comment	Commenter	Comment Submission Type	Response
4	Low Density Residential Half is going to be developed with 41 houses and around 100 people At this moment there aren't even 25 surrounding the property. How can this be low density?	Lauren Mitchell 3261 Thunder Bay Road	Open House Meeting ZOOM	The proposal is for 41 single detached dwellings on roughly half of the property. The balance of the lands will be dedicated to the Town as Parkland or environmental lands. The proposed development falls within the density range permitted by the Town of Fort Erie Official Plan, and the Ridgeway-Thunder Bay Secondary Plan (up to 25 units per hectare). Although denser than the surrounding area, the development remains within a low density range under applicable planning documents. A lesser development intensity on adjacent lands does not preclude opportunities for the consideration of development on the subject lands.
5	Watercourse • Concern about the watercourse, as it used to be a dry creek. • Heavy rains bring a lot of pollution into the Lake. • Mitigation efforts along the creek include a buffer. There is already an issue, how does the buffer help?	Lauren Mitchell 3261 Thunder Bay Road	Open House Meeting ZOOM	The watercourse has intermittent stormwater flows as the soils in the area are clay and surface flow There is no evidence to suggest that development related stormwater is polluting the lake. The buffer along the north side of the watercourse is identified to create a natural corridor through which it flows. The buffer vegetation can uptake some nutrients from sheet flow from the rear of lots 24 through 35, however, the buffer was not identified to address up stream pollution inputs into the watercourse.
6	Would like to see a fence along the back of the proposed lots along the watercourse to avoid encroachment.	John and Kristen Lakeview Court	Open House Meeting ZOOM	The developer intends to construct a 1.5 metre high fence, along the rear of the lots that back onto the watercourse (Lots 24-35). This fencing requirement is typical in similar situation with development adjacent to natural features, and is required by the NPCA.
7	Privacy Impacts • Concern about privacy being lost due to dwellings along Thunder Bay Road. • Headlights into homes. • What kind of buffering can be provided?	Maxine North Side of Thunder Bay Road, Across from the property.	Open House Meeting ZOOM	The development configuration has been designed to align Gordon Street with the proposed street. This will ensure headlights are directed down the street, as opposed to at a dwelling. A physical buffer in the front yards of the proposed or existing lots is not appropriate as it may create sight line issues. Single detached dwellings fronting on a street with single detached dwelling is considered desirable from a planning perspective.
8	Residential and Lifestyle Will it be a retirement community or will it have children?	Maxine North Side of Thunder Bay Road, Across from the property.	Open House Meeting ZOOM	The development will be a freehold subdivision. It is not a purpose built-retirement community. Anyone could purchase a home.
9	How many bedrooms?	Chat Question	Open House Meeting ZOOM	The detailed design of future dwellings, including the number of bedrooms is not known at this time. Given the built form proposed, a minimum of two bedrooms is considered a reasonable estimate.

No.	Comment	Commenter	Comment Submission Type	Response
10	<u>Traffic</u> Are there ideas about lights? What are traffic triangles? What is the widening for? How is the streetscape changing on Thunder Bay and Burleigh	Lauren Mitchell 3261 Thunder Bay Road	Open House Meeting ZOOM	A traffic study was not requested by the Town of Fort Erie for these applications. As confirmed by Town staff during the Open House meeting, no traffic lights are proposed or planned at the intersection of Thunder Bay Road and Burleigh Road. The triangles shown on the Draft Plan are daylighting triangles. They are used to ensure visibility at intersections and are a standard land dedication requirement for developments that new contain roads which connect to municipal roadways. Dwellings will front onto Thunder Bay Road and will have side yard flankage along Burleigh Road South.
11	Could there be a requirement to put back trees? At least 20%	Lauren Mitchell 3261 Thunder Bay Road	Open House Meeting ZOOM	The developer may be required to do some additional buffer plantings along the watercourse. Street trees will be planted along the boulevards at minimum (approximately 51 trees).
12	What green systems will be implemented in these dwellings? (solar, rain catchment, etc.).	Lauren Mitchell 3261 Thunder Bay Road	Open House Meeting ZOOM	Green systems are not typically known at the time of draft approval. There is nothing that would limit these methods from being used on a private property basis.
13	Will sanitary and stormwater flows be coming to Shirley Road Pumping Station?	Kathy Lives Across from Shirley Road Pumping Station	Open House Meeting ZOOM	Sanitary flows will be sent to Shirley Road Pumping station. The Stormwater flows will be directed through a new storm sewer to the outlet at Bernard Beach.
14	Is the creek not dry because of storm surge or because of development?	Kathy Lives Across from Shirley Road Pumping Station	Open House Meeting ZOOM	The watercourse has intermittent flows, where stormwater flows occur during and after rainfall events. The proposed stormwater plan shows a decrease in stormwater flows to the watercourse adjacent to this site.
15	Was there a requirement that any number of trees be replanted or replaced after the removal?	Kerry Mitchell 3261 Thunder Bay Road	Open House Meeting ZOOM	Street trees will be planted in the boulevards and a planting plan will be implemented for the watercourse block.
16	What is the permitted density range? What is the density for the development?	Mayor Redekop	Public Meeting Question to Staff	The permitted density range for the subject lands is up to 25 units per hectare, as set out in the Fort Erie Official Plan. The proposed density, excluding the lands to be transferred to the Town (i.e. Blocks) is 14.5 units per hectare, which is within the permitted range and below the density threshold.
17	Is the outlet for the Storm Sewer is subject to Ministry review? Everything that doesn't drain to the watercourse, will drain to Bernard Beach outlet?	Mayor Redekop	Public Meeting Question to Staff	The new storm sewer and quality/quantity control elements will be subject to a Ministry of the Environment, Conservation and Parks (MECP) Environmental Compliance Approval (ECA). The Town has designed and constructed the outlet at Bernard Beach and the proposed flows for this development are matching the allowable flows from the drainage area of the Bernard beach outlet.

No.	Comment	Commenter	Comment Submission Type	Response
	There is a report that says the Bernard Beach outlet can handle the flows?			Stormwater collected from the majority of the development will be captured and treated on site, before outletting to the new storm sewer along Thunder Bay Road. Rear yard drainage from lots 24-35 will continue to flow to the watercourse, as it does already.
18	How did we determine that this Subdivision/project can have its drainage handled by the Bernard Beach outlet. Are you relying on information from the Town? Did you do your own analysis?	Councillor Lubberts	Public Meeting Question to UCC	We have used Town designed storm sewer data and plans. The Town design and construction of the Bernard Beach outlet also has Provincial approval. UCC Engineering staff reviewed the Town design of the storm sewer system and agree that the outlet can handle flows for this development.
19	It appears that only one Site Visit was done to evaluate for Fowlers Toad? Were any additional visits done?	Councillor Lubberts	Public Meeting Question to UCC	No specific surveys for Fowlers Toad were undertaken. A site survey was undertaken in late March 2018 to determine if the site supported breeding ponds for frogs and toads. This March survey established that no breeding sites present. Also other surveys of the site undertaken in May, June, and July did not identify the presence of breeding ponds for frogs and toads. In the EIS it is clearly stated in Section 2.3.2 Amphibian Surveys, that "The lakeshore associated with the subject lands was assumed to be potential habitat for the Endangered Fowler's Toad (Anaxyrus fowleri)." Therefore, no surveys were undertaken for Fowler's Toad. However, as the toad was assumed to be present along the lake shore, as detailed in Section 3.5.1 Amphibians, an assessment for potential Fowler's Toad habitat was undertaken and the Lakeshore/beach was identified to support habitat for the Toad. This area of the lakeshore will not be developed and as stated in Section 6.3 the Fowler's Toad habitat along the nearshore of Lake Erie within the subject lands will be protected in its entirety and it will remain zoned as Hazard Lands. In addition, construction mitigation measures have been identified to prevent indirect impacts to adult toads. No development is planned within approximately 110 plus metres of the shoreline.
20	Asking for R2A zone. Can we be confident that additional variances beyond the zoning approval will not be needed?	Councillor Noyes	Public Meeting Question to UCC	UCC and the developer have spent significant time in reviewing the zoning provisions and the plan configuration. The developer is not seeking departures from the requested zoning provisions.
21	Is there any way you could consider prohibiting Short Term Rentals on a site specific basis for the property?	Councillor Noyes	Public Meeting Question to UCC	The developer is agreeable to this request.
22	Butternut Tree Did you send all of the information off to MNRF for review? Is there a 25 m buffer? Can you confirm it wasn't a natural occurrence?	Councillor Lubberts	Public Meeting Question to UCC	Following the identification of the Butternut tree, all steps required by *Endangered Species Act*, Ontario Regulation 242-08, Section 23.7 Butternut were undertaken and where detailed in the EIS. Specifically, as detailed in Section 3.3.1, leaf samples of the Butternut tree were sent for genetic testing and the tree was assessed by a qualified Butternut Health Assessor. The testing and assessment determined that it was not a hybrid but a native category 2 retainable Butternut. Though a native tree, based on the location and situation in which the tree is found, Beacon was of the opinion that the tree

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				was planted and not naturally occurring and as such, is not subject to the regulations of the *Endangered Species Act* (ESA). A letter providing the details of the assessment was provided to the Ministry of the Environment, Conservation, and Parks (MECP) for review. The letter that was sent to the MECP was included in Appendix C of the EIS. The MECP has 30 days to provide comment if they have any concerns that the assessment is not correct - to date, no reply has been received. Therefore, all required steps and consultation following the requirements of ESA were, in fact, taken. We respectively request that the letter provided in Appendix C be reviewed. Though all required steps have been taken, we have been informed that based on the affidavit submitted by the Mitchell's, it is probable that the tree is naturally occurring. It is noted that the tree will be retained. With respect to a 25 m buffer, Ontario Regulation 242-08, Section 23.7 Butternut does not identify that a 25 m buffer to a retained Butternut Tree is required. In addition, under the ESA there is no habitat regulation for Butternut. The MECP takes a position that they consider 25 m to be the minimum setback from Butternut to insure 'no impact' or cause 'harm' occurs, however, this not a regulation under the ESA. The existing habitat around the tree is maintained lawn and is not natural habitat. It is not anticipated that the proposed development will impact (harm) the Butternut tree, however, this will be confirmed during detailed design. During detailed design, consultation will be undertaken with the MECP to confirm that a Notice of Butternut Impact is not required for the retainable Butternut recorded on the property under the Endangered Species Act.
23	EIS Failed to conduct a Biological Field Survey during appropriate seasons (Fowlers Toad) and failed to complete due diligence with respect to ESA.	Anne Yagi on behalf of Thunder Bay Residents Association 11 Kirkwood Place, Fonthill	Public Meeting ZOOM	As noted, no surveys were conducted for Fowler's Toad, as it was assumed that the species was present along the section of the lakeshore within the subject property. Also, as stated in the EIS no breeding ponds were identified that would require amphibian breeding surveys to be undertaken. Appropriate season surveys were conducted for all species of flora and fauna as detailed in Table 1 in Section 2.3. These surveys would have detected the occurrence of SAR, for example, Butternut. And as detailed in Section 2.3.5, acoustic monitoring for SAR bats was undertaken at the appropriate time, during the month of June, following the MNRF Protocol. With respect, the statement that the EIS failed to conduct a biological field survey during appropriate seasons would indicate that a complete review of the EIS was not undertaken by Ms. Yagi.
24	EIS Failed to conduct biological surveys during appropriate environmental conditions (i.e. bats) and therefore did not complete due diligence with respect to MNRF Protocol	Anne Yagi on behalf of Thunder Bay Residents Association	Public Meeting ZOOM	See response above, regarding bats.

No.	Comment	Commenter	Comment Submission Type	Response
		11 Kirkwood Place, Fonthill		
25	EIS Failed to complete due diligence with respect to Butternut.	Anne Yagi on behalf of Thunder Bay Residents Association 11 Kirkwood Place, Fonthill	Public Meeting ZOOM	See response above, regarding the Butternut Tree.
26	The EIS would not meet today's standards.	Anne Yagi on behalf of Thunder Bay Residents Association 11 Kirkwood Place, Fonthill	Public Meeting ZOOM	It is not clear as to what "standard" Ms. Yagi is referring to. The EIS followed the Niagara Region Environmental Impact Study Guidelines, Version 2 January 2018. Also, as detailed in the EIS, Section 2.1, a Terms of Reference detailing the Scope of the EIS was provided to the Region. The environmental staff of the Niagara Region and Niagara Peninsula Conservation Authority and the Town of Fort Erie Environmental Advisory Committee (EAC) have reviewed the EIS, and no concerns that the EIS does not meet an appropriate standard was raised. Beacon considers this statement by Ms. Yagi to be uninformed and misleading to staff and Council.
27	EIS did not recognize the presence of Fowlers Toad breeding site and potential breeding site within Kautz Creek mouth in any mapping and therefore did not apply protective planning measures	Anne Yagi on behalf of Thunder Bay Residents Association 11 Kirkwood Place, Fonthill	Public Meeting ZOOM	This statement is erroneous and indicates that Ms. Yagi did not undertake a complete review of the EIS. As detailed in the response above, the EIS clearly identified that the lakeshore provides habitat for Fowler's Toad, and that the lakeshore habitat would be protected. The mouth of the watercourse is not on the subject lands.
28	It is important to not build stormwater management ponds near the shoreline, as they can trap toad species.	Anne Yagi on behalf of Thunder Bay Residents Association 11 Kirkwood Place, Fonthill	Public Meeting ZOOM	It appears that Ms. Yagi did not review Section 5.1 or review the development plan provided in Appendix F of the EIS which clearly identifies that the development plan does not include a Stormwater Management Pond. Stormwater is proposed to be managed via underground pipes within the developable portion of the site.
29	Amphibian surveys were completed during hibernation periods. There was no follow up communications with the MNRF.	Anne Yagi on behalf of Thunder Bay Residents Association 11 Kirkwood Place, Fonthill	Public Meeting ZOOM	As noted, no survey for Fowler's Toad was undertaken as it was assumed that the section of the lakeshore within the subject lands provided habitat for the species. Therefore, it is not clear why follow up communications with the MNRF would be required. As required by Region EIS Guidelines, the MNRF was contacted to provide information regarding SAR and the MNRF identified that there are records in the area for Fowler's Toad (See Appendix A in the EIS). The Region EIS Guidelines do not require MNRF review of an EIS, and it is noted that the MNRF is not a commenting agency for an application under the Planning Act.

No.	Comment	Commenter	Comment Submission Type	Response
30	Bat Surveys were not complete correctly.	Anne Yagi on behalf of Thunder Bay Residents Association 11 Kirkwood Place, Fonthill	Public Meeting ZOOM	This statement that the bat surveys were not completed correctly is erroneous. As detailed in Section 2.3.5 the assessment for the potential for SAR bat roosting/maturity habitat to occur within the subject lands followed the requirements of MNRF protocol. It is noted that the MNRF protocol does not state that development of a site-specific bat habitat assessment program requires MNRF review and approval prior to implementation. Snag surveys were conducted during leaf off conditions (March) and based on the March survey, the requirement for acoustic monitoring was identified. Based on the results of the March survey, ten (10) monitoring stations were established within the subject lands to achieve adequate coverage of the subject lands. The data collected by the monitoring was then analyzed by an accepted method by a qualified person. A total of 1,073 bat calls were recorded, with four species of bats identified. The EIS states that data regarding the bat habitat assessment is provide in Appendix D. However, it is noted that not all the information was placed in the Appendix of the report. The missing information, snag tree and monitoring station locations, and a summary monitoring data has been attached. This missing information has also been provided to environmental staff of the Niagara Region and NPCA per their request after the completion of a site visit with Beacon on August 18, 2021.
31	Butternut Tree is Endangered. If natural occurring and healthy, habitat regulation is required. Not sure if tree was there in 1934. Needs a 25 m setback from development.	Anne Yagi on behalf of Thunder Bay Residents Association 11 Kirkwood Place, Fonthill	Public Meeting ZOOM	See the response above (#22).
32	Would like to see follow up with MNRF and MECP and additional review. Would like to see all study data provided. Would like to see review agency comments. Would like to see more information about Stormwater Management.	Anne Yagi on behalf of Thunder Bay Residents Association 11 Kirkwood Place, Fonthill	Public Meeting ZOOM	There is no requirement in the Regional EIS Guidelines for the MNRF to review survey programs or their findings for an EIS. As noted previously, the MNRF is not a commenting agency for applications under the Planning Act. Where required the MECP was consulted, and as noted above, as recent information has been provided that the Butternut Tree may be naturally occurring they will also be consulted in the future with respect to the proposed detail design of the development and the Butternut tree. All study data has been provided in the EIS, with the exception of bat data in Appendix D as noted above. This has now been provided to the Town. Agency comments on the EIS were provided to the Town of Fort Erie.
33	Property line along the shared line with the development. What will be done about the movement of people and cars to the beach and park? What allowance is made for private vehicles?	Joan Roberts 3303 Lakeview Court	Public Meeting ZOOM	The park will be publicly accessible. It is our understanding that the Town is considering the development of a parking lot in the future on the Park Block (Block 45) to serve the park. The park would not be accessible for motorized vehicles past the parking area. The detailed design of the Park would be subject to resident input.

No.	Comment	Commenter	Comment Submission Type	Response
34	Application is premature, is no consistent with PPS, and not in conformity with Growth Plan, Regional Plan, Town Official Plan.	Shari Ruston 3217 Thunder Bay Road	Public Meeting ZOOM	As part of the application, a Planning Justification Report was prepared by a registered professional planner (RPP). This report was submitted specifically to address matters of consistency and conformity with applicable plans. This report concluded that the applications were appropriate and satisfied the applicable policy tests. Comments provided by Niagara Region, who are the authority on matters of provincial conformity, cited no objection to the applications and found them consistent/in conformity with the PPS, Growth Plan and Regional Official Plan.
35	Subdivision and Zoning are failing in all categories, with regards to meeting the intent of the Official Plan re: growth, intensification, compatibility and natural heritage.	Shari Ruston 3217 Thunder Bay Road	Public Meeting ZOOM	The submitted applications are in conformity with the Official Plan. The proposed development form (single detached dwellings) are permitted by the official plan. Furthermore, the proposed density is within the permitted range set out for Low Density Developments in the Ridgeway Crystal Beach Area. Natural heritage features have also been evaluated by a qualified professional and will be placed in appropriate zoning categories (EPA, Hazard) which prohibit development.
36	An Official Plan Amendment is clearly required to support change in use.	Shari Ruston 3217 Thunder Bay Road	Public Meeting ZOOM	As confirmed by Town staff during the October 18th Committee in Council Meeting, community parks are a permitted use in residential areas. Staff have confirmed an Official Plan is not required.
37	Proposal only permits half of the permitted amount of intensification.	Shari Ruston 3217 Thunder Bay Road	Public Meeting ZOOM	The proposed development falls within the permitted density range set out in the Ridgeway Thunder Bay Secondary Plan. Maximum density was not pursued on this site in order to maintain compatibility with existing, low density development.
38	The EIS included only a selective investigation of Core Natural Heritage features.	Shari Ruston 3217 Thunder Bay Road	Public Meeting ZOOM	The EIS conducted appropriate field surveys as detailed in the EIS Term of Reference that was provided to the Niagara Region for review.
39	Niagara Region stated during pre-con – development of entire site may not be supportable. Scoped EIS Study was required.	Shari Ruston 3217 Thunder Bay Road	Public Meeting ZOOM	An EIS was completed following Niagara Region EIS Guidelines and has been reviewed by the Niagara Region, NPCA and Town of Fort Erie. All are in support of the application.
40	Methodology disregarded reporting requirements. EIS methodology used was disturbing, had lack of regard and unprofessional.	Shari Ruston 3217 Thunder Bay Road	Public Meeting ZOOM	The environmental staff of the Niagara Region and Niagara Peninsula Conservation Authority and the Town of Fort Erie Environmental Advisory Committee (EAC) have reviewed the EIS, and no concerns that the EIS does not meet an appropriate standard was raised. Beacon considers this statement to be uninformed and libelous.
41	15 metre natural buffer is required for watercourses with permanent flow, per NPCA, with ability to reduce on site specific basis.	Shari Ruston 3217 Thunder Bay Road	Public Meeting ZOOM	Based on exiting conditions, an ephemeral flow and absence of fish habitat, a 10 m vegetated buffer to the watercourse was considered to be protective. Through the NPCA's review including a site survey, it was determined that a 10 m buffer is adequate, but requires that an enhancement planting plant be

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				developed to enhance the 10 m buffer.
42	Fowlers Toad only reviewed in March, when toads were hibernating. Creek mouth a good site for breeding. ESA regulation protects habitat 300 metres inland from the shoreline. Regulations also protect vernal waterbodies for breeding. Shoreline shouldn't be hazard, but should be EPA Overlay.	Shari Ruston 3217 Thunder Bay Road	Public Meeting ZOOM	See above responses re: Fowlers Toad.
43	Butternut Tree found to occur in a hedgerow. Neighbours state that tree was not planted, but is naturally occurring. Findings were required to be sent to the province for review and were not.	Shari Ruston 3217 Thunder Bay Road	Public Meeting ZOOM	See above responses.
46	Stable top of bank setback for watercourse is needed.	Shari Ruston 3217 Thunder Bay Road	2.22.55	Based on existing conditions, a narrow "U" shaped channel, the extent of the 10 m buffer is measured from the stable top of bank. The Draft Plan has been revised to reflect this setback from the top of slope to ensure an adequate setback is provided.
47	Block 45 will contain sanitary drainage and a parking lot within the buffer.	Shari Ruston 3217 Thunder Bay Road	Public Meeting ZOOM	The sanitary outlet is existing on Block 45. The Town has requested that a portion of Block 45 be provided as a parking area for the Park.
48	Backyards of Lots will have EPA overlay in their boundary	Shari Ruston 3217 Thunder Bay Road	Public Meeting ZOOM	No they will not. EPA zone will be outside of the proposed lots, and applied to the watercourse Block only.
49	Increased surface drainage from development will flow into the watercourse.	Shari Ruston 3217 Thunder Bay Road	Public Meeting ZOOM	Proper engineering design methods were followed for the design of storm water management, and it was identified that there will be a decrease in drainage to the watercourse due to the installation of an additional storm sewer that will be directed to Thunder Bay Road storm sewer.
50	Planning justification is standing on faulty ground, as the EIS is incomplete and inaccurate. Council should issue a stop work order, require a new EIS be done at owners expense.	Shari Ruston 3217 Thunder Bay Road	Public Meeting ZOOM	The Planning Justification report was prepared on the basis that the necessary foundational information was provided by a qualified professional in their varying fields. This included engineering matters, natural heritage matters and archaeology. As outlined in this table, the biologist has provided answers to the questions raised about the EIS. The Planner continues to stand by their report and feel it is based on the best information available at this time.
51	An Official Plan Amendment is required. New Open Space uses require and amendment to the Plan	Arne Rungi 3217 Thunder	Public Meeting ZOOM	As cited by Town staff during the October 18th Committee in Council Meeting, parks are a permitted use in residential areas. Staff have confirmed an Official Plan is not required.

No.	Comment	Commenter	Comment Submission Type	Response
		Bay Road		
52	EIS is Incomplete Consultant did not go through appropriate due diligence for: • Butternut Tree • Fowlers Toad • Detection of other Endangered Species	Arne Rungi 3217 Thunder Bay Road	Public Meeting ZOOM	See response above regarding Fowler's Toad and Butternut Tree. Appropriate field surveys were undertaken so, if present, other SAR flora and fauna would have been identified.
53	<u>Zoning Amendment Concerns</u> R2A Zoning – intensity of permissions is not compatible with surrounding neighbourhood. Allows for more units, coverage, height that surrounding areas. Lots are larger than the R2A Zone – could get up to 57 Lots, without a zoning change. Development of Accessory Dwelling Units would create 114 units.	Arne Rungi 3217 Thunder Bay Road	Public Meeting ZOOM	The request R2A Zone is the typical zone used for all new Subdivisions in the Town of Fort Erie. The R2A Zone provides suitable minimums for this development, without the need for site specific exceptions. The use of the R1 Zone, for which adjacent lands are zoned, limits development potential and results in underdeveloped lots that do not use land efficiently. While this zone is more permissive, it does not mean that it is incompatible. Intensification development is more than replication of adjacent land uses. The proposed subdivision form works with the geometry of the site to have narrower, yet deeper lots and satisfy necessary unit density requirements. Applicable setbacks will govern built form and will ensure a uniform development fabric that is reflective of newer development in the immediate area. While the R2A Zone may be able to facilitate additional lots at face value, the zoning by-law amendment proposed is directly tied to the submitted Draft Plan. An increase in intensity of development via changes to the Draft Plan would require an additional approval process with public input.
54	<u>Stormwater Management Concerns</u> Pollution problems up stream from other developments. Town is taking on responsibility and engaging the Ministry.	Arne Rungi 3217 Thunder Bay Road	Public Meeting ZOOM	We are not aware of any stormwater pollution issues from upstream, developments. We are not aware of any Town and Ministry engagements
55	<u>House and Accessory Building</u> 100+ year old building Town is going to take responsibility No budget for use of building, risk assessment, budget for re-use, park access, impacts on Environmental Area.	Arne Rungi 3217 Thunder Bay Road	Public Meeting ZOOM	As per the MOU between the Town and owner of the property, the existing home and accessory structure are to remain until such time that the affected lands are acquired by the municipality. Such comments are better addressed by Town staff.
56	Parking Deficiency Traffic impacts from more units, park access and parking lot , driveways on Thunder Bay Road. No due diligence done by the applicant.	Arne Rungi 3217 Thunder Bay Road	Public Meeting ZOOM	When submitting applications for development a pre-consultation meeting is held by the municipality to review the proposal and outline required studies/information to be submitted. A Traffic Study was not requested for this development and was therefore not prepared in support of the application.

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				Based on the comments provided by staff throughout the public review process, there are no traffic concerns and no additional study has been requested of the developer.
57	Parkland Dedication Concerns No budget for this plan, nor a plan. Will be the second biggest park in this area. Park will be on lands that should be environmentally protected.	Arne Rungi 3217 Thunder Bay Road	Public Meeting ZOOM	The Park Design and Implementation approach will be determined by the Town of Fort Erie. Block 45 will provide access to the park lands from Street 'A', as requested by the Town, consistent with the MOU.
58	Butternut Tree Is located on 3261 Thunder Bay Road, not the subject lands. It is a naturally occurring tree, was not planted by the residents of the lot.	Kerry Mitchell 3261 Thunder Bay Road	Public Meeting ZOOM	See responses above re: Butternut Tree.
59	Change in Zoning Change from WR to anything but, will create a problem from a safety standpoint. The slate beach is unsafe for persons not familiar with the terrain. Will create liability issues for the Town. This is not a place for public access.	Kerry Mitchell 3261 Thunder Bay Road	Public Meeting ZOOM	A change in zoning will not create safety issues, as the current and proposed zones both permit residential land uses. The refinement of the zoning will allow for appropriate residential development and provide necessary permissions and prohibitions The beach area is currently zoned Hazard. As per the Town's Waterfront Strategy, the lands are considered beneficial to the Town and appropriate for public access.
60	Consideration should be given to prohibit waterfront access to protect the natural environment.	Kerry Mitchell 3261 Thunder Bay Road	Public Meeting ZOOM	The proposed development will not occur along the lakeshore. Future use of the waterfront, and access thereto will need to be determined by the Town.
61	Watercourse was a dry ditch until the Ridgeway by the Lake development occurred. Significant weather events led to some flows over time. EIS said Cumulative impacts were not taken into account during review. Loss of trees likely contributing to runoff.	Kerry Mitchell 3261 Thunder Bay Road	Public Meeting ZOOM	The EIS assessed the watercourse based on exiting conditions. The watercourse will be retained and the need for a 10 m buffer has been identified. An assessment of the cumulative impacts beyond the subject property is outside the scope of the EIS as identified by the Region and NPCA.

No.	Comment	Commenter	Comment Submission Type	Response
62	Live two doors down from Bernard Beach. Since storm drain was put in, the beach has been "wiped out". The beach has disappeared due to more water being directed to the outlet.	Debbie and Jack Waitkus 1059 Thunder Bay Road	Public Meeting ZOOM	The Town has investigated the function of the outlet on a number of occasions and determined that is operates in accordance with its Provincially approved design.
63	How far would the required sidewalks on both sides of Thunder Bay go?	Debbie and Jack Waitkus 1059 Thunder Bay Road	Public Meeting ZOOM	Sidewalks would be within Thunder Bay Road Allowance. A small road widening is being provided through the subdivision to provide the necessary lands to reconstruct Thunder Bay Road. All sidewalks would be located within the boulevard, and not on private property. The new sidewalks along Thunder Bay Road are proposed to run from Burleigh Road to Cook. Staff noted the applicant would build from Burleigh to Cook in response to the question. To clarify, the developer would only be responsible for building sidewalks in front of the subject lands (i.e. 3285 Thunder Bay Road).
64	What is the definition of the EC Overlay? Is restoration of the removed trees required?	Lauren Mitchell 3261 Thunder Bay Road	Public Meeting ZOOM	The EC Overlay is a screening tool that generally identified areas that may contain natural features. The overlay is used to prompt professional review of potential features at the time of development applications to determine if preservation or long term protection is required. Replanting of removed trees was not a condition of the approved tree removals, nor was it requested by Council.
65	Multiple Submission Documents	Charles Kautz	Public Meeting Written Submission	Mr. Kautz's submissions are not considered relevant to the application.
66	Concerns about amount of development occurring in the area.	Dianne Nielson	Public Meeting Written Submission	The subject lands represent a reasonable development opportunity that will contribute housing and growth to the Town of Fort Erie. The development is consistent with the Ridgeway Thunder Bay Secondary Plan as it propsoed permitted uses at a permitted development density.
67	Does not support Zoning Amendment or removal of EC Overlay. A smaller development would allow for more green space to be provided. Safety on Burleigh Road north is an issue. Road should be rehabilitated. The R2A Zone greatly reduces lot frontages and allows increased lot coverage. Why can't it be built within R1 Zoning parameters?	Sian Jarvis	Public Meeting Written Submission Read-in.	The EC Overlay is a zone to be used to protect natural heritage features. As per the EIS, the subject does not warrant an EC Overlay. It is considered appropriate to remove the Overlay through the Zoning Amendment Application, in accordance with the conclusions in the EIS. A smaller development would not necessarily equate to more green space. It would only result in less development. In total, roughly 38 percent of the subject lands will be parkland. No safety concerns were cited by Town staff regarding Burleigh Road. The use of the R2A Zone is typical for new subdivisions and is appropriate as it facilities the efficient development of the identified developable area. The suggested R1 Zoning provisions allow for significantly larger lots which in turn results in a lower development density.

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				The resultant dwelling sizes for the lots will be similar to those found in the surrounding area, thus maintaining neighbourhood character.
68	EIS may be lacking and may require further review, based on feedback from public. No Short-Term Rentals	Councillor Noyes	Discussion of Public Meeting Information Report PDS-88-2021 Committee in Council Continued from October 4th	The EIS followed Niagara Region EIS Guidelines and the EIS was scoped in consultation with the Region and NPCA. The owner is agreeable to the prohibition of short term rentals.
69	Things outside of the scope of the EIS should have been reviewed. (i.e. no survey for endangered birds, didn't use proper protocol for Fowlers Toad.) Uncertainty from consultant about origin of the Butternut Tree. Should be protected under MNRF requirements, regardless. EIS is not accurate and should be reviewed and revisited. Made motion to have Beacon complete the "proper studies" and adhere to "proper protocol" as, brought up by Anne Yagi. Where and when did the formerly wooded area lose its status as significant woodland? What approval was given to the developer to clear the site? It was supposed to be hazard trees and access. NPCA Arborist stated that they gave the same approval as the Town.	Councillor Lubberts	Discussion of Public Meeting Information Report PDS-88-2021 Committee in Council Continued from October 4th	EIS was scoped in consultation with Region. Appropriate breeding bird surveys were conducted that would have identified SAR birds. See above responses regarding Butternut and Fowler's Toad. Peer reviewed EIS prepared by Anne Yagi was not completed at the request of the Town and was not scoped by the review agencies. The wooded area was never considered a "significant woodland" under the Regional Tree By-law. This was confirmed by the Regional Forester. Trees were removed in accordance with Council's direction.
70	Treat the butternut as important, and provide it with a setback. Should we be concerned, as a Council, about the Fowlers Toad review method? Was there a requirement to replant trees that were removed? If Zoning is approved (R2A), will it allow for additional units beyond what the plan proposed to be developed? Is there any indication of what the retained buildings will be	Mayor Redekop	Discussion of Public Meeting Information Report PDS-88-2021 Committee in Council Continued from October 4th	See the above noted comments re: Butternut Tree. Council should not be concerned with the review methodology for the Fowlers Toad. As confirmed by staff, no replanting requirement was applied by Town Council. No, based on the amendment and plan provided, a public process would be required to consider any changes to the plan. Specifically, lots could not be further divided by Part Lot Control as the minimum lot frontage requirements would not be met. No determination yet. Staff noted accessory structure/garage could be used for Town equipment storage.

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	used for? Will be looking for a Short Term Rental prohibition.			Our client has no objection to this request to prohibit short term rentals.
71	Is there a plan to expand community mailbox at Gordon Avenue? Has increased traffic on Burleigh Road been taken into account. Is there a plan for traffic control at Burleigh / Thunder Bay Road? Is there a plan for sidewalks on Thunder Bay Road? If so, where? Have the propsoed lots been designed to accommodate the sidewalks? Will I have access to the beach/park by foot/bicycle?	Leo D'Agostini	Written Submission July 12, 2021	The proposed development will be equipped with its own community mailbox location. Likely along Street A internal to the subdivision. A traffic study was not requested by the Town with these applications due to the relatively low number of units and subsequent increase in traffic. There is no plan at this time to signalize or stop control (4) Thunder Bay Road and Burleigh Road. Sidewalks will be established through construction along the frontage of the development site on Thunder Bay Road. Further extensions of the network are planned by the Town. The proposed parkland dedication area will be publicly accessible.
72	How will the existing structures be dealt with? Expect that all vegetation in the watercourse Block be left untouched and fenced off.	Rick Bayley 56 Burleigh Road South	Written Submission August 17, 2021	The existing house and accessory structure will be left in situ, as requested by Town Staff. The watercourse will be left unaltered, save for some planting enhancement and invasive species removal. The watercourse block will also be fenced off to present trespass.
73	Why is the builder asking for R2 Zoning? Is the reason to "cram" more houses in? Will the parkland be publicly accessible? Thunder Bay Road has no sidewalk or shoulders. What is the developer or town doing to fix this?	Laura Stotski	Written Submission August 23, 2021	The applications propose an R2A zoning, which is the typical base zone for new subdivisions in the Town. This zone also can facilitate the development layout without any site specific deviations. The proposed parkland blocks will be publicly accessible via Block 45. The developer will be responsible for its half of the roadway in front of the subject lands. The reconstruction of Thunder Bay road will be completed concurrently with the installation of the new storm sewer, whereby sidewalks, bicycle lanes and planted boulevards will be established.
74	Is the stormwater management and sanitary sewers for this development coming anywhere close to, or will it affect the Shirly Road Region pumping station?	Kathryn	Written Submission August 28, 2021	The sanitary sewer will direct sewage to the Shirly Road pumping station and the Negara Region (operator) has not provided comments that this pumping station has capacity issues. Thus development area was included in the Shirly Road drainage area with the anticipation of future development. The stormwater management plan for development controls stormwater flows on the site and will outlet to the Thunder Bay Road storm sewer system.
75	Are there any plans to improve Gordon Avenue between Thunder Bay Road and Young Avenue when developing the propsoed subdivision?	Michelle Pull 3275 Pull Young Avenue	Written Submission August 30, 2021	This development will not trigger any improvements to Gordon Avenue. Thunder Bay Road will be reconstructed from Burleigh Road to Cook Avenue.
76	Community is in transition and growing. Surprised at number of Driveways along Thunder Bay Road. Concerns development will look like larger urban centres (i.e. Mississagua)	Joe	Written Submission August 31, 2021	The presence of houses that front onto Thunder Bay Road is prominent along the new and old sections of Thunder Bay Road. Regardless of development, Thunder Bay Road is slated for reconstruction to be upgraded to an urban cross section that includes street trees, curbs, gutters, bicycle lanes and sidewalks.

No.	Comment	Commenter	Comment Submission Type	Response
77	Lives nearby and supports applications. Site is designed in a logical and sensitive fashion and provides significant green spaces. Development will be beneficial to the community.	Rainer Hummel	Written Submission August 9, 2021	Comments are supportive and acknowledged.
78	Proximity to, and size of, the proposed development. Would like lots along eastern lot line removed. Impact to the watercourse and adjacent properties from added drainage flows. Impact of public park to privacy, quiet enjoyment of property and the natural environment. Concerns about Bernard Beach impacts from additional stormwater. Impacts on existing development form additional driveways on Thunder Bay Road Increased Traffic from the development will have impacts on Thunder Bay Road. Broader Public Notice circulation limit is needed for this development.	Kerry and Lauren Mitchell 3261 Thunder Bay Road	Written Submission September 9, 2021	See previous responses to similar comments from the Mitchells.
79	Multiple Page submission regarding drainage and water taking/storage matters between the Town and himself.	Charles Kautz	Written Submission September 12, 2021	Mr. Kautz's submissions are not considered pertinent to Council's consideration of the applications.
80	EIS is a concern, namely due to Anne Yagi's Review. An Official Plan is needed to add the parkland zones on the site. The application is incomplete due to the need for a Transportation Impact Study based on MTO and Regional guidelines for traffic studies.	Shari Ruston and Arne Rungi	Written Submission September 28, 2021	As confirmed by staff, the residential land use designation permits parkland. An official plan amendment is not required for this development. It is unclear what portion of the stated guidelines were not adhered to and why they are relevant to these applications. The subject lands have frontage on two local roadways. The Town is the agency responsible for requesting Transportation Studies. Through pre-consultation, no study was requested. Niagara Region was circulated the applications and did not bring up any transportation concerns.

Interoffice Memorandum

May 24, 2022

To: Mayor and Members of Council
From: Caralee Grummett, Manager, Economic Development & Tourism Services
Subject: **Short-Term Rental Licence Moratorium and Issuance of Licences for Hearings**

At the October 4, 2021 Council-in-Committee meeting, Council passed Resolution No. 9:

> ***That:*** *No further Short-Term Rental licences be issued beyond the current issued licences and applications currently being processed, pending receipt of the further report from staff regarding land use controls.*

Further, at the December 13, 2021 Regular Council meeting, Council passed Resolution No. 2A:

> ***That:*** *The moratorium be continued until such time as the land use issue has been resolved by Council.*

Economic Development and Tourism Services (EDTS) staff have identified a process improvement for Short-Term Rental (STR) Hearings.

Currently, a Hearing is required if the total number of demerit points for a STR is fifteen (15) or more. The purpose of the Hearing is to determine if the STR licence should be revoked.

Section 7.5 of Business Licencing By-law No. 217-05, Schedule 13, as amended, states:

> *If the total demerit points are fifteen (15) or more as a result of the owner being issued Penalty Notices including a Penalty Notice for operating without a licence, the Coordinator shall issue a licence upon receipt of an application in compliance with this by-law, following which, shall immediately suspend the licence pending the decision of the Hearing Officer.*

If this circumstance arises, EDTS will not be able to issue a new licence due to the current moratorium imposed by Council. Further, the Hearing Officer will not hold a Hearing if the owner does not have a licence.

After consultation with the Town Solicitor, it is recommended that Council consider passing the following resolutions to address the matter:

> ***That:*** *Council directs staff to issue licences pursuant to section 7.5 of the Business Licensing By-law No. 217-05, Schedule 13, as amended, for the sole purpose of attending a Hearing to determine if the licence should be revoked, and further*

That: *Short-Term Rental licences issued pursuant to this resolution, if not revoked by the Hearing Officer, shall expire immediately upon the release of the Hearing Officer's decision, and further*

That: *Despite Section 7.5 of By-law No. 217-05, Schedule 13, as amended, a licence for the sole purpose of attending a Hearing shall only require a completed application form and no other documentation or fees.*

Respectfully submitted,

Original Signed

Caralee Grummett, Ec.D.
Manager, EDTS

cc: C. McQueen - CAO
J. Janzen – Director, Corporate Services/Treasurer
K. Walsh – Director, Infrastructure Services
A. Herlovitch – Acting Director, Planning & Development Services
C. Schofield – Manager, Legislative Services/Clerk
J. Stirton – Town Solicitor
D. Allen – EA/Jr. EDO
M. Opatovsky – Coordinator, Short-Term Rental/Business Licencing

The Municipal Corporation of the Town of Fort Erie

By-law No. 52-2022

Being a By-law to Authorize the Sale of Lots 585, 586 & 587 Plan 480 (0 Richmond Avenue) and Lots 481-484, 583 & 584, Plan 480 (0 Bidwell Parkway) to Grant Vaillancourt & Sarah Vaillancourt

Whereas By-law No. 60-2017 establishes a policy for the sale of land owned by The Corporation of the Town of Fort Erie (the "Policy"); and

Whereas Report No. PDS-27-2022 was considered and approved at the Council meeting held on April 25, 2022, to authorize the sale of Lots 586 & 587, Plan 480, Bertie; Fort Erie, being all of PIN 64467-0086 (LT), Lot 585, Plan 480, Bertie; Fort Erie, being all of PIN 64467-0085 (LT) and Lots 481 to 484 (inclusive), 583 & 584, Plan 480, Bertie; Fort Erie, being all of PIN 64467-0084 (LT), for the appraised value of $147,420 plus HST, to Grant and Sarah Vaillancourt, subject to the Purchasers' lands legally described as Lots 581 & 582, Plan 480, Bertie; Fort Erie, being all of PIN 64467-0083 (LT), legally merging in title with the Town's abutting lands; and

Whereas it is deemed desirable to enter into an Agreement of Purchase and Sale with Grant and Sarah Vaillancourt for the sale of the said lands;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the entry into an Agreement of Purchase and Sale with Grant Vaillancourt and Sarah Vaillancourt (the "Purchasers") for the sale of Lots 586 & 587, Plan 480, Bertie; Fort Erie, being all of PIN 64467-0086 (LT), Lot 585, Plan 480, Bertie; Fort Erie, being all of PIN 64467-0085 (LT) and Lots 481 to 484 (inclusive), 583 & 584, Plan 480, Bertie; Fort Erie, being all of PIN 64467-0084 (LT), for the appraised value of $147,420 plus HST, in a form satisfactory to the Town Solicitor, is authorized and approved, subject to the Purchasers' lands legally described as Lots 581 & 582, Plan 480, Bertie; Fort Erie, being all of PIN 64467-0083 (LT), legally merging in title with the Town's abutting lands and the Purchasers being responsible for all associated costs.

2. **That** the Town Solicitor, or her designate, is authorized and directed to execute the Agreement of Purchase and Sale and all other documentation necessary to complete the transaction and to affix the corporate seal thereto.

3. **That** the proceeds from the sale shall be credited to the Major Capital Expenditure Reserve Fund of The Corporation of the Town of Fort Erie.

4. **That** this by-law shall expire one (1) year from the date of passage if the Purchasers have not completed the transaction.

5. **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 30th day of May, 2022.

_____
Mayor

_____
Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 52-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20 .

_____

The Municipal Corporation of the Town of Fort Erie

By-law No. 53-2022

Being a By-law to Authorize the Sale of Lots 479 & 480, Plan 480 (0 Bidwell Parkway) to Kelly Mancuso & Steven Doucet

Whereas By-law No. 60-2017 establishes a policy for the sale of land owned by The Corporation of the Town of Fort Erie (the "Policy"); and

Whereas Report No. PDS-27-2022 was considered and approved at the Council meeting held on April 25, 2022, to authorize the sale of Lot 480, Plan 480, Bertie; Fort Eire, being all of PIN 64467-0092 (LT) and Lot 479, Plan 480, Bertie; Fort Erie, being all of PIN 64467-0091 (LT), for the appraised value of $32,580 plus HST, to Kelly Mancuso and Steven Doucet, subject to the Purchasers' lands legally described as Lots 474-476, 590 & 591, Plan 480, Bertie; Fort Erie, being all of PIN 64467-0088 (LT), legally merging in title with the Town's abutting lands; and

Whereas it is deemed desirable to enter into an Agreement of Purchase and Sale with Kelly Mancuso and Steven Doucet for the sale of the said lands;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the entry into an Agreement of Purchase and Sale with Kelly Mancuso and Steven Doucet (the "Purchasers") for the sale of Lot 480, Plan 480, Bertie; Fort Erie, being all of PIN 64467-0092 (LT) and Lot 479, Plan 480, Bertie; Fort Erie, being all of PIN 64467-0091 (LT), for the appraised value of $32,580 plus HST, in a form satisfactory to the Town Solicitor, is authorized and approved, subject to the Purchasers' lands legally described as Lots 474-476, 590 & 591, Plan 480, Bertie; Fort Erie, being all of PIN 64467-0088 (LT), legally merging in title with the Town's abutting lands and the Purchasers being responsible for all associated costs.

2. **That** the Town Solicitor, or her designate, is authorized and directed to execute the Agreement of Purchase and Sale and all other documentation necessary to complete the transaction and to affix the corporate seal thereto.

3. **That** the proceeds from the sale shall be credited to the Major Capital Expenditure Reserve Fund of The Corporation of the Town of Fort Erie.

4. **That** this by-law shall expire one (1) year from the date of passage if the Purchasers have not completed the transaction.

5. **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 30th day of May, 2022.

_____
Mayor

_____
Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 53-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20 .

_____

The Municipal Corporation of the Town of Fort Erie

By-law No. 54-2022

Being a By-law to Appoint Troy Davidson as Drainage Superintendent for The Corporation of the Town of Fort Erie (and Repeal By-law No. 87-2014)

Whereas Section 93 of the *Drainage Act,* R.S.O. 1990, c. D.17 provides that the council of a local municipality may by by-law appoint a drainage superintendent who shall:

a) inspect every drainage works for which the municipality is responsible and report periodically to council on the condition of those drainage works;
b) initiate and supervise the maintenance and repair of the drainage works for which the municipality is responsible;
c) assist in the construction or improvement of the drainage works for which the municipality is responsible; and
d) report to council on the superintendent's activities mentioned in clauses (b) and (c); and

that the council may provide for fees or other remuneration for services performed by drainage superintendents in carrying out their duties under this *Act*, but the fees or other remuneration shall not be deemed to form part of the cost of the drainage works and shall be paid from the general funds of the municipality; and

Whereas By-law No. 87-2014 was passed by the Municipal Council of the Town of Fort Erie on the 16th day of June, 2014 to appoint David Maiden as Drainage Superintendent for The Corporation of the Town of Fort Erie (the "Town"); and

Whereas David Maiden has retired from his employment with the Town, and Troy Davidson is the successful applicant to fill the role of Drainage Superintendent for Town; and

Whereas it is deemed desirable to appoint David Maiden as Drainage Superintendent for the Town;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Troy Davidson is appointed Drainage Superintendent for The Corporation of the Town of Fort Erie and he shall perform the duties and exercise the powers of Drainage Superintendent in accordance with the provisions of the *Drainage Act,* R.SO. 1990, c. D.17.

2. **That** By-law No. 87-2014 is repealed.

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 30th day of May, 2022.

_____
Mayor

_____
Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie, certifies the foregoing to be a true copy of By-law No. 54-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20 .

_____

The Municipal Corporation of the Town of Fort Erie

By-law No. 55-2022

Being a By-law to Authorize the Entry into a Memorandum of Understanding with Pathstone Mental Health for continued Walk-In Clinic Services for Mental Health for Youth in Fort Erie

Whereas By-law No. 123-2019 was passed by the Municipal Council of the Town of Fort Erie on August 26, 2019, to adopt a Physician Recruitment, Retention and Medical Education Financial Incentive Guideline for the Town of Fort Erie; and

Whereas Report No. CAO-27-2021 was considered and approved at the Council-in-Committee Meeting held on December 6, 2021, recommending grant funding to Pathstone Mental Health, to continue to service a Walk-In Clinic for mental health for youth in Fort Erie, in the amount of $20,000, with funding from the Community Health and Wellness Reserve; and

Whereas it is deemed desirable to enter into a Memorandum of Understanding with Pathstone Mental Health for the above-mentioned purpose and amount;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the entry into a Memorandum of Understanding with Pathstone Mental Health, to provide a grant in the amount of $20,000 to continue to service a Walk-In Clinic for mental health for youth in Fort Erie, is authorized and approved.

2. **That** the Mayor and Clerk are authorized and directed to execute the Memorandum of Understanding, in a form satisfactory to the Town Solicitor, and to affix the corporate seal thereto.

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 30th day of May, 2022.

_____
Mayor

_____
Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 55-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

_____

The Municipal Corporation of the Town of Fort Erie

By-law No. 56-2022

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. 59
1107 Garrison Road
1107 Garrison Road GP Inc. (Mohammad. Y. Alhadi) - Owner
Sullivan Planning Services (Michael Sullivan) - Agent

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, c. P.13 enacts as follows:

1. **That** amendment No. 59 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text and mapping is hereby adopted and approved.

2. **That** this by-law shall come into force and take effect on the day of the final passing thereof.

3. **That** the Clerk of the Town of Fort Erie is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 30th day of May, 2022.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 56-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20 .

AMENDMENT NO. 59

TO THE

OFFICIAL PLAN

FOR THE

CORPORATION OF THE TOWN OF FORT ERIE

CONTENTS

PART "A" - THE PREAMBLE

Section 1 - Title and Components

Section 2 - Purpose of Amendment

Section 3 - Location of this Amendment

Section 4 - Basis of this Amendment

Section 5 - Implementation and Interpretation

PART "B" - THE AMENDMENT

Introductory Statement

Details of the Amendment

Schedule "A" - Land Use Plan

PART "C" - THE APPENDICES

Appendix 1 - Notice of Public Information Processes

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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. 59 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. 5 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area.

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

SECTION 2

PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to effect a change to the land use designation of the subject property from Urban Residential to Commercial shown in Schedule A to enable development of 3.5 storeys mixed-use building that includes 589.4 sq. m of commercial space, a 54 seat restaurant on the main floor and 15 dwelling units on the above floors.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located on the south side of Garrison 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 subject lands are designated Urban Residential in the Official Plan. The Urban Residential designation does not allow mixed-use buildings. The applicant is proposing to re-designate the front portion of the property from Urban Residential to Commercial to allow the proposed mixed-use building. The applicant's proposal to construct a 3.5-storey mixed-use building which will include 589.4 sq. m of commercial space, a 54 seat restaurant on the main floor and 15 dwelling units on the above floors meets the intent of the Official Plan as follows:

i. The redesignation of the front portion of the subject property to Commercial will allow the establishment of commercial use on the main and residential dwellings on the above floors. Currently, the majority of properties located on the south side of Garrison Road west of the subject property are designated commercial. The requested redesignation will allow the continuity of commercial uses along Garrison Road thereby maintaining a vibrant streetscape.

ii. As the proposed development will be a mixed-use building, the proposal will also provide 15 dwelling units, which will contribute to the housing stock in the Town.

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

The subject property is located in a developed area of the Walden neighbourhood with a mix of commercial, residential and other uses. The majority of the existing built form along Walden Boulevard are residential single detached dwellings. The proposed development will be compatible with the other low-density residential uses in the area. Adequate municipal services are available to service the proposed 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 subject lands currently contain a single detached dwelling and an accessory structure. The surrounding land uses are a mix of commercial and residential uses. The proposed mixed residential development will be compatible with the existing surrounding land uses. Additionally, the proposed dwelling units will also help to support the existing commercial uses. Lastly, a mixed-use building will help in creating a complete community.

The subject property is of sufficient size to accommodate the development of two semi-detached dwellings with adequate space for servicing, parking and amenity area. Planning staff note that site-specific zoning provisions are required to permit reduced lot frontage for the proposed four dwelling units and reduced lot area for one of the dwelling units. The subject property is not impacted by any natural heritage features.

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

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

The subject lands are located on the south side of Garrison Road, which is a regional arterial road capable of handling greater volumes of traffic. Pedestrian infrastructure exists in the surrounding area. The applicant is also proposing to provide a pedestrian connection from Garrison Road to the site.

The subject property is within the Urban Boundary and has access to existing sanitary sewer and water infrastructure within the Garrison Road road allowance. The property is considered to be fully serviced.

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

The surrounding land uses are a mix of commercial and residential uses. The proposed mixed-use building will be compatible with the surrounding land uses. The proposed building will be located close to Garrison Road. The Official Plan policies promote buildings to be generally situated at or close to the front street line.

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

There is no evidence to suggest that the proposed mixed-use building will have a depreciating or deteriorating effect upon adjoining properties. On the contrary, the proposed development may act as a catalyst to bring new development in the area, having an overall positive effect on adjoining properties.

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

The proposed re-designation of the subject property will not negatively affect the financial position of the municipality as all the works associated with the proposed development are

the responsibility of the developer. The proposed mixed -use development will provide the municipality with an additional tax base and development charges..

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

The subject property is not impacted by any natural heritage features identified in the Town's Official Plan or the Regional Official Plan Core Natural Heritage System. The property is also not within or area regulated by the Niagara Peninsula Conservation Authority (NPCA). No negative impacts to the intent or implementation of regulations of the *Environmental Protection Act* will result from this proposal.

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

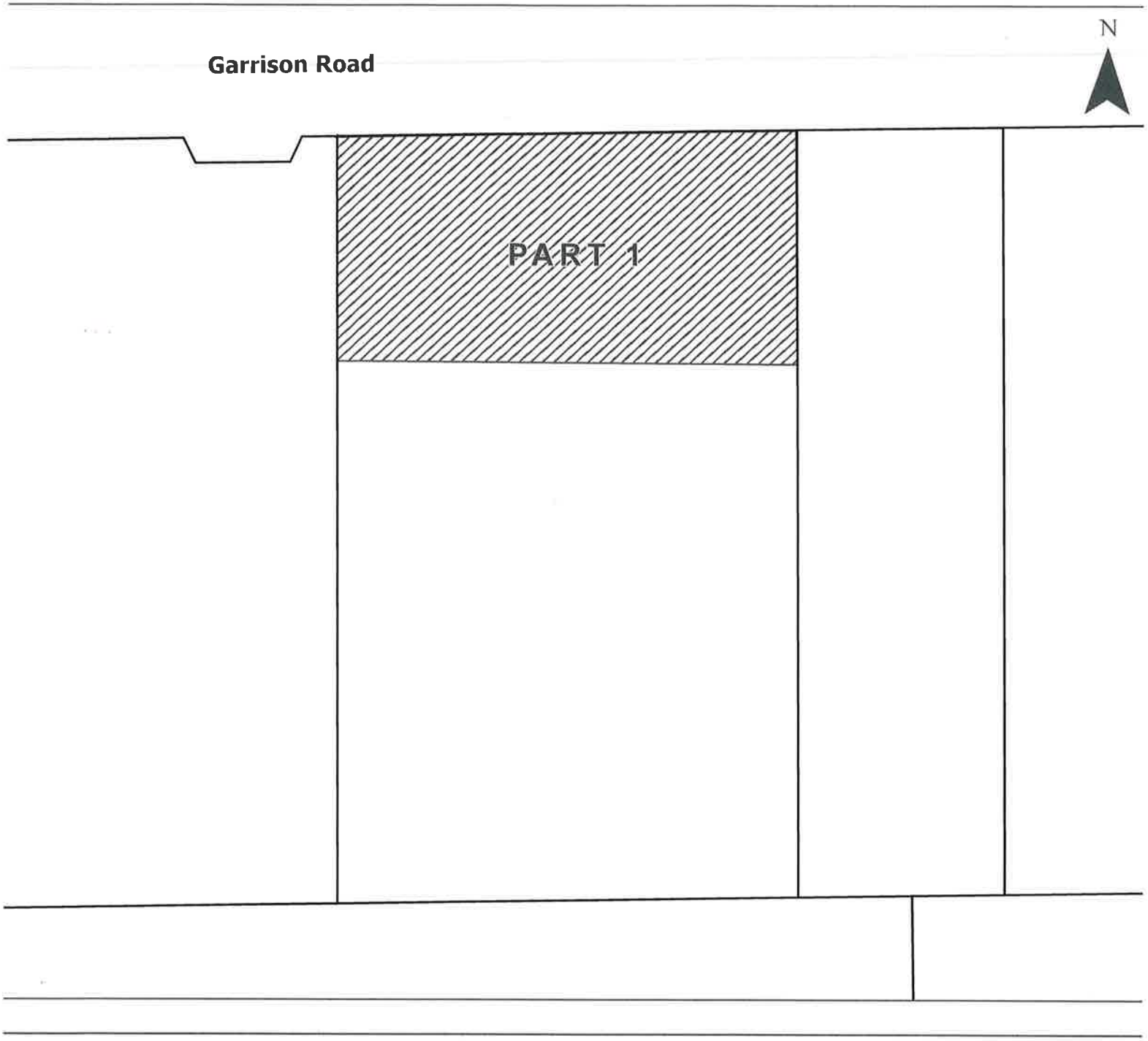
All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A" (Land Use Plan) constitute Amendment No. 59 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area. The Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area is hereby amended as follows:

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

PART "C" - THE APPENDICES

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

SCHEDULE "A"



By-law No. 56-2022
THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN
PASSED THIS 30th DAY OF MAY, 2022

0 15 30
Meters

Subject Lands - 1107 Garrison Road

Part 1 - Change from Urban Residential to Commercial

CON 3LE PT LOT 4 59R 2560
PART 1

Planning and Development Services
Map Created: May 24, 2022

FORT ERIE ONTARIO Your Focus: Your Future

Appendix 1

NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING

Owner: 1107 Garrison Road GP Inc. (Mohammed Y.Alhadi)
Agent: Mike Sullivan (Sullivan Planning Services)
1107 Garrison Road
Combined Official Plan & Zoning By-law Amendment Application
APPLICATION NOS: 350302-0122 and 350309-0518

DATE:	**December 6, 2021**
TIME:	**6:00 PM**
LOCATION:	**This will be a virtual Council meeting conducted via Zoom.**

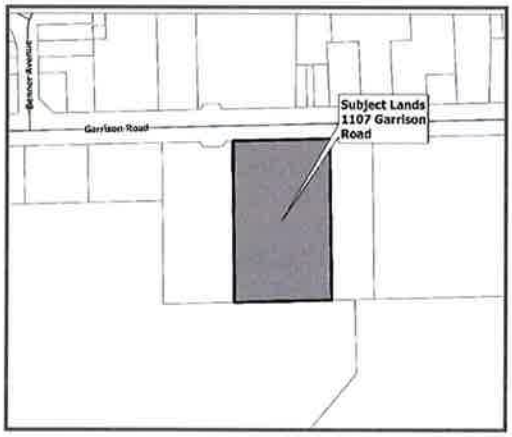
Residents can participate in Zoom based Council meetings two different ways:

1. Send your comments via e-mail to Anamika Dilwaria, Senior Development Planner (adilwaria@forterie.ca) who will provide them to Council.

2. Participate in the Zoom meeting (audio/video via web or by telephone) by sending an email to Anamika Dilwaria, Senior Development Planner (adilwaria@forterie.ca) to receive information on joining the Zoom meeting.

The Town of Fort Erie Council meeting live webcast will be streamed at www.youtube.com/townofforterie or click on the YouTube icon on the home page of the Town's website (www.forterie.ca).

LOCATION OF SUBJECT LANDS



PROPOSED CHANGE

A combined Official Plan and Zoning By-law Amendment application has been submitted to allow the construction of a 3.5 mixed-use building and a 4 storey residential building on the subject lands.

	The mixed-use building is proposed to include 589.4 sq. m of commercial space, a 56 seat restaurant and 15 dwelling units. The residential building is proposed to be located in the rear portion of the subject property and would include 86 dwelling units. The subject property is located within the Urban Area and is currently designated Urban Residential in Town's Official Plan. The applicant is requesting to redesignate the front portion of the property to Commerical to facilitate the construction of the mixed-use building. The Urban Residential designation would be maintained on the rear portion of the property that will contain the residential building. The lands are currently zoned Neighbourhood Development (ND) Zone. The applicant is requesting to rezone the front portion of the property to a site-specific Highway Commercial (C3) Zone. The site-specific regulations are requested to allow an increase in building height to 3.5 storeys and a reduction in the front yard setback. The rear portion of the property is proposed to be rezoned to a site-specific Residential Multiple 2 (RM2) Zone. The site-specific regulation is requested for a reduction in the minimum lot area.
HAVE YOUR SAY	**GETTING MORE INFORMATION** Input on the Combined Official Plan & 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 **December 1st, 2021.** The information report will be available in the Council agenda portion of the Town's Web Site: www.forterie.ca or by contacting Anamika Dilwaria, Senior Development Planner. **CONTACT INFORMATION** **Anamika Dilwaria, MCIP, RPP, Senior Development Planner** **Planning and Development Services Department** **Town Hall, 1 Municipal Centre Drive** **Fort Erie, Ontario L2A 2S6** **905-871-1600 ext. 2507** **Or by e-mailing your comments to: adilwaria@forterie.ca** **PROVIDING YOUR COMMENTS OR REQUESTING NOTICE OF DECISION** To provide input in writing, or to request written notice of the decision of the Combined Official Plan and Zoning By-law Amendment, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to cschofield@forterie.ca



PLANNING ACT LEGAL NOTICE REQUIREMENTS

The Town of Fort Erie has not yet made a decision regarding this application. After considering any written comments and the comments from the public meeting, a Recommendation Report will be prepared for a future Council-in-Committee meeting.

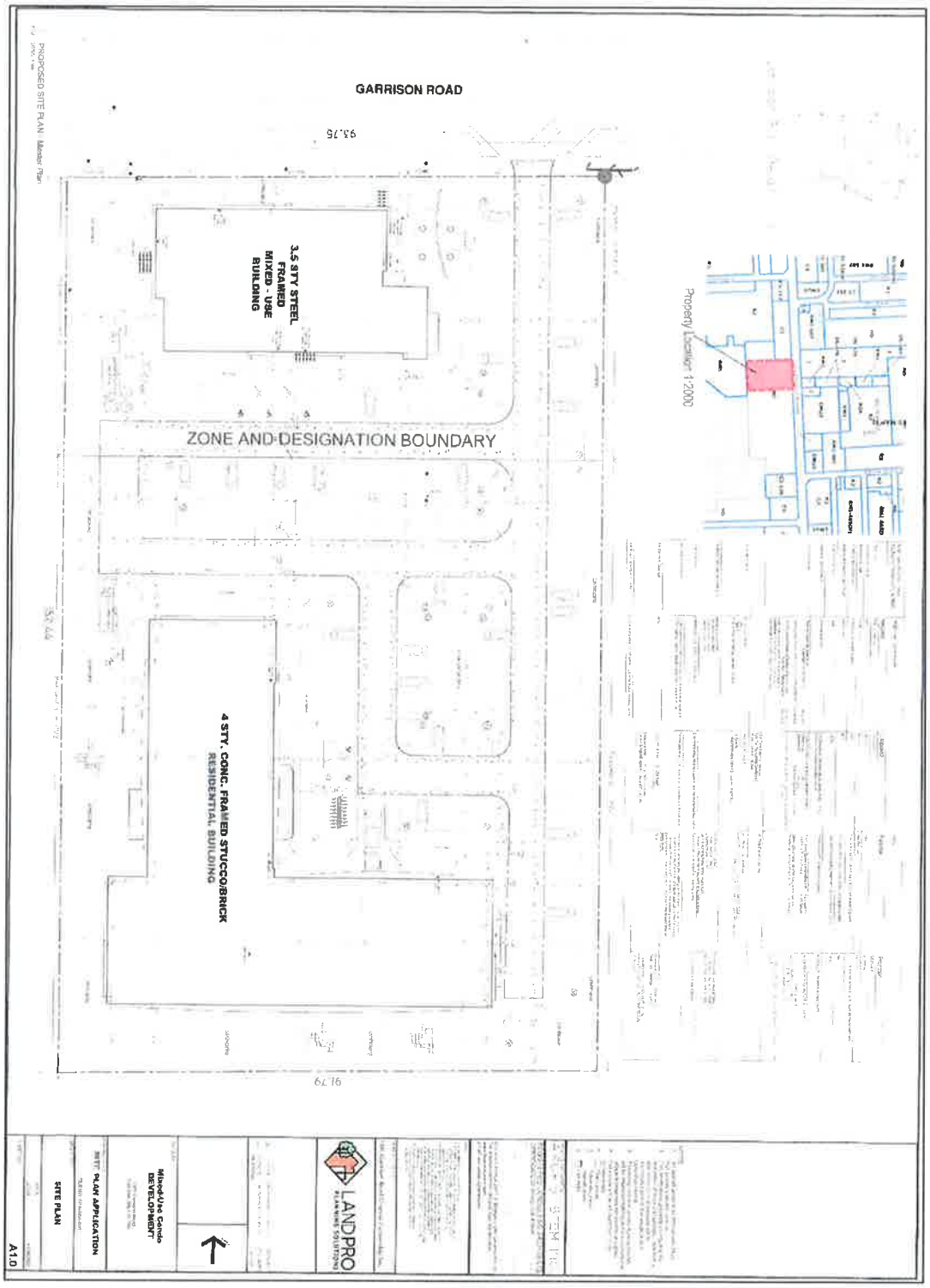
If a person or public body would otherwise have an ability to appeal the decision of the Town of Fort Erie's Municipal Council to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written statements to the Town of Fort Erie before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Town of Fort Erie before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

For more information about this matter, including information about appeal rights, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to cschofield@forterie.ca

SCHEDULE 1

Appendix 1


GARRISON ROAD
3.5 STY. STEEL FRAMED MIXED - USE BUILDING
ZONE AND DESIGNATION BOUNDARY
4 STY. CONC. FRAMED STUCCO/BRICK RESIDENTIAL BUILDING
Property Location 1:2000
LANDPRO
SITE PLAN
A1.0

(b) Open House

Re: Proposed Zoning By-law Amendment & Draft Plan of Vacant Land Condominium - 3819 Hibbard Street and Easterly Portion of 294 Gorham Road - Owner: Bryan Keegan; Applicant: NPG Planning Solutions Inc. (Mary Lou Tanner) - Thursday, December 9, 2021 - 5:00 p.m.

6. Public Meetings

(a) Proposed Official Plan, Zoning By-law Amendments

Re: 1107 Garrison Road - Owner: 1107 Garrison Road GP Inc. (Mohammed Y. Alhadi) - Agent: Mike Sullivan (Sullivan Planning Services). The Applicant's request is for Official Plan and Zoning By-law Amendments to allow construction of a 3.5 storey mixed-use building and a 4-storey residential building. The applicant is requesting to redesignate the front portion of the property to Commercial, and rezone it to a site-specific Highway Commercial (C3) Zone to allow an increase in building height to 3.5 storeys and a reduction in the front yard setback. The rear portion of the property is proposed to be rezoned to a site-specific Residential Multiple 2(RM2) Zone for a reduction in the minimum lot area.

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of the Public Meeting.

Mayor Redekop also provided information on electronic participation for members of the public who wished to provide input relative to the Application.

Ms. Dilwaria, Senior Development Planner, Development approvals, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Ms. Dilwaria confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the Application, and public comments received.

Mayor Redekop requested that staff bring the Applicant or agent in to participate in the meeting.

Mike Sullivan, Sullivan Planning Services, was present to speak on behalf of the Application. Mr. Sullivan provided a PowerPoint presentation and the following commentary:

- The Official Plan Amendment is to change "Urban Residential" to "Commercial" (Building A).
- The Zoning By-law Amendment would change the existing to a "Neighbourhood Development", proposed to "Highway Commercial" (Building A), and proposed to a "Residential Multiple" (Building B).
- There would be 101 new rental units which would come in 1, 2, and 3 bedrooms. Building A comprises15 units and Building B comprises 86 units.
- The commercial retail is in Building A on the main floor in the mezzanine which would be essentially a second floor.
- The landscaping open space is a combination of manicured grass, sidewalks, and native plantings.
- There are 132 parking spaces proposed, 21 are covered, and 39 bike racks.
- As far as public affordability, they are proposed as rental units, and are priced and designed for Fort Erie residents.
- The approximate price points for the apartments are: 1 bedroom unit $1300, 2 bedrooms $1500, and 3 bedrooms $1600.
- Proposed amenities on the property are in-suite laundry, a gym, daycare, multi-purpose rooms, and storage/locker rooms.
- There were Agency comments from the Niagara Region, Canada Post, Enbridge, TOFE Developmental Approvals, TOFE Neighbourhood Planning & Urban Design, TOFE Community Planning, and TOFE Fire.

Mayor Redekop enquired whether there were any members of the public in the waiting room who wish to speak in favour of the Application.

No members of the public came forward.

Mayor Redekop enquired if any members of the public wished to speak in opposition to the Application.

No members of the public came forward.

Mayor Redekop enquired if any members of the public wished to ask questions.

No members of the public came forward.

Mayor Redekop enquired whether the Clerk received any comments subsequent to the posting of the Report, to be read into the Minutes. The Clerk advised that she did not.

Mayor Redekop declared the Public Meeting closed.

(b) Proposed Zoning By-law Amendment

Re: 323 Central Avenue - Owner: Gianluca Cardone - Agent: NPG Planning Solutions Inc. (Cory Armfelt/Jeremy Tran). The Applicant's request is to rezone from Residential 2 (R2) Zone to a site-specific Residential 2A (R2A) Zone to permit the existing lot frontage of 9.14 m. for development of a single detached dwelling on an existing undersized lot.

Mr. Vander Veen, Junior Planner, Development approvals, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Mr. Vander Veen confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the Application, and public comments received.

Mayor Redekop requested that staff bring the Applicant or agent in to participate in the meeting.

Jeremy Tran, NPG Planning Solutions Inc., was present to speak on behalf of the Application. Mr. Tran provided a PowerPoint presentation and the following commentary:

- The proposed development is 1 detached dwelling unit, 2 storey 9.5 m in height, 1 single attached garage, and the dwelling would be approximately 1600 square ft.
- The proposal is a site specific Residential R2A zone.
- The proposed development complies with all of the regulations and the R2A zone including lot area, lot coverage, front yard, minimum rear yard set-backs, minimum interior side yard, maximum building height, and minimum parking requirements.
- The site-specific amendment that is being requested, is for the lot frontage which is existing is 9.14 m.
- The lot is part of a plan of subdivision, the existing lot frontage 9.14 m is comparable to the adjacent properties to the North which is 325 and 327 Central Avenue. There is an existing detached building on each of these properties which

Via Email Only

August 27, 2021

Region Files: D.10.01.OPA-21-0017
D.18.01 ZA-21-0031

Ms. Anamika Dilwaria
Senior Development Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON, L2A 2S6

Dear Ms. Dilwaria;

Re: Regional and Provincial Comments
Official Plan and Zoning By-law Amendments
Applicant: 2639723 Ontario Inc.
Owner: 1107 Garrison Road GP Inc.
Applicant: Sullivan Planning Services Inc.
1107 Garrison Road
Town of Fort Erie

Regional Planning and Development Services staff has reviewed the information circulated for the subject applications. The applicant is proposing to construct two buildings on the subject property. The first building is proposed as a 3.5-storey mixed-use building, with 589.4 m^2 of commercial space, a 96 seat restaurant and 15 dwelling units. The commercial units will be located on the main level and the second floor and the dwelling units will be located on the above floors. The second building is proposed as a 4-storey residential building with 86 dwelling units.

The subject lands are currently designated "Urban Residential" in the Town's Official Plan, which the applicant is proposing to redesignate to "Commercial" along the front of the property to facilitate the mixed-use building. The rear portion of the land is to remain Urban Residential. The lands are currently zoned "Neighbourhood Development (ND)", which the applicant is requesting to be rezoned to a site-specific "Highway Commercial (C3)" over the front portion of the property in order to permit an increase in building height to 3.5-storeys and a reduced front yard setback. The rear portion of the property will be rezoned to a "Residential Multiple 2 (RM2)".

A formal pre-consultation meeting was held for these applications on February 27, 2020. The application was received on August 9, 2021. The following comments are

provided from a Regional and Provincial perspective to support the Town in considering these applications.

Provincial and Regional Policies

The subject lands are located within a "Settlement Area" under the *Provincial Policy Statement, 2020* ("PPS") and within the "Delineated Built-Up Area" under the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"). The PPS and Growth Plan directs growth to settlement areas and promote densities and a mix of land uses that optimize use of land and resources and efficiently use infrastructure and public service facilities while minimizing negative impacts to air quality and climate change and promoting energy efficiency. The PPS promotes the intensification and redevelopment of underutilized lands through compact built form that diversifies the economic base and supports use of transit and active transportation. The proposed development is considered infill development, and will result in residential intensification within the built-up area that makes more efficient use of designated urban land and existing infrastructure. Growth management policies state that until the Region has completed its municipal comprehensive review, and it is approved and in effect, the annual minimum intensification target of 15% contained in the Regional Official Plan ("ROP") will apply to the portion of the built-up area within the Town of Fort Erie.

The ROP promotes higher density development in the urban area and supports growth that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara. A full range of residential, commercial and industrial uses are permitted generally within the urban area, subject to the availability of adequate municipal services and infrastructure, and other policies relative to urban design, compatibility and environmental conservation. The proposed applications will facilitate a higher-density form of development on the subject property, and therefore can be considered to be generally in conformity with Regional growth management policies for lands within the urban area.

The "*Planning Justification Report*" prepared by LandPro Planning Solutions Inc. (dated July 2021) states that the mixed-use building and residential building will have 101 residential units comprised of a mix of one-bedroom and two-bedroom units. The applicant may wish to consider the addition of studio and/or three-bedroom units to provide a wider range of unit types to meet the needs of different household types. The Region supports intensification within the built-up area that makes more efficient use of designated urban land and existing infrastructure.

Archaeological Resources

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on

lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

A "*Stage 1 & 2 Archeological Assessment*" prepared by Earthworks Archaeological Services Inc., (dated November 3, 2020) was submitted with the application. The Stage 2 Assessment did not result in the identification of any archaeological resources, and the Licensed Archaeologist recommended that no further archaeological assessment for the subject property was warranted.

As of the date of this letter, a letter from the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI") confirming that all archaeological resource concerns have met licensing and resource conservation requirements has not been received. This requirement will be addressed through the incorporation of appropriate conditions of approval through the future site plan and/or condominium applications.

Noise Feasibility Study

A "*Noise Feasibility Study*" prepared by HGC Engineering (dated January 7, 2021) was submitted with the application. The study assessed the noise sources from road traffic on Garrison Road and the proposed development including potential rooftop mechanical units. The sound level predictions indicate that the future road traffic sound levels will exceed Ministry of Environment, Conservation and Parks ("MECP") NPC-300 guidelines at the proposed buildings. Central air conditioning is required for the 3-storey mixed-use building adjacent to Garrison Road. In addition, upgraded glazing constructions are required for the north façade of the 3-storey mixed-use building with exposure to Garrison Road. For the proposed 4-storey residential building, forced-air ventilation systems with ducts sized to accommodate the future installation for central air conditioning by the occupant or an alternative means of ventilation to open windows are required. Warning clauses are also recommended for both buildings to inform future residents of the proximity to existing and proposed commercial uses, existing institutional uses and the traffic noise excesses at the proposed buildings.

The analysis notes that detailed floor plans, building elevations, and rooftop mechanical units were not known at the time of the analysis and recommends that a detailed noise study should be completed to refine acoustic recommendations for the proposed mixed-use building. In addition, an acoustical consultant should review the mechanical drawings and details of demising constructions, when available, to help ensure that the noise impact of the development on itself, are maintained within acceptable levels at the proposed buildings.

Regional staff notes that a Detailed Noise Study will be required as part of the future site plan application to ensure noise levels meet Ministry guidelines and appropriate mitigation measures are included in the development. Staff observes that no outdoor living areas included in the study as it was assumed that the proposed buildings might have balconies that would be less than 4 m in depth. Should Town staff require

common amenity areas in the proposed development, these areas should be identified and assessed through the Detailed Noise Study.

Environmental Site Assessment

The PPS requires that contaminated sites be remediated as necessary to ensure there will be no adverse effects to the proposed use. As noted at the preconsultation meeting, there was a commercial business located on the property historically.

A "*Phase One Environmental Site Assessment*" ("ESA") prepared by Azure Group (dated November 20, 2020) was completed in accordance with Ontario Regulation 153/04, as amended and submitted in support of the applications. The Phase One ESA concluded that based a review of available historical information and current information (environmental database, interviews of available site knowledgeable people and their site reconnaissance), the findings revealed a low potential for adverse environmental impact to the subject property. There were no potentially contaminating activities that resulted in an area of potential environmental concern at the subject property.

As such, the Phase One ESA did not recommend the completion of a Phase Two ESA and the qualified professional concluded that based on the Phase One ESA, a Record of Site Condition is not required to be filed. Regional staff note that the Phase One ESA was filed with the MECP registry as Record of Site Condition Number 227597 (dated February 5, 2021).

Core Natural Heritage System

There are currently no mapped natural heritage features on or adjacent to the subject property. However, based on aerial imagery available to the Region, it appeared that there was a wooded area located adjacent to the property along the eastern property line.

As per Regional Official Plan Policy 7.B.1.8, the completion of a Constraints Analysis is typically required to determine if these features meet the criteria for identification as Core Natural Heritage System features (Significant Woodland, Wetland, Fish Habitat, Significant Wildlife Habitat, Habitat of Endangered or Threatened species, etc.). However, Regional Environmental Planning staff were agreeable to waiving the requirement to complete a Constraints Analysis in lieu of the completion of a Tree Saving Plan ("TSP"). A TSP was not submitted in support of the proposed zoning by-law amendment; however, it can be submitted at the time of future *Planning Act* (site plan) application.

As such, Regional staff offer no objection to the proposed official plan and zoning by-law amendments and will review and comment on the TSP at future site plan approval.

Urban Design

Regional staff has reviewed the submitted architectural drawings prepared by Archisystem Inc., (dated May 16, 2021). Staff requires that at the time of future *Planning Act* (site plan) application that a Landscape / Streetscape Plan is submitted that includes the following streetscape information:

- Deciduous street trees in a sodded boulevard.
- Trees should be 50mm caliper and spaced according to their size (see attached Master Tree Planting List for species). And
- An overlay of survey information and site servicing information in order to ensure that proposed street trees will not conflict with services, utilities and drainage structures within the boulevard.

The applicant is advised that if street trees cannot be accommodated due to existing or proposed utilities, services and drainage features, then an enhanced landscape treatment will be requested on private lands. This includes deciduous trees plus planting beds consisting of shrubs and perennials.

With respect to the existing gravel driveway that is proposed to be removed, Regional staff request that it is replaced with a sodded boulevard. Additionally, staff requires that any related drawings that are submitted as part of the future site plan application must depict the entire Regional Road right-of-way, including the municipal boulevard, as well as show a continuous municipal sidewalk (without curb lines) through the new proposed vehicular entrance.

In regards to the site's interface with Garrison Road, Regional staff requests that landscape treatment is provided to screen the view of any surface parking and/or loading areas from the public realm.

Transportation

Regional Road Allowance

Regional staff note that the subject property has frontage along Garrison Road (Regional Road 3) and that the existing designated road allowance along this segment of road meets the requirements as set out in the ROP. As such, Regional staff do not require any road widening requirements at this time.

Regional Permit Requirements

Regional Transportation staff will review and comment on the proposed entrance onto Garrison Road at the time of future *Planning Act* (site plan) application. Staff notes that all existing curb cuts that are not required for the proposed entrance shall be reinstated with a barrier curb, sidewalk, and boulevard in accordance to Regional Standards.

Staff advise the applicant that a Regional Construction, Encroachment, and Entrance Permit must be obtained from the Region's Transportation Services Division, Public Works Department prior to any construction / work within the Regional Road allowance. Staff also notes that the placement of any sign, notice or advertising device within 20 m of the centerline of Garrison Road will require a Regional Sign permit.

Permit applications can be made through the following link: http://niagararegion.ca/living/roads/permits/default.aspx.

Servicing

Regional Development Engineering staff are reviewing the submitted "*Functional Servicing and Stormwater Management Report*" ("FSR") prepared by MTE Consultants (dated January 7, 2021) with Regional Water and Wastewater Engineering staff with respect to the request to connect a 300mm D to the Regional 300mm D AC main. Staff offer the following comments to support with future technical submissions.

The calculations for water and sewer designs shall be completed with either the MECP's, Town's, or Region's design flows. Staff raise concern that the proposed 300mm D service cannot be accommodated by the existing 300mm D watermain on Garrison Road. As such, Regional staff requests the applicant confirm that the site requires a 300mm D service, as it seems large in comparison to other buildings of this scale. If a 300mm D service is needed, Regional staff requires the applicant to submit an analysis to the Region for review and approval that demonstrates that the existing Regional 300mm D AC main can accommodate this proposed service connection.

Staff acknowledge that a new service connection to the existing Regional 300mm D AC watermain is required for the proposed development. In accordance to the standard connection process, the applicant is required to:

- provide a letter from the Town that requests for the connection;
- provide a plan and profile of the proposed connection (with details stamped by a Qualified Professional / Engineer); and
- provide payment to the Region for the Connection Permit Fee.

The applicant is advised that the proposed design flows used for the sanitary calculations shall adhere to the Town's design standards / comments. Regional staff offer the following detailed comments for consideration:

- For Table 4.1, staff observe that the listed population densities relate to floor loads, whereas population densities should match MECP or Town standards. Staff recommends that Table 4.1 is updated to reflect this information.
- For Table 4.2:
    - Staff observe that no infiltration allowance is listed and recommends that the table is updated to include this information.

  - Staff observe that a unitary flow rate of 0.286L/ha/s is used and notes that this is for an inflow and infiltration (I&I) flow rate, not a commercial flow rate. As such, staff recommends that the table is be updated to show the commercial flow rate. Any unitary flow rates shown in the table should be referenced from the Region's Master Servicing Plan.
  - Staff requests that the equivalent population of the commercial area is listed on the table.
  - Staff requests clarification with regards to source of "0.89 ha". Further, the result of 4.69L/s does not match the results presented within the table.
- Staff requests that the document specifies where the velocity equation is referenced, as this equation is only accurate when pipes are full.
- Staff requests clarification on what the ADWF and PDWF flows at 1% sewer slope translates to in terms of flow velocity. Clarification is also needed as to whether this will meet minimum cleansing velocities.
- Staff recommends that the existing flow within the 450mm sewer is confirmed, as well as that there is sufficient capacity to accommodate the extra 4.24L/s that is expected from the proposed development.

Regional staff will need to review all servicing drawings in order for Transportation staff to provide comments on the road re-instatement. Staff notes that any additional crossings of the Region's watermain will require the submission of detailed drawings that illustrate the crossings.

Stormwater Management

Regional staff has reviewed the submitted FSR that indicates that the proposed 1.4 ha development will discharge into a ditch located along the easterly edge of the property. Staff are satisfied that the stromwater management target contained within the FSR meets post-to-pre flow control for all storms, and that a Normal standard quality treatment is achieved prior to discharge into the ditch.

Staff notes that the calculation method of pre- and post- development peak flow within the FSR is inconsistent (i.e., Rationale Method v. Modelling Program), whereas the comparison of flow should be a constant basis. At this time, Regional staff have not be provided with Engineering Plans. Staff will provide more fulsome comments upon review of the detailed designs provided through future *Planning Act* (site plan) application.

Regional staff strongly encourages the applicant to consider the implementation of Low Impact Development measures within the proposed development concept to support water quality treatment and/or retain water on-site.

Protection of Survey Evidence

Regional staff advise the applicant that survey evidence adjacent to Regional Road allowances shall not be damaged or removed during the development of the property. Any agreements entered into for this proposed development should include a clause that requires the applicant 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.

Waste Collection

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

- Recycling blue and/or grey bins / containers – no limit (weekly collection).
- Organic green bins / containers – no limit (weekly collection).
- Garbage / waste – maximum of 8 containers (bi-weekly collection).
- Collection will be at the curbside only.

Based on submitted proposal, Regional staff notes that it is unlikely that the proposed development will meet the above noted waste collection limits. Should the proposed development be unable to comply with the Region's waste collection requirements, the owner will bear the responsibility to hire a private waste collection contractor. Regional staff will continue to provide comment with regards to waste collection for the site through future *Planning Act* (site plan) application.

Conclusion

In conclusion, the proposed concurrent official plan and zoning by-law amendments are consistent with the PPS and conform to Provincial and Regional Plans. Regional staff requests that the materials / information that were specified within this letter as they relate to archaeological, noise, core natural heritage, urban design, servicing and stormwater, and waste collection requirements be addressed through the future *Planning Act* (site plan) application for the proposed development.

Regional staff notes that in accordance with the Memorandum of Understanding, the proposed Official Plan Amendment is exempt from Regional Council approval. Please send a copy of the notice of Town Council's decision on the applications and a copy of the amendments as adopted.

Should you have any questions related to the above comments, please feel free to contact me at alexander.morrison@niagararegion.ca, or Lindsay Earl, Senior Development Planner, at lindsay.earl@niagararegion.ca.

Respectfully,

Alx Mor

Alexander Morrison, MCIP, RPP
Development Planner

cc: Mr. Pat Busnello, Manager of Development Planning, Niagara Region
Ms. Lindsay Earl, Senior Development Planner, Niagara Region
Ms. Julia van der Laan de Vries, Urban Designer, Niagara Region
Ms. Susan Dunsmore, P.Eng., Manager of Development Engineering, Niagara Region
Mr. Matteo Ramundo, Development Approvals Technician, Niagara Region
Mr. Aaron Butler, Manager, Development Approvals, Fort Erie

Attachment:

Niagara Region Master Tree Planting List 072020 (provided separately).

RE: [External] Request for Comments-Proposed OPA and ZBA- 1107 Garrison Road

Municipal Planning to Anamika Dilwaria 08/10/2021 07:14 AM

From: "Municipal Planning" <MunicipalPlanning@enbridge.com>
To: "Anamika Dilwaria" <ADilwaria@forterie.ca>

Anamika Dilwaria	Anamika Dilwaria	Request for Comments-Proposed OPA and Z
Mail Router	Mail Router	*Hi Everyone, An application has been*
Mail Router	Mail Router	*Hi Everyone, An application has been*
Mail Router	Mail Router	*Hi Everyone, An application has been*
Mail Router	Mail Router	*Hi Everyone, An application has been*

Thank you for your circulation.

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

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Alice Coleman
Municipal Planning Analyst
Long Range Distribution Planning

ENBRIDGE
TEL: 416-495-5386 | MunicipalPlanning@Enbridge.com
500 Consumers Road, North York, Ontario M2J 1P8

enbridge.com
Safety. Integrity. Respect.

From: Anamika Dilwaria <ADilwaria@forterie.ca>
Sent: Monday, August 9, 2021 7:48 PM
To: Andrew.Carrigan@Canadapost.ca; circulations@mmm.ca; cara.lampman@niagararegion.ca; kathy.levinski@ncdsb.com; kris.watson@cnpower.com; LandUsePlanning@HydroOne.com; Municipal

August 30, 2021

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

Re: 1107 Garrison Road

Dear Anamika,

This development, as described, falls within our centralized mail policy.

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

a) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

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

If you have any questions or concerns regarding these conditions, please contact me. I appreciate the opportunity to comment on this project.

Regards,

A. Carrigan

Andrew Carrigan
Delivery Services Officer
Andrew.Carrigan@canadapost.ca

APPENDIX "3"

FORT ERIE ONTARIO
Our Focus: Your Future

Interoffice Memorandum

August 30, 2021

File No. 350302-0122 and 350309-0509

To: Anamika Dilwaria, Senior Development Planner

From: Jeremy Korevaar, Coordinator, Development Approvals

Subject: **Application for Combined Official Plan and Zoning By-law Amendment – 1107 Garrison Road**

On behalf of the Infrastructure Services Department, Engineering Division, I have reviewed the proposed Combined Official Plan and Zoning By-law Amendment and the supporting documentation for **1107 Garrison Road** and have the following comment:

1. We recommend that the Noise Feasibility Study be submitted in support of the application for Site Plan Approval so that the implementation recommendations contained in Section 7.1 are included in the Site Plan Agreement.
2. The Functional Service Report prepared by MTE Consultants and dated January 7, 2021 mentions in Table 2.5 that the anticipated surface ponding depth could reach a maximum of 300mm. While the Town of Fort Erie has no policy for a maximum depth of ponding, we would prefer that surface ponding in parking areas be limited to no more than 100 mm. We recommend that the storm sewer pipes be oversized to provide additional underground storage.
3. We question whether a 300mm diameter watermain to service the site is really necessary. This seems excessive considering there are residential neighbourhoods served by smaller watermains.

Therefore, given the foregoing comments I have no objection to the proposed amendment.

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



Re: Invitation: Request for Comments- Proposed OPA and ZBA- 1107 Garrison Road (Aug 30 12:00 PM EDT)

Ed Melanson to: Anamika Dilwaria 08/09/2021 08:04 PM

From: Ed Melanson/FortErie
To: Anamika Dilwaria/FortErie@TownOfFortErie
History: This message has been replied to.

	Anamika Dilwaria	Request for Comments- Proposed OPA and ZBA- 1107 Garrison Road
	Signe Hansen	*Accepted: Request for Comments- Proposed OPA and ZBA- 1107 Gar*
	Ed Melanson	*Good evening Anamika, I have reviewed the attached documents and*
	Anamika Dilwaria	*Ed, Thanks for your prompt response.*
	Aaron Butler	*Accepted: Request for Comments- Proposed OPA and ZBA- 1107 Gar*

Good evening Anamika,

I have reviewed the attached documents and have no objections at this time for the OPA and ZBA application. I would be certainly interested in seeing a more detailed site plan in the future.

Thank you for reaching out.

Ed Melanson
Fire Chief / CEMC
Office: (905) 871-1600 ext. 2600
Cell: (905) 329-7255

Anamika Dilwaria https://filr.forterie.ca:8443/filr/public-link/file-dow... 2021-08-09 07:41:25 PM



Invitation: Request for Comments- Proposed OPA and ZBA- 1107 Garrison Road

2021-08-30 Mon 12:00 PM - 12:30 PM
Attendance is **required** for Ed Melanson
Chair: **Anamika Dilwaria/FortErie**
No Location Information

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

APPENDIX "3"

Interoffice Memorandum

Date 30 August 2021
File No. 350302-10122 & 350309-0509

To: Anamika Dilwaria, M.PI, MCIP, RPP, Senior Development Planner
From: Pieter Wasserman, Neighbourhood Planner & Urban Designer
Subject: **Request for Comments- Proposed OPA and ZBA- 1107 Garrison Road**

1. OFFICIAL PLAN

The site is identified as being 'Urban Residential' as per Schedule A of the Official Plan and therefore is subject to 4.7.4. URBAN RESIDENTIAL, page 21. The site is zoned as Neighbourhood Development ND.

2. URBAN DESIGN

The use and location for this development are appropriate as Garrison Road is an activity corridor with similar mixed use and commercial sites along it.

The mixed-use building footprint fronts onto the street and could provide an appropriate street interface that supports safety through Crime Prevention Through Environmental Design (CPTED) principles. It may also contribute to the overall streetscape. Low Impact Design (LID) principles should also be incorporated into the design.

It is good to see the ingress route being able to extend toward the south of the site. This may potentially allow for other southerly sites to be developed and accessed.

Please note that the Active Transportation Master Plan has an "In-Boulevard Multi-Use Path" planned for the Medium-Term long Garrison Road. Please see APPENDIX "1" TO ADMINISTRATIVE REPORT PDS-12-2020 DATED MARCH 9, 2020.

A site plan, perspectives and renders have been provided for evaluation of the development from an urban realm perspective. However, the following additional information would aid in this process (These may be provided prior to Site Development Plan stage):

1. Sections and elevations of all the buildings
2. A landscape plan indicating trees, planting and landscaping

3. CONCLUSION

At this stage of the process Neighbourhood Planning & Urban Design in principle do not oppose the OPA and ZBA of 1107 Garrison Road.

Kind regards,

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

PCW/
Attach. none

FORT ERIE ONTARIO
Our Focus: Your Future

Interoffice Memorandum

August 30, 2021
File No: 350309-0509

To: Anamika Dilwaria, Senior Development Planner
From: Signe Hansen, Manager, Community Planning
Subject: **1107 GARRISON ROAD - OPA/ZBA APPLICATION**

I have no comments relative to the application for Official Plan and Zoning By-law Amendments for 1107 Garrison Road.

I will have comments relative to a future site plan application, including but not limited to the following:

- Tree Preservation Plan is required, pursuant to the Town of Fort Erie Site Plan Control Guidelines
- A Landscape Plan is required, pursuant to the Town of Fort Erie Site Plan Control Guidelines
- Cash-in-Lieu of Parkland will be required at 5% of appraised residential development and 2% of appraised commercial development.

Regards

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

The Municipal Corporation of the Town of Fort Erie

By-law No. 57-2022

Being a By-law to Amend Zoning By-law No. 129-90, as amended
1107 Garrison Road
1107 Garrison Road GP Inc. (Mohammad. Y. Alhadi) - Owner
Sullivan Planning Services (Michael Sullivan) - Agent

Whereas an application was received from Michael Sullivan of Sullivan Planning Services (Agent) on behalf of 1107 Garrison Road GP Inc. (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands known municipally as 1107 Garrison Road; and

Whereas a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c. P.13 was held on December 6, 2021; and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90, as amended, pursuant to the recommendations of Report No. PDS-33-2022 considered and approved at the Council-in-Committee meeting held on May 16, 2022;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Schedule "A" of By-law No. 129-90, as amended, is further amended by changing the zoning of the lands known municipally as 1107 Garrison Road and shown as Parts 1 and 2 on the attached Appendix "1" from "Neighbourhood Development (ND) Zone" to "Highway Commercial (C3-743) Zone" (Part 1) and "Residential Multiple 2 (RM2-744) Zone" (Part 2).

2. **That** By-law No.129-90, as amended, is further amended by adding to "Section 22 – Highway Commercial (C3) Zone" Subsection – "Exceptions to the Highway Commercial (C3) Zone" the following exception:

   "**C3-743 (57-2022) 1107 Garrison Road (Part 1)**

   These lands are zoned "Highway Commercial Zone (C3-743) Zone" (Part 1), and all of the provisions that relate to lands zoned "Highway Commercial (C3) Zone" by this by-law shall apply to those lands zoned "Highway Commercial Zone (C3-743) Zone", subject to the following special provisions:

   a) Minimum Front Yard – 4.5 metres
   b) Maximum Building Height – 3.5 storeys"

3. That By-law No.129-90, as amended, is further amended by adding to "Section 15 – Residential Multiple 2 (RM2) Zone" Subsection – "Exceptions to the Residential Multiple 2 (RM2) Zone" the following exception:

"**RM2-744 (57-2022) 1107 Garrison Road (Part 2)**

These lands are zoned "Residential Multiple 2 (RM2-744) Zone" (Part 2), and all of the provisions that relate to lands zoned "Residential Multiple 2 (RM2) Zone" by this by-law shall apply to those lands zoned "Residential Multiple 2 (RM2-744) Zone", subject to the following special provisions:

a) Minimum Lot Area – 111 square metres per unit"

4. **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 30th day of May, 2022.

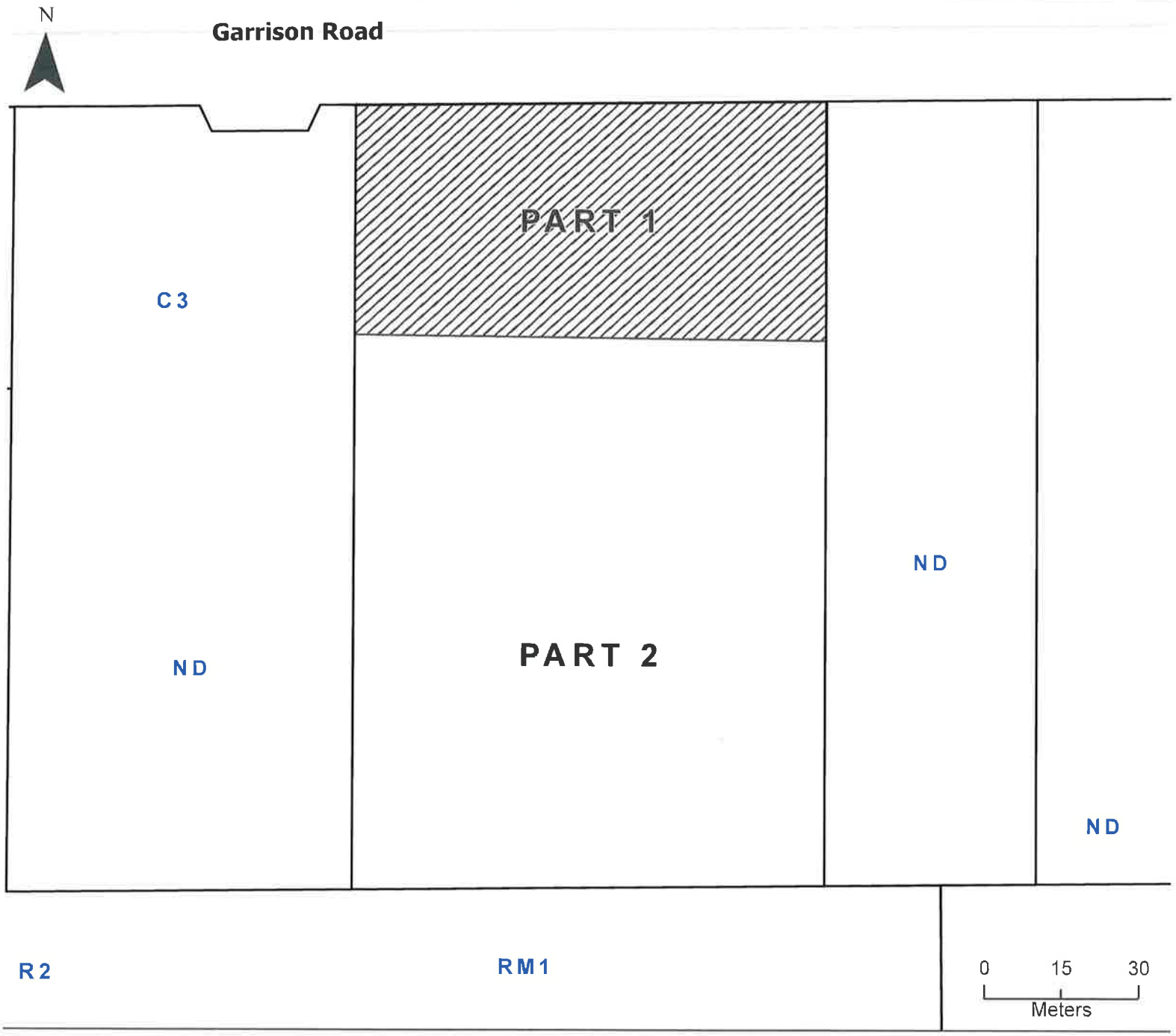
_____
Mayor

_____
Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 57-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

_____

APPENDIX "1"



CON 3LE PT LOT 4 59R 2560
PART 2

By-law No. 57-2022
THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW NO. 129-90
PASSED THIS 30th DAY OF MAY, 2022

Subject Lands - 1107 Garrison Road

Part 1 - Change from Neighbourhood Development ND Zone to Highway Commercial C3-743 Zone

Part 2 - Change from Neighbourhood Development ND Zone to Residential Multiple 2 RM2-744 Zone

Planning and Development Services
Map Created May 24, 2022

The Municipal Corporation of the Town of Fort Erie

By-law No. 58-2022

Being a By-law to Exempt a Certain Lot in Plan 59M-483 from Part Lot Control, Lot 42 (Mitchell Crescent) Blackcreek Signature Subdivision Rinaldi Homes (Niagara) Inc.

Whereas the Municipal Council of The Corporation of the Town of Fort Erie deems that the lands described in section 1 of this by-law should be exempted from the provisions of subsection 50(5) of the *Planning Act,* R.S.O. 1990, c. P.13, as amended (the "*Planning Act*"), since such lands are to be used for dwelling units as permitted by Zoning By-law No. 129-90, as amended;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the provisions of subsection 50(5) of the *Planning Act* shall not apply to the lands described as follows:

   (a) Lot 42, Plan 59M-483, Fort Erie,
   being all of PIN 64252-0259 (LT)

   for the purpose of creating two lots for residential development as follows:

   i) Parts 1 and 2 on Reference Plan 59R-17232; and
   Parts 3 and 4 on Reference Plan 59R-17232

2. **That** in accordance with subsection 50(7.3) of the *Planning Act,* this by-law shall expire one year from the date of the registration of this by-law in the Land Registry Office at which time subsection 50(5) of the *Planning Act* shall apply to those lands in the registered plan described in Section 1 of this by-law.

3. **That** upon final passage of this by-law, the Town Law Clerk shall cause this by-law to be registered in the local Land Registry Office.

4. **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 30th day of May, 2022.

_____

Mayor

_____

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 58-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

_____

FORT ERIE ONTARIO
Our Focus: Your Future

Interoffice Memorandum

May 30, 2022
File No. 350304

To: Mayor and Council
From: Anamika Dilwaria, Acting Manager, Development Approvals,
Subject: **Removal of Part Lot Control**
By-law No. 58-2022
Lot 42, Plan 59M-483
Mitchell Crescent, Blackcreek Signature Subdivision

Included in the Council package for May 30, 2022 is By-law No. 58-2022 exempting Lot 42, Plan 59M-483 from the Part Lot Control provisions of *The Planning Act,* R.S.O. 1990, c. P.13, as amended (the *"Planning Act").*

Attached, as Appendix 1, is a copy of Registered Plan 59R-17232 indicating the proposed parts to be created for residential development on Parts 1 to 4 (inclusive). The current application will allow the conveyance for a semi-detached dwelling and the associated land as shown as Parts 1 to 4 (inclusive) on the Reference Plan. Parts 1 and 4 are subject to a registered easement.

The Planning Act also allows the Part Lot Control By-law to expire at the end of a specified time period. The purpose of the specified time period is to provide a time window to sell the lots and register the reference plan. In this case, a one-year time frame is sufficient to allow the owner to complete the transactions necessary to convey the subject properties.

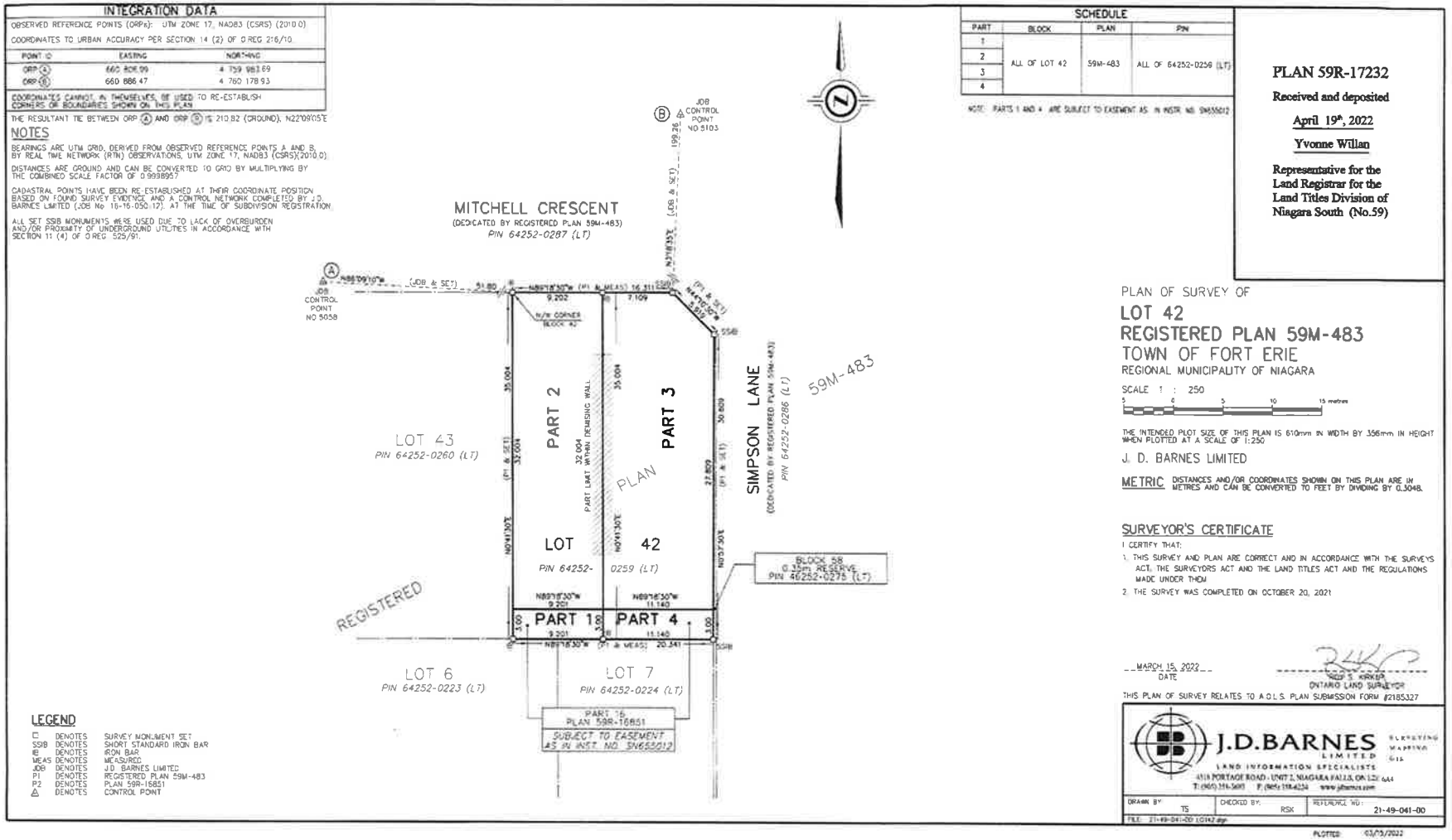
In order to permit the conveyance, staff recommends that the By-law No. 58-2022 exempting Lot 42, Plan 59M-488 from the provisions of Part Lot Control be passed.

All of which is respectfully submitted,

Anamika Dilwaria, M.Pl., MCIP, RPP
Acting Manager, Development Approvals

Attachment: Appendix "1" – Registered Plan 59R-17232

cc: Chris McQueen, Chief Administrative Officer
Alex Herlovitch, Director of Planning and Development Services
Rosanna Firenze, Law Clerk
Carol Schofield, Town Clerk


INTEGRATION DATA
OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD83 (CSRS) (2010.0)
COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF O.REG 216/10.
POINT ID | EASTING | NORTHING
ORP A | 660 808.99 | 4 759 983.69
ORP B | 660 886.47 | 4 760 178.93
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.
THE RESULTANT TIE BETWEEN ORP A AND ORP B IS 210.82 (GROUND), N22°09'05"E
NOTES
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS)(2010.0).
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9998957
CADASTRAL POINTS HAVE BEEN RE-ESTABLISHED AT THEIR COORDINATE POSITION BASED ON FOUND SURVEY EVIDENCE AND A CONTROL NETWORK COMPLETED BY J.D. BARNES LIMITED (JOB No 16-16-050.12). AT THE TIME OF SUBDIVISION REGISTRATION.
ALL SET SSIB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.REG. 525/91.
SCHEDULE
PART | BLOCK | PLAN | PIN
1 | ALL OF LOT 42 | 59M-483 | ALL OF 64252-0258 (LT)
2
3
4
NOTE: PARTS 1 AND 4 ARE SUBJECT TO EASEMENT AS IN INSTR. NO. SN653012
PLAN 59R-17232
Received and deposited
April 19th, 2022
Yvonne Willan
Representative for the Land Registrar for the Land Titles Division of Niagara South (No.59)
MITCHELL CRESCENT
(DEDICATED BY REGISTERED PLAN 59M-483)
PIN 64252-0287 (LT)
JOB CONTROL POINT NO 5103
JOB CONTROL POINT NO 5058
N/W CORNER BLOCK 42
LOT 43
PIN 64252-0260 (LT)
PART 2
PART 3
PART LIMIT WITHIN DEMISING WALL
PLAN
LOT 42
PIN 64252-0259 (LT)
SIMPSON LANE
(DEDICATED BY REGISTERED PLAN 59M-483)
PIN 64252-0286 (LT)
59M-483
BLOCK 58
0.15m RESERVE
PIN 46252-0275 (LT)
REGISTERED
PART 1
PART 4
LOT 6
PIN 64252-0223 (LT)
LOT 7
PIN 64252-0224 (LT)
PART 16
PLAN 59R-16851
SUBJECT TO EASEMENT AS IN INST. NO. SN653012
LEGEND
DENOTES SURVEY MONUMENT SET
SSIB DENOTES SHORT STANDARD IRON BAR
IB DENOTES IRON BAR
MEAS DENOTES MEASURED
JDB DENOTES J.D. BARNES LIMITED
P1 DENOTES REGISTERED PLAN 59M-483
P2 DENOTES PLAN 59R-16851
DENOTES CONTROL POINT
PLAN OF SURVEY OF
LOT 42
REGISTERED PLAN 59M-483
TOWN OF FORT ERIE
REGIONAL MUNICIPALITY OF NIAGARA
SCALE 1 : 250
5 0 5 10 15 metres
THE INTENDED PLOT SIZE OF THIS PLAN IS 610mm IN WIDTH BY 356mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:250
J. D. BARNES LIMITED
METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM
2. THE SURVEY WAS COMPLETED ON OCTOBER 20, 2021
MARCH 15, 2022
DATE
RICK S. KRAKER
ONTARIO LAND SURVEYOR
THIS PLAN OF SURVEY RELATES TO A.O.L.S. PLAN SUBMISSION FORM #2185327
J.D.BARNES LIMITED
SURVEYING MAPPING GIS
LAND INFORMATION SPECIALISTS
4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6A4
T: (905) 356-5691 F: (905) 358-4234 www.jdbarnes.com
DRAWN BY: TS
CHECKED BY: RSK
REFERENCE NO: 21-49-041-00
FILE: 21-49-041-00 10142.dgn
PLOTTED: 03/03/2022

The Municipal Corporation of the Town of Fort Erie

By-law No. 58-2022

Being a By-law to Exempt a Certain Lot in Plan 59M-483 from Part Lot Control, Lot 42 (Mitchell Crescent) Blackcreek Signature Subdivision Rinaldi Homes (Niagara) Inc.

Whereas the Municipal Council of The Corporation of the Town of Fort Erie deems that the lands described in section 1 of this by-law should be exempted from the provisions of subsection 50(5) of the *Planning Act,* R.S.O. 1990, c. P.13, as amended (the "*Planning Act*"), since such lands are to be used for dwelling units as permitted by Zoning By-law No. 129-90, as amended;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the provisions of subsection 50(5) of the *Planning Act* shall not apply to the lands described as follows:

   (a) Lot 42, Plan 59M-483, Fort Erie,
   being all of PIN 64252-0259 (LT)

   for the purpose of creating two lots for residential development as follows:

   i) Parts 1 and 2 on Reference Plan 59R-17232; and
   Parts 3 and 4 on Reference Plan 59R-17232

2. **That** in accordance with subsection 50(7.3) of the *Planning Act,* this by-law shall expire one year from the date of the registration of this by-law in the Land Registry Office at which time subsection 50(5) of the *Planning Act* shall apply to those lands in the registered plan described in Section 1 of this by-law.

3. **That** upon final passage of this by-law, the Town Law Clerk shall cause this by-law to be registered in the local Land Registry Office.

4. **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 30th day of May, 2022.

_____

Mayor

_____

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 58-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

_____

The Municipal Corporation of the Town of Fort Erie

By-law No. 59-2022

Being a By-law to Deem Part of a Certain Registered Plan of Subdivision Not to be a Registered Plan of Subdivision 359 Dovercourt Road Elaine Maude and Raymond Maude – (Applicant/Owner)

Whereas subsection 50(4) of the *Planning Act*, R.S.O. 1990, c. P.13 (the "*Planning Act*") authorizes the Council of a municipality to designate by by-law any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of the subdivision control provisions of subsection 50(3) of the *Planning Act*; and

Whereas Lots 302 and 303 are within a plan of subdivision registered for more than eight years; and

Whereas the applicant has made an application to designate these lands pursuant to the provisions of subsection 50(4) of the *Planning Act* to merge the two lots together on title;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the following lands are designated and hereby deemed not to be within a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*:

   Lot 302 PL 417 Bertie; Lot 303 PL 417 Bertie; Fort Erie, being all of PIN 64186-0026 (LT)

2. **That** the Town Law Clerk shall cause this by-law to be registered in the local Land Registry Office.

3. **That** this by-law shall come into force and take effect when registered in the local Land Registry Office by the Town Law Clerk.

4. **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 30th day of May, 2022.

_____
Mayor

_____
Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 59-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20 .

_____

FORT ERIE ONTARIO
Our Focus: Your Future

Interoffice Memorandum

May 30, 2022

File No.350311

To: Mayor and Council

From: Anamika Dilwaria, Acting Manager, Development Approvals
Planning and Development Services

Subject: **Deeming By-law No. 59-2022**
359 Dovercourt Road
Applicant/Owner: Elaine & Raymond Maude

Included in the Council package for May 30, 2022 is By-law No. 59-2022 deeming Lots 302 and 303, Plan 417, being all of PIN 64186-0026 (LT). An application for a Deeming By-law has been received from the owners, Elaine and Raymond Maude, to deem two lots located on Dovercourt Road not to be lots within a registered plan of subdivision pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c. P.13.

Lots that are located within a registered plan of subdivision are individual, conveyable parcels of land. The property municipally known as 359 Dovercourt Road consists of two separate, conveyable lots within a registered plan of subdivision (Lots 302 and 303, Plan 417). Currently, a single detached dwelling exists on the subject property and is constructed across both lots. Lot 302 is intended to merge with Lot 303 to create one whole buildable parcel for the future use of a single detached dwelling and garage.

Pursuant to subsection 50(4) of the *Planning Act,* the Town Council is authorized to designate by by-law, any plan of subdivision, or part thereof, that has been registered for eight years or more, not be a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act.*

A certified copy of the Deeming By-law is registered by the Town Law Clerk in the Land Registry Office for Niagara South and does not come into effect until such time as the by-law has been registered. All costs associated with the processing of the Deeming By-law are the responsibility of the applicant and are covered by the application fee.

All of which is respectfully submitted,

Anamika Dilwaria, M.Pl., MCIP, RPP
Acting Manager, Development Approvals, Planning and Development Services

Attach: Appendix "1" – Location Map

Cc: Chris McQueen, Chief Administrative Officer
Alex Herlovitch, Director of Planning and Development Services
Carol Schofield, Town Clerk
Rosanna Firenze, Law Clerk

Appendix 1



PROPOSED DEEMING BY-LAW - ELAINE & RAYMOND MAUDE

359 DOVERCOURT ROAD
PLAN 77 LOT 302 LOT 303 NP417

Subject Lands - 359 Dovercourt Road

Lots Proposed to be Deemed

Planning and Development Services
Map Created May 18, 2022

FORT ERIE ONTARIO Our Focus: Your Future

The Municipal Corporation of the Town of Fort Erie

By-law No. 60-2022

Being a By-law to Accept and Declare Lands as Public Highway on the East Side of Buffalo Road (1472 Phillips Street – Wennmco Holdings Inc.)

Whereas pursuant to the Decision of the Town of Fort Erie Committee of Adjustment, File No. B01/22 F.E., the owner, Wennmco Holdings Inc., is required to convey lands to The Corporation of the Town of Fort Erie for the purpose of a road widening on the east side of Buffalo Road, gratuitously, free and clear of all encumbrances; and

Whereas the *Municipal Act, 2001*, as amended, provides that if a municipality acquires land for the purpose of widening a highway, the land acquired forms part of the highway to the extent of the designated widening; and

Whereas it is deemed desirable to authorize the acceptance of lands for road widening purposes, and declare and assume same as public highway forming part of Buffalo Road;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the acceptance of land from Wennmco Holdings Inc., legally described as Part of Lot 2603, Plan 476, Bertie, designated as Part 2 on Reference Plan 59R-17186; Fort Erie, being part of PIN 64209-0269 (LT) (the "Lands"), for road widening purposes, free and clear of all encumbrances, is authorized and approved.

2. **That** the Lands are established, laid out, declared and assumed as public highway forming part of Buffalo Road, for public use.

3. **That** upon final passage of this by-law, the Town Law Clerk shall cause same to be registered in the Land Registry Office.

4. **That** the Mayor and Clerk are authorized and directed to execute all documentation necessary to complete this transaction.

5. **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 30th day of May, 2022.

_____
Mayor

_____
Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, hereby certify the foregoing to be a true copy of By-law No. 60-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

The Municipal Corporation of the Town of Fort Erie

By-law No. 61-2022

Being a By-law to Appoint the Lincoln County Humane Society as the Poundkeeper for the Town of Fort Erie and to Appoint Lincoln County Humane Society Officers as Municipal Law Enforcement Officers (and Repeal By-law No. 106-12)

Whereas subsection 15(1) of the *Police Services Act,* R.S.O. 1990, c.P.15, provides that a municipal council may appoint persons to enforce the by-laws of the municipality; and

Whereas subsection 15(2) of the said *Act* further provides that municipal law enforcement officers are peace officers for the purpose of enforcing municipal by-laws; and

Whereas subsection 1(1) of the *Provincial Offences Act,* R.S.O. 1990, c.P.33, provides that "provincial offences officer" means, *inter alia,* a by-law enforcement officer while in the discharge of his or her duties, and also means an agent of the municipality whose responsibilities including the enforcement of a by-law while in the discharge of his or her duties; and

Whereas The Fort Erie Society for the Prevention of Cruelty to Animals ("Fort Erie SPCA") has provided poundkeeper and animal control services to The Corporation of the Town of Fort Erie ("Town") for a number of years; and

Whereas By-law No. 106-12 passed by the Municipal Council of the Town on October 9, 2012, appointed the Fort Erie SPCA as poundkeeper, appointed certain employees of the Fort Erie SPCA as Municipal Law Enforcement Officers for the purposes of enforcing its animal by-law, and delegated authority to the Clerk of the Town to appoint employees of the Fort Erie SPCA when staffing changes occurred, as Municipal Law Enforcement Officers, for that purpose; and

Whereas the current Agreement entered into between the Town and the Fort Erie SPCA dated May 26, 2019 expires on May 31, 2022; and

Whereas By-law No. 73-2021 was passed by the Municipal Council of the Town to govern the care, licensing and regulating of dogs, cats, and other animals, known as the "Animal By-law"; and

Whereas at the Council-in-Committee meeting held on May 9, 2022, Report No. PDS-26-2022, was considered and approved by the Municipal Council of the Town to accept the proposal by the Lincoln County Humane Society (LCHS), as amended, for animal care and control services in the Town; and

Whereas the Town and LCHS have entered into an Animal Control Services Agreement for the provision of animal control, humane, licensing and poundkeeper services in the Town, effective June 1, 2022; and

Whereas it is deemed desirable to appoint LCHS as poundkeeper for the Town, to appoint specific LCHS employees as Municipal Law Enforcement Officers for the Town, and to delegate authority to the Clerk to appoint other employees of LCHS and revoke the appointment of employees as Municipal Law Enforcement Officers when staffing changes occur;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the Lincoln County Humane Society is appointed as the poundkeeper for The Corporation of the Town of Fort Erie for the purpose of carrying out the duties of a poundkeeper to pick up and impound any animal pursuant to Animal By-law No. 73-2021, as amended or replaced from time to time, and any other applicable Town of Fort Erie By-laws or legislation.

2. **That** the following employees of the Lincoln County Humane Society are appointed Municipal Law Enforcement Officers for the purpose of enforcing Animal By-law No. 73-2021, as amended or replaced from time to time, and any other Town of Fort Erie By-laws for licensing and regulating animals and the inspection of pet shops, fosters, kennels, rescue groups and any other entity prescribed by Animal By-law No. 73-2021:

Kevin Strooband	Johnathan Neudorf
Cortnie Welychka	Morgan Smith
Todd Menard	Nicholas Plouffe
Emily MacNeil, and	Maddy Steen

3. **That** the Clerk of the Town is delegated the authority to appoint other employees of the Lincoln County Humane Society as Municipal Law Enforcement Officers for the Town for the purpose of enforcing Animal By-law No. 73-2021, as amended or replaced from time to time, and any other Town of Fort Erie By-laws for licensing and regulating animals and the inspection of pet shops, fosters, kennels, rescue groups and any other entity prescribed by Animal By-law No. 73-2021, and to revoke appointments, when staffing changes occur at the Lincoln County Humane Society.

4. **That** all current appointments of employees of the Fort Erie Society for the Prevention of Cruelty to Animals as Municipal Law Enforcement Officers for the Town, made pursuant to By-law No. 106-12 or otherwise, are revoked.

5. **That** By-law No. 106-12 is repealed.

6. **That** this By-law comes into force and effect on June 1, 2022.

7. **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 30th day of May, 2022.

_____
Mayor

_____
Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie, certifies the foregoing to be a true copy of By-law No. 61-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of 20

_____

The Municipal Corporation of the Town of Fort Erie

By-law No. 62-2022

Being a By-law to Confirm the Actions of Council at its Council-in-Committee Meeting Held on May 9, 2022, Special Council and Council-in-Committee Meetings Held on May 11, 2022, Council-in-Committee Meeting Held on May 16, 2022, and Council Meeting Held on May 30, 2022

Whereas it is desirable to have the actions and proceedings of Council adopted, ratified and confirmed by by-law;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the actions of Council at its Council-in-Committee Meeting Held on May 9, 2022, Special Council and Council-in-Committee Meetings Held on May 11, 2022, Council-in-Committee Meeting Held on May 16, 2022, and Council Meeting Held on May 30, 2022 including all motions, resolutions and other actions are adopted, ratified and confirmed as if they were expressly embodied in this by-law, except where the law requires the prior approval of the Ontario Municipal Board or other authority.

2. **That** where no individual by-law has been or is passed with respect to the taking of any action authorized in or with respect to the exercise of any powers by the Council, then this by-law is deemed for all purposes to be the by-law required for such authorization or exercise of any powers.

3. **That** the Mayor and officers of The Corporation of the Town of Fort Erie are authorized and directed to do all things necessary to give effect to such actions or to obtain approvals where required**.**

4. **That** except where otherwise provided, the Mayor and the Clerk are authorized and directed to execute all documents arising from such actions.

5. **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 30th day of May, 2022.

_____
Mayor

_____
Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 62-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20 .