



The Municipal Corporation of the
Town of Fort Erie

Council-in-Committee Meeting Agenda

Monday, December 2, 2019 - 6:00 PM

Council Chambers

Page

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

- (a) 2020 Budget Meeting Schedule

Council-in-Budget Committee Meetings: #2 - Wednesday, December 4, 2019 - Water and Wastewater Operating Budget and User Fees Analysis; #3 - Wednesday, January 22, 2020 - General Levy Operating Budget and Assessment Analysis, Library Budget; #4 - Wednesday, January 29, 2020 (if required). All budget meetings begin at 6:00 p.m. in Town Hall Council Chambers. Budget By-laws: Monday, December 9, 2019 - Preliminary Capital Budget; Monday, January 20, 2020 - Water and Wastewater Budget and Rates; Monday, February 10, 2020 - General Levy Budget and General Capital Budget; and Monday, March 16, 2020 (if January 29, 2020 meeting required).

- 6. Public Meetings**
- 7. Consent Agenda Items**
 - 7.1 Request to Remove Consent Agenda Items**
 - 7.2 Consent Agenda Items for Approval**

7 - 13

CAO-34/LC-17-2019 Land Matters: November 21, 2019 Land Committee Meeting Minutes

Recommendation:

That: Council receives the November 21, 2019 Land Committee meeting minutes attached as Appendix “1” to Report No. CAO-34/LC-17-2019; and further

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

[CAO-34-LC-17-2019 Land Committee minutes November 21, 2019](#)

14 - 19

IS-43-2019 Award of Engineering Services, Replacement of Ott Road Bridge (S051B) - Contract No. ISE-19P-BRIG20

Recommendation:

That: Council accepts and approves the proposal from ELLIS Engineering Inc. to provide Engineering Services for the replacement of the Ott Road Bridge (Structure No. S051B), Contract No. ISE-19P-BRIG20 to the upset limit of \$100,920.30 (including 13% HST).

[IS-43-2019 - Ott Road Bridge \(S051B\) - RFP Award](#)

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IS-45-2019 Enhanced Bridge and Culvert Inspections

Recommendation:

That: Council accepts and approves the single source purchase of engineering services for bridge and culvert inspections to ELLIS Engineering Inc. in the amount of \$60,491.95 (including 13% HST); and further

That: Council amends the 2019 Operating Budget to supplement the 2019 Bridge and Culvert Assessment, Project OJ-32800-000000-3331, with an additional \$43,000.00 from the Bridge and Culvert Reserve for contractor dewatering of structures prior to enhanced inspection and for engineering services for the enhanced inspections.

[IS-45-2019 - Enhanced Bridge & Culvert Inspections - Single Source Award](#)

Consent Agenda Recommendation

Recommendation:

That: Council approves the Consent Agenda Items as recommended.

7.3 Items Removed to be Dealt with Separately

8. Corporate and Community Services

8.1 Presentations and Delegations

- (a) Bev Bradnam, Manager, Strategic Initiatives

Re: 2019-2023 Multi-Year Accessible Plan - Report No. CAO-33-2019
(PowerPoint Presentation)

8.2 Reports

CAO-33-2019 Town of Fort Erie 2019-2023 Multi-Year Accessibility Plan

Recommendation:

That: Council approves the 2019-2023 Multi-Year Accessibility Plan, attached as Appendix “1” to Administrative Report No. CAO-33-2019, and further

That: Council directs staff to prepare a by-law to adopt the Town of Fort Erie 2019-2023 Multi-Year Accessibility Plan and repeal By-law No. 40-13.

[CAO-33-2019 MYAP](#)

8.3 New Business/Enquiries

8.4 Business Status Report

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[CS-COS-FES-BSR-Dec2](#)

9. Planning and Development Services

9.1 Presentations and Delegations

- (a) Lisa Price, Project Manager, LCA Environmental and Anne McDonald, Project Coordinator, LCA Environmental

Re: Industrial Land EC Areas - Report No. PDS-70-2019
(PowerPoint Presentation)

9.2 Reports

PDS-53-2019 Adoption of Bird-Friendly Design Standards for Site Plan Control & Bird-Friendly

62 - 76

**Guidelines Pamphlet for Residents
(Referred to staff for further information
from October 7, 2019 Council-in-
Committee Meeting - Previously Moved
by Mayor Redekop - Recommendation
No. 7)**

Recommendation:

That: Council approves the use of the bird-friendly design standards for commercial, multi-residential, and institutional development, and for single detached dwellings in the Point Abino area that are subject to site plan control, and further

That: Council authorizes staff to append the bird-friendly design standards attached as Appendix "1" in Report No. PDS-53-2019 to the Town's site plan control guidelines document as Appendix "J", and further

That: Council authorizes staff to make the bird-friendly guidelines for residents information pamphlet available to the public.

[PDS-53-2019 Bird-friendly Design Standards & Pamphlet Rec Report](#)
[MEMO-Report No. PDS-53-2019-Bird-friendly Design Standards - Memo to Council Dec 2, 2019](#)

77 - 240

PDS-70-2019 Environmental Conservation Area Assessment Report - Town of Fort Erie Industrial Lands

Recommendation:

That: Council approves the Fort Erie Industrial District Environmental Conservation Land Assessment, attached as "Appendix 1" to Report No. PDS-70-2019, and further

That: Council directs staff to update the appropriate Official Plan and Zoning schedules through Official Plan and Zoning By-law Amendments, to reflect the updated conditions as identified in the Environmental Conservation Land Assessment.

[PDS-70-2018 ECAAR Final Report](#)

241 - 280

PDS-71-2019 Proposed Combined Official Plan and Zoning By-law Amendment - 745 Crescent Road (former Water Tower Site) - Regional

Municipality of Niagara (Owner/Applicant)

Recommendation:

That: Council approves the amendments to the Town's Official Plan and Zoning Bylaw 129-90 for the lands owned by the Region of Niagara located at 745 Crescent Road as included in Appendix "3" and Appendix "5" of Report No. PDS-71-2019 respectively, and further

That: Council authorizes staff to prepare the necessary by-laws.
[PDS-71-2019 745 CRESCENT ROAD RECOMMENDATION REPORT](#)

281 - 295

PDS-72-2019 Interim Control By-law for Cannabis Production in Residential Areas

Recommendation:

That: Council receives for information purposes Report No. PDS-72-2019 regarding the use of an interim control by-law to control cannabis production in residential areas, and further

That: Staff be authorized to initiate amendments to the Official Plan and Comprehensive Zoning By-law to update policies and regulations for the production and processing of cannabis.
[PDS-72-2019 - CANNABIS REGULATIONS REPORT](#)

296 - 315

PDS-73-2019 Extension of Draft Plan Approval - Alliston Woods Subdivision - North of Garrison Road, East of Spears Road - 456941 Ontario Ltd. (Paul Silvestri) - Owner - Upper Canada Consultants (William Heikoop) - Agent

Recommendation:

That: Council extends draft plan approval for the Alliston Woods draft plan of subdivision until May 5, 2020, and the Owner and Regional Municipality of Niagara Planning and Development Services Department be so advised.

[PDS-73-2019 Alliston Woods Subdivision Extension of Draft Plan Approval](#)

9.3 New Business/Enquiries

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[PDS-BS
December 2,
2019](#)

9.4 Business Status Report

10. Infrastructure Services

10.1 Presentations and Delegations

10.2 Reports

317 - 327

IS-44-2019

Update on the Implementation of the 2019
Operational Changes at Bay Beach

Recommendation:

That: Council receives this report on the implementation of the Bay Beach operational plan for information purposes, and further

That: Council supports a fee of \$100 for a non-resident seasonal admission pass for Bay Beach, and further

That: Council supports a fee of \$50 for a seasonal on-street parking pass for Crystal Beach, and further

That: Council supports the removal of Cherryhill Blvd, Rosewood Avenue, Lakewood Avenue, and Oakwood Avenue, from the on-street paid parking by-law.

[IS-44-2019 - Bay Beach Operation Year End](#)

10.3 New Business/Enquiries

10.4 Business Status Report

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[IS-BSR -
2DEC19](#)

11. Scheduling of Meetings

12. Adjournment



Office of the C.A.O.

Prepared for	Council-in-Committee	Report No.	CAO-34/LC-17-2019
Agenda Date	December 2, 2019	File No.	120902

Subject	
	LAND MATTERS: November 21, 2019 LAND COMMITTEE MEETING MINUTES

Recommendations	
	<u>THAT</u> Council receives the November 21, 2019 Land Committee meeting minutes attached as Appendix "1" to Report No. CAO-34/LC-17-2019; and further
	<u>THAT</u> 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	
	<ul style="list-style-type: none">Residents, organizations and businesses of Fort Erie as contained in the report

Prepared by:	Approved by:
<i>Original signed</i>	<i>Original signed</i>
Bev Bradnam, DPA Manager, Strategic Initiatives	Tom Kuchyt, CET 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 November 21, 2019 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 November 21, 2019 Land Committee meeting minutes.

The Committee passed one recommendation, outlined in Appendix "2", related to:

- The Niagara Region Broadband Network (NRBN) Lease Agreement.

Members of the Land Committee will be in attendance during Council's deliberation to answer any questions arising from the minutes.

Financial/Staffing Implications

Detailed in the November 21, 2019 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 EDTC General Manager. 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" - November 21, 2019 Land Committee Meeting Minutes
Appendix "2" - Recommendations for Council's Approval



MINUTES

Land Committee Meeting

Meeting Date, Time, and Location

Thursday, November 21, 2019 at 9:00 a.m. in Conference Room #1

Members

Mayor Wayne Redekop (regrets)
T. Kuchyt, Chief Administrative Officer, Chair
R. Brady, Director, Planning and Development Services
E. Lustig, Town Solicitor
C. Grummett, General Manager of the EDTC
J. Janzen, Director, Corporate Services
K. Walsh, Director, Infrastructure Services
J. Dockstader, Executive Director, Fort Erie Native Friendship Centre

Support Staff

S. Hansen, Manager, Community Planning (regrets)
B. Critelli, Law Clerk
C. Schofield, Manager, Legislative Services and Clerk (regrets)
B. Bradnam, Manager, Strategic Initiatives

1) **New Business**

No new business was discussed.

2) **Outstanding Parks and Open Space Development Land Matters**

1) Coal Dock's Property

The Director, Infrastructure Services, advised that a meeting is taking place next week with the Niagara Parks Commission to discuss the progress made by Niagara College.

3) **Outstanding Land Matters for Discussion**

1) Request to purchase old Ridgeway Public Works Yard

Nothing new to report. Remain on outstanding.

2) Renewal of Licence Agreement with Niagara Parks Commission (NPC) - Riverwalk

The Mayor and CAO will be meeting with the NPC next Tuesday to discuss the outstanding Licence Agreement related to maintenance and invasive species. Remain on outstanding.

3) **Outstanding Land Matters for Discussion, continued**

3) Property Acquisition, Land Exchange and Road Widening at the North East Corner of Hagey Avenue and Concession

The Law Clerk advised that a preliminary draft appraisal was received and the Municipal Engineer, Infrastructure Renewal, provided comments on the draft. The final appraisal is expected shortly. Remain on outstanding.

4) Niagara Region Broadband Network (NRBN) Lease Agreement

The Director, Infrastructure Services, advised that a verbal agreement has been reached on the lease and conditions and a report will be prepared for the January 13, 2020 Council-in-Committee meeting.

The Director advised that there is no intention on the part of NRBN to provide a business plan for the work they will undertake in Fort Erie as they have stated that it is “hard to build here”, referring to rocky ground. In relation to the review fees, the Director had offered to waive the fees if a good business plan could be provided. The report will cover the Review Fees, Security Deposit and a 10 Year Term. The following recommendation was passed by the Land Committee:

Recommendation No. 1:

THAT: The Land Committee approves, in principle, the entry into an agreement with Niagara Region Broadband Network (NRBN) based on the terms and conditions outlined by the Director, Infrastructure Services; and further

THAT: The Land Committee fully encourages the NRBN to explore opportunities for development in underserved areas.

(CARRIED)

4) **Other Matters**

No other matters were discussed.

5) **Next Meeting Date and Adjournment**

The next Land Committee meeting date will take place on Thursday, January 16, 2020 at 9:00 a.m. in Conference Room #1.

5) **Next Meeting Date and Adjournment, continued**

The Land Committee meeting schedule for 2020 is as follows:

- Thursday, January 16, 2020 at 9:00 a.m.
- Thursday, February 27, 2020 at 9:00 a.m.
- Thursday, April 2, 2020 at 9:00 a.m.
- Thursday, May 14, 2020 at 9:00 a.m.
- Thursday, June 25, 2020 at 9:00 a.m.
- Thursday, August 13, 2020 at 9:00 a.m.
- Thursday, September 24, 2020 at 9:00 a.m.
- Thursday, November 5, 2020 at 9:00 a.m.
- Thursday, December 10, 2020 at 9:00 a.m.

The November 21, 2019 Land Committee Meeting adjourned at 9:14 a.m.

Minutes recorded and prepared by:

Bev Bradnam, DPA
Manager, Strategic Initiatives

Minutes approved by:

Tom Kuchyt, CET
Chief Administrative Officer

Appendix "2" to Administrative Report No. CAO-34/LC-17-2019

Date of Meeting	Land Matter	Rec. No.	Tasks identified/ Recommendation of Land Committee	Status/Council Action Required
Nov.21/19	Niagara Region Broadband Network (NRBN) Lease Agreement	1	<p>Recommendation No. 1:</p> <p>THAT: The Land Committee approves, in principle, the entry into an agreement with Niagara Region Broadband Network (NRBN) based on the terms and conditions outlined by the Director, Infrastructure Services; and further</p> <p>THAT: The Land Committee fully encourages the NRBN to explore opportunities for development in underserviced areas.</p>	<p align="center">Pending a future report to Council</p>



Infrastructure Services

Prepared for	Council-in-Committee	Report No.	IS-43-2019
Agenda Date	December 2, 2019	File No.	360201

Subject	AWARD OF ENGINEERING SERVICES, REPLACEMENT OF OTT ROAD BRIDGE (S051B) - CONTRACT ISE-19P- BRIG20.
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Recommendations	THAT Council accepts and approves the proposal from ELLIS Engineering Inc. to provide Engineering Services for the replacement of the Ott Road Bridge (Structure No.S051B), Contract # ISE-19P-BRIG20 to the upset limit of \$100,920.30 (including 13% HST).
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Relation to Council’s 2018-2022 Corporate Strategic Plan	Priority: 2: Effective, Sustainable Infrastructure for the Future Strategic Objective: Maintaining and Investing in sustainable infrastructure that services the entire community and builds a strong, vibrant and attractive community
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List of Stakeholders	<ol style="list-style-type: none"> 1) Mayor and Council of the Town of Fort Erie 2) The Ratepayers of the Town of Fort Erie 3) Respondents to the Request for Proposal 4) The Motoring Public within the Town of Fort Erie 5) ELLIS Engineering Inc.
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Jointly Prepared by:	Submitted by:	Approved by:
<i>Original signed by:</i>	<i>Original signed by:</i>	<i>Original signed by:</i>
Robert D. Judd, P.Eng. Municipal Engineer – Infrastructure Renewal	Kelly M. Walsh, P.Eng. Director, Infrastructure Services	Tom Kuchyt, C.E.T. Chief Administrative Officer
<i>Original signed by:</i>		
Tim Marotta, P.Eng. Manager, Engineering Division		

Purpose of Report

The purpose of this report is to advise Council of the Request for Proposal (RFP) process for Engineering Services for the replacement of the Ott Road Bridge (Structure No.S051B), Contract # ISE-19P-BRIG20, and to request Council's authorization to appoint ELLIS Engineering Inc. of St. Catharines, Ontario to provide Engineering Services for the project at a total upset limit of \$100,920.30 (including 13% HST).

Analysis

Background

The Ott Road structure was identified as a "1 to 5" year priority in the Town's 2017 Bridge Assessment. The deck and travel surface is in poor condition with several potholes that require ongoing maintenance. The Town must continue to move forward to address the replacement of this structure. Appendix '1' to this administrative report provides the project location map.

Structure S051B provides a two lane wide crossing of Ott Road over Black Creek Municipal Drain. This section of Ott Road is considered a collector road and has an ADT of 465 vehicles per day.

In summary, the scope for this consulting assignment is to provide engineering services to:

- Follow the Class EA process to determine the the preferred alternative;
- Once the preferred alternative has been selected, complete the preliminary and detailed design, and contract tender preparation;
- Provide cost estimates at the Class EA, the preliminary design and at the detailed design stages of the project so the Town can confirm project implementation funding requirements.

The consultant is to evaluate, at a minimum, the following Project Alternatives:

1. Do nothing;
2. Replace same size structure in the same location (12m span);
3. Replace structure in same location and widen structure to provide two lanes and appropriate clear zone, including sidewalk.

It is anticipated that Ott Road will be closed during the bridge replacement. Detour routes will be considered during project design and road condition of the detour routes will monitored prior to award of tender.

Proposal Call

The proposal call was initiated on October 9, 2019. The RFP for Contract ISE-19P-BRIG20 was posted on Biddingo.com and on the Town website, pursuant to the Town of Fort Erie Purchasing By-law No. 2-10, as amended. Proposals were accepted until 2:00 p.m. local time, November 5, 2019. Two proposal submissions for this project were received.

Proposal Evaluation

The proposal review process consisted of two components, specifically technical merit and cost. Proponents were directed to submit proposals in two separate and sealed envelopes. The first envelope containing the Technical Proposal and the second envelope containing a completed signed and sealed Cost Schedule.

Infrastructure Services staff reviewed and evaluated the proposals with respect to technical merit based on weighted evaluation criteria. Firms with technical scores within 200 points of the highest technical score moved to the next round of evaluations in this two-step selection process. In this RFP, technical merit was worth 80% of the final score and cost represented 20% of the final score.

After review for mathematical errors, the submitted price schedule from ELLIS Engineering Inc. was found to satisfy the RFP requirements. The proposal from ELLIS Engineering Inc. received the highest technical score and had the lowest submitted price.

Table 1 provides a summary of the proposal evaluation and ranking. Should Council wish to review the proposal submissions in detail, each of the proposal submissions can be made available in the Engineering Division, Infrastructure Services Department.

Table 1: Proposal Evaluation Summary

Engineering Firm (Proposals received on or before November 5, 2019, 2:00 p.m. local time)	Overall Proposal Score (Maximum Score is 1000)			
	Technical Score (Out of 800)	Cost Score (Out of 200)	Total Score (Out of 1000)	Overall Ranking
R.V. Anderson Associates Ltd.	493	80	573	2
ELLIS Engineering Inc.	653	200	853	1

The ELLIS Engineering Inc. proposal is considered complete, well thought out and technically sound. The firm has successfully completed similar bridge projects in the Town of Fort Erie and throughout the Niagara Region.

Based on the evaluation process, staff recommends that ELLIS Engineering Inc. be retained to provide engineering design services for the assignment.

The ELLIS Engineering Inc. proposal included the following schedule for project deliverables, based on a December 16, 2019 start date:

- Project BRIG20 – issue tender for bridge replacement contract July 2020

Financial/Staffing Implications

Project BRIG20

Existing funding sources and the cost required to complete this engineering project are noted below in Table 2 and Table 3. The budgeted funds for the engineering component of this project, in the amount of \$240,000 were approved in the 2019 budget. Funding for the construction phase of the bridge replacement, in the amount of \$1,325,000, has been requested in the 2020 budget.

As part of the RFP, firms were also requested to present credentials and a cost for providing contract administration (CA) and construction inspection (CI) services during construction as a provisional item. Near the end of the design process and once construction timing has been determined; the successful firm may be requested to provide these services. Award of CA and CI services will be presented to Council for approval as part of the award of the bridge replacement construction tender administrative report. ELLIS Engineering Inc. fees for CA and CI services are \$125,928.00, including non-rebated HST, and are based on 150 working days for the bridge replacement.

A summary of project costs and available funding is noted in Table 2 below.

As noted in Table 3, a favourable variance for the project of \$119,618.14 is forecast.

Table 2: Engineering Costs and Funding for Project BRIG20 – Structure S051B, Ott Rd

Engineering Cost	Amount
Engineering for Design and Tender, including Geotechnical, Archeological and Ecological Sub-Consultants	\$90,881.86
Estimated Geotechnical Investigation for Design	\$12,000.00
Estimated Staff Project Administration (Design & Tender)	\$12,000.00
Project Contingency	\$5,500.00
Total Estimated Engineering Cost - Project BRIG20	\$120,381.86
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Project Funding	Amount
Bridge & Culvert Reserve	\$240,000.00
Federal Gas Tax Reserve	0.00
Total Engineering Funding - Project BRIG20	\$240,000.00

All amounts include non-rebated HST

Table 3: Variance Projection - Project BRIG20 – Structure S051B, Ott Rd

Total Estimated Project Cost	Total Project Funding	Variance
\$120,381.86	\$240,000.00	\$119,618.14

All amounts include non-rebated HST

Funds not expended during the BRIG20 design assignment will remain in the project budget until construction is complete.

Staff will continue to monitor for Federal and Provincial grant opportunities applicable to the design and construction phases of this bridge replacement project.

Policies Affecting Proposal

By-law No. 124-2019 adopted Council's 2018-2022 Corporate Strategic Plan. This project meets Council's goals and initiatives as it goes to providing effective, sustainable infrastructure.

The provisions of the Town of Fort Erie Purchasing Policy By-law No. 2-10, as amended, were adhered to during the proposal call process and evaluation for this project.

Comments from Relevant Departments/Community and Corporate Partners

Comments from relevant departments are incorporated into this report.

Communicating Results

This project is expected to follow the Class Environmental Assessment process for a Schedule "A+" pre-approved project. Although public consultation is not mandatory, a public information centre (PIC) has been included in this engineering assignment as it provides value to both the design team and community.

The following points of contact will be completed for the future construction project:

- Hand delivered notices will be provided to the directly impacted residents;
- Project updates provided on Town's website.

Alternatives

Council has the option of not authorizing the award of this engineering services contract and cancelling the project. As there is a demonstrated need to complete the design for the replacement of this bridge, this option is not recommended.

The project funds for BRIG20 design have already been approved and the projections are that the design component of this project will be on budget.

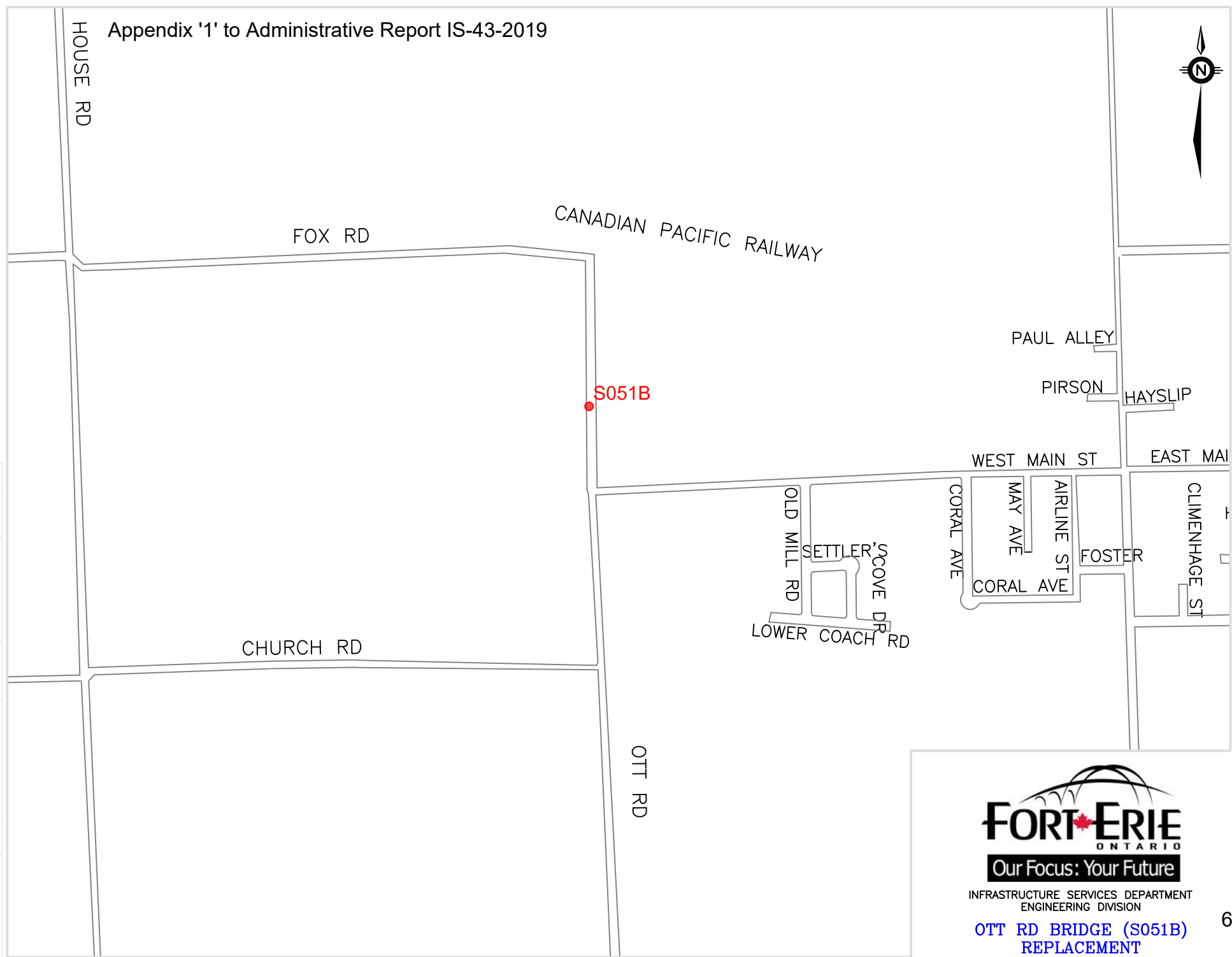
Conclusion

Council's authorization of ELLIS Engineering Inc., based on their proposal and experience with similar work, to provide engineering services for the Ott Road (S051B) structure replacement, Contract # ISE-19P-BRIG20 will support the Town's effective, sustainable infrastructure objective. It is expected that this project can commence promptly upon award.

Attachments

Appendix '1' – Project Location Map

Appendix '1' to Administrative Report IS-43-2019



Our Focus: Your Future

INFRASTRUCTURE SERVICES DEPARTMENT
ENGINEERING DIVISION

OTT RD BRIDGE (S051B)
REPLACEMENT



Infrastructure Services

Prepared for	Council-in-Committee	Report No.	IS-45-2019
Agenda Date	December 2, 2019	File No.	230803

Subject	ENHANCED BRIDGE AND CULVERT INSPECTIONS
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Recommendations	<p><u>THAT</u> Council accepts and approves the single source purchase of engineering services for bridge and culvert inspections to ELLIS Engineering Inc. in the amount of \$60,491.95 (including 13% HST); and further</p> <p><u>THAT</u> Council amends the 2019 Operating Budget to supplement the 2019 Bridge and Culvert Assessment, project OJ-32800-000000-3331, with an additional \$43,000.00 from the Bridge and Culvert Reserve for contractor dewatering of structures prior to enhanced inspection and for engineering services for the enhanced inspections.</p>
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Relation to Council’s 2018-2022 Corporate Strategic Plan	
Priority: 2: Sustainable Infrastructure for the Future	

List of Stakeholders	<ol style="list-style-type: none"> 1) Mayor and Council of the Town of Fort Erie 2) The Ratepayers of the Town of Fort Erie 3) ELLIS Engineering Inc.
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Prepared by:	Submitted by:	Approved by:
<i>Original signed by:</i>	<i>Original signed by:</i>	<i>Original signed by:</i>
Robert D. Judd, P.Eng. Municipal Engineer – Infrastructure Renewal	Kelly M. Walsh, P.Eng. Director, Infrastructure Services	Tom Kuchyt, CET Chief Administrative Officer
<i>Original signed by:</i>		
Tim Marotta, P.Eng. Manager, Engineering Division		

Purpose of Report

The purpose of this report is to provide Council with information regarding the intent to extend a single source purchase of engineering services to ELLIS Engineering Inc. (EEI) for enhanced bridge and culvert inspections and to request a budget amendment to ensure adequate project funding is available to tender and award the contractor portion of the project in winter 2019.

Analysis

Bridge and Culvert Assessment

The Town is required by the *Public Transportation and Highway Improvement Act* to assess:

“The structural integrity, safety and condition of every bridge shall be determined through the performance of at least one inspection in every second calendar year under the direction of a professional engineer and in accordance with the Ontario Structure Inspection Manual, published by the Ministry, as it may be amended from time to time.”
- O. Reg. 278/06, s. 2.

The Ontario Structure Inspection Manual requires that Span structures and Retaining Walls be inspected every two years. In some instances these structures can be inspected on a longer time interval. As a best practice, the Town also obtains inspections of the other types of structures, in part to have consistent baseline information for the Town’s Asset Management Plan (AMP).

The following is a broad overview of the Bridge and Culvert Assessment assignment objectives:

- A comprehensive inventory and structural inspection of individual components of each bridge and culvert structure within the Town of Fort Erie, that were recommended in the 2017 assessment to be scheduled for a 2019 inspection;
- Update the Town’s database with new Bridge Condition Index (BCI) ratings;
- Provision of cost estimates and timing on maintenance, rehabilitation or total replacement as required through the rating of structures.

Life Cycle Cost Forecast

To guide staff in revising the ten-year capital plan and to determine appropriate reserve contribution levels to address the 2019 assessment recommendations, the Consultant was also tasked with updating the 2017 life cycle cost forecast for all 180 structures, based on the results of the 2017 assessment.

Structure Dewatering Specification

Ten structures have been noted in past assessments to be full or with high water levels that impede inspection.

A combination of professional divers and underwater cameras could be used to complete enhanced inspections. The estimated cost for dive inspections is \$5,000 per site. Not all of the sites would be suitable for dive inspections and cameras would be

used instead. Water within the culverts has high turbidity and visibility can be very poor, so inspection results are not as good when compared to inspecting in dry or very low water conditions. This alternative is not recommended.

Instead, ELLIS Engineering Inc. has been asked to provide a specification for a contractor to dewater structures to allow better inspections in dry or very low water conditions. The specification would address permit requirements and include a typical drawing for water by-pass and appropriate special provision clauses.

Enhanced Inspection after Dewatering.

A 2nd inspection of the structures after dewatering will be required, and the results included in the 2019 report and lifecycle cost forecast. The 2nd inspection costs are not included in the original assignment fees and push the purchase order cost above the \$50,000 threshold for public bid in the Town's purchasing policy.

ELLIS Engineering Inc. is very familiar with the methodology and processes involved with the Town's Bridge and Culvert Assessment and have successfully completed similar assignments in the past for the Town of Fort Erie. For consistency and compatibility within the 2019 Bridge and Culvert Assessment, the 2nd inspections should be done by ELLIS Engineering Inc.

As such, staff recommends extending, as a single source award, the engineering services contract for the Enhanced Inspections of ten structures that have been dewatered, to ELLIS Engineering Inc. The firm's proposal identifies the total costs of the additional work to be \$7,401.50 (inclusive of HST). The full value of the assignment would be \$60,491.95 (including 13% HST).

Financial/Staffing Implications

Estimated Project Costs

The estimated project costs, including contingencies, are shown in Table 1 and existing funding is shown in Table 2.

Table 1: Estimated Project OJ-32800-000000-3331 Costs

Project Component	Cost
2019 B&C Inspections, Life Cycle Cost Forecast, and Structure Dewatering Specification	\$47,809.60
Enhanced B&C Inspections (after dewatering) by EEI.	\$6,665.28
Estimated Contractor Dewatering	\$75,300.00
Estimated Town Staff Project Management and Permits	\$10,225.12
Project Contingency	\$3,000.00
Estimated Total Project Costs	\$143,000

All amounts include non-rebated HST

The existing funding shown in Table 2 is not sufficient and a substantial deficit of \$43,000 is forecast, as shown in Table 3.

Table 2: Available Funding Sources

Funding Source	Funds
Bridge & Culvert Reserve	\$50,000
Levy	\$50,000
Total Project Funds Available	\$100,000

All amounts include non-rebated HST

Table 3: Variance Projection

Project OJ-32800-000000-3331 Variance		
Total Estimated Project Cost	Total Project Funds	Variance
\$143,000	\$100,000	(\$43,000)

All amounts include non-rebated HST

Budget Amendment

It is desirable to ensure adequate project funding is available to tender and award the contractor portion of the project in winter 2019. Winter months are preferred for this work as water levels are typically lower and contractors may provide more competitive pricing in the traditionally slower time of year. Environmental impacts will also be mitigated as fish are less active.

A budget amendment is recommended to the 2019 Operating Budget to supplement project OJ-32800-000000-3331 with \$43,000 from the Bridge & Culvert Reserve.

With the recommended \$43,000 amendment, the Bridge & Culvert Reserve has a projected 2019 ending balance of \$70,000. This amendment does not negatively impact any of the projects included in the ten-year forecast period.

The funding shown in Table 4 includes the recommended budget amendment and will ensure there is adequate funding to tender the project for this winter 2019.

Table 4: Funding Sources with Budget Amendment

Funding Source	Funds
Bridge & Culvert Reserve - Existing	\$50,000
Levy	\$50,000
Bridge & Culvert Reserve – Budget Amendment	\$43,000
Total Project Funds With Budget Amendment	\$143,000

All amounts include non-rebated HST

Policies Affecting Proposal

By-law No. 124-2019 adopted Council's 2018-2022 Corporate Strategic Plan. Sustainable Infrastructure for the Future is a priority in the plan. This project supports the ongoing Sustainable Infrastructure Priority.

The proposed award of engineering services to ELLIS Engineering Inc. represents a single source purchase. The rationale for this approach has been undertaken in accordance with the Town's purchasing by-law (By-Law No. 2-10, being a By-Law to Respecting the Purchase of Goods, Services and Construction). Specifically in accordance with Clause 23.1 (b) – Where compatibility of a purchase with existing equipment, product standards, facilities or service is a paramount consideration. This report serves as notification to Council.

The *Municipal Act*, 2001, S.O. 2001, c.25 Section 44 provides that municipalities with jurisdiction over a highway or bridge shall keep it in a state of repair that is reasonable in the circumstances, including the character and location of the highway or bridge. If the municipality defaults in complying with its obligation to maintain and repair it is liable for all damages any person sustains as a result.

The *Public Transportation and Highway Improvement Act - Ontario Regulation 104/97*, as amended, defines and outlines the provincial "Standards for Bridges". Ministry manuals and standards are further defined within the General Technical Definitions of the Canadian Highway Bridge Design Code (O. Reg. 104/97, s. 1; O. Reg. 160/02, s. 1; O. Reg. 278/06, s. 1.).

Comments from Relevant Departments/Community and Corporate Partners

Comments from relevant departments have been incorporated into this report.

Communicating Results

The final Bridge and Culvert assessment report will be brought to Council for information and acceptance and shared with the Region's Public Works Staff.

Alternatives

As an alternative, Council may direct staff to solicit three quotations for engineering services, but for the reasons outlined herein, this is not recommended.

Conclusion

Staff recommends that the enhanced bridge and culvert inspections assignment be awarded to ELLIS Engineering Inc. as a single source purchase on the basis of the information provided in this report in support of providing continuity of services.

It is anticipated that recommendations in the 2019 Bridge and Culvert Assessment will be used by staff to provide a revised ten-year Capital Plan and Reserve Fund(ing) strategy for bridge and culvert projects to address structure needs identified in the 2019 assessment, when preparing the 2021 and 2022 budgets.

Attachments

N/A



Prepared for	Council-in-Committee	Report No.	CAO-33-2019
Agenda Date	December 2, 2019	File No.	120809

Subject	TOWN OF FORT ERIE 2019-2023 MULTI-YEAR ACCESSIBILITY PLAN
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Recommendations	<p>THAT Council approves the 2019-2023 Multi-Year Accessibility Plan, attached as Appendix “1” to Administrative Report No. CAO-33-2019, and further</p> <p>THAT Council directs staff to prepare a By-law to adopt the Town of Fort Erie 2019-2023 Multi-Year Accessibility Plan and repeal By-law No. 40-13.</p>
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Relation to Council’s 2018-2022 Corporate Strategic Plan	<p>The <i>Accessibility for Ontarians with Disabilities Act, 2005</i> requires the establishment, implementation, maintenance and documentation of a multi-year accessibility plan, which outlines the organization’s strategy to prevent and remove barriers and meet its requirements under the legislation.</p>
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List of Stakeholders	<ul style="list-style-type: none"> - Town of Fort Erie residents and businesses - Visitors to the municipality - Town of Fort Erie Members of Council, staff and volunteers, Boards and Committees - The Accessibility Directorate of Ontario
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Prepared by:	Approved by:
<i>Original Signed</i>	<i>Original Signed</i>
Bev Bradnam, DPA Manager, Strategic Initiatives	Tom Kuchyt, CET Chief Administrative Officer

Purpose of Report

The purpose of this report is to present to Council the Town of Fort Erie's second Multi Year Accessibility Plan for approval and subsequent adoption by By-law. The 2019-2023 Multi-Year Accessibility Plan is attached as Appendix "1" to the report.

Analysis

Legislative Requirement

On December 14, 2001 the *Ontarians with Disabilities Act, 2001 (ODA)* was passed to improve access and opportunities for persons with disabilities, by identifying and removing barriers to full participation. Under the ODA, a municipality had to develop an annual accessibility plan, consult with people with disabilities to develop a plan, make the plan available to the public and establish an Accessibility Advisory Committee.

The Town of Fort Erie has developed seven previous annual Accessibility Plan documents in accordance with the *Ontarians with Disabilities Act, 2001 (ODA)* based on consultation with the Town of Fort Erie Accessibility Advisory Committee (AAC) and audits of municipal facilities conducted by AAC members.

The *Accessibility for Ontarians with Disabilities Act, 2005 (AODA)* lays out a comprehensive road map to make Ontario accessible to all people through the development, implementation and enforcement of new, mandatory accessibility standards for some of the most important aspects of people's lives (customer service, employment, information and communication, transportation and the design of public spaces). The aim of the AODA legislation is to make the Province fully accessible by 2025. The standards developed are mandatory for both public and private sectors.

Section 4 of Ontario Regulation 191/11 made under the *AODA, 2005* requires:

- the establishment, implementation, maintenance and documentation of a multi-year accessibility plan, which outlines the organization's strategy to prevent and remove barriers and meet its requirements under the legislation;
- the posting of the plan on the website and making the plan available in accessible format, upon request;
- review and update of the plan at least once every five years;
- the plan must be established, reviewed and updated in consultation with persons with disabilities and the Accessibility Advisory Committee; and
- an annual status report must be prepared on the progress of the measures taken to implement the strategy outlined in the multi-year plan and be posted on the website and made available in accessible format, upon request.

Legislative Requirement, continued

In order to ensure implementation of the requirements developed under the *AODA*, the Province requires that municipalities prepare a comprehensive multi-year plan, similar to other master plans that the municipality is required to complete (Water Master Plan, Roads Master Plan, etc.), so that proper planning, both legislatively and financially, can be put in place to address the compliance requirements. The first Multi-Year Accessibility Plan was adopted by By-law No. 40-13. Annual status Reports were provided to Council each subsequent year, as required under the legislation.

The Multi-Year Plan

Attached as Appendix “1” to the Report is the final 2019-2023 Multi-Year Accessibility Plan. The Plan is broken down into eleven sections, as follows:

Section 1.0 – Introduction

Section 2.0 – Statement of Organizational Commitment

Section 3.0 – Background of the Accessibility Advisory Committee

Section 4.0 – Legislative Authority

Section 5.0 – Reports on Achievements (2018-2019)

Section 6.0 – Fort Erie Transit Accessibility Plan

Section 7.0 – Compliance with the *Accessibility for Ontarians with Disabilities Act*

Section 8.0 – Public Consultation on Improving Access in the Community

Section 9.0 – Multi-Year Plan Recommendations

Section 10.0 – Feedback and Contacts

Section 11.0 – Ongoing Review and Monitoring of the Plan

Accomplishments in 2018/2019

The Accessibility Advisory Committee (AAC) is a very proactive group that prides itself on getting things done and making our community a more accessible place to live, work and play. Each Annual Status Report has provided an overview of the accomplishments of the AAC during the prior year. Here are some of the ways that improvements in accessibility have been made over the past year:

- Commitment of funding by Council: for training; providing interpretive services when required; ensuring that the new Bay Beach space was accessible and included an accessible playground, accessible washrooms, accessible admission kiosk, ramp to the beach and accessible mobi-mats; sponsorship of 2019 Chamber of Commerce Business Excellence Award for Accessibility and funding an additional specialized transit bus.

Accomplishments in 2018/2019, continued

- Review, Comment and Implementation of AODA Legislation: Review and comment of Third Review of the AODA by the Honourable David C. Onley; commenting on recommendations released by the Information and Communications Standards Committee during the five year review of the Standard; participation in an on-line review during the consultation by the Federal Government of Bill C-81 – An Act to Ensure a Barrier Free Canada (*Accessible Canada Act*).
- Review of Site Plans and other Town Plans: several site plans were reviewed by the AAC; consultation by the Fort Erie Active Transportation Committee's Active Transportation Master Plan consultant; consultation on the Bay Beach Playground Design and Construction, Douglas Park and Albert Street Park Master Plan Projects and the Waterfront Strategy to improve access. The AAC also provided comments to the Neighbourhood Planner related to strategies for accessible parking in Crystal Beach.
- Removal of Barriers: relocation of accessible parking spaces at Oakes Park; relocation of hand rail at Town Hall has been identified as a barrier and Town staff will be rectifying; telephone located in the Leisureplex Atrium has been identified as difficult for a person in a wheelchair to reach; additional accessible mats will be available in 2020 at Waverly Beach and the Windmill Point waterfront window.
- Removal of Barriers in the Community: Working with commercial businesses to improve access, the AAC was successful in working with Walmart to provide additional accessible parking spaces; 660 Garrison Road to improve access through curb cuts/ramps and additional accessible parking spaces; a request to the Traffic Coordinating Committee to provide additional accessible parking space in downtown Ridgeway especially close to the Post Office, working with the Greater Fort Erie Secondary School to provide a hand rail on the upper levels of the community theatre and designate seats near the front for person with disabilities during performances; Albany Place "courtesy" spaces for those tenants with mobility issues; Region of Niagara's Bus Demo resulted in strong commentary on how the proposed bus isolated persons with disabilities; 238 Bertie Street Medical Centre – condition of funding for renovations included the construction of an accessible washroom.
- The Plan also speaks to the many different interactions with other organizations and representation on other boards and committees, such as the Active Transportation Committee, AMO Accessibility Task Force, Niagara Health System's AAC, Regional AAC, Fort Erie Not-for-Profit Housing Board and the Ontario Network of Accessibility Professionals. The Committee has also received presentations from local service providers in order to raise awareness of services in the community.
- Other accomplishments include the successful Enabling Accessibility Fund application which resulted in the purchase of the accessible beach mats at Bay Beach.

Public Consultation

As noted in the Plan, the Town has met all of the AODA compliance requirements required to date and so the AAC felt that it was important to reach out to the community to ask what they would like to see undertaken over the next five years, with the goal of making our community more accessible.

A public consultation campaign began with the AAC participating in Ridgefest. A stand-up banner was created that asked “What does ACCESSibility mean to you? And how can we improve access in our community”? The AAC shared space with the Fort Erie Active Transportation Committee during Ridgefest and, while the weather did not cooperate, the connections that were made were important.

Participants were asked three questions:

- 1) What barriers to **municipal services** do you feel are still occurring?
- 2) What other barriers in the **community** would you like to see addressed? How do they affect you and your family?
- 3) What does an accessible community look like to you?

An on-line survey was then pushed out through social media and through advertisements in the local paper. The survey ran from August 19 to September 22, 2019. Hard copies of the survey were also available at Town Hall and the computer in the Town Hall atrium was set up for those that wanted to complete the survey on-line. The survey included the same questions as noted above.

The responses received during Ridgefest, from the on-line survey and comments posted on Facebook during the social media campaign are included in the Multi-Year Accessibility Plan. The majority of complaints related to the lack of accessible parking in downtown cores, the need for more accessible housing, and the need to ensure that sidewalks are safe to travel on.

Based on the feedback received, the following recommendations are contained in the Plan:

That: the Town of Fort Erie continue to meet its obligations under the *Accessibility for Ontarians with Disabilities Act*,

That: all future Administrative Reports to Council include a heading “AODA CONSIDERATIONS” that will require staff to consider any accessibility impacts and ensure that new barriers are not created,

THAT: the Accessibility Advisory Committee continues to be consulted on all applicable Master Plans and Neighbourhood Plans,

THAT: the AAC continues to reach out to businesses and organizations to improve access and create a more inclusive experience, and

THAT: the Town Council acknowledge the work being done to create a more inclusive community.

The AAC will continue to review the feedback comments received from the community and begin work at addressing the concerns that the AAC can influence or help implement.

Financial/Staffing Implications

Council continues to support the Accessibility Advisory Committee with annual funding that allows for training, attendance at conferences and interpretive services.

Council also provides funding through the Facility Budget to address barriers identified. Council has also approved, in principle, additional accessible beach mats for Waverly Beach and the Windmill Point waterfront window as part of the 2020 Budget.

Policies Affecting Proposal

By-law No. 40-13 adopted the first Multi-Year Accessibility Plan 2013-2018. This By-law will be repealed once the 2019-2023 Multi-Year Accessibility Plan is adopted by Council.

Comments from Relevant Departments/Community and Corporate Partners

The AAC is comprised of eight members of the public including a representative of Tokmakjian Inc. as the transit provider; Councillor Noyes as the Council representative, and staff representing Building and Facilities. The AAC staff coordinator is the Manager, Strategic Initiatives. All Accessibility Advisory Committee members have provided input into the Plan and were instrumental in conducting the public consultation. At the October 29, 2019 AAC meeting, the following recommendation was passed:

Recommendation No. 2

Moved by: Gary Kooistra

Seconded by: Lori Brant

THAT: the Fort Erie Accessibility Advisory Committee supports the recommendations contained in the draft 2019-2023 Multi-Year Accessibility Plan.

(CARRIED)

Comments from the community are included in the Multi-Year Plan.

Communicating Results

The AODA requires that Multi-Year Accessibility Plans and Annual Status Reports are made publicly available. Plans, Reports, Minutes of meetings and other pertinent information are available on the AAC's webpage at www.forterrie.ca/government/accessibility. Minutes of meetings are also included in Council meeting agendas.

Alternatives

No alternatives are recommended as Multi-Year Accessibility Plans are a provincially legislated requirement.

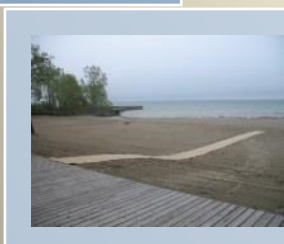
Conclusion

The Town of Fort Erie's Accessibility Advisory Committee members are a hardworking group of volunteers that take pride in their achievements to make our community more accessible.

Focusing on the future, and the target date of 2025 to create an Accessible Ontario, it is important for the Town of Fort Erie to expand its reach out into the community to ensure that barriers are removed, no new barriers are created, and that an inclusive community is created and sustained.

Attachments

Appendix "1" – 2019-2023 Multi-Year Accessibility Plan



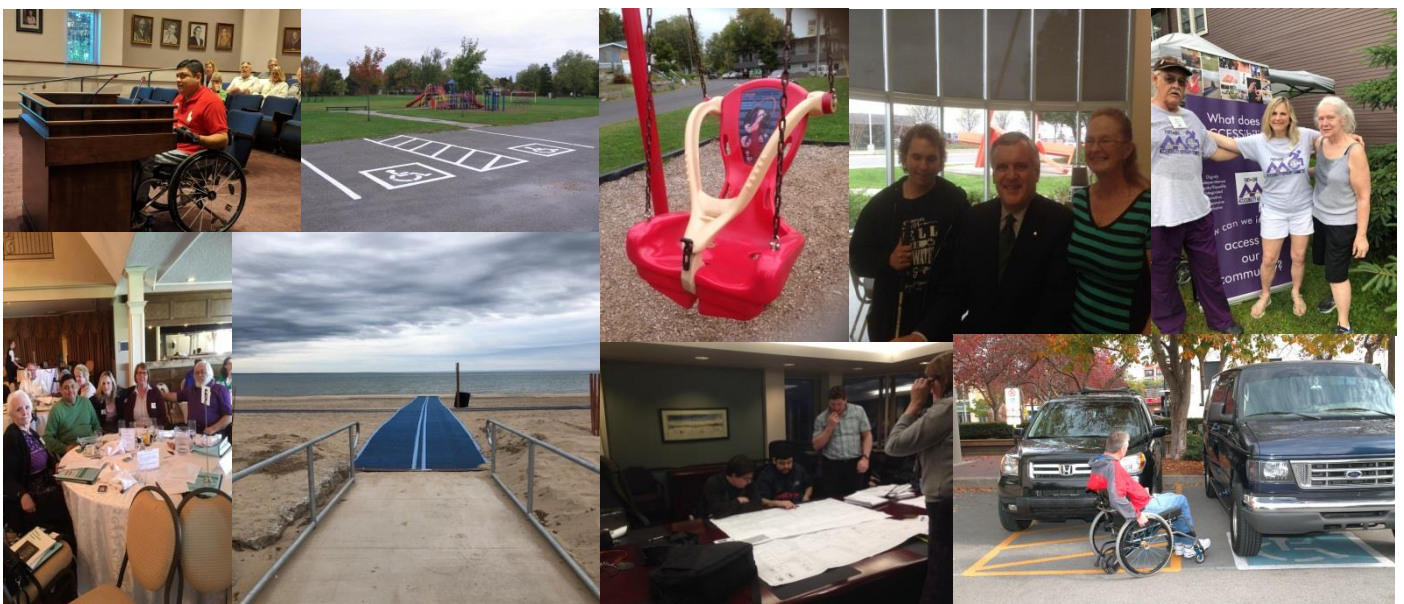
Town of Fort Erie 2019 – 2023 Multi-Year Accessibility Plan

The prevention and removal of barriers to ensure our Community is accessible to all.

Town of Fort Erie 2019 – 2023 Multi-Year Accessibility Plan

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Town of Fort Erie

2019-2023 Multi-Year Accessibility Plan

1.0 INTRODUCTION

The 2019-2023 Multi-Year Accessibility Plan outlines the Town of Fort Erie's strategy to prevent and remove barriers and meet its requirements under the *Accessibilities for Ontarians with Disabilities Act, 2005 (AODA)*.

The AODA requires the development of a multi-year plan, similar to other municipal master plans that the Town has in place, to ensure that long term planning for accessibility is in place. The Plan requires that consultation takes place with the Town's Accessibility Advisory Committee (AAC) and persons with disabilities within the community.

The Town of Fort Erie's 2013-2018 Multi-Year Accessibility Plan, approved by By-law No. 40-2013, was the first long term planning document required under the AODA. Each year since the Plan's adoption, staff has provided an Annual Accessibility Report to Council and the community. Prior to the Multi-Year Plan, seven previous annual Accessibility Plan documents were approved by Council in accordance with the *Ontarians with Disabilities Act, 2001 (ODA)* based on consultation with the AAC and audits of municipal facilities and parks, which were conducted by AAC members.

As the municipality's compliance requirements under the AODA have all been met, with the exception of one requirement not due until 2021, the consultation for the second Multi-Year Plan has dealt more with the community as a whole and how the Town can be a leader and work with our community partners to improve access for everyone.

Staff has chosen to continue to highlight the achievements of the Town's AAC throughout the previous year to demonstrate how the Town continues to identify and remove barriers. The AAC also has extended its reach out into the community and has worked with several businesses and organizations to improve access.

Town of Fort Erie

2019-2023 Multi-Year Accessibility Plan

2.0 STATEMENT OF ORGANIZATIONAL COMMITMENT

The Town of Fort Erie is a progressive, caring community and is committed to being responsive to the needs of its citizens. We pride ourselves on our sense of community, our many charitable organizations, and high standard of public service. We are cognizant of the diverse needs of our residents and strive to provide services and facilities that are accessible to all.

Our vision of the Town of Fort Erie is that of a well-designed community that is safe, convenient and comfortable for all persons, with or without disabilities.

The Town of Fort Erie, as an employer and provider of services, is committed to barrier free access and will:

- 1) continue to take a leadership role in achieving and setting an example as a barrier free community to the business, institutional and volunteer sectors of our community;
- 2) continue to identify barriers and gaps in existing services and facilities and continuously improve the level of accessibility of existing municipal services and facilities; and
- 3) actively encourage input from all segments of the community in the design, development and operation of new and renovated municipal services and facilities.

The Town of Fort Erie is committed to meeting the accessibility needs of people with disabilities in a timely and proactive manner and will use reasonable efforts to provide equitable access to programs, goods, services and facilities in a way that takes into account the following key principles:

Dignity: Service is provided in a respectful manner consistent with the needs of the individual.

Independence: Services for persons with disabilities shall support their independence while respecting their right to safety and personal privacy.

Equity/Equality of Outcome: Service outcome is the same for persons with disabilities as for persons without disabilities.

Integrated: Services allow people with disabilities to fully benefit from the same services, in the same place and in the same or similar way as other customers.

Sensitive: Service is provided in a manner that is respectful to an individual's needs.

Responsive: Service is delivered in a timely manner, considering the nature of the service and the accommodation required.

Inclusive: We are committed to an inclusive environment as one where people experience both the feeling and reality of belonging and where, as a result, they are able to fulfill their potential.

Town of Fort Erie

2019-2023 Multi-Year Accessibility Plan

3.0 BACKGROUND OF THE ACCESSIBILITY ADVISORY COMMITTEE

On December 14, 2001 the *Ontarians with Disabilities Act, 2001* (ODA) was passed to improve access and opportunities for persons with disabilities, making Ontario a more accessible province.

Municipalities with a population of 10,000 or more were also required under the ODA to set up Accessibility Advisory Committees (AAC) by September 30, 2002. By-law No. 171-2002 established the Fort Erie AAC. In 2006, a review of boards and committees decreased the composition of the committee from the original 15 members to the present 8 members. The majority of AAC members must be persons with disabilities. In addition, there is one Council member representative on the Committee and a representative from the conventional transit service provider.

Based on the requirements of the ODA, the Committee:

- advises Council about the preparation and implementation of its accessibility plan;
- evaluates the Town's progress annually and the plan is updated to identify further barriers to people with disabilities and ways to remove and prevent them;
- gives advice to the Council on the accessibility of buildings, structure or premises that the Council purchases, builds or renovates, or generally, makes available as a municipal building; and
- reviews and comments on site plans and drawings for new buildings or developments as required under the Regulation.

While the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) sets out new requirements for multi-year planning for accessibility, the AAC still plays a major role in commenting and helping shape the content of the Plan and will continue to evaluate the measures that the Town puts in place to remove barriers and comply with the AODA Standards.

The AAC meets on a monthly basis (with the exception of July, August and December) and the minutes of each meeting are provided to Council for their review and approval. The AAC Minutes are also posted on the Town's web-site on the Accessibility Advisory Committee page at www.forterie.on.ca.

Members of the Committee are enthusiastic and committed to making Fort Erie a more fully accessible community. Their advice and suggestions will be appreciated by all of the citizens, visitors, and businesses of Fort Erie for many years to come.

Town of Fort Erie

2019-2023 Multi-Year Accessibility Plan

4.0 LEGISLATIVE AUTHORITY

On December 14, 2001 the *Ontarians with Disabilities Act, 2001* (ODA) was passed to improve access and opportunities for persons with disabilities, by identifying and removing barriers to full participation. Under the ODA a municipality had to develop an annual accessibility plan, consult with people with disabilities to develop a plan, make the plan available to the public and establish an Accessibility Advisory Committee.

The *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) laid out a comprehensive road map to make Ontario accessible to all people through the development, implementation and enforcement of new, mandatory accessibility standards for some of the most important aspects of people's lives. The aim of the AODA legislation is to make the Province fully accessible by 2025. The following standards are mandatory for both the public and private sector:

1. **Customer Service** (Ontario Regulation 429/07) – governs how we provide accessible customer service.
2. **Information and Communication** (Integrated Accessibility Standards, O. Reg. 191/11) – aims to identify and consider the nature of barriers experienced by people with a wide range of disabilities in the area of information and communication.
3. **Employment** (Integrated Accessibility Standards, O. Reg. 191/11) – governs how we recruit, hire and accommodate individuals in the workplace.
4. **Transportation** (Integrated Accessibility Standards, O. Reg. 191/11) – aims to remove barriers to public transportation, so people with disabilities can travel more easily in Ontario.
5. **Design of Public Spaces** - (O. Reg. 413/12) – aims to make outdoor public spaces in Ontario accessible for all new construction and extensive renovations.

Section 4 of Ontario Regulation 191/11 made under the *AODA, 2005* requires:

- the establishment, implementation, maintenance and documentation of a multi-year accessibility plan, which outlines the organization's strategy to prevent and remove barriers and meet its requirements under the legislation;
- the posting of the plan on the website and making the plan available in accessible format, upon request;
- review and update of the plan at least once every five years;
- the plan must be established, reviewed and updated in consultation with persons with disabilities and the Accessibility Advisory Committee; and
- an annual status report must be prepared on the progress of the measures taken to implement the strategy outlined in the multi-year plan and be posted on the website and made available in accessible format, upon request.

Town of Fort Erie

2019-2023 Multi-Year Accessibility Plan

5.0 REPORT ON ACHIEVEMENTS

The Accessibility Advisory Committee is a very proactive group that prides itself on getting things done and making our community a more accessible place to live, work and play. Each year of the previous Multi-Year Accessibility Plan, achievements were reported to Council. The accomplishments that have taken place from the previous year to date are listed below based on:

- Commitment of funding by Council;
- Commenting on and implementing new legislation;
- The review of Site Plans and other Town Plans;
- Removal of barriers that were identified by the community and by AAC members;
- Representation and interaction with other organizations throughout the community, Region and Province; and
- Other Accomplishments.

5.1 Commitment of Funding by Council

Council continues to commit funding for training and conference attendance to various accessibility events throughout the year. In 2019, the AAC staff resource also participated in a Diversity, Equity and Inclusion conference in Toronto hosted by York Region. Funding has been budgeted to cover the cost of interpretive services (American Sign Language interpreter, braille documents, etc.) that may be requested.

Council has been very proactive in ensuring that the Town's specialized transit user needs were met with the reintroduction of a third bus. Further details related to Transit can be found in Section 6.0 – Fort Erie Transit Accessibility Plan.

Each year capital funds are included in the Facilities budget to target barriers identified by the AAC during audits of municipal facilities and parks.

Council committed to ensuring that the new Bay Beach space was accessible and included an accessible playground, accessible washrooms, accessible admission kiosk, ramp to the beach and accessible mobi-mats. The Town's AAC was also successful in its application for federal funding under the Enabling Accessibility Fund, which provided additional funding for the accessible beach mats.

The AAC sponsored the 2019 Chamber of Commerce Business Excellence Accessibility Award, showing the community that the Town is working towards an accessible community. The Committee also nominated several businesses for the award that have worked with the Committee to improve access.

Town of Fort Erie

2019-2023 Multi-Year Accessibility Plan

5.0 REPORT ON ACHIEVEMENTS, continued

5.2 Review, Comment and Implementation of AODA Legislation

The *Accessibility for Ontarians with Disabilities Act, 2005 (AODA)* was developed in order to achieve a fully accessible Ontario by 2025. In order to achieve this goal, accessibility standards have been developed which apply to the public, broader public and private sectors. These standards have been developed by industry stakeholders and persons with disabilities and included public consultation.

Each Standard has a specific timeframe for review and in 2019 the Honourable David C. Onley presented his report of the Third Review of the *Accessibility for Ontarians with Disabilities Act, 2005*. In a brief analysis of the report, the AAC staff resources noted “the Review provides recommendations and commentary, including the 2025 timeline being unrealistic, the need for technical details for compliance requirements, the private sector not keeping pace with the compliance deadlines compared to municipalities, the need for provincial dedicated funding to remove barriers and improve access, the need for a Built Environment Standard, the need to raise awareness with commercial entities of their requirements under the legislation and the need to move forward with a Health Care and Education Standard”.

The Province is presently undertaking both a Health Care and Education Standard, both of which were put on hold during the last Provincial Election.

The AAC also took part in responding to the recommendations released by the Information and Communications Standards Committee during the five year review of the Standard.

The AAC participated in an on line review during the consultation by the Federal Government of Bill C-81 – An Act To Ensure a Barrier Free Canada. (*Accessible Canada Act*).

Town of Fort Erie

2019-2023 Multi-Year Accessibility Plan

5.0 REPORT ON ACHIEVEMENTS, continued

5.3 Review of Site Plans and other Town Plans

One of the duties of the AAC is to review, in a timely manner, the site plans and drawings described in the *Planning Act* and recommend accessibility improvements on the plans. While developers are required to meet standards legislated under the *Ontario Building Code*, the AAC suggests improvements that relate to making the development more accessible and universal in design.

The following site plans were reviewed by the AAC from October 2018 to October 2019. The Committee's recommendations and comments are contained in the AAC minutes, available on the Town's website:

- the new Palmwood Restaurant and Condos;
- Stevensville Road, north of Hayslip, site plan for a mixed-use building (commercial/residential);
- the Old Rose Seaton school site, south side;
- an Automotive repair shop on Garrison Road; and
- the new patio on Erie Road, across from Bay Beach.

AAC members reviewed and commented on:

- the Fort Erie Active Transportation Committee's Active Transportation Master Plan;
- the Bay Beach Playground Design and Construction;
- Douglas Park and Albert Street Park Master Plan Projects; and the
- Waterfront Strategy to improve access.

The AAC also continued their discussions with the Region of Niagara related to the intersection at Municipal Centre Drive and Garrison Road and had the Associate Director of Transportation Engineering, responsible for design works, at a meeting to discuss the Design of Public Space requirements.

The AAC received an update from the Transit Supervisor on transit projects and ideas being discussed related to transit and taxi services.

The AAC provided comments to the Neighbourhood Planner related to strategies for parking in Crystal Beach.

Town of Fort Erie

2019-2023 Multi-Year Accessibility Plan

5.0 REPORT ON ACHIEVEMENTS, continued

5.4 Removal of Barriers

Relocating accessible parking spaces took place at Oakes Park in 2019 and included additional hatch marks, so blocking of the pathway no longer occurs, allowing for easier access to the accessible diamond.

The relocation of the hand rail at the Town Hall has been identified as a barrier for those that may not have strength with their left hand and Town staff will be working towards moving the rail back to its original position or placing an additional rail on the east side of the ramp.

The telephone located in the Leisureplex atrium, used to contact Facilities staff, has been identified as a barrier for a person in a wheelchair and a work order has been actioned to lower the phone by 2-3 inches.

The Manager, Community Planning, and Senior Development Planner presented a number of improvements to waterfront road allowances and access to the waterfront. AAC members were encouraged by the additional mobi-mats for Windmill Point waterfront window and Waverly Beach as well as additional mats for Bay Beach. The signage and marking of accessible and general parking spots, the clearing of overgrowth and re-establishment of pathways will improve access for all visitors.

Removal of Barriers in the Community

As Town facilities and parks have met accessibility requirements and audits continue to take place every 2 years to identify any changes, the Committee has continued its work with commercial businesses to improve access.

By engaging business in the conversation and showing how universal access can lead to improved service delivery, the AAC has had success working with:

- Walmart: creating 8 additional accessible parking spaces, for a total of 10 Type A and 6 Type B spaces (requiring the reopening of their site plan).
- 660 Garrison Road: working with the previous owner and new owner on improving access through curb cuts/ramps and additional accessible parking spaces.
- A request for accessible parking in downtown Ridgeway was forwarded to the Traffic Coordinating Committee for review.

Town of Fort Erie

2019-2023 Multi-Year Accessibility Plan

5.0 REPORT ON ACHIEVEMENTS, continued

5.4 Removal of Barriers, continued

Removal of Barriers in the Community, continued

- Greater Fort Erie Secondary School Community Theatre: based on a request from the public, the School has agreed to construct hand rails on the upper portions of the community theatre to assist those with mobility issues. The School has also agreed to work with users of the theatre to ensure that designated seats are provided near the front for persons with disabilities, especially those with hearing or sight needs.
- Albany Place accessible parking: based on a request from a number of tenants, five additional “courtesy” spaces were provided for persons with mobility challenges. This was a great compromise so that the entire site plan did not have to be re-opened.
- Region of Niagara’s Bus Demo – the AAC provided strong commentary on how isolated the accessible spaces were on the bus that was demonstrated for conventional transit by the Region. A recommendation was passed on by Councillor Noyes to Councillor Dubanow, who sits on the Region’s Transportation Steering Committee. The details were also provided to the Accessibility Directorate during conference discussions for follow-up related to human rights.
- 238 Bertie Street Medical Centre: the Committee requested a condition for funding for renovations at the Medical Centre be tied to the construction of an accessible washroom, which the Committee has been advocating for over the past several years.
- In 2019, the Transit Supervisor requested that the AAC provide comment on the revised FAST (specialized transit) application.

It is important to note that businesses are not required to comply with requests from the AAC to improve access unless they are constructing a new build or undertaking major renovations. Working in a collaborative way with the AAC, moves us closer to an accessible community for all persons.

Town of Fort Erie

2019-2023 Multi-Year Accessibility Plan

5.0 REPORT ON ACHIEVEMENTS, continued

5.5 Representation/Interaction with other Organizations

A number of the AAC members represent the Committee by participating on committees or organizations throughout the Town, Region and Province. The Committee was represented in 2018 and 2019 on the following committees and at the following events:

- The AAC Chair is the Chair of the Town's Active Transportation Advisory Committee and acts as a liaison between Committees.
- The AAC Chair is a member of the Association of Municipalities of Ontario (AMO) Accessibility Task Force. As meetings are held in Ottawa, the Chair connects with other members through video conferencing.
- The AAC Chair is a member of the Niagara Health System's Accessibility Advisory Committee.
- An AAC member is a member of the Regional Accessibility Advisory Committee and provides updates to the AAC on a regular basis. The Chair was a member of the Region's committee until the spring of 2019.
- The Council Representative on the AAC is a member of the Fort Erie Not-For-Profit Housing Board and provides accessibility suggestions, which are well received.
- The AAC Coordinator is an acting member of the Ontario Network of Accessibility Professionals (ONAP) that meets quarterly and are in constant contact electronically to support each other on issues that affect municipalities and share best practices. This network has been a tremendous asset during the implementation of the AODA standards. The Coordinator provided a presentation at the annual conference on inclusive play spaces, highlighting the work done at Bay Beach and the Crystal Ridge Community Park and the inspection template used by the AAC to conduct audits of parks.
- The AAC Coordinator continues to conduct accessibility training for all new hires, volunteer firefighters (through e-modules) and new Board and Committee members.
- AAC members participated in the review of the Niagara Parks Commission's annual Accessibility review at Legends.
- During the consultation on the Bay Beach Playground Design and Construction, a Ridgeway Lions Club representative discussed with the AAC their successful fundraising and the additional funding for the accessible playground.

Town of Fort Erie

2019-2023 Multi-Year Accessibility Plan

5.0 REPORT ON ACHIEVEMENTS, continued

5.5 Representation/Interaction with other Organizations

- The Chair and the AAC Coordinator attended the Chamber of Commerce Business Excellence Awards and the Chair presented the winning business, Boggio & Edwards, with the Accessible Business Award for the work that they do in the community. The AAC nominated Walmart, Sobeys, Southcoast Cookhouse and the Crystal Ball Café for the award.
- The AAC Coordinator and Community Health Care Services Coordinator participated in a number of Age-Friendly Niagara network meetings and spoke to the importance of constructing universal-designed housing so that everyone can have access.
- The AAC had a presentation by Person Centered Care of Niagara Inc. that highlighted the services provided by the not-for-profit organization.
- The AAC had a presentation from Learning Disabilities Association of Niagara Region (LDANR) that highlighted the services locally that they provide and services available throughout the Region.
- The AAC Coordinator participated in a Niagara Region focus group on specialized transit.
- The AAC Coordinator, Manager of Procurement, Finance and Risk, and the Accounts Receivable Clerk participated in the Ontario Public Buyers Association (OPBA) fall workshop via teleconference on the accessibility requirements and procurement segment.
- The AAC provided complimentary AAC bags to Sobeys for their improvements to access and noted that they also have an accessible cart available.
- As part of the public consultation for the Multi-Year Plan, the AAC Coordinator and several AAC members reached out at Ridgefest for suggestions on how to improve access in our community.
- The AAC reached out to the YMCA to discuss fundraising for a pool lift; however, this was at the time of the announcement by the YMCA that they would be closing. The Town is working towards a solution and consideration for a pool lift will be followed up on.

Town of Fort Erie

2019-2023 Multi-Year Accessibility Plan

6.0 FORT ERIE TRANSIT ACCESSIBILITY PLAN

In addition to the requirements set out in Section 4 of Ontario Regulation 191/11 made under the *AODA, 2005*, Section 41, 42 and 43 sets out additional requirements for Conventional and Specialized Transportation service providers. The following Fort Erie Transit Accessibility Plan forms part of the Town of Fort Erie Multi-Year Accessibility Plan.

6.1 Introduction

The Town of Fort Erie currently provides both conventional and specialized transit services. At present time, services are contracted to third party service providers, using contracted conventional transit vehicles and contracted accessible vans. All vehicle maintenance, servicing, operations (including dispatch, human resource responsibilities and day-to-day customer service), and facility lease operations/management are included within the current contracted service delivery framework.

Fort Erie Transit through its provision of transit and specialized services is committed to:

- the continual improvement of access to public transportation, facilities and services for passengers and employees with disabilities; and
- the provision of high quality service which is accessible to all passengers and employees.

Conventional Transit Services

Currently, Fort Erie Transit has a fleet of three (3) contracted accessible transit buses. Fort Erie Transit operates Monday to Saturday from 6:00 a.m. to 9:00 p.m., with no service offered on Sundays or statutory holidays. Four (4) fixed routes provide services to the urban and some rural areas of Greater Fort Erie.

Inter-municipal Transit Services

Currently, Niagara Region contracts with Niagara Falls Transit to provide an inter-municipal link with an accessible bus to the City of Niagara Falls. The service runs twelve (12) times daily, Monday to Saturday from 6:55 a.m. to 8:55 p.m., all year. No services are provided on Sundays or statutory holidays.

Town of Fort Erie

2019-2023 Multi-Year Accessibility Plan

6.0 FORT ERIE TRANSIT ACCESSIBILITY PLAN

6.1 Introduction, continued

Specialized Transit Services

The Town operates a contracted fully-accessible specialized service (FAST) via the BTS Network Inc. This service is provided within the urban and rural boundaries of Fort Erie to eligible residents who have a disability or are unable to board a conventional bus. The contractor operates all vehicles and supplies operators, servicing/maintenance and all reservation/dispatch functions. The service operates Monday to Saturday from 6:00 a.m. to 9:00 p.m., with no service offered on Sundays or statutory holidays

6.2 Compliance with the *Accessibility for Ontarians with Disabilities Act, 2005*

Fort Erie Transit is committed to increasing access to all persons within the Town. In July 2011 the Integrated Accessibility Standard Regulation (IASR) became law under the Accessibility for Ontarians with Disabilities Act (AODA), 2005.

6.3 Barriers to Access

Fort Erie Transit recognizes that some parts of its infrastructure may present certain barriers to people with disabilities. In striving to ensure access to physical facilities, Fort Erie Transit's objective is to create a service environment that is free of barriers to the extent that is reasonably possible. Since the adoption of the previous Multi Year Accessibility Plan, the "flag stop" conventional transit service now has specified stops and a new hub at the Leisureplex for both the conventional and inter-municipal transit buses.

Shelters & Stops

Approaches & Landing pads: Boarding and exiting buses can be difficult at stops that do not have a concrete landing pad. The Town's Engineering Department worked with the AAC and Fort Erie Active Transportation Committee to designate stops and suggested shelter locations.

Buses & Vans

Restraint equipment for wheelchairs and scooters is designed to accommodate most designs. However, some of the newer scooters may be too large to maneuver into position or be properly restrained and may not be able to be safely accommodated.

Town of Fort Erie

2019-2023 Multi-Year Accessibility Plan

6.0 FORT ERIE TRANSIT ACCESSIBILITY PLAN, continued

6.3 Barriers to Access, continued

Roads and Sidewalks

The roads and sidewalks on the approaches to Fort Erie Transit bus stops, although maintained by the Town of Fort Erie, determine the accessibility of Fort Erie Transit services. Specific barriers in the following areas have been identified:

- The walking and wheeling path to and from bus stops do not always have curb cuts at corners.
- Where curb cuts exist they may be too low or lacking in tactile demarcations to provide a cue to a person who is visually impaired.
- Sidewalk snow clearing is undertaken diligently, and is provided along all roads with sidewalks, but cannot be accomplished instantaneously.

Resources

Fort Erie Transit recognizes the availability of resources can be a major factor in determining the progress in reducing or eliminating the barriers identified in consultation with people with disabilities. Fort Erie Transit further recognizes that resource constraints require a process of prioritization.

6.4 Ongoing Actions

Fort Erie Transit is committed to the following actions on an annual basis:

- Consult with the Town's Accessibility Advisory Committee to seek their advice on which barriers and which remedial actions should have priority for the coming year.
- Request funding through our municipal capital and operating budgets to address the highest priority barriers.
- Take advantage of opportunities to secure funding to extend or accelerate the removal of priority barriers.

Town of Fort Erie

2019-2023 Multi-Year Accessibility Plan

7.0 COMPLIANCE WITH THE AODA (Accessibility for Ontarians with Disabilities Act)

Compliance Actions: AODA Standards January 1, 2010 to November 30, 2019

Requirement	Action	Status: Completed
CUSTOMER SERVICE		
<ul style="list-style-type: none"> • Accessible Customer Service 	The Town of Fort Erie is committed to offering excellent accessible customer service. Ongoing compliance with the customer service standard includes the training of new hires as part of their orientation and volunteers who interact with the public on the Town's behalf.	<input checked="" type="checkbox"/>

Requirement	Action	Status: Completed
GENERAL		
<ul style="list-style-type: none"> • Accessibility Policies 	By-law No. 128-2012 adopted the Town of Fort Erie's Accessibility Policy. The Accessibility Policy guides efforts to achieve compliance with AODA requirements and establishes the Town's core accessibility principles. The Policy's statement of commitment affirms the Town's commitment to meet the accessibility needs of all people. The Policy was updated in 2016 (By-law No. 73-2016) to include revisions related to service animals and support persons that were effective July 1, 2016.	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> • Multi-Year Accessibility Plan 	By-law No. 40-2013 adopted the first Town of Fort Erie Multi Year Accessibility Plan and annual status reports have been provided to Council. The 2019-2023 Multi-Year Plan, once approved by By-law, will supercede the previous Plan.	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> • Accessible purchases 	Accessibility requirements are included in all Request for Proposals, tenders and contracts, where applicable.	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> • Incorporate accessibility features into self-service kiosks 	The Accessibility Policy includes this requirement. The new admission kiosk at Bay Beach is accessible; however the pay and display machines are not. Any person with an accessible parking permit is not charged for parking.	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> • Training on Integrated Accessibility Standard Regulation and the Ontario Human Rights Code 	All employees, including new hires, members of Council, volunteer fire fighters, boards and committees have been trained on the IASR Standard and on the Ontario Human Rights Code, as it relates to persons with disabilities. An e-module and pamphlet were also created.	<input checked="" type="checkbox"/>

Town of Fort Erie 2019-2023 Multi-Year Accessibility Plan

7.0 COMPLIANCE WITH THE AODA (Accessibility for Ontarians with Disabilities Act), continued

Compliance Actions: AODA Standards January 1, 2010 to November 30, 2019

Requirement	Action	Status: Completed
INFORMATION AND COMMUNICATION		
<ul style="list-style-type: none"> • Accessible Information 	Accessible formats of information or communication supports are provided upon request, including emergency and public safety information made available to the public. Compliance requirements are also included in the Accessibility Policy.	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> • Making feedback processes accessible 	The Accessibility Policy outlines the feedback process. Staff are also trained to respond to feedback in a way that takes into account the individual's needs.	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> • Make all new internet websites and new web content on those sites conform to WCAG 2.0, Level A 	A new web site is being designed and will comply with all accessibility requirements including conforming to WCAG 2.0. The Council meeting videos are now all closed captioned and assist the Town Clerk in the preparation of minutes as transcriptions are provided as part of the service.	<input checked="" type="checkbox"/>

Requirement	Action	Status: Completed
EMPLOYMENT		
<ul style="list-style-type: none"> • Individualized Work-place Emergency Response Information for Employees 	Safe Work Standard for Workplace Emergency Response Information Plan was developed and distributed to all staff and included in all Fire Safety Plans.	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> • Make employment practices accessible. 	Administrative Police Directive ERC-006 "Accommodation in Employment" describes the accommodation procedures available to employees and applicants with disabilities to enable their full participation in employment activities.	<input checked="" type="checkbox"/>

Town of Fort Erie

2019-2023 Multi-Year Accessibility Plan

7.0 COMPLIANCE WITH THE AODA (Accessibility for Ontarians with Disabilities Act), continued

Compliance Actions: AODA Standards January 1, 2010 to November 30, 2019

Requirement	Action	Status: Completed
TRANSPORTATION		
<ul style="list-style-type: none"> • Accessibility equipment on Transit vehicles 	<p>All new contracted conventional buses have customer enhancements as required by the Transportation Standard of the Integrated Accessibility Standard Regulation (IASR). Current information about accessibility equipment is available on the Town's website and pamphlets that are distributed throughout Town. If equipment fails to work, arrangements are made for a replacement vehicle, as appropriate. The Town's provider also complies with the requirement for safe boarding and storage of mobility aids.</p>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> • Bus stops and shelters 	<p>The IASR requires that a municipality that provides conventional transportation services consults with the Accessibility Advisory Committee, the public and persons with disabilities in the development of accessible design criteria to be considered in the construction, renovation or replacement of bus stops and shelters and provides provisions if a municipality contracts out these services. The Council adopted in principle the Transit Route, Bus Stop and Facility Improvements Plan (Phases I, II and III) and directed staff to undertake the implementation of the five year service concept and plan, subject to annual budget deliberations. (Reference: Report IS-34-2016).</p>	In progress
<ul style="list-style-type: none"> • Emergency Preparedness and Response Policies 	<p>The AAC staff resource worked with both the conventional and specialized transit providers to develop the required emergency preparedness and response policies.</p>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> • Fare and hour parity 	<p>Conventional and specialized transit offer the same operating schedules (days and hours) and the fares are the same for both services.</p>	<input checked="" type="checkbox"/>

Town of Fort Erie

2019-2023 Multi-Year Accessibility Plan

7.0 COMPLIANCE WITH THE AODA (Accessibility for Ontarians with Disabilities Act), continued

Compliance Actions: AODA Standards January 1, 2010 to November 30, 2019

Requirement	Action	Status: Completed
DESIGN OF PUBLIC SPACES		
<ul style="list-style-type: none"> • Recreational Trails and Beach Access Routes • Outdoor Public Use Eating Areas and Play Spaces • Exterior Paths of Travel • Accessible Parking • Obtaining Services 	<p>The Design of Public Spaces Standard became effective as of January 1, 2016. The Standard covers any new construction or redevelopment of public spaces.</p> <p>The Town's Accessibility Policy (By-law No. 73-2016) confirms that the Town is committed to designing new construction or redevelopment of public spaces in accordance with the <i>Integrated Accessibility Standards Regulation</i> (Ontario Regulation 413/12) under the AODA.</p> <p>The Bay Beach redevelopment included accessible beach access routes, accessible washroom and change room facilities, accessible eating areas and play spaces, etc.).</p> <p>The Manager, Planning and Open Space Development, has also consulted with the AAC on playground features to ensure compliance with the legislation.</p>	<div style="text-align: center; font-size: 2em;">☑</div> <p>The only outstanding issue related to the Design of Public Spaces is the parking meters in Bay Beach/Crystal Beach as they are not accessible. Accessible meters were cost prohibitive at the time of purchase and therefore paid parking is not required with an accessible parking permit. The admission self-serve kiosk is accessible.</p>

AODA Implementation continues

AODA compliance requirements continue up until 2021 and future implementation includes the Information and Communication Regulation requirement that the Town's Website conform with WCAG Level AA (2021).

2021
<p>Information and Communications</p> <ul style="list-style-type: none"> • All internet websites and web content on those sites must conform with WCAG 2.0 Level AA, excluding live captioning and audio description.

Town of Fort Erie 2019-2023 Multi-Year Accessibility Plan

8.0 PUBLIC CONSULTATION ON IMPROVING ACCESS IN THE COMMUNITY

As the Town has reached compliance requirements under the AODA, the next Multi-Year Plan looked outside of municipally provided services and facilities and asked the Community what they would like to see undertaken over the next five years, with the goal to making our community more accessible.

A public consultation campaign began with the AAC participating in Ridgefest. A banner was created and prizes were given to those that participated.

The AAC shared space with the Fort Erie Active Transportation Committee during Ridgefest and, while the weather did not cooperate, the connections that were made were important.

Participants were asked three questions:

- 1) What barriers to **municipal services** do you feel are still occurring?
- 2) What other barriers in the **community** would you like to see addressed?
How do they affect you and your family?
- 3) What does an accessible community look like to you?

An on-line survey was then pushed out through social media and through advertisements in the local paper. The survey ran from August 19 to September 22, 2019. Hard copies of the survey were also available at Town Hall and the computer in the Town Hall atrium was set up for those that wanted to complete the survey on-line. The survey included the same questions as noted above.

The responses received during Ridgefest, from the on-line survey, comments posted on Facebook during the social media campaign and direct email messages are shown in Table One, found on the following pages.



Town of Fort Erie

2019-2023 Multi-Year Accessibility Plan

8.0 PUBLIC CONSULTATION ON IMPROVING ACCESS IN THE COMMUNITY, continued

TABLE ONE

1) What barriers to MUNICIPAL SERVICES do you feel are still occurring?

Ridgefest public consultation responses:

- I like the parking by the hospital; signage needs to be improved throughout Town – maybe use pictures that clearly show things
- None (recorded several times by participants) – which is a great sign that we are on the right track!
- Building permits when access improvements are needed; insurance delay assessments (grandson in bad car accident and delay in having daughter’s house renovated to allow him to come home) – Town should help those that need assistance.
- Great beach mats! Community came together - if possible, do more at other waterfront locations.
- Needs something off a dock or platform that would allow for a transfer chair into the water; a lot of people are intimidated by the big bus – not sure how many riders we have but do we need such a big bus? Should have a van for Saturday events that runs late – Head Injury Association would have a car load – wouldn’t mind helping with fundraising.
- Print – eyes – make sure we have large print.
- Large print is good
- Curb cuts that are coloured for persons with low vision that can’t see it or can’t see the walkway; put AAC agenda on with minutes; have meeting between Town Committees so they can come to Council as a group with one voice.
- “Anti-dog”; bus route takes 1.5 hours to get from Stevensville to YMCA – moved here from New Market to help mother who couldn’t get anywhere (explained to her about FAST service – she stated that information should be in the doctor’s office and applications there too – she didn’t know anything about that); slow down new building – cut off the neck of luxury homes – not enough affordable housing
- Wheelchair accessibility in playground – engineered wood fibre is awful (has a young son in a wheelchair) – more features needed that are universal; everything else is fairly good.
- Good at the arena and the Town Hall – generally very pleased with Fort Erie as opposed to Ridgeway as there is only 1 handicap parking spot (public) in Ridgeway – no spot outside the post office.
- More benches are needed. Charge station to recharge wheelchair and scooter batteries.

On-line survey responses:

- Sidewalk snow removal bylaws need to be in place for people with canes walkers or wheelchairs.
- I live on Shannon and need a parking spot in front of my place that is handicapped accessible because I have a metal plate in my right hand and walk with walker or cane due to a nerve taken out of my left foot. The driveway I have is too narrow to get out of the car with a walker or cane. I want my independence and to keep that I need a parking spot for handicap in front of my house.
- Performing Art theatre in GFESS, no railings inside theatre nor push buttons/automatic doors in theatre; downtown Ridgeway no handicap parking spots, especially in front of Post Office; no crosswalks marks at corners for those with scooters/wheelchairs to cross safely; local business handicap parking spots are not wide enough for vehicles with ramps.
- Sidewalks, roads, ramps.

Town of Fort Erie

2019-2023 Multi-Year Accessibility Plan

8.0 PUBLIC CONSULTATION ON IMPROVING ACCESS IN THE COMMUNITY, continued

1) What barriers to MUNICIPAL SERVICES do you feel are still occurring? (continued)

On-line survey responses, continued

- Public transit not easily available.
- Being able to talk to a Councillor.
- Lack of ramps outside public buildings and lack of handicap parking.
- Steep incline at the entrance to Town Hall.
- I feel that parking is a major concern. I am disabled and need a handicap parking spot in front of my place but have been denied. With that being said, it makes it very difficult to keep my independence not having a parking spot in front of my location.
- I would love to see the path that wheelchairs can go out on the beach with.
- I believe that most municipal services are accessible, but it would be nice if street parking had a few more wheelchair accessible spots.
- Parking, distance away from final destination, a long way for wheelchair to travel to get to Town Hall, Sobeys, etc.
- We need more public sidewalks, greater access to free parking (especially near the hospital) greater access to outdoor public spaces and improved transit.

Facebook comments received:

- We need to fix all run down sidewalks and for God sake the town clean the sidewalks of snow so people won't have to use the road on their mobility scooters and wheels. This winter I plan on filming the snow-covered sidewalks someone will get killed on them.
- The sidewalks are awful. It makes it impossible for people in wheelchairs to travel comfortable. It's a serious issue that needs to be fixed.
- In many places we don't even have sidewalks – my Mum is afraid to walk on the road because the roads are so potholed.
- You need to make Waverly Beach and all the other beaches wheelchair accessible. It can't just be Crystal Beach. You need to look at the beaches in Fort Erie, in our town, that need to be wheelchair accessible. I have a friend who is in a wheelchair and she loves to go to Waverly Beach and picnic in that but she also likes to go on the beach. They don't drive so maybe make wheelchair access onto the sand usable for people on walkers, wheelchairs, you name it. It makes some of the crosswalks and curbs in that area a little too high up because I've seen people in wheelchairs and scooters and walkers get stuck on those curves. Adjust are not properly laid for them to use it that's why a lot pf people in wheelchairs in that area are using the road instead of the safety of the sidewalk because they're having trouble going up and down the walkway when crossing or anything like that that's one of the things that need to be dealt with so between beach access and walkway issues those all need to be dealt with.
- Having wheelchair accessibility parking spots. I am handicapped and I find everyday challenging with the lack of parking spots and the lack of education people have. Trying to get to the beach there are no rest places or anywhere you can have easy access to a washroom.
- More sturdy seating and rest areas.
- Sidewalk repair or at least clear the weeds from the sidewalks.

Town of Fort Erie

2019-2023 Multi-Year Accessibility Plan

8.0 PUBLIC CONSULTATION ON IMPROVING ACCESS IN THE COMMUNITY, continued

1) What barriers to MUNICIPAL SERVICES do you feel are still occurring? (continued)

E-mail message received directly:

- I really would like to see some “teeth” put into this next plan as 2025 is not so far away and we still have a lot to accomplish. Last evening I sat through the presentation for the secondary plan for Crystal Beach and it was refreshing to hear Chris Millar mention “aging in place” as one of the criteria for his proposals, this will not become a reality unless barriers are removed within residential and commercial building plans, regardless of size. Please consider including in your plan working with the Town’s planning department (as outlined in this link under “Planning for Growth” to push developers to provide a percentage of barrier free buildings (<https://www.ontario.ca/page/municipal-accessibility-advisory-committees>)).

2) What other barriers in the COMMUNITY would you like to see addressed? How do they affect you and your family?

Ridgefest public consultation responses:

- Handrails needed – very important!
- Doors, clinics and doctor’s offices, restaurants are not accessible.
- Parking in Ridgeway – needs to have handicap spots close to the Post Office and bank. Took three months to get appointment with Doctor.
- Parking – make sure aisles are provided at spaces to allow someone to load/unload – lips at Sobeys.
- No free access along shoreline – eminent domain – shouldn’t get stopped if you walk along the beach. Recently had an operation and the day of the surgery was asked if he had semi-private coverage and he wasn’t sure. It was the morning of the surgery and he was anxious – they put him in a semi-private room and he then got a bill for \$700 – he has contacted his M.P. to see if they can help him fight the bill but he questioned why they didn’t ask this at pre-op then he could have found it - thinks it’s a scam.
- Not a lot of churches or halls are accessible – especially washrooms.
- Can’t do a lot without ramps; a lot of stores in Ridgeway you can’t get in.
- More accessible parking spots - especially near public buildings like post office.
- More accessible.
- Brought up colouring curb cuts at the Niagara Parks Commission multi-year plan review – some parking lots in larger cities; tripping is a pet peeve and she got in touch with the Region’s Public Health and fall prevention and they wrote back that they were a great big organization (they talk well, but no action). She sent an email to parachute.org for fall prevention – Steve Cudmorski.
- Region – Public Health - Doctors when you move here you get new one then you can’t get an appointment (Dr. Kamatovic only open one day a week).
- Restaurants – can’t get in – need more accessible parking and accessible washrooms.
- Grandfathered in buildings is not helpful – i.e. Ridgeway can’t get in to most businesses. Would be good for the town if you could access; Mayan Ziv – disabled photographer created an app that show accessible features in red, green and yellow – done with help from Easter Seals.

Town of Fort Erie

2019-2023 Multi-Year Accessibility Plan

8.0 PUBLIC CONSULTATION ON IMPROVING ACCESS IN THE COMMUNITY, continued

2) What other barriers in the COMMUNITY would you like to see addressed? How do they affect you and your family? (continued)

Ridgefest public consultation responses, continued:

- Awareness about services for veterans – not all services available out there (spoke about buying a wheelchair but told he needs a prescription from a doctor but not sure how or who assesses him) – the AAC provided him with contact information for Community Support Services Niagara.
- Encourage stores to have ramps, etc. not just stairs – also leave enough room in stores for better movement (*accessible post office).

On-line Survey responses:

- All facilities and companies, both public or private, should have wheelchair access at entrance doorways. Also all public swimming pools should have lifts for people with disabilities.
- Many outside doors of shops, etc. Still have spring hinges too strong for elderly people to open. They do NOT necessarily need motorized automatic doors – just weaker spring hinges.
- This affects my family because I need help walking in the house because of the way the sidewalk is far away for the entrance of the house and the driveway is too narrow for any vehicle.
- Same as above (sidewalks, roads, ramps) – this not only affects my family but others with physical limitations.
- Sidewalks are the biggest ones I've seen in Fort Erie. I work for CLFE (Community Living) and walking to Walmart is difficult. The concrete curbs and sidewalk are uneven and I've had a person supported in a wheelchair almost flip over because the wheels hit a part of concrete that's too high and uneven.
- Parking at hospital difficult. Having to prepay parking means extra trips to and from car. Parking should be free to all.
- Fix the roads, my back is killing.
- I have been in a wheelchair and it's the two issues above that most affected me (lack of ramps and lack of handicap parking).
- The sidewalk in my street has a slight curb to it making it somewhat hard for walkers and wheelchairs.
- Curb cuts need to be highlighted by at least 70%. They are invisible to people with vision issues.
- I would like to see beach wheelchairs available for rent at Bay Beach. The mobi mats are wonderful, but don't allow access to the water.
- I am wheel chair bound, unable to get to store to shop – more stores that deliver.
- Travel is restricted in this town. More sidewalks, and better access to public transit would be appreciated as it affects our ability to move about the city without requiring alternate transportation.

Facebook comments received:

- We need more seniors housing built for seniors who need help. There are none available which no one seems to care about.
- What I would like to see is a seniors village built with everything that is within reach, like the new Gilmore Lodge. A centre that offers seniors everything they need to live with dignity and worry free.
- More wheelchairs and mobility scooters that can be put in car trunks for hire for visitors to the area.

Town of Fort Erie

2019-2023 Multi-Year Accessibility Plan

8.0 PUBLIC CONSULTATION ON IMPROVING ACCESS IN THE COMMUNITY, continued

3) What does an accessible community look like to you?

Ridgefest public consultation responses:

- If you don't use it, you lose it; in England they use two hands for sign language (note: we do as well)
- Very important to develop our community.
- One full of ramps – fix the G.D. roads!
- Power outlets are great for scooter use.
- Able to get into everything freely and easily – getting better and better all the time.
- Getting seniors more involved.
- Wheelchair and elderly can get to spots they need to go.
- Very welcoming to everybody.
- Look on all websites around the world; town talks about it being a friendly community – town should make it a principle that developers provide a certain percentage of accessible units for buildings – our Council needs to tell them to do it.
- Walk everywhere – Markham/New Market is more accessible.
- Looks like everybody else; nothing is thought about; go about everyday life – no one is special; “inclusive”.
- As inclusive as possible to all events and services.
- Accessibility for all.

On-line survey responses:

- An accessible community would have enforced snow removal bylaws. Have a lift in all public pools for the disabled.
- The Friendship Trail is a perfect example of accessible for all.
- Accessible community looks like needing ramps for walkers and wheelchairs.
- BARRIER FREE for all persons regardless of age, physical limitations, and need.
- One where we have workers in wheelchairs going around the city so they can address the exact issue from the perspective of a person in a wheelchair. Ideally Fort Erie would eventually be fully accessible. Handicap parking spots need to be wider. If you have a side ramp there isn't space to open it and get person on/off.
- A town where all can participate.
- Free of pot holes.
- Everyone has complete accessibility.
- An accessible community looks like trying to understand - to put yourself in the handicapped person's place.
- One that considers accessibility a right and not a privilege or an inconvenience to business and corporations.
- I would like the Town to allow the use of “stop gap ramps” for businesses. Also business should be forced to provide accessibility in order to receive a building permit. There are far too many businesses that are not accessible.
- Transportation assistance, mobile vehicle walk ways, merchants that deliver.
- Fully accessible with freedom of movement in rge (?) city and between cities.

Town of Fort Erie

2019-2023 Multi-Year Accessibility Plan

9.0 MULTI-YEAR PLAN RECOMMENDATIONS

As noted, the Town of Fort Erie has met all AODA compliance requirements. Focusing on the future, and the target date of 2025 to create an Accessible Ontario, it is important for the Town of Fort Erie to expand its reach out into the community to ensure that barriers are removed, no new barriers are created, and that an inclusive community is created and sustained.

The following recommendations, if enacted, will lead us closer to that end goal of an Accessible Fort Erie.

Recommendations:

- THAT: the Town of Fort Erie continues to meet its obligations under the Accessibility for Ontarians with Disabilities Act;
- That: the Town of Fort Erie pro-actively inspect, maintain and clear sidewalks and curb cuts to ensure a smooth path of travel for all residents;
- THAT: based on feedback received during the public consultation, the Town of Fort Erie's Traffic Coordinating Committee, in consultation with the AAC, review on-street parking and municipal parking lots and create new accessible parking spaces closer to public buildings, where determined;
- THAT: all future Administrative Reports to Council include under "Financial/Staffing Implications" the wording "and AODA Considerations" that will require staff to consider any accessibility impacts and ensure that new barriers are not created;
- THAT: the Accessibility Advisory Committee are consulted on all applicable Master Plans, Neighbourhood Plans and major projects to ensure no new barriers are created.
- THAT: the AAC continues to work with businesses and organizations to improve access and create a more inclusive experience.
- THAT: the Town Council acknowledges the work being done to create a more inclusive community on an annual basis.

Town of Fort Erie

2019-2023 Multi-Year Accessibility Plan

10.0 FEEDBACK AND CONTACTS

The Town of Fort Erie welcomes feedback on the 2019-2023 Multi-Year Accessibility Plan, and on the accessibility of our programs, services and facilities.

Feedback may be provided directly to the service provider or to:

Town of Fort Erie – Accessibility Coordinator
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6
Telephone: (905) 871-1600 ext. 2201
FAX: (905) 871-4022
E-mail: bbradnam@forterie.ca

All feedback will be kept in strict confidence and used to improve the way we do business. In addition, the author of the feedback will be provided a response in the format in which the feedback was received outlining actions deemed appropriate, if any.

11.0 COMPLIANCE, ONGOING REVIEW AND MONITORING OF THE PLAN

Failure to comply with the AODA regulations can result in administrative penalties as defined in Part V: Compliance of the *Integrated Accessibility Standards, Ontario Regulation 191/11*.

Annual status reports on the implementation of the Multi-Year Accessibility Plan 2019-2023 will be provided to Council each year, as required, and made available on the Town's web-site and in alternative format, upon request.

The Multi-Year Accessibility Plan will be reviewed and updated at least once every five years.

Creating an Accessible Fort Erie

Our vision of the Town of Fort Erie is that of a well-designed community that is safe, convenient and comfortable for all persons, with or without disabilities. By implementing the requirements of the AODA, we are all working towards creating an accessible Town and Province.

“It’s time we take our focus off disabilities, and place it on capabilities, so we can see the person first”.

~ Robert M. Hensel



The Municipal Corporation of the Town of Fort Erie
Business Status Report
 Corporate Services; Community Services; Fire and Emergency Services
December 2, 2019

Forecasted Reports	Source	Status
Establishing a Reserve Fund to Finance Servicing Industrial Land	Report	December 9, 2019
Canada Summer Games 2021 - 13 for 13 Cultural Program	Report	December 9, 2019
Council Schedule	Report	January 13, 2020

Prepared by:

Prepared by:

Respectfully submitted by:

“original signed”

“original signed”

“original signed”

Jonathan Janzen,
 Director, Corporate Services/Treasurer

Ed Melanson,
 Fire Chief

Tom Kuchyt,
 Chief Administrative Officer



Planning and Development Services

Prepared for	Council-in-Committee	Report No.	PDS-53-2019
Agenda Date	October 7, 2019	File No.	350307

Subject	ADOPTION OF BIRD-FRIENDLY DESIGN STANDARDS FOR SITE PLAN CONTROL & BIRD-FRIENDLY GUIDELINES PAMPHLET FOR RESIDENTS
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Recommendations	<p>THAT Council approves the use of the bird-friendly design standards for commercial, multi-residential, and institutional development, and for single detached dwellings in the Point Abino area that are subject to site plan control; and further</p> <p>THAT Council authorizes staff to append the bird-friendly design standards attached as Appendix “1” in Report No. PDS-53-2019 to the Town’s site plan control guidelines document as Appendix J; and further</p> <p>THAT Council authorizes staff to make the bird-friendly guidelines for residents information pamphlet available to the public.</p>
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Relation to Council’s 2018-2022 Corporate Strategic Plan	<p>Priority: Managed Growth through Responsibility, Stewardship and Preservation</p> <p>Goal: N/A</p> <p>Initiative: N/A</p>
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List of Stakeholders	<p>Developers</p> <p>Residents and Property Owners in Fort Erie</p> <p>The Town’s Environmental Advisory Committee (EAC)</p>
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Prepared by:	Submitted by:	Approved by:
<i>Original Signed</i>		
Daryl Vander Veen Planning Technician	<i>Original Signed</i>	<i>Original Signed</i>
Reviewed by:		
<i>Original Signed</i>		
Kira Dolch, MCIP, RPP, CNU-A Associate Director, Planning and Development Services	Richard F. Brady, M.A., MCIP, RPP Director, Planning and Development Services	Tom Kuchyt, C.E.T. Chief Administrative Officer

Purpose

In May of 2018, the Mayor put forward a motion that planning staff investigate and report to Council on possible bird-friendly mitigation measures in consultation with the Town's Environmental Advisory Committee (EAC) for consideration in the planning and development process. This report recommends that Council implement bird-friendly design standards to the Town's site plan control guidelines. The bird-friendly design standards would apply for commercial, multi-residential and institutional development throughout the town, as well as construction of single detached dwellings in the Point Abino area. The report also recommends that Council authorize staff to distribute a pamphlet with bird-friendly guidelines that are intended for use by the general public.

Background

Avian mortality is increasingly becoming an important environmental concern both in North America and globally. One of the largest risks to birds is collisions with buildings and structures. Birds can become confused by reflective or transparent surfaces such as glass and may fly into them. This often results in serious injury or death to the bird.

Most bird collisions with structures occur relatively close to the ground where the reflection of nearby flora and trees appear in windows and glass surfaces. Birds are unable to discern the reflections from real vegetation and may fly into the reflective surface. The majority of collisions occur from grade to 18.00 m (59.05 ft) in height or the height of the mature tree canopy in the area. This area is known as the bird building collision zone and is the primary focus of bird-friendly mitigation measures. The relatively low height of this zone means that low and medium rise buildings also have a significant effect on bird collisions. The issue is not limited to high rise structures and may occur anywhere there is a large amount of vegetation in proximity to glassed or reflective buildings and structures.

Consensus is forming among researchers and environmental groups that bird collisions with structures can be prevented through mitigation measures known as bird-friendly design standards. Most of these mitigation measures are centred on treatment methods that can be applied to glass or reflective surfaces to increase their visibility to birds.

Key Facts:

- Fort Erie lies within a migratory bird corridor.
- Lake Erie's coastline ranks second only to the Gulf coast for concentrations of avian migrants (Fatal Light Awareness Program (FLAP), Lake Erie Waterkeeper).
- The latest statistics (Bird Safe Ottawa) indicate that residences account for 44% bird-window collisions (BWCs), multi-storey buildings (4 to 11 storeys) 55% of BWCs, and high rises 1% of BWCs.

- Bird collisions with windows is a leading cause of avian mortality and is estimated to be second only to cat predation in North America. 50% of birds that impact windows do not survive.
- Birds have difficulty perceiving windows, especially those with highly reflective glass. Birds see the reflected habitat and vegetation and try to fly to these areas which results in them colliding with windows.
- Most collisions with windows occur from grade up to 15.24 m (50.00 ft.) in height. This area is known as the 'daytime collision zone' and is a result of windows reflecting the ground and nearby vegetation such as trees. Implementing bird-friendly standards within this zone is the most effective measure to reduce bird collisions with windows.
- A review of other bird-friendly guidelines in Canada indicates that implementing bird-friendly window treatment measures should be implemented on buildings with contiguous glass surfaces that are 2.00 sq. m. or greater in area. For reference, a 2.00 sq. m. window is 1.41 m x 1.41 m.

Planning & Development Services conducted extensive research into bird-friendly measures recommended by environmental groups as well as mitigation measures that were implemented by government organizations in both the United States and Canada. In 2019, planning staff began formulating bird-friendly design standards to be integrated into the Town's site plan control guidelines in consultation with EAC. A pamphlet was also designed with guidelines on how residents in the Town may implement bird-friendly measures for their homes.

Analysis

Currently the only mechanism for implementing bird-friendly design standards in the Town of Fort Erie is through site plan control. This would enable the Town to require bird-friendly design standards for commercial, institutional and multi-residential (townhouse, condominium and apartment) development that is subject to site plan control. Single detached dwellings in the Point Abino area with Waterfront Rural Residential WRR zoning would also be subject to bird-friendly design standards as the Town's Zoning By-law subjects this area to site plan control.

Staff are proposing to add the bird-friendly design standards to the Town's site plan control guidelines document. This will include adding a requirement to 'Section 1.7 Floor Plans and Building Elevation Plans' and '1.8 Landscape Plans' of the Town's Site Plan Control Guidelines document to ensure that these plans illustrate how development integrates bird-friendly design standards. The bird-friendly design standards document (**Appendix "1"**) will be added as Appendix J to the site plan control guidelines. The bird-friendly design standards consists of two sections, the first for commercial, institutional and multi-residential development, and the second for single detached dwellings in the Point Abino area that are subject to site plan control.

Staff and EAC have also developed a pamphlet for residents who are interested in implementing measures to make their homes friendlier to birds. With Council's authorization, staff will make the pamphlet attached as **Appendix "2"** publicly available at Town Hall.

Financial/Staffing Implications

Planning & Development Services staff review time of site plan applications will increase in order to implement bird-friendly design measures into site plan control. Printing the information pamphlet will incur a small cost to the Town for the cost of ink/paper.

Policies Affecting Proposal

By-law No. 36-2013 authorizes the Director, Planning & Development Services to develop and implement Site Plan Control Guidelines. Staff propose to implement bird-friendly design standards into the site plan control guidelines document as a proactive measure for any future development applications.

Comments from Relevant Departments/Community and Corporate Partners

The bird-friendly design standards and information pamphlet were developed based on input and review from the Town's Environmental Advisory Committee (EAC).

Communicating Results

No additional communication is required at this time. If approved by Council, staff will communicate it's availability to the public.

Alternatives

Council may choose to deny addition of the bird-friendly design standards into the site plan control guidelines and to not distribute the information pamphlet (maintain the status quo).

Conclusion

Staff recommend that Council authorize use of bird-friendly design measures and that the proposed bird friendly design standards be added to the Town's site plan control document.

Staff also recommend that Council authorize the proposed pamphlet on bird-friendly guidelines to be made available to the public.

Attachments

Appendix “1” – Bird-friendly Design Standards

Appendix “2” – Bird-friendly Guidelines for Residents Pamphlet



Town of Fort Erie

**Bird-friendly
Design Standards**

APPENDIX "J"

Bird Friendly Design Standards

This appendix establishes bird-friendly design standards intended to reduce bird collisions into windows. The standards are intended for commercial, multi-residential, and institutional development in the Town of Fort Erie and for new single-detached dwellings in the Point Abino area that are subject to site plan control.

The bird-friendly design standards shall be applied up to 18.00 m or the height of the mature tree canopy. The standards may be applied above 18.00 m or the height of the mature tree canopy if development is located in a migratory path or under other special circumstances.

Site Plan Design – Landscaping and Flora

- Limit the height of landscaping immediately adjacent to large windowed areas to less than 1.5 m in height (low shrubs, flower beds, etc.).
- Avoid planting trees next to untreated windows over 2.0 sq. m in area.
- Avoid use of fruit-bearing plants or trees near windows.
- Avoid locating water features near large windowed areas (ponds, stormwater facilities, wetlands, ditches, swales, etc.).
- Plant adjacent low-level landscaping within 1.00 - 3.00 m of large window areas to reduce the impact of bird collisions.
- Encourage planting of larger landscaping vegetation (such as trees) along facades with few or no windows, or at least 30.00 m away from large glassed surfaces.

Example: Landscaping Reflected in Windows



Example: Bird-friendly Landscaping



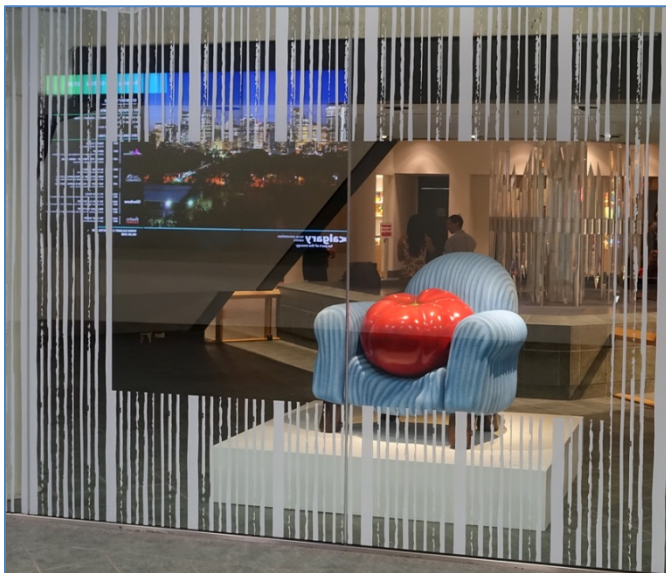
Site Plan Design – Outdoor Light Sources

- Require renders of outdoor light fixtures to demonstrate how light will be effectively shielded and directed towards the ground.
- Avoid approval of fixtures that direct light upwards or do not feature adequate shielding.
- Where possible, discourage use of lighting for decorative purposes.

Bird-friendly Window Treatments

- Where possible, consider windows that are less than 2.0 sq m in area as they do not require window treatment.
- Window treatment should be implemented on all glass surfaces that have a contiguous area of 2.0 sq. m or greater from grade to 18.00 m in height or the height of the mature tree canopy.
- For glass surfaces on the first floor facing a street that are greater than 2.0 sq. m in area, limited glass areas without treatment are permitted for display purposes provided they do not exceed 2.0 sq. m in area.

Example: Gap in Window Treatment for Viewing and Display Purposes



For contiguous windows over 2.0 sq. m in area, one of the following bird-friendly window treatment options shall be implemented:

Vertical Stripe Patterning

Vertical stripes shall be spaced a maximum of 10.0 cm from midpoint to midpoint with stripe width being a minimum of 0.50 cm.



Horizontal Stripe Patterning

Horizontal stripes shall be spaced a maximum of 5 cm apart from midpoint to midpoint, with the stripe width being a minimum of 0.3 cm.



Dot Patterning

Dots shall be a minimum of 0.50 cm in diameter and spaced a maximum of 5.0 cm apart from midpoint to midpoint.



Aesthetic Patterns and Other Graphics

Aesthetic patterns or other graphics shall not have gaps in the treatment patterning larger than 5.0 cm.



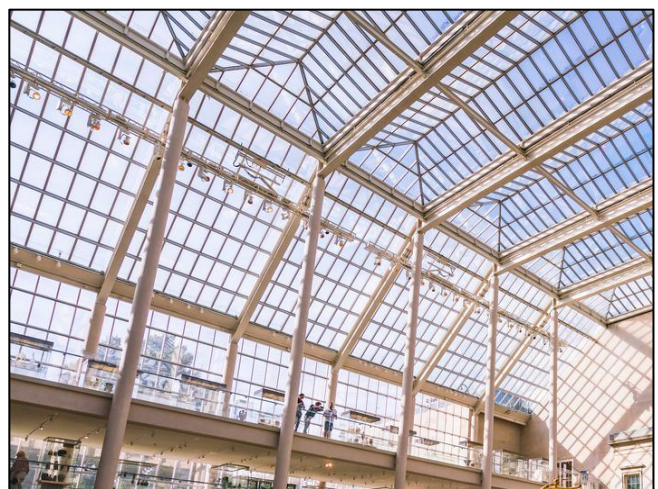
Tinting

Window tinting shall be non-reflective or opaque. Coloured glass with highly contrasting colours is to be encouraged where possible.



Mullions

Mullions shall be spaced a maximum of 0.30 m from midpoint to midpoint and with a minimum width of 2.5 cm.



Single Detached Dwellings in the Point Abino Area-Primary Measures (Window Treatment)

- Similar to larger-scale development, window treatment remains the primary and most effective bird-friendly design measure to reduce bird collisions with windows.
- Where possible, consider windows that are less than 2.0 sq m in area as they do not require window treatment.
- Window treatment should be applied on the external side of windows to be most effective.
- For contiguous windows over 2.0 sq m in area, one or more of the following bird-friendly window treatment options is recommended:

Stripe Patterning

Vertical stripes shall be spaced a maximum of 10.0 cm from midpoint to midpoint with stripe width being a minimum of 0.50 cm.

Horizontal stripes shall be spaced a maximum of 5 cm apart from midpoint to midpoint, with the stripe width being a minimum of 0.3 cm.



Dot Patterning

Dots shall be a minimum of 0.50 cm in diameter and spaced a maximum of 5.0 cm apart from midpoint to midpoint.



Non-reflective Tinting

Install window tinting that eliminates or greatly reduces reflections in large windows.



Single Detached Dwellings in the Point Abino Area – Secondary Measures

Generally, the preference for implementation of bird-friendly design standards shall be the use of primary measures (window treatment measures). Nevertheless, the following secondary measures may also be effective at reducing bird collisions:

Mullions

Windows may include mullions spaced a maximum of 0.30 m from midpoint to midpoint and with a minimum width of 1.0 cm.



External Coverings – Screens

Install movable/removable screens that can be placed in front of large window openings.



External Coverings – Non-retractable Awnings

Install non-retractable awnings that heavily obscure windows.



Other Window Options

Other aesthetic options are available for dwellings that may reduce bird collisions. Anything that can fully or partially reduce the reflection of large glass surfaces will help. Here are a few examples:

Mullions

Windows may include mullions spaced a maximum of 0.30 m from midpoint to midpoint and with a minimum width of 1.0 cm.



External Coverings - Shades

Install external retractable shades that can be lowered over large windows.



External Coverings - Shutters

Install shutters that can partially or fully cover large windows.



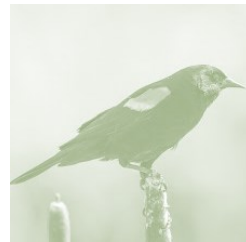
External Coverings - Screens

Install movable / removable screens that can be placed in front of large windows.



External Coverings - Awnings

Install awnings that heavily obscure windows.



For more information on bird-friendly guidelines, check out the following links:

<https://www.flap.org>

<http://safewings.ca/>

<https://birdsafecanada.ca/>



Town of Fort Erie

Town Hall
1 Municipal Centre Drive
Fort Erie, ON
L2A 2S6

Phone: 905-871-1600
Fax: 905-871-4320
Website: www.forterrie.ca

Bird-friendly Guidelines for Residents

Tips for Making Your Home Bird-friendly



Town of Fort Erie & The Environmental Advisory Committee

Tel: (905) 871-1600

Tips for Making Your Home Bird-friendly



This pamphlet provides residents with some general tips for improving the safety of birds. A common cause of injury to birds are collisions with windows.

Birds can become confused by glass surfaces that are reflective or have lights or vegetation inside of a building that are visible from the outside. Collisions are common even with low-rise residential homes.



There are several measures that you can implement to help ensure that the Town of Fort Erie is a viable habitat for the many species of birds that call the town home.

General Tips

Indoor Plants

Plants inside of your home that are located next to windows may be visible to birds and can result in collision with the glass when birds attempt to fly to the vegetation inside. Place indoor plants away from windows or use a translucent window curtain, shade or blinds to obscure the plants to prevent this.



Bird Feeders

Bird feeders are an excellent way to attract birds and to bird watch from the comfort of your home. A bird-friendly practice is to locate bird feeders within 1.00 m or less of windows or patio doors. There are also feeders available that adhere directly to glass. Placing bird feeders so close is beneficial as the reduced distance ensures minimal injuries to birds should they come into contact with the glass.



Lighting

Light emitting from your home at night can disorient and distract birds. Block out or extinguish indoor lights at night to prevent attraction of birds from indoor light sources. Direct outdoor lighting downwards to reduce as much light spillage as possible. Use of outdoor lights with motion activation sensors and/or timers that are correctly set are also useful to reduce the amount of time the lights are activated.



Window Patterning

Consider applying patterning to windows to prevent bird collisions. The most effective measures are dot patterning, vertical or horizontal striping, or other decorative patterning.

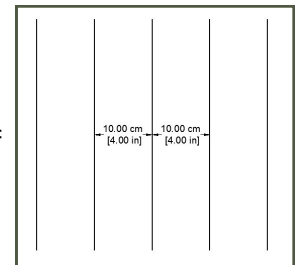
Ready-made window treatment kits are available for purchase online. These kits consist of stickers that peel and stick to windows. For best effectiveness, the stickers should be placed on the external surfaces of windows.

The same effect can be achieved using low cost household tape such as frosted scotch tape and applying it to windows. This method may require regular replacement over time.

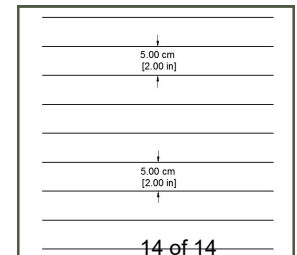
For dot or other patterning, gaps between the patterning should be 5.00 cm x 5.00 cm (2.00 in x 2.00 in) or less.



For vertical striping, the stripes should be placed a maximum of 10.00 cm (4.00 in) apart.



For horizontal striping, the stripes should be spaced 5.00 cm (2.00 in) apart.





Interoffice Memorandum

November 22, 2019
File No. 350307

To: Mayor and Council
From: Daryl Vander Veen, Planning Technician
Subject: **PDS-53-1-2019 Adoption of Bird-Friendly Design Standards for Site Plan Control & Bird-Friendly Guidelines Pamphlet for Residents**

During the Council-in-Committee meeting on October 7, 2019, Council passed Resolution No. 8 which referred Report No. PDS-53-2019 back to staff for further information. The report was originally scheduled to return to the December 2, 2019 Council-in-Committee meeting. The intent of this referral was to obtain input from area developers through the Developer's Roundtable and from the Town's Affordable Housing Committee on the proposed bird-friendly design standards.

Staff request that a motion be passed to reschedule Report No. PDS-53-2019 for the Council meeting on January 20, 2020. The Developer's Roundtable was held on November 21, 2019, and staff would like to provide area developers with some additional time to provide comments. Staff have asked participating developers to provide comments by December 31, 2019.

Furthermore, the bird-friendly design standards have not yet been reviewed by the Town's Affordable Housing Committee due to other items being on their agenda. The next available meeting is Wednesday, November 27, 2019, and staff intend to have the matter reviewed by the Committee on that date.

All of which is respectfully submitted,

Daryl Vander Veen
Planning Technician

DV/



Planning and Development Services

Prepared for	Council-in-Committee	Report No.	PDS-70-2019
Agenda Date	December 2, 2019	File No.	350205

Subject	<p>ENVIRONMENTAL CONSERVATION AREA ASSESSMENT REPORT–TOWN OF FORT ERIE INDUSTRIAL LANDS</p>
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Recommendations	<p>THAT Council approves the Fort Erie Industrial District Environmental Conservation Land Assessment, attached as “Appendix 1” to Report No. PDS-70-2019, and further</p> <p>THAT Council directs staff to update the appropriate Official Plan and Zoning schedules through Official Plan and Zoning By-law Amendments, to reflect the updated conditions as identified in the Environmental Conservation Land Assessment.</p>
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Relation to Council’s 2018-2022 Corporate Strategic Plan	
Priority:	Promoting Business, Economic Growth and Employment Opportunities.
Goal 4.2:	Proceed with the Industrial Land Strategy
Initiative 4.2.1:	Facilitate the availability of shovel ready industrial land

List of Stakeholders	<p>The Corporation of the Town of Fort Erie Niagara Peninsula Conservation Authority Region of Niagara Ministry of Natural Resources Residents of the Town of Fort Erie Fort Erie Economic Development and Tourism Corporation LCA Environmental Consultants</p>
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Prepared by:	Submitted by:	Approved by:
<i>Original Signed</i>	<i>Original Signed</i>	<i>Original Signed</i>
Lindsay Richardson, MCIP, RPP Senior Community Planner	Richard F. Brady, MA, MCIP, RPP Director, Planning and Development Services	Tom Kuchyt, CET Chief Administrative Officer

Purpose of Report

The purpose of this Report is to seek Councils endorsement of the Fort Erie Industrial District Environmental Conservation Land Assessment, attached as **Appendix “1”**, in order to update the Town’s Official Plan and Zoning mapping for natural heritage features as outlined in the Assessment.

Analysis

Background

The Industrial District in the Town of Fort Erie is approximately 618 hectares in size and contains about 170 hectares of lands designated as Environmental Conservation Areas (ECA). EC Lands represent those areas identified as Locally Significant Natural Areas (LSNAs) based on the ecological features and functions originally identified in the Fort Erie Natural Areas Inventory (Dougan & Associates, 2003) and other historical reports. These lands do not meet the criteria for provincial designation (i.e. Provincially Significant Wetland, or Significant Woodland) but may contain inherent features of hydrological or ecological value. The EC lands, in addition to those designated as Environmental Protection Areas (EPAs), place a significant constraint for development on these industrial lands.

LCA Environmental was retained by the Town in 2018 to re-evaluate the EC lands within the Town’s Industrial District based on current hydrogeological and ecological conditions with regard to current Regional and Provincial policies. The primary objective of this study was to re-evaluate these natural features and assess their significance based on current conditions, identify significant natural areas which require protection through EPA designated and provide updated mapping of feature boundaries.

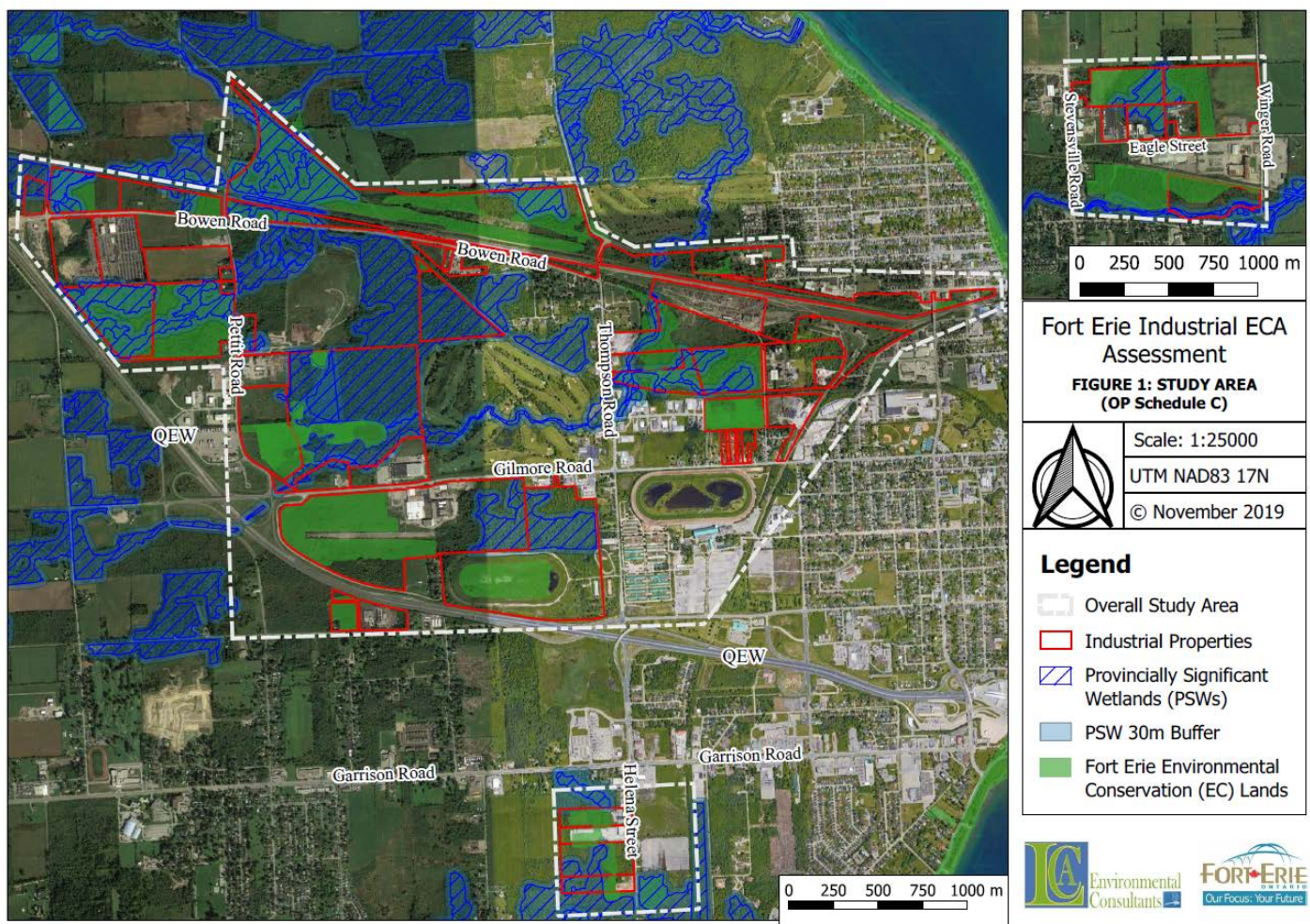
Limitations to development were clearly identified, including areas of hydrological or ecological significance, species at risk habitat, or significant wildlife habitat. Land adjacent to EC designated areas was assessed to the extent possible to identify any additional limitations to development and provide recommendations for suitable buffers from environmental areas.

The overall goal of the ECA Assessment Report is to provide the Town of Fort Erie with information and direction regarding the potential for development within the Town’s Industrial District and requirements for conservation based on current field data and policies. The study will inform decisions regarding municipal natural heritage mapping and zoning designations by clearly identifying which EC lands should be protected through designation as Environmental Protection Areas.

Study Area

The Town of Fort Erie’s Industrial District is composed of 618 ha of land, located primarily north of the QEW, to Bowen Road and east to Thompson Road. Two additional industrial areas exist within the town and are included in the study area. One is located South of Garrison Road along Helena Street, and the other is in Stevensville along Eagle Street and East Main Street, between Winger Road and Stevensville Road (see Figure 1). According to Town data, approximately 170 hectares of land within the Industrial District is classified as Environmental Conservation and approximately 121 hectares is EP designated, which limits the potential for development in these lands.

The following map illustrates the study area and existing EP and EC lands:



The Environmental Conservation Land Assessment took place over the course of 2 years (2018 and 2019) and follows the Regional Municipality of Niagara EIS Guidelines for preparation of an Environment Constraints Analysis, assessing natural heritage and ecological features to identify areas of environmental significance which place constraints on development and areas of little or no constraint.

The constraints analysis was prepared in accordance with the Provincial Policy Statement (2014), Regional natural heritage policies, and the Town of Fort Erie Official Plan policies. No development is being proposed as part of this assessment, so an impact assessment was not completed. The report will be used to inform updates to the Town's natural heritage mapping and identify the potential for development within the industrial lands, including recommendations regarding natural buffers, corridors, and enhancement opportunities.

The study work consisted of:

- Study background and scoping including: a literature review, a baseline data assessment, site access and field studies and an analysis of significant features;
- Policy and legislative framework summaries in accordance with the Region of Niagara Environmental Impact Study (EIS) Guidelines (2018);
- A description of existing conditions including: site history, physiography, soil and drainage conditions, and existing natural heritage features;
- Field surveys including: a botanical inventory, amphibian, reptile, avian, and mammalian monitoring, identification of fish habitats, significant wildlife habitats, wild life corridors and unevaluated wetlands;
- An assessment of natural features and functions which reviewed the EPAs and ECAs as well as fish habitats, species at risk (endangered or threatened species, species of special concern), significant wildlife habitats and corridors and linkages; and
- A constraint analysis which looked at development constraints, development potential and enhancement opportunities.

Landowner Consultation

The ECA Assessment was completed as per the accepted Terms of Reference to the extent possible for the subject lands within the defined study area. The greatest limitation to completion of comprehensive field assessments was access to privately owned lands that contained all or a portion of the natural heritage features. Letters were sent to all landowners in the study area April 24, 2018 and follow up letters were sent out May 22, 2018.

70 properties were identified, with 38 allowing access, 5 not allowing access, 26 not responding and 1 indicating they would provide information through their own consultant. A Public Information Meeting was held on August 8, 2018 with 4 members of the public in attendance. This meeting was advertised in the Fort Erie Times and notice was mailed to all individual property owners in the study area.

Those lands that were not granted access were evaluated based on the existing information available and any additional information that could be garnered from the adjacent lands, if accessible, or the roads and unopened road allowances.

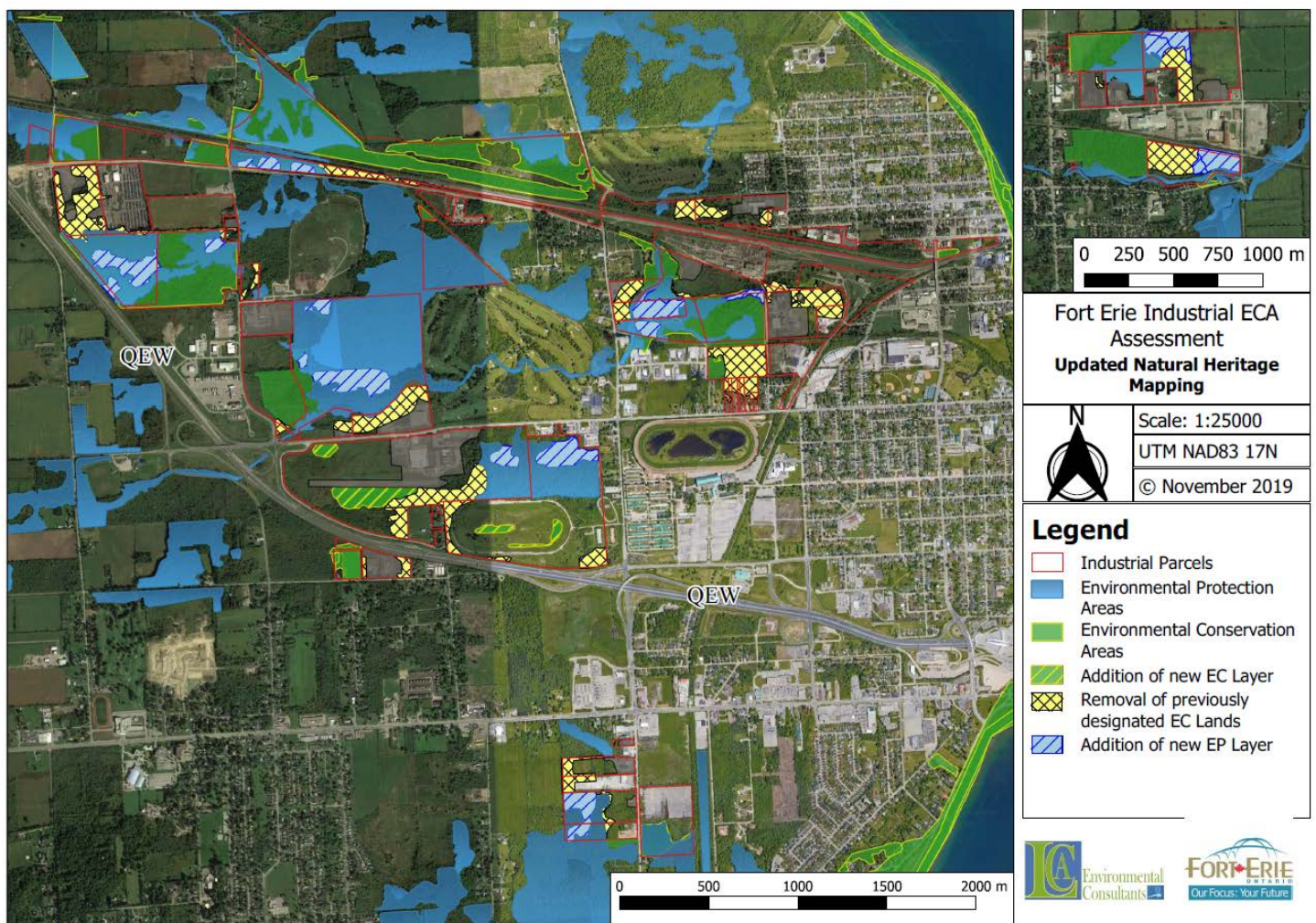
Due to the lack of access in some areas, the existing EC designations could not be confirmed or changed in the absence of current field data. These areas may require additional field assessments in the event that site development is proposed as per the regional and municipal policy requirements.

Staff and the consultants met with the Town’s Environmental Advisory Committee on October 9, 2019 to review the final results of the study. The Committee had no comments or concerns with the recommendations provided.

Conclusion

The assessment of the EC designated lands within the Town of Fort Erie’s Industrial District has been completed based on current field data and with regard to the current provincial, regional, and municipal natural heritage policies. The constraints analysis for the study area identified areas of high significance which limit the development potential, as well as areas of low significance which provide opportunities for development within the Industrial District.

The map shown below highlights the areas where the EP and EC designated will remain, and where additions or deletions of land uses are recommended.



The summary of changes to the natural heritage mapping resulting from the Fort Erie Industrial ECA Assessment is provided as follows:

Total area:	618 ha
Existing EP lands:	121 ha
Recommended EC upgrade to EP:	32 ha
Updated EP lands:	153 ha
Percent total area	25%
Existing EC lands:	170 ha
Recommended EC removal:	61 ha
Recommended EC upgraded to EP	32 ha
EC Lands added	7 ha
Updated EC lands:	84 ha
Percent total area	19%

Overall, approximately 50% of the Fort Erie Industrial District lands contain a natural heritage designation which restricts the development potential in these areas. Approximately 300ha contain natural heritage features and 318 ha are currently developed or have the potential to be developed, subject to completion of any additionally required studies and assessment or impacts.

Next Steps

Staff will initiate Official Plan and Zoning By-law Amendments to update the appropriate Official Plan and Zoning By-law Schedules to reflect the updated conditions as identified in the Environmental Conservation Land Assessment.

Financial/Staffing Implications

And future policy amendments would be undertaken by Staff under their current responsibilities.

Policies Affecting Proposal

The Request for Proposal was issued in accordance with the Town of Fort Erie Purchasing By-law No. 2-10.

Comments from Relevant Departments/Community and Corporate Partners

Landowners were consulted throughout this process as identified earlier in this report. Various Town Staff have been involved through the process including the Director of Planning and Development Services, the Manager of Community Planning and the General Manager of the Economic Development and Tourism Corporation. Their

comments and suggestions have been incorporated into the final draft Environmental Conservation Land Assessment being presented.

Specifically, the Economic Development and Tourism Corporation provided the following:

In reviewing the Fort Erie Industrial District Environmental Conservation Land Assessment, the EDTC is pleased that the assessment identifies the removal of some previously designated environmental conservation (EC) layers on select industrial parcels. This may help to foster the develop-ability of these sites. However, there is still serious concern since these particular sites are adjacent to moderate-to-high areas of constraint for development (i.e. Provincially Significant Wetlands in which there is a 30 meter buffer for development).

The EDTC is also concerned that new EC layers have been added to certain prime industrial sites which we counted on as part of our limited inventory to market and respond to inquiries for industrial development and investment. We are already challenged with offering suitable industrial land options due to insufficient servicing, environmental protection, odd shaped lots, lack of road access, surrounding land uses and lands that are privately owned.

Another factor to consider as a result of this Assessment, is how the land owners and their property values will be impacted by the study findings.

The industrial land supply-demand analysis conducted in the Fort Erie Industrial Land Development Strategy (2017) demonstrates that the Town of Fort Erie does not have enough vacant industrial land to accommodate future employment growth to the planning horizon of 2041, 2036, or even to 2031. There is a sense of urgency in that Fort Erie needs to work towards having a suitable range and choice of serviced, shovel ready industrial sites that will support a range of economic activities and ancillary uses.

The EDTC looks forward to working with the Town of Fort Erie to develop and implement an active plan/program to acquire, service and prepare shovel ready industrial land so that the EDTC and Town of Fort Erie may quickly respond to industrial land inquiries and opportunities.

Communication Requirements

One-on-one consultation with landowners to discuss project objectives and requirements and to obtain access to privately owned lands was undertaken by the Consultant in 2018 and 2019. A public information meeting was held in August of 2018.

Landowners will be provided a short overall summary of their subarea and provided a map of their property which illustrates the natural features relative to the subarea and their lands.

Any future policy amendments would be subject to the standard public engagement process of the Town and the statutory public consultation process under the *Planning Act*.

Alternatives

Council may elect not to proceed with the Official Plan and Zoning By-law Schedule amendments as identified in the Assessment. This is not recommended, as updated mapping will provide for more developable industrial land within the Town's Industrial District and reflect the current natural heritage feature conditions.

Attachments

Appendix "1" – Fort Erie Industrial District Environmental Conservation Land Assessment

FORT ERIE INDUSTRIAL DISTRICT
ENVIRONMENTAL CONSERVATION LAND ASSESSMENT

Prepared For:
Town of Fort Erie

Prepared By:
LCA Environmental Consultants

NOVEMBER 2019

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- Appendix A – Mapping
- Appendix B – Agency Correspondence and EIS Scoping
- Appendix C – Field Assessments and Survey Protocols
- Appendix D – Data Summaries
- Appendix E – Background Information

1.0 INTRODUCTION

The Industrial District in the Town of Fort Erie is approximately 618 hectares in size and contains about 153 hectares of lands designated as Environmental Conservation Areas (ECA) according to the Town of Fort Erie Official Plan. The EC lands within the Fort Erie Urban Area Boundaries were evaluated in the 2003 Natural Areas Inventory (Dougan & Associates) and identified as locally significant natural areas based on the features and functions present at the time of the evaluation. These areas did not meet criteria for provincial significance nor designation as Environmental Protection Area (EPA). The EC lands, in addition to those designated as EPAs, place significant constraint on development within the industrial lands.

On February 15, 2018, the Town of Fort Erie issued a Request for Proposal (PDS-18P-ECAAR) for consulting services for an Environmental Conservation Area Assessment Report for the Town of Fort Erie's Industrial District. The ECA Assessment Report will re-evaluate the EC lands within the Town's Industrial District based on current hydrological and ecological conditions with regard to current Regional and Provincial Policies.

LCA Environmental Consultants submitted a proposal on March 6, 2018 and was awarded the contract for the project on April 6, 2018. The evaluation involved acquiring access to privately and publicly owned lands within the Town of Fort Erie Industrial District in order to assess the lands designated as Environmental Conservation Area on the Official Plan for the Town of Fort Erie.

This ECA Assessment Report follows the Regional Municipality of Niagara EIS Guidelines for preparation of an Environment Constraints Analysis, assessing natural heritage and ecological features to identify areas of environmental significance which place constraints on development and areas of little or no constraint. The constraints analysis is prepared in accordance with the Provincial Policy Statement (2014), Regional natural heritage policies, and the Town of Fort Erie Official Plan policies. No development is being proposed as part of this assessment, so an impact assessment was not completed. The report will be used to inform updates to the Town's natural heritage mapping and identify the potential for development within the industrial lands, including recommendations regarding natural buffers, corridors, and enhancement opportunities.

1.1 Study Objectives

The primary objective of this study is to re-evaluate the natural features within the Town's Industrial District which are currently designated as EC lands and assess their significance based on current conditions and regional and provincial policies. The EC lands will be assessed against current policies and the seven criteria for significance originally used in the 2003 NAI (Dougan & Associates). The assessments will identify significant natural areas which require protection through EPA designation and provide updated mapping of feature boundaries.

Recommendations will be provided regarding natural heritage mapping and the potential for development within the Industrial District. Limitations to development will be clearly identified, including areas of hydrological or ecological significance, species at risk habitat, or significant wildlife habitat.

Land adjacent to EC-designated areas will also be assessed to the extent possible to identify any additional limitations to development and provide recommendations for suitable buffers from environmental areas.

The ECA Assessment Report will provide the Town of Fort Erie with information and direction regarding the potential for development within the Town’s Industrial District and requirements for conservation based on current field data and policies. The study will inform decisions regarding municipal natural heritage mapping and zoning designations by clearly identifying which EC lands should be protected through designation as Environmental Protection Areas.

1.2 Study Area

The Town of Fort Erie’s Industrial District is composed of 618 ha of land, located primarily north of the QEW, to Bowen Road and east to Thompson Road. Two additional industrial areas exist within the town and are included in the study area. One is located South of Garrison Road along Helena Street, and the other is in Stevensville along Eagle Street and East Main Street, between Winger Road and Stevensville Road (see Figure 1). According to the Town of Fort Erie, approximately 170 hectares of land within the Industrial District is classified as Environmental Conservation and approximately 121 hectares is EP designated, which limits the potential for development in these lands.

The study area for the ECA Assessment includes all properties which are zoned for industrial development and contain any part of the EC designation overlay. A total of 69 properties are included in the overall study area, totaling an area of 569 hectares. Sites were numbered from 1 – 51, with some small properties in close proximity being grouped together. Based on aerial imagery interpretation, properties which were small in size and contained a portion of the same natural feature were grouped together and identified alphanumerically. Figure 1 shows a map of the overall study area.

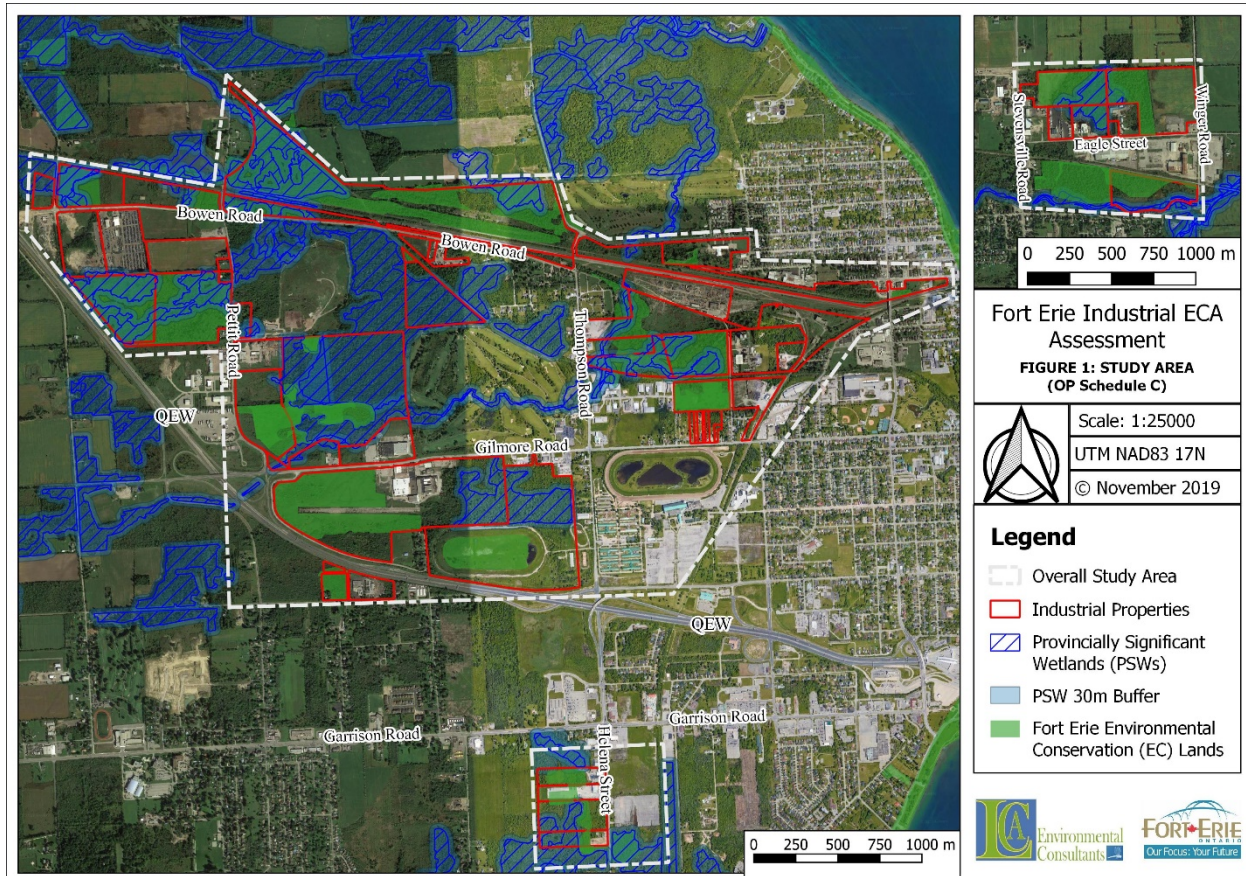


Figure 1: Natural Heritage features of the study area (larger map included in Appendix A).

The study area was divided into six sub-areas based on geographic location and overlap of natural features to facilitate field studies and data analysis. The six sub-areas have been identified as:

1. North Bowen
2. Central
3. South Central
4. East Thompson
5. Helena
6. West Winger.

The North Bowen study area includes properties which fall north of Bowen Road and east of the QEW; Central study area includes properties which lie east of the QEW and west of Thompson Road; Properties in the South Central study area lie south of Gilmore Road and north of Garrison Road; the Helena study area includes properties located south of Garrison Road and north of Dominion, along Helena Street; and West Winger includes properties located in Stevensville between Winger Road and Stevensville Road. These defined areas are displayed in Figure 2.

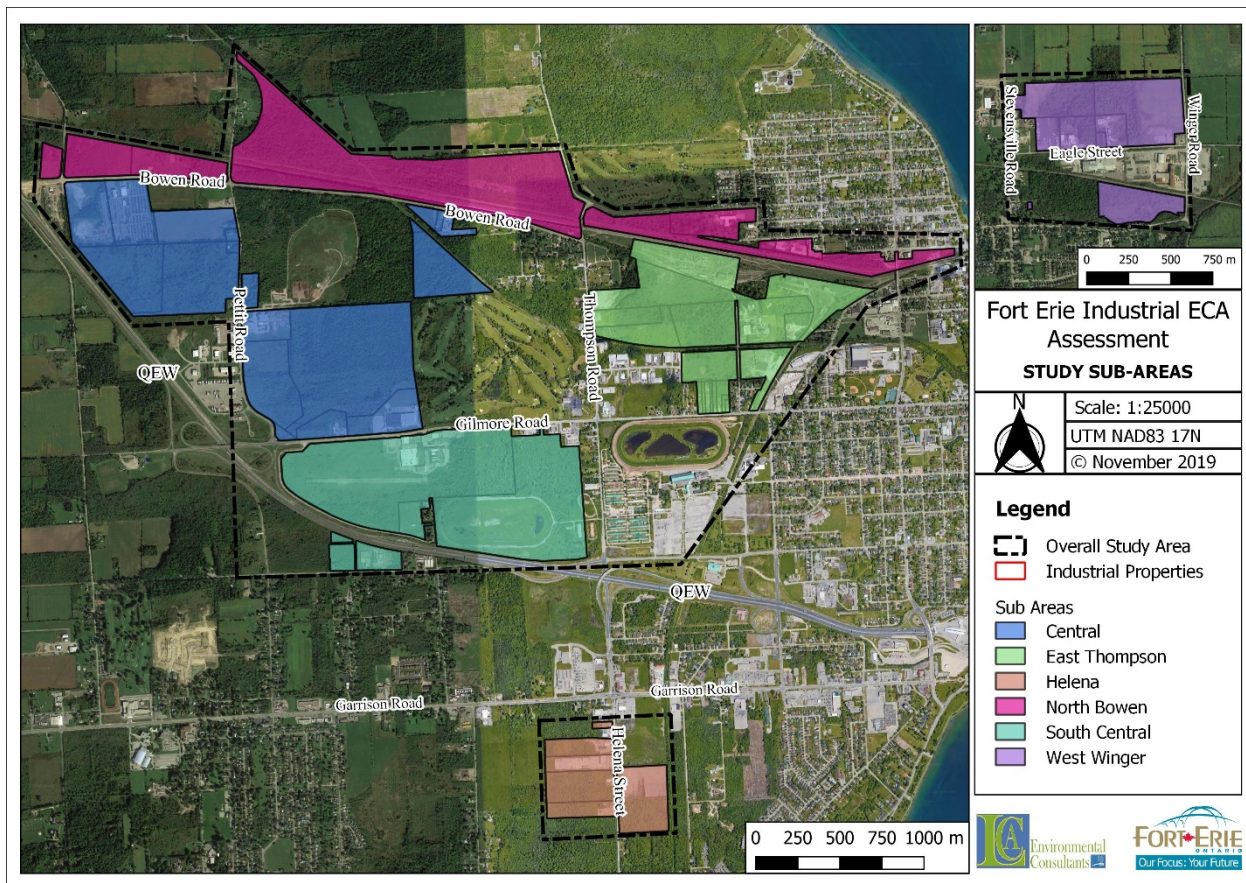


Figure 2: Map of the six defined sub-areas of the Fort Erie Industrial District.

Existing natural features on or within the vicinity of the study area includes portions of four different Provincially Significant Wetlands: Black Creek, Miller’s Creek, Frenchman’s Creek, and the Kraft Drain Provincially Significant Wetland Complex. Portions of the locally significant West Fort Erie Wetland complex are located within the South Central study area.

West of Thompson Road, the Millers Creek PSW Complex occupies portions of the North Bowen and Central areas. It extends from the QEW at the western limit, east through sites 10 and 11, then runs north across Bowen Road.

The Frenchman's Creek PSW complex occupies the largest portion of EP designated lands within the overall study area. The Frenchman's Creek PSW occupies portions of land in the Central, South central, East Thompson, and North Bowen study areas. The creek runs from the southwestern corner of the Central area, from the culvert at Pettit and Gilmore Road then flows east across the central properties before crossing over Thompson Road. It then runs north across the western portion of the East Thompson study area, until it crosses over Bowen Road, just East of Thompson Road.

The wetland complex occupies most of sites 15 and 17 within the central area, while other portions of Frenchman's Creek PSW are located in the East Thompson study area, north of the Hydro One corridor, and in the South Central study area, north of the QEW, adjacent to the old Fort Erie Racetrack.

South of the QEW, the West Fort Erie Locally Significant Wetland (LSW) makes up a small natural area on Bertie Road, within the South Central study area, while the Kraft Drain PSW, located south of Garrison Road, has portions which overlap with the Helena study area.

Black Creek flows east along the southern limit of the West Winger study area and a unit from the Black Creek Wetland complex overlaps the subject properties on the north side of Eagle Street.

The Ministry of Natural Resources and Forestry developed a Natural Heritage System (NHS) as part of the Greater Golden Horseshoe Plan, to identify natural heritage features and connectivity within the Greater Golden Horseshoe and outside of identified settlement areas to support the long-term protection of natural resources. The provincial NHS occupies land north of the overall study area and extends south to occupy the western portion of site 4 and most of site 5, in the North Bowen area.

The Niagara River Corridor also overlaps with the eastern portion of the study area.

2.0 STUDY BACKGROUND AND SCOPING

2.1 Literature Review

Background studies reviewed for this Environmental Conservation Assessment of the Fort Erie Industrial Lands include:

- Niagara Region Environmental Impact Study Guidelines (2018)
- Provincial Policy Statement (2014)
- Consolidated Regional Official Plan (2014)
- Town of Fort Erie Official Plan (2011)
- Town of Fort Erie Official Plan – Schedule A
- Town of Fort Erie Official Plan – Schedule C
- Fort Erie Creeks Watershed Plan (2008)
- Fort Erie Industrial Business District Master Servicing and Development Strategy (2009)
- Natural Areas Inventory for the Town of Fort Erie (2003)

Additional references are listed at the end of this report.

Natural Areas Inventory

The Natural Areas Inventory (NAI), completed by Dougan & Associates for the Town of Fort Erie in 2003, assessed the natural areas within the Town's Urban Development centres, documenting natural heritage resources to assist in the development of natural heritage planning policies for the Official Plan for the Town of Fort Erie. The industrial lands were included within the Old Town of Fort Erie urban boundary and many of the properties within the current study area were assessed for significance as part of the NAI. The NAI identified the natural features by Ecological Land Classification (ELC) Units and assessed them for significance based on seven different criteria. If a unit met three or more of the criteria, it was assessed as being a Locally Significant Natural Area (LSNA) and received recommendation for designation as an Environmental Conservation Area on the Town's Official Plan.

The seven natural areas designation criteria for the Town of Fort Erie NAI were identified as follows:

1. **Designated Environmental Area:** presence of wetlands, Significant Areas of Natural or Scientific Interest (ANSIs), or other protected environmental features
2. **Hydrological Importance:** flood control, maintenance of water quality, groundwater recharge or discharge, or sediment and erosion control
3. **Site Condition:** relatively undisturbed natural areas
4. **Habitat Diversity:** high proportion of natural communities are supported
5. **Special Features:** significant landforms, species, communities, or habitat
6. **Representation:** less common flora, fauna, or vegetation communities
7. **Socio-economic value:** recreational, commercial, or spiritual activities.

The seven criteria were developed to ensure that all natural areas which would be protected under provincial and federal legislation would be identified as significant under the seven criteria. The list was finalized in 2002 through consultation with the Town of Fort Erie, Region of Niagara, Niagara Peninsula Conservation Authority, and the Ministry of Natural Resources.

The seven Natural Areas Designation Criteria provide an evaluation system for identifying areas of natural significance based on objective information.

All properties within the Industrial District study were identified and assessed as part of the 2003 NAI for the Town of Fort Erie. Seventeen of the areas identified within the NAI are represented within the Town of Fort Erie's Industrial District EC lands. Table 1 summarizes which ELC units from the NAI are located in each of the six study area subsections of the industrial lands and which criteria each habitat block fulfilled in 2003 according to the NAI. The summary sheets from the NAI for each area have been included in Appendix E. It should be noted that some of the natural areas identified within the NAI report extend beyond the limits of the current industrial lands being reviewed in this report.

Table 1: Summary of the natural area assessment for significance of habitat blocks identified in the 2003 NAI for Fort Erie and located within the sub areas of the Industrial District.

Ind. Sub Area	NAI ELC Unit	NAI Seven Criteria for Assessing Significance							LSNA
		1 Designated	2 Hydrology	3 Condition	4 Diversity	5 Special Feature	6 Represent	7 socio-economic	
Central	577	X				X			N
	614	X	X	X	X	X	X	X	Y
	615	X	X	X	X	X	X	X	Y
East Thompson	623	X	X	X	X	X			Y
	626		X			X			N
	627	X	X	X	X	X			Y
Helena	290	X	X		X	X	X		Y
	294	X	X	X	X	X	X		Y
North Bowen	562	X	X		X				Y
	581	X	X		X				Y
	587	X	X		X	X	X		Y
	596	X	X			X			Y
	607							X	N
	629								N
	630	X	X			X			Y
South Central	309		X						N
	603		X						N
West Winger	518	X	X			X			Y
	704		X	X		X	X		Y

2.2 Baseline Data Assessment

2.2.1 Project Scoping

The MNRF, Region of Niagara, and the NPCA were contacted prior to commencement of the project for background information on the existing natural heritage features within, or adjacent to the study area, and for scoping of the Environmental Constraints Analysis. All correspondence with agencies has been included in Appendix B of this report.

An Information Request was submitted to the MNRF on April 26, 2018 and a response was received on August 16, 2018. The MNRF identified the presence of the Miller’s Creek Wetland Complex and the Frenchman’s Creek Wetland Complex, which are both Provincially Significant Wetlands (PSWs). The MNRF also recognized that there are a number of unevaluated wetlands within the study area, which may require evaluation as part of the wetland complexes listed above, or as individual wetlands in accordance with the Ontario Wetland Evaluation System.

MNRF also noted that there are records for eight species at risk in the study area, including Bobolink, Chimney Swift, Eastern Flowering Dogwood, Eastern Meadowlark, Green Dragon, Snapping Turtle, White Wood Aster, and Wood Thrush. Additionally, a list of species which have the potential to occur within Fort

Erie was provided so that they may be cross-referenced with existing habitat to determine the potential for their occurrence within the study area.

A formal request for project scoping and a proposed Terms of Reference was submitted to the Region of Niagara and NPCA on April 27th, 2018. The request included a proposed project scope and terms of reference, based on currently available natural heritage information. A response from the Region was received on September 10, 2018, acknowledging receipt of the proposed terms of reference and identifying further study requirements, including additional field studies to be completed (see Appendix B). The NPCA noted via email on September 13, 2018 that they had no additional scoping requirements beyond what the Region provided.

The Region requested that in addition to the field studies outlined in the TOR, that the following studies also be completed:

1. Ambystomatid surveys or amphibian egg mass surveys,
2. Wetland Evaluations according to the OWES protocol for any non-evaluated wetlands,
3. Fish habitat characterization according to the Ontario Stream Assessment Protocol (OSAP), and
4. Wildlife movement surveys to identify movement corridors.

The Region also requested that a Species at Risk (SAR) and Significant Wildlife Habitat (SWH) screening be completed and submitted along with the Terms of Reference in order to identify the need for any additional field surveys.

As requested by the Region of Niagara, LCA Environmental prepared a letter in response to the project scoping provided to acknowledge receipt of the scope and to serve as Terms of Reference (TOR) for the Fort Erie Industrial EC Assessment. The TOR letter provided some clarification regarding the intent of the project with regards to assessment of PSW boundaries and buffers, as well as assessment of watercourses located within the study area. It was clarified that assessment of watercourses would be limited to unevaluated watercourses within the EC lands.

The SAR and SWH screenings were also completed for the study area and included with the Terms of Reference, which were submitted to the Region on October 18, 2018. The Terms of Reference letter agreed to the additional study requirements identified by the region but clarified that studies would be focused on the EC designated areas, and evaluation of the PSWs would be limited to verification of boundaries and assessment of suitable buffer distances.

2.2.2 Natural Resource Inventory

All available data regarding natural resources within the overall study area were reviewed to identify the field studies required for each sub-area. Information regarding natural heritage features, such as Provincially or Locally Significant Wetlands (PSWs and LSWs, respectively), Significant Woodlands, and Environmental Conservation Areas (ECAs) was extracted from provincial, regional, and municipal natural heritage mapping.

The Ministry of Natural Resources and Forestry's online mapping tool, "Make A Map: Natural Heritage Areas" provides data from the Natural Heritage Information Centre (NHIC) for every 1km square. Detailed information is provided on wetlands, woodlands, species at risk occurrences, and plant communities. All grid squares which overlapped with the study area were reviewed for natural heritage information. The

Ontario Breeding Bird Atlas (OBBA), the Ontario Reptile and Amphibian Atlas (ORAA), were also reviewed to identify historical records of SAR within the study area.

The SAR screening included in the Terms of Reference involved cross-referencing the list of species known to occur in the Town of Fort Erie (provided by MNR) with the habitat present within the study area to determine potential for occurrence. Any SAR identified in OBBA, ORAA, or the NHIC as a map feature, but not identified by MNR were also considered as having potential to occur within the study area. Those species which had the potential to occur and for which suitable habitat exists within the study area were identified in the SAR Screening and field studies were completed to confirm presence or absence.

A total of thirty (30) SAR were identified as having potential to occur on the subject property based on historical records and habitat availability. The SAR screening is included in Appendix C.

The screening to identify potential SWH on the property involved cross referencing the existing site conditions with the SWH Criteria Schedules for Eco-region 7E (MNR, 2011). Candidate SWH identified for the study area included some Seasonal Concentration Areas, Rare Vegetation Communities or Specialized Habitat, Habitats of Species of Conservation Concern, and Amphibian Movement Corridors. Additional field surveys will be carried out where candidate SWH has been identified based on existing conditions. See Appendix C for details.

2.3 Site Access and Field Studies

The overall study area, which has been divided into six sub-areas, is composed of sixty-nine (69) individual industrial properties which overlap with the Regional or Municipal Environmental Conservation mapping. Of the sixty-nine properties, four of the properties are owned by the Town of Fort Erie, five are owned by the Region of Niagara, and sixty properties are privately owned.

Prior to commencement of field work, private landowners were contacted to request permission to access their properties. A letter was mailed to landowners detailing the purpose of the study and requesting their participation by allowing LCA staff to access their property for the completion of field survey work. A copy of the letter provided to landowners is included in Appendix B.

A record of the incoming responses was kept by the Town of Fort Erie and communicated with LCA staff to ensure only properties for which access was permitted were entered by field staff. Field work was only carried out on accessible sites and began only after a response had been received. By the completion of the study, a total of twenty-nine landowners had granted permission, providing access to thirty-eight properties for the ECA Assessment.

Access was declined to five properties and twenty-six landowners did not respond to multiple requests for site access, leaving twenty-six sites inaccessible for field evaluations.

A summary of site access and percent coverage of each sub-area is provided in Table 2 below and is included in Appendix A as Figure 2-2.

Table 2: Summary of access to the properties within the study area, showing coverage of each study area.

Site	Access granted (# of properties)	Access denied (# of properties)	No response (# of properties)	Percent coverage (by area)
Central	12	1	6	70
East Thompson	10	1	8	62
Helena	2	0	4	37
North Bowen	4	3	3	14
South Central	4	0	3	97
West Winger	6	0	2	93
TOTAL	38	5	26	59

Field assessments were completed through multiple seasons in 2018 and 2019 by LCA Environmental to assess natural heritage features and development constraints, and to identify areas which will require further study to determine impacts of any potential future development. Field surveys were completed for properties on which access was granted and according to standardized protocols, as outlined in the Terms of Reference approved by the NPCA. A summary of the field survey protocols has been included in Appendix C.

Assessments were focused on EC designated areas and verifying the locations of the existing EPA boundaries.

2.4 Analysis of Significance of Features

To maintain consistency with the Town of Fort Erie’s Natural Heritage Mapping, the EC-designated natural heritage features assessed as part of the Fort Erie Industrial EC Assessment were evaluated against the seven Natural Areas Designation Criteria which were developed as part of the NAI for the Town of Fort Erie (2003).

The EC Industrial Lands were evaluated for significance by Dougan and Associates in 2003 using the seven criteria for assessing significance based on field studies completed at the time of the study. Areas meeting three or more of the criteria were considered significant and were then designated in the Town of Fort Erie’s Natural Heritage mapping as a Locally Significant Natural Area (LSNA). The lands will be assessed against the same criteria using up to date field studies, current natural heritage designations, policies and legislation.

Recommendations to update Natural Heritage mapping will be provided as necessary based on this assessment. In addition, EC-designated lands which cannot be developed due to the proximity of PSWs and their associated minimum buffer, or which have significant hydrologic contributions to adjacent PSWs will also be protected through EP designation.

Biological field data were evaluated to assess the significance of the natural heritage features within the Industrial Lands. Provincial and global status of plants and wildlife were verified according to the Natural Heritage Information Centre (NHIC, 2018) and the COSEWIC database (September 2018). The status of each species within the Region of Niagara was also verified (Oldham, 2010). Status rankings for plants and wildlife are primarily based on the number of occurrences provincially and globally.

The relative significance of the natural features on the subject property was evaluated regarding planning policies at the local (Official Plan for the Town of Fort Erie, 2011), regional (Consolidated Regional Official Plan, 2014) and provincial (Provincial Policy Statement, 2014) levels, federal and provincial Species at Risk legislation, and Significant Wildlife Habitat Criteria for Eco-region 7E.

3.0 POLICY AND LEGISLATIVE FRAMEWORK

An analysis of development constraints shall identify existing conditions, applicable policies and regulations, and conduct field studies to assess the natural heritage and hydrologic features and their functions. In order to identify the constraints associated with existing conditions, a review of the policies and guidelines identified at the provincial, regional, and municipal level must be completed. In accordance with the Region of Niagara EIS Guidelines (2018), a summary of applicable policies and regulations has been provided below.

3.1 Provincial Policy Statement

The Provincial Policy Statement is issued under the authority of Section 3 of the Planning Act and came into effect on April 30, 2014. Section 3 requires that all decisions affecting planning matters shall be consistent with policy statements issued under the Planning Act. This report has been written in compliance with Part V, Policy 2.1 of the Provincial Policy Statement, which addresses the wise use and management of Ontario's Natural Heritage resources.

Long term protection for natural features and areas is provided by Policy 2.1, which aims to maintain, restore, or improve the diversity and connectivity of natural features, and the ecological function of natural heritage systems. Natural features and areas are defined in the PPS as those which are important for their environmental and social values as a legacy of the natural landscapes of an area. These features include significant wetlands, significant coastal wetlands, fish habitat, significant woodlands, significant valleylands, habitat of endangered and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest.

As per policies 2.1.5 and 2.1.8, development and site alteration will not be permitted on or adjacent to the above-mentioned natural features, unless it has been demonstrated that there will be no negative impacts to their ecological functions. Development and site alteration shall also not be permitted in habitat of endangered or threatened species, except in accordance with provincial and federal requirements.

3.2 Growth Plan for the Greater Golden Horseshoe

The Greater Golden Horseshoe (GGH), located in the centre of the Great Lakes region, has one of the most dynamic and vibrant economies in the world. It is known for its diverse and highly educated population drive the region's economic success. The GGH is also home to many of Ontario's most significant ecological and hydrological features, including the Oak Ridges Moraine, the Niagara Escarpment and other natural features located within the Greenbelt Area.

The Growth Plan for the GGH aims to ensure the sustained prosperity of Ontario by protecting the natural resources it provides and creating unique land use planning framework that supports a thriving economy and a clean environment. The Plan requires the identification of a water resources system and the protection of key hydrologic features, a natural heritage system, and an agricultural system to protect the viability of the agricultural sector.

Policy section 4.2.2 addresses the Natural Heritage System for the GGH. The Province provided Natural Heritage System mapping in November of 2018, with the intention of supporting a comprehensive, integrated and long-term approach to planning for the protection of the regions natural heritage and diversity. Municipalities are required to incorporate the natural heritage system as an overlay in official plans and apply policies to maintain, restore, or enhance the connectivity of the system. The NHS excludes any settlements areas which were identified in official plans prior to July 2017.

As per policy 4.2.2.3, new development must demonstrate no negative impacts to key natural heritage features or key hydrologic features, connectivity within the system is maintained or enhanced, removal of other natural features is avoided, and development may not exceed 25 percent of the total developable area.

Outside of the natural heritage system, including within settlement areas, the municipality is still required to protect natural heritage features in accordance with the Provincial Policy Statement. Settlement areas defined as:

“Urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:

- a) built up areas where development is concentrated and which have a mix of land uses; and
- b) lands which have been designated in an official plan for development in accordance with the policies of this Plan. Where there are no lands that have been designated for development, the settlement area may be no larger than the area where development is concentrated.”

If a settlement area is expanded into the NHS, that settlement area boundary will be designated in official plans and no longer be subject to policy 4.2.2.3. However, the area must continue to be protected such that connectivity and function of the natural heritage features is maintained, restored, or enhanced.

3.3 Regional Municipality of Niagara

In 2008, the Ontario Municipal Board approved Amendment 187 to the Official Plan for the Niagara Planning Area and the policies therein have been adopted by the Region as the Natural Environment policies (chapter 7) of the 2014 Consolidated Regional Official Plan. These policies address the provincial framework for environmental planning and conservation as set out by the Planning Act, the Provincial Policy Statement, and the Greenbelt Plan. The Natural Environment policies follow a Healthy Landscape approach to environmental conservation and restoration, which recognizes that the environmental conditions of a location are impacted by the conditions of the surrounding landscape, and vice versa.

The Healthy Landscape policies address environmental concerns such as natural vegetation and wildlife, water resources, air quality and climate change, landforms, shorelines, and natural hazards. The Core Natural Heritage System was developed as an essential part of a Healthy Landscape.

The Core Natural Heritage System is made up of areas that are significant to the character or ecological health and integrity of the Niagara region in the context of their surroundings and based on their size, location, quality, or ecological function. The Regional Official Plan aims to maintain, restore, or enhance the long-term ecological health and integrity of the Core Natural Heritage System and its linkages with ground and surface water resources.

The Core Natural Heritage System is composed of the following:

- Core Natural Areas, including Environmental Protection Areas or Environmental Conservation Areas;
- Corridors connecting the Core Natural Areas;
- Greenbelt Natural Heritage and Water Resources Systems; and
- Fish Habitat.

The Core Natural Heritage Map included with the Regional Official Plan, shows the boundaries of the Core Natural Heritage areas listed above.

Environmental Protection Areas (EPAs) include provincially significant wetlands, provincially significant Areas of Natural and Scientific Interest (ANSIs), and significant habitat of threatened and endangered species. Regional core natural heritage mapping does not include habitat of threatened or endangered species, and this significant habitat may be found within any of the EPA and ECAs.

Environmental Conservation Areas include significant woodlands, significant wildlife habitat, significant habitat of species of concern, regionally significant ANSIs, other evaluated wetlands, significant valleylands, savannahs or tall grass prairies, and alvars. For a woodland to be considered significant, it must meet one or more of the criteria outlined in Policy 7.B.1.5:

- a) Contain threatened or endangered species or species of concern;
- b) In size, be equal to or greater than:
 - i) 2 hectares within or overlapping Urban Area Boundaries;
 - ii) 4 hectares outside Urban Areas and north of the Niagara Escarpment;
 - iii) 10 hectares outside Urban Areas and south of the Escarpment;
- c) Contain interior woodland habitat at least 100 metres in from the woodland boundaries;
- d) Contain older growth forest and be 2 hectares or greater in area;
- e) Overlap or contain one or more other EPA or
- f) Abut or be crossed by a watercourse or water body and be 2 or more hectares in area.

Policy 7.B.1.6 defines key hydrologic features as permanent and intermittent streams, lakes and their littoral zones, seepage areas, springs and wetlands. Within the Greenbelt Natural Heritage System, development is not permitted within key natural heritage or key hydrologic features. Outside of the Greenbelt Natural Heritage System, development is also not permitted within natural heritage features which have been designated as Environmental Protection Areas.

Policy 7.B.1.11 states that development and site alteration may be permitted within ECAs where it has been demonstrated that there will be no significant negative impact on the Core Natural Heritage System component or adjacent lands over the long term. Policy 7.B.1.12 considers Potential Natural Heritage Corridors. For development applications in or near a Corridor, it should be located, designed and constructed to maintain and, where possible, enhance the ecological functions of the Corridor in linking Core Natural Areas.

3.4 Local Municipality

The Official Plan for the Town of Fort Erie was approved by the Niagara Region on November 18, 2011. The policies therein were written to conform to the Provincial Policy Statement, Region of Niagara Official Plan and the Greater Golden Horseshoe Plan. The purpose of the plan is to provide the Town with basic policies, within the framework of the Planning Act, the Provincial Policy Statement, Provincial Growth

Plan, and the Regional Policy Plan, designed to support strong, livable, and healthy communities, protect the environment and public health and safety, and facilitate economic growth.

Section 8 of the Official Plan of the Town of Fort Erie, which addresses Natural Heritage, aims to protect, conserve, and where possible, restore and enhance the natural heritage features and areas within its boundaries. The policies have been developed in consideration of an ecosystem approach to achieve a healthy landscape.

Schedule A of the Official Plan identifies the Land Use Plan Pattern for the Town of Fort Erie with a natural heritage overlay that identifies EPAs and ECAs. Schedule C provides more detail on these natural heritage features, showing PSWs, ANSIs, locally significant wetlands, significant natural areas, woodlands >2ha, and environmentally sensitive areas.

Areas designated as Environmental Protection Areas (EPAs) on Schedule A of the Official Plan include PSWs, ANSIs, habitat of species at risk and natural hazard areas. These EPAs are protected from development and site alteration, except for conservation activities, flood and erosion control, forestry, fish and wildlife management, passive recreations or natural hazard management. Environmental Impact studies are required when development is proposed on lands adjacent to EPAs to demonstrate that there will be no negative impact to the EPA.

The ECA designations include Locally Significant Natural Areas (LSNAs), Locally Significant Wetlands (LSWs), Woodlands, and corridors. The ECA designations are intended to provide a balance between the land use designations set out in Schedule A and the conservation of natural habitat.

The Natural Areas Inventory (NAI) completed in 2003 by Dougan & Associates identified locally significant natural areas (SNAs), corridors and linkages within the Town's urban centres. The NAI assessed the natural areas against seven criteria to determine their significance. Details on these criteria have been provided in Appendix D of the Official Plan for the Town of Fort Erie. Natural areas that have been designated as SNA are considered more significant than other ECAs because they have met three or more of the criteria.

Policy 8.3.1 states that development or site alteration within or adjacent to LSNAs will only be allowed if an EIS demonstrates that there will be no degradation to the health and integrity of the natural features or their ecological functions. This policy applies to all locally significant wetlands, woodlands, thickets, or meadows that have been identified as Significant Natural Areas.

Policy 8.3.3.2 also requires that an EIS ensures retention of the important features and functions of woodlands, thickets, or meadows as not identified as LSNA by the NAI.

The ecological function of valleylands, stream corridors and fish habitat are protected in section 8.3.5 of the Official Plan. Valleylands and stream corridors are to be protected as environmental corridors with setbacks maintained according to NPCA policies. Where critical fish habitat has been identified, a minimum setback of 30m is required. Important and marginal fish habitat require a minimum setback of 15m from top of bank. A reduced buffer will only be considered where an EIS has been prepared to demonstrate no Harmful Alteration or Destruction or Disruption (HADD) to the Fish habitat.

3.4 Niagara Peninsula Conservation Authority

In 2015, the Niagara Peninsula Conservation Authority (NPCA) began reviewing and updating its Land Use Planning Policy Document. The final document, titled *NPCA Policy Document: Policies for the administration of Ontario Regulation 155/06 and the Planning Act* was accepted in September 2018. The policies therein outline NPCA's roles and responsibilities within the planning and approvals process, as mandated under Ontario Regulation 155/06.

The Conservation Authorities Act and Ontario Regulation 155/06 gives authority to the NPCA to regulate shorelines of the Great Lakes – St. Lawrence River system, hazardous lands, river or stream valleys, wetlands, and lands where development could interfere with the hydrologic function of a wetland, including lands within 120m of PSWs greater than 2ha, and lands within 30m of wetlands less than 2ha.

The NPCA Policy Document generally prohibits development within the limits of the shoreline hazard area, valleyland erosion hazards, hazardous sites, and on land adjacent to wetlands or watercourses.

The regulatory floodplain is defined by the NPCA as the 100-year flood event, which is determined through precipitation and/or snow melt with a return period of once every 100 year. This 100-year flood event provides the minimum standard for identifying the regulatory floodplain and in Niagara. Development and site alteration is prohibited within flood hazard boundaries with the goal of preventing loss of life, minimizing property damage and social disruption.

As per policy 8.2.3.1, no development shall take place within 30m of a wetland, except for permitted uses as listed in policy 8.2.3.2 and in accordance with other policies, including infrastructure, conservation and restoration projects, passive recreational uses or replacement structures.

3.5 Species at Risk and Endangered Species Act

In Ontario, Species at Risk are protected at both the federal level, under the Species at Risk Act (SARA), and provincially under the Endangered Species Act (ESA). SARA prohibits killing or harming any of any endangered, threatened or extirpated wildlife species which has been assessed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) and is listed under Schedule 1 of SARA. The residence of any endangered, threatened or extirpated species is also protected from any damage or destruction.

At the provincial level, the ESA protects over 200 species which are at risk in the province of Ontario, as determined by the Committee on the Status of Species at Risk in Ontario (COSSARO). Science-based assessments form the basis of the classification of species. They are classified into one of four categories: extirpated, endangered, threatened, or special concern. Species which have been classified as threatened or endangered and their general habitat are automatically protected under the ESA.

General habitat is defined as any area on which a species depends directly or indirectly to carry out various life processes, which can include nests or dens, hibernacula, foraging habitat, etc. Specific habitat protection for a species is provided following the development of a recovery strategy and government response statement. Once developed, the specific habitat will become regulated, replacing the general habitat protection for that species.

3.5 Federal Fisheries Act

Pursuant to section 35 under the Federal Fisheries Act, no person shall carry on any work or activity which results in serious harm to fish that are part of a commercial, recreational, or Aboriginal fishery or to any

fish that support such a fishery. If work is proposed that is otherwise not permitted or required under the Act and is expected to cause serious harm to fish, authorization must be granted by the Minister and work must be completed in accordance with the conditions prescribed by the Minister.

Section 36(3) prohibits the deposition of any deleterious substance in water containing fish or in any place where deleterious substance may enter the water as a result of the deposit, unless authorized to do so under Section 36(4).

3.5 Migratory Birds Convention Act

The Migratory Birds Convention Act (MBCA) implements the Convention by protecting and conserving migratory bird populations, individuals, and their nests. The Act prohibits the unlawful possession of a migratory bird or its nest. It also prohibits all persons and vessels from depositing of harmful substances in waters or areas frequented by migratory birds, or in a place where the substance may enter such waters or areas.

The Convention was signed in 1916 between the United Kingdom and the United States of America for the protection of Migratory birds in Canada and the United States. The Convention identifies the migratory birds which are protected under the convention, including migratory game birds, migratory insectivorous birds, and other migratory nongame birds and provides special protection for some species of game birds.

Articles V and VI of the Convention prohibit the taking of nests or eggs of migratory birds, or the export of migratory birds or their eggs from any state or province during close season, except for scientific or propagating purposes under regulations as deemed appropriate.

4.0 DESCRIPTION OF EXISTING CONDITIONS

4.1 Existing Data

4.1.1 Site History

Historical and current aerial imagery was reviewed to determine existing land use patterns within the study area and how they have changed over time. Comprehensive historical aerial photosets were collected in 1934 and in 1965. These were reviewed to identify the historical land uses, and the images taken between 2002 and 2015 were also reviewed to identify how the landscape has changed in recent years and since the completion of field work for the 2003 NAI report.

The study area was historically dominated by agricultural lands with small patches of fragmented forests and hedgerows maintained between farm fields. The 1934 imagery, which pre-dates construction of the QEW shows the extent of agricultural fields throughout the study area. The CN railway was located in the North Bowen study area. Two fragments of forest that are still intact today and have been identified as Regional Environmentally Sensitive Areas can be seen in the vicinity of the study area in the 1934 imagery. The Helena Road woodlots can be seen just south of the Helena study area, and north of Gilmore Road, the Millers Creek woodlot has been maintained as a natural area and is designated as both a large PSW and an ESA according to Schedule C of the Official Plan for the Town of Fort Erie.

The PSW located north of Eagle Street in the West Winger study area has also been maintained as a natural area for over 80 years and is designated as an EPA.

The CN Railway runs north of Bowen Road and through the North Bowen study area has been in service since the late 1800s. The railway and former railbeds occupied the eastern portion of the study area in 1934.

The current EC designated lands within the eastern portion of the North Bowen study area have revegetated over heavily disturbed soils. The railbeds and other industrial development extended into the East Thompson study area as early as 1934.

By 1965, many of the agricultural fields had been abandoned and began to naturalize within the Central and South Central study area and construction of the QEW was complete. The second Fort Erie racetrack was built south of Gilmore Road, west of Thompson Road and many of the railbeds had been removed while the Town's urban areas had been developed.

4.1.2 Physiography, Soils and Drainage

The study area is located within the Haldimand Clay Plain, in the vicinity of the Fort Erie Moraines and the Onondaga escarpment. The Onondaga escarpment runs roughly east-west just North of Garrison Road. South of the escarpment, soils are dominated by Malton (MAT) soils, which have a high water-holding capacity, resulting in slow surface runoff. The slope in this southern portion of the study area is smooth basin to level, with a 0-2% slope. Above the escarpment and south of the QEW, the Chinguacousy (CGU) and Oneida (OID) soils form the reddish hued tills of the Fort Erie Moraines. CGU and OID soils are both moderately to slowly permeable, with groundwater reaching the surface for brief periods during the growing season. Surface runoff is moderate but tends to increase with the slope.

North of the QEW, the remaining natural areas within the East Thompson study area along the hydro corridor is composed of Welland (WLL) soils. Welland soils are slowly permeable and have groundwater close to the surface throughout most of the year, drying out in the summer. The West winger study area is also mainly composed of Welland soils.

West of Thompson Road, soil and slope are more variable and include Jeddo (JDD) in the South Central study area. In the Central study area, Peel (PEL) soils are associated with Miller's Creek, while Malton (MAT) soils are more strongly associated with Frenchman's Creek. The MAT soils are also present within the North Bowen study area, in proximity to Frenchman's Creek, and CGU soils are well distributed through the rest of the area.

The old race track within the study area is not mapped on the soil maps of Niagara, however the soil is heavily compacted and poorly drained. The site topography is also heavily altered, with ditched surrounding the track and a pond constructed in the middle.

Alluvial (ALU) soils have variable compositions and drainage patterns as they are formed from floodplain deposits and are associated with watercourses. The ALU soils are found in the study area along Miller's Creek, Frenchman's Creek, and Black Creek.

A summary of all soils found in the study area and their characteristics is provided in Table 3.

Table 3: Summary of the characteristics of the soils found within the Fort Erie Industrial District.

Soil Type	Map Unit	Parent Material	Drainage	Slope	Associated	Sub Areas
Alluvial	ALU	Variable Floodplain deposit	Variable	0 – 2 %	Active river and stream floodplains	Central, East Thompson, West Winger
Chinguacousy	CGU	Mainly red-hued clay loam till	Imperfect	2-5%	Fort Erie Moraine	Central, South Central, Helena, North Bowen
Font Hill	FNT	Coarse sand loam and gravelly sand	Rapid	5-9%	Fonthill Kame	South Central
Farmington	FRM	Variable texture over bedrock	Rapid	2-5%	Onondaga Escarpment	North Bowen
Jeddo	JDD	Red-hued clay loam till	Poor	0 – 2 %	Fort Erie Moraine	Helena, South Central
Malton	MAT	Lacustrine clay over clay loam till	Poor	0 – 2 %	Fort Erie Moraine	Central, Helena, North Bowen
Niagara	NGR	Red-hued lacustrine clay	Poor	2 – 5 %	Haldimand Clay Plain	West Winger
Oneida	OID	Clay loam till	Imperfect	2 – 5 %	Fort Erie Moraines	South Central, North Bowen
Peel	PEL	Lacustrine clay over clay loam till	Imperfect	0 – 2 %	Fort Erie Moraine	Central, South Central
Welland	WLL	Red-hued lacustrine clay	Poor	0 – 2%	Haldimand Clay Plain	East Thompson, West Winger

4.1.3 Existing Natural Heritage

4.1.3.1 Fish Habitat

Three large channels and their tributaries traverse the study area. Black Creek runs through the western portion of the study area through the West Winger sub-area. The creek flows east, parallel with Eagle Street, then flows north after crossing Winger Road. The channel crosses the QEW near Netherby Road and outlets into the Niagara River at the northwest municipality boundary.

Miller Creek and Frenchman’s Creek also outlet into the Niagara River. Miller Creek’s headwaters are located south of Bowen Road and west of the QEW and is primarily fed by surface run off from agricultural lands. Miller Creek flows east across the QEW and through a portion of the Central study area, before continuing north across Bowen Road.

Similarly, Frenchman’s Creek flows from west of the QEW, near Gilmore Road, crosses the QEW and flows east through the lower Central study area. The creek then crosses Thompson Road and runs north

through the East Thompson study area. It then crosses Phipps Street and continues through natural areas before it outlets into the Niagara River.

In the southern portion of the Fort Erie Industrial District, the Helena study area contains a portion of the Kraft Drain, which has been straightened along its main tributaries to follow the hedgerow patterns of former agricultural fields. The Kraft Drain flows south into Lake Erie.

Fish habitat is assessed by the Ministry of Natural Resources and Forestry (MNR) as one of three categories: Type 1 Critical habitat, Type 2 Important habitat, and Type 3 Marginal habitat. The main tributaries of Black Creek, Miller Creek, and Frenchman’s Creek have all been evaluated by the MNR as providing Type 1 Critical Fish Habitat, which is the most sensitive and significant habitat of the three types. Type 1 Critical Fish habitat requires the highest level of protection.

Within the study area, some of the smaller tributaries of Frenchman’s Creek and Miller Creek are identified as Type 2 Important Fish habitat, and the Kraft Drain watercourses are identified as Type 3 Marginal habitat. Figure 3 shows the existing Fish Habitat mapping for the Town of Fort Erie.

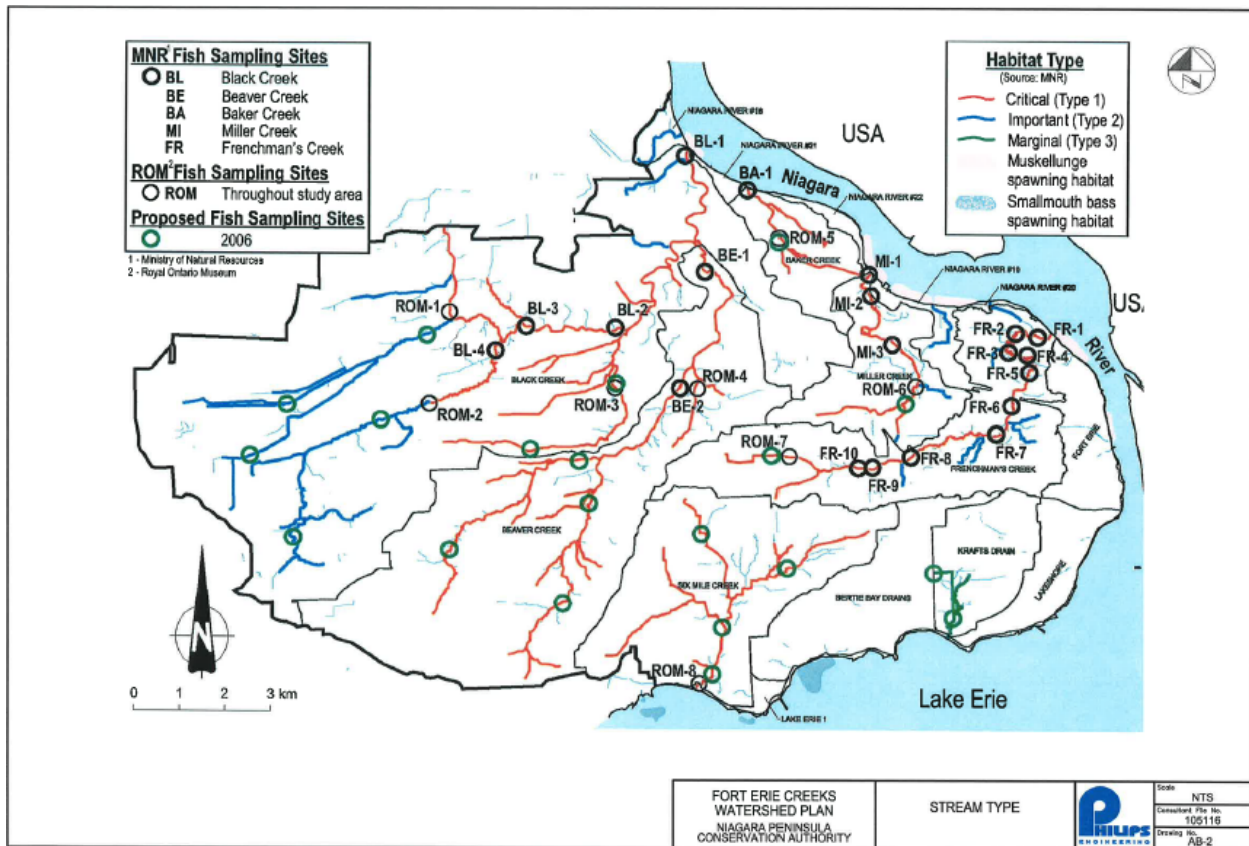


Figure 3: Map of the MNR classified Fish Habitat within the Fort Erie Creeks Watershed. Map source: Watershed Plan for the Fort Erie Creek Watershed, NPCA 2008.

Fisheries data for each of the four systems was acquired from the NPCA and includes fish sampling data from multiple years. A total of twenty-six species of fish have been identified within the Black Creek tributaries, and the fish community is dominated by Gizzard Shad, Sunfish, White Crappie, and Golden Shiner.

The Miller Creek and Frenchman's Creek fish communities were both dominated by minnow species, with thirteen species identified in Miller Creek and Frenchman's Creek more diverse with twenty-two species.

4.1.3.2 Environmental Protection Areas

The overall study area contains 121 hectares of Provincially Significant Wetlands (PSWs) which are designated as Environmental Protection Areas (EPA) in the Town of Fort Erie's Official Plan. There are portions of four different PSWs throughout the study area which have been identified and evaluated by the Ministry of Natural Resources and Forestry:

1. Black Creek PSW Complex
2. Miller Creek PSW Complex
3. Frenchman's Creek PSW Complex
4. Kraft Drain PSW Complex.

The Black Creek PSW complex is located within the West Winger study area; Miller's Creek PSW and Frenchman's Creek PSWs both occupy portions of the Central and North Bowen study areas. The South Central and East Thompson study areas also contain portions of Frenchman's Creek PSW. The Kraft Drain PSW is located within the Helena study area.

No other EPAs (Provincially Significant ANSI, habitat of endangered or threatened species, etc.) have been identified within the Fort Erie Industrial District.

4.1.3.3 Environmental Conservation Areas

There are approximately 170ha of Environmental Conservation (EC) lands within the industrial lands, covering approximately 30% of the overall study area. The EC lands include any land identified in the NAI as a Locally Significant Natural Area (LSNA), woodlands which are greater than 2ha in size, and Locally Significant Wetlands (LSWs). The study area includes any properties within the Fort Erie industrial lands which had any overlap with the EC overlay.

Most of the EC lands have been identified as LSNAs for fulfilling three or more of the natural area designation criteria developed in the NAI study. However, there are some natural areas which did not meet the criteria for designation as an LSNA but have been designated as an ECA because of their size or other designations.

Parts of the EC lands within the Central and North Bowen study areas were not identified as LSNAs in the NAI but meet the municipality's size requirements for EC significant woodlands.

None of the EC lands in the South Central study area fulfilled three or more of the NAI criteria, and are not considered LSNAs. However, north of the QEW, the EC lands are greater than 2 hectares, while south of the QEW, the lands have been designated as a Locally Significant Wetland and are therefore designated as Environmental Conservations Areas.

The NAI summary pages for each of the ELC units associated within the study area have been included in Appendix E.

4.1.3.4 Species at Risk

In response to the Information request submitted to MNRF for the study area, a summary of natural heritage features was provided, including a list of species at risk (SAR) which are known to occur, and a list of species which have the potential to occur in the study area.

The following SAR, which are known to occur within the vicinity of the study area were identified by the MNRF:

Table 4: SAR identified by MNRF for the Study Area.

Common Name	Scientific Name	SARO Status
Bobolink	<i>Dolichonyx oryzivorus</i>	Threatened
Chimney Swift	<i>Chaetura pelagica</i>	Threatened
Eastern Meadowlark	<i>Sturnella magna</i>	Threatened
Wood Thrush	<i>Hylocichla mustelina</i>	Special Concern
Eastern Flowering Dogwood	<i>Cornus florida</i>	Endangered
Green Dragon	<i>Arisaema dracontium</i>	Special Concern
White Wood Aster	<i>Eurybia divaricata</i>	Threatened
Snapping Turtle	<i>Chelydra serpentina</i>	Special Concern

In addition to those identified by the MNRF as being known to occur within the study area, twenty-three species which have the potential to occur based historical records and available habitat were also identified for the study area (refer to Appendix C).

4.1.3.5 Significant Wildlife Habitat

No known occurrences of Significant Wildlife Habitat (SWH) were identified by the MNRF or the Region of Niagara during project scoping. However, a review of provincial mapping for wintering areas revealed that significant wintering habitat has been identified throughout the study area. Areas within the West Winger, Central, North Bowen and East Thompson study areas have been designated as Deer Wintering Habitat by the MNRF. The South Central and Helena study areas do not contain wintering habitat (Figure 4).

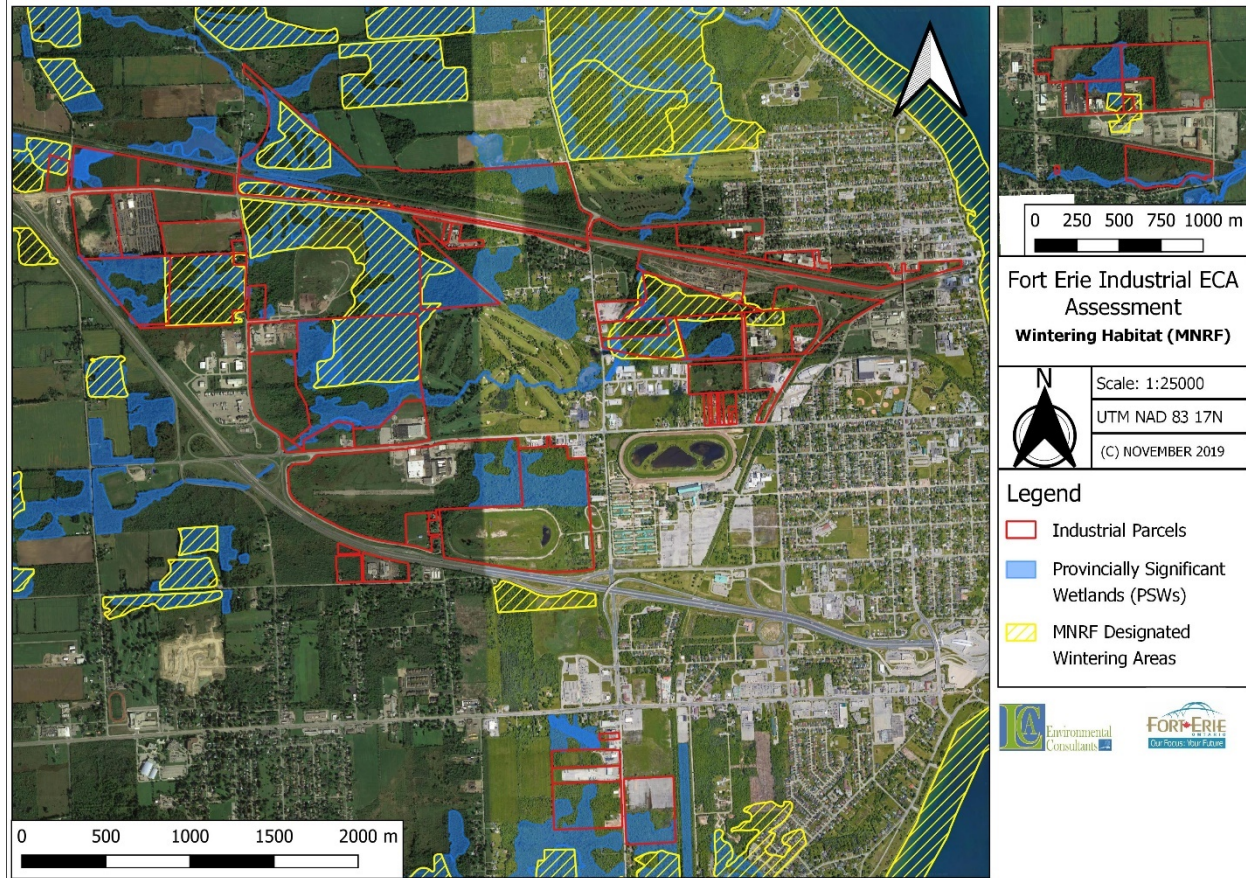


Figure 4: Map of existing Winter congregation areas, identified by the MNRF as Significant Wildlife Habitat.

As detailed in the Significant Wildlife Habitat Technical Guide, SWH also includes habitat for species of conservation concern. When a species of conservation concern is present within the study area, the SWH area is identified as the finest ELC scale that protects the form and function of the habitat.

As a result of the SWH screening activity, an additional twenty-two types of candidate SWH were identified for the study area. The completed screening activity was included with the Terms of Reference submitted to the Region of Niagara and is included in Appendix B.

4.2 Field Surveys

4.2.1 Ecological Land Classification

The Natural Areas Inventory (NAI) completed by Dougan & Associates for the Town of Fort Erie (2003) included classification of the vegetation communities according to MNRF’s Ecological Land Classification System protocols (Lee et al., 1998) within the natural habitat areas throughout Fort Erie. The study area was included in this assessment; however, multiple sites were assessed through windshield surveys or remote analysis.

The vegetation communities within the Fort Erie Industrial District were evaluated between June and August of 2018 and June to July of 2019. The communities were classified according to ELC protocols to ground truth the results of the 2003 NAI work completed by Dougan & Associates, and to provide an update to the ELC mapping where changes in habitat structure that may have occurred since the NAI was completed.

The vegetation communities assessed within the study area were dominated by culturally influenced vegetation communities. Of forty-eight polygons assessed, twenty-seven were communities that had resulted from anthropogenic disturbance, and were usually dominated by non-native plant species.

The Vegetation Type List included in the first approximation of the Ecological Land Classification for Southern Ontario (1998) identified cultural communities (CUM, CUT, CUW), but provided limited information on the moisture or vegetation type of these cultural communities. An updated list of Vegetation Types for Southern Ontario was developed in 2008 and provides more accurate descriptions of many of the communities found in the Fort Erie Industrial District. To provide more detail with regard to the cultural communities, polygons were classified to the Ecosite level using the 2008 Vegetation Type List for Southern Ontario Ecological Land Classification (H.Lee).

The overall study area was dominated by thicket (THD) habitats, which covered a total of 41% of the areas which were accessible. Other communities identified included nine forest communities, occupying 6% of the area assessed; fourteen marsh communities at 3% of the area; and fourteen swamp communities identified, which covered 17% of the area assessed (refer to Figure 5).

Two properties granted permission for access in October 2019, which is outside the typical timing windows for ELC protocols and full evaluations of vegetation communities were not completed. However, the sites were assessed to the extent possible in the fall, and ELC Ecosites were assigned to seven polygons based on the community structure and the information that was gathered during the fall site visits.

Of the properties that were accessible for field evaluations based on landowner permissions, approximately 57% of the study area has been classified according to ELC protocols. About 17% of this has already been developed, and 20% is natural areas which are designated EP land that have not been assessed

Four of the ELC polygons assessed were identified as unevaluated wetlands. Two were located in West Winger area, one in East Thompson, and another in South Central. Further detail is provided below in section 4.2. Several small wetland inclusions were identified throughout the study area but did not meet size requirements of ELC or OWES for a separate evaluation. These areas have been mapped as inclusions in ELC mapping.

Table 5 summarizes the ELC designations which have been identified within the study area.

Table 5: Summary of the Vegetation Communities identified within the Fort Erie Industrial District.

Community Class	Ecosite	S-Rank	Total Area (ha)	Percent of accessible
Forest	Fresh-moist Oak Sugar Maple Deciduous Forest	S4	11.1	6
	Fresh-moist Poplar Deciduous Forest	S5		
	Fresh-moist Ash Lowland Deciduous Forest	S4S5		
	Fresh-moist Shagbark Hickory Deciduous Forest	S3		
	Fresh-moist Black Walnut Lowland Deciduous Forest	S2S3		
Marsh	Cattail Mineral Shallow Marsh	S5	5.6	3
	Common Reed Graminoid Mineral Shallow Marsh	S4		
	Narrow-leaved Sedge Mineral Meadow Marsh	S5		
	Narrow-leaved Sedge Graminoid Meadow Marsh			
Woodland	Fresh-moist Deciduous Woodland		16.3	9
	Fresh-moist Poplar Deciduous Woodland			
	Fresh-moist Elm Deciduous Woodland			
	Dry-fresh Black Walnut Deciduous Woodland			
Meadow	Fresh-moist Mixed Meadow		46.7	24
	Dry-fresh Mixed Meadow			
	Open Graminoid Meadow			
	Dry-fresh Graminoid Meadow			
Swamp	Swamp Maple Mineral Deciduous Swamp	S5	31.7	17
	Pin Oak Mineral Deciduous Swamp	S2S3		
	Green Ash Mineral Deciduous Swamp	S5		
	Mixed Willow Mineral Thicket Swamp	S5		
	Grey Dogwood Mineral Thicket Swamp	S3S4		
	Silky Dogwood Mineral Deciduous Thicket Swamp	S3S4		
Thicket	Buckthorn Deciduous Shrub Thicket		78.4	41
	Gray Dogwood Deciduous Thicket			
	Hawthorn Deciduous Shrub Thicket			
Agriculture			0.5	< 1
Developed			57.5	17

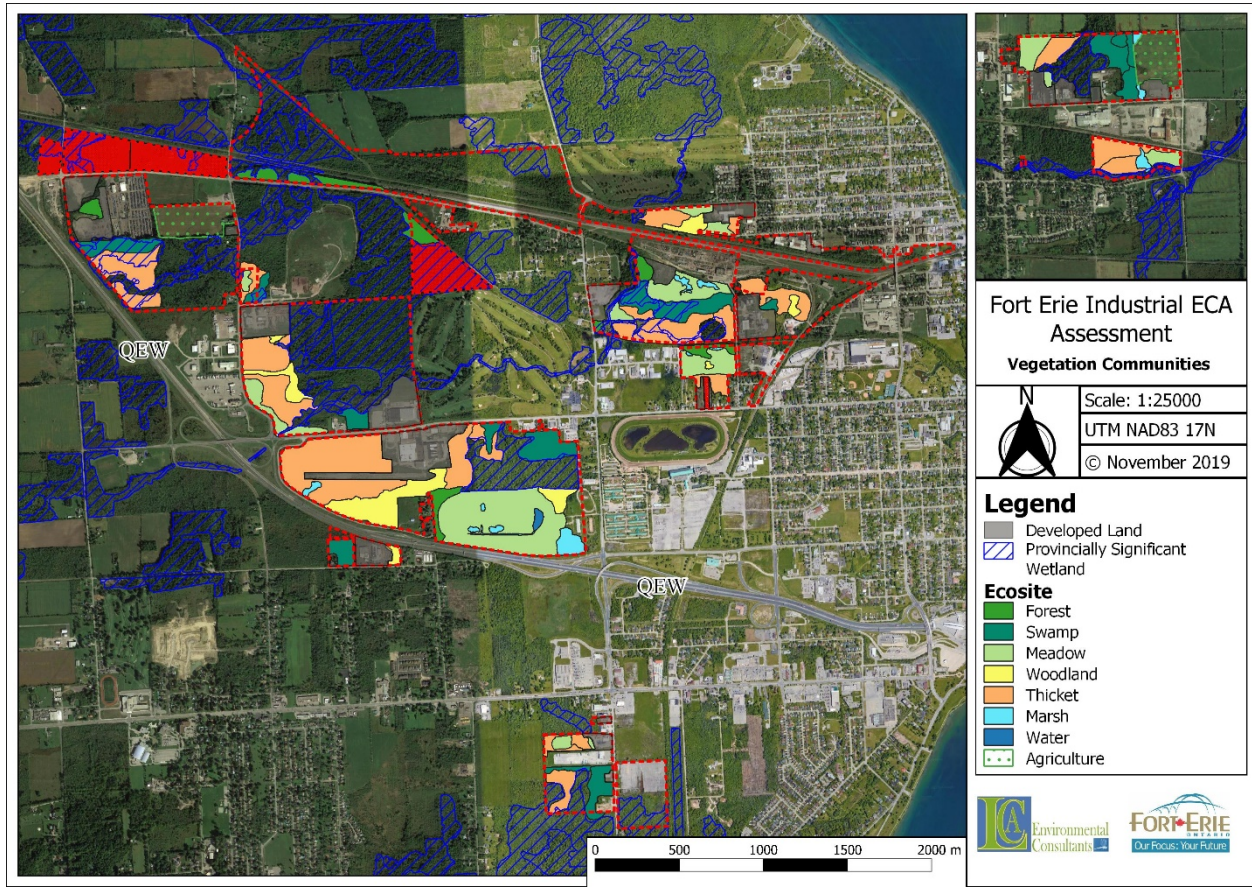


Figure 5: A map of the distribution of community types located in the Fort Erie Industrial District.

Central Study Area

Access was granted to twelve of nineteen properties located within the Central sub area, which resulted in access to 70% of the land by area. Two properties are both fully developed, two consist of single-family residential lots, and one site is an active agricultural field. Full ELC assessments were not completed for these properties due to the lack of natural vegetation. Access to one site was granted after the appropriate field season for completion of ELC evaluations, however ELC polygons were identified and Ecosites were assigned based on field evaluations of the site in October 2019.

Portions of both the Frenchman’s Creek PSW and the Miller Creek PSW occupied large portions of multiple properties in the Central study area. On properties where the EP-designated wetlands and their associated buffers restricted all development potential, the small portions of EC lands were not assessed, and efforts focused on verifying the PSW boundaries.

A total of fourteen ELC polygons were assessed within the Central study area. Vegetation communities were dominated by Buckthorn Mineral Thickets and other culturally influenced communities. Two small upland forest polygons were identified in the northern portion of the central sub-area.

East Thompson

In East Thompson, there was access to approximately 62% of the study area, with permission granted to access ten of the nineteen properties. Three of the properties were small residential lots, and one property

was mostly developed. The ten properties for which no response was provided or access was denied were all residential lots, or properties which have been mostly developed.

The properties within the East Thompson study area are mostly cultural communities dominated by non-native and invasive species such as European buckthorn, Hawthorn, and Crabapple. Dense deciduous thicket communities and cultural meadows dominate the study area, with the natural communities limited to areas which have been identified as PSW, and a small upland forest located along the slopes of Frenchman's Creek.

An unevaluated wetland was identified in the study area through ELC evaluations. The polygon was identified as a Pin Oak Mineral Deciduous Swamp.

Helena

Two of six properties were assessed in the Helena area, covering approximately 37% of the total area accessible for evaluations. The study area is largely developed and has experienced a high degree of disturbance as a result.

Seven polygons were assessed on the two properties. All of the communities assessed in the Helena sub area were cultural communities and were dominated by thicket habitat, including both cultural and swamp thicket. The canopies were dominated by Ash, which have experienced significant die-back since the introduction of the Emerald Ash Borer.

North Bowen

In North Bowen, permission was granted to access four out of ten properties, however the area covered only totaled 14% of the North Bowen sub-area. One of the accessible properties was fully developed with no natural areas within its boundary and another was a narrow strip of shrubs along the roadside, which did not meet size requirements for ELC evaluations.

The properties in the North Bowen area all lie adjacent to the Canadian Railway and are disturbed from adjacent land use and historical land use. Railbeds formerly occupied some sites in the study area and have altered the soils within these areas. The soils are composed of gravel and not suitable for most natural vegetation communities.

One of the sites was composed of combination of meadow, thicket and woodland habitat, which all have experienced a high degree of disturbance. The second site assessed using ELC was a regionally owned property, which was occupied by an upland forest interrupted by portions of the Miller Creek PSW, where topography varied significantly.

South Central

The South Central study area had the largest area accessible, with 97% of the total study area. Four of the seven landowners granted permission to access their properties. The study area is characterized by poor drainage due to the highly compacted soils resulting from historical use. The old Fort Erie Racetrack was located within the South Central study area, and the altered topography and compacted soil has resulted in very moist communities and small wetland inclusions throughout the property.

Soil compaction and disturbance occur throughout most of the site, and the vegetation communities are consequently dominated by moist meadow and thicket habitat. Areas where less disturbance have occurred

contain more natural swamp communities, including Frenchman's Creek PSW north of the QEW and the Locally Significant Fort Erie West Wetland Complex which is located south of the QEW.

The Meadow marsh located in the south east corner of the study area was identified as an unevaluated wetland requiring OWES evaluations. However, the wetland was an isolated wet area resulting from surface drainage of the altered site topography and was not found to be significant by the OWES evaluations.

West Winger

The West Winger study area had the highest response rate resulting in a total area coverage of 93%. Access to one site was granted after the appropriate field season for completion of ELC evaluations, however ELC polygons were identified and Ecosites were assigned based on field evaluations of the site in October 2019.

North of Eagle Street, the polygons assessed included three swamp communities with one Pin Oak Deciduous Swamp being identified as an unevaluated wetland. A large thicket swamp community was also identified adjacent to the Black Creek PSW. A large active agricultural field is located on the east side of the study area, while a fallow field occupies the west side.

South of Eagle Street, ELC evaluations were completed on four polygons on one site. An unevaluated cattail marsh wetland was identified in the centre of the property, with hawthorn thickets dominating the land west of the marsh, and a cultural meadow occupying the east side of the property. The meadow habitat has regularly mowed trails throughout and along the top of bank of Black Creek, multiple large items have been dumped.

4.2.2 Botanical Inventory

A two-season vegetation inventory was completed for each accessible property within the study area, with fall vegetation surveys completed where suitable forest habitat for the White Wood Aster exists. Spring vegetation inventories were completed for properties which had granted permission for access prior to the end of May 2018 and summer vegetation surveys were completed concurrent with ELC surveys between June and August 2018. All surveys were carried out as a transect survey, by walking transects through the property and identifying all species observed.

For properties that had granted access after the timing windows for either spring surveys or summer ELC surveys, inventories were completed in the spring and early summer of 2019. Vegetation surveys were completed for all properties by July 2019, except for two properties for late responses were received in October 2019. A single field survey was completed for each of these properties in October 2019.

A complete list of plant species within the study area was compiled and is included in Appendix D. The provincial status of each species was classified according to NHIC. Status was also assessed for the Region of Niagara (Oldham, 2010). In response to an information request submitted to the MNRF, the ministry had noted three species have been documented within the vicinity of the study area: Eastern Flowering Dogwood (END), Green Dragon (SC), and White Wood Aster (TH).

Presence/absence surveys were also completed for the five additional species which were identified in the SAR screening as having the potential to occur within the study area based on habitat requirements and availability. The five species identified by the MNRF, or through the NHIC database are American Ginseng (*Panax quinquefolius*), Butternut (*Juglans cinera*), Small White Lady's slipper (*Cypripedium candidum*), Spotted Winter Green (*Chimaphila maculate*), and Swamp Rose Mallow (*Hibiscus moscheutos*).

None of the species identified by the MNRF, or through the SAR screening were identified within the study area during 2018 surveys. However, one species listed as threatened provincially under SARO and federally under SARA was identified, and four other species which are rare in the province were also observed.

A combined total of 220 herbaceous and woody plant species were identified within the study area. Table 6 summarizes the number of species identified within each of the six study areas.

Table 6: Summary of the number of botanical species identified in the Fort Erie Industrial District.

Area	Total No. Species	Species at Risk	Regionally Rare
Central	49	1	
East Thompson	134	1	1
Helena	97		
North Bowen	90		1
South Central	104	1	1
West Winger	139		1
Overall	220	1	4

The provincially threatened species *Liatrix spicata* (SARO, SARA) was documented within the East Thompson, South Central, and Central study areas during field surveys. All populations were located in disturbed areas in close proximity to Gilmore Road.

Four provincially rare species, with an S-rank of S1-S3 were documented in the study area. Pignut Hickory (*Carya labra*), with an S-rank of S3, was documented within the North Bowen study area. It is identified as an uncommon species within the Niagara Region. Sharp-fruited Rush (*Juncus acuminatus*), an S3 species which is rare in Niagara, was observed within the South Central study area. In the West Winger study area, Green Arrow Arum (*Peltandra virginica*) was observed along a small tributary of Black Creek. It is also a provincially rare (S3) species, identified as rare in the Niagara Region. The last provincially rare species observed in the study area during 2018 field surveys was the Compass Plant (*Silphium laciniatum*). The Compass plant is an S1 ranked species which Oldham has described as an introduced rare weed, which was historically recorded within the Fort Erie railway yard.

In addition to the above-listed species, thirteen other species identified within the study are classified as rare within the Niagara region (Oldham, 2010). All thirteen species have an S-Rank of S4 or S5, indicating that they are secure or apparently secure in the province. A complete list of species observed in the overall study area is included in Appendix B.

According to the Checklist of Vascular Plants of Niagara Regional Municipality, Ontario (Oldham 2010), seventy-five of the species identified are introduced to the Niagara Region.

4.2.3 Amphibian Monitoring

Anuran call surveys were conducted within the study area to provide a general assessment of the composition and densities of the amphibian species within the area, and to identify any possible Species at Risk (SAR) that may be present.

Roadside amphibian surveys were conducted by LCA Environmental Consultants using the current Marsh Monitoring Program (MMP) protocol for monitoring amphibians (Appendix C). Surveys were conducted from the roadside to ensure that they could be completed according to the timing windows and weather conditions prescribed in the MMP, which preceded sending requests for site access to landowners. Monitoring stations were identified throughout the study area to maximize coverage and identify areas where further study may be required in spring 2019.

Four surveys were conducted between April 22, 2018 and June 30, 2018, with twenty-six roadside stations located throughout the study area. Three survey stations were located in each of the West Winger, South Central, and Helena study areas; four stations were identified within each of the North Bowen and Central study areas, and nine stations were identified to cover the East Thompson study area. The stations were located to focus on EC lands adjacent to designated wetlands and covered a 100m radius. Observations at each survey station lasted for a total of three minutes, and the time, weather conditions, species, and calling codes were recorded.

Based on the combined results of the roadside amphibian surveys, six species of amphibians were observed within the study area: American Toad (*Anaxyrus americanus*), Western Chorus Frog (*Pseudacris triseriata*), Spring Peeper (*Pseudacris crucifer*), Northern Leopard Frog (*Lithobates pipiens*), Wood Frog (*Lithobates sylvaticus*), and Green Frog (*Rana clamitans*) (see Table 7). The individual survey station results and related data have been included in Appendix D. All species have an S-Rank of S5 or S4 in the province of Ontario and are considered ‘secure’ or ‘apparently secure’, respectively. (NHIC, 2018).

Table 7: Summary of the species identified in the Fort Erie Industrial District and their distribution.

Study Area	American Toad	Spring Peeper	Western Chorus Frog	Northern Leopard Frog	Wood Frog	Green Frog
Central	X	X	X			
East Thompson	X	X	X			X
Helena		X	X			
North Bowen	X	X	X			
South Central	X	X	X			
West Winger	X	X	X	X	X	X

Western Chorus Frog and Spring Peeper were the most abundantly observed species in the study area during the first two surveys, with calls heard in all six of the sub-areas, and full chorus of individuals recorded at several stations. The highest diversity of species was recorded in the West Winger study area during the first survey on April 22, 2018, where five species were recorded at station 25A along Black Creek.

The project scoping provided by the Region of Niagara in September 2018 identified additional amphibian survey requirements to be included as part of the field studies. The region noted that in addition to the anuran call surveys, Ambystomatid surveys should be completed according to MNRF protocols for areas where Jefferson Salamanders have been previously recorded, or where suitable habitat exists. Where there are no previous records of Jefferson’s salamanders, egg mass surveys should be completed.

The Ontario Reptile and Amphibian Atlas (ORAA) and the Natural Heritage information Centre (NHIC) were reviewed to identify historical records within the study area. No historical records of Jefferson’s

salamanders have been recorded for the study area. Egg mass surveys were completed in the spring of 2019 where suitable habitat where vernal pooling was identified.

No egg masses were observed in the study area during area searches, and no salamanders were recorded during hand searches.

4.2.4 Reptile Monitoring

Visual searches for reptiles and reptile habitat were completed during site visits and hand searches were completed concurrent with vegetation transect surveys according to MNRF Milksnake survey protocols. Woody debris and other cover items were inspected during surveys for reptile activity. Eastern Garter Snakes (*Thamnophis sirtalis sirtalis*), which are secure (S5) in the province of Ontario (NHIC, 2017), were the only species observed during hand searches.

Other incidental observations were made throughout the field season and evidence of turtle nesting habitat was observed in the East Thompson area. Eggs found adjacent to Frenchman’s Creek were identified as Snapping Turtle eggs.

As per the Region of Niagara project scoping, roadside mortality surveys were also conducted to identify animal movement patterns, particularly in the spring and to identify reptile and amphibian species. Roadside surveys were completed through spring and summer of 2019 during each visit to the study area. Surveys focused on areas where natural areas or potential habitat existed on either side of a roadway. A Midland Painted Turtle and Milksnake were both observed during road mortality surveys in the North Bowen and East Thompson areas, respectively.

Table 8 summarizes reptile species that were identified in the study area:

Table 8: Summary of the species of reptiles observed in the Fort Erie Industrial District and their provincial status.

Common Name	Scientific Name	S-Rank
Eastern Garter Snake	<i>Thamnophis sirtalis sirtalis</i>	S5
Eastern Milksnake	<i>Lampropeltis triangulum</i>	S4
Midland Painted Turtle	<i>Chrysemys picta</i>	S4
Snapping Turtle	<i>Chelydra serpentina</i>	S4

4.2.5 Avian Monitoring

Breeding Bird Surveys and were carried out across the study area in accordance with the Terms of Reference provided to the Region of Niagara. Various site visits were made on June 12, June 15, June 24, June 29, and June 30, 2018 and breeding bird surveys were completed using point count methods. Protocols used can be found in Appendix C. Additional site visits and post-breeding season observations were made on August 12 and August 15, 2018.

As access to more sites was granted following the 2018 breeding bird survey timing windows, additional site visits were made on June 14, June 18, and July 8, 2019 to supplement the 2018 data and fill in any gaps. Furthermore, winter site visits were completed on January 31 and February 17, 2019 to completed winter raptor surveys for the study area.

In total, seventy-two species were identified within the study area through surveys and incidental observations. Of the seventy-two species identified, three were considered non-native species, including House Finch (*Haemorhous mexicanus*), European starling (*Sturnus vulgaris*), and House sparrow (*Passer domesticus*), and five were identified as Species at Risk. The distribution by sub area is portrayed in Table 9. For the full list of species identified on the property, see Appendix D.

Table 9: Summary of the diversity of avian species located in each sub area of the Fort Erie Industrial District.

Area	Total No. Species	Species at Risk	Area Sensitive species
Central	39	3	7
East Thompson	48	3	9
Helena	28	2	6
North Bowen	27	1	4
South Central	37	3	5
West Winger	46 (2)*	3	13
Overall	72	5 (2)*	

*Two additional species were observed in habitat adjacent to the study area. However, suitable habitat was not located within the boundaries of the study area.

Significant Species

The global and provincial status ranking of each species according to NHIC was determined, and status listing under SARO was also noted. Of the seventy-two species observed, all were considered secure (S5) or apparently secure (S4) in the province, with the exception of the Great Egret (*Ardea alba*) and the Black-crowned Night Heron.

The Great Egret has a status rank of S2B, indicating its breeding populations are imperiled. However, it is not listed as a Species at Risk because breeding populations and range continues to expand in the province (NHIC, 2019).

The provincial status of the Black-crowned Night Heron is S3B and has because as the breeding range continues north, some of the nesting colonies previously documented are no longer extant, but the overall populations have not changed in size (NHIC 2019).

Two species that have been designated as threatened (TH) and three species designated as special concern (SC) in Ontario were observed on the subject property (see Table 10).

Table 10: Summary of the Species at Risk observed within the Fort Erie Insutrial District and their current provincial status.

Common Name	Scientific Name	SARO Status
Barn Swallow	<i>Hirundo rustica</i>	Threatened
Chimney Swift	<i>Chaetura pelagica</i>	Threatened
Horned Grebe	<i>Podiceps auratus</i>	Special Concern
Eastern Wood-Pewee	<i>Contopus virens</i>	Special Concern
Wood Thrush	<i>Hylocichla mustelina</i>	Special Concern

Under the federal legislation, the Horned Grebe is not listed as a SAR. Eastern Wood-pewee is listed as a Special Concern species federally and the Wood Thrush designation was upgraded to Threatened in November 2017. However, SARA legislation only regulates those lands which are federally owned. Chimney Swift and Barn Swallow are both Threatened provincially under federal legislation.

The provincial Endangered Species Act offers immediate protection from harm and harassment for species designated as threatened or endangered, but species of special concern are not included in that protection. However, the Natural Environment policies of the Regional Official Plan classifies habitat of species of special concern as ECA.

4.2.6 Mammalian Monitoring

Incidental observations were made during all field visits to identify mammalian species present in the study area. Deer, or signs of deer were observed in all six study areas, and other small mammals, including raccoons, squirrels, and rabbits were common throughout the study area.

Incidental observations included visual encounters and other signs such as observations of animal tracks, scat, and presence of bones or carcasses. Winter mammal tracking was completed through the winter months to identify mammalian species and any potential corridors or wildlife hotspots. Surveys were completed early in the day following fresh snow fall. Tracks were identified by species and recorded to make note of any wildlife corridors.

A high concentration of tracks from multiple species were located in the East Thompson study area in the north of the hydro corridor near Frenchman’s Creek, and west of the Helena study area off of Kraft Road.

Bat surveys were carried out in accordance with the MNRF approved protocols (included in Appendix C). Leaf-off snag surveys were completed between April and early May 2018 within forested habitats of accessible properties to identify potential bat roost habitat. A snag is defined by the MNRF as any standing, live or dead tree with a DBH >10cm, and which has cracks, crevices, hollows, cavities, and/or loose or naturally exfoliating bark.

Acoustic monitors were installed across the study area throughout the month of June to monitor for bat activity. A total of twenty monitors were installed on accessible properties across the study area to maximize coverage of potential habitat. One unit was placed in the North Bowen study area, nine units were installed in East Thompson, six were placed in South Central, and two monitors were placed in each of the Helena and West Winger study areas. No monitors were placed in the central study area due to a lack of property access at the time of surveys in June 2018.

Using the auto-ID feature, manual vetting of files, and Maximum Likelihood Estimate (MLE) calculations, four species of bats were confirmed within the study area: Big Brown Bat (*Eptesicus fuscus*), Hoary Bat

(*Lasiurus cinereus*), Silver-haired bat (*Lasionycteris noctivagans*), and Eastern Red Bat (*Lasiurus borealis*). Results are summarized in Appendix D.

Of the four species of bats, Hoary Bat, Silver-haired Bat, and Eastern Red Bat are migratory species, which spend the summer in Ontario, roosting in trees in open areas near lakes and ponds, then migrating south for the winter. The Big Brown Bat is the only resident species identified in the study area. It has a high tolerance for different environmental conditions and will often dwell in buildings in urban settings (batwatch.ca). All four species of bats identified on the site are listed as apparently secure (S4) provincially according to NHIC status rankings.

A summary of mammalian species identified in the study area during field investigations is provided in Table 11, below.

Table 11: Summary of the mammalian species observed in the Fort Erie Industrial District and their current provincial rank.

Common Name	Scientific Name	S-Rank
White-tailed Deer	<i>Odocoileus virginianus</i>	S5
Big Brown Bat	<i>Eptesicus fuscus</i>	S4
Hoary Bat	<i>Lasiurus cinereus</i>	S4
Eastern Red Bat	<i>Lasiurus borealis</i>	S4
Silver Haired Bat	<i>Lasionycteris noctivagans</i>	S4
Star-nosed Mole	<i>Condylura cristata</i>	S5
Northern Raccoon	<i>Procyon lotor</i>	S5
Coyote	<i>Canis latrans</i>	S5
Gray Squirrel	<i>Sciurus carolinensis</i>	S5
Virginia Opossum	<i>Didelphis virginiana</i>	S4
Striped Skunk	<i>Mephitis mephitis</i>	S5
Muskrat	<i>Ondatra zibethicus</i>	S5
Eastern Cottontail	<i>Sylvilagus floridanus</i>	S5

4.2.7 Fish Habitat

The Region of Niagara project scoping requested that habitat assessments be completed for all streams within the Industrial district study area using Ontario Stream Assessment Protocols (OSAP). In response to the Region’s scoping, the TOR submitted by LCA Environmental clarified that watercourse and fish habitat identification and classification will be limited to unevaluated watercourses within the industrial district which exist outside of the Environmental Protection Areas (EPAs).

Five small drainage features were identified during field investigations which have not previously been evaluated as part the larger watersheds existing within the study area.

The five features have been identified as headwater drainage features and are either a result of natural surface drainage or were constructed swales and ditches created for site drainage. They were evaluated according to OSAP Section 4, Module 11: Unconstrained Headwater Sampling.

Features were visited in the spring and summer to identify seasonal changes in flow and habitat structure. Rapid assessments were completed to define the quality of fish habitat by assessing flow rates, channel

morphology, substrate, vegetative cover, and potential barriers to fish movement. Results of the assessments are provided in Appendix D.

All five features assessed are intermittent drainage features which provide marginal fish habitat due to either minimal habitat structure or barriers to fish movement.

4.2.8 Significant Wildlife Habitat

The Significant Wildlife Habitat Technical Guide (MNRF, 2010) provides general information on the identification and description and assessment of SWH. It classifies wildlife habitat into four different categories: Seasonal Concentration Areas, Rare Vegetation Communities or Specialized Habitat for Wildlife, Habitat of Species of Conservation Concern, and Animal Movement Corridors.

The Significant Wildlife Habitat Criteria Schedules for Ecoregion 7E (MNRF, 2015) provides guidance on identifying candidate SWH within a study area and the criteria which must be met in order to confirm the status of wildlife habitat as significant. Information regarding suitable field studies and timing windows are also provided. The SWH screening for the Fort Erie Industrial District study area involved reviewing these criteria and identifying candidate habitat present in the study area.

Presence or absence of the candidate SWH was determined through completion of the required field studies as identified in the SWH Screening. The studies were carried out only in areas where suitable habitat existed. The complete screening, including details on field studies, is provided in Appendix C.

Field surveys completed in both 2018 were used to inform the assessment of SWH within the study area. Results of the Breeding Bird Surveys, ELC evaluations, snag surveys, and the Marsh Monitoring anuran call surveys were reviewed to confirm the presence or absence of candidate SWH in the study area identified in the habitat screening.

In addition to the 2018 field surveys, winter mammal tracking surveys, turtle basking surveys, road mortality surveys, and area searches were completed throughout fall 2018 and 2019 field season to confirm search for additional wildlife habitat. Table in Appendix D summarizes the results of these surveys, indicating which candidate SWH communities were identified in the study area.

The ELC evaluations resulted in the classification of two different forest communities and one type of deciduous swamp community which are designated as SWH Rare Vegetation Communities based on their current provincial status rank.

Results of the Marsh Monitoring anuran call surveys verified the presence of Amphibian Woodland Breeding Habitat in various locations throughout the study area and Turtle Nesting Habitat was also identified in the East Thompson Area as during area searches.

Breeding Bird Surveys were completed by study area and lists were compiled for each survey station. Review of the species lists for each survey station confirmed the presence of Shrub/Early Successional Bird Breeding Habitat in the West Winger study area.

Additional surveys, including winter mammal tracking, turtle basking surveys, road mortality surveys and snag surveys were also carried out to verify the presence or absence of a wide range of candidate SWH. However, no additional SWH was found.

4.2.9 Wildlife Corridors

The NAI for the Town of Fort Erie (2003) noted that no wildlife movement corridors were identified during 2002 field studies. However, a network of recommended linkages between significant natural areas was developed to ensure connectivity of the natural heritage system within the Town of Fort Erie.

Linkages followed existing natural cover along watercourses and shorelines as often as possible and along other existing linkages such as utility corridors or rail lines. These features were selected because they tend to be routes commonly used by wildlife. Many linkages were established where natural areas were in proximity to one another. However, where there was some geographic separation, restoration or enhancement was recommended to strengthen the corridors.

The linkages identified in the NAI did not take into consideration land ownership or land use planning laid out by the Town of Fort Erie. The linkages proposed by Dougan (NAI, 2003) will be reviewed in the context of the current study area and recommendations will be made for any updates to the natural heritage linkages within the Town of Fort Erie's Industrial District.

As per project scoping provided by the Region of Niagara, wildlife movement was tracked through the winter and spring/early summer of 2019 through a combination of winter tracking surveys and road mortality surveys. In addition to these surveys, incidental observations were recorded through the course of all field studies, making note of the species and location of the observations.

Based on winter tracking surveys and incidental observations, the areas within the Fort Erie Industrial District which have the most concentrated animal movement activity are watercourses and the Hydro One corridor. Deer, coyotes, and other small animals were most frequently observed in the hydro corridor, or in an area adjacent to it.

As noted by Dougan (2003), watercourses also provide highly productive areas with abundant cover and are commonly used by wildlife for movement throughout the study area.

4.2.10 Unevaluated Wetlands

Four unevaluated wetland polygons were identified within the Fort Erie Industrial District through ELC field investigations. Two deciduous swamp polygons and two marsh habitats were observed which met the wetland vegetation species cover for classification as a wetland according to the Ontario Wetland Evaluation System (OWES).

In the South Central study area, a small Mineral Meadow Marsh was identified in the south east corner of the old Fort Erie Racetrack. Three other wetland inclusions were also identified on the property; however, they did not meet size requirements for evaluation. The meadow marsh is an isolated wetland which has formed as a result of the altered topography in the study area.

An OWES evaluation was completed for this wetland and it did not score high enough to be considered significant on its own. Although it could be complexed with another evaluated system, based on proximity (Frenchman's Creek PSW is located within 750m of its boundary), it has no hydrological connection and does not provide any additional significant features or important functions. The Wetland Evaluation Scoring Record Summary has been included in Appendix D.

The three other unevaluated wetlands in the study area were not scored as individual wetlands but were considered as extended boundary or as a wetland unit to be included as part of an existing PSW Complex that has been evaluated as significant by the Ministry of Natural Resources and Forestry.

In the East Thompson study area, a Pin Oak Deciduous Swamp community was identified along Dunlop Road, which contained the small headwater drainage feature of Frenchman's Creek discussed above. The wetland identified extends to the existing boundary PSW complex on the subject property. The proposed change in the wetland boundary will increase the area of the wetland unit by 0.7 ha.

In the West Winger study area, two unevaluated wetland units were identified through ELC evaluations. One was located north of Eagle Street and included two vegetation communities: Pin Oak Deciduous Swamp and a Southern Arrowwood Thicket Swamp Inclusion. The wetland unit also extended along the old hedgerow to connect the unit to the existing Black Creek PSW located in the study area and adding a total of 1.62ha to the complex.

The fourth wetland identified was also in the West Winger study area and was located south of Eagle Street. The community was a Cattail Shallow Marsh. The portion of Black Creek PSW located north of Eagle Street drains south towards Black Creek and feeds the Cattail Marsh Wetland, which then drains into two small channels that outlet into Black Creek. Because of its proximity to the existing PSW complex, and its hydrological connection, it has been complexed into the Black Creek PSW, adding a total of 0.52ha of marsh habitat to the overall wetland unit.

Mapping of these wetlands has been included in the updated Natural Heritage Mapping.

5.0 ASSESSMENT OF NATURAL FEATURES AND FUNCTIONS

The following analysis pertains to the Policy 2.1 of the Provincial Policy Statement (PPS), which aims to protect natural heritage features and areas for the long term. Only those natural heritage features relevant to this study have been summarized.

The Natural Heritage Information Centre (NHIC, 2018) and the COSEWIC database (June 2018) were consulted to provide verification of any provincially significant plant, bird, mammalian, or herpetofauna species. Regional wildlife significance was determined through correspondence with the MNRF, while regional significance of plants was verified on the Checklist of the Vascular Plants of Niagara Regional Municipality, Ontario (Oldham, 2010)

5.1 Environmental Protection Areas

All of the existing Environmental Protection (EP) designated lands within the study area are Provincially Significant Wetlands (PSWs) which have been identified and evaluated by the Ministry of Natural Resources and Forestry. Section 7.B of the Regional Official plan states that EPAs include PSWs, provincially significant ANSIs, and habitats of endangered and threatened species. As per Policy 7.B.1.10, development and site alteration is not permitted within EP designated land.

Since the EPA lands are all designated PSWs and are not developable lands, assessment of EPAs was limited to field verification of feature boundaries. Within the sites which were accessible, no significant changes to PSW boundaries were noted during field studies.

Results of the field studies identified three unevaluated wetlands which were identified as wetland units of existing PSWs and were therefore considered to be Provincially Significant. The addition of these wetlands as PSWs, increases the area of EP lands within the study area by 2.84 ha.

5.2 Environmental Conservation Areas

The Environmental Conservation Area designations within the Town of Fort Erie's Industrial district are based on either municipal size criteria for Significant Woodland designation, or the identification of an area as a Locally Significant Natural Area (LSNA) according to the seven criteria for significance as assessed in NAI for the Town of Fort Erie (Dougan, 2003). Schedule A of the Official Plan of the town of Fort Erie identifies lands within the study area which are EC designated and Schedule C provides additional detail on the reason for designation.

All EC designated lands within the study area are greater than 2 hectares, meeting the size requirements for EC designation.

The natural areas were assessed according to same criteria used by Dougan and Associates in the NAI for the Town of Fort Erie (2003). Assessments were based on field investigations and updated policies to provide current information for municipal designations of EC lands.

An update to each of the ELC Units identified in the NAI report which were also assessed as part of the Industrial District Constraints Assessment is provided in Appendix D and summarized below. Only those portions of the NAI ELC Units which were evaluated through field studies have been updated.

5.2.1 Central Study Area

The NAI evaluated units 604/614/615 as one contiguous feature, which met all seven criteria for significance and was therefore identified as a Locally Significant Natural Area (LSNA). The units make up the portion of the Central study area which lies east of Pettit Road. This area contains a large portion of the Frenchman's Creek PSW and mature forests which are designated as the Regional Miller Woodlot Environmentally Sensitive Area (ESA).

The east portion of the Central Study area was assessed as an LSNA based on current information, as it still fulfills all seven Natural Area Significance Criteria.

West of Pettit Road, the natural areas were assessed as ELC Unit 577 in the 2003 NAI and fulfilled two criteria for significance: Designated Area and Special Features. No changes to this assessment are proposed based on current findings which identified the Frenchman's Creek PSW, and the presence of rare vegetation communities.

5.2.2 East Thompson Study Area

In the East Thompson study area, two ELC units were assessed in the 2003 NAI. The first unit, 623/627 included all the natural areas west of Dunlop Road, while the second unit was located east of Dunlop Road.

Both natural areas were assessed as part of the Fort Erie Industrial District assessment, and no changes to the existing LSNA designations have been proposed. Both assessments indicated that the natural area west of Dunlop fulfilled five significance criteria, while only two were fulfilled on the east side of the study area.

5.2.3 Helena Study Area

The Helena study area made up only a smaller northern portion of the ELC Unit, 294 which was assessed as one contiguous unit in the Fort Erie NAI (2003). The NAI identified the unit as an LSNA, meeting six

of the seven criteria for significance. However, only the area located within the boundaries of the Helena study area were evaluated in the current study.

The area assessed met two criteria for significance, including designated area, for the presence of the Kraft Drain PSW, and hydrologic importance for its flood and erosion control and ground water recharge functions. The area had poor habitat quality and diversity and provided no additional significant functions.

Only the portion of the natural area which was assessed as the Helena study area has been evaluated against the significance criteria should be updated with changes to criteria fulfilled.

5.2.4 North Bowen Study Area

In the North Bowen Study area, two ELC units identified in the Fort Erie NAI were assessed as part of the Fort Erie Industrial ECA. In 2003, unit 596 was assessed as an LSNA for meeting three significance criteria: Designated area, hydrologic importance, and special features. Current assessment of the property indicated fulfillment of the designated area and hydrologic importance of the area, but no special features such as rare species or vegetation communities were present.

The area located along Bowen Road did not meet criteria for designation as LSNA according to the current feature assessments and designation should be removed from these areas.

The second natural area, ELC Unit 630 in the Fort Erie NAI, was located on Phipps Street. The feature meets three criteria for significance, including Designated Area, Hydrologic Importance and Special Features. No changes to the assessment by Dougan and Associates in 2003 were made.

5.2.5 South Central Study Area

In the South Central study area, the natural area located around the old Fort Erie Race Track was assessed as ELC Unit 603 in the NAI. At the time of this assessment, the area only met one criteria for significance and was therefore not considered to be LSNA.

Based on changes to the landscape and designation of features, the current assessment of the natural area designates the area as a LSNA, because it meets three criteria for significance: designated area (Frenchman's Creek PSW), Hydrologic Importance, and the presence of significant species fulfilling Criteria 5, special features. This area has also been expanded to reflect the natural succession of the landscape and include significant species and their habitat.

South of the QEW, the Fort Erie NAI assessed ELC Unit as fulfilling only one of the seven criteria, hydrologic importance. The area which is currently designated as a Locally Significant Wetland, now fulfills the designated area criteria in addition to hydrologic importance. However, no other criteria were fulfilled and the area has not been designated as a LSNA.

5.2.6 West Winger Study Area

Two natural area units were assessed in the West Winger study area. The first unit was located north of Eagle street and was identified as unit 704 in the Fort Erie NAI, and the second area was located south of Eagle Street and identified as ELC Unit 518.

In the area North of Eagle Street, the Fort Erie NAI identified four criteria which were fulfilled in 2003, and the area was designated as an LSNA. Current evaluations identified one additional criterium was met, with the presence of the Black Creek PSW complex in the centre of the natural area. The area remains designated as a LSNA.

South of Eagle Street, the three criteria identified in the FE NAI were also identified in current field evaluations, and the natural area remains designated as a LSNA. The three criteria met included Designated area, hydrologic importance and special features.

5.2 Fish Habitat

The four watercourses within the study area include Black Creek, Frenchman's Creek, Miller Creek, and the Kraft Drain. All four of these systems have been evaluated by the MNRF for fish habitat and have been assessed by the NPCA as part of the Fort Erie Creeks Watershed Plan.

The main tributaries of Black Creek, Frenchman's Creek and Miller Creek all traverse the study area and have all been assessed as Type 1 Critical Fish Habitat by the MNRF. Type 1 Critical habitat provides which fish require to complete various stages of their life cycles. These Critical Habitats are the most sensitive types of fish habitat and require the most protection. A minimum 15m set back from these creeks is required for any alteration according to NPCA Policy 9.2.5.1.

Four small drainage features were assessed to identify characteristics and habitat quality. All of the features were identified as warm intermittent drainage features which provided marginal fish habitat. The minimum buffer requirements for marginal fish habitat is typically 10m. However, reduced buffers may be approved by the NPCA on an assessment of site condition and the nature of proposed development.

Mapping of the Fish Habitat identified in the study area has been included in Appendix D.

5.3 Species at Risk

5.3.1 Endangered or Threatened Species

Three Endangered or Threatened species were documented within the study area during 2018 field investigations. The Barn Swallow and Chimney Swift were both observed during Breeding Bird Surveys and Dense Blazing Star (*Liatris spicata*) was confirmed present. All three species are designated as Threatened in the province of Ontario (SARO, 2018).

Habitat descriptions have been developed for Barn Swallow and Chimney Swift. The descriptions categorize the habitats based on level of importance and sensitivity. No habitat descriptions have been identified for Dense Blazing Star, so the general habitat within which it is found is protected by the Endangered Species Act (ESA). Assessment of significance of habitat within the study area is described below.

5.3.1.1 Chimney Swift

Chimney Swift was observed flying overhead at one Breeding Bird Survey station in the South Central study area. However, no nests were observed nearby or in the vicinity of the study area.

Habitat for Chimney Swift is only characterized at a single level and is defined based on the location of the nest site. The man-made nesting structure, or a natural nest and the area within 90m of it, are designated as Category 1 habitat, which has a low tolerance to disturbance.

Historically, Chimney Swift would nest in tall hollowed out trees, but have since adapted to urban expansion and commonly select man-made structures for nesting. The Category 1 nest habitat is most often assigned to the man-made nesting structure being used by the Chimney Swift.

5.3.1.2 Barn Swallow

Barn Swallows were observed foraging in all study areas within the overall area. The residential and industrial buildings within the study area provide nesting habitat for the species, which often form colonies. Two colonies were observed during field studies, on the side of buildings. The first colony was located at the regional landfill site, in the vicinity of the Central study area and another was located on the side of a building within the East Thompson Study area.

The nests of Barn Swallows are considered Category 1 habitat and have the lowest tolerance to site alteration. Land within 5m of the nest is considered Category 2 habitat. This is the area which is defended by males during breeding season. Category 2 habitat has moderate tolerance to disturbance. Land within 5 – 200 m of nests is considered Category 3 habitat, being used for various life processes such as rearing, feeding and resting. Category 3 habitat is considered highly tolerant of site alteration.

The habitat of endangered and threatened species is identified in current regional and municipal policies as a feature which warrants designation as an Environmental Protection Area. However, in some cases, provisions exist for removal or relocation of a species or its habitat. Permits may be requested from the Ministry of Environment, Conservation and Parks.

5.3.1.3 Dense Blazing Star

A habitat description has not been prepared for this species, so it receives general habitat protection. This means that areas used by the species, either directly or indirectly, are protected, and are typically defined by the ELC polygon within which the species was identified.

Dense Blazing Star prefers open, wet sites such as moist prairies, grasslands and savannahs, and abandoned fields (MECP, 2019). It prefers open sites as it requires full sun. However, in the Fort Erie Industrial District, populations found within the Central, South Central, and East Thompson area were all growing in highly disturbed areas with compacted soils and a history of cultural influence.

The habitat in which the populations were located were not consistent with those typical of the native Dense Blazing Star. Other records of this species in the Niagara Region have made similar observations. In the Checklist of the Vascular Plants of Niagara Regional Municipality (Oldham, 2010) it was noted that although the species is native in other parts of Southern Ontario, the populations in the Niagara Region have been introduced and are found in highly disturbed habitats which lack other prairie associates.

Under provincial legislation and regional policies, their general habitat is protected. However, as described above, provisions are in place for possible relocation through and MECP-issued permit. Given these provisions and the potential for mitigation, further study and communication with the Ministry would be required to determine the significance and restrictions on these areas.

No other Endangered or Threatened species were observed on the subject property during field studies. The typical habitat of all species at risk with the potential to occur in the Fort Erie was reviewed and the property was surveyed for potential habitat (see Appendix C).

5.3.2 Species of Special Concern

Five species of Special Concern were documented in the study area: Eastern Wood Pewee, Wood Thrush, Horned Grebe, Monarch Butterfly, and Snapping Turtle. Although species of Special Concern do not receive habitat protection under the provincial ESA, assessment of the function of a natural heritage feature must give some consideration to habitat of species of Special Concern.

According to the Fort Erie NAI, Criterion 5 of the Natural Areas Designation Criteria includes the presence of species which have been designated as Special Concern. A discussion of each species is provided below.

5.2.3.1 Eastern Wood-Pewee

The Eastern Wood-Pewee is an aerial insectivore that prefers intermediate to mature woodlands with closed canopies. It has been found in forests dominated by Sugar Maple, Elms, and Oaks. Eastern Wood-Pewee will select sites that are more open with fewer trees for nesting to optimize foraging.

In the Fort Erie Industrial Lands, the Eastern Wood-Pewee was observed in the Central, East Thompson, and Helena Study areas.

5.2.3.2 Wood Thrush

The Wood Thrush is an area-sensitive, forest obligate species, which prefers intermediate to mature forests with vertical stratification. Area-sensitive species are those which either require large areas of suitable habitat for breeding, or breed in higher densities in larger areas. These species generally will not breed in what appears to be suitable habitat if it is not part of a much larger natural area, irrespective of the size of their home ranges. However, Wood Thrush is tolerant of forest fragmentation, provided fragments are clustered within 5km for dispersal.

Within the Fort Erie Industrial Lands, Wood Thrush was observed in the Central and East Thompson study areas.

5.2.3.3 Horned Grebe

Observed in only the South Central study area only, the Horned Grebe is a waterbird which nests in small ponds and marshes with emergent vegetation. They usually occupy natural features rather than man-made ponds or reservoirs. There is a small water in the South Central study area which was constructed at the time of the old Fort Erie Race Track which has naturalized and provides suitable habitat for aquatic species such as the Horned Grebe.

5.2.3.4 Monarch Butterfly

Monarchs are a migratory species, flying south across Lake Erie and Lake Ontario. The annual migration begins in August and continues until mid-October.

Monarch habitat can be found where Milkweed and Wildflowers exist, including on agricultural land, roadside ditches, wooded areas, or any other open space. The Monarch feeds on the nectar from wildflowers and lays its eggs on Milkweed. Milkweed is common in the Niagara Region, and was identified throughout the study area.

Monarchs were observed throughout the study area, but no significant butterfly habitat was observed.

5.2.3.5 Snapping Turtle

Snapping turtles live in shallow waters, hiding under soft mud and leaf litter. During the early summer, adults lay eggs in area with loose soils such as sand or gravel. Nesting sites are often located along stream banks, but they will also use man-made structures such as roadsides.

Although adults were not observed in the study area, evidence of nesting activity was found in the East Thompson study area. In addition to providing evidence of the presence of a species listed as Special Concern, Snapping Turtle nesting sites are also considered Significant Wildlife Habitat.

5.4 Significant Wildlife Habitat

The Significant Wildlife Habitat Technical Guide (SWHTG) was developed by the Ministry of Natural Resources to provide detailed information on the identification, description, and prioritization of significant wildlife habitat in accordance with Section 2.3 of the Provincial Policy Statement.

The Significant Wildlife Habitat Criteria Schedules for EcoRegion 7E outline required field studies and the specific criteria that must be met in order for an area to be confirmed as SWH.

5.4.1 Seasonal Concentration Areas

The surveys completed for the candidate significant wildlife habitat surveys were completed in all areas where suitable habitat existed for the presence of SWH. Surveys were complete according to the Table in Appendix C.

None of the candidate SWH identified through the screening process were observed in the study area.

Accessible properties in the area were surveyed for standing snags, where suitable wooded habitat was available. Snags were identified at all properties surveyed, which provided candidate habitat for SWH maternity colonies. However, confirmation of SWH bat maternity colonies requires that exit surveys be carried out at each potential roost. These surveys are time consuming and were outside the scope of work for the project. They are suited for impact assessments following the development of a site plan so that surveys can focus on impacted trees.

5.4.2 Rare or Specialized Habitat

The NHIC list of plant communities was reviewed to determine the status of all communities that have been identified through the ELC classification system for the study area. Three Rare Vegetation Communities were identified in the study area as SWH.

The SWH forests identified included the Fresh-moist Shagbark Hickory Deciduous Forest (FOD9-4) and the Fresh-moist Black Walnut Lowland Deciduous Forest (FOD7-4), while the SWH swamp community identified was the Pin Oak Mineral Deciduous Swamp (SWD1-3).

The Pin Oak Swamp and Black Walnut Forest have a provincial status ranking of S2S3 indicating that they are imperiled to vulnerable communities within Ontario. Both communities are common in the Niagara Region, but have a restricted range which lowers their status at the provincial level. The SWD1-3 Pin Oak Swamp is well represented within the study area.

The Shagbark Hickory Deciduous Forest has a status ranking of S3 suggesting that it is vulnerable in Ontario.

The rest of the vegetation communities identified in the study have an S-rank of S4 to S5, or are cultural communities, which are not assigned an S-ranking, due to influence of human activity.

Two of the anuran call survey stations monitored in the North Bowen study area and one located in East Thompson met the criteria for significance by supporting full chorus of calling Western Chorus Frogs and Spring Peepers in the same area and on the same survey night. Other areas supported productive amphibian breeding habitat, such as Black Creek in the West Winger study area, which had five species of frogs calling in one night. However, this area was not considered SWH because it did not meet the criteria for the size of the breeding populations.

A single turtle nest was observed in the East Thompson study area, north of the hydro corridor and in proximity to Frenchman's Creek. Hatched eggs were found next to Frenchman's Creek in a constructed creek crossing where the substrate is predominantly gravel. The eggs were laid by a Snapping Turtle and according to the Significant Wildlife Habitat Criteria Schedules for Ecoregion 7E, the presence of a single nesting snapping turtle fulfills the criteria for SWH designation.

5.4.3 Habitat of Species of Conservation Concern

Candidate marsh bird breeding habitat and early successional bird breeding habitat was identified within the study area. Breeding Bird Surveys must confirm the presence of indicator bird species listed in the SWH Criteria Schedules for Ecoregion 7E (2015) within the candidate habitat in order to verify the SWH.

In the West Winger study area, along the northern banks of Black Creek, one of the indicator species and of the common species listed for Early successional breeding bird SWH were observed at the same Breeding Bird Survey station. Brown Thrasher, Willow Flycatcher, Eastern Towhee, and Field Sparrow were all present, satisfying the criteria identified for significance and it has been identified as SWH.

Five species of Special Concern (SC) have also been identified within the study area. General habitat for each species has been described above. Habitat for the Horned Grebe is easily defined as they nest in open water habitats like the one in which it was observed in the South Central Study Area. However, additional field studies are required to determine the extent of habitat being used by each the four other SC species identified in the Industrial Lands, as they have much broader habitats.

5.4.4 Animal Movement Corridors

Animal movement corridors are naturally vegetated parts of the landscape which facilitate dispersal from one habitat to another. Amphibian movement corridors are identified as corridors between their summer terrestrial and breeding habitat, and they should be determined when Amphibian Breeding SWH is confirmed through field studies.

Amphibian breeding wetland SWH was present in the Industrial District, however no movement corridors were located. Further study may be required on a site-specific basis for areas where Amphibian Breeding SWH was confirmed through this study.

A map of the SWH features identified on the subject property and discussed above is included in Appendix D.

5.5 Corridors and Linkages

Corridors can exist along shorelines, riparian zones, woodlands, or manmade structures such as abandoned roads or rail allowances. Policy 2.1.2 of the Provincial Policy Statement recognizes the significance of corridors, stating that connectivity should be maintained, restored, or enhanced where possible. Significance of corridors is evaluated based on physical characteristics of the corridor, including length, width, continuity, habitat structure and condition, the distance between the natural areas, and where there is potential use of the corridor by wildlife.

An assessment of suitable corridors and linkages within the Fort Erie Industrial District was completed through analysis of aerial imagery, result of winter tracking surveys and road mortality surveys.

Watercourses provide a continuous stretch of vegetative cover and traverse the landscape. These are commonly used by animals for dispersion through the landscape. The Hydro One lands also provide a

continuous movement corridor across the study area. Field surveys and incidental observations throughout indicated that there is lots of animal movement activity in the vicinity of the hydro corridor, affirming its importance as a corridor. Natural areas which extend along these features provide valuable habitat for animals as they move through the area, by provide food and shelter.

Figure 6 shows the proposed natural heritage mapping for corridors and linkages in the study area.

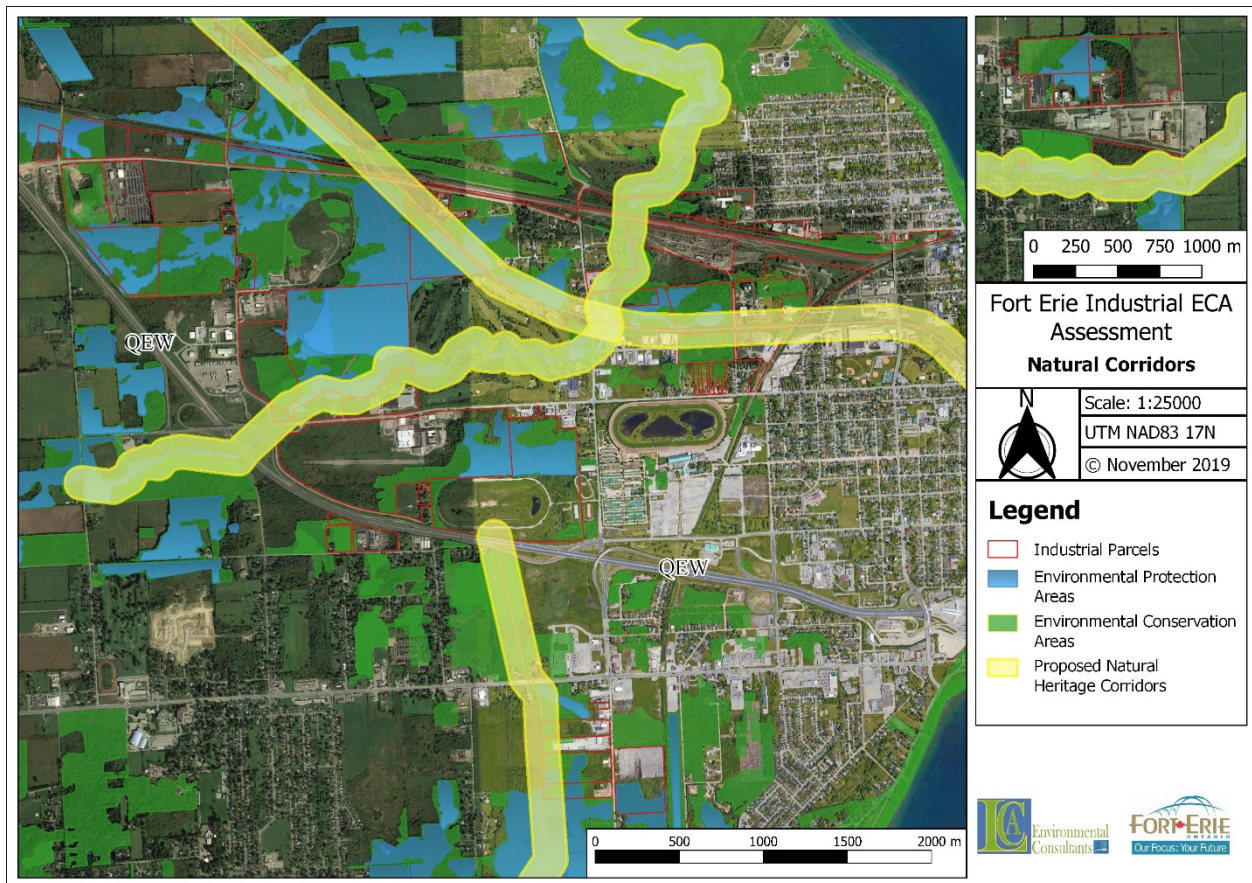


Figure 6: Proposed Natural Corridors in the Fort Erie Industrial District.

5.6 Summary

Table 12 provides a summary of the significant features discussed above and identifies the location of each within the overall study area.

Table 12: Summary by sub area of the Natural Heritage Features located in the Fort Erie Industrial District.

Feature	Central	East Thompson	Helena	North Bowen	South Central	West Winger
Environmental Protection Area						
Frenchman’s Creek PSW	X	X		X	X	
Miller Creek PSW	X			X		
Kraft Drain PSW			X			
Black Creek PSW						X
Environmental Constraints Area						
Woodlands >2ha	X	X	X	X	X	X
Locally Significant Natural Areas	X	X			X	X
Fish Habitat						
Type 1 Critical	X	X		X		X
Type 2 Important						X
Type 3 Marginal			X			
Species at Risk						
Threatened or Endangered	X	X	X	X	X	X
Special Concern Species	X	X	X		X	
Significant Wildlife Habitat						
Seasonal concentration areas						
Rare or specialized Habitat		X				X
Habitat of species of concern	X	X	X		X	X
Animal Movement corridor						
Corridor Function						
Wildlife Movement	X	X	X			X

6.0 CONSTRAINTS ANALYSIS

The Environmental Protection Areas (EPAs) within the study area place the most constraint on development within the industrial district. The 2018 update to the NPCA Policy document for the administration of O.Reg 155/06 places a minimum buffer of 30m on all Provincially Significant Wetlands (PSWs). Type 1 critical fish habitat requires a minimum 15m buffer from the stable top of bank.

The EPA lands and their associated buffer significantly limit development potential in the study area. Outside of these EPAs and associated buffers, EC-designated and adjacent lands may be developed if it has been demonstrated that there will be no significant impacts to the ecological function of the natural heritage features. Figure 7 shows the areas high, moderate, and low constraints to development.

6.1 Development Constraints

Areas which place the highest level of constraint to development are those areas which have been designated as Environmental Protection Areas (EPAs). According to Regional and municipal policies, development is not permitted within EPA designated lands.

Areas which have been designated as Environmental Conservation Areas (ECAs) place moderate constraints to development, because development is only permitted in ECAs where it has been shown through an Environmental Impact Study that there will be no significant negative impacts to the ECA features or their ecological functions.

6.1.1 Wetlands

Lands which are currently designated as Provincially Significant Wetland (PSW) make up most of the EPA lands within the study area. Wetlands which were previously unevaluated but have been identified through the Fort Erie Industrial study as being a significant unit to be complexed in with existing PSWs have been designated as EPA lands in recommended updates for Municipal Natural Heritage Mapping.

PSWs are defined by the MNRF and regulated by the Niagara Peninsula Conservation Authority (NPCA). Policy 8.2.3.1 of the NPCA Policy Document prohibits any development or site alteration within 30m of a wetland. The areas of high constraint associated with the PSWs in the study area, therefore include all EP-designated PSWs plus a 30m buffer.

Some areas in the Fort Erie Industrial District contains portions of EC lands which have been landlocked by EP-designated lands or their minimum required buffer zones, rendering them inaccessible for development. Because these areas cannot feasibly be developed based on current policies, they have been included as a portion of the EPA zones in the updated Natural Heritage Mapping. In some cases, these areas also provide hydrological function to the adjacent wetlands as a source of surface run off.

6.1.2 Fish Habitat

The NPCA also regulates watercourses and prescribe a natural buffer based on the type of flow and quality of fish habitat present. Streams which maintain permanent flow, contain cool water or cold water, or those which have been identified as Type 1 Critical Fish habitat require a minimum 15m natural buffer from the top of slope.

For intermittent, warm water streams, or those which have been identified as Type 2 or Type 3 fish habitat, 10m buffers are typically required, but may be reduced to a minimum 5m dependent on-site specific qualities.

6.1.3 Species at Risk

Eight Species at Risk (SAR) were identified in the Fort Erie Industrial District. Three species listed as Threatened under the provincial SARO were observed, and five species listed as special concern were observed. Species listed as Threatened receive habitat protection under Endangered Species Act and are recognized under Regional and Municipal policies as significant.

The presence of Threatened species and their habitat restricts development; however, opportunities for offsetting or mitigating impacts to some species are available through coordination the Ministry of Environment, Conservation, and Parks (MECP). Areas which have been identified as habitat for Threatened Species place moderate constraints on development and have therefore been mapped as EC lands. These areas can be found in the Central, East Thompson, and South Central study areas.

Habitat of species of Special Concern is also considered significant habitat, which often requires additional studies to clearly define the boundaries of the habitat. Where habitat of Special Concern Species has been clearly defined, it is also identified as a constraint area and has been mapped as an EC designated area.

6.1.4 Significant Wildlife Habitat

Areas which have been identified as Significant Wildlife Habitat (SWH) may also place limitations on development. The SWH identified in the study area were reviewed to identify the impacts that potential development would may have on their function.

Where any type of development on or adjacent to a SWH area would result in the loss of the functions, and therefore the designation as a SWH, it was identified as an area of high constraints to development and mapped as EP-designated lands. Other areas of SWH for which tolerance to development was unknown were identified as moderate constraints areas and designated as ECAs.

6.2 Development Potential

Areas where there are no constraints to development include areas which do not have a natural heritage overlay, or where it is determined, based on current field evaluations, that negative impacts to natural heritage can be offset through appropriate site planning and mitigation measures.

Through review of aerial imagery and ground truthing, areas which currently contain an EC overlay in the municipal mapping, but have been developed since mapping was approved, have been updated to remove the EC overlay.

Natural areas which contain EC overlay were assessed for significance based on field investigations. Natural features which were not considered significant based on existing functions, have been mapped as areas for which the EC layer can be removed from the Natural Heritage mapping. It is noted however, that these areas may also contain a Regional ECA mapping layer. The presence of the regional features will require that an EIS be completed to identify impacts to the regional feature and mitigation measures.

An EIS may also be required when the proposed development is located within the trigger zone for Regional or NPCA-regulated features as identified in the EIS Guidelines for the Region of Niagara (January 2018).

Where adequate field studies have not been completed, due to a late response granting permission to the property, significance of features cannot be accurately be determined and recommendations for removal of an EC overlay cannot be made. Requirements for further studies have been identified in the Sub-area summaries included in Appendix A.

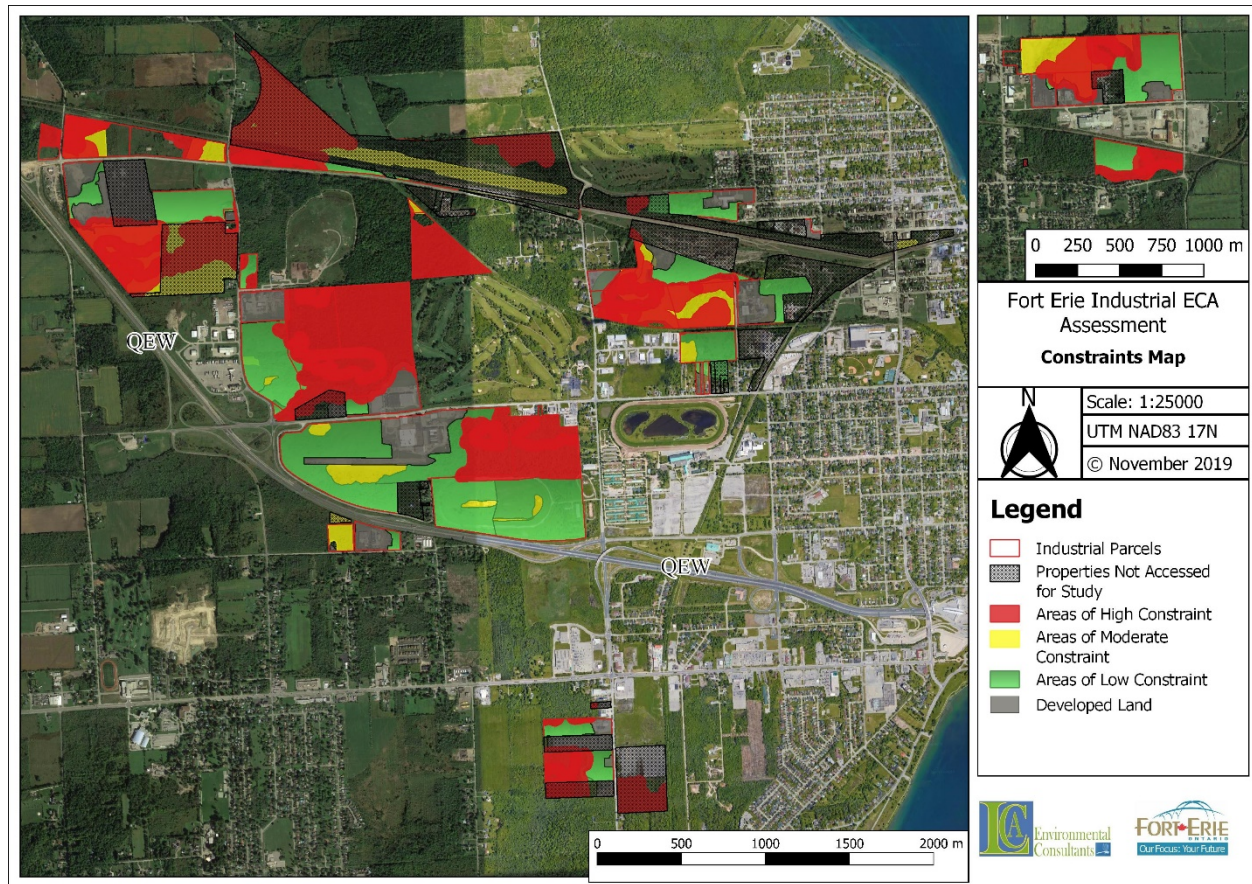


Figure 7: Map of the areas of constraint to development as identified through analysis of field data and policies.

6.3 Enhancement Opportunities

Enhancement opportunities exist throughout the study area. Many areas are highly disturbed and dominated by non-native species. Requiring Tree Preservation Plans be prepared with development proposal provides opportunities to protect native species, as well as mitigating loss of vegetation and increasing diversity through the planting of native species.

7.0 STUDY LIMITATIONS

The ECA Assessment was completed as per the accepted Terms of Reference to the extent possible for the subject lands within the defined study area. The greatest limitation to completion of comprehensive field assessments was access to privately owned lands that contained all or a portion of the natural heritage features.

Those lands that were not granted access to were evaluated based on the existing information available and any additional information that could be garnered from the adjacent lands, if accessible, or the roads and unopened road allowances.

Due to the lack of access in some areas, the existing EC designations could not be confirmed or changed in the absence of current field data. These areas may require additional field assessments in the event that site development is proposed as per the regional and municipal policy requirements.

8.0 RECOMMENDATIONS AND CONCLUSION

The assessment of the EC designated lands within the Town of Fort Erie’s Industrial District has been completed based on current field data and with regard to the current provincial, regional, and municipal natural heritage policies.

The constraints analysis for the study area identified areas of high significance which limit the development potential, as well as areas of low significance which provide opportunities for development within the Industrial District. Updated municipal natural heritage mapping has been provided based on this analysis. (see Figure 8).

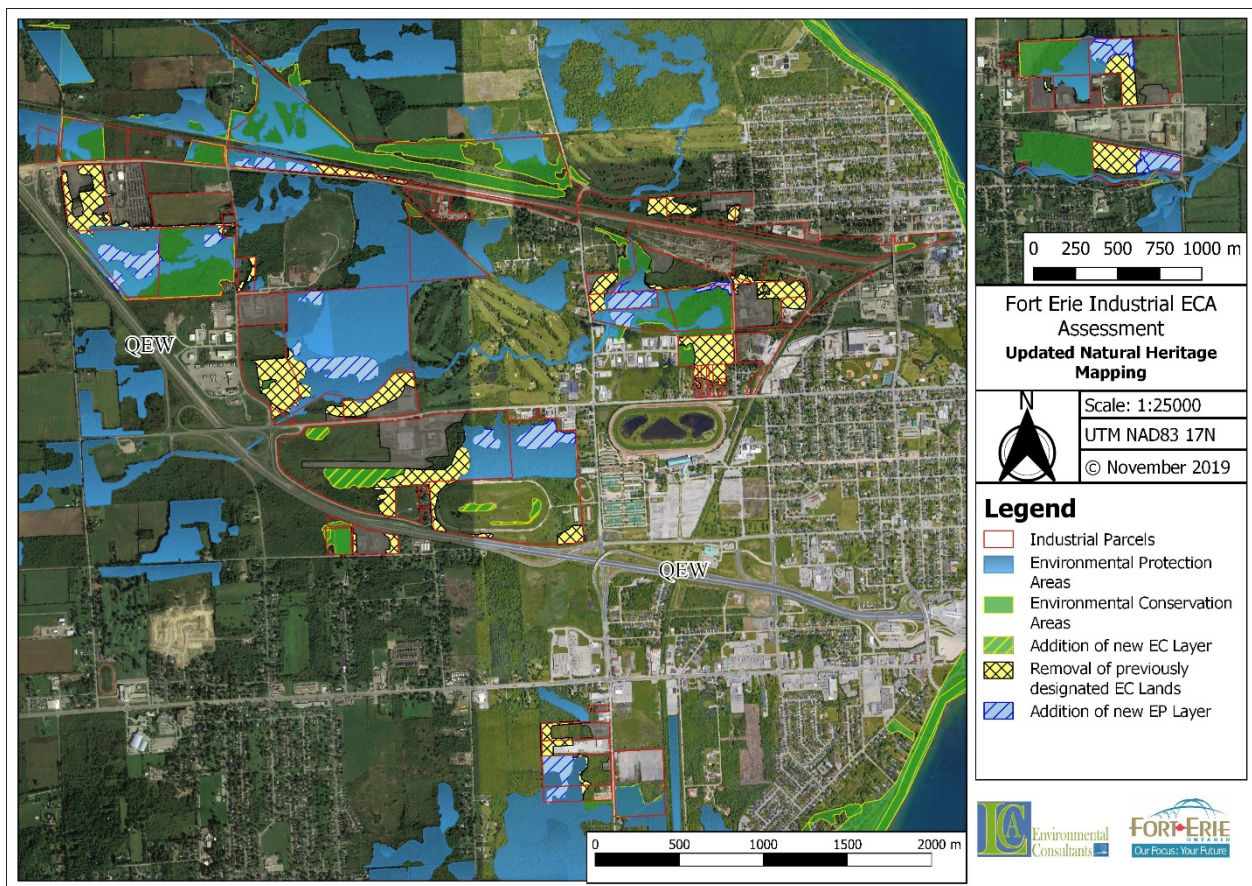


Figure 8: Updated Natural Heritage Mapping for the Town of Fort Erie.

It is recommended that the Town of Fort Erie adopt the updated natural heritage mapping that has been presented. Copies of the mapping and property summaries should be provided to participating landowners following adoption of the natural heritage mapping.

A summary of the changes to the portion of the study area which contains a natural heritage designation is provided in Table 13.

Table 13: Summary of changes to the natural heritage mapping resulting from the Fort Erie Industrial ECA Assessment.

Total area:	618 ha
Existing EP lands:	121 ha
Recommended EC upgrade to EP:	32 ha
Updated EP lands:	153 ha
Percent total area	25%
Existing EC lands:	170 ha
Recommended EC removal:	61 ha
EC Lands added	7 ha
Updated EC lands:	116 ha
Percent total area	19%

Approximately 44% of the Fort Erie Industrial District contain a natural heritage designation which restrict the development potential in these areas. Approximately 300ha contain natural heritage features and 318 ha are currently developed or have the potential to be developed, subject to completion of any additionally required studies and assessment or impacts.

The recommended changes to the EC areas are based on the data collected over a two-year study period and reflect the potential constraints, potential development areas and the changes in land use since the 2003 NAI study was completed. The current study recommendations and conclusions are based the current data collected and current municipal, regional and provincial policies in place at the time of the report completion. In the event that policies change at any level of government, the conclusions and mapping require revisions to reflect the policy changes. Typically, the Region of Niagara accepts data collected within five years to accurately reflect the conditions of natural areas unless there are substantial changes in the site use in that period.

Only those areas that were accessible and could be comprehensively surveyed were addressed within this report. Additional site information will be needed for any properties that were not accessible through the course of this study.

We trust that the information contained in this report satisfies the outcome requirements of the Town of Fort Erie Industrial District ECA Assessment (PDS-18P-ECAAR). Should you have any questions, please contact our office.



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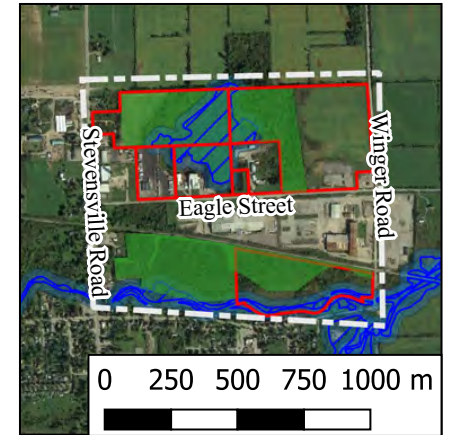
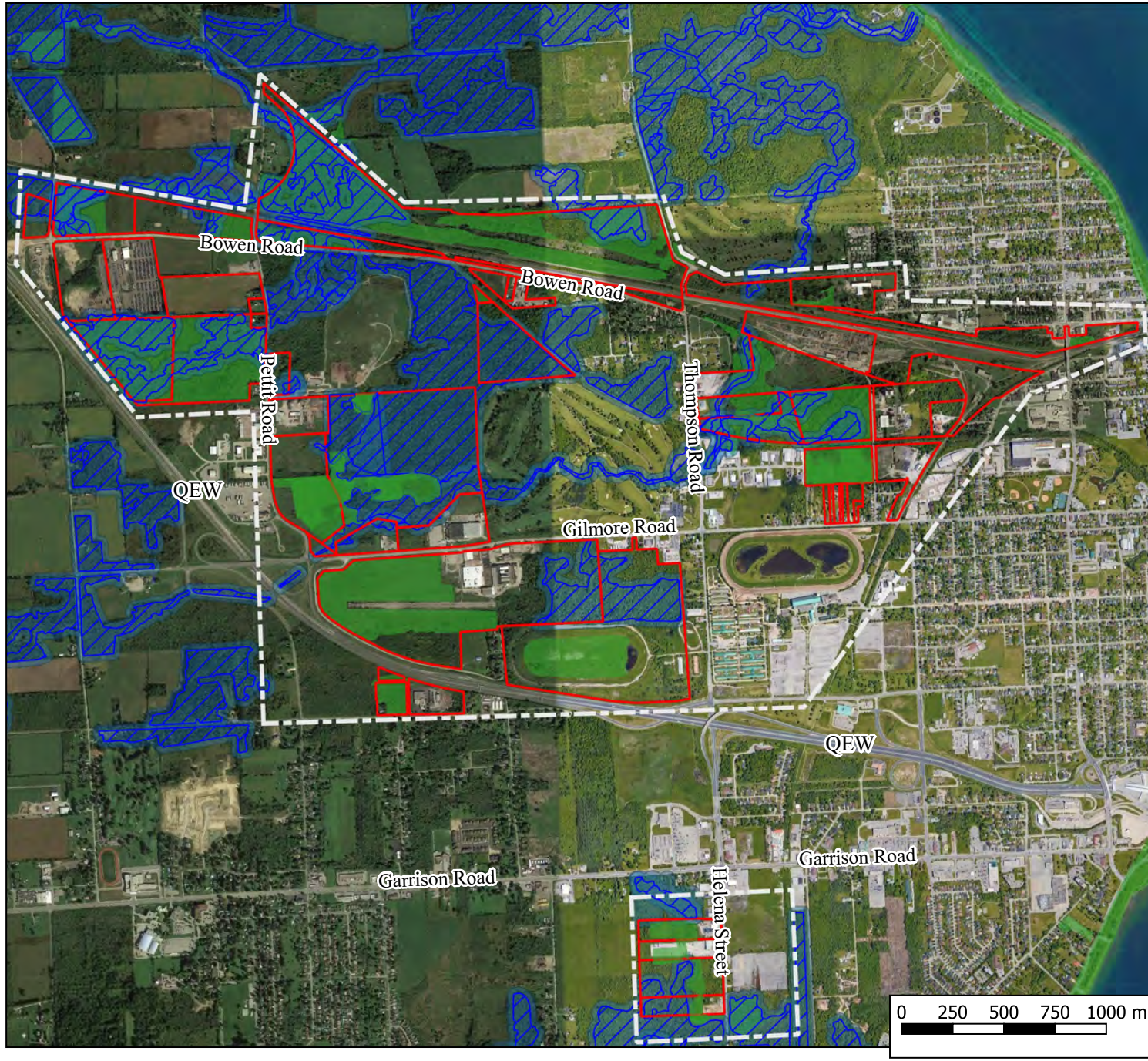
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Appendix A

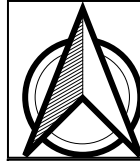
Mapping

APPENDIX "1" TO ADMINISTRATIVE REPORT PDS-70-2019, DATED DECEMBER 2, 2019








Fort Erie Industrial ECA Assessment

FIGURE 1: STUDY AREA (OP Schedule C)

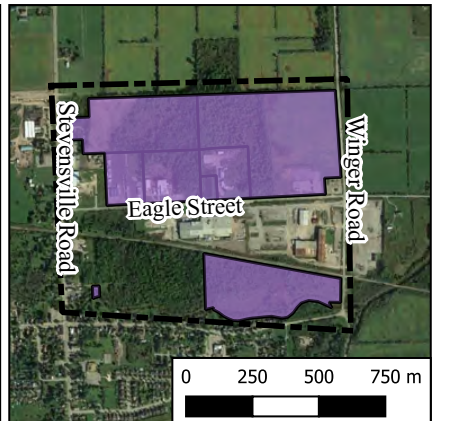
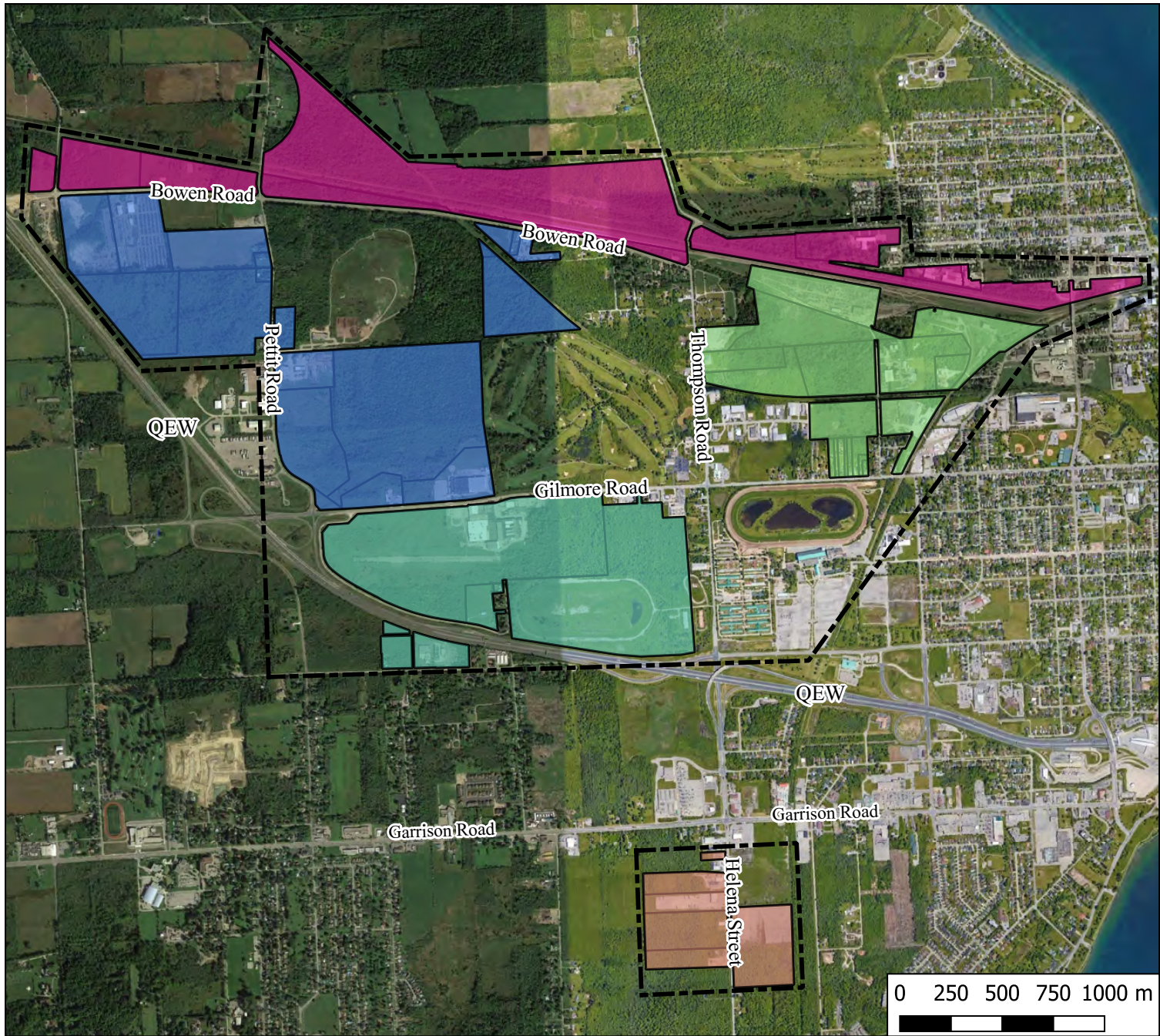


Scale: 1:25000
 UTM NAD83 17N
 © November 2019

Legend

-  Overall Study Area
-  Industrial Properties
-  Provincially Significant Wetlands (PSWs)
-  PSW 30m Buffer
-  Fort Erie Environmental Conservation (EC) Lands





Fort Erie Industrial ECA Assessment
FIGURE 2: STUDY SUB-AREAS



Scale: 1:25000
 UTM NAD83 17N
 © November 2019

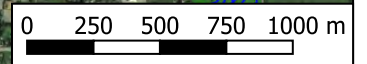
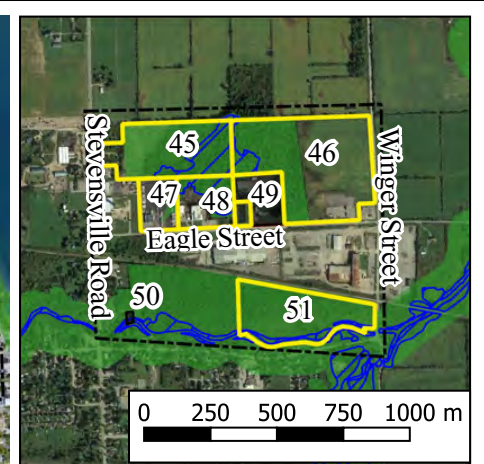
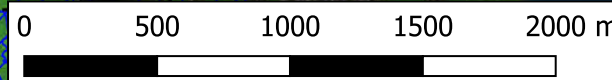
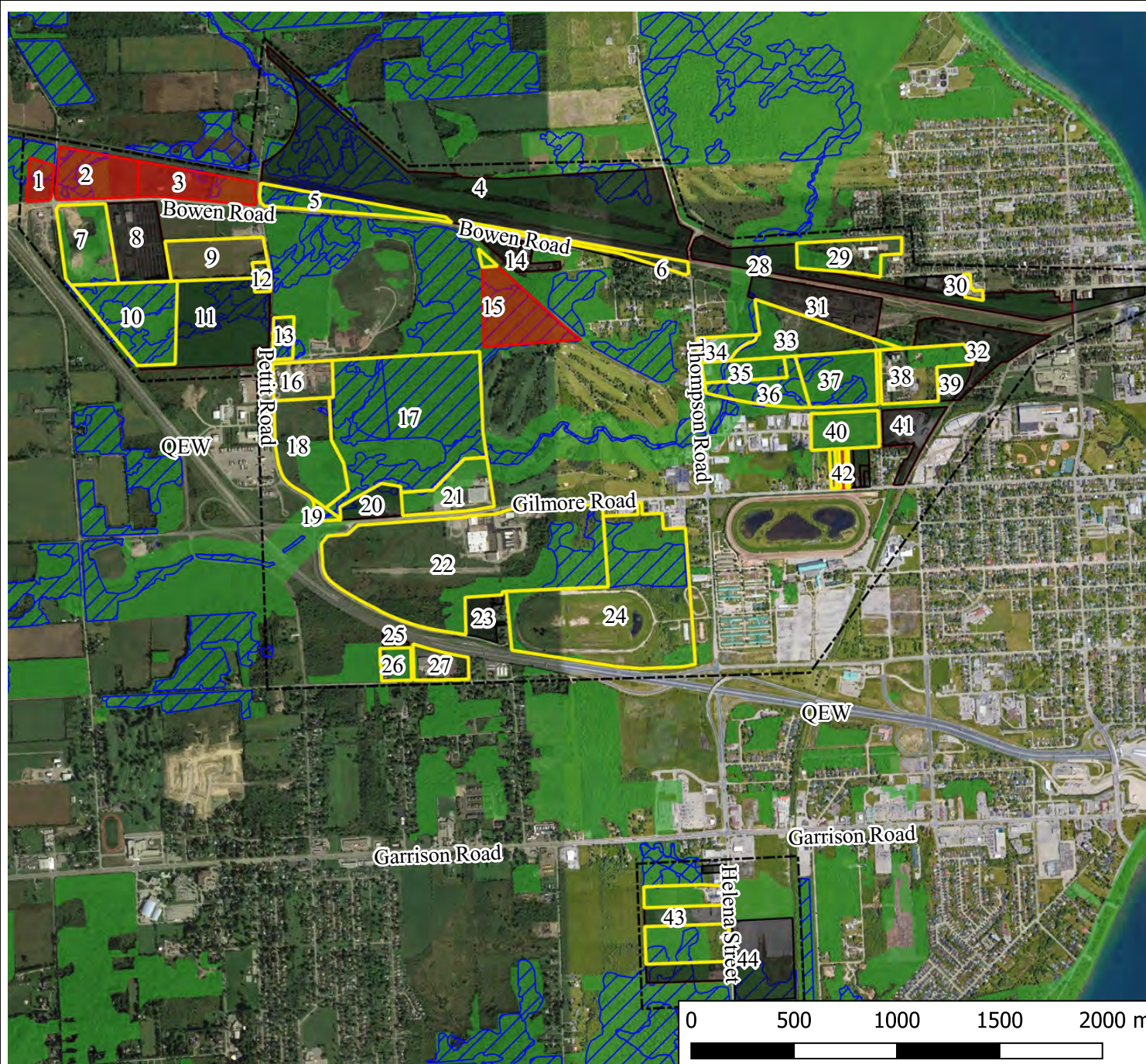
Legend

- Overall Study Area
- Industrial Properties

- Sub Areas
- Central
 - East Thompson
 - Helena
 - North Bowen
 - South Central
 - West Winger



APPENDIX "1" TO ADMINISTRATIVE REPORT PDS-70-2019, DATED DECEMBER 2, 2019



Fort Erie Industrial ECA Assessment

FIGURE 2-2: SITE ACCESS (OP Schedule C)



Scale: 1:25000

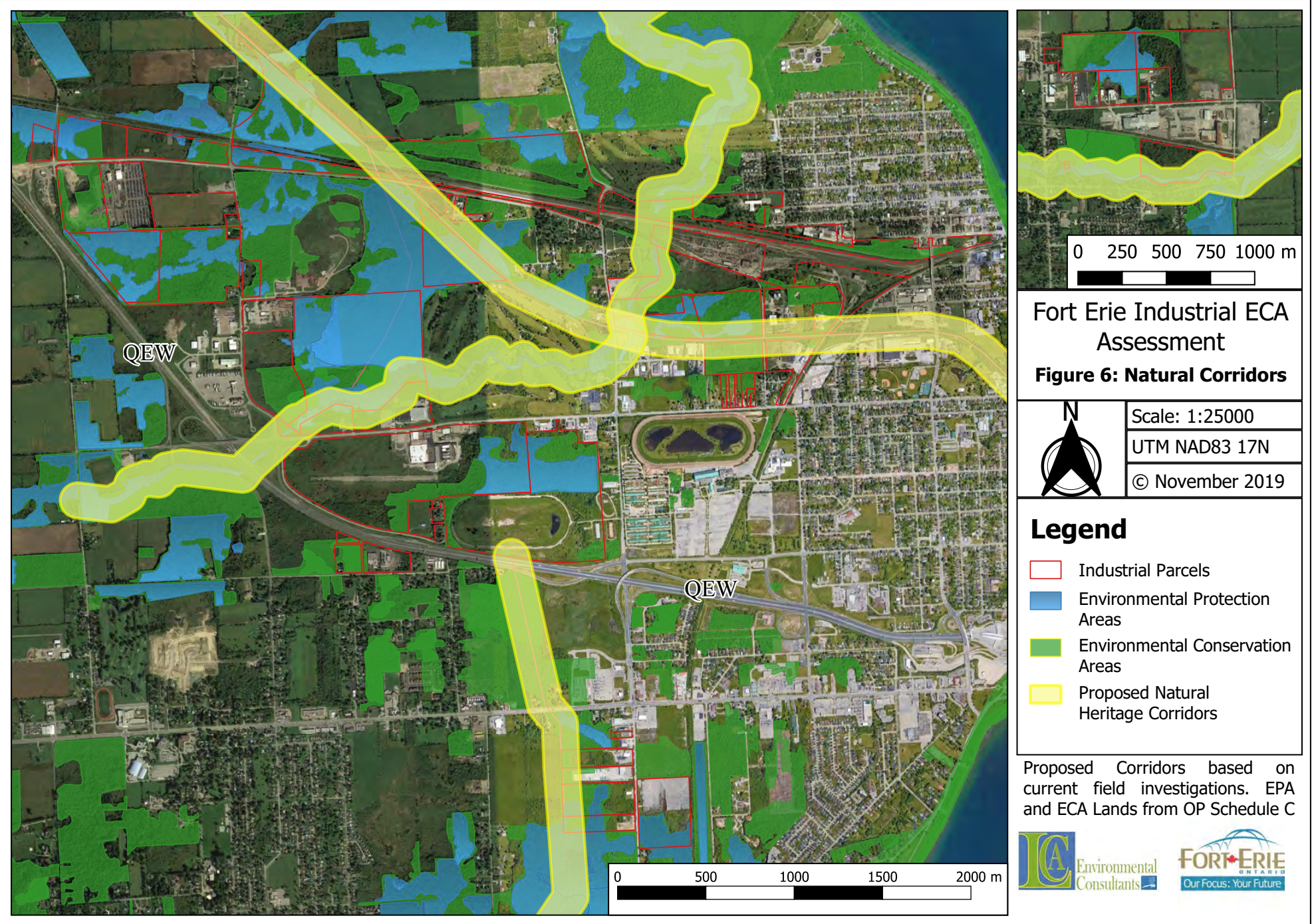
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© November 2019

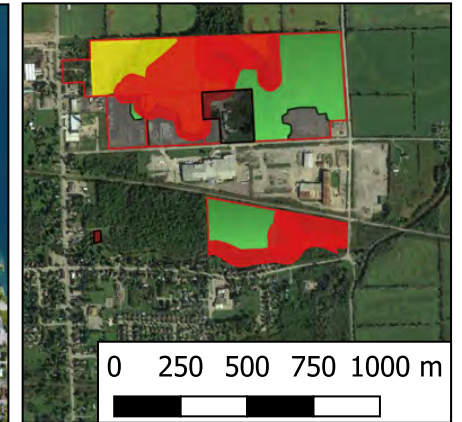
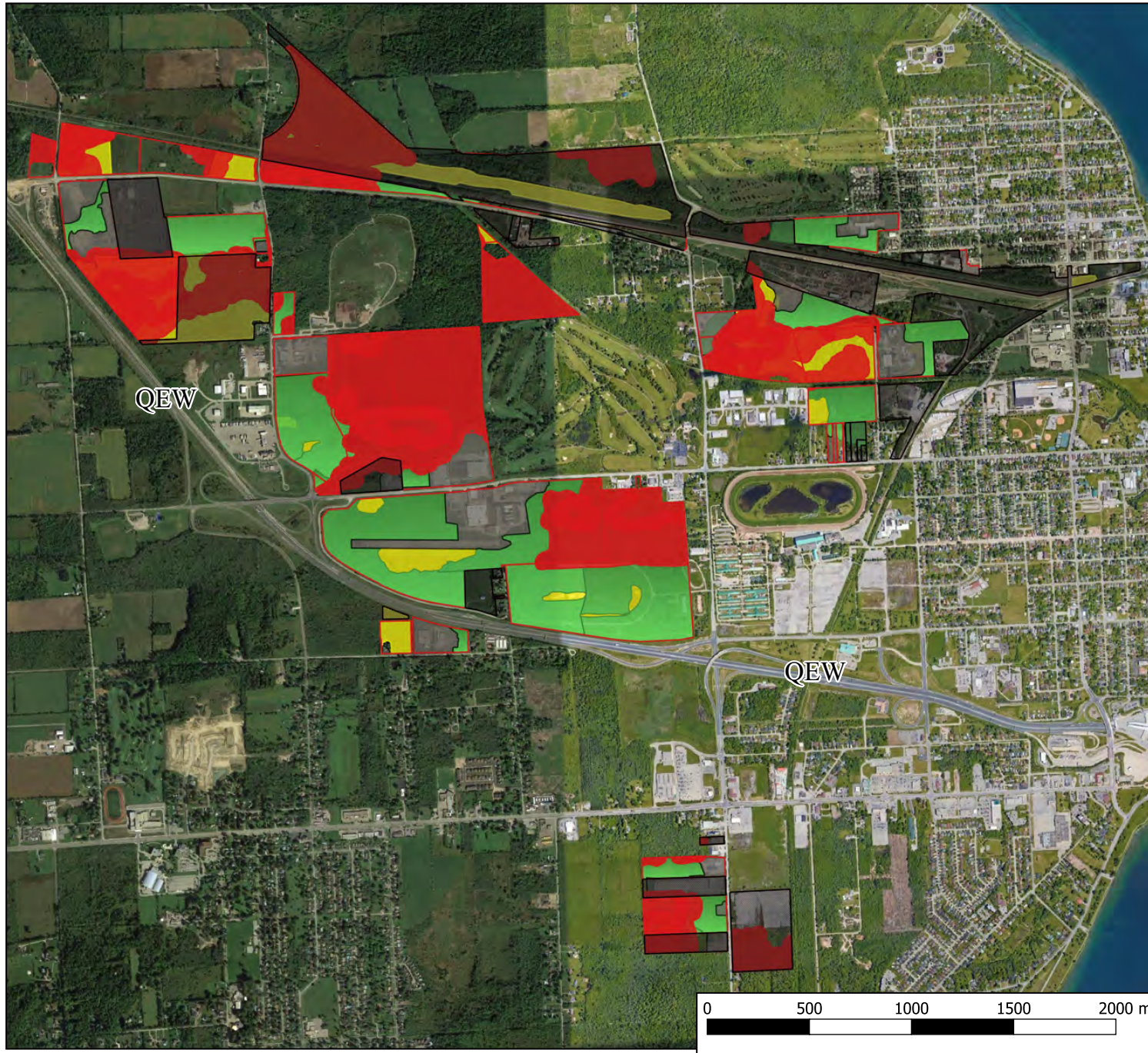
Legend

- Access Granted
- Access Denied
- No Response
- Provincially Significant Wetlands
- Fort Erie Environmental Conservation (EC) Lands





APPENDIX "1" TO ADMINISTRATIVE REPORT PDS-70-2019, DATED DECEMBER 2, 2019



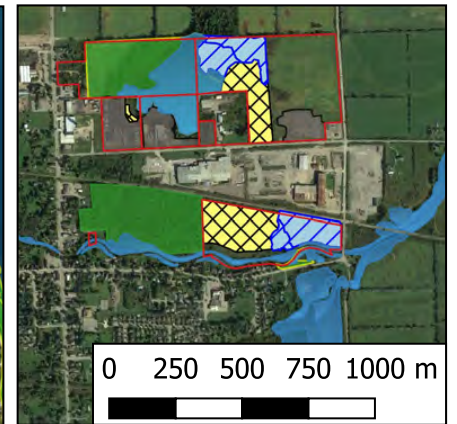
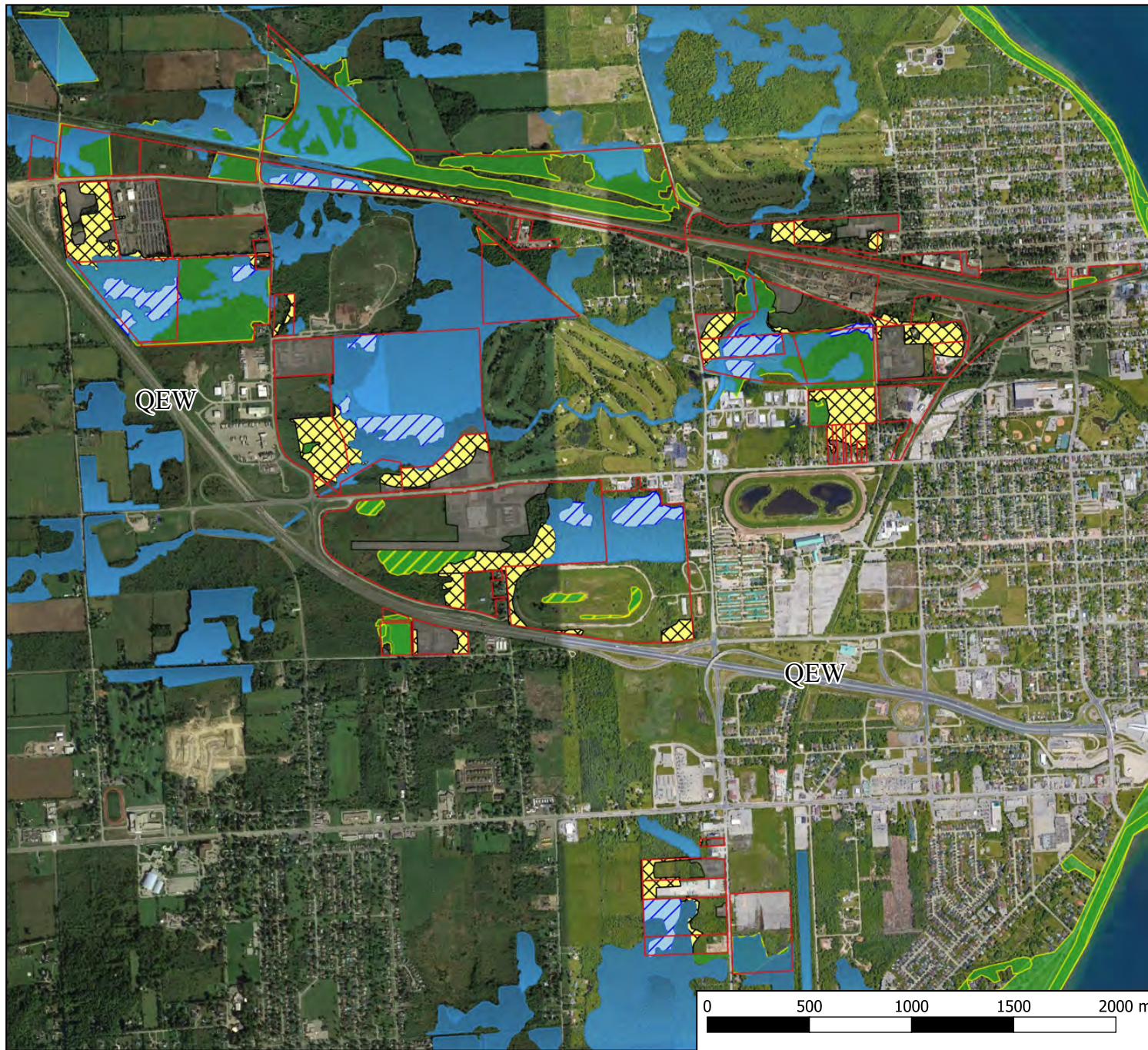
Fort Erie Industrial ECA Assessment
Figure 6-1 Constraints Map

	Scale: 1:25000
	UTM NAD83 17N
	© November 2019

- Legend**
- Industrial Parcels
 - Properties Not Accessed for Study
 - Areas of High Constraint
 - Areas of Moderate Constraint
 - Areas of Low Constraint
 - Developed Land



APPENDIX "1" TO ADMINISTRATIVE REPORT PDS-70-2019, DATED DECEMBER 2, 2019



Fort Erie Industrial ECA Assessment
Updated Natural Heritage Mapping



Scale: 1:25000
 UTM NAD83 17N
 © November 2019

Legend

- Industrial Parcels
- Environmental Protection Areas
- Environmental Conservation Areas
- Addition of new EC Layer
- Removal of previously designated EC Lands
- Addition of new EP Layer



Appendix B

Agency Correspondence and EIS Scoping

Appendix B: Confirmation of Consultant to Perform Work



Planning and Development Services

May 8, 2018

Re: Confirmation of Consultant to Perform Work

The purpose of this letter is to confirm that LCA Environmental Consultants has been retained by/represents the Town of Fort Erie to perform an Environmental Conservation Area Assessment Report.

This report will identify and verify through field evaluations and historical reports the Environmental Conservation Areas to be preserved within the context of the Town of Fort Erie Industrial Lands. Re-evaluation of the EC lands within the Fort Erie Industrial District will provide current data to assist in defining the natural heritage features and functions that warrant protection in the area and provide direction to the municipality regarding the development potential within the Fort Erie Industrial District. Additionally, this study will clearly identify the Environmental Conservation Lands to be protected through an EP designation and zoning.

LCA Environmental will be performing the following tasks:

1. Inventory and field assessment (ground proofing) of existing EC designated areas and adjacent lands to determine the natural features and functions and accurately define the limits of the significant environmental areas, including any required buffers.
2. Consult with landowners on a one-on-one basis with regard to access and the study requirements and conduct a public open house to gather input from the community.
3. Prepare a progress report and draft environmental mapping for review.

If you have any questions regarding the information provided above, please contact:

LCA Environmental Consultants
Lisa Price
104-155 Main Street E, Suite 136
Grimsby Ontario, L3M 1P2
lprice@lcaenvironmental.com
905-687-4400

Town of Fort Erie
Lindsay Richardson, Senior Community Planner
1 Municipal Centre Drive
Fort Erie Ontario, L2A 2S6
lrichardson@forterie.ca
905-871-1600 x 2504

Sincerely,

A handwritten signature in blue ink that reads 'Lindsay Richardson'.

Lindsay Richardson
Senior Community Planner

April 27, 2018

Lee-Ann Hamilton
Supervisor, Watershed Biology
Niagara Peninsula Conservation Authority
250 Thorold Road West, 3rd Floor
Welland, ON L3C 3W2

Re: Scoping a Terms of Reference for EC Assessment of Fort Erie Industrial District, Niagara Region

The Town of Fort Erie has initiated a study to evaluate the lands within the Fort Erie Industrial District which are currently designated as Environmental Conservation (EC) Lands. The Request for Proposals (RFP) number **PDS-18P-ECAAR** was issued on February 15, 2018, and LCA Environmental Consulting was awarded the contract on April 9, 2018.

The EC designated lands represent those areas identified as Locally Significant Natural Areas based on the presence of ecological features and functions as reported in the Fort Erie Natural Areas Inventory (Dougan & Associates 2003) and other historical reports. The designation of EC lands and Environmental Protection Areas (EPA) places constraints on the development potential within the Town's industrial district and the re-evaluation of these lands will provide information on their current hydrological and ecological functions.

The Environmental Conservation Area Assessment will inventory and assess the natural areas within the Fort Erie Industrial District (see Appendix A); establish the limits of the potential development area based on the EPA and ECA land boundaries, including suitable buffers; assess natural areas and connectivity according to the provincial wildlife habitat guidelines; identify limitations associated with natural features and functions including species at risk (SAR); and map all areas that warrant an EPA designation in accordance with the Town Planning Policy.

EPA lands that have been identified and defined in consultation with the Ministry of Natural Resources and Forestry (MNRF) will not be evaluated for development potential as part of the ECA Assessment. However, existing EPA boundaries will be reviewed and any significant change in wetland boundaries that should be revised in the provincial wetland mapping database will be identified.

The field assessments and literature and policy review will provide guidance and direction to the Town of Fort Erie regarding the development potential and conservation requirements based on current field data and policies.

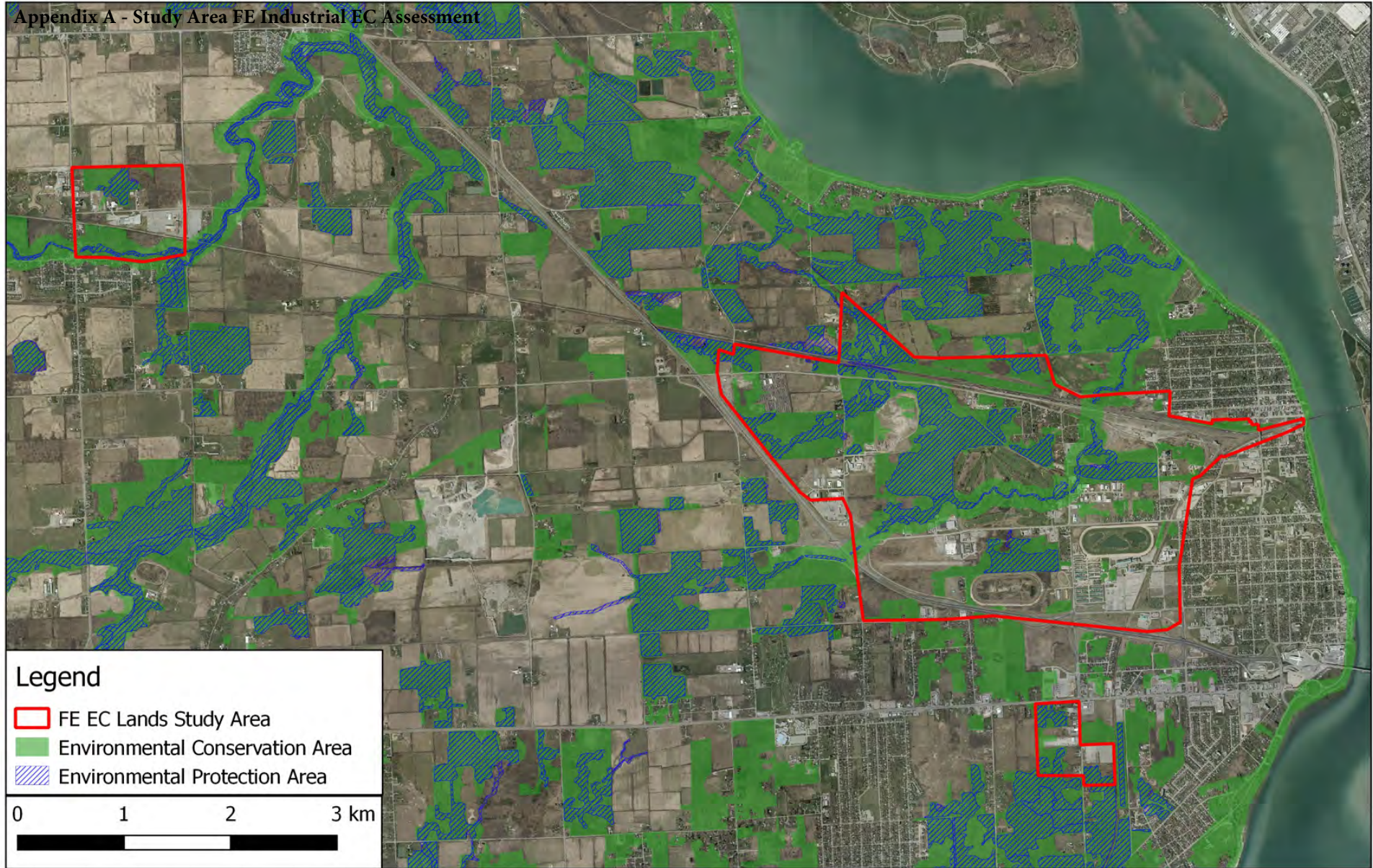
As per the project requirements provided in RFP #PDS-18P-ECAAR, we are requesting that project scoping be provided by the NPCA and the Region of Niagara so that a Terms of Reference may be prepared and reviewed by both agencies. A copy of the proposed work plan has been included in Appendix B.

Please contact us if you have any questions.

Sincerely,



Lisa Price
LCA Environmental Consultants
104-155 Main St E, Suite 136
Grimsby, ON L3M 1P2
lprice@lcaenvironmental.com



Fort Erie EC Industrial Study Area



APPENDIX "1" TO ADMINISTRATIVE REPORT PDS-70-2019, DATED DECEMBER 2, 2019

Appendix B - Proposed Work Plan for Fort Erie Industrial EC Assessment

Project Tasks	Methodology / Details	Approximate Timeline
Background Review		
Review of policies and existing background data	<ul style="list-style-type: none"> Review of existing documents, including, but not limited to: <ul style="list-style-type: none"> Fort Erie Natural Areas Inventory (2003) Fort Erie Industrial Business District Master Servicing and Development Strategy (2009) Official Plan for the Town of Fort Erie Provincial Policy Statement (2014) Amendment 187 to Regional Official Plan 	April – May 2018
Consultation with governing agencies	<ul style="list-style-type: none"> Pre-consultation meeting to be held with NPCA to identify the project scope Consultation with MNRF to obtain existing information on Species at Risk and natural heritage information Create Terms of Reference for circulation to NPCA and Fort Erie EAC 	May- June 2018
Landowner consultation	One-on-one consultation with landowners to discuss project objectives and requirements and to obtain access to privately owned lands	April – June 2018
Inventory of existing EC designated areas	Verification of the boundaries of existing EC designated areas within the study area, including required buffer zones.	June – July 2018
Public open house	Provide information to the general public with regard to the study objectives and requirements.	July 2018
Background Review Report	Report to include all background data and results of agency consultations.	September 2018
Data Collection		
Flora and fauna field assessments	<ul style="list-style-type: none"> Ecological Land Classification for Southern Ontario to identify vegetation communities within study area Comprehensive floral inventories (spring ephemeral, summer, fall asters) Marsh monitoring protocols for amphibian surveys Breeding Bird Surveys Bat roost and habitat surveys (MNRF) Bat acoustic monitoring surveys (MNRF) Reptile habitat and cover board surveys SAR surveys, as required by agencies 	July – September 2018 March – July 2019
Assess any watercourses within study area	Watercourses within study area which are relevant to function of EC areas to be assessed for changes since Fort Erie Industrial Business District Master Servicing Development Strategy (2009).	2018
Data Analysis	Compilation and analysis of data collected during field assessments.	October 2018 July 2019
Progress Report	Assessment of EC designated areas to include draft mapping of environmentally significant areas.	August 2019
Provisional Project		
Final agency consultation	Consultation with MNRF, NPCA and Region of Niagara.	September 2019
Final open house	Public open house to share findings of the Environmental Conservation Area Assessment Report	October 2019
Final Report	Final report to include finalized mapping and site-specific recommendations relative to setbacks, suitable adjacent land use and limitations present on each site.	November 2019

APPENDIX "1" TO ADMINISTRATIVE REPORT PDS-70-2019, DATED DECEMBER 2, 2019

Appendix B: MNRF Info Request

**Guelph District MNRF
Information Request Form**



Consultant Name:

Company Name:

Email Address:

Phone Number:

Proponent Name:

Project Name:

Property Address:

Township/Municipality:

Lot & Concession:

**UTM Coordinates:
(NAD83)**

Easting (X) Northing (Y)

**Brief Description
of Undertaking:**

Have you previously contacted someone at MNRF for information on this site? Yes No

If yes, when and who?

Provide a map of accurate scale to illustrate footprint/study area of the proposed activity in relation to the surrounding landscape (e.g. property boundaries, roads, waterbodies, natural features, towns, and other human landmarks). Use of aerial photography is strongly encouraged. Include scale, north arrow and legend.

ATTACHMENTS – I have attached a: Picture Map Other

REQUEST - I would like to request the following information for the property identified above:

**Requires an appointment and remittance of fees.*

Wetland evaluation and data record *
(please provide name of wetland if known)

ANSI Checksheet *
(please provide name of ANSI if known)

Fish Dot Information *
(fish and other aquatic species found in a particular area of a watercourse)

Provincially Tracked Species/Species at Risk

Other

Please forward the completed form to: esa.guelph@ontario.ca

Or send by mail:

Guelph District, Ministry of Natural Resources and Forestry
1 Stone Road West Guelph, ON N1G 4Y2

Appendix B: MNRF Response to Information Request

**Ministry of
Natural Resources
And Forestry**

**Ministère des
Richesses naturelles
et des Forêts**



Box 5000
4890 Victoria Ave. N.
Vineland Station, Ontario
LOR 2E0

Telephone: (905) 562-4147
Facsimile: (905) 562-1154

August 16, 2018

Lisa Price
LCA Environmental Consultants
lprice@lcaenvironmental.ca
905-687-4400

RE: Fort Erie EC Industrial Land Assessment

Dear Ms. Price,

The Ministry of Natural Resources and Forestry (MNRF), Vinland Area Office, has reviewed the natural heritage information available for the above-noted property and surrounding area (the "study area"), and offers the following comments:

WETLANDS

The Ministry has identified the following provincially significant wetlands (PSWs) within the study area:

- Miller's Creek Wetland Complex
- Frenchman's Creek Wetland Complex

As requested, a copy of the wetland evaluation file for the above wetlands is attached. Please be advised that wetland evaluation files are considered "open" files and may be updated from time to time as new information becomes available.

In addition, the Ministry notes that the study area includes a number of unevaluated wetlands. The potential for these wetlands to be added to an existing PSW complex or evaluated as a stand-alone wetland complex in accordance with the Ontario Wetland Evaluation System (OWES) should be considered.

AREAS OF NATURAL AND SCIENTIFIC INTEREST

The Ministry notes that there are no Areas of Natural and Scientific Interest (ANSIs) within the study area.

SPECIES AT RISK

There are records in the area for the following species at risk (SAR):

Bobolink	Dolichonyx oryzivorus	THR
Chimney Swift	Chaetura pelagica	THR
Eastern Flowering Dogwood	Cornus florida	END
Eastern Meadowlark	Sturnella magna	THR

APPENDIX "1" TO ADMINISTRATIVE REPORT PDS-70-2019, DATED DECEMBER 2, 2019

Appendix B: MNRF Response to Information Request

Green Dragon	Arisaema dracontium	SC
Snapping Turtle	Chelydra serpentina	SC
White Wood Aster	Eurybia divaricata	THR
Wood Thrush	Hylocichla mustelina	SC

Threatened and Endangered Species receive both individual species and habitat protection under the *Endangered Species Act, 2007* (ESA). SAR habitat prescribed under regulation is listed in Ont. Reg. 242/08 (<https://www.ontario.ca/laws/regulation/080242>).

Please be advised that because the province has not been surveyed comprehensively for the presence of listed species, the absence of a record does not necessarily indicate the absence of SAR from an area. To determine the presence of SAR for a given study area, the District's recommended approach is as follows:

I. Habitat Inventory

The Ministry recommends undertaking a comprehensive botanical inventory of the entire area that may be subject to direct and indirect impacts from the proposed activity. The vegetation communities should be classified as per the "Ecological Land Classification (ELC) for Southern Ontario" system, to either the "Ecosite" or "Vegetation Type" level. For aquatic habitats in the study area, we recommend that you collect data on the physical characteristics of the waterbodies and inventory the riparian zone vegetation, so that these habitats can be classified as per the Aquatic Ecosites described in the ELC manual.

II. Potential SAR within the Study Area

A list of SAR that have the potential to occur in the area can be produced by cross-referencing the ecosites described during the habitat inventory with the habitat descriptions of SAR known to occur within the planning area. The list of SAR known to occur in **Fort Erie** is attached for your reference. The species-specific COSEWIC status reports (<https://www.canada.ca/en/environment-climate-change/services/committee-status-endangered-wildlife.html>) are a good source of information on habitat needs and will be helpful in determining the suitability of the study areas ecosites for a given species.

Please note that the Species at Risk in Ontario (SARO) List is a living document that is periodically amended as a result of species assessment and re-assessments conducted by the Committee on the Status of Species at Risk in Ontario (COSSARO). The SARO List can be accessed on the following webpage: <https://www.ontario.ca/environment-and-energy/species-risk-ontario-list>.

COSSARO also maintains a list of species to be assessed in the future. It is recommended that you take COSSARO's list of anticipated assessments into consideration, especially when the proposed start date of an activity is more than 6 months away, or the project will be undertaken over a period greater than 6 months. This list can be viewed at: <https://www.ontario.ca/page/how-comment-protecting-species-risk>.

III. SAR Surveys

The Ministry recommends that each potential SAR identified under Step II is surveyed for, regardless of whether or not the species has been previously recorded in the area. The survey report should describe how each SAR was surveyed for, and provide a rationale for why certain species were not afforded a survey (e.g., habitat within the study area is not suitable for a specific SAR). Please note that some targeted surveys may require provincial authorizations (e.g., ESA permit or Wildlife Scientific Collector's Permit).

APPENDIX "1" TO ADMINISTRATIVE REPORT PDS-70-2019, DATED DECEMBER 2, 2019

Appendix B: MNRF Response to Information Request

ADDITIONAL INFORMATION

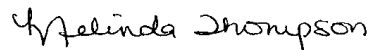
Natural heritage features (e.g. wetlands, ANSIs) can be viewed for a given study area through the MNRF's "Make a Map" web application: <https://www.ontario.ca/page/make-natural-heritage-area-map>. Digital data layers can be obtained through the Land Information Ontario (LIO) geowarehouse <https://www.ontario.ca/page/land-information-ontario>.

Additionally, the MNRF recommends contacting the municipality and the conservation authority to determine if they have any additional information or records of interest for the study area.

Please be advised that it is your responsibility to comply with all other relevant provincial or federal legislation, municipal by-laws, other MNRF approvals or required approvals from other agencies. If your investigations reveal the presence of Threatened or Endangered species, please contact the MNRF at esa.guelph@ontario.ca for further direction.

I trust that the above information is of assistance.

Sincerely,



Melinda Thompson
Management Biologist

LCA Environmental Consultants

October 9, 2018

Jennifer Whittard

Manager, Environmental Planning

Region of Niagara

1815 Sir Isaac Brock Way

P.O. Box 1042

Thorold, ON L2V 4T7

Dear Ms. Whittard,

**Re: Environmental Conservation Area (ECA) Assessment Terms of Reference
Fort Erie Industrial District, Town of Fort Erie**

LCA Environmental Consultants has received the project scoping provided by the Region of Niagara for the proposed Environmental Conservation Area (ECA) Assessment for the Town of Fort Erie Industrial Lands (Appendix A). The following letter is presented as a Terms of Reference (TOR) for the above-mentioned project. The project scoping has been reviewed and LCA Environmental and the Town of Fort Erie intend to adhere to the requirements outlined therein, with the exception of the proposed modifications and clarifications detailed below.

Study Objectives

The purpose of the ECA Assessment is to inventory and assess the ECA designated natural areas within the Fort Erie Industrial District to inform the Town of Fort Erie of the development potential within the study area. Boundaries of Environmental Protection Areas (EPAs) will be verified, however in the absence of proposed development or land use plans, impacts to adjacent EPAs cannot be assessed. The assessment will inventory and assess the ECA lands to identify areas requiring protection, suitable buffers, and potential corridors. Recommendations on suitable adjacent land use, including intensity of industrial activity, appropriate mitigation measures, and requirements for further studies will be provided. This study is predominantly a mapping exercise supported by field assessments to evaluate only those lands currently identified and mapped as ECA under the Town of Fort Erie Official Plan.

Field Surveys

Watercourse and fish habitat identification and classification will be limited to watercourses within the industrial district which do not currently exist within Environmental Protection Areas (EPAs). Appropriate buffers will be recommended for all EPAs and watercourses. However, in the absence of a development proposal for which impacts on natural heritage features can be assessed, field studies will focus on identifying significance of ECAs and provide recommendations for impact assessments as necessary if a development application is to be submitted.

LCA Environmental Consultants

Hydrological Function Assessment

As stated in the scoping request, the study will include an assessment of the hydrological function of the EC lands as well as ecological function. The field program for assessment of hydrological function will focus on surface hydrology and drainage patterns. Based on existing features, topography, elevation, vegetation composition, and soil characteristics the hydrologic function, connectivity, and contribution to adjacent features will be assessed. Hydrogeological studies to determine whether there will be any impacts to groundwater flow will be completed as part of development applications.

Mapping

Watercourse mapping (watercourse characterization) will be included in natural heritage features map.

A Species at Risk Screening and Significant Wildlife Habitat Screening have been completed for the study area and are included in Appendix B. Given the size and habitat variability of the Fort Erie Industrial Lands, the specific additional field surveys identified in the screenings will be limited to areas where suitable habitat exists and/or in areas where SAR have previously been identified. Information reviewed for screening included information provided by the Ministry of Natural Resources and Forestry (MNRF), the Natural Heritage Information Center (NHIC) database, Ontario Reptile and Amphibian Atlas, and the Atlas of the Breeding Birds of Ontario. Information provided by MNRF regarding natural heritage features within the study area is included in Appendix C.

If you have additional questions or comments regarding these Terms of Reference, please do not hesitate to contact us.

Regards,



Lisa Price, Project Manager
LCA Environmental



Anne McDonald, Project Coordinator
LCA Environmental

Cc: David Deluce, Niagara Peninsula Conservation Authority

Appendix B: MNRF Response to Information Request



Planning and Development Services
1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

By email only

September 10, 2018

Lisa Price
LCA Environmental Consultants
104-155 Main St. E., Suite 136
Grimsby, ON L3M 1P2

Dear Ms. Price:

RE: Terms of Reference (TOR) for Environmental Conservation Area (ECA) Assessment of Fort Erie Industrial District

Further to your request for project scoping regarding the Environmental Conservation Area (ECA) Assessment of lands within the Fort Erie Industrial District, Regional Environmental Planning staff have reviewed the proposed work plan dated April 27, 2018 (attached). In consideration of this document and the Region's January 2018 Environmental Impact Study (EIS) Guidelines (attached), the following details are provided to inform the development of an approved Terms of Reference (TOR). The intent of the TOR is to agree on the tasks necessary to evaluate the sensitivity and significance of the ECAs and other natural features and functions that could be influenced by development within the Industrial District, and to ensure conformity with relevant natural heritage planning policies.

Staff note that according to the work plan, the project is already well underway. Nonetheless, our comments are intended to outline the anticipated study requirements/ scope and help ensure that adequate information will be provided so that staff may complete their review with as few comments/revisions as possible. **If the Town/LCA Environmental is of the opinion that one or more of the requirements outlined below should not be included within the study scope, or if other issues have since presented themselves which should be considered within the scope, rationale should be provided for the proposed modifications. This opportunity for refinements to the scope should take place in the form of a Terms of Reference (TOR) to be submitted by the consultant. The TOR could simply be an acknowledgement of this letter and the Town's intendance to comply with the requirements outlined herein, along with the requested screenings, and/or the rationale for modifications to the scope.**

Given the Region's policy interest in ECA lands, staff will review the ECA Assessment Draft and/or Final Report(s) against the approved TOR. Should the assessment fail to satisfy one or more of the agreed-upon requirements, revisions may be requested. It is staff's expectation that this process will ultimately result in clearly established development limits within the Industrial District, including both Environmental Protection

Area (EPA) and ECA limits and their buffers, thereby facilitating future development applications. Note that no development will be permitted within EPAs as per Provincial and Regional policies. Likewise, no development should be permitted within the ECAs identified or their buffers unless further environmental work – typically through an EIS or Class Environmental Assessment – is completed to demonstrate that the proposed development will not result in negative impacts to the natural heritage feature or functions. Therefore, the ECA Assessment should clearly indicate which lands within the Industrial District are free and clear of any environmental constraints and where further work will be required. Further details are provided in the sections below.

Study Location and Purpose

The Town of Fort Erie Industrial District is approximately 618 hectares (ha) in size, predominately located east of the QEW between Bowen Road and Bertie Street, with additional areas in proximity to Eagle Street and Helena Street (see attached map). Surrounding land uses are primarily industrial with some residential areas interspersed throughout.

According to the Town of Fort Erie Official Plan, approximately 153 ha of the subject lands have been identified as ECA lands. ECA lands represent areas identified as Locally Significant Natural Areas (LSNAs) based on their ecological features and functions, which include Significant Woodlands, Significant Wildlife Habitat, Significant Habitat of Species of Concern, Fish Habitat, Significant Valleylands and Other Evaluated Wetlands. The re-evaluation of the ECA lands is meant to provide current data to assist in defining the natural heritage features and functions that warrant protection based on current ecological and/or hydrological functions while adhering to Provincial and Regional policies.

Study Scope

In line with the work plan previously provided by LCA Environmental (attached) and the requirements set out in the Region's EIS Guidelines (attached), the ECA Assessment should include the following scope of work:

1. Background Review

- a. Compile information available from agency files and databases (e.g., NHIC, NPCA, MNRF, [Niagara Open Data](#), previous EIS reports or EIS reports for adjacent lands, Secondary Plans, watershed and/or subwatershed studies, current and historic aerial imagery, etc.). Regarding the list of documents provided in the work plan, please note that Amendment 187 has been incorporated in the [2014 Consolidated Regional Official Plan](#).
- b. Undertake a Significant Wildlife Habitat (SWH) screening for the subject property to determine whether specific field surveys are required to evaluate candidate

SWH. Include the screening in the TOR. An example screening table is provided as Attachment 1.

- c. Undertake a Species At Risk (SAR) screening for the subject property in consultation with the NHIC and the Ministry of Natural Resources and Forestry (MNRF) (esaguelph@ontario.ca) to determine whether species-specific field surveys should be added to the scope of work to ensure a thorough inventory and assessment of significance (e.g., crepuscular bird surveys, fall asters inventory, sensitive aquatic species, etc.). Include the screening and MNRF correspondence in the TOR.
- d. The proposed Background Review Report can be submitted for preliminary review along with, or separate from, the TOR. Ultimately, the EC Assessment Report should capture the results of the background review by way of introduction and description of the planning context as follows:
 - Provide a description of the project purpose and objectives, as well as how the Town intends to use this study for future purposes.
 - Provide a description of the subject lands (i.e., natural features, land cover, etc.) and their relationship to the surrounding landscape. Include a map of the study area, which may extend beyond the subject lands for consideration of adjacent lands.
 - Provide a description of the anticipated type and scale of proposed development, including whether any servicing, infrastructure or stormwater facilities are anticipated (recognizing it is conceptual at this stage).
 - Provide a brief description of the relevant legislative, regulatory and policy requirements that were reviewed to demonstrate conformity and/or may affect future development.

Additional comments with respect to agency and landowner consultation and public open houses are provided in Section 6 below.

2. Data Collection

Field Surveys

As acknowledged in the proposed work plan (attached), the following field surveys are recommended to inform characterization of the natural environment:

- a. Ecological Land Classification (ELC) following protocols outlined in Lee et al. (1998), including soils.

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TOR for ECA Assessment, Fort Erie Industrial District

September 10, 2018

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- b. Three season (spring, summer and fall) botanical inventory, with particular attention to presence/absence and habitat for rare (local and S1-S3) species and SAR.
- c. Calling amphibian surveys following the Marsh Monitoring Protocol (Environment Canada, 2003).
- d. Breeding bird surveys following Ontario Breeding Bird Atlas protocols or the Forest Bird Monitoring Protocol (Canadian Wildlife Service, 2014), as appropriate.
- e. Bat maternity colony survey following MNRF Protocol (2017).
- f. Reptile surveys, where suitable reptile habitat is present, including:
 - Snake surveys following the Milksnake Protocol (MNRF, 2013) for species that are not at risk and the Survey Protocol for Ontario's Species at Risk Snakes (MNRF, 2016) for those that are; and
 - Turtle basking surveys conducted in the early spring. In areas where Blanding's Turtle has been recorded, follow the Blanding's Turtle Protocol (MNRF, 2015), in consultation with MNRF.
- g. Other SAR surveys as required, as per Item 1c above.
- h. Watercourse identification and characterization of existing flows (quantity and quality) into and out of natural features, including creeks, ponds, springs and seeps. Note that as per the proposed work plan, an updated assessment of those watercourses identified in the Fort Erie Industrial Business District Master Servicing Development Strategy (2009) is acceptable, but all watercourses should be included in the EC Assessment Report (i.e., the Report should be a stand-alone document with no additional requirement to review previous works).

The following additional surveys, not previously specified in the work plan, are also recommended to fully inform the assessment:

- i. Related to Item 2c above, the presence of Jefferson salamanders is considered a qualifying criterion for SWH. Therefore, in areas where Jefferson salamanders have been identified and suitable habitat exists, specific Ambystomatid surveys following MNRF protocols (MNRF, 2013) should be undertaken in consultation with MNRF. In areas where Jefferson salamanders have not previously been recorded, egg mass surveys and/or minnow trap and release surveys should be undertaken over several days to ensure their breeding period is not missed.

- j. For ECA wetlands (i.e., non-Provincially Significant Wetlands/PSWs) within the study area, undertake assessment following Ontario Wetland Evaluation System (OWES) Southern Manual (MNRF, 2014) protocols.
- k. Fish habitat characterization following Ontario Stream Assessment Protocol (OSAP) methodology.
- l. Wildlife movement surveys, completed through a combination of road mortality and winter tracking surveys, to identify wildlife movement corridors.

As noted on page 1, if the Town/LCA Environmental is of the opinion that one or more of these requirements should not be included within the study scope, rationale should be provided in the TOR for the proposed modifications. The TOR should also include survey locations/stations on a map, where possible. Locations should be selected based on habitat presence, coverage and representation.

Feature Delineation

Where significant woodland and wetland boundaries may differ from what is currently mapped, the feature boundaries should be staked and surveyed in the field with the appropriate authority (i.e., MNRF, NPCA, Regional and/or City staff).

The TOR should describe the method used to acquire feature boundaries. Note that changes to PSW boundaries from what MNRF has most recently mapped will require sign off from the MNRF. Please contact the MNRF to obtain their most recent PSW boundary mapping which is used by the Region. Note that MNRF's PSW mapping differs in some areas from what is shown on the Core Natural Heritage EPA layer available through Niagara Open Data.

Hydrological Function Assessment

The scoping request indicates that the re-evaluation of ECA lands will provide information on their current *hydrological* and ecological functions. The TOR should indicate the field program to support assessing and evaluating hydrologic function. For example, will hydrogeological and surface water studies be undertaken to support water balance analysis and if so, what will the field program entail?

In addition, any additional studies or floodplain analyses done in support of NPCA requirements, if applicable, should be integrated within the study to provide the reader with a holistic picture of the constraint areas.

3. Mapping

Based on the results of the data collection program, it is expected that the Report(s) will include mapping as follows:

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- a. Delineation and classification of vegetation communities (ELC protocols for Southern Ontario), including dripline/wetland surveys of the site and on immediately adjacent lands, overlaid on the most recent leaf-off orthoimagery that is of sufficient resolution for clearly showing features at the scale required.
- b. Natural heritage features fulfilling criteria for Provincial, Regional, Municipal and NPCA significance, individually mapped and overlain on one another on the subject property and on immediately adjacent lands. Any proposed changes from what is currently mapped should be clearly identified, along with adequate protection buffers.
- c. Wetland delineation and classification of all wetlands on the site and within adjacent lands (120 metres). Also refer to the comments provided above under the "Feature Delineation" subheading.
- d. Characterization of all watercourses (i.e., warm/cold, intermittent/permanent, marginal/important/critical fish habitat).
- e. Corridors and linkages within the site and adjacent lands.
- f. If threatened or endangered SAR are found on site or within adjacent lands, their locations must be mapped (according to MNRF data sensitivity standards/not made publicly available) and the extent of their habitat delineated and approved by MNRF. If Special Concern and S1-S3 species are found on site or within adjacent lands, their locations and habitat extent must also be mapped and included within the assessment to afford appropriate protection to the species or its habitat.
- g. Related to Item 3b above, development of a constraints map which identifies all natural heritage and hydrologic features, corridors and linkages with established minimum buffer requirements for regulated areas/features in the subject area and adjacent properties for which buffers/zones of influence (ZOI) apply.

4. Data Analysis

- a. Include a significance evaluation of ECAs, watercourses and any other natural heritage features present, with discussion of associated setbacks and buffers. Please ensure clarity is provided in terms of the criteria used to determine significance, e.g., eco-region schedules for SWH, Region's criteria for Significant Woodlands (Policy 7.B.1.5), OWES, etc.
- b. Any areas that are found to warrant either more or less protection should be discussed (e.g., redesignation from ECA to EPA or vice versa) and mapped as per Item 3b above.

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- c. Related to Item 3g above, recommendations from the constraints analysis should include a discussion of the map and whether there are different levels of constraint. Consideration of the following should be provided:
- Areas where no development is permitted under existing plans, policies or regulations;
 - Areas where development may be permitted subject to the findings of further study (e.g., EIS); and
 - Areas where development may take place without further study. The constraints analysis should recommend whether such development should be subject to conditions.

5. Consultation and Reporting

Regional staff appreciate the opportunity to be involved in this project and will continue to provide feedback, including through site walks and meetings as requested. Staff request to be circulated on all public notices and will review the ECA Assessment Draft and/or Final Report(s). Submission of electronic files is acceptable.

Data sheets supporting the level of effort for field inventories, including dates, times and weather conditions for each field survey, should be appended as applicable. All agency correspondence should also be appended in the Report, and as applicable, in the TOR. This includes correspondence with MNRF, NPCA, and the Region. Any mitigation required by the agencies and key comments from both the public and agencies should also be summarized in the main body of the report.

Next Steps

The above comments are intended to help ensure that adequate information will be provided to facilitate Regional Environmental Planning staff review. As mentioned above, it is requested that a TOR be submitted to acknowledge this letter, provide the requested SAR/SWH screenings, and/or provide the rationale for modifications to the requested scope. Alternatively, given the length of time that has passed since the scoping request was submitted, should you rather wish to meet to discuss these comments and agree upon a TOR, Regional staff will make themselves available upon request.

We look forward to working with you on this important project.

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Sincerely,



Jennifer Whittard, B.E.S., PMP
Manager, Environmental Planning
Planning and Development Services, Niagara Region

Phone: 905-980-6000 ext. 3430

Email: jennifer.whittard@niagararegion.ca

Att: SWH Screening Excerpt Example
Niagara Region EIS Guidelines (January 2018)
LCA Environmental Work Plan, Study Area Mapping and Covering Letter

cc: Ms. Lindsay Richardson, Senior Community Planner, Town of Fort Erie
Ms. Diana Morreale, Director, Development Approvals, Niagara Region
Mr. Dave Deluce, Manager, Plan Review and Regulations, NPCA

APPENDIX "1" TO ADMINISTRATIVE REPORT PDS-70-2019, DATED DECEMBER 2, 2019

Appendix B: MNRF Response to Information Request

Table 1: Significant Wildlife Habitat Screening for Environmental Conservation Area Assessment of Fort Erie Industrial Lands

Significant Wildlife Habitat (SWH) Type	Known or Candidate SWH present	Rationale	Field Studies Required
1.1 Seasonal Concentration Areas for Wildlife Species			
Waterfowl Stopover and Staging Areas (Terrestrial)	No	No spring sheet water observed in fields	None
Waterfowl Stopover and Staging Areas (Aquatic)	Yes	Potential habitat within study area	Bird and Bird Habitats: Guidelines for Wind Power Projects
Shorebird Migratory Stopover Area	No	Not Applicable	None
Raptor Wintering Area	Yes	Combination of field and woodland habitat	Bird and Bird Habitats: Guidelines for Wind Power Projects
Bat Hibernacula	No	Habitat not available	None
Bat Maternity Colonies	Yes	Mature forest stands within study area	MNRF protocol for SAR Bats within treed habitat
Turtle Wintering Areas	Yes	MNRF identified presence of Snapping turtle within study area	Area search
Reptile Hibernaculum	Yes	Presence of rock piles and burrows	Milksnake monitoring protocol – hand search
Colonially-Nesting Bird Breeding Habitat (Bank and Cliff)	No	Habitat not available	None
Colonially-Nesting Bird Breeding Habitat (Tree/Shrubs)	Yes	Potential habitat within study area	Nesting surveys
Colonially-Nesting Bird Breeding Habitat (Ground)	Yes	Potential habitat within study area	Bird and Bird Habitats: Guidelines for Wind Power Projects
Migratory Butterfly Stopover Areas	Yes	Potential habitat within 5km of Lake Erie	Observational fall migration studies
Landbird Migratory Stopover Areas	Yes	Woodlots within 5km of Lake Erie	Bird and Bird Habitats: Guidelines for Wind Power Projects
Deer Winter Congregation Areas	Yes	Woodlots >100 ha within study area	Winter tracking surveys
1.2 Rare Vegetation Communities or Specialized Habitat for Wildlife			
Cliffs and Talus Slopes	No	Not Applicable	None
Sand Barren	No	Not Applicable	None
Alvar	No	Not Applicable	None
Old Growth Forest	No	Not Applicable	None

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Table 1: Significant Wildlife Habitat Screening for Environmental Conservation Area Assessment of Fort Erie Industrial Lands

Savannah	No	Not Applicable	None
Tall Grass Prairie	No	Not Applicable	None
Other Rare Vegetation Communities	Yes	Various ELC ecosites within study area	Ecological Land Classification
Waterfowl Nesting Area	Yes	Uplands adjacent to PSW and other wetlands	Bird and Bird Habitats: Guidelines for Wind Power Projects
Bald Eagle and Osprey Nesting, Foraging and Perching Habitat	Yes	Forest communities adjacent to wetlands	Bird and Bird Habitats: Guidelines for Wind Power Projects
Woodland Raptor Nesting Habitat	Yes	Potential habitat within study area	Nesting surveys
Turtle Nesting Areas	Yes	Potential habitat within study area	Area Searches
Seeps and Springs	Yes	Presence of forested head waters	Area Searches
Amphibian Breeding Habitat (Woodland)	Yes	Woodlands adjacent to ponds and wetlands	Marsh Monitoring Protocol
Amphibian Breeding Habitat (Wetlands)	Yes	Habitat availability	Marsh Monitoring Protocol
Woodland Area-Sensitive Bird Breeding Habitat	Yes	Presence of interior forest habitat	Breeding Bird Survey
1.3 Habitats of Species of Conservation Concern			
Marsh Breeding Bird Habitat	Yes	Wetland habitat present	Breeding Bird Survey
Open Country Bird Breeding Habitat	No	Grasslands <30 ha	None
Shrub/Early Successional Bird Breeding Habitat	Yes	Potential habitat within study area	Breeding Bird Survey
Terrestrial Crayfish	Yes	Meadow marsh sites present	search for chimneys or burrows from April – August
Special Concern and Rare Wildlife Species	Yes	MNRF known EOs provided	Area inventories
1.4 Animal Movement Corridors			
Amphibian Movement Corridor	Yes	Presence of candidate Amphibian Breeding Habitat	Road mortality surveys and wildlife movement surveys

APPENDIX "1" TO ADMINISTRATIVE REPORT PDS-70-2019, DATED DECEMBER 2, 2019

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Table 2: Species at Risk Screening for Environmental Conservation Area Assessment of Fort Erie Industrial Lands

Species Common Name	Species Scientific Name	Known/ potential to occur	Rationale	Survey Required
AMPHIBIANS				
Fowler's Toad	<i>Anaxyrus fowleri</i>	No	Lack of habitat	None
BIRDS				
Acadian Flycatcher	<i>Empidonax virescens</i>	Yes	Habitat availability	Breeding Bird Survey
Bank Swallow	<i>Riparia riparia</i>	No	Lack of habitat	None
Barn Swallow	<i>Hirundo rustica</i>	Yes	Habitat availability	Breeding Bird Survey
Bobolink	<i>Dolichonyx oryzivorus</i>	Yes	MNRF Documented	Bobolink Monitoring Protocol
Cerulean Warbler	<i>Setophaga cerulea</i>	Yes	Habitat availability	Breeding Bird Survey
Chimney Swift	<i>Chaetura pelagica</i>	Yes	MNRF Documented	Chimney Swift Monitoring Protocol
Common Nighthawk	<i>Chordeiles minor</i>	Yes	Habitat availability	Crepuscular Bird Survey
Eastern Meadowlark	<i>Sturnella magna</i>	Yes	MNRF Documented	Eastern Meadowlark Monitoring Survey
Eastern Wood-Pewee	<i>Contopus virens</i>	Yes	Habitat availability	Breeding Bird Survey
King Rail	<i>Rallus elegans</i>	No	Lack of habitat	None
Northern Bobwhite	<i>Colinus virginianus</i>	Yes	Habitat availability	Breeding Bird Survey
Prothonotary Warbler	<i>Protonotaria citrea</i>	Yes	Habitat availability	Breeding Bird Survey
Red-Headed Woodpecker	<i>Melanerpes erythrocephalus</i>	Yes	Habitat availability	Breeding Bird Survey
Short-eared Owl	<i>Asio flammeus</i>	Yes	Habitat availability	Crepuscular Bird Survey
Wood Thrush	<i>Hylocichla mustelina</i>	Yes	MNRF Documented	Breeding Bird Survey
Yellow-breasted Chat	<i>Icteria virens</i>	Yes	Habitat availability	Breeding Bird Survey
FISH				
Grass Pickerel	<i>Esox americanus vermiculatus</i>	No	Lack of habitat	None
Greater Redhorse	<i>Moxostoma valenciennesi</i>	No	Lack of habitat	None
Lake Chubsucker	<i>Erimyzon sucetta</i>	No	Lack of habitat	None
INSECTS				
Monarch Butterfly	<i>Danaus plexippus</i>	Yes	Habitat availability	Incidental observation
Rusty-patched Bumble Bee	<i>Bombus affinis</i>	Yes	Habitat availability	Incidental observation
West Virginia White	<i>Pieris virginiensis</i>	No	Lack of habitat	None
MAMMALS				
Eastern Small-footed myotis	<i>Myotis leibii</i>	Yes	Habitat availability	MNRF Acoustic Monitoring for SAR Bats
Little Brown Myotis	<i>Myotis lucifugus</i>	Yes	Habitat availability	MNRF Acoustic Monitoring for SAR Bats
Northern Myotis	<i>Myotis septentrionalis</i>	Yes	Habitat availability	MNRF Acoustic Monitoring for SAR Bats
Tri-Colored Bat	<i>Perimyotis subflavus</i>	Yes	Habitat availability	MNRF Acoustic Monitoring for SAR Bats
Woodland Vole	<i>Microtus pinetorum</i>	No	Lack of habitat	None
PLANTS				
American Ginseng	<i>Panax quinquefolius</i>	Yes	Habitat availability	Summer flora inventory
Butternut	<i>Juglans cinerea</i>	Yes	Habitat availability	Summer flora inventory
Common Hoptree	<i>Ptelea trifoliata</i>	No	Lack of habitat	None
Eastern Flowering Dogwood	<i>Cornus florida</i>	Yes	MNRF Documented	Summer flora inventory

Appendix B: MNRF Response to Information Request

Table 2: Species at Risk Screening for Environmental Conservation Area Assessment of Fort Erie Industrial Lands

Species Common Name	Species Scientific Name	Known/ potential to occur	Rationale	Survey Required
Small White Lady's Slipper	<i>Cypripedium candidum</i>	Yes	NHIC Tracking	Summer flora inventory
Spotted Wintergreen	<i>Chimaphila maculata</i>	Yes	Habitat availability	Fall flora inventory
Swamp Rose-Mallow	<i>Hibiscus moscheutos</i>	Yes	Habitat availability	Summer flora inventory
White Wood Aster	<i>Eurybia divaricata</i>	Yes	MNRF Documented	Fall flora inventory
REPTILES				
Blanding's Turtle	<i>Emydoidea blandingii</i>	Yes	Habitat availability	Milk Snake Protocol - hand searches
Eastern Hog-nosed Snake	<i>Heterodon platirhinos</i>	Yes	Habitat availability	Milk Snake Protocol - hand searches
Snapping Turtle	<i>Chelydra serpentina</i>	Yes	MNRF Documented	Area search and basking

Appendix B: MNRF Response to Information Request

**Ministry of
Natural Resources
And Forestry**

**Ministère des
Richesses naturelles
et des Forêts**



Box 5000
4890 Victoria Ave. N.
Vineland Station, Ontario
LOR 2E0

Telephone: (905) 562-4147
Facsimile: (905) 562-1154

August 16, 2018

Lisa Price
LCA Environmental Consultants
lprice@lcaenvironmental.ca
905-687-4400

RE: Fort Erie EC Industrial Land Assessment

Dear Ms. Price,

The Ministry of Natural Resources and Forestry (MNRF), Vinland Area Office, has reviewed the natural heritage information available for the above-noted property and surrounding area (the "study area"), and offers the following comments:

WETLANDS

The Ministry has identified the following provincially significant wetlands (PSWs) within the study area:

- Miller's Creek Wetland Complex
- Frenchman's Creek Wetland Complex

As requested, a copy of the wetland evaluation file for the above wetlands is attached. Please be advised that wetland evaluation files are considered "open" files and may be updated from time to time as new information becomes available.

In addition, the Ministry notes that the study area includes a number of unevaluated wetlands. The potential for these wetlands to be added to an existing PSW complex or evaluated as a stand-alone wetland complex in accordance with the Ontario Wetland Evaluation System (OWES) should be considered.

AREAS OF NATURAL AND SCIENTIFIC INTEREST

The Ministry notes that there are no Areas of Natural and Scientific Interest (ANSIs) within the study area.

SPECIES AT RISK

There are records in the area for the following species at risk (SAR):

Bobolink	Dolichonyx oryzivorus	THR
Chimney Swift	Chaetura pelagica	THR
Eastern Flowering Dogwood	Cornus florida	END
Eastern Meadowlark	Sturnella magna	THR

APPENDIX "1" TO ADMINISTRATIVE REPORT PDS-70-2019, DATED DECEMBER 2, 2019

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Green Dragon	Arisaema dracontium	SC
Snapping Turtle	Chelydra serpentina	SC
White Wood Aster	Eurybia divaricata	THR
Wood Thrush	Hylocichla mustelina	SC

Threatened and Endangered Species receive both individual species and habitat protection under the *Endangered Species Act, 2007* (ESA). SAR habitat prescribed under regulation is listed in Ont. Reg. 242/08 (<https://www.ontario.ca/laws/regulation/080242>).

Please be advised that because the province has not been surveyed comprehensively for the presence of listed species, the absence of a record does not necessarily indicate the absence of SAR from an area. To determine the presence of SAR for a given study area, the District's recommended approach is as follows:

I. Habitat Inventory

The Ministry recommends undertaking a comprehensive botanical inventory of the entire area that may be subject to direct and indirect impacts from the proposed activity. The vegetation communities should be classified as per the "Ecological Land Classification (ELC) for Southern Ontario" system, to either the "Ecosite" or "Vegetation Type" level. For aquatic habitats in the study area, we recommend that you collect data on the physical characteristics of the waterbodies and inventory the riparian zone vegetation, so that these habitats can be classified as per the Aquatic Ecosites described in the ELC manual.

II. Potential SAR within the Study Area

A list of SAR that have the potential to occur in the area can be produced by cross-referencing the ecosites described during the habitat inventory with the habitat descriptions of SAR known to occur within the planning area. The list of SAR known to occur in **Fort Erie** is attached for your reference. The species-specific COSEWIC status reports (<https://www.canada.ca/en/environment-climate-change/services/committee-status-endangered-wildlife.html>) are a good source of information on habitat needs and will be helpful in determining the suitability of the study areas ecosites for a given species.

Please note that the Species at Risk in Ontario (SARO) List is a living document that is periodically amended as a result of species assessment and re-assessments conducted by the Committee on the Status of Species at Risk in Ontario (COSSARO). The SARO List can be accessed on the following webpage: <https://www.ontario.ca/environment-and-energy/species-risk-ontario-list>.

COSSARO also maintains a list of species to be assessed in the future. It is recommended that you take COSSARO's list of anticipated assessments into consideration, especially when the proposed start date of an activity is more than 6 months away, or the project will be undertaken over a period greater than 6 months. This list can be viewed at: <https://www.ontario.ca/page/how-comment-protecting-species-risk>.

III. SAR Surveys

The Ministry recommends that each potential SAR identified under Step II is surveyed for, regardless of whether or not the species has been previously recorded in the area. The survey report should describe how each SAR was surveyed for, and provide a rationale for why certain species were not afforded a survey (e.g., habitat within the study area is not suitable for a specific SAR). Please note that some targeted surveys may require provincial authorizations (e.g., ESA permit or Wildlife Scientific Collector's Permit).

APPENDIX "1" TO ADMINISTRATIVE REPORT PDS-70-2019, DATED DECEMBER 2, 2019

Appendix B: MNRF Response to Information Request

ADDITIONAL INFORMATION

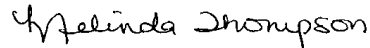
Natural heritage features (e.g. wetlands, ANSIs) can be viewed for a given study area through the MNRF's "Make a Map" web application: <https://www.ontario.ca/page/make-natural-heritage-area-map>. Digital data layers can be obtained through the Land Information Ontario (LIO) geowarehouse <https://www.ontario.ca/page/land-information-ontario>.

Additionally, the MNRF recommends contacting the municipality and the conservation authority to determine if they have any additional information or records of interest for the study area.

Please be advised that it is your responsibility to comply with all other relevant provincial or federal legislation, municipal by-laws, other MNRF approvals or required approvals from other agencies. If your investigations reveal the presence of Threatened or Endangered species, please contact the MNRF at esa.guelph@ontario.ca for further direction.

I trust that the above information is of assistance.

Sincerely,



Melinda Thompson
Management Biologist

[DATE]

[LANDOWNER NAME]

[ADDRESS]

The Town of Fort Erie has initiated a study to evaluate the lands within the Fort Erie Industrial District which are currently designated as Environmental Conservation (EC) Lands. LCA Environmental Consulting has been retained by the Town of Fort Erie to conduct the field work and prepare a report to the Town.

The EC designated lands represent those areas identified as Locally Significant Natural Areas based on the presence of ecological features and functions as reported in the Fort Erie Natural Areas Inventory (Dougan & Associates 2003) and other historical reports. The designation of EC lands and Environmental Protection Areas (EPA) places constraints on the development potential within the Town's industrial district and the re-evaluation of these lands will provide information on their current hydrological and ecological functions.

The information gathered through the EC Land Assessment Study will inform the municipality regarding the development potential within the Fort Erie Industrial District. It will clearly identify which EC Lands should be protected through an EPA designation and lands on which the EC designation can be removed.

In order to complete comprehensive field assessments, LCA Environmental Consultants is requesting access to your property through multiple seasons through 2018 and 2019. Your permission for access to the following properties is being requested:

- *Property Address and Roll Number*
- *Property Address and Roll Number*

If you agree to give LCA Environmental Consultants your consent to access the above properties for the Environmental Conservation Land Assessment Study, ***please sign and return the attached signature page***, or send an email to the email address below. For your cooperation, you will be provided with a summary of the survey results and any revised mapping of your property.

Additional information regarding the study will be provided through a public open house, which will be held in July 2018. Further details will be provided to you at least one month in advance.

Please contact Lindsay Richardson at the Town of Fort Erie if you have any questions. Your consideration of the EC Assessment is very much appreciated.

Sincerely,



Lindsay Richardson, Senior Community Planner
Town of Fort Erie
1 Municipal Centre Drive, Fort Erie, ON, L2A 2S6
LRichardson@FortErie.ca
T: 905-871-1600, ext. 2504

Lisa Price
LCA Environmental Consultants
104-155 Main St E, Suite 136
Grimsby, ON L3M 1P2
lprice@lcaenvironmental.com

Appendix B: Landowner Letter

April 24, 2018

Lindsay Richardson, Senior Community Planner
Town of Fort Erie
1 Municipal Centre Drive,
Fort Erie, ON, L2A 2S6

Permission is being granted for LCA Environmental Consultants to access the following properties as necessary to carry out the work associated with the Environmental Conservation Lands Assessment Study.

- *Property Address and Roll Number*
- *Property Address and Roll Number*
-

PERMISSION AGREEMENT

The undersigned is the owner of the above-mentioned properties. The undersigned acknowledges that site access may be required by LCA Environmental Consultants for the completion of the field work associated with the Environmental Conservation Lands Assessment Study. By signing this Permission Agreement, the undersigned hereby grants the consent of LCA Environmental Consultants to access the above-mentioned properties as part of the EC Lands Assessment.

Name (Printed): _____

Signature: _____

Date: _____

Appendix C

Field Assessments and Survey Protocols

APPENDIX "1" TO ADMINISTRATIVE REPORT PDS-70-2019, DATED DECEMBER 2, 2019

Appendix C:

Table 1: Significant Wildlife Habitat Screening for Environmental Conservation Area Assessment of Fort Erie Industrial Lands

Significant Wildlife Habitat (SWH) Type	Known or Candidate SWH present	Rationale	Field Studies Required
1.1 Seasonal Concentration Areas for Wildlife Species			
Waterfowl Stopover and Staging Areas (Terrestrial)	No	No spring sheet water observed in fields	None
Waterfowl Stopover and Staging Areas (Aquatic)	Yes	Potential habitat within study area	Bird and Bird Habitats: Guidelines for Wind Power Projects
Shorebird Migratory Stopover Area	No	Not Applicable	None
Raptor Wintering Area	Yes	Combination of field and woodland habitat	Bird and Bird Habitats: Guidelines for Wind Power Projects
Bat Hibernacula	No	Habitat not available	None
Bat Maternity Colonies	Yes	Mature forest stands within study area	MNRF protocol for SAR Bats within treed habitat
Turtle Wintering Areas	Yes	MNRF identified presence of Snapping turtle within study area	Area search
Reptile Hibernaculum	Yes	Presence of rock piles and burrows	Milksnake monitoring protocol – hand search
Colonially-Nesting Bird Breeding Habitat (Bank and Cliff)	No	Habitat not available	None
Colonially-Nesting Bird Breeding Habitat (Tree/Shrubs)	Yes	Potential habitat within study area	Nesting surveys
Colonially-Nesting Bird Breeding Habitat (Ground)	Yes	Potential habitat within study area	Bird and Bird Habitats: Guidelines for Wind Power Projects
Migratory Butterfly Stopover Areas	Yes	Potential habitat within 5km of Lake Erie	Observational fall migration studies
Landbird Migratory Stopover Areas	Yes	Woodlots within 5km of Lake Erie	Bird and Bird Habitats: Guidelines for Wind Power Projects
Deer Winter Congregation Areas	Yes	Woodlots >100 ha within study area	Winter tracking surveys
1.2 Rare Vegetation Communities or Specialized Habitat for Wildlife			
Cliffs and Talus Slopes	No	Not Applicable	None
Sand Barren	No	Not Applicable	None
Alvar	No	Not Applicable	None
Old Growth Forest	No	Not Applicable	None

APPENDIX "1" TO ADMINISTRATIVE REPORT PDS-70-2019, DATED DECEMBER 2, 2019

Appendix C:

Table 1: Significant Wildlife Habitat Screening for Environmental Conservation Area Assessment of Fort Erie Industrial Lands

Savannah	No	Not Applicable	None
Tall Grass Prairie	No	Not Applicable	None
Other Rare Vegetation Communities	Yes	Various ELC ecosites within study area	Ecological Land Classification
Waterfowl Nesting Area	Yes	Uplands adjacent to PSW and other wetlands	Bird and Bird Habitats: Guidelines for Wind Power Projects
Bald Eagle and Osprey Nesting, Foraging and Perching Habitat	Yes	Forest communities adjacent to wetlands	Bird and Bird Habitats: Guidelines for Wind Power Projects
Woodland Raptor Nesting Habitat	Yes	Potential habitat within study area	Nesting surveys
Turtle Nesting Areas	Yes	Potential habitat within study area	Area Searches
Seeps and Springs	Yes	Presence of forested head waters	Area Searches
Amphibian Breeding Habitat (Woodland)	Yes	Woodlands adjacent to ponds and wetlands	Marsh Monitoring Protocol
Amphibian Breeding Habitat (Wetlands)	Yes	Habitat availability	Marsh Monitoring Protocol
Woodland Area-Sensitive Bird Breeding Habitat	Yes	Presence of interior forest habitat	Breeding Bird Survey
1.3 Habitats of Species of Conservation Concern			
Marsh Breeding Bird Habitat	Yes	Wetland habitat present	Breeding Bird Survey
Open Country Bird Breeding Habitat	No	Grasslands <30 ha	None
Shrub/Early Successional Bird Breeding Habitat	Yes	Potential habitat within study area	Breeding Bird Survey
Terrestrial Crayfish	Yes	Meadow marsh sites present	search for chimneys or burrows from April – August
Special Concern and Rare Wildlife Species	Yes	MNRF known EOs provided	Area inventories
1.4 Animal Movement Corridors			
Amphibian Movement Corridor	Yes	Presence of candidate Amphibian Breeding Habitat	Road mortality surveys and wildlife movement surveys

APPENDIX "1" TO ADMINISTRATIVE REPORT PDS-70-2019, DATED DECEMBER 2, 2019

Appendix C:

Table 2: Species at Risk Screening for Environmental Conservation Area Assessment of Fort Erie Industrial Lands

Species Common Name	Species Scientific Name	Known/ potential to occur	Rationale	Survey Required
AMPHIBIANS				
Fowler's Toad	<i>Anaxyrus fowleri</i>	No	Lack of habitat	None
BIRDS				
Acadian Flycatcher	<i>Empidonax virescens</i>	Yes	Habitat availability	Breeding Bird Survey
Bank Swallow	<i>Riparia riparia</i>	No	Lack of habitat	None
Barn Swallow	<i>Hirundo rustica</i>	Yes	Habitat availability	Breeding Bird Survey
Bobolink	<i>Dolichonyx oryzivorus</i>	Yes	MNRF Documented	Bobolink Monitoring Protocol
Cerulean Warbler	<i>Setophaga cerulea</i>	Yes	Habitat availability	Breeding Bird Survey
Chimney Swift	<i>Chaetura pelagica</i>	Yes	MNRF Documented	Chimney Swift Monitoring Protocol
Common Nighthawk	<i>Chordeiles minor</i>	Yes	Habitat availability	Crepuscular Bird Survey
Eastern Meadowlark	<i>Sturnella magna</i>	Yes	MNRF Documented	Eastern Meadowlark Monitoring Survey
Eastern Wood-Pewee	<i>Contopus virens</i>	Yes	Habitat availability	Breeding Bird Survey
King Rail	<i>Rallus elegans</i>	No	Lack of habitat	None
Northern Bobwhite	<i>Colinus virginianus</i>	Yes	Habitat availability	Breeding Bird Survey
Prothonotary Warbler	<i>Protonotaria citrea</i>	Yes	Habitat availability	Breeding Bird Survey
Red-Headed Woodpecker	<i>Melanerpes erythrocephalus</i>	Yes	Habitat availability	Breeding Bird Survey
Short-eared Owl	<i>Asio flammeus</i>	Yes	Habitat availability	Crepuscular Bird Survey
Wood Thrush	<i>Hylocichla mustelina</i>	Yes	MNRF Documented	Breeding Bird Survey
Yellow-breasted Chat	<i>Icteria virens</i>	Yes	Habitat availability	Breeding Bird Survey
FISH				
Grass Pickerel	<i>Esox americanus vermiculatus</i>	No	Lack of habitat	None
Greater Redhorse	<i>Moxostoma valenciennesi</i>	No	Lack of habitat	None
Lake Chubsucker	<i>Erimyzon sucetta</i>	No	Lack of habitat	None
INSECTS				
Monarch Butterfly	<i>Danaus plexippus</i>	Yes	Habitat availability	Incidental observation
Rusty-patched Bumble Bee	<i>Bombus affinis</i>	Yes	Habitat availability	Incidental observation
West Virginia White	<i>Pieris virginiensis</i>	No	Lack of habitat	None
MAMMALS				
Eastern Small-footed myotis	<i>Myotis leibii</i>	Yes	Habitat availability	MNRF Acoustic Monitoring for SAR Bats
Little Brown Myotis	<i>Myotis lucifugus</i>	Yes	Habitat availability	MNRF Acoustic Monitoring for SAR Bats
Northern Myotis	<i>Myotis septentrionalis</i>	Yes	Habitat availability	MNRF Acoustic Monitoring for SAR Bats
Tri-Colored Bat	<i>Perimyotis subflavus</i>	Yes	Habitat availability	MNRF Acoustic Monitoring for SAR Bats
Woodland Vole	<i>Microtus pinetorum</i>	No	Lack of habitat	None
PLANTS				
American Ginseng	<i>Panax quinquefolius</i>	Yes	Habitat availability	Summer flora inventory
Butternut	<i>Juglans cinerea</i>	Yes	Habitat availability	Summer flora inventory
Common Hoptree	<i>Ptelea trifoliata</i>	No	Lack of habitat	None
Eastern Flowering Dogwood	<i>Cornus florida</i>	Yes	MNRF Documented	Summer flora inventory

Appendix C

Table 2: Species at Risk Screening for Environmental Conservation Area Assessment of Fort Erie Industrial Lands

Species Common Name	Species Scientific Name	Known/ potential to occur	Rationale	Survey Required
Small White Lady's Slipper	<i>Cypripedium candidum</i>	Yes	NHIC Tracking	Summer flora inventory
Spotted Wintergreen	<i>Chimaphila maculata</i>	Yes	Habitat availability	Fall flora inventory
Swamp Rose-Mallow	<i>Hibiscus moscheutos</i>	Yes	Habitat availability	Summer flora inventory
White Wood Aster	<i>Eurybia divaricata</i>	Yes	MNRF Documented	Fall flora inventory
REPTILES				
Blanding's Turtle	<i>Emydoidea blandingii</i>	Yes	Habitat availability	Milk Snake Protocol - hand searches
Eastern Hog-nosed Snake	<i>Heterodon platirhinos</i>	Yes	Habitat availability	Milk Snake Protocol - hand searches
Snapping Turtle	<i>Chelydra serpentina</i>	Yes	MNRF Documented	Area search and basking

Appendix C

Ecological Land Classification

The vegetation communities on the subject lands are identified and categorized based on the Ecological Land Classification (ELC) System according to the guidelines in the SCSS Field Guide FG-02 (Lee et al. 1998). Ecological Land Classification is a protocol established for Southern Ontario that considers distribution and abundance of plants in combination with related topography and soil conditions to classify plant communities. It was developed for the purpose of creating a comprehensive and consistent province-wide approach for ecosystem description, inventory and interpretation.

Aerial images are consulted to delineate homogeneous polygons within the site. During site visits to these polygons, vegetation communities are classified according to Community Units, which are identified based on the dominant vegetation species present, soil characteristics, and hydrology. Plant lists for each vegetation layer are compiled and vegetation is ranked according to its abundance. The plants are identified to the species level and vouchers are taken for species whose identity is in unknown to be identified at a later date. Representative soil cores are taken using a soil auger to evaluate texture, moisture regime and drainage values. Prism sweeps are conducted to calculate the basal area cover of trees, which allows for determination of the stand composition within each polygon. Trees are also categorized into size classes and estimates are made for prevalence of standing snags and deadfall. The vegetation community of each ELC polygon is then identified based on the data collected.

Appendix C

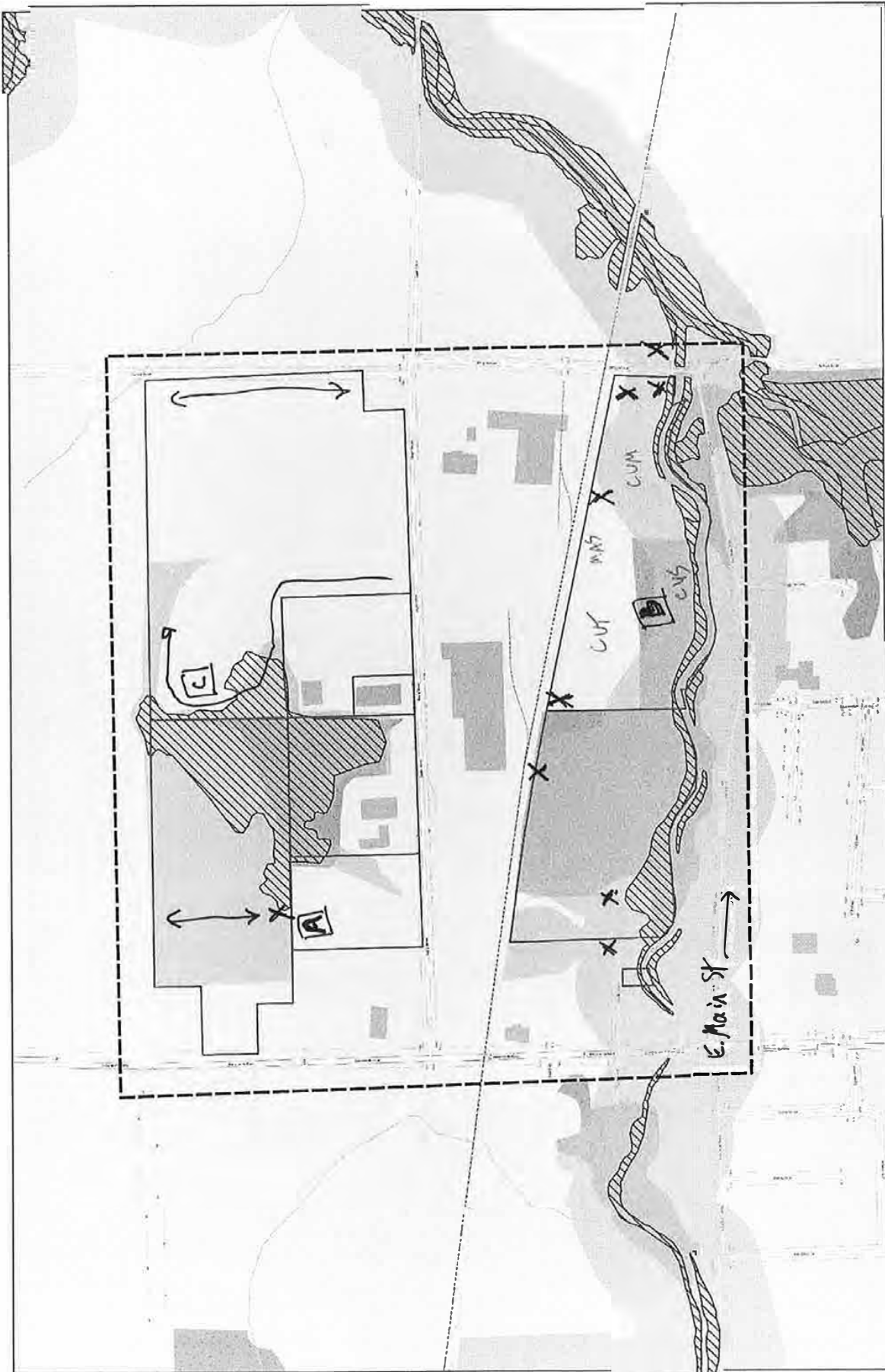
Breeding Bird Survey

Breeding Bird Surveys were conducted using the Ontario Breeding Bird Atlas (OBBA) Point Counts method, which involves standing in one place and recording all the species that are seen or heard for a minimum of five minutes. Surveys should be conducted between May 24th and July 10th, with at least 10 days between each survey. Point count surveys are completed early in the morning, with the best time for coverage occurring within the first five hours after dawn.

Variations to the OBBA Point Count methods were adapted from the Marsh Monitoring Program Bird Survey Protocols. Point Count stations were established a minimum of 250m apart, and surveys were conducted for a total of fifteen minutes, using a fixed distance sample area of a 100m circle.

Area searches are also conducted, which occur in a series of three, twenty-minute point counts, according to the OBBA 2001-2005 list in accordance with the American Ornithologists Union (AOU) 7th Edition (42nd-47th supplements).

Appendix C: Bird Survey Routes



West Winger

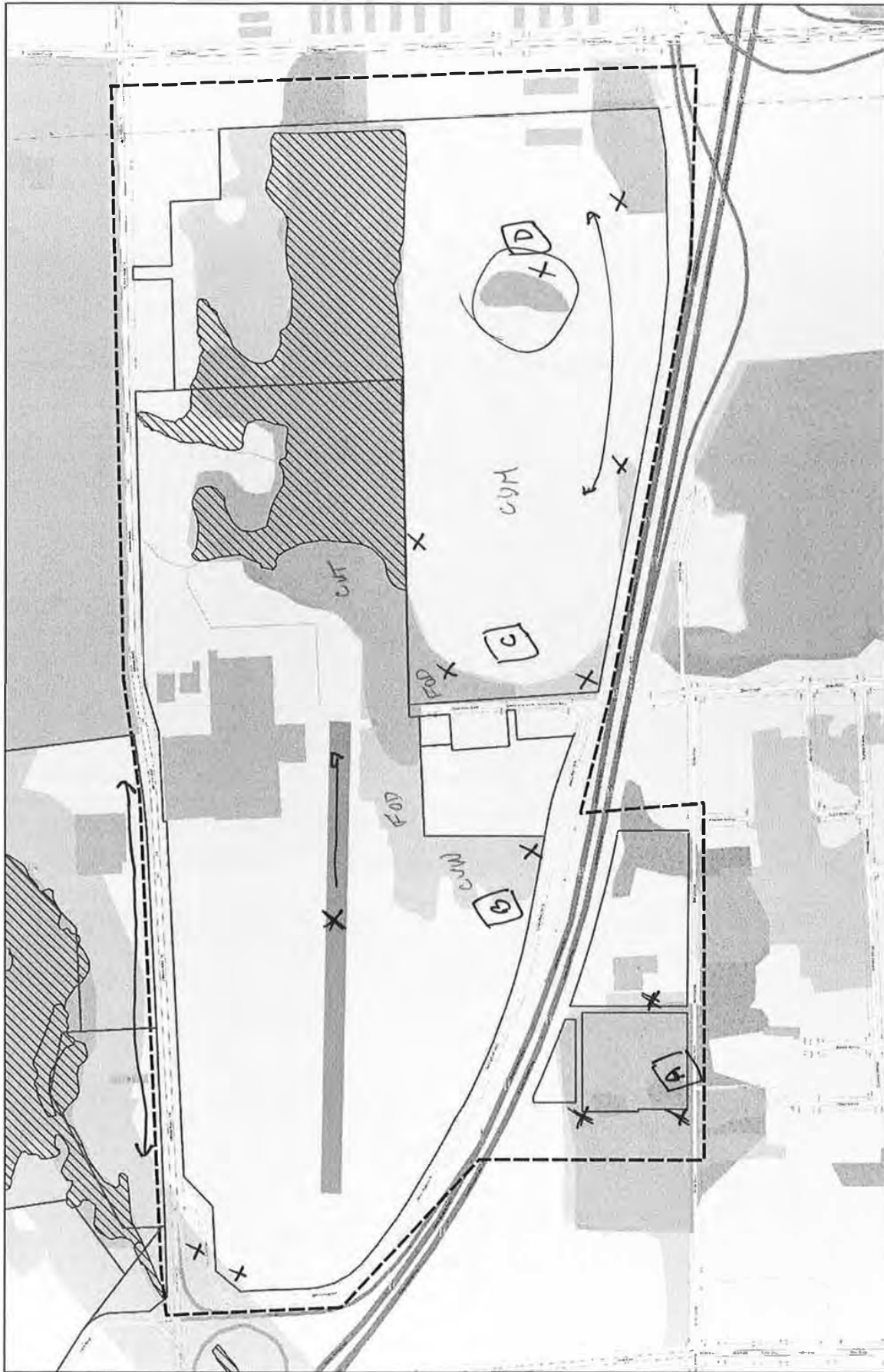
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Appendix C: Bird Survey Routes



Helena

Appendix C: Bird Survey Routes



South Central

Appendix C: Bird Survey Routes



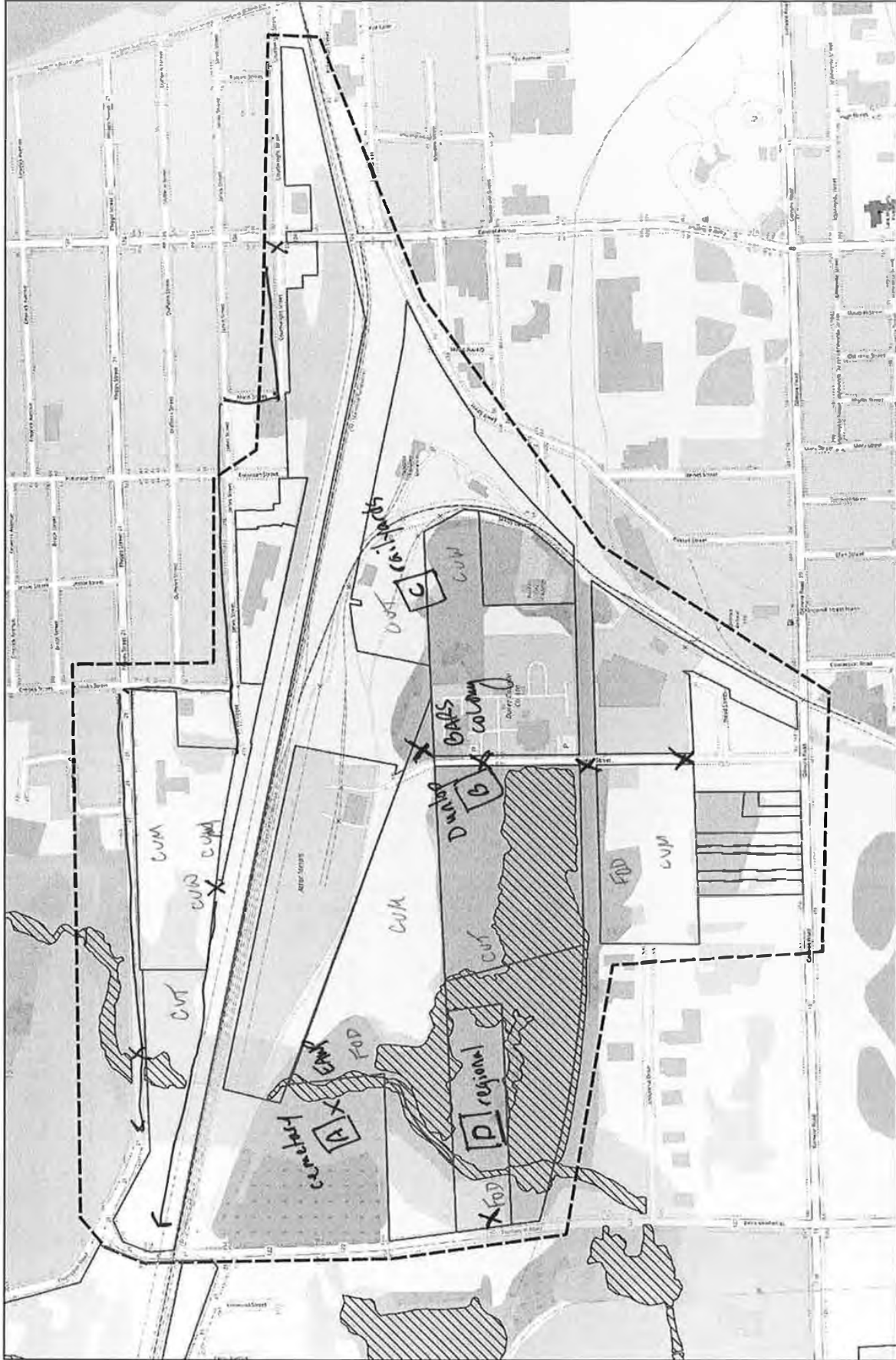
North of Bowen Road

Appendix C: Bird Survey Routes



Central [A] + landfill

Appendix C: Bird Survey Routes



East Thompson

Appendix C

Amphibian Surveys Overview (Bird Studies Canada)

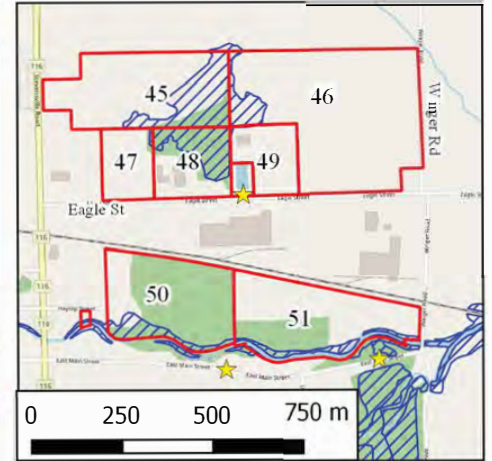
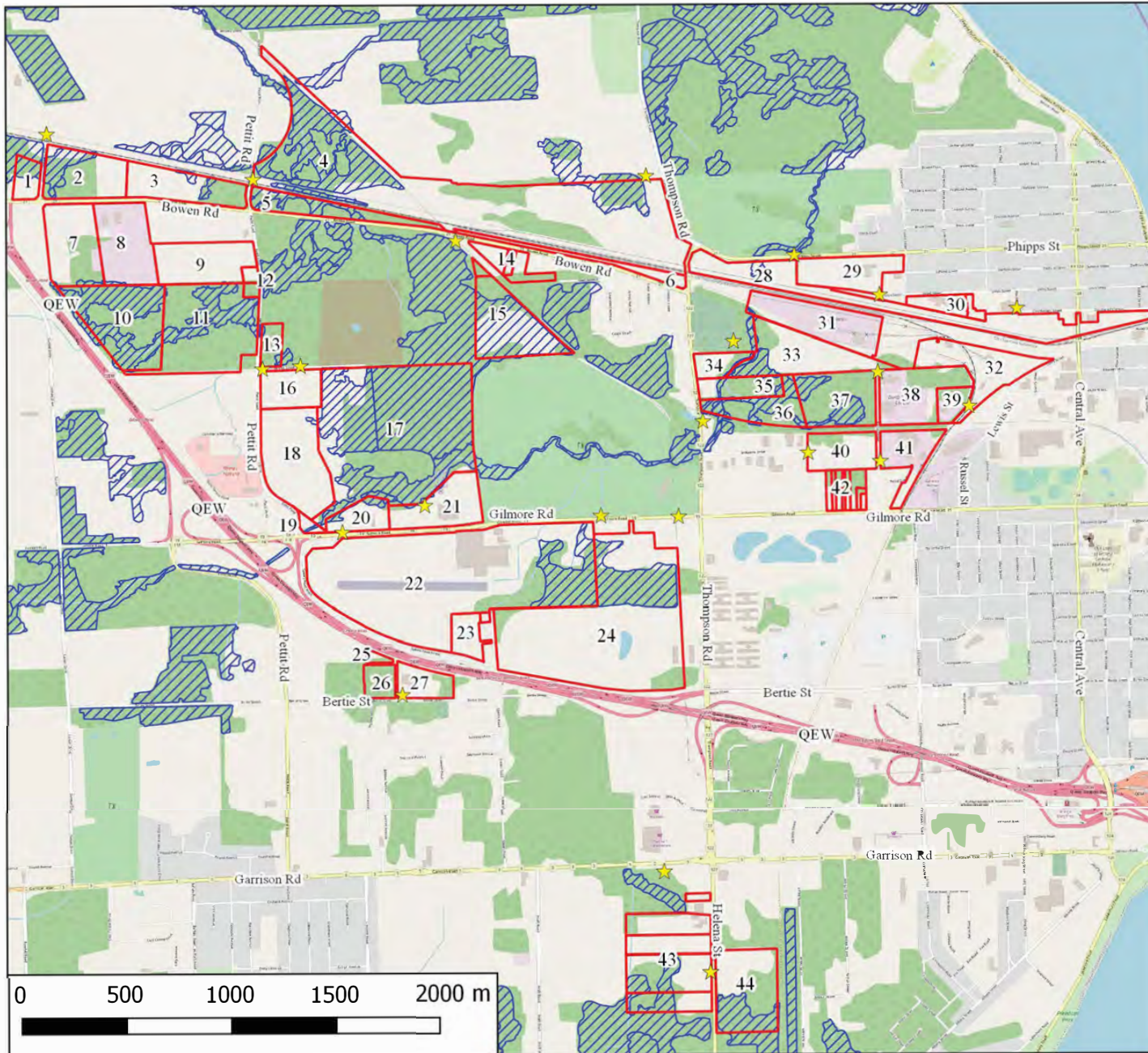
For decades, scientific studies have shown that amphibian populations have been in steady decline across North America, and particularly in the heavily populated and industrialized Great Lakes region. Amphibians are very sensitive to environmental stresses, such as air and water pollution, thus their decline or disappearance in a region is indicative of environmental degradation. Consequently, the presence or absence of amphibians in marshes is a good indicator of marsh habitat health. The Marsh Monitoring Program (MMP) uses aural (hearing-based) surveys to detect the presence or absence and relative abundance of calling amphibians (frogs and toads). Data collected by MMP volunteers are used to determine relative annual population trend changes for calling amphibians at local, regional, and Great Lakes basin levels.

To conduct amphibian (frog and toad) surveys:

- Survey three times per year between April and July 5th, with at least fifteen days between each survey;
- Begin surveying one half-hour after sunset and end by midnight during evenings with little wind and minimum night air temperatures of 5°C (50°F), 10°C (50°F) and 17°C (63°F) for each of the three respective survey periods. These temperature requirements are in place because amphibian calling intensity is strongly associated with season, time of day, and weather conditions;
- Establish monitoring stations at least 500 meters apart to minimize the possibility of double-counting calls. Unlike marsh bird survey stations, amphibian survey stations can be placed back-to-back because the amphibian survey protocol is entirely passive (i.e. call responses are not elicited through use of a call broadcast tape/CD);
- Conduct surveys using an unlimited distance semi-circular sampling area. However, in order to associate calls heard within the defined 100 meter area surveyed with habitat composition within these same areas, surveyors are asked to ascertain and record whether calls were heard outside the 100 meter radius or within this radius.
- Complete a 3-minute survey at each station. Call level codes are assigned to all calling frog and toad species:
 - Code 1: individual calls do not overlap and calling individuals can be discretely counted;
 - Code 2: calls of individuals sometimes overlap, but numbers of individuals can still be estimated;
 - Code 3: overlap among calls seems continuous (full chorus), and a count estimate is impossible;

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Appendix C: Amphibian Monitoring Stations



Legend

- Property Parcels
- Environmental Protection Areas
- Environmental Conservation Areas
- ★ Amphibian Monitor Stations

April 27, 2018



Appendix C

Detecting Snakes

**Protocol standards for conducting Presence/ Not detected surveys
on lands subject to infrastructure, aggregate extraction
or other development proposals**

Where to Look

- Microhabitat:
 - Basking sites (sites exposed to sunlight);
 - Hibernation sites in spring and fall (south facing rock outcrops, talus slopes, rock faces with fissures, road granular rock embankments)
 - Shelters: under rocks, logs, debris, in tall grass, base of grass clumps
- Linear movement corridors such as ditches, hedgerows, fence lines, gullies
- Man-made features such as old house and barn foundations, rock piles, paved or gravel roads with little vehicle use

When to Look

- a) Season, Time of Day
 - Dependent on weather conditions, target habitat type, and species
- b) Weather conditions
 - Active summer movement: 25-30°C (usually mornings), cloudy, no precipitation; sunny afternoon after morning rain; first day following several days of cold and rainy weather
 - Active spring and fall movement: 10°C or above, no precipitation
 - During high daytime summer temperatures, snakes will likely be under shelter

How to Look

- a) Microhabitat and Linear movement corridors

Recommended Method: Hand search

Recommended Survey design: Systematic survey along walking transects

- Record location of each transect, weather conditions during the surveys.
- Walk the straight line transects for the predetermined distance.
- Search transects by hand as thoroughly as possible, investigating as many types of cover as possible (within the specified width). This may be in the bases of clumps of long grass, under rocks, or under logs. Flip cover objects over towards you. Always replace the cover object carefully to the way it was found, to minimize disturbance of the microhabitat under it.
- Record locations (UTM coordinates) of snake observations.
- Photograph individual animals if possible. Photograph dead specimens.

N.B. Do not flip the same cover objects repeatedly (e.g. every day), to minimize disturbance to the site and the snakes. It is recommended that a cover object remain undisturbed for a minimum of at least two weeks between examinations.

Appendix C: Snake Protocol

Do not linger in what appears to be an unproductive area. However, it maybe worth returning to it at another time or under different conditions (field notes are very useful to keep track of what areas were sampled under what conditions).

If snake skins are found, try to identify it to species using scale counts.

b) Man-made Features:

Recommended Method: Hand search

Recommended Survey design: Systematic survey of Features

- Identify discrete locations (features) in the study area where den sites are most likely to occur (eg. abandoned buildings, old barns, rock piles, etc.). Air photos can help with the preliminary identification of potential den sites in the study area.
- Record weather conditions during the sampling period
- Record location (UTM coordinates) and description (e.g. meadow, barn, talus slope) of Features.
- Hand search the Features comprehensively, turning over items under which snakes may be present.
- Record locations (UTM coordinates) of snake observations.
- Photograph individual animals if possible. Photograph dead specimens.

N.B. Den sites: to avoid harassing SAR: compression or displacement of substrate due to human foot traffic; do not disturb cover objects, remain quiet; do not repeatedly visit a den (max. twice in spring, and twice in fall)

Search effort

- Minimum number of surveys in a year: 3, each survey at least 2 weeks apart.

Appendix C

Bat Monitoring Protocols

Snag surveys were completed on the subject property to determine the density and location of suitable maternal roosting habitat in accordance with the MNR's Survey Protocol for Species at Risk Bats within Treed Habitats, which are summarized below. Following completion of the snag survey, locations for acoustic monitors were selected based on the criteria in the survey protocols to select optimal locations for monitoring stations. The monitoring location plan was submitted to the Ministry and approved prior to the installation of the acoustic monitors.

Full-spectrum Wildlife Acoustics SongMeter SM4™ monitors were installed during the month of June. Monitors are affixed to trees at a height of four – five meters and microphones are extended approximately three feet away from the unit. Microphones are positioned towards a clearing in the canopy or understory to minimize obstruction of calls and ensure high recording quality. The monitors are set to record for five hours each night, and weather was monitored via Buffalo International Airport data. The scheduling and audio settings used on each monitor are summarized in the Table below.

Table: Settings employed for acoustic monitors.

Setting	
Start Time	20:00 est
End Time	01:00 est
Gain Level	12 dB
Sample Rate	256 kHz
Minimum Duration	1.5 ms
Maximum Duration	none
Minimum Trigger Frequency	16 kHz
Trigger Level	12 dB

Based on consultation with Toby Thorne (Bat Biologist), and studies presented by Tyburec and Chenger (2014), which compared the accuracy and reliability of the leading call analysis software programs, SonoBat 4 software was used to process the data compiled from the SM4 monitors. Version 4.2.0 of the software was installed with the Northeast United States regional suite, which includes call repertoires for all species of bats present within Ontario.

Data files from each monitor were processed through batch analysis and classified to species level. Using the batch data, SonoBat will calculate an estimated likelihood of presence for each species known based on the number of classified species and their known overlap and ambiguity of classification. The likelihood estimate

Appendix C: Bat survey protocols

provides a probabilistic estimate and does not convey certainty. The SonoBat Classification Notes document included in this Appendix provides additional information and interpretation of bat acoustic data (SonoBat, 2017).

Manual vetting of files was completed in addition to using the auto-ID feature due to the limitations of the software that results from the inherent variability of bat calls and the overlap that can occur in frequency characteristics between species. A species with similar call characteristics can occasionally (or often depending on the overlap) produce calls with data on the fringes of its parameter space that intrudes into the parameter space of another species, or even falls at the centroid of the other species' parameter space (SonoBat, 2017).

The summary table produced by SonoBat states the caveat that statistical probability of presence requires a sufficient sample size for reliability. For most species, this requires more than ten accepted decisions. As a rule of thumb, any species decision summary count numbering less than ten should be considered to require manual vetting to establish presence. For each batch of files, species with a probability of > 0.80 and with more than ten accepted decisions were considered present on the subject property. Where fewer than ten species decisions were found, call structure and timestamps of individual files were analyzed to determine if there was overlap with other species which had a higher probability of presence on the site

The MNRF approved protocols for the passive monitoring of bats within treed habitats are summarized below.

Survey Protocol for Species at Risk Bats within Treed Habitats

Phase I: Bat Habitat Suitability Assessment

Little Brown Myotis, Northern Myotis and Tri-colored Bat establish maternity roosts in treed areas consisting of deciduous, coniferous or mixed tree species. The study area should be classified using the Ecological Land Classification (ELC) system. Any wooded ecosite containing deciduous, mixed, or coniferous tree species with a diameter at breast height (DBH) $>10\text{cm}$ is considered suitable habitat.

If suitable habitat is to be impacted by a proposed activity, project proponents should proceed to Phase II.

Phase II: Identification of Suitable Maternity Roost Trees

The timing of field visits is important in order for an observer to be able to clearly identify tree attributes that are suitable for the establishment of maternity roosts. Field visits during leaf-on season should be conducted so foliage characteristics can be observed, while leaf-off surveys should be conducted to identify trees with cracks or hollows.

i) Tri-colored Bat

Within each ecosite identified as suitable maternity roost habitat in Phase I, the following trees should be documented on the field data sheet:

- any oak tree $\geq 10\text{cm}$ dbh
- any maple tree $\geq 10\text{cm}$ dbh IF the tree includes dead/dying leaf clusters
- any maple tree $\geq 25\text{cm}$ dbh

ii) Little Brown Myotis and Northern Myotis

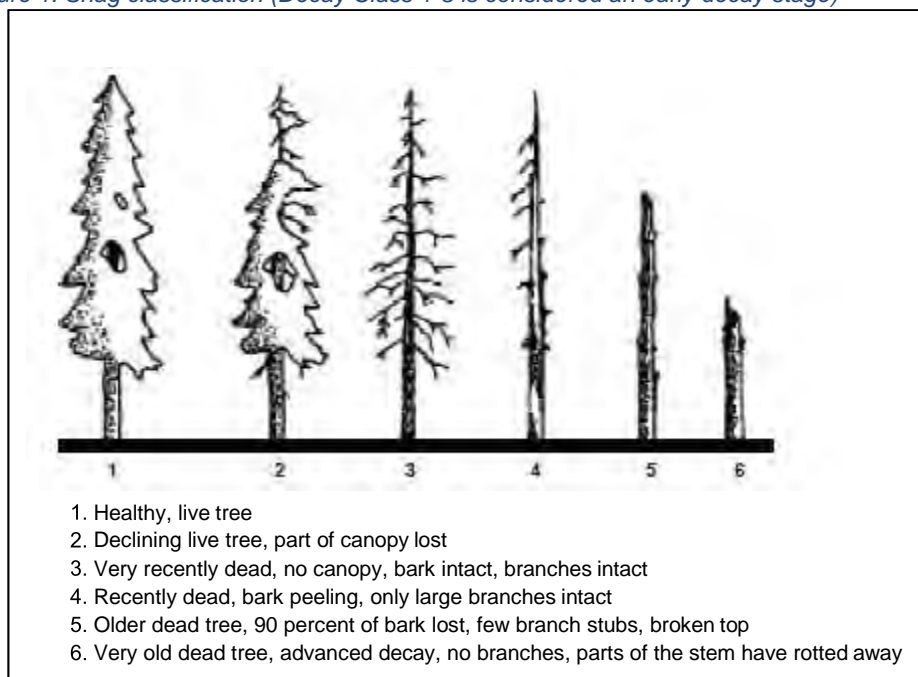
A "snag" is any standing live or dead tree $>10\text{cm}$ dbh with cracks, crevices, hollows, cavities, and/or

Appendix C: Bat survey protocols

loose or naturally exfoliating bark. Within each ecosite identified as suitable maternity roost habitat in Phase I, all “snags” should be identified and relevant information recorded on the field data sheet provided

During the field visit, the Decay Class should be noted for each snag (see Figure 1). Snags in an early stage of decay (which also includes healthy, live trees) may be preferred by Little Brown Myotis and Northern Myotis if suitable attributes for roost space are present. However, since SAR bats will also roost in snags outside of Class 1-3, any snag >10cm dbh with suitable roost features should be documented.

Figure 1: Snag classification (Decay Class 1-3 is considered an early decay stage)



Phase III: Acoustic Surveys

Within each ELC ecosite determined to be suitable maternity roost habitat in Phase I, acoustic surveys are recommended to confirm presence/absence of Little Brown Myotis, Northern Myotis and Tri-colored Bat. As described below, acoustic detectors should be placed in the best possible locations in order to maximize the probability of detecting all three SAR bats species. The data collected in Phase II should be used to select optimal locations for monitoring.

To ensure full coverage of each ecosite, four acoustic monitors per hectare are required. Monitors should be set up 10m from the best potential maternity roosts. The best suitable maternity roosts for Tri-colored bat are live oaks with dead/dying leaf clusters, or dead oaks with retained dead leaf clusters. If oaks are absent, then maples with dead/dying leaf clusters are the best suitable maternity roosts. For Little Brown Myotis and Northern Myotis, the best roosts are the tallest snags, snags with cavities or crevices, and the snags with the largest DBH.

Prior to undertaking acoustic surveys, it is recommended that the proponent discuss the proposed location of acoustic monitoring stations with the MNR. The best potential

Appendix C: Bat survey protocols

Acoustic surveys should take place on evenings between June 1st and June 30th, commencing after dusk and continuing for 5 hours. Surveys should occur on warm/mild nights (i.e., ambient temperature $>10^{\circ}\text{C}$) with low wind and no precipitation. At least 10 visits on nights that align with the above conditions where no SAR bat activity is detected are required to confirm absence.

Full spectrum acoustic monitors should be used, and the microphone should be situated away from nearby obstacles to allow for maximum range of detection and angled slightly away from prevailing wind to minimize wind noise. Information on the equipment used should be recorded, including information on all adjustable settings (e.g., gain level), the position of the microphones, and dates and times for each station where recording was conducted.

Analytical software should be used to interpret bat calls and process results. Data should be analyzed to the species level (as opposed to the genus level) in order to confirm presence/absence of SAR bats.

Phase IV: Snag Density Survey

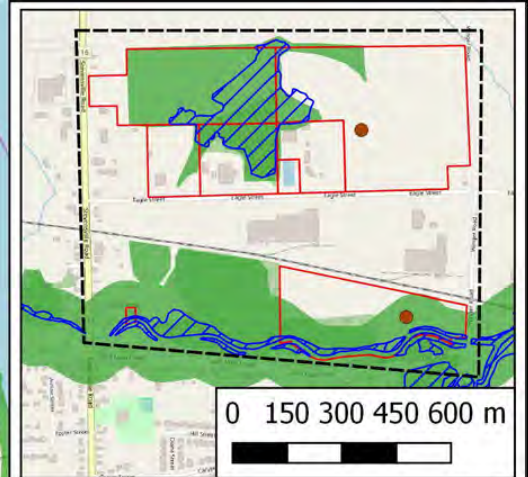
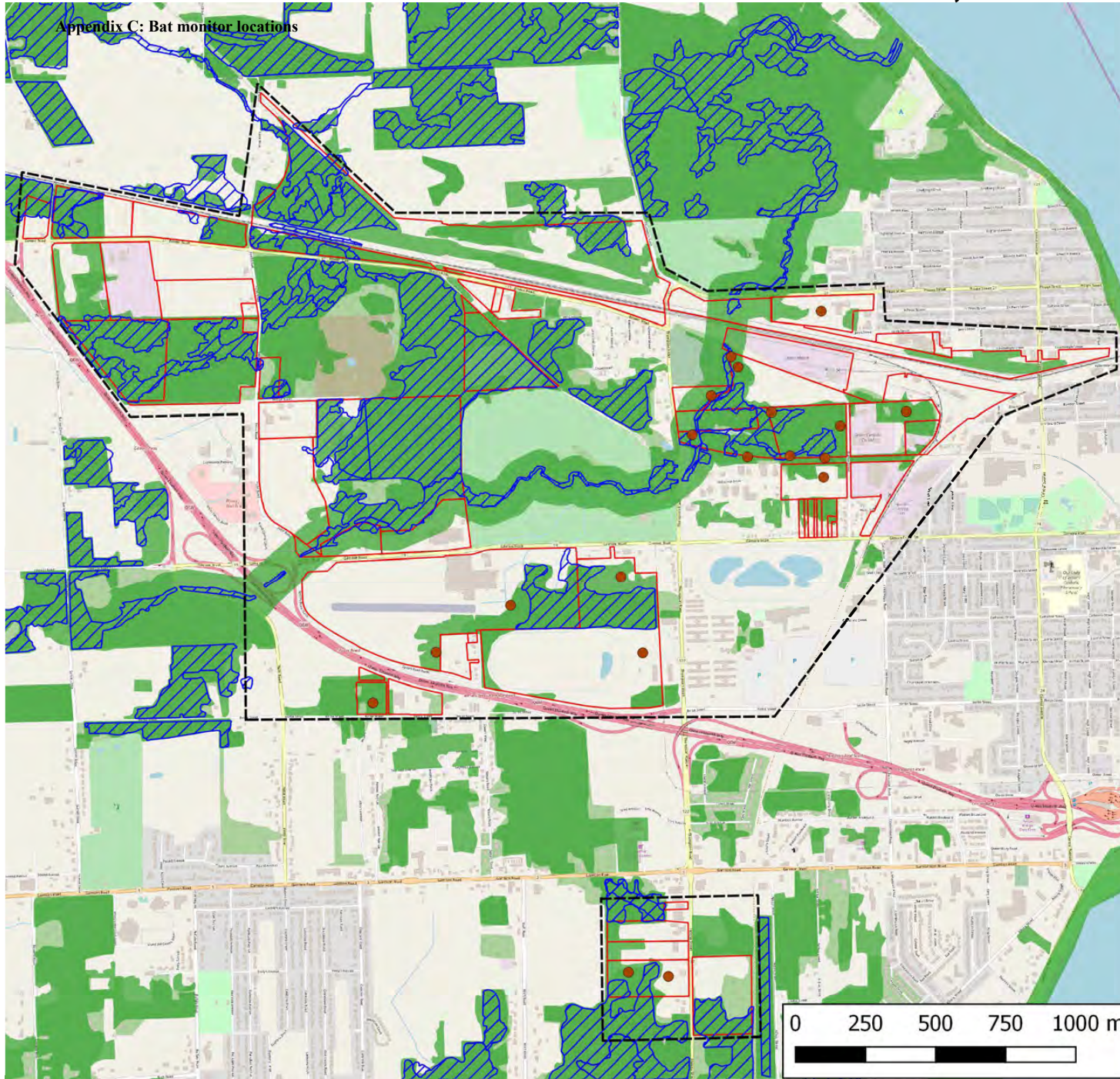
The snag density survey involves a qualitative assessment of the ecosite to determine the density of standing snags present. There is no minimum number of snags for the site to be considered potential roosting habitat, however, a site with 10 or more snags can be considered high quality roosting habitat.

Phase V: Complete an Information Gathering Form

If any species at risk are identified within the ecosite, an Information Gathering Form should be completed and submitted to the OMNRF.

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Appendix C: Bat monitor locations



**Fort Erie Industrial ECA
Assessment
BAT ACOUSTIC MONITORING**



Scale: 1:35000

UTM NAD83 17N

March, 2019

Legend

- Bat Acoustic Monitors
- ▭ Study Area
- ▭ Property Parcels
- ▨ Provincially Significant Wetlands
- Environmental Conservation Areas



0 250 500 750 1000 m

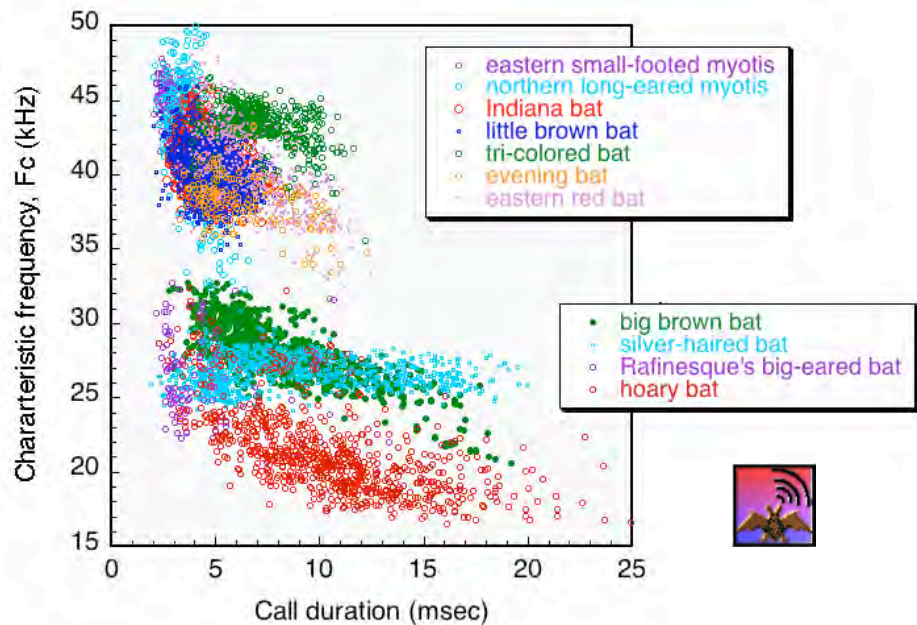
Appendix C: Bat survey protocols

SonoBat 3.1 NE classification notes

Users should consider the species decisions generated by SonoBat as suggested classifications. Any final conclusions regarding species presence should require confirmation by a qualified biologist with knowledge of bat echolocation call characteristics and the limitations imposed by species having similar call characteristics. Although some species have distinctive call types that facilitate confident identification, other species exhibit many overlapping call characteristics that reduce the reliability of using bat echolocation calls as a sole indicator of presence. In some instances irrefutable species confirmation may require a "bat in hand."

Successful classification of the many bat species having overlapping acoustic characteristics depends upon discerning subtle nuances in their calls, and this depends exquisitely on clear, strong, and undistorted signals that rise above the background noise level. The reference data used to generate the SonoBat classifiers are based on recordings from electret condenser microphones and electrostatic condenser microphones (e.g., the types used in Pettersson, Binary Acoustic Technology, and Avisoft detectors) as these produce recordings having good contrast between the bat echolocation signals and background noise, both external and internal to the microphone (i.e., the microphone's noise floor). Generally, the more expensive the microphone or detector, the better it will retain and reveal lower amplitude call details from bats at greater distances from the microphones, and so provide a larger volume of airspace from which to acquire species-discriminating recordings that classify without error. SonoBat classification performance will decrease and the number of misclassifications will increase with degraded signals that cannot reveal clearly low amplitude components of call structure. The comments that follow provide guidance for interpreting call classification results, and recommendations for recording.

The SonoBat automated species classification algorithms are based upon several thousand species-known recordings (sample size varies from species to species) from specific sites within each geographic region covered. While derived from a robust data set acquired from a variety of environments and conditions, the data set nevertheless encompasses a finite set of vocalizations from each species covered and can not fully represent the repertoire of bat vocalizations that likely occur in nature. Bats exhibit considerable plasticity in their vocalizations, and considerable overlap in call parameters among species; this coupled with complications from noise and weak signals (as from bats at a greater distance from the detector) can potentially result in a recording from one species exhibiting parameters that fall into and match the expected parameter space of another species, resulting in a misclassification. The substantial overlap in the echolocation call characteristics of many species (see example plot above) often means that only a small portion of some species'



Appendix C: Bat survey protocols

repertoires will have a tendency toward discriminating characteristics, even with perfectly recorded call sequences.

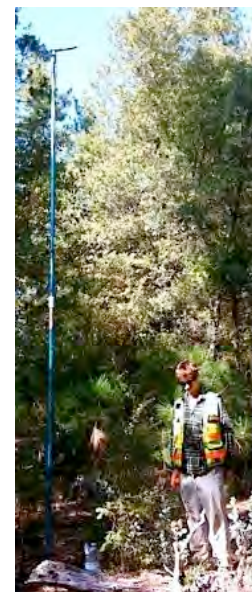
For example the simple call shapes of shorter *Eptesicus fuscus* and *Lasionycteris noctivagans* present calls that overlap in data space with sufficient ambiguity to result in misclassification. Follow the rubric on the acoustic characteristic table for vetting shorter calls of these species. The longer curved variants shared by Epfu and Lano share even more characteristics that render them particularly difficult to discriminate with confidence. However, the longer flat calls of Lano provide a confident discriminating call variant for this species.

Because bats vary the amplitude through their calls, the farther a bat flies from the detector the more the call becomes truncated to just its strongest portions. In some cases these fragments of fully formed calls can mimic other species, e.g., the body fragment of a *Myotis lucifugus* may render as a simple curved call that mimics a *Lasiurus borealis*. SonoBat performs a number of signal quality checks to reject poorly formed calls, overloaded calls, or those with distorted signals or too much noise, but it is still limited in the information that it has, and because of the variability in bat calls (e.g., intraspecifically, social calls, feeding, inspection calls, etc.) classification remains a probabilistic process, so generally if a classification result seems unexpected, check it or reject it. The quality of call recordings strongly affects the performance of the SonoBat autoclassifier. Recording from the ground, near flat surfaces, or through tubes will render distorted signals. Signal distortion inhibits call trending and the recognition of call parameters essential to perform accurate classifications. In summary: *garbage in, garbage out*

Recommendations for quality recording: Avoid recording with a detector placed directly on the ground. Simply elevating a detector one or two meters above ground level can dramatically improve recording quality by reducing surface echoes, avoiding thermal layering, or near-ground air convection currents, all of which can distort ultrasound signals. In general, the longer duration calls that many species produce in open air flight, i.e., away from clutter, provide more information content and greater species-discrimination confidence. Bats flying in confined spaces or near roosts will generally provide shorter, less discriminating and perhaps ambiguous call variants. If you need to identify bats in such situations, try to record them on approach to such a space or follow them out and away from a roost to acquire longer and more representative search phase calls.

To record search phase call sequences of bats along a flyway, place detectors *out* of the flyway as bats may investigate the novel object resulting in many recorded sequences of short "inspection calls." Where possible, place detectors to blend in with vegetative clutter (but clear from it) and listen out into a flyway. Avoid placing detectors near large echo-producing surfaces: asphalt, building facades, bridge structural surfaces, flat water, etc. When you must record near such surfaces, attempt to position the detector to listen *away* from these surfaces rather than toward them. When possible, use a handheld detector to acoustically sample the potential detector placement site to reveal sources of ultrasonic noise before a recording session. Many things that seem quiet to our human ears can emit overwhelming ultrasonic noise, e.g., dried leaves or other vegetation rustling in a breeze, insects, loose cables and other windblown components, or metal structures cooling in the evening.

Detectors with microphones on cables separate from the detector electronics provide the best options for placement and best results. For ground-based monitoring, consider extending the microphone horizontally from a pole or other means at about 4-6 m to listen out into flight space



Appendix C: Bat survey protocols

and down toward the ground and up from there, rather than just listening up from the ground. This will increase your chances of acquiring distortion-free recordings. See the recording advice page on the SonoBat website for additional recommendations.

Even among the known species of the library reference data, the rate of correct classification varies by species, situation, recording quality, and settings. SonoBat allows the user to control call discrimination settings and in general, more discriminating settings increase the rate of correct species classification (up to a point) but decrease the percentage of files that SonoBat accepts and reports as confidently classified. ***The results reported below represent idealized classification performance based on good quality recordings. Users should expect their results to vary commensurate with recording quality as described above.*** Also, while derived from a robust data set acquired from a variety of environments and conditions, the data used to construct the classifier nevertheless encompasses a finite set of vocalizations from each species covered, and recording in nature will provide a virtually unlimited variety of vocal variants with some that will exceed that covered by the classifier. Each SonoBat regional classifier only "knows" the data and call types used to build it, and many spurious signals may generate a parameter set that will fall into one of the known data spaces that SonoBat may (incorrectly) recognize as a species.

For this reason, you should use the classifications that SonoBat provides as a guide, and vet any species result that may seem unexpected or unusual to confirm such classifications. Even with a 98% correct rate (and that's ideal- for good data), the similar calls from many species will bring up some misclassifications for any substantial data set. The overlapping acoustic characteristics of some species challenge the automated classifier just as they challenge us to manually discriminate them, although the classifier generally knows when to reject or not make a decision. For example Tabr/Laci can present a particular challenge to discriminate as both bats emit loud calls that travel far and can generate recordings of just the core part of the call when partially out of range, and that can lead to ambiguous or spurious results. It seems that Laci calls more often get misclassified as Tabr, rather than the other way around. So on batch runs where you might not expect many Tabr you should vet everything that comes out as Tabr and only accept ones with strong discriminating characteristics, e.g., a pronounced downward roll at the beginning or end of the call.

The Indiana bat, *Myotis sodalis* (Myso), and the little brown bat, *M. lucifugus* (Mylu), present substantial overlap in their echolocation call characteristics that render only a small portion of their repertoires with a tendency toward discriminating characteristics. To prevent outputting null species identification results, the SonoBat classifier uses this rubric: when a species decision for either of these species does not exceed the threshold discriminant probability setting (DP, SonoBat uses 0.90 as the default setting), and if the second potential species comes out as the opposite of this pair, and their combined discriminant probability score meets or exceeds the threshold setting, then SonoBat will output this result using the ambiguous designation "MysoMylu" or "LuSo" on SonoBatch output. This will indicate the call or sequence probably came from one of these two species, but presented call characteristics within overlapping data space that prevented disambiguation. Refer to "SonoBat Discrimination of Myso vs. Mylu" for more information:

http://www.sonobat.com/download/MysoMylu_Classification_Note_NE_v306.pdf

The longer curved variants shared by Epfu and Lano are particularly difficult to disambiguate with confidence. Follow the rubric on the acoustic characteristic table for vetting shorter calls of these species. The longer flat calls of Lano provide a confident discriminating call variant for this species.



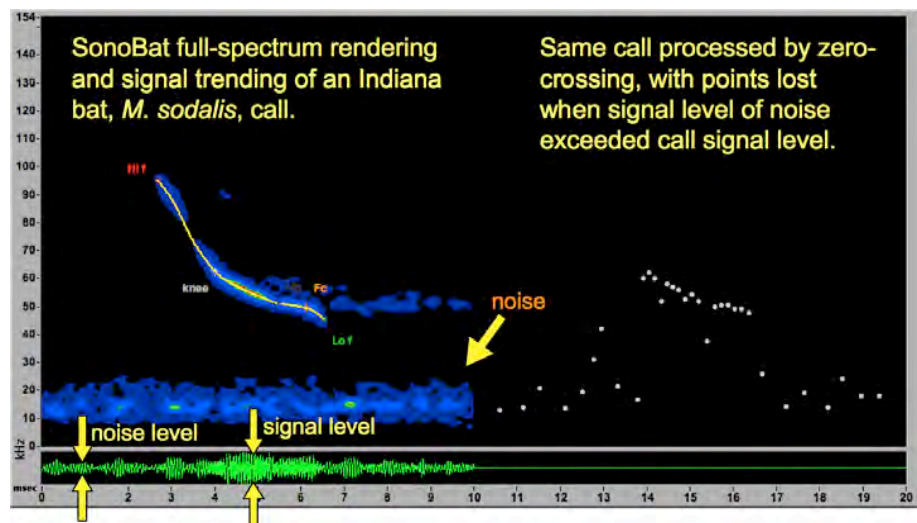
Appendix C: Bat survey protocols

Proper interpretation of SonoBat classification results requires an appreciation that species discrimination by echolocation calls uses a probabilistic process. Although called a “discriminant probability,” a DP = 1.00 does not indicate 100% confidence of the species classification result. Rather, it indicates that the quantitative parameters measured from the unknown call or sequence under consideration fall completely at the centroid of the multi-dimensional data space of all the data known for that species. A species with similar call characteristics can occasionally (or often depending on the overlap) produce calls with data on the fringes of its parameter space that intrudes into the parameter space of another species, or even falls at the centroid of the other species’ parameter space. But, a DP = 1.00 *probably* indicates the classified species, and that confidence increases for species having more unique parameter space. Although SonoBat may report a result indicating a greater likelihood of one similar species over the other, e.g., 0.85 Myso versus 0.15 Mylu, such a result only indicates the relative distances from the centroid of the known multivariate data space for each species. Because these species have their centroids buried in the multivariate data clouds of the other species, they never clearly separate, and either species could just have well vocalized a call producing those results, despite lying closer to the mean values of one over the other.

SonoBat classifies calls and sequences using an expert system incorporating an ensemble consensus of redundant hierarchical decision algorithms and reports a single species decision when that result exceeds the discriminant probability (DP) threshold at each decision, *and* passes post-decision checks of known call characteristics. This expert decision path optimization approach outperformed tests using other standard machine intelligence systems (Artificial Neural Networks, Bayesian, etc.). SonoBat reports the DP of the final species decision if all hierarchical decision steps met or exceed the threshold. If any decision step does not meet or exceed the threshold, then SonoBat displays the species or hierarchical groups that sum to the threshold at that step, e.g., 0.775 MyleMyseMysoMylu, 0.225 PesuNyhuLabo.

Classifying an entire sequence (i.e., bat pass) typically provides more confident results than individual call classification as this method benefits from the combined information within the sequence. SonoBat reports two results for sequences, a consensus vote and a mean sequence decision. The consensus vote requires a minimum of two calls per majority species (except for *Lasionycteris noctivagans* and *Lasiurus cinereus*) and requires the majority species to have equal to or better than twice the number of calls as the sum of the second and third most prevalent species (if classified). The mean sequence decision calculates mean parameter values of the most prevalent hierarchical classification group (e.g., MyleMyseMysoMylu or PesuNyhuLabo) of accepted calls with a minimum of two calls (except for *Lasionycteris noctivagans* or *Lasiurus cinereus*) and sends those mean values through the decision engine.

To minimize misclassifications, SonoBat performs quality control by assessing a number of signal quality and reliability indicators. If



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calls fails accepted thresholds for any of these indicators, SonoBat rejects the result from automated classification as it can indicate a poor quality signal that can lead to misclassification. (During manual inspection, SonoBat will report the classification result of calls that fail any of the reliability tests but will gray out the display to indicate an unreliable result.)

The amplitude and multiple frequency content of full-spectrum data enables assessment of signal quality and evaluation of the acoustic environment of the recording site. For example, one such measure, the signal to noise ratio (SNR), measures the relative strength of a signal of interest (the call) to the strength of the background signal level (a measure unavailable in zero-crossing data that can only access the dominant frequency at any time). Calls with low SNR more often render poor data that can lead to misclassification. Multiple frequency content also enables more reliable tracking of call trends, and better call data extraction, through echo clutter and ambient noise (see figure). For more information, see

http://www.sonobat.com/download/FullSpect_and_Zero-Crossing.ppt



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SonoBat based the 11 species US Northeast classifier on an exemplar reference library set of 1,444 recordings¹ that yielded 8,370 parameterized calls using a maximum of 8 calls considered per sequence, a quality acceptance threshold of 0.80, and discriminant probability threshold settings for acceptance of **0.90**. The classification algorithm based on this data yielded the following results for **individual call** classification:^{2,3,4}

	%correct	%accp
All Species	97.2	55.4
Myle	98.7	33.8
Myse	99.0	50.3
Myso³	91.0	12.6
Mylu³	90.6	14.3
Pesu	98.9	89.3
Nyhu	95.1	71.1
Labo	96.5	64.1
Epfu	98.6	84.5
Lano	98.1	83.2
Laci	96.1	85.7
Cora	99.1	70.0
Myso/Mylu^{3,4}	100.0	51.8

Myotis leibii (Myle)
Myotis septentrionalis (Myse)
Myotis sodalis (Myso)
Myotis lucifugus (Mylu)
Perimyotis subflavus (Pesu)
Nycticeius humeralis (Nyhu)

Lasiurus borealis (Labo)
Eptesicus fuscus (Epfu)
Lasionycteris noctivagans (Lano)
Lasiurus cinereus (Laci)
Corynorhinus rafinesquii (Cora)

¹ **The results reported here represent idealized classification performance based on high quality recordings** made with Pettersson D240X and D500X detectors, and with Binary Acoustic Technology AR125 detectors. **Actual performance will decline along with recording quality** (see "Recommendations for quality recording").

² Values listed as %correct considered just those results that emerged from the classifier at or above a discriminant probability threshold of 0.90. The %accepted reports the proportion of the sample that met or exceeded the discriminant probability threshold, whether correct or incorrect.

³ Refer to "SonoBat Discrimination of Myso vs. Mylu" for more information.

⁴ Myso/Mylu indicates a result of MysoMylu, Myso, or Mylu, whether correct or incorrect for Myso (if Mylu) or Mylu (if Myso), i.e., the overall rate for correctly discriminating this species pair from other species.



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As species adjust their call characteristics across their repertoires from short to long calls, some similar species will discriminate better or worse for different duration calls. Generally, Myotis species discriminate better at the longer end of their repertoires in which they present more robust features. In contrast, Pesu, Nyhu, and Labo that all have simple feature-thin calls discriminate better at the shorter end of their repertoires in which they present more differences in shape and amplitude distribution. At the longer end of their repertoires Pesu, Nyhu, and Labo all present more feature-thin flatter calls that do not discriminate as well. Refer to the special characteristics listed in the table of echolocation call characteristics for specific guidance, and use the results that follow for general guidance for classification performance for different duration calls to assess confidence in classification results.

Using the same 11 species US Northeast classifier on an exemplar reference library set of 1,444 recordings¹ using a maximum of 8 calls to consider per file, a quality acceptance threshold of 0.80, and a discriminant probability setting thresholds for acceptance of **0.90**, the classification algorithm based on this data yielded the following results for **sequence classification**:

		%correct	%accp
All Species	by vote:	97.3	68.8
	mean sqnc:	97.1	85.9
	agreement:	98.4	62.7
Myle	by vote:	92.3	55.4
	mean sqnc:	94.4	52.3
	agreement:	100.0	33.8
Myse	by vote:	97.6	65.3
	mean sqnc:	95.8	73.4
	agreement:	100.0	55.6
Myso³	by vote:	93.9	21.7
	mean sqnc:	91.7	15.4
	agreement:	95.2	14.0
Mylu³	by vote:	100.0	27.4
	mean sqnc:	91.8	19.6
	agreement:	97.2	15.2
Pesu	by vote:	97.0	82.2
	mean sqnc:	100.0	93.1
	agreement:	100.0	81.2
Nyhu	by vote:	97.0	68.1
	mean sqnc:	90.7	83.0
	agreement:	100.0	61.7
Labo	by vote:	98.5	72.0
	mean sqnc:	98.6	78.5
	agreement:	98.3	62.4
Epfu	by vote:	97.5	93.7
	mean sqnc:	94.9	87.4
	agreement:	98.2	85.0
Lano	by vote:	92.2	94.4
	mean sqnc:	94.7	88.9
	agreement:	95.3	87.7



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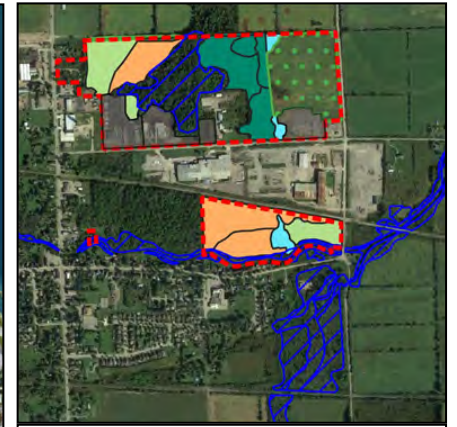
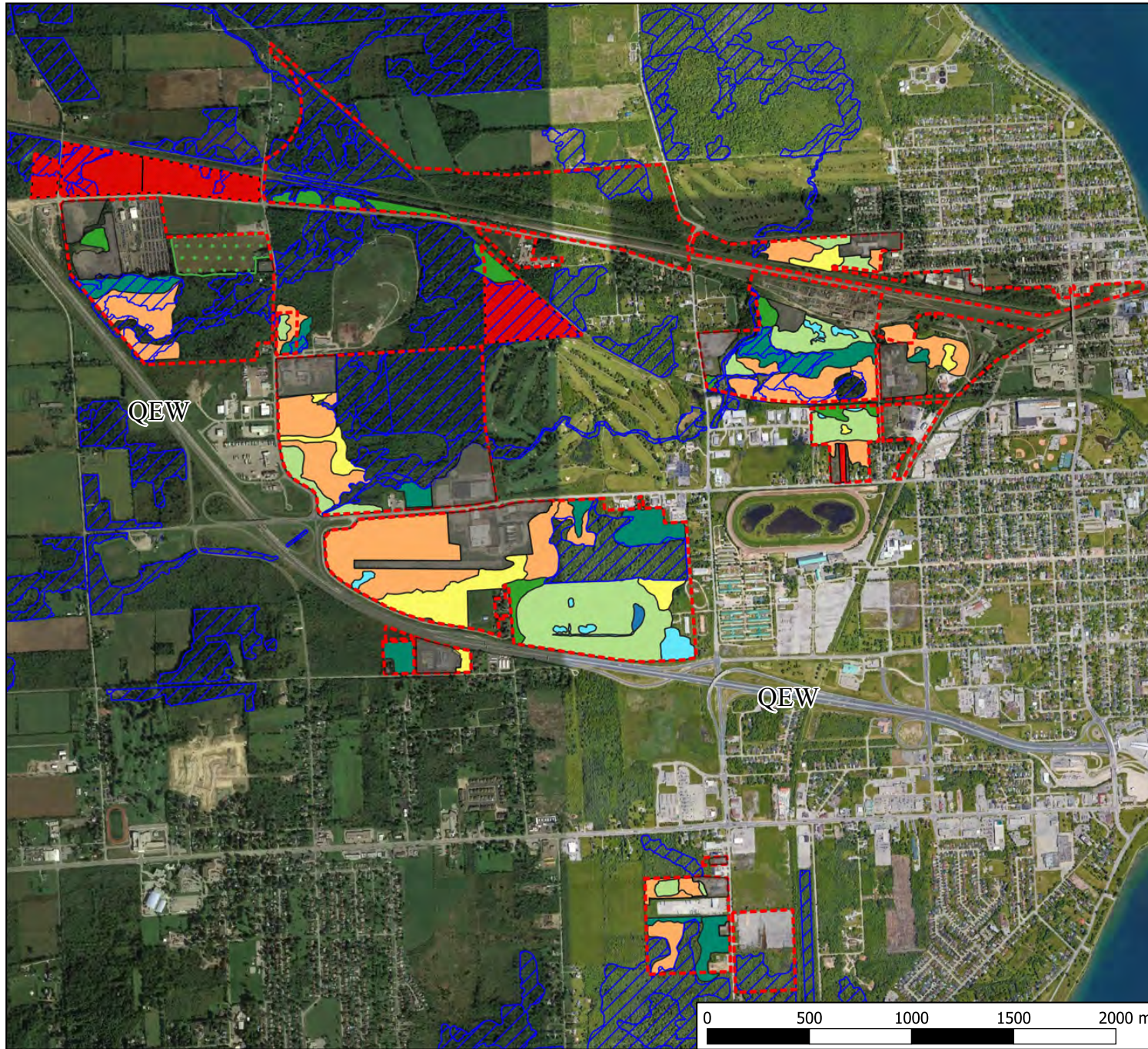
Appendix C: Bat survey protocols

Cora	by vote:	100.0	83.7
	mean sqnc:	100.0	91.8
	agreement:	100.0	79.6
Laci	by vote:	100.0	91.1
	mean sqnc:	100.0	89.1
	agreement:	100.0	88.3
MyluMyso	by vote:	97.4	68.7
	mean sqnc:	96.7	68.4
	agreement:	98.3	60.2



Appendix D

Data Summaries



Fort Erie Industrial ECA Assessment
Figure 5: Vegetation Communities



Scale: 1:25000
 UTM NAD83 17N
 © November 2019

Legend

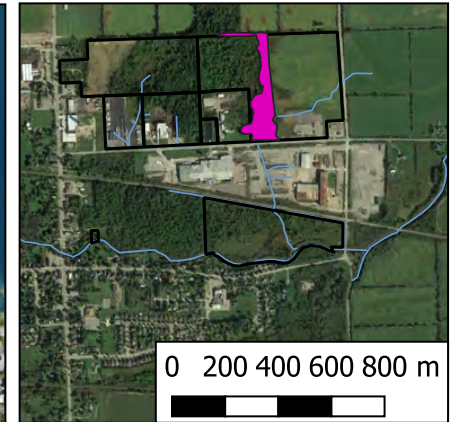
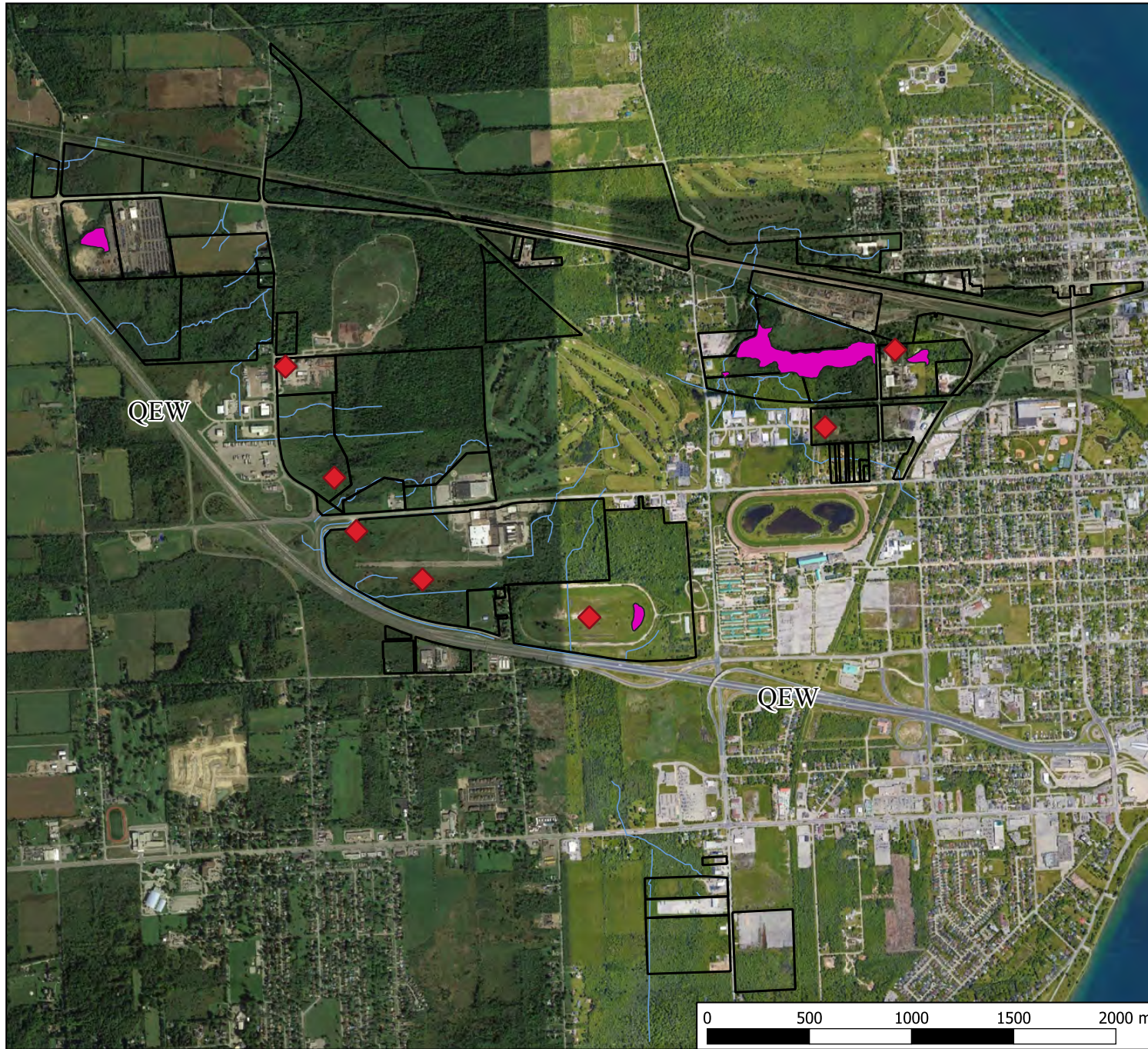
- Developed Land
- Provincially Significant Wetland

Ecosite

- Forest
- Swamp
- Meadow
- Woodland
- Thicket
- Marsh
- Water
- Agriculture



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Fort Erie Industrial ECA Assessment
Figure 5-2: Significant Wildlife Habitat and Species at Risk

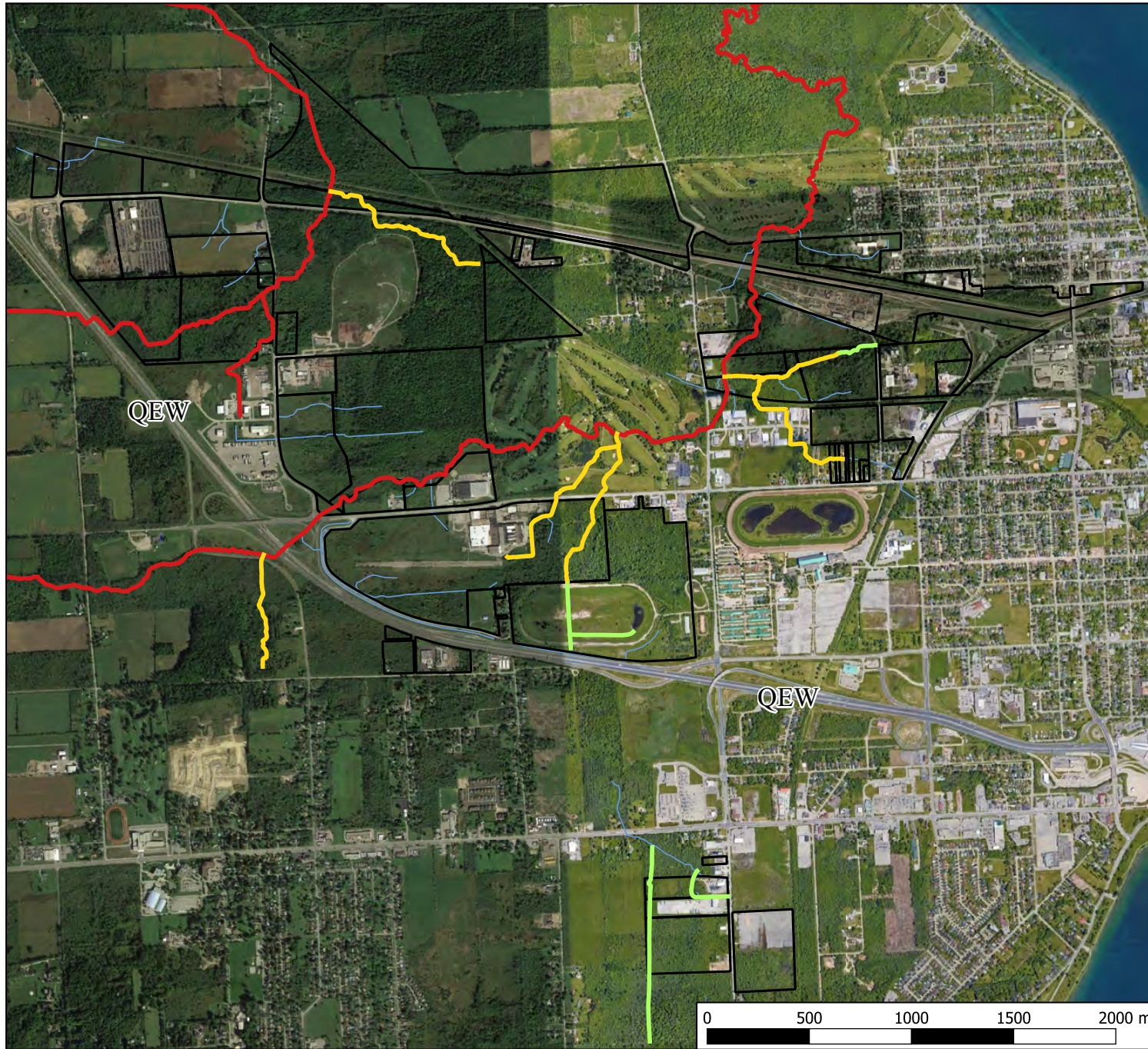


Scale: 1:25000
 UTM NAD83 17N
 © November 2019

Legend

-  Property Parcels
-  Significant Wildlife Habitat
-  Approximate location of Species at Risk





Fort Erie Industrial ECA
Assessment

Figure 5-3: Fish Habitat



Scale: 1:25000

UTM NAD83 17N

© November 2019

Legend

- Property Parcels
- Provincially Significant Wetland

Fish habitat

- Type 1 Critical
- Type 2 Important
- Type 3 Marginal
- Other Surface Drainage



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Appendix D: Data Summaries

**1 LCA BIRD INVENTORY 2018, 2019
FORT ERIE INDUSTRIAL LANDS**

Observers N Litwin, A Brunning

Species NW = 72

SARs = 5

COSEWIC June 2018: LOW, MID, HIGH = Candidate Priority Status

SARA status current to July 1, 2018

SARO status current to July 1, 2018

MNR/NHIC downloaded July 2015

OPIF BCR 13 = Bird Conservation Region 13

OPIF Population Objective M = Maintain, I = Increase, R = Recovery, D = Decrease

Area Sensitivity: (v) = uses edge if forest interior also nearby

Table D2: Summary of bird species located in the study area

COMMON NAME	SCIENTIFIC NAME	COSEWIC	SARA	SARO	S RANK (NHIC)	Helena	South Central	East Thompson	Central	North Bowen	West Winger
Anatidae											
Mallard	<i>Anas platyrhynchos</i>				S5					x	x
Phasianidae											
Wild Turkey	<i>Meleagris gallopavo</i>				S5	x	x		x		
Podicipedidae											
Horned Grebe							x				
Ardeidae											
Great Blue Heron	<i>Ardea herodias</i>				S4			x			x
Great Egret	<i>Ardea alba</i>				S2B				x		x
Green Heron	<i>Butorides virescens</i>				S4B		x	x		x	
Black-crowned Night-heron	<i>Nycticorax nycticorax</i>				S3B,S3N	x (oh)					
Cathartidae											
Turkey Vulture	<i>Cathartes aura</i>				S5B			x (oh)		x	x(oh)
Pandionidae											
Osprey	<i>Pandion haliaetus</i>				S5B			x (oh)	x (oh)		
Accipitridae											
Red-tailed Hawk	<i>Buteo jamaicensis</i>				S5		x		x	x	x
Charadriidae											
Killdeer	<i>Charadrius vociferus</i>				S5B,S5N		x				x
Scolopacidae											
American Woodcock	<i>Scolopax minor</i>				S4B		x (inc)		x		x
Spotted Sandpiper	<i>Actitis macularius</i>				S5		x				
Columbidae											
Mourning Dove	<i>Zenaida macroura</i>				S5	x	x	x	x	x	x
Apodidae											
Chimney Swift	<i>Chaetura pelagica</i>	THR	THR	THR	S4B		x				
Cuculidae											
Black-billed Cuckoo	<i>Coccyzus erythrophthalmus</i>				S5B			x			
Trochilidae											
Ruby-throated Hummingbird	<i>Archilochus colubris</i>				S5B	x				x	
Alcedinidae											
Belted Kingfisher	<i>Megaceryle alcyon</i>				S4B					x (oh)	x
Picidae											
Red-headed Woodpecker	<i>Melanerpes erythroceph</i>	END	THR	SC	S4B						
Yellow-bellied Sapsucker	<i>Sphyrapicus varius</i>				S5B						x
Red-bellied Woodpecker	<i>Melanerpes carolinus</i>				S4	x		x			
Downy Woodpecker	<i>Picoides pubescens</i>				S5	x		x	x	x	x
Hairy Woodpecker	<i>Picoides villosus</i>				S5	x	x				x
Northern Flicker	<i>Colaptes auratus</i>				S4B	x	x	x	x	x	x
Pileated Woodpecker	<i>Dryocopus pileatus</i>				S5						
woodpecker sp.						x	x			x	
Falconidae											

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American Kestrel	<i>Falco sparverius</i>				S4						X
Tyrannidae											
Eastern Wood-Pewee	<i>Contopus virens</i>	SC	SC	SC	S4B	X			X		X
Willow Flycatcher	<i>Empidonax traillii</i>				S5B		X		X		X
Eastern Phoebe	<i>Sayornis phoebe</i>				S5B		X		X		X
Great Crested Flycatcher	<i>Myiarchus crinitus</i>				S4B				X		X
Eastern Kingbird flycatcher sp.	<i>Tyrannus tyrannus</i>				S4B		X				X
Vireonidae											
Warbling Vireo	<i>Vireo gilvus</i>				S5B		X		X		X
Red-eyed Vireo	<i>Vireo olivaceus</i>				S5B				X		
Corvidae											
Blue Jay	<i>Cyanocitta cristata</i>				S5	X	X	X	X	X	X
American Crow	<i>Corvus brachyrhynchos</i>				S5B			X	X	X	X
Alaudidae											
Horned Lark	<i>Eremophila alpestris</i>				S5B						X
Hirundinidae											
Purple Martin	<i>Progne subis</i>				S4B		X			X	
Tree Swallow	<i>Tachycineta bicolor</i>				S4B		X	X		X	X
Northern Rough-winged Swallow	<i>Stelgidopteryx serripennis</i>				S4B				X	X	
Barn Swallow	<i>Riparia riparia</i>	THR	THR	THR	S4B	X	X	x (colony)	X	X	X
swallow sp.											X
Paridae											
Black-capped Chickadee	<i>Poecile atricapillus</i>				S5	X		X	X		X
Sittidae											
White-breasted Nuthatch	<i>Sitta carolinensis</i>				S5	X					
Troglodytidae											
House Wren	<i>Troglodytes aedon</i>				S5B		X	X	X		X
Carolina Wren	<i>Thryothorus ludovicianus</i>				S4	X		X			
Sylviidae											
Blue-gray Gnatcatcher	<i>Poliophtila caerulea</i>				S4B						X
Turdidae											
Eastern Bluebird	<i>Sialia sialis</i>				S5B						X
Wood Thrush	<i>Hylocichla mustelina</i>	THR	THR	SC	S4B			X	X		
American Robin	<i>Turdus migratorius</i>				S5B	X	X	X	X	X	X
Mimidae											
Gray Catbird	<i>Dumetella carolinensis</i>				S4B	X	X	X	X	X	X
Brown Thrasher	<i>Toxostoma rufum</i>				S4B			x (inc)	X		X
Northern Mockingbird	<i>Mimus polyglottos</i>				S4						X
Sturnidae											
European Starling	<i>Sturnus vulgaris</i>				SNA	X	X	X	X		X
Bombycillidae											
Cedar Waxwing	<i>Bombycilla cedrorum</i>				S5B	X	X	X	X	X	X
Parulidae											
Common Yellowthroat	<i>Geothlypis trichas</i>				S5B		X	X	X		X
Yellow Warbler	<i>Setophaga petechia</i>				S5B	X	X	X	X	X	X
Emberizidae											
Eastern Towhee	<i>Pipilo erythrophthalmus</i>				S4B						X
Chipping Sparrow	<i>Spizella passerina</i>				S5B			X	X		
Field Sparrow	<i>Spizella pusilla</i>				S4B					X	X
Vesper Sparrow	<i>Pooecetes gramineus</i>				S4B		X	X			X
Savannah Sparrow	<i>Passerculus sandwichensis</i>				S4B						X
Song Sparrow	<i>Melospiza melodia</i>				S5B	X	X	X	X		X
Lincoln's Sparrow	<i>Melospiza lincolnii</i>				S5B			X			
Swamp Sparrow	<i>Melospiza georgiana</i>				S5B			X			
Cardinalidae											
Northern Cardinal	<i>Cardinalis cardinalis</i>				S5	X	X	X	X	X	X
Rose-breasted Grosbeak	<i>Pheucticus ludovicianus</i>				S4B		X	X	X	X	X
Indigo Bunting	<i>Passerina cyanea</i>				S4B			X	X	X	X
Icteridae											
Bobolink	<i>Dolichonyx oryzivorus</i>				S4B						x (across)
Red-winged Blackbird	<i>Agelaius phoeniceus</i>				S4	X	X	X	X	X	X
Eastern Meadowlark	<i>Sturnella magna</i>				S4B						x (across)
Common Grackle	<i>Quiscalus quiscula</i>				S5B	X	X	X	X		X
Brown-headed Cowbird	<i>Molothrus ater</i>				S4B	X	X	X	X		X

Appendix D: Data Summaries

Baltimore Oriole	<i>Icterus galbula</i>	S4B	x	x	x	x	x	x
Fringillidae								
House Finch	<i>Carpodacus mexicanus</i>	SNA	x	x	x	x		
American Goldfinch	<i>Carduelis tristis</i>	S5B	x	x	x	x	x	x
Passeridae								
House Sparrow	<i>Passer domesticus</i>	SNA			x			
TOTAL			27 (+1)	36 (+1)	45 (+3)	38 (+1)	26 (+1)	45 (+3)

Appendix D: Data Summaries

Table D3: Table showing the call codes recorded at each survey station during Marsh Monitoring Protocols. Call codes were recorded as 1 (individuals can be clearly distinguished), 2 (Some overlap in calls, but number of individuals can be estimated), 3 (full chorus of calls)

Site	Location	American Toad			Chorus Frog			Green Frog			Leopard Frog			Spring Peeper			Wood Frog		
		S1	S2	S3	S1	S2	S3	S1	S2	S3	S1	S2	S3	S1	S2	S3	S1	S2	S3
10A	ET		2		1	2								2	2	1			
11A	ET		1		1	3									2				
12A	ET		1		2	2								2	2	1			
13A	NB		2		3										2	1			
14A	SC		1		2									2	3	1			
15A	SC				1	2								3	3	1			
16A	C														2				
17A	C					3								2	2				
19A	C				2	3								2	2				
1A	NB				3						1			3	3				
20A	C				2	3	1							3	2	1			
21A	SC		1												2				
22A	H		1		3	2									1				
22B	H		1		3	3									2	1			
23A	H					1	2									1			
24A	WW				3	2	1			1		1		2	2				
25A	WW			1	3	2		1		1		1		2	3			1	
26A	WW		2		2	2								2	2				
2A	NB				3	3								3	2	1			
3A	NB				1	2								1	3				
4A	ET					2									2	1			
5A	ET		2		2	2				2				2	3	1			
6A	ET				2	3								2	2	1			
7A	ET		2		3	3								3	2	1			
8A	ET					2													
9A	ET				3	3								1	2	1			

Table shows the call codes recorded for a species at each individual station

Appendix D: Data Summaries

Table D4: Summary of the results of bat acoustic monitoring surveys

Study Area	Big Brown Bat	Hoary Bat	Eastern Red Bat	Silver-haired Bat	Tri-colored bat
North Bowen	NC	NC	NC	NC	NC
East Thompson	CONF	CONF	POSS	CONF	NC
South Central	CONF	CONF	POSS	PROB	NC
Helena	CONF	CONF	CONF	PROB	NC
West Winger	CONF	PROB	NC	PROB	NC

CONF – confirmed presence; NC – not confirmed; POSS – presence is possible based on results; PROB – presence is probable based on results.

Table D5: Summary of the results of watercourse assessments for unevaluated watercourses identified in the study area

Site Location	Length assessed	Channel Type	Flow	Substrate	Percent cover	Movement Barriers	Habitat Quality
East Thompson	220m	Natural	Intermittent ; roadside	Silt; Clay	100; forested	Point source pollution (roadside ditch)	Marginal
Helena	250m	Channelized	Intermittent	Gravel	0-10	none	Marginal
South Central	500m	Channelized	Intermittent	Silt	70; cattails	Perched culverts	Marginal
West Winger	215m	Swale	Intermittent	Silt; clay	0	Dry channel	Marginal
West Winger	35m	Natural	Intermittent	Silt; gravel	60; shrubs	Debris jam	Marginal

Wetland Evaluation Scoring Record Summary

Wetland: Fort Erie Racetrack

1.0 Total for Biological Component:	49.5
2.0 Total for Social Component:	51
3.0 Total for Hydrological Component:	181.25
4.0 Total for Special Features Component:	130
TOTAL WETLAND SCORE:	411.75

APPENDIX "1" TO ADMINISTRATIVE REPORT PDS-70-2019, DATED DECEMBER 2, 2019

Appendix D: Data Summaries

Table D6: Results of the field assessments completed to search for SWH within the study area

Significant Wildlife Habitat	Rationale for Candidate	Studies Completed	SWH Confirmed
1.1 Seasonal Concentration Areas for Wildlife Species			
Waterfowl Stopover and Staging (Aquatic)	Potential Habitat	Area searches	No
Raptor Wintering Area	Combination field and woodland	Area searches	No
Bat Maternity Colonies	Mature Forest stands present	Snag surveys	No
Turtle Wintering Areas	Presence of snapping turtle	Basking surveys	No
Reptile Hibernaculum	Variable habitat	Area searches	No
Colonially Nesting Bird Breeding Habitat	Potential habitat	Breeding Bird Surveys	No
Migratory Butterfly Stopover	<5km from Lake Erie	Area Searches	No
Landbird Migratory Stopover	<5km from Lake Erie	Area Searches	No
Deer Winter Congregation	MNRF documented areas	Winter Mammal	No
1.2 Rare Vegetation Communities or Specialized Habitat for Wildlife			
Other Rare Vegetation Communities	Variable vegetation communities	ELC	Yes
Waterfowl Nesting Area	Uplands adjacent to PSWs	Area Searches	No
Bald Eagle and Osprey Habitat	Forests adjacent to wetlands	Area Searches	No
Woodland Raptor Nesting	Potential habitat	Area searches	No
Turtle Nesting	Habitat adjacent to bodies of water	Area Searches	Yes
Seeps and Springs	Presence of forested headwaters	Area Searches	No
Amphibian Breeding Habitat	Presence of forested wetlands	Marsh Monitoring	Yes
Woodland Area-Sensitive Bird Breeding	Interior forest habitat present	Breeding Bird Surveys	No
1.3 Habitats of Species of Conservation Concern			
Marsh Breeding Bird Habitat	Wetlands within study area	Breeding Bird Surveys	No
Shrub/Early Successional Bird Breeding	Successional habitat present	Breeding Bird Surveys	Yes
Terrestrial Crayfish	Meadow marsh habitat present	Area Searches	No
Special Concern and Rare Wildlife Species	MNRF documented species		Yes
1.4 Amphibian Movement Corridors			
Amphibian Movement	Candidate amphibian breeding	Road Mortality	No

APPENDIX "1" TO ADMINISTRATIVE REPORT PDS-70-2019, DATED DECEMBER 2, 2019

Appendix D: Data Summaries

Table D7: Summary of the updated assessment of the significance of the natural areas previously assessed through the Fort Erie NAI (Dougan, 2003). Highlights symbolize where there has been a change to the significance assessment.

Ind. Sub Area	NAI ELC Unit	NAI Seven Criteria for Assessing Significance							LSNA
		1 Designated	2 Hydrology	3 Condition	4 Diversity	5 Special Feature	6 Represent	7 socio-economic	
Central	577	x				x			N
	614	x	x	x	x	x	x	x	Y
	615	x	x	x	x	x	x	x	Y
East Thompson	623	x	x		x	x	x		Y
	626		x			x			N
	627	x	x		x	x	x		Y
Helena	290	x	x		x	x	x		Y
	294	x	x						No
North Bowen	562	x	x		x				Y
	581	x	x		x				Y
	587	x	x		x	x	x		Y
	596	x	x			x			Y
	607							x	N
	629								N
	630	x	x			x			Y
South Central	309	x	x						N
Central	603	x	x			x			Yes
West Winger	518	x	x			x			Y
Winger	704	x	x	x		x	x		Y

Appendix E

Background Information



TOWN OF FORT ERIE OFFICIAL PLAN

APPENDIX D
NATURAL AREAS DESIGNATION CRITERIA

Criteria	Description	Measure(s)
1. Designated Environmental Areas	Habitat blocks containing areas designated as Regional Environmentally Sensitive Areas (ESAs), Provincially Significant Wetlands (PSWs), Locally Significant Wetlands (LSWs), Provincially, Regionally and Locally Significant Areas of Natural or Scientific Interest (ANSIs) or other protective environmental designations (i.e., regulatory floodlines, shoreline protection areas and hazard lands).	<ul style="list-style-type: none"> presence or absence of recognized designated environmental protection areas
2. Hydrological Importance	Habitat blocks containing areas having important hydrological functions including flood control, maintenance of water quality and natural hydrologic balance, groundwater discharge/recharge, and sediment and erosion control	<ul style="list-style-type: none"> blocks with greater than 50% coverage by poorly drained soils fulfilled this criteria blocks with greater than 50% coverage by well-drained soils fulfilled this criteria blocks supporting floodplains, ponds or discharge zones also fulfilled this criteria
3. Site Condition	Habitat blocks containing relatively undisturbed natural communities.	<ul style="list-style-type: none"> level of observed disturbance relative proportion of native species
4. Habitat Diversity	Habitat blocks supporting a relatively high proportion of natural communities.	<ul style="list-style-type: none"> the top 25% of all the habitat blocks with respect to numbers of natural ELC communities per block
5. Special Features	Habitat blocks containing significant landforms, species, communities or wildlife habitats.	<ul style="list-style-type: none"> significant landforms significant species significant communities significant wildlife habitat
6. Representation	Habitat blocks that contain good examples of the typical as well as less common array of fauna, flora, communities, soils and landforms present in the Town.	<ul style="list-style-type: none"> gap analysis
7. Socio-Economic Value	Habitat blocks utilized by individuals or organizations for recreational, commercial, or spiritual activities.	<ul style="list-style-type: none"> reports or evidence of activities

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Criterion #1: Designated Environmental Areas

This criterion was selected to recognize the ecological importance of natural areas previously identified as significant at the Provincial, Regional and Local levels. The protection of these features is mandated by Provincial Policy, and therefore protection of them should form the basis of any Natural Heritage System developed for the Town.

Designated Environmental Areas (as listed in Section 4.2) include Regional Environmentally Sensitive Areas (ESAs), as identified in Brady (1980); Provincially and Locally Significant Wetlands (PSWs and LSWs), as determined in the OMNR; Provincially, Regionally and Locally Significant Areas of Natural or Scientific Interest (ANSIs) (NHIC 2002), and other protective environmental designations (regulatory floodlines, shoreline protection areas and hazard lands).

Habitat blocks containing ELC polygons that fall entirely or partially within these designated areas fulfil Criterion #1.

Criterion #2: Hydrological Importance

Natural areas play a critical role in limiting soil erosion, attenuating runoff, controlling groundwater discharge and recharge, and maintaining water quality and quantity. This role is all the more important in an urbanizing area where the hydrologic balance is being altered by the replacement of natural cover with impervious surfaces. For example, the ability of forested areas to reduce stormwater runoff has been examined extensively in the United States where studies have shown that leaving forested areas intact as a "non-structural stormwater management strategy" reduces the need for stormwater retention ponds and saves regions millions of dollars in infrastructure costs (American Forests 1999). The recommendations of these studies include recognizing the potential economic value of natural landscapes and incorporating natural resource information into the planning process. The application of this criterion recognizes their ecological importance and potential economic benefits in protecting natural areas with high water retention capacity.

Habitat blocks (a) with greater than 50% coverage by poorly drained soils, (b) with greater than 50% coverage by well-drained soils, or (c) supporting floodplains, ponds or discharge zones fulfilled Criterion #2. The biophysical characteristics of these areas serve to maintain hydrological balance, natural water storage, function in local or regional groundwater recharge, discharge and contribute to maintaining groundwater and surface water quality. These areas may also function in sediment, erosion and flood control. Specifically, areas with well-drained soils are considered to function as potential recharge areas, while areas with poorly drained soils are considered to function as potential discharge areas.

Criterion #3: Site Condition

Natural areas of "good condition" typically refer to sites in a relatively natural condition exhibiting a low level of disturbance (due to logging, agriculture, mineral extraction, utility corridors, residential development, industrial uses, recreational facilities, or other forms of development) and containing a relatively high proportion of native flora and fauna (Heagy 1995). These areas tend to be limited in urbanizing settings, particularly in southern Ontario where the overall landscape has been dramatically altered by agricultural and urban expansion over the past two centuries (Larson et al. 1999; Holland-Hibbert 1996). Protection of these areas is central to the creation of a sustainable Natural Heritage



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System because these are the unique habitats that define Fort Erie's natural heritage. These habitats also serve as sources for desirable vegetation and wildlife that could move into nearby natural areas that are not of such good condition. Finally, these areas could serve as living "references" or "models" for any planned habitat creation and/or restoration.

Habitat blocks containing one or more ELC polygons of "high" site condition were considered to fulfil Criterion #3. Site condition was considered "high" if the relative proportion of non-native species was very low and the degree of human disturbance (e.g., number of trails, vehicle tracks, refuse dumping, and evidence of logging) was also very low.

Criterion #4: Habitat Diversity

Preservation of habitat diversity is recognized as another cornerstone in building a sustainable Natural Heritage System. The same rationale extends to this criterion as to the use of habitat blocks (rather than ELC polygons of distinct ecological communities) in a Natural Areas Inventory. Basically, protecting a mosaic of natural habitat types in contiguous blocks in a given landscape ensures protection of the range of natural ecological communities in the Town and thereby ensures habitat for a broader range of plant and wildlife species.

Habitat blocks containing a relatively high proportion (i.e., 3 or more) natural ELC communities were determined to have a high degree of natural habitat diversity and to fulfil Criterion #4. Notably, ELC polygons classified as semi-natural were excluded from this analysis. Although 3 may not seem like a high number of communities, given the relative homogeneity of ELC communities in the Study Area this number was determined to be appropriate.

Criterion #5: Special Features

Habitat blocks containing one or more significant landforms, species, communities or wildlife habitats fulfil Criterion #5.

Significant Landforms

Significant landforms are defined as unique or poorly represented on a national, provincial or regional basis, and include landforms that have a high potential for supporting important biotic features (provide ref). They include locally uncommon or rare features, such as dunes, beach ridges, springs, seeps, cliffs, and caves.

Significant Species

Significant species are all listed in the Plant Species List (Appendix B1) and the Significant Wildlife Species List (Appendix C) compiled for this Study. Both lists are based on the following selection criteria:

- designated as Vulnerable, Threatened or Endangered in Ontario (OMNR 2002)
- designated as Special Concern, Threatened and Endangered in Canada (COSEWIC 2002)
- have a global rank between G1 and G3 (NHIC 2002; NatureServe.org 2003)
- have an Subnational rank (S-rank) of S3 or lower (NHIC 2002)

The Plant Species List also includes those species:

- identified as Nationally, Provincially, or Regionally rare in OMNR Central Region (Riley 1989)

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- restricted geographically within Central Region (Riley 1989)

The Plant Species List lists all vascular plant species identified in the Study Area. Sources of information included field data collected by Dougan & Associates during the summer and fall of 2002, as well as species occurrence data gathered from ESA studies and wetland evaluations. All plant species that meet one or more of the criteria are considered significant in the Town of Fort Erie and are depicted in bold type.

In addition to the global, national and provincial-scale criteria listed above, all wildlife species that the Ontario Ministry of Natural Resources tracks (ONHIC, 2002) were also included. Species actively tracked generally have fewer than 100 recent occurrences in Ontario, or are highly ranked globally. Some of them are only known historically and may be extirpated from the province.

Regional-scale criteria were only utilized for the selection of amphibians, reptiles and birds. An absence of documented information did not allow other wildlife groups to be assessed at this scale. For amphibians and reptiles, those species listed as "uncommon", "rare" or "very rare" in the former MNR 'Central Region' were included as significant species (Plourde et al., 1989). Both regional-scale and local-scale information was utilized in the selection of significant bird species. Local scale information was derived primarily from the 2002 wildlife inventories. For a complete discussion on which bird species were included and why, please refer to Appendix D. All wildlife species that meet one or more of the criteria, occur or potentially occur within the study area, are considered significant in the Town of Fort Erie and depicted in bold type.

Significant Communities

Significant communities include species assemblages or associations that are classified as Globally, Nationally, Provincially or Regionally Rare by COSEWIC/COSSARO/ NHIC/OMNR/ NatureServe.org. Communities which ranked S3 or lower (NHIC 2002) were considered to fulfill this criterion.

Forested units comprised of some proportion of 'old-growth' or mature forested areas were also considered to be significant communities. Although definitions of old-growth forest may vary depending upon tree species, generally these sites are characterized by having a large proportion of trees in older age classes, many of them over 120 years old. Other features of 'old-growth' communities include: a broad spectrum of tree sizes, an uneven canopy with scattered gaps, and abundant fallen logs in various stages of decomposition. These older, relatively undisturbed forests have the potential to support a high diversity of wildlife species (OMNR 2000). The following definitions were provided by Bruce Kershner (pers. comm., Nov 2002):

- Primary Old Growth forest is a site that has been continually forested since pre-settlement times, where trees greater than 150 years represent a significant percentage of the canopy.
- Secondary Old Growth forest is a site that has been settled or cleared and the regenerating forest now supports trees 100–200 years in age.

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Significant Wildlife Habitat

Significant wildlife habitat is defined by the OMNR Significant Wildlife Habitat Technical Guide (OMNR 2000) as habitat that is “ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or Natural Heritage System” and is protected under the Provincial Policy Statement. Section 2.3 of the Provincial Policy Statement requires that “natural heritage features and areas will be protected from incompatible development” and that development and site alteration will be permitted on or adjacent to these areas “if it can be demonstrated that there will be no negative impact on the natural features or ecological functions for which the area is identified”. Since significant wildlife habitat has been identified as a “natural heritage area” it is protected under the Provincial Policy Statement.

For the purposes of this Study, significant wildlife habitats were those falling into any one of the following four categories:

1. seasonal concentration areas
2. rare vegetation communities and specialized habitats for wildlife
3. habitats for species of conservation concern, excluding the habitats of endangered and threatened species
4. animal movement corridors

Appendix E provides a more detailed list of features that may be present in the Town of Fort Erie that are considered Significant Wildlife Features.

Sources of information used in the identification of significant wildlife habitats included field data collected in 2002 by Dougan and Associates as well as information gathered from OMNR wetland evaluations, the OMNR NRVIS database, ANSI reports, ESA reports, Ontario Herpetofaunal Summary database, and 2002 Hooded Warbler and Acadian Flycatcher Survey data.

Criterion #6: Representation

From a conservation perspective it is sound practice to protect examples of some of the most common as well as the least common communities to ensure protection of the full range of habitat and species diversity.

Habitat blocks considered to fulfill Criterion #6 were representative of at least one, and sometimes an array of biotic community and/or landform types considered typical or characteristic of the natural heritage in the Town of Fort Erie. These blocks contain good examples of the typical as well as less common array of fauna, flora, communities, soils and landforms present in the Town. This criterion refers to the existing range of habitats, natural features, landforms and species within the Town, with the primary goal of protecting as complete a representation of them as possible. As such, it applies to both rare and common species and habitats.

Criterion #7: Socio-Economic Value

In addition to recognizing the inherent ecological value of natural heritage features in the Study Area, it is important to recognize the recreational, educational, spiritual and commercial values natural areas may hold for people. Ultimately it is people who are the stewards of these natural areas, and it is only by



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engaging in low-impact activities in these natural areas that people will come to appreciate and understand them.

Evidence or reports that the habitat block is utilized by individuals or organizations for the purposes of education (e.g., nature walks), recreation (e.g., hiking, biking, boating, fishing, horseback riding), spiritual (e.g., prayer, religious ceremonies) or commercial (e.g., firewood collection, seed collection) activities was required for fulfillment of Criterion #7.

**TOWN OF FORT ERIE - NATURAL AREAS INVENTORY
SITE SUMMARY**

**AREA:
290**

Size (ha): 25

OP Area: Urban

Watershed: Lake Erie

Ownership: Private

Other Names:

Natural Areas Criteria Fulfilled

Rationale

- 1: (Designated Areas) Ft. Erie 01B LSW; FE15 Helena Road Woodlots ESA
- 2: (Hydrological Functions) Stormwater Detention, Flood Control, Erosion Protection
- 3: (Site Condition)
- 4: (Habitat Diversity) High Level of Habitat Diversity
- 5: (Special Features) Significant plant species & communities
- 6: (Representation) Mature Undisturbed Deciduous Swamp Wetlands
- 7: (Socio-Economic Value)

Recommended Environmental Designation: Natural Area

Physical Description

Physiographic Feature: Haldimand Clay Plain

Topography: Bottomland

Slope: 0-10% Soils:

Drainage: Predominantly (> 50% of area) Poorly Drained; Seasonal ponding evident in > 10% of area

Ecological Communities:

<u>Polygon No.</u>	<u>ELC Code</u>	<u>ELC Community Description</u>
290a	SWD3-3/SWD1-3	Swamp Maple Mineral Deciduous Swamp Type / Pin Oak Mineral Deciduous Swamp Type Complex
290b,d,e	SWD2-2/SWD3-3	Green Ash Mineral Deciduous Swamp Type / Swamp Maple Mineral Deciduous Swamp Type Complex

Summary Description:

To be completed for final version

Inventory Details

<u>Assessment Type</u>	<u>Purpose</u>	<u>Date</u>	<u>Duration</u>	<u>Observers</u>
Field	Community Mapping / Floristic Inventory	October 24, 2002	2.5	KU

Comments:

**TOWN OF FORT ERIE - NATURAL AREAS INVENTORY
SITE SUMMARY**

**AREA:
294**

Size (ha): 111

OP Area: Urban

Watershed: Krafts Drain/Lake Erie

Ownership: Private

Other Names:

Natural Areas Criteria Fulfilled

Rationale

- 1: (Designated Areas) Ft. Erie 01A LSW; FE15 Helena Road Woodlots ESA
- 2: (Hydrological Functions) Stormwater Detention, Flood Control, Erosion Protection
- 3: (Site Condition) Portions of the site in excellent condition
- 4: (Habitat Diversity) High Level of Habitat Diversity
- 5: (Special Features) Significant plant species & communities
- 6: (Representation) Mature Undisturbed Deciduous Swamp Wetlands
- 7: (Socio-Economic Value)

Recommended Environmental Designation: Locally Significant Natural Area

Physical Description

Physiographic Feature: Haldimand Clay Plain

Topography: Bottomland

Slope: 0-20% Soils:

Drainage: Predominantly (> 50% of area) Poorly Drained; Seasonal ponding evident in > 10% of area

Ecological Communities:

<u>Polygon No.</u>	<u>ELC Code</u>	<u>ELC Community Description</u>
294a,b,c	SWD1-3	Pin Oak Mineral Deciduous Swamp Type
294d	SWD1-3/SWD3-2/SWT2	Pin Oak Mineral Deciduous Swamp Type / Silver Maple Mineral Deciduous Swamp Type / Mineral Thicket Swamp Ecosite Complex
294e,f	CUT1	Mineral Cultural Thicket Ecosite

Summary Description:

To be completed for final version

Inventory Details

<u>Assessment Type</u>	<u>Purpose</u>	<u>Date</u>	<u>Duration</u>	<u>Observers</u>
Windshield/Remote	Community Mapping / Floristic Inventory	October 26, 2002	1.0	KU

Comments:

**TOWN OF FORT ERIE - NATURAL AREAS INVENTORY
SITE SUMMARY**

**AREA:
309**

Size (ha): 16

OP Area: Urban

Watershed: Frenchman's Creek

Ownership: Private

Other Names:

Natural Areas Criteria Fulfilled

Rationale

- 1: (Designated Areas)
- 2: (Hydrological Functions) Stormwater Detention, Flood Control, Erosion Protection
- 3: (Site Condition)
- 4: (Habitat Diversity)
- 5: (Special Features)
- 6: (Representation)
- 7: (Socio-Economic Value)



Recommended Environmental Designation: Locally Significant Natural Area

Physical Description

Physiographic Feature: Ft. Erie Moraine

Topography: Tableland

Slope: 0-10% Soils:

Drainage: Predominantly (> 50% of area) Poorly Drained

Ecological Communities:

<u>Polygon No.</u>	<u>ELC Code</u>	<u>ELC Community Description</u>
309	CUT1	Mineral Cultural Thicket Ecosite

Summary Description:

To be completed for final version

Inventory Details

<u>Assessment Type</u>	<u>Purpose</u>	<u>Date</u>	<u>Duration</u>	<u>Observers</u>
Field	Community Mapping / Floristic Inventory	October 24, 2002	0.25	KU

Comments:

**TOWN OF FORT ERIE - NATURAL AREAS INVENTORY
SITE SUMMARY**

**AREA:
518**

Size (ha): 21

OP Area: Urban

Watershed: Black Creek

Ownership: Private

Other Names:

Natural Areas Criteria Fulfilled

Rationale

- 1: (Designated Areas) Black Creek PSW; Fill Regulated Area
- 2: (Hydrological Functions) Stormwater Detention, Flood Control, Erosion Protection
- 3: (Site Condition)
- 4: (Habitat Diversity)
- 5: (Special Features) Significant plant species
- 6: (Representation)
- 7: (Socio-Economic Value)

Recommended Environmental Designation: Natural Area

Physical Description

Physiographic Feature: Haldimand Clay Plain

Topography: Tableland/Bottomland

Slope: 0-20% Soils:

Drainage: Drainage conditions are Variable

Ecological Communities:

<u>Polygon No.</u>	<u>ELC Code</u>	<u>ELC Community Description</u>
518a,b	FOD7	Fresh-Moist Lowland Deciduous Forest Ecosite
518c	CUP3	Coniferous Plantation Ecosite
518d	CUT1-4	Gray Dogwood Mineral Cultural Thicket Type

Summary Description:

To be completed for final version

Inventory Details

<u>Assessment Type</u>	<u>Purpose</u>	<u>Date</u>	<u>Duration</u>	<u>Observers</u>
Field	Community Mapping / Floristic Inventory	August 14, 2002	1.5	KU,MDG

Comments:

**TOWN OF FORT ERIE - NATURAL AREAS INVENTORY
SITE SUMMARY**

**AREA:
562/581**

Size (ha): 13

OP Area: Urban/Rural

Watershed: Miller Creek

Ownership: Private

Other Names:

Natural Areas Criteria Fulfilled

Rationale

- 1: (Designated Areas) Miller's Creek PSW
- 2: (Hydrological Functions) Stormwater Detention, Flood Control, Erosion Protection
- 3: (Site Condition)
- 4: (Habitat Diversity) High Level of Habitat Diversity
- 5: (Special Features)
- 6: (Representation)
- 7: (Socio-Economic Value)

Recommended Environmental Designation: Locally Significant Natural Area

Physical Description

Physiographic Feature: Onondaga Escarpment/Haldimand Clay Plain

Topography: Tableland/Bottomland

Slope: 0-20% Soils:

Drainage: Drainage conditions are Variable

Ecological Communities:

<u>Polygon No.</u>	<u>ELC Code</u>	<u>ELC Community Description</u>
562a	CUT1	Mineral Cultural Thicket Ecosite
562b	FOD7	Fresh-Moist Lowland Deciduous Forest Ecosite
562c	CUM1-1/CUT1-4	Mineral Cultural Meadow Ecosite/Gray Dogwood Mineral Cultural Thicket Type
581a	FOD7-2/CUT1-4	Fresh-Moist Ash Lowland Deciduous Forest Type/Gray Dogwood Mineral Cultural Thicket Type
581b	MAS2-1/MAM2-2	Cattail Mineral Shallow Marsh Type / Reed Canary Grass Mineral Meadow Marsh Type

Summary Description:

To be completed for final version

Inventory Details

<u>Assessment Type</u>	<u>Purpose</u>	<u>Date</u>	<u>Duration</u>	<u>Observers</u>
Windshield	Community Mapping / Floristic Inventory	October 22, 2002	0.15	KU

Comments:

**TOWN OF FORT ERIE - NATURAL AREAS INVENTORY
SITE SUMMARY**

**AREA:
577**

Size (ha): 44

OP Area: Urban

Watershed: Miller Creek

Ownership: Private

Other Names:

Natural Areas Criteria Fulfilled

Rationale

- 1: (Designated Areas) Fill Regulated Area
- 2: (Hydrological Functions)
- 3: (Site Condition)
- 4: (Habitat Diversity)
- 5: (Special Features) Significant plant and wildlife species
- 6: (Representation)
- 7: (Socio-Economic Value)

Recommended Environmental Designation: Locally Significant Natural Area

Physical Description

Physiographic Feature: Haldimand Clay Plain

Topography: Tableland/Bottomland

Slope: 0-20% Soils:

Drainage: Predominantly (> 50% of area) Imperfectly Drained

Ecological Communities:

<u>Polygon No.</u>	<u>ELC Code</u>	<u>ELC Community Description</u>
577a	FOD7-1	Fresh-Moist White Elm Lowland Deciduous Forest Ecosite
577b,c	CUT1-4	Gray Dogwood Mineral Cultural Thicket Type
577d	FOD9-3	Fresh-Moist Bur Oak Deciduous Forest Type

Summary Description:

To be completed for final version

Inventory Details

<u>Assessment Type</u>	<u>Purpose</u>	<u>Date</u>	<u>Duration</u>	<u>Observers</u>
Field/Windshield	Community Mapping / Floristic Inventory	October 22, 2002	0.25	KU

Comments:

**TOWN OF FORT ERIE - NATURAL AREAS INVENTORY
SITE SUMMARY**

**AREA:
587**

Size (ha): 26

OP Area: Urban/Rural

Watershed: Miller Creek

Ownership: Private

Other Names:

Natural Areas Criteria Fulfilled

Rationale

- 1: (Designated Areas) Miller's Creek PSW; FE03 Fox Road Woodlot ESA; Fill Regulated Area
- 2: (Hydrological Functions) Stormwater Detention, Flood Control, Erosion Protection
- 3: (Site Condition)
- 4: (Habitat Diversity) High Level of Habitat Diversity
- 5: (Special Features) Significant plant and wildlife species
- 6: (Representation) Floodplain Complex
- 7: (Socio-Economic Value)

Recommended Environmental Designation: Locally Significant Natural Area

Physical Description

Physiographic Feature: Onondaga Escarpment/Haldimand Clay Plain

Topography: Tableland/Bottomland

Slope: 0-20% Soils:

Drainage: Predominantly (> 50% of area) Poorly Drained

Ecological Communities:

<u>Polygon No.</u>	<u>ELC Code</u>	<u>ELC Community Description</u>
587a,c,f	SWD	Deciduous Swamp
587b	FOD	Deciduous Forest

Summary Description:

To be completed for final version

Inventory Details

<u>Assessment Type</u>	<u>Purpose</u>	<u>Date</u>	<u>Duration</u>	<u>Observers</u>
Windshield	Community Mapping / Floristic Inventory	October 22, 2002	0.25	KU

Comments:

**TOWN OF FORT ERIE - NATURAL AREAS INVENTORY
SITE SUMMARY**

**AREA:
596**

Size (ha): 12

OP Area: Urban/Rural

Watershed: Miller Creek/ Frenchman's Creek

Ownership: Private Other Names:

Natural Areas Criteria Fulfilled

Rationale

- 1: (Designated Areas) Miller's Creek PSW; Fill Regulated Area; FE06 Miller Creek Woodlot ESA
- 2: (Hydrological Functions) Stormwater Detention, Flood Control, Erosion Protection
- 3: (Site Condition)
- 4: (Habitat Diversity)
- 5: (Special Features) Significant plant species
- 6: (Representation)
- 7: (Socio-Economic Value)

Recommended Environmental Designation: Natural Area

Physical Description

Physiographic Feature: Onondaga Escarpment/Haldimand Clay Plain

Topography: Tableland

Slope: 0-30% Soils:

Drainage: Imperfect to Poorly Drained; Seasonal ponding evident in > 10% of area

Ecological Communities:

<u>Polygon No.</u>	<u>ELC Code</u>	<u>ELC Community Description</u>
596a,b	SWD	Deciduous Swamp
596c,d	CUT1	Mineral Cultural Thicket Type
596e	CUM1	Mineral Cultural Meadow Ecosite

Summary Description:

To be completed for final version

Inventory Details

<u>Assessment Type</u>	<u>Purpose</u>	<u>Date</u>	<u>Duration</u>	<u>Observers</u>
Windshield	Community Mapping / Floristic Inventory	October 25, 2002	0.1	KU

Comments:

**TOWN OF FORT ERIE - NATURAL AREAS INVENTORY
SITE SUMMARY**

**AREA:
603**

Size (ha): 36

OP Area: Urban

Watershed: Frenchman's Creek

Ownership: Private

Other Names:

Natural Areas Criteria Fulfilled

Rationale

- 1: (Designated Areas)
- 2: (Hydrological Functions) Stormwater Detention, Flood Control, Erosion Protection
- 3: (Site Condition)
- 4: (Habitat Diversity)
- 5: (Special Features)
- 6: (Representation)
- 7: (Socio-Economic Value)

Recommended Environmental Designation: Locally Significant Natural Area

Physical Description

Physiographic Feature: Haldimand Clay Plain/Ft.Erie Moraine

Topography: Tableland

Slope: 0-10% Soils:

Drainage: Predominantly (> 50% of area) Poorly Drained

Ecological Communities:

<u>Polygon No.</u>	<u>ELC Code</u>	<u>ELC Community Description</u>
603a	FOD/SWD	Deciduous Forest/Deciduous Swamp Complex
603b,c,d,e	CUT1	Mineral Cultural Thicket Type
603f	CUM1	Mineral Cultural Meadow Ecosite

Summary Description:

To be completed for final version

Inventory Details

<u>Assessment Type</u>	<u>Purpose</u>	<u>Date</u>	<u>Duration</u>	<u>Observers</u>
Windshield/Remote	Community Mapping / Floristic Inventory	October 22, 2002	0.1	KU

Comments:

**TOWN OF FORT ERIE - NATURAL AREAS INVENTORY
SITE SUMMARY**

**AREA:
607**

Size (ha): 53 OP Area: Urban
 Watershed: Miller Creek/Frenchman's Creek/Niagara River
 Ownership: Private Other Names:

Natural Areas Criteria Fulfilled	Rationale
1: (Designated Areas) <input type="checkbox"/>	
2: (Hydrological Functions) <input type="checkbox"/>	
3: (Site Condition) <input type="checkbox"/>	
4: (Habitat Diversity) <input type="checkbox"/>	
5: (Special Features) <input type="checkbox"/>	
6: (Representation) <input type="checkbox"/>	
7: (Socio-Economic Value) <input checked="" type="checkbox"/>	Trails, Dirt Bike Tracks, Hunting

Recommended Environmental Designation: Locally Significant Natural Area

Physical Description

Physiographic Feature: Onondaga Escarpment/Haldimand Clay Plain Topography: Tableland
 Slope: 0-10% Soils: Chinguacousy and Malton Soils; Jeddo soils in Northeast portion
 Drainage: Predominantly (> 50% of area) Imperfectly Drained

Ecological Communities:

Polygon No.	ELC Code	ELC Community Description
607a	CUT1/SWT2	Mineral Cultural Thicket Ecosite/Mineral Thicket Swamp Ecosite
607b	CUP3	Coniferous Plantation Ecosite
607c,d,e,f,g,h	CUM1	Mineral Cultural Meadow Ecosite

Summary Description:

To be completed for final version

Inventory Details

Assessment Type	Purpose	Date	Duration	Observers
Windshield/Remote	Community Mapping / Floristic Inventory	October 25, 2002	0.1	KU

Comments: Area of considerable disturbance adjacent to rail line.

**TOWN OF FORT ERIE - NATURAL AREAS INVENTORY
SITE SUMMARY**

**AREA:
604/614/615**

Size (ha): 118

OP Area: Urban

Watershed: Frenchman's Creek

Ownership: Private

Other Names:

Natural Areas Criteria Fulfilled

Rationale

- | | | |
|-----------------------------|-------------------------------------|---|
| 1: (Designated Areas) | <input checked="" type="checkbox"/> | Frenchman's Creek PSW; Miller's Creek PSW; Fill Regulated Area; FE06 Miller Creek Woodlot ESA |
| 2: (Hydrological Functions) | <input checked="" type="checkbox"/> | Stormwater Detention, Flood Control, Erosion Protection |
| 3: (Site Condition) | <input checked="" type="checkbox"/> | Portions of the site in excellent condition |
| 4: (Habitat Diversity) | <input checked="" type="checkbox"/> | High Level of Habitat Diversity |
| 5: (Special Features) | <input checked="" type="checkbox"/> | Significant plant and wildlife species; significant communities; |
| 6: (Representation) | <input checked="" type="checkbox"/> | Most extensive tracts of upland forests in this part of Town |
| 7: (Socio-Economic Value) | <input checked="" type="checkbox"/> | Logging |

Recommended Environmental Designation: Locally Significant Natural Area

Physical Description

Physiographic Feature: Onondaga Escarpment/Haldimand Clay Plain

Topography: Bottomland

Slope: 0-10% Soils:

Drainage: Predominantly (> 50% of area) Poorly Drained; Seasonal ponding evident in > 10% of area

Ecological Communities:

<u>Polygon No.</u>	<u>ELC Code</u>	<u>ELC Community Description</u>
604a,614c,615a,g	FOD7-2	Fresh-Moist Ash Lowland Deciduous Forest Ecosite
604b	MAM2-2	Reed Canary Grass Mineral Meadow Marsh Type
614b,615h,i	CUT1	Mineral Cultural Thicket Ecosite
614a	CUM1	Mineral Cultural Meadow Ecosite
615b	FOD9	Fresh-Moist Oak-Maple-Hickory Deciduous Forest Ecosite
615c	FOD9-2/SWD1-3	Fresh-Moist Oak-Maple Deciduous Forest Type/ Pin Oak Mineral Deciduous Swamp Type
615d	SWT2-11	Southern Arrow-wood Mineral Thicket Swamp Type
615e	SWD2-2/SWD3-1	Green Ash Mineral Deciduous Swamp Type/Silver Maple Mineral Deciduous Swamp Type Complex

Summary Description:

To be completed for final version

Inventory Details

<u>Assessment Type</u>	<u>Purpose</u>	<u>Date</u>	<u>Duration</u>	<u>Observers</u>
Field	Community Mapping / Floristic Inventory	October 22 & 25, 2002	3.0	KU

Comments:

**TOWN OF FORT ERIE - NATURAL AREAS INVENTORY
SITE SUMMARY**

**AREA:
623/627**

Size (ha): 36

OP Area: Urban

Watershed: Frenchman's Creek

Ownership: Private

Other Names:

Natural Areas Criteria Fulfilled

Rationale

- 1: (Designated Areas) Frenchman's Creek PSW; Fill Regulated Area
- 2: (Hydrological Functions) Stormwater Detention, Flood Control, Erosion Protection
- 3: (Site Condition) Portions of the site in excellent condition
- 4: (Habitat Diversity) High Level of Habitat Diversity
- 5: (Special Features) Significant plant and wildlife species; significant communities;
- 6: (Representation)
- 7: (Socio-Economic Value)

Recommended Environmental Designation: Locally Significant Natural Area

Physical Description

Physiographic Feature: Onondaga Escarpment/Haldimand Clay Plain

Topography: Tableland

Slope: 0-10% Soils:

Drainage: Predominantly (> 50% of area) Poorly Drained

Ecological Communities:

<u>Polygon No.</u>	<u>ELC Code</u>	<u>ELC Community Description</u>
623a	CUT1-4	Gray Dogwood Mineral Cultural Thicket Type
623b	CUW	Mineral Cultural Woodland Ecosite
627a	FOD6-5	Fresh-Moist Sugar Maple - Hardwood Deciduous Forest Type
627b	SWD2-2	Green Ash Mineral Deciduous Swamp Type
627c,e	SWT2	Mineral Thicket Swamp Ecosite
627d	SWD1-3	Pin Oak Mineral Deciduous Swamp Type
627f	CUS1	Mineral Cultural Savannah Ecosite
627g	MAM2	Mineral Meadow Marsh Ecosite

Summary Description:

To be completed for final version

Inventory Details

<u>Assessment Type</u>	<u>Purpose</u>	<u>Date</u>	<u>Duration</u>	<u>Observers</u>
Field	Community Mapping / Floristic Inventory	October 22, 2002	1.5	KU

Comments:

**TOWN OF FORT ERIE - NATURAL AREAS INVENTORY
SITE SUMMARY**

**AREA:
626**

Size (ha): 5

OP Area: Urban

Watershed: Frenchman's Creek

Ownership: Private

Other Names:

Natural Areas Criteria Fulfilled

Rationale

- 1: (Designated Areas)
- 2: (Hydrological Functions) Stormwater Detention, Flood Control, Erosion Protection
- 3: (Site Condition)
- 4: (Habitat Diversity)
- 5: (Special Features) Significant plant species & communities
- 6: (Representation)
- 7: (Socio-Economic Value)

Recommended Environmental Designation: Locally Significant Natural Area

Physical Description

Physiographic Feature: Onondaga Escarpment/Haldimand Clay Plain

Topography: Tableland

Slope: 0-10% Soils:

Drainage: Predominantly (> 50% of area) Poorly Drained; Seasonal ponding evident in > 10% of area

Ecological Communities:

<u>Polygon No.</u>	<u>ELC Code</u>	<u>ELC Community Description</u>
626	SWD1-3/SWD3-2	Pin Oak Mineral Deciduous Swamp Type / Silver Maple Mineral Deciduous Swamp Type Complex

Summary Description:

To be completed for final version

Inventory Details

<u>Assessment Type</u>	<u>Purpose</u>	<u>Date</u>	<u>Duration</u>	<u>Observers</u>
Windshield	Community Mapping / Floristic Inventory	October 22, 2002	0.15	KU

Comments:

**TOWN OF FORT ERIE - NATURAL AREAS INVENTORY
SITE SUMMARY**

**AREA:
629**

Size (ha): 4

OP Area: Urban

Watershed: Frenchman's Creek/Niagara River

Ownership: Private Other Names:

Natural Areas Criteria Fulfilled Rationale

- 1: (Designated Areas)
- 2: (Hydrological Functions)
- 3: (Site Condition)
- 4: (Habitat Diversity)
- 5: (Special Features)
- 6: (Representation)
- 7: (Socio-Economic Value)

Recommended Environmental Designation: Locally Significant Natural Area

Physical Description

Physiographic Feature: Onondaga Escarpment/Haldimand Clay Plain

Topography: Tableland

Slope: 0-10% Soils:

Drainage: Predominantly (> 50% of area) Imperfectly Drained

Ecological Communities:

<u>Polygon No.</u>	<u>ELC Code</u>	<u>ELC Community Description</u>
629	CUS1	Mineral Cultural Savannah Ecosite

Summary Description:

To be completed for final version

Inventory Details

<u>Assessment Type</u>	<u>Purpose</u>	<u>Date</u>	<u>Duration</u>	<u>Observers</u>
Windshield	Community Mapping / Floristic Inventory	October 25, 2002	0.15	KU

Comments:

**TOWN OF FORT ERIE - NATURAL AREAS INVENTORY
SITE SUMMARY**

**AREA:
630**

Size (ha): 4

OP Area: Urban

Watershed: Frenchman's Creek

Ownership: Private

Other Names:

Natural Areas Criteria Fulfilled

Rationale

- 1: (Designated Areas) Frenchman's Creek PSW; Fill Regulated Area
- 2: (Hydrological Functions) Stormwater Detention, Flood Control, Erosion Protection
- 3: (Site Condition)
- 4: (Habitat Diversity)
- 5: (Special Features) Significant plant species
- 6: (Representation)
- 7: (Socio-Economic Value)

Recommended Environmental Designation: Locally Significant Natural Area

Physical Description

Physiographic Feature: Onondaga Escarpment/Haldimand Clay Plain

Topography: Tableland

Slope: 0-10% Soils:

Drainage: Predominantly (> 50% of area) Poorly Drained

Ecological Communities:

<u>Polygon No.</u>	<u>ELC Code</u>	<u>ELC Community Description</u>
630a	CUT1	Mineral Cultural Thicket Ecosite
630b	SWT2	Mineral Thicket Swamp Ecosite

Summary Description:

To be completed for final version

Inventory Details

<u>Assessment Type</u>	<u>Purpose</u>	<u>Date</u>	<u>Duration</u>	<u>Observers</u>
Field	Community Mapping / Floristic Inventory	October 9, 2002	0.15	KU

Comments:

**TOWN OF FORT ERIE - NATURAL AREAS INVENTORY
SITE SUMMARY**

**AREA:
704**

Size (ha): 18

OP Area: Urban/Agricultural

Watershed: Black Creek

Ownership: Private

Other Names:

Natural Areas Criteria Fulfilled

Rationale

- 1: (Designated Areas)
- 2: (Hydrological Functions) Stormwater Detention, Flood Control, Erosion Protection
- 3: (Site Condition) Portions of the site in excellent condition
- 4: (Habitat Diversity)
- 5: (Special Features) Significant plant species & communities; old growth components
- 6: (Representation) Pin Oak Swamp/Rich Cultural Meadow
- 7: (Socio-Economic Value)

Recommended Environmental Designation: Locally Significant Natural Area

Physical Description

Physiographic Feature: Haldimand Clay Plain

Topography: Tableland

Slope: 0-20% Soils:

Drainage: Predominantly (> 50% of area) Poorly Drained; Seasonal ponding evident in > 25% of area

Ecological Communities:

<u>Polygon No.</u>	<u>ELC Code</u>	<u>ELC Community Description</u>
704a	SWD1-3	Pin Oak Mineral Deciduous Swamp Type
704b,c	CUT1	Mineral Cultural Thicket Ecosite

Summary Description:

To be completed for final version

Inventory Details

<u>Assessment Type</u>	<u>Purpose</u>	<u>Date</u>	<u>Duration</u>	<u>Observers</u>
Field	Community Mapping / Floristic Inventory	August 14, 2002	2.5	KU,MDG

Comments:



Planning and Development Services

Prepared for	Council-in-Committee	Report No.	PDS-71-2019
Agenda Date	December 2, 2019	File No.	350309-0499

Subject	<p>PROPOSED COMBINED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT 745 CRESCENT ROAD (FORMER WATER TOWER SITE) REGIONAL MUNICIPALITY OF NIAGARA (OWNER/APPLICANT)</p>
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Recommendation	<p>THAT Council approves the amendments to the Town’s Official Plan and Zoning By-law 129-90 for the lands owned by the Region of Niagara located at 745 Crescent Road as included in Appendix “3” and Appendix “5” of Report No. PDS-71-2019 respectively; and further</p> <p>THAT Council authorizes staff to prepare the necessary By-laws.</p>
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Relation to Council’s 2018-2022 Corporate Strategic Plan	
<p>Strategic Priority 1: Optimizing Health, Housing & Social Well-Being through Service Access and Healthy Lifestyles</p> <p>Strategic Priority 5: Managed Growth through Responsibility, Stewardship and Preservation</p>	

List of Stakeholders	<p>Region of Niagara Residents and Property Owners in the Town of Fort Erie</p>
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Prepared by:	Submitted by:	Approved by:
<i>Original Signed</i>	<i>Original Signed</i>	<i>Original Signed</i>
Matt Kernahan, MCIP, RPP, CNU-A Senior Development Planner	Richard F. Brady, MA, MCIP, RPP, Director, Planning and Development Services	Tom Kuchyt, C.E.T. Chief Administrative Officer

Purpose

An application for a Combined Official Plan and Zoning By-law amendment was submitted by Pam Salvatore on behalf of the Regional Municipality of Niagara, the owners of the former water tower site located at 745 Crescent Road. A location map showing the subject property is attached as **Appendix “1”**. A survey of the property is included in **Appendix “2”**.

The water tower that was formerly located on site was recently decommissioned. The Region plans on declaring the property as surplus to their needs and marketing the property for sale. The purpose of this application is to re-designate the former water tower site from Institutional to Urban Residential and rezone the property from a Public zone to Residential Multiple 1 (RM1) zone. The amendments will permit a variety of residential dwelling types to be developed on the site, including single detached dwellings, semi-detached dwellings, duplexes, triplexes, fourplexes, street townhouse dwellings, block townhouse dwellings and uses, buildings and structures accessory to the permitted uses.

The purpose of this report is to provide Staff’s recommendation on the proposed Combined Official Plan and Zoning By-law amendment.

Nature of the Site

The subject property is located on the west side of Crescent Road, north of Phillips Street in the Crescent Park neighbourhood. The following summarizes the land uses surrounding the subject property:

North: Single detached dwellings and vacant residential lands

South: Vacant residential lands

East: Crescent Road and single detached dwellings

West: Fairview Road (unopened) and vacant residential lands.

Planning Context

Provincial Policy Statement

Staff reviewed the Provincial Policy Statement in its entirety and found the following policies to be relevant to this Zoning By-law amendment application:

- Section 1.1.1 a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term.
- Section 1.1.1 b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older

persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

Section 1.1.1 e) Promoting cost effective development patterns and standards to minimize land consumption and servicing costs.

Section 1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

Section 1.1.3.2 a) Land use patterns within settlement areas shall be based on densities and a mix of land uses which are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.

Section 1.1.3.2 b) Land use patterns within settlement areas shall be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

Section 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.

Intensification and *redevelopment* shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

Section 1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.

Section 1.2.3.3 Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public services facilities required to accommodate projected needs.

Staff note that this application is consistent with the vision for Ontario's Land Use Planning System outlined in Part IV of the Provincial Policy Statement, namely to focus

future growth and development within existing urban settlement areas and to promote efficient development patterns that optimize the use of land, resources and infrastructure.

This proposal is consistent with the above policies as the property is within the existing urban settlement area for Crescent Park. This proposal represents efficient use of urban land as it facilitates the redevelopment of an existing property in the urban area with full services, minimizing land consumption and servicing costs.

Growth Plan for the Greater Golden Horseshoe

The subject property is within the *delineated built boundary* as identified in the Growth Plan for the Greater Golden Horseshoe. Staff considered the following policies in regard to this Combined Official Plan and Zoning By-law amendment application:

- Section 2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:
- a) the vast majority of growth will be directed to settlement areas that:
 - i. have a delineated built boundary;
 - ii. have existing or planned municipal water and wastewater systems; and
 - iii. can support the achievement of complete communities;
 - d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise;

Section 2.2.2.2 Until the next municipal comprehensive review is approved and in effect, the annual minimum intensification target contained in the applicable upper- or single-tier official plan that is approved and in effect as of July 1, 2017 will continue to apply.

This proposal is consistent with the above policies as the subject property is within the existing urban settlement area for Fort Erie, has access to full municipal services and contributes to the Town meeting its 15% intensification target.

Regional Policy Plan

The Regional Official Plan identifies the subject lands as Built-Up Area in the Urban Area Boundary of Fort Erie. Staff considered the following policies in regard to this Combined Official Plan and Zoning By-law amendment application:

Section 2.1 b) Development and efficient use of lands within the existing urban boundaries first.

Objective 3.A.2.6 To promote the efficient use of infrastructure.

<u>Objective 4.A.1.1</u>	Direct the majority of growth and development to Niagara's existing Urban Areas.
<u>Objective 4.A.1.2</u>	Direct a significant portion of Niagara's future growth to the Built-up Area through intensification.
<u>Objective 4.A.1.12</u>	Direct growth in a manner that promotes the efficient use of existing municipal sewage and water services.
<u>Policy 4.C.6.1</u>	The Region will require a minimum combined gross density target of 50 people and jobs per hectare across all Designated Greenfield Areas...

This Zoning By-law amendment meets the Regional objectives of directing development within the existing urban boundaries first to ensure efficient use of land and infrastructure. This proposal also meets the Regional objectives of encouraging intensification by contributing to the achievement of the Regional density targets across all Greenfield areas.

Official Plan

The Town's Official Plan designates this property as Institutional. Properties designated Institutional are intended to be used for public uses and operations carried on by, or on behalf of the Town of Fort Erie, Regional Municipality of Niagara, Province of Ontario, Government of Canada or agency thereof..

The Region of Niagara has decommissioned the water tower located on site and no longer requires the site for utility purposes. Instead, the Region plans to market the site for sale. Based on the site's location on a local road within a residential neighbourhood, it was determined that the use of the site for residential purposes is most appropriate. The Region therefore requested that the Official Plan designation of the property be changed from Institutional to Urban Residential. Section 4.7.4 of the Official Plan states that lands with Urban Residential designation are intended for a variety of housing forms such as single detached dwellings, duplexes, semi-detached dwellings, townhouses, multiple unit dwellings, apartments, accessory apartments, rooming houses, boarding and lodging houses, group homes, housing for the elderly and similar forms of housing.

Policy 13.7 of the Official Plan contains criteria for Council to consider when making amendments to the Official Plan and Zoning By-law. Staff have addressed the relevant criteria in detail below.

- a) The need for the proposed use:

With the decommissioning of the water tower, the lands at 745 Crescent Road are surplus to the Region's needs and will be sold. The proposed residential use will provide housing alternatives and residential intensification in a predominantly residential neighbourhood.

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

The area surrounding 745 Crescent Road is predominantly residential. The existing Crescent Park Neighbourhood is almost entirely single detached dwellings. The proposed amendment will complement the existing neighbourhood by providing the opportunity for a mix of building forms.

- 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 site is approximately 0.3 hectares in size and is flat. The site is adequately sized to accommodate a variety of residential uses.

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

The subject property has frontage on Crescent Road and Fairview road which are both municipal roads. Fairview Road requires reconstruction if it is to be accessed by future development but the site has existing access to Crescent Road. Water, sanitary sewers and storm sewers exist along Crescent Road. Crescent Road has sidewalks on one side for convenient pedestrian access. Development with frontage on Fairview Road would require the construction of Fairview Road and water, sanitary sewers and storm sewers up to and across the frontage of the subject property.

The site located within a built up area with convenient access to Regional and municipal roads, transit, physical, social and commercial services, and educational facilities. Crescent Road is on the Town's transit route and there is a transit stop in close proximity to the subject property.

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

The proposed residential uses on the subject sites are compatible with the adjacent residential uses in the area.

- 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 introduction of additional residential lands into the neighbourhood will depreciate adjoining properties.

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

The current Official Plan and Zoning By-law designations for the surplus property severely restrict the use of the site. The existing Official Plan designation would only permit public uses which typically do not generate property tax revenue for the Town. The redesignation of the subject property to a Urban Residential will increase the possibility for the Town to generate property tax revenue from the property.

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

None.

The proposed Official Plan Amendment is included as **Appendix “3”**.

Zoning By-law No. 129-90

The subject property is currently zoned Public Zone. The Public Zone permits public uses and operations carried on by, or on behalf of the Town of Fort Erie, Regional Municipality of Niagara, Province of Ontario, Government of Canada or agency thereof. The Region of Niagara has applied to rezone the property to Residential Multiple 1 RM1 Zone. The RM1 Zone permits a variety of residential uses including single detached, semi-detached, duplex, triplex, fourplex and townhouse dwellings.

The Town developed some development concepts to demonstrate how the site might be developed in accordance with the proposed zoning for demonstration purposes only. The development concepts are included in **Appendix “4”**. The proposed Zoning By-law is included in **Appendix “5”**.

Financial/Staffing Implications

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

Policies Affecting Proposal

Notice of the meeting was circulated in accordance with the *Planning Act* by placing an advertisement in the October 17, 2019 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 lands are contained in the Town’s Official Plan, and applicable Regional and Provincial regulations.

Comments from Relevant Departments/Community and Corporate Partners

A request for comments regarding this Zoning By-law amendment was circulated to relevant Departments/Community and Corporate Partners on October 17, 2019. No objections have been submitted. Comments received to date are summarized below and are attached in full as **Appendix “6”**.

Agency Comments

Enbridge

No objections.

Niagara Peninsula Conservation Authority

The NPCA has reviewed the information provided and the NPCA Mapping of the site and is satisfied that the subject parcel is outside the NPCA Regulated Area. As such, the NPCA has no objection to the subject applications.

Niagara Regional Housing

The property is too small in scale for the type of projects NRH or the Region would undertake. However, we would be supportive of anyone who would like to build an affordable housing project.

Staff Comments

Neighbourhood Planner

In review of the applications for OPA/ZBA on these Region owned lands, I have a couple comments and a question:

As I have not undertaken a Secondary Plan for this neighbourhood, I am offering my observations at a cursory level for consideration.

- Crescent Park is predominantly a single detached neighbourhood. As such, consideration for increasing or including opportunities for a range of housing type is appropriate. The proposed medium density designation would assist in this regard. Furthermore, the proposed RM1 zoning would also be appropriate in order to implement the proposed designation change.
- Recognizing the site played host to one of the Region's water towers (since removed and cleared through RoSC) it raises question over whether the site could be suitable for additional density, given what occupied the site previously was an imposing structure in terms of height. While the RM1 zoning considered generally ground-based medium density, the site may also be suitable for an apartment form. Perhaps additional consideration could be given to a small apartment building being a permitted use. Maintaining a 3 storey (12m) maximum as found in the RM1 zoning should provide for approximately 12-16 units while also respecting height of surrounding residential. Something of this nature can still be considered less visually intrusive than the water tower previously located on these lands.
- The site is on the Town's transit route and is very close to St. Philomena Catholic Elementary, which brings me to my question: With all levels of government focusing attention towards affordable housing issues, this would appear to represent an opportunity for the Region's Real Estate Division to consult with the Region's Affordable Housing Division to see if there is any merit in pursuing an affordable housing project at this location. If this is not the case, it would be beneficial to understand why for Town's general awareness and future reference. While it is understood that not every regional property or site being divested is a suitable site for affordable housing, this one does appear to hold such potential.

Manager of Community Planning

No comments relative to this application for a combined Official Plan and Zoning By-law Amendment for 745 Crescent Road. Should the property be severed in the future, cash-in-lieu of parkland will be required based on assessed value. In addition, one new street tree will be required per residential lot, based on Town standards.

Development Coordinator

A development proposal that includes driveway access(es) to the subject lands from the unopened road allowance of Fairview Road will require the construction of Fairview Road to an urban standard including watermains, sanitary sewers and storm sewers. The road and underground servicing construction must extend from Phillips Street to the north limit of the subject lands. The cost to construct this road and services will be borne entirely by the developer.

The applicant is further advised that the Town's Official Plan has identified Crescent Road from Dominion Road to Garrison Road as a Collector Road with a desired road

allowance width of 23.0m. The current road allowance is 20.2m. Therefore a road widening of 1.40m will be required should the property be developed as a Plan of Subdivision or if applications for either Consent to Sever or Site Plan Approval are received.

Public Comments

An informal public open house was held by a representative of the Agent and Town staff in the Town Hall Atrium on October 22, 2019 from 5:00 p.m. to 6:00 p.m. All property owners within 120 metres of the subject lands were notified of the informal public open house via a notice mailed by the applicant. Four members of the public attended the information open house. A number of residents also spoke in opposition of the proposed amendments at the November 12, 2019 Public Meeting. The minutes of the Public Meeting are included in **Appendix “7”**. The following summarizes the comments received at the information open house:

Do not want affordable housing at this location

All residents in attendance at the meeting expressed that they did not want affordable housing at this location. While Niagara Regional Housing has stated that it does not intend to use this site for affordable housing, there is a significant deficiency in the supply of affordable housing in Fort Erie and Staff is constantly looking for opportunities to address this issue. The proposed zoning will permit a range of housing types which could provide an opportunity for a more affordable form than single detached dwellings. Planning Staff are also of the opinion that integrating affordable housing into established communities where market housing predominates represents good land use planning.

Council’s Strategic Plan 2018-2022 Strategic Objective 1.1 includes supporting access to affordable housing, housing mix and housing options. The provision of affordable housing at this location would align with Council’s Strategic Priority #1.

Only single detached dwellings at this location

All residents in attendance at the meeting indicated that the only type of dwellings they wanted to see developed on the property was single detached dwellings. Provincial, Regional and Town policies and Council’s Strategic Plan all support the provision of a variety of housing types. Planning Staff believe that the proposal to permit a range of housing types and to let the market determine what gets developed represents good land use planning and should be supported.

Do not want tall buildings at this location

One resident in attendance expressed concern with the location of a tall building at this location due to privacy concerns. The resident commented that tall buildings containing seniors and affordable units should be segregated from single detached dwellings. The maximum height of buildings permitted by the proposed zoning is 3 storeys. As stated

above, planning staff believes the proposed zoning will permit a variety of housing forms and increase opportunities for the integration of affordable housing within an established neighbourhood which is consistent with Provincial, Regional and Town policies and represents good land use planning.

Consider allowing apartment building in addition to other dwelling types

One member of Council thought that consideration should be given to permitting an apartment dwelling in addition to the uses permitted by the proposed Residential Multiple 1 RM1 Zoning as was proposed by the Town’s Neighbourhood Planner (see comments above). Planning Staff have developed a concept to demonstrate how the site might be developed as a 3-storey, 18 unit apartment with access from Crescent Road. The concept demonstrates a development that meets the RM2 Zoning requirements and includes 1.5 parking spaces per unit. The development concept is included as **Appendix “8”**. A Zoning By-law that would permit an apartment building with a maximum height of 3 storeys and 12 metres is included as **Appendix “9”**.

Alternatives

Council could not approve Staff’s recommendation to approve the proposed Official Plan and Zoning By-law Amendment. This is not recommended as the existing Official Plan designation and zoning severely restrict the development potential of the property and the proposed amendments are consistent with Provincial, Regional and Town Planning policies and represent good land use planning.

Council could choose to direct Staff to prepare a by-law that would permit a 3-storey residential apartment in addition to the single detached, semi-detached, duplex, triplex, fourplex and townhouse dwellings permitted in the RM1 Zone. Council should amend the recommendations contained on page 1 of this report to read the following should they wish to pursue this alternative:

***THAT:** Council approves the amendments to the Town’s Official Plan and Zoning By-law 129-90 for the lands owned by the Region of Niagara located at 745 Crescent Road as included in **Appendix “3”** and **Appendix “9”** of Report PDS-71-2019 respectively; and further*

***THAT:** Council authorizes staff to prepare the necessary By-laws.*

Communicating Results

There are no communication requirements at this time.

Second Opinion Clause

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

Conclusion


Council should approve the proposed Combined Official Plan and Zoning By-law Amendment for the lands owned by the Region of Niagara located at 745 Crescent Road. The proposed amendment will assist the Region in disposing of land that is surplus to their needs and facilitate the redevelopment of this underutilized parcel of land consistent with Provincial, Regional and Town Planning policies.

Attachments

- Appendix "1"**- Location Plan
- Appendix "2"**- Survey Plan
- Appendix "3"**- Proposed Official Plan Amendment
- Appendix "4"**- Development Concepts
- Appendix "5"**- Proposed Zoning By-law
- Appendix "6"**- Agency and Staff Comments
- Appendix "7"**- Public Comments
- Appendix "8"**- Apartment Concept
- Appendix "9"**- Alternative Zoning By-law to permit apartment

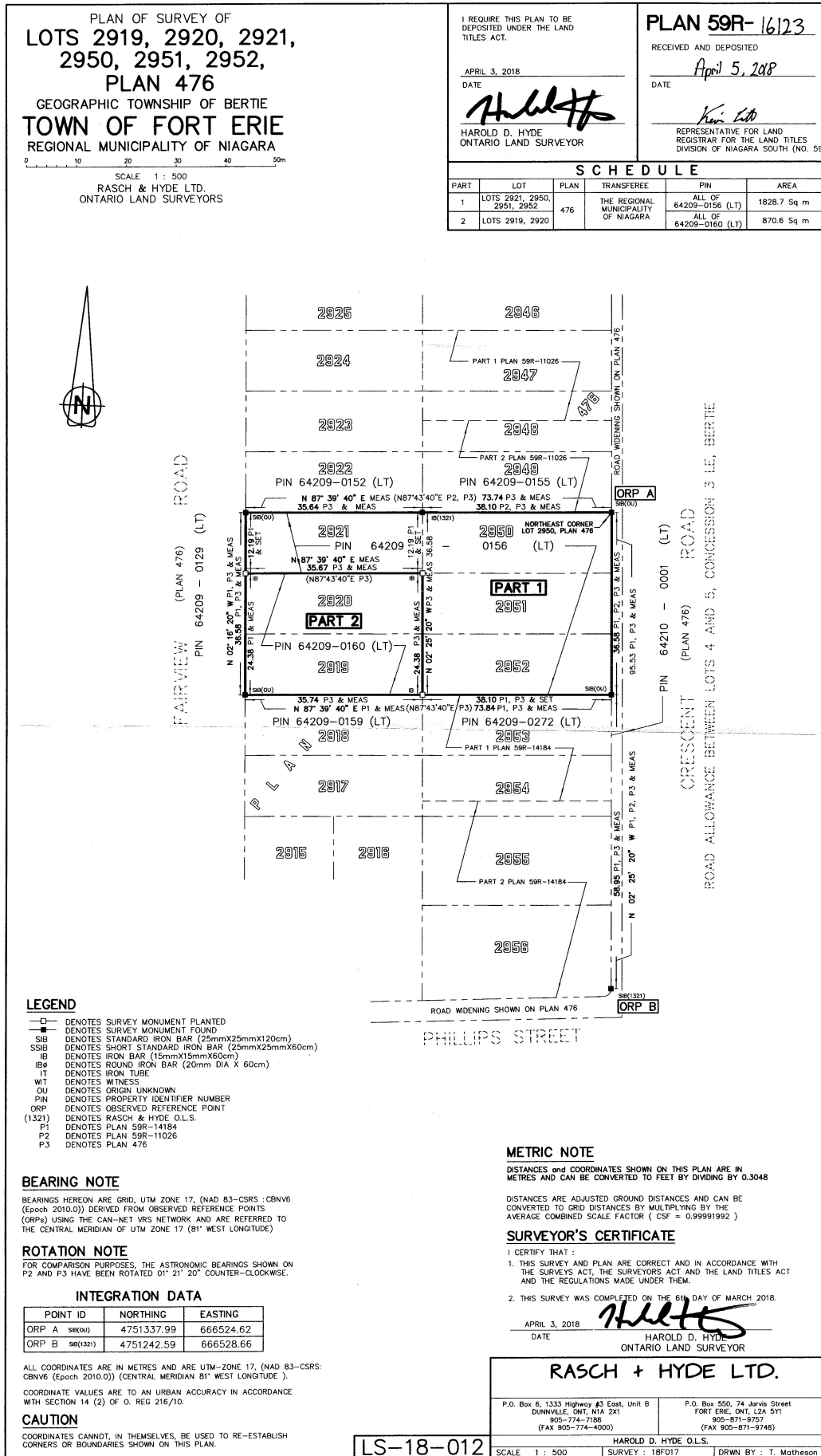


745 CRESCENT ROAD
Location Plan

 Subject Lands - 745 Crescent Road

PLAN 136 LOTS 2919 TO 2921 LOTS 2950 TO 2952 NP476 IN THE TOWN OF FORT ERIE, REGIONAL MUNICIPALITY OF NIAGARA

APPENDIX "2" TO ADMINISTRATIVE REPORT PDS-71-2019 DATED DECEMBER 2, 2019



LS-18-012



The Municipal Corporation of the Town of Fort Erie

By-law No. 44-2019

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. 44
Region of Niagara (Owners)
615 Burleigh Road North

350309-0499

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

1. **That** amendment No. 44 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text 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 9th day of December, 2019.

Mayor

Clerk

I, Carol Schofield the Clerk, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true certified copy of By-law No. x-2019 of the said Town. Given under my hand and the seal of the said Corporation this ____ day of _____,20

AMENDMENT NO. 44

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
- Appendix 2 - Public Meeting Minutes
- Appendix 3 - Circulation Comments

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. 44 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. 44 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area.

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

SECTION 2

PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to change the land use designation of certain lands shown on Schedule A attached hereto from "Institutional" to "Urban Residential" to permit the use of the site for Urban Residential purposes.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located at 745 Crescent 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:

With the decommissioning of the water tower, the lands at 745 Crescent Road are surplus to the Region's needs and will be sold. The proposed residential use will provide housing alternatives and residential intensification in a predominantly residential neighbourhood.

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

The area surrounding 745 Crescent Road is predominantly residential. The existing Crescent Park Neighbourhood is almost entirely single detached dwellings. The proposed amendment will complement the existing neighbourhood by providing the opportunity for a mix of building forms.

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 site is approximately 0.3 hectares in size and is flat. The site is adequately sized to accommodate a variety of residential uses.

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

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

The subject property has frontage on Crescent Road and Fairview road which are both municipal roads. Fairview Road requires reconstruction if it is to be accessed by future development but the site has existing access to Crescent Road. Water, sanitary sewers and storm sewers exist along Crescent Road. Crescent Road has sidewalks on one side for convenient pedestrian access. Development with frontage on Fairview Road would require

the construction of Fairview Road and water, sanitary sewers and storm sewers up to and across the frontage of the subject property.

The site located within a built up area with convenient access to Regional and municipal roads, transit, physical, social and commercial services, and educational facilities. Crescent Road is on the Town's transit route and there is a transit stop in close proximity to the subject property.

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

The proposed residential uses on the subject sites are compatible with the adjacent residential uses in the area.

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 introduction of additional residential lands into the neighbourhood will depreciate adjoining properties.

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

The current Official Plan and Zoning By-law designations for the surplus property severely restrict the use of the site. The existing Official Plan designation would only permit public uses which typically do not generate property tax revenue for the Town. The redesignation of the subject property to a Urban Residential will increase the possibility for the Town to generate property tax revenue from the property.

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

None.

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

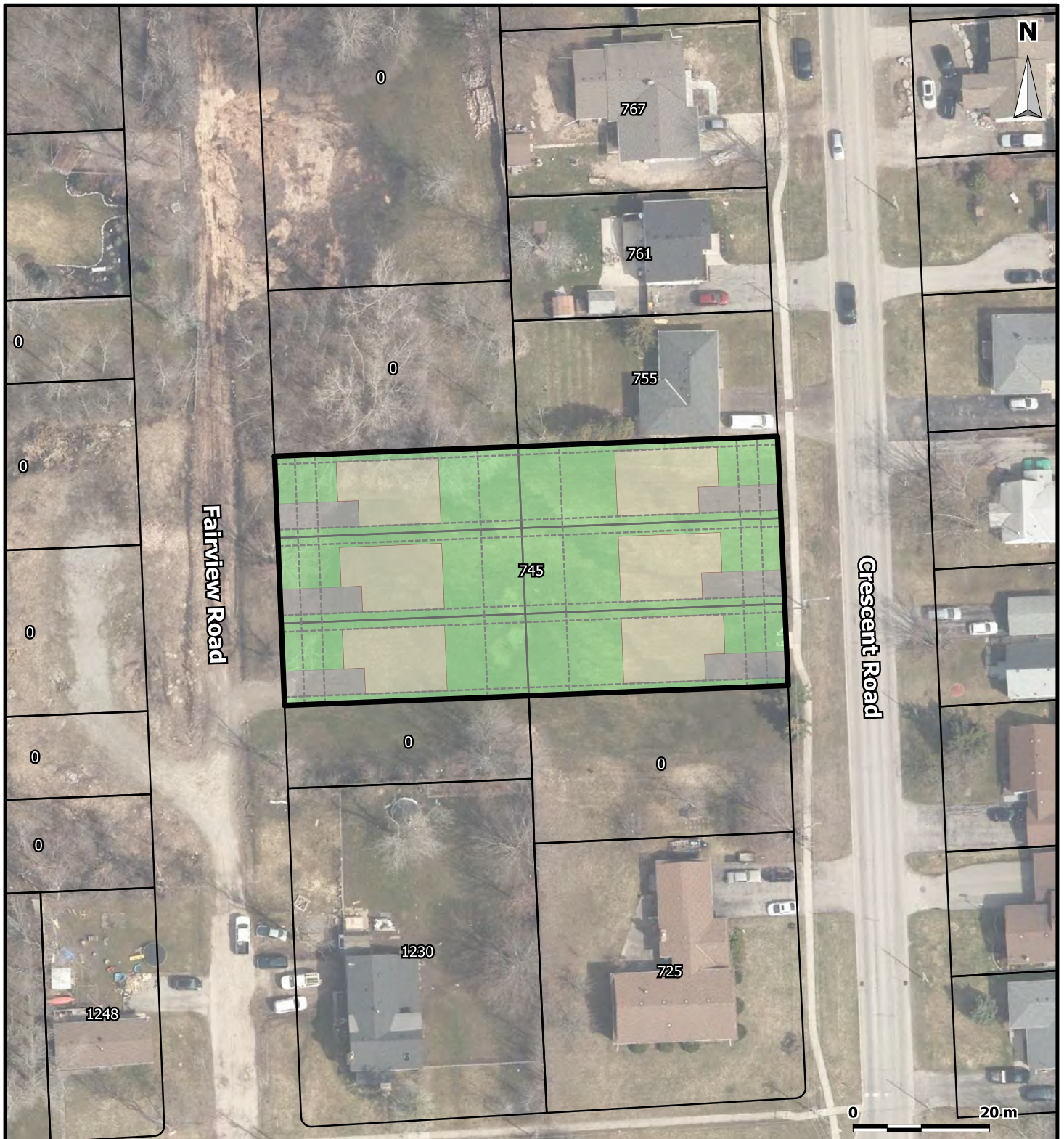
All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A" (Land Use Plan) constitute Amendment No. 44 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area. The Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area is hereby amended as follows:

The subject lands described as 745 Crescent Road on the attached Schedule A are hereby redesignated to:


Urban Residential

PART "C" - THE APPENDICES

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

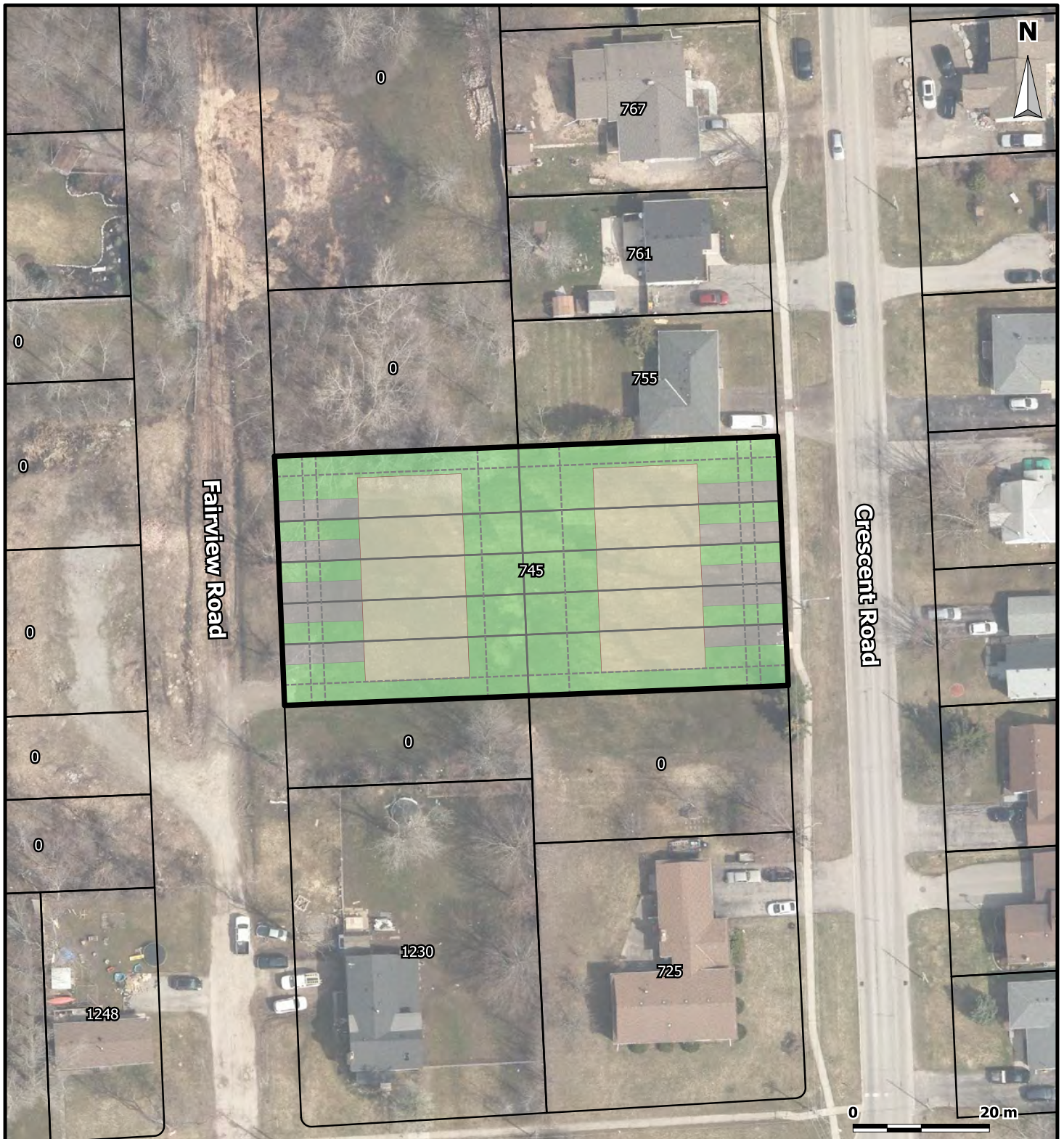


**745 CRESCENT ROAD - DESIGN CONCEPT
Single Detached Dwellings (R2A Zoning)**


 Subject Lands - 745 Crescent Road

Planning & Development Services
Map created October 22, 2019



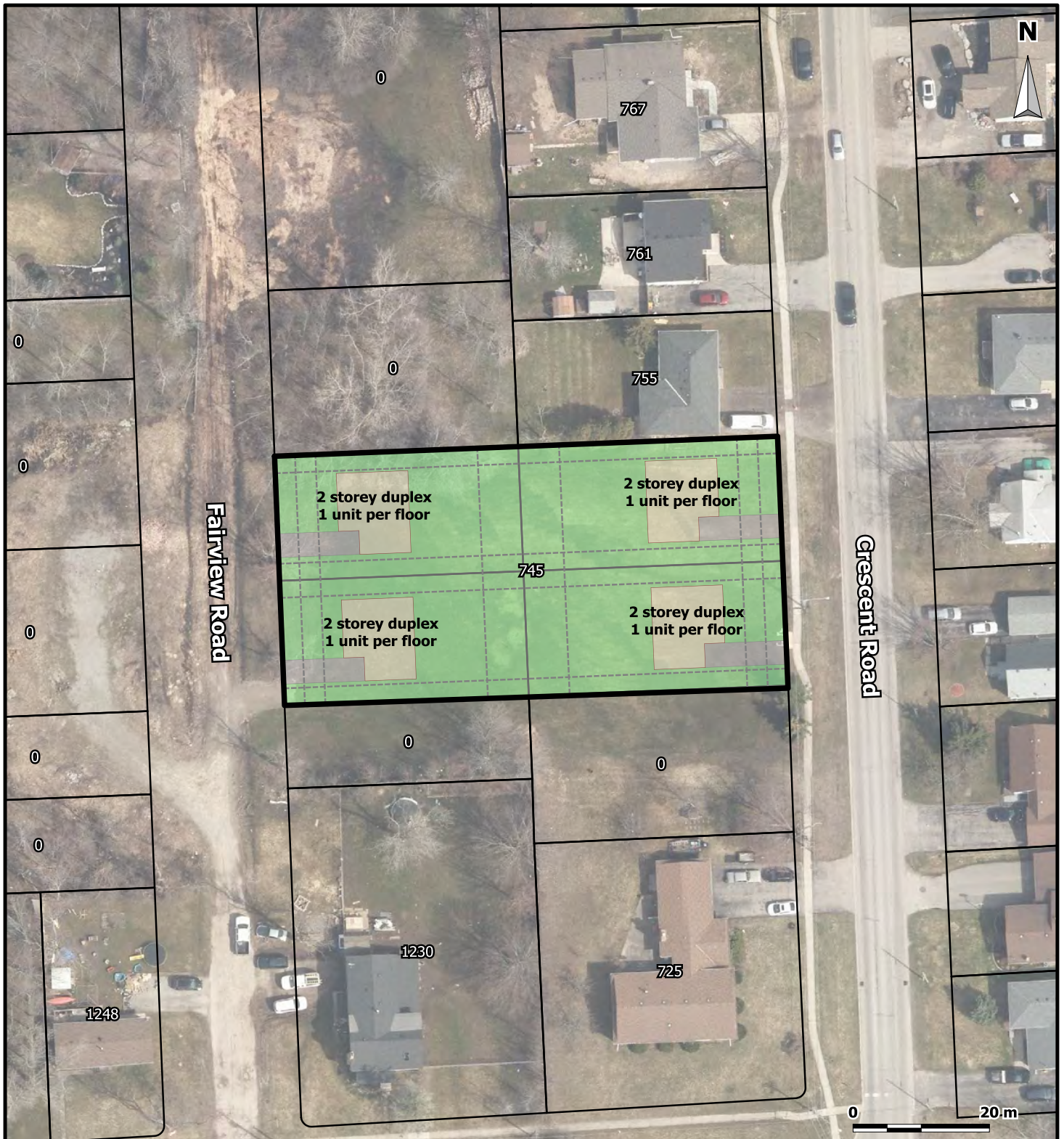


745 CRESCENT ROAD - DESIGN CONCEPT
Street Townhouses


 Subject Lands - 745 Crescent Road

Planning & Development Services
 Map created October 22, 2019





745 CRESCENT ROAD - DESIGN CONCEPT
Two-storey Fourplex Dwellings

 Subject Lands - 745 Crescent Road

The Municipal Corporation of
the Town of Fort Erie

By-law No. X-2019

Being a By-law to Amend Zoning By-law No. 129-90
745 Crescent Road
Region of Niagara – Owner

350309-0499

Whereas an application was received from Pam Salvatore (Agent) on behalf of the Region of Niagara (Owner) to amend the Town’s Comprehensive Zoning By-law No. 129-90 as amended, for the lands described as 745 Crescent 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 November 12, 2019, and

Whereas Council considered recommendations contained in Report No. PDS-71-2019 on December 2, 2019, 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-71-2019 considered and approved at the Council-in-Committee meeting of December 2, 2019;

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 as described above and shown on the attached Appendix “1” from “Public (P) Zone” to “Residential Multiple 1 (RM1) Zone”.
2. **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 9th day of December, 2019.

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. x-2019 of the said Town. Given under my hand and the seal of the said Corporation, this day of _____, 20____

APPENDIX "6" TO ADMINISTRATIVE REPORT PDS-71-2019 DATED DECEMBER 2, 2019

RE: [External] Combined Official Plan and Zoning By-law Amendment - 745 Crescent Road
 Municipal Planning to: Matt Kernahan 10/18/2019 08:20 AM
 From: "Municipal Planning" <MunicipalPlanning@enbridge.com>
 To: "Matt Kernahan" <MKernahan@forterie.ca>

Thank you for your circulation.

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

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Alice Coleman

Municipal Planning Coordinator
 Long Range Distribution Planning

ENBRIDGE GAS INC.

TEL: 416-495-5386

500 Consumers Road, North York, Ontario M2J 1P8

Enbridge.com

Safety. Integrity. Respect.

From: Matt Kernahan <MKernahan@forterie.ca>

Sent: Thursday, October 17, 2019 4:59 PM

To: Matt Kernahan <MKernahan@forterie.ca>

Cc: Salvatore, Pam <pam.salvatore@niagararegion.ca>

Subject: [External] Combined Official Plan and Zoning By-law Amendment - 745 Crescent Road

EXTERNAL: PLEASE PROCEED WITH CAUTION.

This e-mail has originated from outside of the organization. Do not respond, click on links or open attachments unless you recognize the sender or know the content is safe.

An application has been received from the Region of Niagara for a Combined Official Plan and Zoning By-law Amendment for 745 Crescent Road. The Region of Niagara is proposing to change the Official Plan designation of the property to Urban Residential and the zoning to Residential Multiple 1 (RM1) zone to permit the future owner of the site to develop it for residential purposes. The proposed Official Plan designation and Zoning would permit the development of the site for single detached, semi-detached, duplex, triplex, fourplex, townhouse dwellings or some combination thereof.

A notice of complete Application and Public Meeting is attached for your information.

The following was submitted with the application package:

1. Application form
2. Survey Plan

APPENDIX "6" TO ADMINISTRATIVE REPORT PDS-71-2019 DATED DECEMBER 2, 2019

RE: Combined Official Plan and Zoning By-law Amendment - 745 Crescent Road
 Cara Lampman to: Matt Kernahan 10/23/2019 09:04 AM
 Cc: "Salvatore, Pam"
 From: "Cara Lampman" <clampman@npca.ca>
 To: "Matt Kernahan" <MKernahan@forterie.ca>
 Cc: "Salvatore, Pam" <pam.salvatore@niagararegion.ca>

5 Attachments



ARN 270302002101100 - NPCA MAP.pdf 2018-04-05-59R-16123.pdf



2019-09-11-Final Planning Justification Brief.745 Crescent Road. Fort Erie.pdf



2019-09-30-application 745 crescent road SIGNED.pdf Public Notice for Distribution - 745 Crescent.docx

Good morning,

The NPCA has reviewed the information provided and the NPCA Mapping of the site and is satisfied that the subject parcel is outside the NPCA Regulated Area. As such, the NPCA has no objection to the subject applications.

Cara Lampman**Watershed Planner**

Niagara Peninsula Conservation Authority (NPCA)
 250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2
 Tel: 905-788-3135 | extension 272
clampman@npca.ca
www.npca.ca

From: Matt Kernahan <MKernahan@forterie.ca>

Sent: October 17, 2019 4:59 PM

To: Matt Kernahan <MKernahan@forterie.ca>

Cc: Salvatore, Pam <pam.salvatore@niagararegion.ca>

Subject: Combined Official Plan and Zoning By-law Amendment - 745 Crescent Road

An application has been received from the Region of Niagara for a Combined Official Plan and Zoning By-law Amendment for 745 Crescent Road. The Region of Niagara is proposing to change the Official Plan designation of the property to Urban Residential and the zoning to Residential Multiple 1 (RM1) zone to permit the future owner of the site to develop it for residential purposes. The proposed Official Plan designation and Zoning would permit the development of the site for single detached, semi-detached, duplex, triplex, fourplex, townhouse dwellings or some combination thereof.

A notice of complete Application and Public Meeting is attached for your information.

The following was submitted with the application package:

1. Application form
2. Survey Plan
3. Planning Justification Report

APPENDIX "6" TO ADMINISTRATIVE REPORT PDS-71-2019 DATED DECEMBER 2, 2019

Re: 745 Crescent Road Woiceshyn, Donna to: Matt Kernahan 10/24/2019 09:32 AM
 Cc: "Richard Brady", "Salvatore, Pam", "Kira Dolch", "Sinclair, Jeffrey"
 From: "Woiceshyn, Donna" <donna.woiceshyn@niagararegion.ca>
 To: "Matt Kernahan" <MKernahan@forterie.ca>
 Cc: "Richard Brady" <rbrady@forterie.ca>, "Salvatore, Pam" <pam.salvatore@niagararegion.ca>, "Kira Dolch" <kdolch@forterie.ca>, "Sinclair, Jeffrey" <Jeffrey.Sinclair@niagararegion.ca>

Hi Matt

There is nothing wrong with the property. For us it was too small a scale for the type of projects NRH or the Region would do. However we would be supportive of anyone who would like to build an affordable housing project. Jeff and I are back from Ottawa on Friday if you would like to discuss.

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Matt Kernahan <MKernahan@forterie.ca>
 Date: 2019-10-23 9:35 a.m. (GMT-05:00)
 To: "Woiceshyn, Donna" <donna.woiceshyn@niagararegion.ca>
 Cc: Richard Brady <rbrady@forterie.ca>, "Salvatore, Pam" <pam.salvatore@niagararegion.ca>, Kira Dolch <kdolch@forterie.ca>
 Subject: 745 Crescent Road

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 Donna,

Not sure if you remember me or not but we sat on the Housing Affordability Innovation Committee together for a time back in 2016-2017. In any event, I am currently working with Pam Salvatore on rezoning a piece of property in the Crescent Park neighbourhood of Fort Erie. The property was previously used as a water tower and is in the middle of a residential neighbourhood. The property will be rezoned to permit a range of residential housing types including singles, semis, duplex, triples, fourplexes and towns. One thing that often comes up at Council when I am processing development applications is Fort Erie's need for affordable housing and I am often questioned whether developments will include it.

I understand that Niagara Regional Housing did not indicate any interest in acquiring the property at 745 Crescent Road. In anticipation of the questions I will receive at Council, I am hopeful that you can shed some light on the reasons why. Any information you could provide would be appreciated.

Thanks,

Matt

Matt Kernahan, MCIP, RPP, CNU-A
 Senior Development Planner
 Town of Fort Erie
 1 Municipal Centre Drive
 Fort Erie, Ontario
 Canada



Re: Combined Official Plan and Zoning By-law Amendment - 745 Crescent
Road 
Chris Millar to: Matt Kernahan

10/23/2019 11:13 AM

Matt,

In review of the applications for OPA/ZBA on these Region owned lands, I have a couple comments and a question.

As I have not undertaken a Secondary Plan for this neighbourhood, I am offering my observations at a cursory level for consideration.

- Crescent Park is predominantly a single detached neighbourhood. As such, consideration for increasing or including opportunities for a range of housing type is appropriate. The proposed medium density designation would assist in this regard. Furthermore, the proposed RM1 zoning would also be appropriate in order to implement the proposed designation change.
- Recognizing the site played host to one of the Region's water towers (since removed and cleared through RoSC) it raises question over whether the site could be suitable for additional density, given what occupied the site previously was an imposing structure in terms of height. While the RM1 zoning considered generally ground-based medium density, the site may also be suitable for an apartment form. Perhaps additional consideration could be given to a small apartment building being a permitted use. Maintaining a 3 storey (12m) maximum as found in the RM1 zoning should provide for approximately 12-16 units while also respecting height of surrounding residential. Something of this nature can still be considered less visually intrusive than the water tower previously located on these lands.
- The site is on the Town's transit route and is very close to St. Philomena Catholic Elementary, which brings me to my question: With all levels of government focusing attention towards affordable housing issues, this would appear to represent an opportunity for the Region's Real Estate Division to consult with the Region's Affordable Housing Division to see if there is any merit in pursuing an affordable housing project at this location. If this is not the case, it would be beneficial to understand why for Town's general awareness and future reference. While it is understood that not every regional property or site being divested is a suitable site for affordable housing, this one does appear to hold such potential.

I trust these comments are of use in your consideration of the applications submitted.

Chris Millar, CPT, CNU-A, MCIP, RPP
Neighbourhood Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario
Canada
L2A 2S6

TEL: 1-905-871-1600 ext.2503
FAX: 1-905-871-6411



Interoffice Memorandum

November 5, 2019

To: Matt Kernahan, Senior Development Planner
From: Signe Hansen, Manager, Community Planning
Subject: **745 Crescent Road – OPA/ZBA**

I have no comments, relative to this application for a combined Official Plan and Zoning By-law Amendment for 745 Crescent Road.

Should the property be severed in the future, cash-in-lieu of parkland will be required based on assessed value. In addition, one new street tree will be required per residential lot, based on Town standards.

Signe Hansen, OALA, CSLA, MBA
Manager, Community Planning
/sh



Interoffice Memorandum

November 13, 2019
File No. 350309-0499

To: Matt Kernahan, Senior Development Planner
From: Jeremy Korevaar, Coordinator, Development Approvals
Subject: **COMBINED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT
APPLICATION – 745 CRESCENT ROAD – COMMENTS**

On behalf of the Infrastructure Services Department, Engineering Services Division, we have reviewed the above noted Combined Zoning By-law and Official Plan Amendment application and have no comments or objections.

We note to the applicant that future development of the subject lands is subject to Pre-Consultation with the Town of Fort Erie Planning and Development Services department. A development proposal that includes driveway access(es) to the subject lands from the unopened road allowance of Fairview Road will require the construction of Fairview Road to an urban standard including watermains, sanitary sewers and storm sewers. The road and underground servicing construction must extend from Phillips Street to the north limit of the subject lands. The cost to construct this road and services will be borne entirely by the developer.

The applicant is further advised that the Town's Official Plan has identified Crescent Road from Dominion Road to Garrison Road as a Collector Road with a desired road allowance width of 23.0m. The current road allowance is 20.2m. Therefore a road widening of 1.40m will be required should the property be developed as a Plan of Subdivision or if applications for either Consent to Sever or Site Plan Approval are received.

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

- (b) Jeff Moore, 6694 Riall Street, Niagara Falls

Mr. Moore stated that he was present to represent the owner of the property at 0 Louisa Street. He is not opposing anything. He attended the meeting in the Atrium about two weeks ago. The owner owns 3.2 acres which are directly adjacent to Phase 2 on the east side of Arthur Street. He just got a copy of the report today and what bothers him is they have that designated as ND for neighbourhood development and now they have proposed parkland. He questioned if they would have time to address that.

- (c) Denise Everett, 244 Dufferin Street

Ms. Everett questioned if there is any plan for any future neighbourhood parks because in Phase 1 the 5% was bought or the Town received the money for the parkland instead of having a park.

- (d) Al Humphreys, 1010 Arthur Street

Mr. Humphreys referred to the plan where they are going to extend that road that runs behind the bingo hall that they've cut off now and he questioned if there are going to be townhouses backed up on the side of his property. They will be cutting right across the bingo hall parking lot right adjacent to his property on the east side of Arthur. He questioned if they are going to be building that up, like raising ground because it has a natural grade that comes from Garrison Road down Arthur Street. They have drainage issues. About 3 years ago the Roads Department put tiles under the driveways, they removed manholes and now he has a drainage problem with water running into his driveway. If they are going to be higher then he is going to get more water on his property.

Mayor Redekop closed the Public Meeting.

- (b) Official Plan Amendment and Property Rezoning

Re: Regional Municipality of Niagara - Owner/Applicant - 745 Crescent Road. The applicant is proposing to re-designate the former water tower site from Institutional to Urban Residential and to rezone the property from a Public Zone to Residential Multiple 1 (RM1) Zone. The amendments will permit a variety of residential dwelling types to be developed on the site, including

single detached dwellings, semi-detached dwellings, duplexes, triplexes, fourplexes, street townhouse dwellings, block townhouse dwellings and uses, buildings and structures accessory to the permitted uses.

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of a Public Meeting to consider an Official Plan Amendment and a Property Rezoning Amendment to permit a variety of residential dwelling types to be developed on the site.

Mr. Kernahan, Senior Development Planner, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

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

Mayor Redekop enquired if the applicant wished to speak to the proposed amendments.

Pam Salvatore stated she is a Real Estate Coordinator with the Region and was present to answer any questions of Council.

Mayor Redekop enquired if anyone present wished to speak in favour of the proposed amendments.

No person(s) came forward.

Mayor Redekop enquired if anyone present wished to speak in opposition of the proposed amendments.

(a) Rev. William Thomas, 4065 Village Creek Drive

Rev. Thomas stated he is not speaking in favour or against this or the last application. He questioned why it's an either or. It sounded to him like it was either going to be an apartment building or affordable housing or a market. He explained that much of the research coming out of CMHC and other places suggest to find opportunities for mixed housing where you would have market rate housing in the same location as affordable or subsidized housing. He questioned if that would be part of the consideration when projects like this are moving forward, where developers

can be encouraged and even incentivized to incorporate affordable, subsidized housing into what is also a market situation. He thinks that the Town and the Region should think about ways that can happen. He thinks that improving conversation and communication between the various levels of government including the Province about an affordable housing policy that would make it reasonable and doable.

(b) Ms. Archibald, 755 Crescent Road

Ms. Archibald stated this vacant land is directly beside her property. They have been there since June of last year. The Region had work done on the lot in the amount of \$30,000. She questioned why after spending all of that money and now they're going to redevelop this lot. She questioned how the lot is zoned and if they have any recourse on what is being built. She explained that she and her husband are opposed to townhouses, triplexes and anything other than single family dwellings. The entire Crescent Park is single family dwellings. Their property values reflect the type of neighbourhood. An apartment building or townhouses is not something they would want to live beside.

(c) Rejeanne Asselin, 330 Helena Street

Ms. Asselin stated that she is opposed to high rises almost anywhere in the Town of Fort Erie. They are trying to build one across from her property. The neighbourhood is against it. She asked Council to think about making a voting referendum on what the whole population wants for future planning in Fort Erie. She thinks most of the people coming in are elderly people from Toronto and they like the little houses and properties where they have room and leisure space. These multiple apartment buildings is not Fort Erie. We are not Toronto and want to keep our Town quaint and beautiful. She stated she is handicapped and can't maintain her property as much as she would like to. She advised that if the Town would stop building those high rises that it would be appreciated by a lot of residents. She suggested that before the Town does all of its planning, to take a vote and have people do it over the internet or call in on what they would like to have for future planning in Fort Erie.

(d) Gail Taylor, 756 Crescent Road

Ms. Taylor advised she attended the original open house meeting a couple of weeks ago and expressed that she would rather see single family dwellings. She knows that Crescent Park used to be the big place to go but it's getting older now. The whole park is single family dwellings and it would be a misfit by putting multiple buildings in the area. She doesn't want to see mix-match of housing in the area.

Mayor Redekop closed the Public Meeting.

7. Consent Agenda Items

7.1 Request to Remove Consent Agenda Items

None.

7.2 Consent Agenda Items for Approval

PDS-67-2019 Planning and Development Services -
Development, Building and By-law
Statistical Reporting - Third Quarter 2019

That: Council receives Report No. PDS-67-2010 regarding development, building and by-law statistical reporting for information purposes, and further

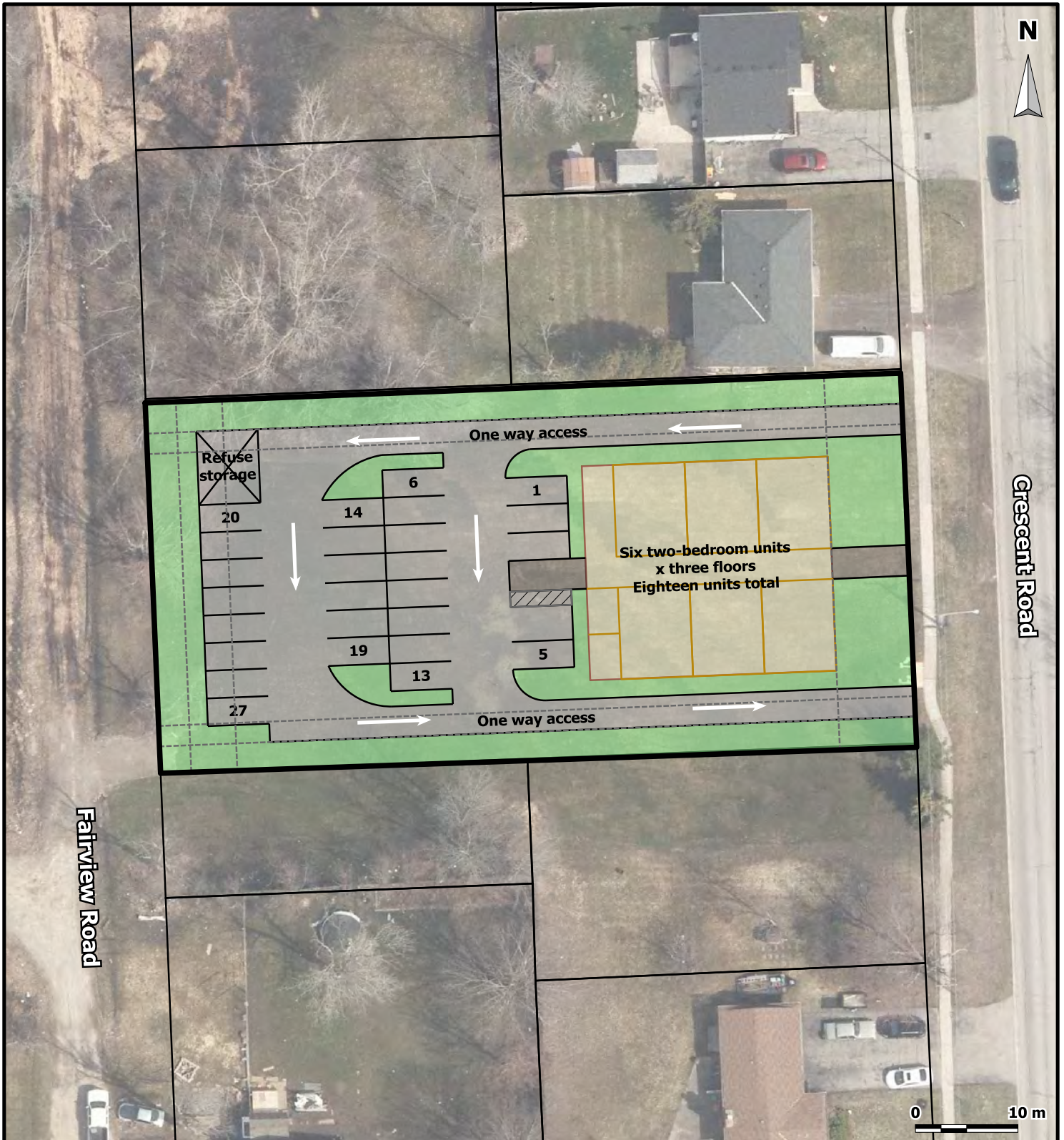
That: Council directs staff to forward a copy of Report No. PDS-67-2019 to the Regional Planning and Development Services Department, the Fort Erie Economic Development and Tourism Corporation, District School Board of Niagara and Niagara District Catholic School Board. **(Carried)**

Recommendation No. 1
Moved by: Councillor Lubberts


That: Council go into closed session to discuss a legal matter pertaining to the Favero property on Garrison Road at the end of the Council-in-Committee Meeting. **(Carried)**

IS-39-2019 Notification of Intent to Negotiate an
Extension of the Contract with Tokmakjian
Inc. for Conventional Transit Services

That: Council receives Report No. IS-39-2019 regarding a single



745 CRESCENT ROAD - DESIGN CONCEPT
Three-storey Apartment Building

 Subject Lands - 745 Crescent Road

Planning & Development Services
 Map created November 19, 2019





The Municipal Corporation of the Town of Fort Erie

By-law No. X-2019

Being a By-law to Amend Zoning By-law No. 129-90 745 Crescent Road Region of Niagara – Owner

350309-0499

Whereas an application was received from Pam Salvatore (Agent) on behalf of the Region of Niagara (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90 as amended, for the lands described as 745 Crescent 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 November 12, 2019, and

Whereas Council considered recommendations contained in Report No. PDS-71-2019 on December 2, 2019, 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-71-2019 considered and approved at the Council-in-Committee meeting of December 2, 2019;

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 as described above and shown on the attached Appendix "1" from "Public (P) Zone" to "Residential Multiple 1 (RM1) Zone".
2. **THAT** By-law No.129-90 as amended, is further amended by adding to "Section 14– Residential Multiple 1 (RM1) Zone" Subsection – "Exceptions to the Residential Multiple 1 (RM1) Zone" the following exception:

"RM1-X (X-2019) 745 Crescent Road

These lands are zoned "Residential Multiple 1 (RM1-x) Zone", and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned "Residential Multiple 1 (RM1) Zone" by this by-law shall apply to those lands zoned "Residential Multiple 1 (RM1) Zone RM1-x Zone" on the attached Appendix "1" shall be subject to the following special provisions:

- a) Notwithstanding the list of Permitted Uses in Section 14.2, the lands shown on Appendix "1" may also be used as apartments

APPENDIX "9" TO ADMINISTRATIVE REPORT PDS-71-2019 DATED DECEMBER 2, 2019

- b) The provisions of Section 15.3 "Regulations for Apartment Dwellings and Assisted Living House" shall apply to any apartments located on the lands shown on Appendix "1" except that:
 - i) the maximum building height of any apartment shall not exceed 3 stories and 12 metres."

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 9th day of December, 2019.

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. x-2019 of the said Town. Given under my hand and the seal of the said Corporation, this day of _____, 20____



Planning and Development Services

Prepared for	Council-in-Committee	Report No.	PDS-72-2019
Agenda Date	December 2, 2019	File No.	NA

Subject

INTERIM CONTROL BY-LAW FOR CANNABIS PRODUCTION IN RESIDENTIAL AREAS

Resolution

THAT Council receives for information purposes Report No. PDS-72-2019 regarding the use of an interim control by-law to control cannabis production in residential areas and further,

THAT Staff be authorized to initiate amendments to the Official Plan and Comprehensive Zoning By-law to update policies and regulations for the production and processing of cannabis.

Relation to Council's 2018-2022 Corporate Strategic Plan

Priority: Managed Growth through Responsibility, Stewardship and Preservation
Goal: N/A
Initiative: N/A

List of Stakeholders

Residents and Property Owners in Fort Erie

Prepared by:	Submitted by:	Approved by:
<i>Original Signed</i>	<i>Original Signed</i>	<i>Original Signed</i>
Matt Kernahan, MCIP, RPP, CNU-A, Senior Development Planner	Richard F. Brady, MA., MCIP, RPP Director, Planning and Development Services	Tom Kuchyt, CET Chief Administrative Officer

Purpose of Report

The purpose of this report is to provide the Council with information on the use of Interim Control By-law to address the issue of open cannabis growing on residential lands as requested by Council at the September 9, 2019 Council-in-Committee meeting.

Background

Town Regulations for Cannabis Related Land Use

In 2013, Planning staff brought forward an Official Plan and Zoning By-law amendment to permit and regulate medical marihuana grow and production facilities within certain areas in the Town of Fort Erie. These amendments were designed to ensure the Town was prepared for applications as a result of the 2013 Marihuana for Medical Purposes Regulations (MMPR) which changed the face of the production of medical marihuana by allowing larger production, processing and distribution of marihuana for medical purposes. In 2014, Council approved the amendments to the Town's Official Plan and Zoning By-law to include provisions for Medical Marihuana Grow and Production Facilities that were licensed under the Marihuana for Medical Purposes Regulations. A Medical Marihuana Grow and Production Facility is defined by the Town's Comprehensive Zoning By-law 129-90 as follows:

“a building or structure used for the cultivation, processing, testing, destruction, packaging and shipping of marihuana used for medical purposes as permitted under the federal government's Marihuana for Medical Purposes Regulations (MMPR) as amended from time to time, or any successors thereto.”

The Town's Zoning By-law includes “Medical Marihuana Grow and Production Facility” in the definition of “Agricultural Use”. The current zoning permits the growing and processing of licenced medical marihuana plants within the Agricultural, Rural and Industrial areas as well as Open Space areas outside the urban area boundary.

The Zoning By-law includes regulations for how cannabis production facilities can develop. These include requirements for things such as minimum lot area, minimum lot frontage, maximum building coverage, parking requirements, landscape buffer and screening requirements as well as setbacks, including setbacks to residential land uses. The setback, buffer and screening requirements were developed with the Ministry of the Environment D-6 Guidelines as the basis for the required setbacks. During the development of the zoning regulations, Staff reviewed the Ministry's D-6 guidelines and determined that the “Medical Marihuana Grow and Production Facility” is close to a Class I facility which is *a small business, self-contained plant or building which produces or stores a product which is contained in a package and has low probability of fugitive emissions*. Therefore, Staff implemented a Minimum Distance Separation distance of 70 metres which is the separation distance for a Class I industrial facility.

The Town's current Zoning regulations for Medical Marihuana Grow and Production facilities are included in **Appendix "1"**.

Medical Marihuana Grow and Production facilities are required to obtain Site Plan Approval in accordance with the Town's Site Plan control By-law 133-86. Council amended By-law 133-86 in accordance with Staff's recommendations to ensure that Medical Marihuana Grow and Production Facilities are subject to site plan control in 2014.

The Town's Official Plan and Zoning By-law have not been updated in response to the *Access to Cannabis for Medical Purposes Regulations* or the *Cannabis Act* which are the two current pieces of federal legislation governing the production of Cannabis in Canada (the term "Cannabis" replaces "Medical Marihuana" in this current legislation). This legislation is discussed in further detail below. Current Official Plan policies and Zoning regulations permit cannabis production, when conducted within buildings and licensed under this legislation in the Agricultural, Rural and Industrial Zones as well as Open Space Zones located outside of the urban area. However, the Town's current Official Plan policies and Zoning Regulations do not contemplate the outdoor cultivation of cannabis (which is now permitted) as this was not permitted at the time of their development.

Cannabis

The legalization of recreational cannabis in Canada is governed by the *Cannabis Act* (S.C. 2018, c. 16). Cannabis became legal for recreational use on October 17, 2018. The *Cannabis Act* permits adults who are 18 years of age or older to grow, from licensed seed or seedlings, up to four (4) cannabis plants per residence for personal use. The *Cannabis Act* does not place any restrictions on where the 4 cannabis plants may be grown, including indoors or outdoors in residential areas.

As of August 24, 2016, the *Access to Cannabis for Medical Purposes Regulations* (ACMPR) replaced the *Marihuana for Medical Purposes Regulations* (MMPR) as the legislation that governs the cultivation and consumption of cannabis by individuals for medical purposes. The *Access to Cannabis for Medical Purposes Regulations* permit the "limited" cultivation of cannabis either by individuals who are registered to produce cannabis for their own medical purposes or by an individual who is registered to grow cannabis for individuals that are registered to consume cannabis for medical purposes. Registered individuals may grow cannabis for up to two people registered to consume cannabis for medical purposes, including themselves.

According to Health Canada's website, individuals are permitted to grow approximately 2 plants outdoors or 5 plants indoors for every 1 gram of their "daily authorized quantity." If an individual is growing for two people, they would be permitted to grow 2 plants outdoors or 5 plants indoors per gram of the combined total "daily authorized quantity" of the two people they are growing cannabis for. For example, if an individual were permitted a daily authorized quantity of 80 grams, as has been demonstrated on a

number of licenses reviewed by the Town's By-law Enforcement Staff, they would be permitted to grow approximately 400 plants indoors or 160 plants outdoors. If it were a licensed producer growing for 2 persons with a combined daily authorized quantity of 160 grams, they would be permitted to grow approximately 800 plants indoors or 320 plants outdoors. Individuals seeking to grow cannabis outdoors must confirm that the production site is not adjacent to a school, public playground, daycare or other public place mainly frequented by children. Health Canada does not have any other restrictions on where cannabis can be grown by individuals for medical purposes.

The *Cannabis Act* and *Cannabis for Medical Purposes Regulations* both permit large, commercial production of cannabis by licensed producers for recreational and medical purposes respectively. These larger scale facilities have always located in Agricultural, Rural or Industrial areas in Fort Erie as is permitted by the Town's Comprehensive Zoning By-law 129-90.

Farming and Food Production Protection Act

The intention of the *Farming and Food Production Protection Act* (FFPPA) is to protect farmers from nuisance complaints made by neighbours, provided they are following normal farm practices. FFPPA provides that no municipal by-law may restrict a normal farm practice carried on as part of an agricultural operation. The FFPPA defines an agricultural operation as the production of agricultural crops and greenhouse crops, as well as the processing of products produced primarily from the agricultural operation. A normal farm practice is defined in subsection 1(a) as one which:

...is conducted in a manner consistent with proper and acceptable customs and standards, as established and followed by similar agricultural operations under similar circumstances.

A normal farm practice is further defined in subsection 1(b) as one which "makes use of innovative technology in a manner consistent with proper advanced farm management practices."

The Normal Farm Practices Protection Board was established through FFPPA, to resolve disputes regarding agricultural operations and to determine what constitutes a normal farm practice. The Board is presently receiving and processing complaints related to odours arising from Cannabis Production Facilities in agricultural areas, while OMAFRA continues to develop guidelines and regulations pertaining to the cultivation of cannabis within these areas. A ruling pertaining to the cultivation of cannabis as an agricultural product is attached in **Appendix "2"**. As is demonstrated by the attached ruling, it is unclear at this time as to whether it is lawful to use municipal by-laws passed under provincial legislation to restrict federally regulated crop production in accordance with the *Farming and Food Production Protection Act*.

Interim Control By-laws

The Interim Control provisions found in Section 38 of the *Planning Act* are intended to allow municipalities to limit the use of land, buildings or structures in areas where they wish to review existing land use and development policies or where new policies are being developed.

Sometimes municipalities may use an Interim Control By-law to deal with an emergent situation; however they are not restricted to this scenario. An Interim Control By-law essentially prevents or limits new development or land uses from taking place until such time as the completion of a planning study for the area to which it applies. The by-law must identify the purposes for which the lands affected by the by-law can be used in the interim and the provisions must conform to the Official Plan.

Subsection 13.10.5.1. of the Official Plan states that when Council has directed that a study or review of land use policies is to be undertaken in a defined area the Council may pass an Interim Control By-law pursuant to the provisions of Section 38 of the *Planning Act* to restrict the use of land, buildings or structures to those established by the By-law.

The Interim Control By-law can regulate development or land use for a period of up to one year from the passing of a By-law. The By-law can however be amended to allow for it to be extended by an additional year provided the total period does not extend beyond two years from the date of the passing of the original Interim Control By-law. Once the By-law ceases to be in effect, Council may not pass a further Interim Control By-law for the subject lands until a minimum period of 3 years has passed.

Under Section 38 of the *Planning Act* no prior public notice or public hearing is required before to the passing of an Interim Control By-law. However, the Clerk must provide notice after the passing of the bylaw within 30 days as required by the regulations of the *Planning Act*.

Any person or public body given notice can appeal the Interim Control By-law within 60 days of its passing. The Notice of Appeal must set out the objections to the By-law together with reasons to support the objection.

Other Municipalities

A number of other municipalities in Ontario have updated their planning policies and passed by-laws in response to the *Cannabis Act* and *Cannabis for Medical Purposes Regulations*. The following summarizes some of the measures that have been taken by other municipalities in Niagara and elsewhere in response to the recent legislative changes:

- A number of municipalities, including Niagara-on-the-Lake, Pelham and Niagara Falls have passed interim control by-laws that prohibit the establishment of any

Cannabis production facilities in the municipality or in certain areas of the municipality (i.e. Agricultural areas) while they study the issue.

- Some municipalities have classified cannabis facilities as industrial uses and only permit them in industrial areas.
- Some municipalities have incorporated additional setbacks for cannabis facilities from sensitive land uses other than residential uses including schools, daycares, places of worship, recreational facilities, hospitals and long term care facilities and tourist facilities.
- Some municipalities have incorporated zoning provisions to limit light pollution and require air treatment control in order to limit nuisance impacts from cannabis production facilities.
- Some municipalities require odour studies and odour and light control plans to be submitted in support of site plan applications for cannabis facilities.
- Some municipalities have passed by-laws in accordance with the provisions of the *Municipal Act* that can be used to control nuisances including odour and light impacts.

Analysis

Planning Staff were unable to find any municipalities that have passed an Interim Control By-law that would restrict growing of cannabis in residential areas in accordance with the *Cannabis Act* or *Access to Cannabis for Medical Purposes Regulations*. Given that the *Cannabis Act* and *Cannabis for Medical Purposes Regulations* specifically permit the cultivation of cannabis plants on a residential property, the passage of an interim control by-law which prohibits cultivation of cannabis on residential properties could be considered to frustrate the purpose of the Cannabis Act. If however, Council chose an Interim Control By-law to prohibit the cultivation of cannabis in residential areas, this would not require the removal of any existing plants if they were legally established prior to the interim control by-law.

An action was brought to Federal Court under Section 7 of the *Canadian Charter of Rights and Freedoms* challenging the constitutionality of limiting access to medical marihuana in 2013. In 2001 the *Marihuana Medical Access Regulations* (MMAR) was enacted by the Government of Canada to regulate medical marihuana. This allowed doctors to prescribe medical cannabis and allowed patients to grow cannabis for personal use. In 2013 the *Marihuana for Medical Purposes Regulations* (MMPR) was enacted in which patients were no longer permitted to grow their own cannabis. The case, Neil Allard, Tanya Beemish, David Herbert and Shawn Davey versus Her Majesty the Queen in Right of Canada was filed in response to the MMPR found that limiting a patient's ability to produce medical marihuana forces them to choose between their liberty, health, dignity, and right to make fundamental personal choices free from state interference. Even though patient's were still permitted to purchase marihuana for medicinal purposes, the MMPR was risking individual liberty by failing to recognize affordability, dosage and strain preference as reasons for cultivating medical marihuana. The restriction engaged Section 7 of the *Canadian Charter of Rights and Freedoms* by undermining the health and safety of medical marihuana users through

diminishing the quality of their health care. The passage of an interim control by-law which limits an individual's ability to cultivate cannabis for medical purposes in a residential area in accordance with the *Access to Cannabis for Medical purposes Regulations* could also be considered to engage Section 7 of the *Canadian Charter of Rights and Freedoms*.

The Normal Farm Practices Protection Board is currently in the process of adjudicating a dispute in Beckwith Township that will determine whether it is lawful to regulate a federally licensed outdoor cannabis operation using a municipal by-law passed under provincial legislation. A decision on this matter has not been made as of yet. The decision on this matter will have implications for whether or not an interim control by-law passed by the Town under the Planning Act is lawful.

A number of new issues and trends related to the production of cannabis have arisen since the Town last updated policies and zoning for cannabis production. Some of these include the following:

- Although cannabis production is permitted in the Agricultural and Rural areas where agricultural production is meant to predominate, residents living within these areas or near them have expressed concerns with potential impacts of cannabis facilities.
- Significantly more information is now available on the potential light and outdoor or unfiltered odour impacts of large or small scale cannabis production facilities. A significant amount of time and effort has been expended by other municipalities such as Norfolk County and the Town of Pelham on developing strategies, policies and by-laws to control these impacts.
- New classes of facilities are now permitted by the *Cannabis Act*. These facilities include “micro-cultivation” and “processing” facilities. These facilities are not specifically contemplated by the Town’s current policies and regulations but rather are treated in the same fashion as the larger scale production facilities.
- Outdoor cannabis production is now legal. The Town’s policies and regulations do not contemplate outdoor production.

Planning and By-law Enforcement Staff have fielded a high volume of concerns from residents in the recent past regarding the perceived impacts of operational cannabis production. Planning Staff believe that there is an opportunity to address some of these concerns through a revision to current Town policies and regulations for cannabis production facilities. In particular, Planning Staff are of the opinion that it would be beneficial to review current setbacks from sensitive land uses and explore opportunities for increased regulation over light and odour impacts.

Financial/Staffing Implications

The proposed amendments are housekeeping in nature, and all related work will be completed internally by Planning Department staff. The proposed amendments will require additional planning, building, by-law enforcement and legal staff resources compared to the status quo. The Town received funding in the amount of \$54,219 from

the Ontario Cannabis Legalization Implementation Fund in 2019. This funding will be used to offset the costs associated with the proposed amendments.

Policies Affecting Proposal

The *Cannabis Act* and associated regulations do not consider land use impacts however; the Cannabis Licensing Application Guide advises that it is the responsibility of the licensed producer to comply with all other federal, provincial and municipal laws and by-laws, including municipal zoning by-laws.

Land use policies for the production of cannabis are contained in the Town's Official Plan and Comprehensive Zoning By-law 129-90.

The Town's Site Plan Control By-law subjects cannabis facilities to Site Plan control.

Alternatives

Council may choose to pass an interim control by-law prohibiting the production of cannabis in residential areas in accordance with the *Cannabis Act* and *Cannabis for Medical Purposes Regulations*. This is not recommended as the *Cannabis Act* and *Cannabis for Medical Purposes Regulations* specifically permit the cultivation of cannabis plants on a residential property. The passage of an interim control by-law which prohibits cultivation of cannabis on residential properties could be considered to frustrate the purpose of the *Cannabis Act* and could result in the by-law being challenged.

Council could choose to not authorize staff to initiate changes to the Official Plan and Zoning By-law related to cannabis facilities. Planning Staff do not recommend this as the changes present an opportunity to modernize the Town's planning documents in response to trends and new federal legislation and to address potential land use compatibility issues.

Conclusion

Council should receive this report for information purposes and authorize staff to amend the Official Plan and Comprehensive Zoning By-law 129-90 sections related to cannabis production facilities.

Attachments

Appendix "1" – Zoning By-law regulations relating to cannabis production
Appendix "2" – The Normal Farm Practices Protection Board Decision

Minimum Exterior Side Yard	7.5m
Minimum Rear Yard	30m
Maximum Lot Coverage	20%
Maximum Building Height	i) 1 storey ii) 6 metres
Minimum Distance from a Dwelling on an Adjacent Lot	150m

7.8 REGULATIONS FOR FARM PRODUCT OUTLETS, GREENHOUSE PRODUCT OUTLETS AND FARM WINERIES

The provisions of Subsection 7.4 relating to dwellings shall apply except the maximum floor area shall be 100 sq. m

7.9 REGULATIONS FOR GREENHOUSES AND MEDICAL MARIHUANA GROW AND PRODUCTION FACILITIES

Minimum Lot Area	Permitted only on an existing lot having a minimum size of 2 ha
Minimum Lot Frontage	60m
Minimum Front Yard	15m except: i) that where the yard abuts a Residential Zone, residential use or other sensitive land use, 70m is required but this setback does not apply to existing buildings or structures.
Minimum Interior Side Yard And Rear Yard	6m, except: i) that where the yard abuts a Residential Zone, residential use or other sensitive land use, 70m is required but this setback does not apply to existing buildings or structures.
Minimum Exterior Side Yard	15m except: i) that where the yard abuts a Residential Zone, residential use or other sensitive land use, 70m is required but this setback does not apply to existing buildings or structures.
Maximum Lot Coverage	60%

Maximum Building Height	i) 12m
Minimum Landscaping Requirements	A landscaping area in the form of a 3m wide planting strip shall be provided and maintained adjacent to every portion of any lot line that abuts a Residential Zone, or the extent of an abutting existing residential use not located in a Residential Zone.
Outside Storage Requirements for Greenhouses	Outside storage of goods, materials or supplies is permitted in the rear yard or side yard only, provided it is screened from view from any street.
Outside Storage Requirements for Medical Marihuana Grow and Production Facilities	Outside storage of goods, materials or supplies is not permitted.
Maximum Gross Floor Area for Processing and Packaging	20% of the gross floor area of the operation
Visible Nighttime Lighting	Where a building or structure consists of more than 40% of glass and where artificial lighting is required a closed of wood board on board or composite/vinyl fence shall be provided and maintained adjacent to every portion of any lot line that abuts a Residential Zone, residential use or other sensitive land use.
Parking	1 parking space for every 100 sq. m. of gross floor area or every 2 employees, whichever is the greater.

7.10 REGULATIONS FOR “PET DAY CARE ESTABLISHMENTS”

The requirements of Section 6.52 shall apply in addition to the regulations governing this section.

EXCEPTIONS TO THE AGRICULTURAL (A) ZONE

A-1 (129-1990) 4881 Garrison Road (FORMERLY C7-1)

In addition to the permitted use in Section 7.2 and 7.3 the lands indicated as A-1 on Schedule "A" may also be used for an antique shop, farm implement sales and service establishments, feed and fertilizer dealers, farm product market, farm supply and service establishments, garden centres and uses, buildings and structures accessory thereto subject to the provisions set out in Section 26.3.

27.6 REGULATIONS FOR MEDICAL MARIHUANA GROW AND PRODUCTION FACILITIES

Minimum Lot Frontage	40m
Minimum Front Yard	15m, except: i) that where the yard abuts a Residential Zone, residential use or other sensitive land use, 70m is required but this setback does not apply to existing buildings or structures.
Minimum Interior Side Yard And Rear Yard	6m, except: ii) that where the yard abuts a Residential Zone, residential use or other sensitive land use, 70m is required but this setback does not apply to existing buildings or structures.
Minimum Exterior Side Yard	10.5m except: i) that where the yard abuts a Residential Zone, residential use or other sensitive land use, 70m is required but this setback does not apply to existing buildings or structures.
Maximum Lot Coverage	60%
Maximum Building Height	i) 12m
Minimum Landscaping Requirements	A landscaping area in the form of a 3m wide planting strip shall be provided and maintained adjacent to every portion of any lot line that abuts a Residential Zone, residential use or other sensitive land use.
Minimum Loading Requirements	No loading space shall be established in any front yard or any yard adjacent to a residential zone or QEW.
Outside Storage Requirements	Outside storage of goods, materials or supplies is not permitted.
Building Façade Regulations	No exterior walls that face a street shall be constructed of concrete blocks unless the same are decorative masonry units or are used in a decorative pattern form or are surfaced with stucco or with a permanent coloured finish (does not include paint).
Visible Nighttime Lighting	Where a building or structure consists of more than 40% of glass and where artificial lighting is required a closed of wood board on board or composite/vinyl fence shall be provided and maintained adjacent to every portion of any lot line that abuts a Residential Zone, residential use or other sensitive land use.
Parking	1 parking space for every 100 sq. m. of gross floor area or every 2 employees, whichever is the greater.

Normal Farm Practices
Protection Board
1 Stone Road West, 2nd Floor NW
Guelph, Ontario N1G 4Y2
Tel: (519) 826-3433
Fax: (519) 826-4232
Email: NFPPB@ontario.ca

Commission de protection des pratiques
agricoles normales
1 Stone Road West, 2e étage NW
Guelph (Ontario) N1G 4Y2
Tél.: (519) 826-3433
Télééc.: (519) 826-4232
Courriel: NFPPB@ontario.ca



Normal Farm Practices Protection Board

IN THE MATTER OF: The *Farming and Food Production Protection Act, 1998*

AND IN THE MATTER OF: Application to the Board, under Section 6 of the *Farming and Food Production Protection Act, 1998* for a determination as to whether certain municipal by-laws are restricting a normal farm practice.

**Board File No.: 001Burnstown 19: Burnstown Farms Cannabis Company
v
Township of Beckwith**

Between:	Burnstown Farms Cannabis Company Ltd.	Applicant
	And	
	The Corporation of the Township of Beckwith	Respondent
	And	
	Wayne Casselman and Eileen Casselman	Third Parties

Appearances:

Before Glenn Walker, Vice-Chair
Marinus Byl, Member
Donald Woolcott, Member

REASONS FOR DECISION ON JURISDICTION ISSUE

A. INTRODUCTION

This hearing before a full panel of the Board was convened pursuant to a Pre-Hearing Conference Order dated April 17, 2019 to address three preliminary issues, namely:

- i. Is the proposal of the Applicant an “agricultural operation” under the Act?
- ii. What proposed farm practice or practices are allegedly restricted by the application of one or more of the by-laws at issue?
- iii. What is the extent to which the Board may grant remedies in relation to a federally-licenced activity?

Due to a misreading of the Pre-Hearing Conference Order, some of the parties were not prepared to deal with issues (i) and (ii). The Board agreed to deal only with Issue (iii) and to leave issues (i) and (ii) to be argued and decided at a full hearing if this matter proceeds. The Respondent took no position on the jurisdiction issue. The Third Parties provided written submissions on the issue but did not take a position on this issue during oral argument. William and Linda Johnston provided written submissions pursuant to Rule 56 of the Board’s Rules of Practice and Procedure. Those submissions deal mainly with the issues which would be decided at a full hearing and the Board will consider them together with other possible Rule 56 submissions at the end of the full hearing if this matter proceeds.

B. FACTUAL BACKGROUND

The Applicant has applied to the Government of Canada for a licence under the federal Cannabis Regulations to produce cannabis on a farm located at 733 Ferguson Road, Ashton, Ontario in the Township of Beckwith. The Township has passed by-laws which allegedly restrict farm practices to be used in connection with this proposed operation. There is no issue concerning the authority of the federal government to pass the *Cannabis Act, S.C. 2018, Chapter 16* and the regulations thereunder, nor is there an issue concerning the authority of the provincial government to pass the *Municipal Act 2001, S.O. 2001, Chapter 25, as amended* and the *Planning Act, R.S.O. 1990, Chapter P.13, as amended*, or the authority of the municipal Respondent to pass the by-laws in question thereunder. Further, there is no issue concerning the authority of the provincial government to pass the *Farming and Food Production Protection Act, 1998*.

C. DISCUSSION AND ANALYSIS

Issue to be Determined

The issue to be determined by the Board in this hearing is whether the Board's home statute, the *Farming and Food Production Protection Act, 1998 (FFPPA)*, is repugnant to the *Cannabis Act (CA)* and its regulations.

Section 95 of the *Constitution Act 1867 to 1982* provides as follows:

"In each Province the Legislature may make Laws in relation to Agriculture in the Province, and to Immigration into the Province; and it is hereby declared that the Parliament of Canada may from Time to Time make Laws in relation to Agriculture in all or any of the Provinces, and to Immigration into all or any of the Provinces; and any Law of the Legislature of a Province relative to Agriculture or to Immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada."

Assuming that those sections of the CA concerning cultivation are in relation to agriculture and that the FFPPA is in relation to agriculture, we must decide whether the FFPPA is repugnant to the CA. This is not a case where the validity of the statutes is being questioned. If that were the issue, then the matter would have to be taken to the Superior Court. Section 95 of the *Constitution Act* provides for concurrent jurisdiction as regards laws in relation to agriculture.

This, in the Board's opinion, is an issue of operability of a provincial law invoking the doctrine of federal paramountcy. There are two branches of the paramountcy test as described by the *Supreme Court of Canada in Alberta (Attorney General) v. Moloney, [2015] 3 SCR 327, 2015 SCC 51 (CanLII)*:

"A conflict is said to arise in one of two situations, which form the two branches of the paramountcy test: (1) there is an operational conflict because it is impossible to comply with both laws, or (2) although it is possible to comply with both laws, the operation of the provincial law frustrates the purpose of the federal enactment. What is considered to be the first branch of the test was described as follows in *Multiple Access*, the seminal decision of the Court on this issue:

In principle, there would seem to be no good reasons to speak of paramountcy and preclusion except where there is actual conflict in operation as where one enactment says "yes" and the other says "no"; "the same citizens are being told to do inconsistent things"; compliance with one is defiance of the other. [Emphasis added; p. 191.]..."If there is no conflict under the first branch of the test, one may still be found under the second branch. In *Bank of Montreal v. Hall, 1990 CanLII 157 (SCC)*, [1990] 1 S.C.R. 121, the Court formulated what is now considered to be the second branch of the test. It framed the question as

being “whether operation of the provincial Act is compatible with the federal legislative purpose” (p. 155). In other words, the effect of the provincial law may frustrate the purpose of the federal law, even though it does “not entail a direct violation of the federal law’s provisions”: *Western Bank*, at para. 73.”

If the Board finds that a proposed farm practice of the Applicant is a normal farm practice and if that normal farm practice is restricted by parts of one or more of the by-laws in question those parts of one or more of the said by-laws will not apply to the Applicant. (FFPPA section 6(1)). It is impossible to determine whether the FFPPA is in conflict with or repugnant to the CA and its regulations until such time as the Board makes a finding as to what the farm practices are. The Board’s remedy is to make a finding that they are or are not normal farm practices, with a finding of normal farm practice leading to the non-applicability of the by-law(s). It is at that point that the Board must consider the doctrine of paramountcy, as the remedy may conflict with or be repugnant to the CA and/or its regulations.

If, for example, a by-law provided that a certain farm practice be conducted only during the night hours and there was valid federal legislation which also stipulated that, the Board would have to consider the doctrine of paramountcy and could not find that conducting that farm practice only during daylight hours was a normal farm practice. To do so would be in direct conflict with the federal legislation.

D. FINDINGS

The Board therefore finds that until such time as a full hearing is held and the farm practices for the proposed operation are determined, the doctrine of paramountcy test cannot be applied.

E. ORDERS

The Board Secretary shall forthwith convene a third Pre-Hearing Conference with the panel and parties by way of telephone conference for the purpose of setting hearing dates and considering orders for disclosure and limiting participation under Rule 55.

So Orders the Board.

DATED this 21st day of June, 2019.



Planning and Development Services

Prepared for	Council-in-Committee	Report No.	PDS-73-2019
Agenda Date	December 2, 2019	File No.	350308-0058.2

Subject

**EXTENSION OF DRAFT PLAN APPROVAL – ALLISTON WOODS SUBDIVISION
NORTH OF GARRISON ROAD, EAST OF SPEARS ROAD
456941 ONTARIO LTD (PAUL SILVESTRI) – OWNER
UPPER CANADA CONSULTANTS (WILLIAM HEIKOOP) – AGENT**

Recommendation

THAT Council extends draft plan approval for the Alliston Woods draft plan of subdivision until May 5, 2020, and the Owner and Regional Municipality of Niagara Planning and Development Services Department be so advised.

Relation to Council's 2018-2022 Corporate Strategic Plan

Priority: Managed Growth through Responsibility, Stewardship and Preservation

List of Stakeholders

456941 Ontario Ltd (Paul Silvestri) – Owner
Upper Canada Consultants (William Heikoop) – Agent
Residents and Property Owners in Fort Erie

Prepared by:
Original Signed

Daryl Vander Veen
Planning Technician

Reviewed by:
Original Signed

Kira Dolch, MCIP, RPP, CNU-A
Associate Director, Planning &
Development Services

Submitted by:

Original Signed

Rick Brady, MA, MCIP, RPP
Director, Planning &
Development Services

Approved by:

Original Signed

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

Purpose

This report provides a recommendation to Council on extension of draft plan approval for the Alliston Woods subdivision. William Heikoop of Upper Canada Consultants (the Agent) requests a one year extension of draft plan approval for Alliston Woods subdivision on behalf of the Owner, 456941 Ontario Ltd. **Appendix “1”** shows the location of the subject lands in the Town of Fort Erie.

Background

Alliston Woods subdivision was originally draft approved by Town Council on January 29, 2001. In 2014 an application was submitted for redline revision to the draft plan of subdivision and to amend the zoning to reflect a redesign of the development. The redline revision and associated zoning by-law amendment were approved on May 5, 2014. The approved draft plan is attached for review as **Appendix “2”**.

The Alliston Woods draft plan contains the following elements:

- 170 lots for single detached dwellings
- 6 blocks for townhouse dwellings
- 1 block for a vacant land condominium
- 3 blocks for parkland
- 1 block for environmental conservation
- 1 block for stormwater management
- 2 blocks for 0.30 metre reserves

The development is approximately 23.54 hectares in size and is located within the Spears-High Pointe Secondary Plan. The development is zoned Environmental Protection EP Zone, Open Space Holding OS-506(H) Zone, Residential Multiple 1 Holding RM1-465(H) Zone and Residential Multiple 1 Holding RM1-505(H) Zone.

The Agent submitted a formal extension request on April 4, 2019 (**Appendix “3”**). Draft plan approval was set to expire on May 5, 2019. Staff have temporarily extended draft plan approval from May 5, 2019 to December 3, 2019 in an effort to provide additional time for the Owner/Agent to acquire land needed to commence Phase 1 on the proposed subdivision (see **Appendix “4”** for a map of the subject portion of land).

An appeal to some of the conditions of draft plan approval was received on November 14, 2019. The Owner is appealing Conditions 7, 32, 55, and 56 (highlighted in yellow in **Appendix “5”**) relating to the Kraft Road extension. In addition, the appeal requests that LPAT grant a three year extension to the draft plan approval. The conditions of approval for Alliston Woods are attached as **Appendix “5”** for reference.

Analysis

The Agent is requesting a one year extension of draft plan approval for Alliston Woods subdivision to May 5, 2020. The request letter notes that it is the Owner's intention to finalize a subdivision agreement with the Town of Fort Erie and to register the subdivision. The Agent states that one of the outstanding requirements of the subdivision agreement is to undertake a land swap with the Town. Additionally, a portion of land intended for a future extension of Kraft Road into the development from Garrison Road needs to be acquired by the Owner in order to proceed.

Staff circulated Niagara Region and the Niagara Peninsula Conservation Authority (NPCA) for comment on this extension request. The Region did not object to a two year extension of draft plan approval and did not request any changes to the conditions of draft plan approval. Thus Condition 55 remains a condition to be cleared by Niagara Region. The NPCA did not respond at the time of this writing.

Staff recommend that Council extend draft plan approval for Alliston Woods subdivision to May 5, 2020. This will provide additional time for the Owner/Agent to work through the land acquisition matter and to finalize engineering details. This will be the final extension of draft plan approval recommended by staff unless significant progress towards registration is made.

Financial/Staffing Implications

All costs associated with the development of the draft plan of subdivision are the responsibility of the applicant and will be incorporated into future subdivision agreement(s).

Policies Affecting Proposal

Development of this plan of subdivision is set out in accordance with the requirements of the *Planning Act*. Section 51 (33) of the *Planning Act* contains a regulation for lapsing of draft plan approval. The Alliston Woods draft plan of subdivision meets the *Planning Act* regulation.

Comments from Relevant Departments/Community and Corporate Partners

Niagara Peninsula Conservation Authority (NPCA)

The Niagara Peninsula Conservation Authority (NPCA) did not submit comments for this application.

Niagara Region (Region)

Region staff did not object to further extension of draft plan approval for Alliston Woods subdivision for up to two years. The approved conditions of draft plan approval continue

to meet Region requirements and no revisions to the conditions are required at this time. The Region's comments are attached as **Appendix "6"**.

Communicating Results

No additional communication is recommended at this time.

Alternatives

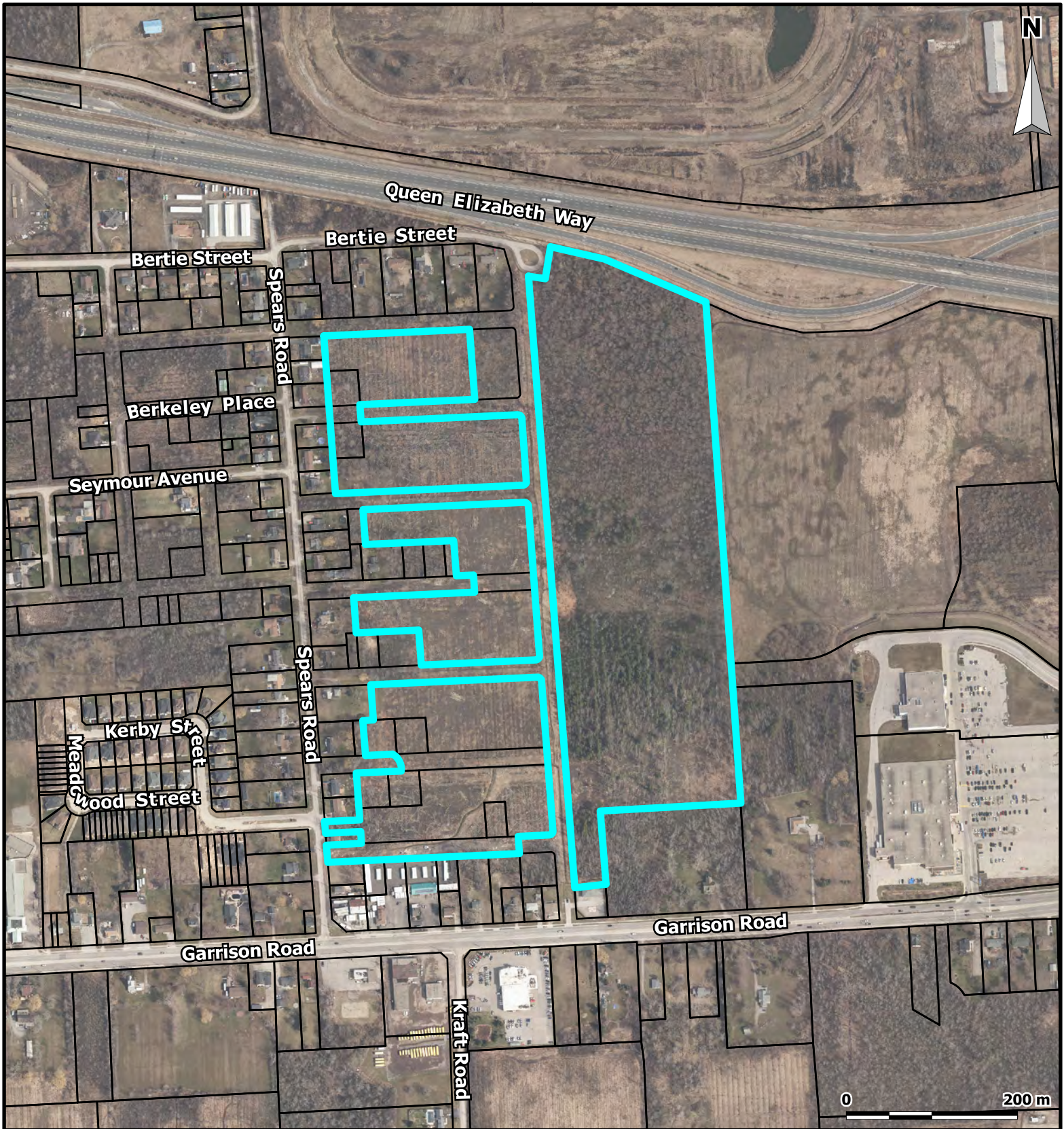
Council may deny the extension of draft plan approval for Alliston Woods subdivision. Staff do not recommend this at this time. Denial of extension of draft plan approval will result in the subdivision lapsing. Staff are of the opinion that a final extension to May 5, 2020 is appropriate to permit the Owner/Agent time to finalize engineering details and to resolve the land acquisition matter.

Conclusion

Staff recommend that Council extend draft plan approval for the Alliston Woods draft plan of subdivision until May 5, 2020, and the Owner and Regional Municipality of Niagara Planning and Development Services Department be so advised.

Attachments

- Appendix "1"** - Location Plan of Alliston Woods Subdivision
- Appendix "2"** - Alliston Woods Approved Draft Plan of Subdivision
- Appendix "3"** - Request Letter from Applicant
- Appendix "4"** - Portion of Land to be Acquired for Phase 1
- Appendix "5"** - Existing Conditions of Draft Plan Approval for Alliston Woods Subdivision
- Appendix "6"** - Comments from Niagara Region



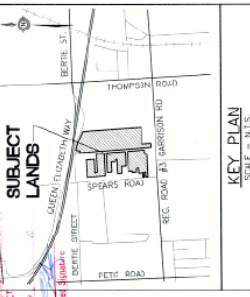
LOCATION PLAN
Alliston Woods Subdivision

Subject Lands - Alliston Woods Subdivision

BERTIE CON 3 PT LOTS 1 AND 2 PLAN 119 LOT 44, LOTS 46-81, LOTS 89-121, LOTS 137-164, LOTS 182-204,
 LOTS 214 TO 249, LOTS 256 TO 269, LOTS 278 TO 291 PT LOT 205 PT RENVILLE AVENUE PT ROSS AVENUE
 PT BRADFORD AVENUE PT WELLINGTON AVENUE NP459 RP 59R10454 PARTS 5 AND 6 IN THE TOWN OF FORT
 ERIE
 Extension of Draft Plan Approval - Alliston Woods Subdivision - North of...

ALLISTON WOODS SUBDIVISION
TOWN OF FORT ERIE
REDLINE REVISED (26T-15-2000-2)

DRAFT SUBDIVISION
SUBJECT TO THE CONDITIONS, RESTRICTIONS, EASEMENTS AND COVENANTS OF THE PLANNING ACT



KEY PLAN
SCALE = N.T.S.

ALLISTON WOODS SUBDIVISION
DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION
PART OF THE REGIONAL MUNICIPALITY OF NIAGARA
AND LOTS 44, 45 TO 121, INCLUSIVE, OF LOT 121, INCLUSIVE
AND LOTS 252 TO 269, INCLUSIVE, IN PLAN 457, IN
THE REGISTRY OFFICE, TOWN OF FORT ERIE,
REGIONAL MUNICIPALITY OF NIAGARA

OWNER'S CERTIFICATE
I, THE UNDERSIGNED, OWNER, HEREBY AUTHORISE LOWER
CADAMBA CONSULTANTS TO PREPARE AND SUBMIT THIS DRAFT PLAN
OF SUBDIVISION TO THE TOWN OF FORT ERIE FOR APPROVAL.
DATE: May 31, 2015
N. Kadamba
OWNER

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE DIMENSIONS AND THE LIMITS
HEREON SHOWN CORRECTLY REPRESENT THE CORRECT SURVEY.
DATE: May 31, 2015
N. Kadamba
SURVEYOR

REQUIREMENTS OF SECTION 51(1.7)
OF THE PLANNING ACT

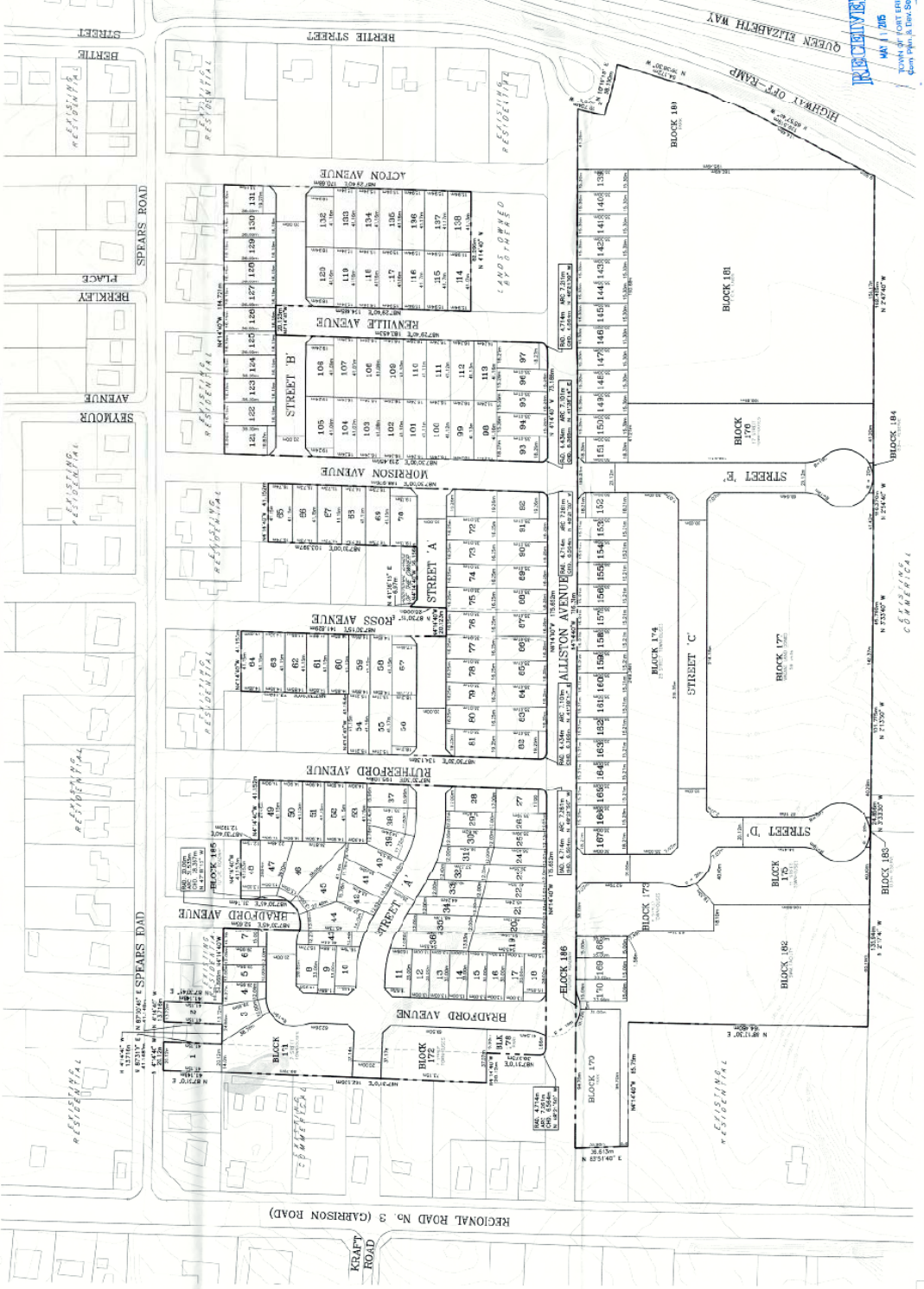
- SEE PLAN (1) SET PLAN
- SEE PLAN (2) SET PLAN
- SEE PLAN (3) SET PLAN
- SEE PLAN (4) SET PLAN
- SEE PLAN (5) SET PLAN
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- SEE PLAN (8) SET PLAN
- SEE PLAN (9) SET PLAN
- SEE PLAN (10) SET PLAN

LAND USE SCHEDULE

Table with 3 columns: LAND USE, LOT/BLOCK, and NO. OF UNITS (MIN./MAX.).

UPPER CANADA CONSULTANTS CONSULTING PLANNERS
151 Woodbine Road
Scarborough, Ontario
M1S 1T7

ALLISTON WOODS SUBDIVISION DRAFT PLAN
DRAFT PLAN
DATE: MARCH 24, 2014
SCALE: 1:1250
DRAWING NO: 0506-DP 0





**UPPER CANADA
CONSULTANTS**
ENGINEERS / PLANNERS

Upper Canada
Planning &
Engineering Ltd.
3-30 Hannover Drive
St. Catharines, ON
L2W 1A3
Phone 905-688-9400
Fax 905-688-5274

April 4th, 2019

File: 0506

Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Attn: Kira Dolch, MCIP, RPP, Associate Director

**Request for Draft Plan Extension
Alliston Woods (26T-15-2000-02), Town of Fort Erie**

Please accept this request to extend draft plan approval for the Alliston Woods project (26T-15-2000-02) for a period of 1 year. We hope to bring this extension request to council within the next month, the draft approval is anticipated to lapse on May 5th, 2019.

In May of 2018, it indicated to Council that it was (and still is) the owner's intention to move forward with the finalizing a Subdivision Agreement and moving forward to the construction of Phase 1 of the development. However a Subdivision Agreement, completed in 2015, that facilitates a landswap with my client and the Town of Fort Erie required for registration of the Subdivision is unresolved and is currently keeping the construction side of the development from moving forward. Furthermore, the terms of the 2015 Subdivision Agreement requires that the Developer or City own the land that provide a connection to Garrison Road, at the Kraft Road intersection. The Town has been in litigation with the current land owner for several years, regarding the use of that property. This has created a major issue with my client's ability to acquire and facilitate the transfer of that land to the Town.

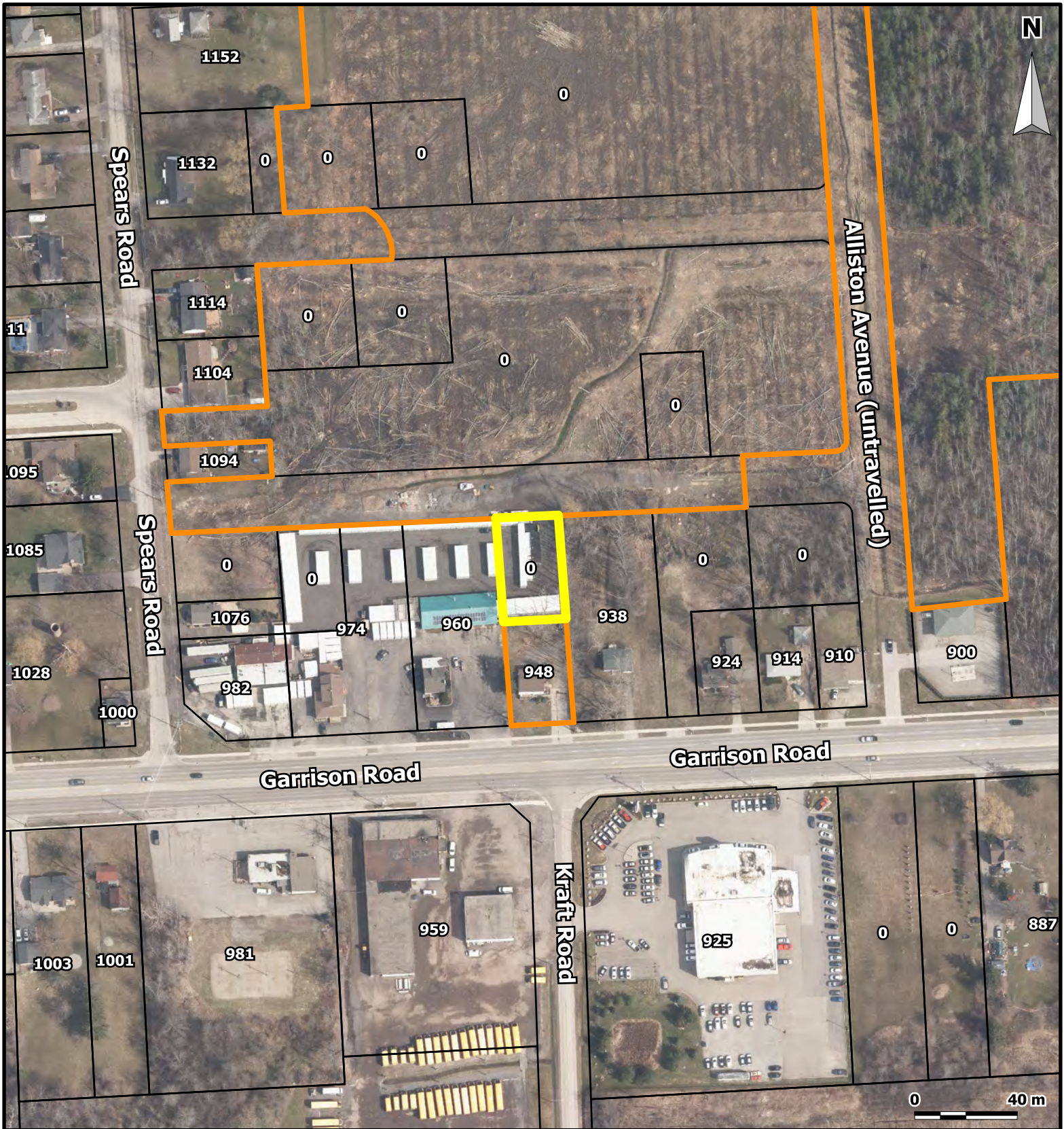
For the above noted reason we ask that the Draft Plan of Subdivision be extended to allow for this legal proceeding to be finalized. Please find enclosed three cheques, one in the amount of **\$1039.00** payable to the Town of Fort Erie **\$1250.00** made payable to the Region of Niagara. Lastly one for **\$570.00** payable to the Niagara Peninsula Conservation Authority.

If there are any further questions or concerns please do not hesitate to contact the undersigned.

Sincerely,

William Heikoop, B.U.R.Pl.
Planner
Upper Canada Consultants

cc. *Silvestri Investments Ltd. – Paul Silvestri*
Sullivan Mahoney – Victor Muratori
Sullivan Mahoney – Patrick Maloney



LOCATION PLAN

Land to be Acquired to Commence Phase 1 of Alliston Woods Subdivision

Land to be acquired to commence Phase 1 Other land owned by subdivision owner

ALLISTON WOODS CONDITIONS OF DRAFT PLAN APPROVAL
REVISED MAY 3, 2017

The conditions of final approval and registration of the revised Alliston Woods Plan of Subdivision by 456941Ontario Ltd. File No. 26T-15-2000-02, Town of Fort Erie are as follows:

1. This approval applies to the revised Alliston Woods, Plan of Subdivision, Part of Lots 1 and 2, Concession 3, Niagara River Geographic Township of Bertie and Lots 44, 46-78, 92-121, 182-204, 214-246, 259-269, 278-291, and part of Lot 205 according to registered Plan 119, NP 459, Town of Fort Erie prepared by Don Chambers and Associates showing 171 single detached lots; 6 blocks for street townhouses, 1 vacant land condominium block, 1 environmental block (E.C.A.) , 1 block for storm water management facility, 3 blocks for parkland, 2 blocks for 0.3 metre reserves and 2 blocks for streets dated March 24, 2014.
2. That the proposed road allowances in this plan of subdivision be dedicated as public highways to the Town.
3. That the subdivision be phased to the satisfaction of the Town.
4. That owner convey 5% of the land included in the plan to the Town of Fort Erie for parkland purposes pursuant to the provisions of Section 51.1 (1) of the *Planning Act*, R.S.O. 1990 c. P.13 or alternatively, at the option of the Town, a 5% cash in lieu parkland dedication be made.
5. That the owner convey to the Municipality additional parkland equal to the land area of the existing unopened Municipal road allowances in the plan or alternatively at the option of the Town cash-in-lieu equal to the value of the existing unopened Municipal roads in the plan of subdivision.
6. That any and all easements that may be required for utility and drainage purposes be granted to the appropriate authorities.
7. That the owner shall agree in writing to satisfy all of the requirements, financial and otherwise, of the Town of Fort Erie and Regional Municipality of Niagara concerning the provision of roads, the installation of services and drainage including the upgrading of existing roads and services and the restoration of existing roads damaged during the development of the plan of subdivision.
8. That the subdivision agreement between the owner and the Town be registered by the Municipality against the lands to which it applies as provided for under the *Planning Act*, R.S.O. 1990 c. P.13.
9. That the owner prepare a detailed Lot Grading Plan for the entire plan of subdivision for submission to the Town of Fort Erie, Regional Municipality of

Niagara Planning & Development Services Department and Niagara Peninsula Conservation Authority.

10. That prior to approval of the final plan or any on-site grading, the owner submit a Storm Water Management Report/Plan designed and sealed by a suitably qualified professional engineer to the Town of Fort Erie, the Regional Municipality of Niagara Planning & Development Services Department, the Niagara Peninsula Conservation Authority and the Ministry of Transportation for review and approval indicating the following:
 - a) The manner in which storm water will be conveyed across the site in both major and minor storms using storm water management techniques that are in accordance with the Provincial guidelines contained in "Stormwater Management Planning and Design Manual", March 2003, , 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:
 - b) A detailed engineering submission indicating:
 - ◆ The conveyance of storm water runoff from the site by major and minor systems.
 - ◆ Assessment of downstream and upstream constraints and how these constraints can be addressed.
 - ◆ The provision of an adequate outlet.
 - ◆ The erosion and sedimentation control techniques which will be utilized during and after construction.
 - ◆ Examination of both quality and quantity.
 - ◆ The stormwater management system is designed to provide Level 2 protection for downstream fisheries resources.
 - c) An Erosion and Sedimentation Control Plan for the development of the site designed and sealed by a professional engineer indicating the means whereby erosion and sediment and their effects will be minimized on site during and after construction in accordance with the Provincial guidelines contained in "Storm Water Management Practices Planning & Design Manual – June 1994".
 - d) A Lot Grading and Drainage Plan indicating the existing and proposed grades as well as the means whereby major system flows will be accommodated across the site.

Note: Any end-of-pipe storm water detention facility or new outlet to a receiving body will also require the issuance of a Certificate of Approval from the Ministry of Environment and Climate Change Approvals Branch, Toronto.

11. That the subdivision agreement between the owner and the Town contain wording acceptable to the Town of Fort Erie, the Niagara Peninsula Conservation Authority and the Regional Municipality of Niagara Planning & Development Services Department wherein the owner agrees to carry out or cause to be carried out storm water techniques required to fulfill Condition No. 10.
12. That all roads in the subdivision be constructed to an urban cross section with curb and gutter and storm sewers all in accordance with the Town of Fort Erie requirements and connect to Spears Road as required by the Town.
13. That all lots be serviced with Municipal water supply and Municipal sanitary sewer. The water distribution servicing this subdivision shall contain no deadend mains and shall be looped through the subdivision and designed to accommodate residential and fire flows with the minimum size being 150 mm in diameter.
14. That prior to the approval of the plan, that the lands affected by the subdivision are zoned in accordance with the Town of Fort Erie Zoning By-law.
15. That the design drawings for the sanitary sewer system and the storm water system required to service this development be submitted to the Town of Fort Erie and the Regional Municipality of Niagara Planning & Development Services Department for review and approval. The design drawings for watermains will be submitted to the Town of Fort Erie for review and approval of watermains under the MOECC Water License Program.
16. That prior to final approval for registration of this plan, the owner shall obtain Ministry of the Environment and Climate Change Environmental Compliance Approvals to the satisfaction of the Regional Municipality of Niagara Planning & Development Services Department for the necessary servicing (storm sewers and sanitary sewers) for this development.
17. That the owner provide a letter of credit, or an acceptable alternative, and enter into a legal agreement for the water and wastewater portion of the Regional Development Charges within 12 months of this modification for the portion of the draft approved plan for which Ministry of the Environment and Climate Change servicing approvals have not been issued, unless evidence of a complete Ministry of the Environment and Climate Change application for servicing has been received by the Region within this time, to the satisfaction of the Regional Municipality of Niagara Planning & Development Services Department."
18. That the owner shall carry out an Archaeological Assessment of the subdivision site and mitigate through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found to the satisfaction of the Ministry of Tourism, Culture and Sport with a copy of the report submitted to Regional Municipality of Niagara Planning & Development

Services Department for information and that no grading and/or soil disturbance shall take place on the property prior to the issuance of a clearance letter from the Ministry and the Region to the Town confirming that all archaeological assessment or mitigation activities have met licensing and resource conservation requirements.

19. That the owner submit a Traffic Impact Study to the Regional Municipality of Niagara Planning & Development Services Department and the Town Infrastructure Services Department for review and approval and that the recommendations of the study be implemented through provisions in the subdivision agreement between the owner and the Town. Note: The Traffic Impact Study must also address traffic calming opportunities and traffic control within the subdivision.
20. That the owner submit a detailed noise impact study, to be conducted by a qualified professional engineer, to the Regional Municipality of Niagara Planning & Development Services Department for review and approval assessing the impact of transportation noise on the subdivision and recommending appropriate measures to reduce noise levels to the Ministry of the Environment and Climate Change noise criteria.
21. That the subdivision agreement between the owner and the Town of Fort Erie contain a provision whereby the owner agrees to implement the approved noise control measures required in accordance with Condition 20 above.
22. That the owner submit a tree saving plan to the Town of Fort Erie for review and approval and that the recommendations of the tree saving plan be implemented through provisions in the subdivision agreement between the owner and the Town of Fort Erie. Note: A copy of the tree saving plan is to be submitted to the Regional Municipality of Niagara Planning & Development Services Department for their information.
23. That daylighting triangles as required by the Town's Infrastructure Services Department along Allison Avenue and Street "A" be dedicated to the Town.
24. That the owner provide Canadian Niagara Power Company with a construction schedule and a complete set of drawings showing all grading and drainage, all storm and sanitary sewers, all water lines and all road, curb and sidewalk construction including road cross sections.
25. That the owner satisfy the Canadian Niagara Power Company with respect to the design and installation of underground electrical facilities and street lighting all at the owner's expense.
26. That the roads be named to the satisfaction of the Town.

27. That the owner submit, for review and approval by the Town, a Geotechnical Study and Hydrogeological Study prepared by a qualified engineer, that verifies the soil bearing capacity, assesses bedrock elevations and groundwater conditions and recommends fill specifications, appropriate sewer pipe design, pipe bedding, backfill and roadway designs and appropriate mitigation measures for groundwater issues encountered, such that ground water will not be an on-going problem for occupants of the new dwellings. Owner to provide three copies of the final study, once approved by the Town.
28. The owner shall enter into an agreement as required by utility companies for installation of services including the provision of street lighting all in accordance with the standards of the Town of Fort Erie. All utilities servicing the subdivision shall be underground.
29. That the design of all Municipal and public utility services for this subdivision be coordinated with adjacent development to ensure, among other things, service main looping.
30. All roads, intersections and cul-de-sacs be constructed with turning radii approved by the Town of Fort Erie Fire Department.
31. That the owner agrees to construct 1.5 metre sidewalks on one side of all internal streets in a location approved by the Town.
32. That the developer acknowledges and agrees that all Offers to Purchase and Agreements of Purchase and Sale shall contain a clause indicating that:

As a result of the development of Alliston Woods Plan of Subdivision and future development of the area, the intersection of Spears Road and Garrison Road (Regional Road 3) and the intersection of Kraft Road North (Street A) and Garrison Road (Regional Road 3) will be operating at the lowest level of service and that residents may experience delays at these intersections due to traffic volumes.
33. Due to the proximity of the Alliston Sewage Pumping Station, Purchaser/tenants are advised that despite the inclusion of noise/odour control features in the development and within the building units, periodic emissions of unpleasant odours and noise from the normal or emergency operations of this facility, for an unspecified duration, may occur and may adversely affect the residents of this development and that a warning clause be inserted in the subdivision agreement between the Owner and the Town of Fort Erie and in all Agreements of Purchase and Sale.
34. That the subdivision agreement between the Owner and the Town contain wording acceptable to the Niagara Peninsula Conservation Authority where in the owner agrees to the following:

- a) Install permanent fencing without access gates between Block 181 and Lot 140, as well as between Block 182 and Lots 140-150, and between Block 1181 and Lot 140.
 - b) Install visible construction fencing and sediment control at the boundaries between Block 181 and Lot 140, as well as between Block 182 and Lots 140-150, and between Block 1181 and Lot 140.
 - c) No grading, construction activities or alteration of the natural vegetation shall take place within Blocks 181 or 182.
 - d) All disturbed areas shall be stabilized and re-vegetated as required upon completion of work to prevent the discharge of sediment into the wetland.
 - e) Vegetation clearing should not take place between May 01 and July 31 of any year.
 - f) All materials and equipment used for the purpose of site preparation and project completion shall be operated and stored in a manner that prevents any deleterious substance (e.g. petroleum products, silt, debris, etc.) from entering the wetland.
 - g) Any equipment maintenance and refueling operations shall be set back sufficiently to prevent spills from entering the wetland.
35. The developer will consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes. The developer will then indicate these locations on the appropriate servicing plans.
36. The developer agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.
37. The developer agrees to include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Box. The developer also agrees to note the locations of all Community Mail Boxes within the development, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mail Box.
38. The developer will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations. Canada Post will provide mail delivery to new residents as soon as the homes are occupied.
39. The developer agrees to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:
40. Any required walkway across the boulevard, per municipal standards.
41. Any required curb depressions for wheelchair access, with an opening of at least two meters (consult Canada Post for detailed specifications)

42. Concrete pad as per CPC specifications(consult Canada Post for detailed specifications)
43. 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".
44. 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".
45. 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 (maximum 6.0m wide) from curb to the property line or from the curb to the sidewalk" within municipal road allowances.
46. That the subdivision agreement include a clause requiring that the following warning clause regarding all the lots within the subdivision shall hereby be registered on title to the lands:

"All persons intending to acquire an interest in the real property by purchase or lease on this development are advised of the presence of a Stormwater Management Facility which will be subject to stormwater flows and periodic flooding due to seasonal rainfall and snowmelt. Portions of these lands may be impacted by fast flowing water, ponding, insect and animal habitat and odours associated with the designed use."

47. That the Owner deed Block 182, as shown on the Draft Plan to the Town for stormwater management facility, free and clear of any mortgages, liens and encumbrances.
48. That the Owner shall provide 0.3m wide reserves to the Town on Bradford Avenue frontages of Lot 43 and Lot 44. These must be free and clear of any mortgages, liens and encumbrances.
49. That the subdivision agreement include a clause that states each residential lot shall have only one driveway access to the municipal road system, unless otherwise approved by the Director of Infrastructure Services."
50. That the subdivision agreement include a clause that the Developer agrees to install sidewalk and grade/sod the boulevard of site roads as per the approved plans, within one month of occupancy or the closing date for individual homes on a per lot basis. Should the Developer wishes to defer sidewalk installation and the grading/sodding of boulevards due to weather condition or other circumstances,

approval for the deferral must be obtained from the Director of Infrastructure Services.”

51. That a 5.0m wide easement, in favour of the Town, must be provided for any storm or sanitary sewer across private property, including inlet and/or outlet pipes from the storm water management facility.
52. That the Owner shall provide landscaping and planting on SWM facility lands (Block 182) to the satisfaction of the Town.
53. That the Owner shall provide a chain link fence (black preferred) along all sides of storm water pond land block (Block 182). A gate shall be provided at any equipment driveway(s).
54. That the owner ensure that the plan is in accordance with the Regional Municipality of Niagara waste collection policy, Requirement for Commencement of Collection for New and Redevelopments. Note: for any development phasing, the developer shall create appropriate temporary waste collection turnaround(s), per the Niagara Region waste collection policy, at the end of each dead end street(s) during any development phasing that will permit Regional waste collection or confirm that waste collection will be the developer’s responsibility.
55. That the developer acknowledges and agrees to prepare a plan and profile drawing for the future extension of Kraft Road North (Street A) to be reviewed and approved by the Niagara Region prior to applying for a construction encroachment permit and beginning construction.
56. That if final approval is not given to this plan within three (3) years of the approval date and no extensions have been granted, draft plan approval shall lapse. If the owner wishes to request an extension of draft plan approval, a written explanation with reasons why the extension is required together with the resolution from the Region must be received by the Town prior to the lapsing date.

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:

- ◆ Regional Municipality of Niagara Planning & Development Services Department for Conditions 7, 9, 10, 11, 15, 16, 17, 18, 19, 20, 21, 22, 32, 54 & 55.
- ◆ Canadian Niagara Power Company for Conditions 24 & 25.
- ◆ Niagara Peninsula Conservation Authority for Conditions 9, 10, 11 & 34.
- ◆ Ministry of Tourism, Culture and Sport for Condition 18.
- ◆ Ministry of Transportation Condition 10.

1. THE LANDS REQUIRED TO BE REGISTERED UNDER THE LAND TITLES ACT, R.S.O. 1990, c. L.5:

- 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 Environment & Climate Change under Section 52 and 53 of the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40.

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 owner 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 owner and the Town to these agencies. In this instance this copy should be sent to:

Mr. Jeff Hoover, Engineering Supervisor
Canadian Niagara Power Company Limited
1130 Bertie Street, P.O. Box 1218
Fort Erie, Ontario L2A 5Y2
Phone: (905) 871-0330

Teresa Gray, MCIP, RPP
Senior Development Planner
Planning and Development Services Department
The Regional Municipality of Niagara
1815 Sir Isaac Brock Way
Thorold, ON L2V 4T7
Phone: (905) 685-4225 ext. 3430
Toll-free: 1-800-263-7215
Fax: (905) 687-8056

Mr. David Deluce
Niagara Peninsula Conservation Authority
250 Thorold Road West, 3rd Floor
Welland, Ontario, L3C 3W2
Phone: (905) 788-3135

Tony Filice, Delivery Planning
Canada Post - Central Region
300 Wellington Street
London, Ontario N6B 3P2

Ministry of Transportation
Central Region
Corridor Management Officer
1st Floor Building
1201 Wilson Avenue
Downsview, Ontario
M3M 1J8
Phone: 416-235-4280

Neil Ferris
Heritage Planner
Ministry of Citizenship Culture & Recreation
44 Centre Street
London, Ontario
N6J 1T4
Phone: 519-675-7742

2. 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.



Planning and Development Services

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

Via Email Only

July 31, 2019

File No.: D.11.01.SD-19-033

Mr. Daryl Vander Veen, BES
Planning Technician
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Mr. Vander Veen:

**Re: Regional and Provincial Comments
Extension of Draft Plan of Subdivision Approval
Applicant: Silvestri Investments Ltd. – Paul Silvestri
Agent: Upper Canada Consultants – William Heikoop, B.U.R.P.I
Alliston Woods Subdivision
Town of Fort Erie**

Regional Development Planning staff has reviewed the applicant's request for an extension of draft plan approval for the Alliston Woods Subdivision. The request for extension was received on July 23, 2019 with review fees received July 30, 2019.

The following Provincial and Regional comments are offered to assist the Town in considering the current extension request.

The development was originally granted draft plan approval in January 2001. Several subsequent draft plan extensions have been granted for the development since its original approval. The latest extension was set to lapse on May 5, 2019 with a temporary extension granted to August 6, 2019. Per the correspondence submitted, the 1 year extension has been requested to allow for legal proceedings with regards to the transfer of land to be resolved. The applicant intends to move forward with finalizing the Subdivision Agreement and construction of Phase 1 of the development following the legal proceedings.

It has been the Region's practice to consider extension to draft plan approval for up to two years. This allows for regular review of the proposal in light of the most recent policies and/or infrastructure considerations, and to modify and/or update conditions of approval if necessary. Regional staff reviewed the approved revised conditions of draft approval

SD-19-033
July 31, 2019

(revised June 28, 2019) and note that no further changes are required to the list of conditions.

Conclusion

Based on the above discussion, Development Planning Services staff is satisfied that Provincial and Regional interests will not be compromised and have no objection to a further extension of draft approval.

Should you have any questions or would like to discuss these comments, please contact me at extension 3442 or Lindsay Earl, Senior Development Planner, at extension 3387.

Please send notice of Council's decisions on this application.

Best regards,



Elissa Quintanilla
Development Planner

cc: Ms. Lindsay Earl, MCIP, RPP, Senior Development Planner (Region)
Ms. Susan Dunsmore, P. Eng., Manager Development Engineering (Region)
Ms. Kira Dolch, MCIP, RPP, Associate Director (Town)
Mr. William Heikoop, B.U.R.P.I, Planner (Upper Canada Consultants)



The Municipal Corporation of the Town of Fort Erie
Business Status Report
 Planning and Development Services
 December 2, 2019

Forecasted Reports	Source	Status
Erie Beach and Burleigh Rd. Subdivision Works and Misc Road Works Award of Contract	Award of Contract	Dec 9, 2019
Request for Demolition – Heritage Property (477 Ridge Road)	Board/Committee	Jan 13, 2020
South Coast Village Phase 2 Zoning By-law Amendment Presentation & Information Report (Tentative)	Application	Jan 13, 2020
260-262 Gorham Road Combined Official Plan and Zoning By-law Amendment Presentation & Information Report (Tentative)	Application	Jan 13, 2020
Peace Bridge Village Phase 2 – Subdivision and Combined OPA/ZBA Recommendation Report (Tentative)	Application	Jan 13, 2020
Active Transportation Master Plan–Presentation & Recommendation Report	Council Request	Jan 13, 2020
Royal York Road Town-initiated Combined Official Plan and Zoning By-law Amendment Presentation & Information Report (Tentative)	Application	Jan 13, 2020
Bird-friendly Design Standards Recommendation Report	Council Request	Jan 20, 2020

Prepared By:

Respectfully Submitted By:

Original Signed

Original Signed

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

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



Infrastructure Services

Prepared for	Council-in-Committee	Report No.	IS-44-2019
Agenda Date	December 2, 2019	File No.	220101

Subject
UPDATE ON THE IMPLEMENTATION OF THE 2019 OPERATIONAL CHANGES AT BAY BEACH

Recommendations
<u>THAT</u> Council receives this report on the implementation of the Bay Beach operational plan for information purposes, and further
<u>THAT</u> Council supports a fee of \$100 for a non-resident seasonal admission pass for Bay Beach, and further
<u>THAT</u> Council supports a fee of \$50 for a seasonal on-street parking pass for Crystal Beach, and further
<u>THAT</u> Council supports the removal of Cherryhill Blvd, Rosewood Avenue, Lakewood Avenue, and Oakwood Avenue, from the on-street paid parking by-law.

Relation to Council's 2018-2022 Corporate Strategic Plan
Priority: 1: Optimizing Health, Housing and Social well-being through service access and healthy lifestyles, and 2: Sustainable Infrastructure for the Future
Goal: 1.5: Capital investment plan to include health living infrastructure (trails, parks/recreation, transit connections, etc.)

List of Stakeholders
1) Mayor and Members of Council of the Town of Fort Erie
2) Town of Fort Erie Ratepayers
3) Bay Beach Patrons
4) Crystal Beach BIA
5) Friends of Crystal Beach
6) Beach Survey Volunteers

Prepared by:	Submitted by:	Approved by:
<i>Original signed by:</i>	<i>Original signed by:</i>	<i>Original signed by:</i>
Sean Hutton, Manager, Parks and Facilities Division	Kelly M. Walsh, P.Eng. Director, Infrastructure Services	Tom Kuchyt, CET Chief Administrative Officer

Purpose of Report

To provide Council with an update on the implementation of the 2019 Bay Beach operational changes and recommend changes to the admission fees and on-street parking fee by-law.

Analysis

Background

Reports IS-03-2019 and IS-03-1-2019 introduced numerous operational changes for Bay Beach; each recommendation approved by Council was implemented throughout the summer of 2019. The primary improvements included; paid beach admission, re-introduction of beach security staff, addition of on-street paid parking in Crystal Beach and updates to beach by-laws. With the diligent work of staff from Corporate Services, Customer Service, Corporate Communications, By-law Enforcement and Infrastructure Services, the improvements were carefully planned and successfully implemented in 2019.

The purpose of this report is to provide Council with an update on the impact of the operational changes implemented at Bay Beach in 2019 and to provide recommended modifications to those changes.

Beach Patron Feedback

Throughout the summer of 2019 beach staff and community volunteers conducted on-site surveys of beach patrons in order to collect data on demographics, spending habits and solicit feedback on the changes to the beach. Comments and suggestions were also received by CSU staff, Infrastructure Services Staff, Corporate Communications and the EDTC.

In total, over 147 surveys of beach patrons were completed on-site, groups as small as 1 person to as large as 27 people, representing a total of 824 people were surveyed. Of the survey group: 19% of patrons were under 10 years old, 14% teenagers and the remaining 67% were over 19 years of age; 80% of patrons drove to the beach, most

(90%) parking in a parking lot (private or municipal); 85% of patrons indicated that they would definitely recommend Bay Beach to a friend, 10% probably would and only 4% would provide a negative review of Bay Beach. For a complete list of survey statistical results, see Appendix ‘1’.

The most valuable portion of the surveys conducted was the feedback received. Table 1 provides a summary of the most relevant or often heard comments from the surveys and comments received by the Town and EDTC staff:

Table 1:

Comment	Staff Response and Recommendation
Desire for food service on site	This option could be explored through issuance of an RFP for food trucks in the future. However, the option for food service in the area is best left to existing private businesses at this time. Staff intend to work with the EDTC and the Crystal Beach BIA to promote local food establishments and encourage them to find creative ways to provide food service to beach patrons (i.e. on beach delivery).
Allow alcohol on the beach	This comment was heard repeatedly, it demonstrates that security was doing their job in keeping alcohol off the beach through effective bag searches at the gates.
Security staff are intrusive and unfriendly	Staff will review customer service standards with future security contractor staff and improve signage so patrons better understand what to expect from bag searches at the gates.
Do not want to pay to use the beach	This comment was heard from a few, but the overall customer satisfaction demonstrates that most approve of the changes.
Provide other options for admission passes	This option is further discussed in the beach admission portion of this report and a recommendation is offered.
Sunshades should be permitted	This issue should be less contentious in future beach seasons as patrons learn what is and what is not acceptable. The change in by-law was successful in eliminating larger tents from the beach, which was a welcome change for all patrons.
Rental of umbrellas, accessible wheelchairs, beach toys, etc. on site	This option may assist with the sunshade concern noted above; however current staffing demands and limitations to on-site storage would not make this a good fit for the Town to operate. This option is also best left to the private sector to provide as a local business opportunity, possibly through a self-managed “share” program similar to urban “bike shares”.

Table 1: Continued

Comment	Staff Response and Recommendation
Improve flow at the main entrance	Staff propose to address this issue by relocating the refuse container through a 2020 capital project and future technological improvements will help to expedite the admission process.
Improve accessible access at the Ashwood Avenue entrance	Staff propose to address this issue by paving a portion of the access and adding accessible mats for the rest through a 2020 capital project.
Need more signs with rules and admission fees	Signage installed in 2019 was temporary as the rules and admission policies were all being analyzed during the first season. Notes have been collected by staff throughout the season and new, permanent signage installed in 2020 will follow the now approved wayfinding standards and will account for any modifications to the policies approved in this report.

Beach Operations

Operational changes were implemented in 2019 in order to improve patron experience and provide a higher level of service. Some the most significant enhancements to the operation were:

- Increased maintenance staffing levels;
- Introduction of on-site staff supervision;
- Expanded hours of operation;
- Introduction of new by-laws;
- Re-implementation of a contracted security company.

Survey results included numerous positive comments regarding the cleanliness of the beach, the new washroom facilities and the enforcement of the rules so all can enjoy the beach. All of these enhancements lead to a much improved customer experience at the beach in 2019 resulting in 95% of patrons surveyed providing a positive recommendation of Bay Beach.

Staff have held several debriefs with operational staff and members of various departments involved with supporting the operation of Bay Beach to determine what operational improvements could be instituted in 2020. Staff will continue to explore operational improvements to address customer service concerns and improve the overall beach experience annually. Improvements to the on-site signage for 2020 will alleviate many of the concerns received immediately.

Historically, Bay Beach has only operated from Victoria Day weekend through Labour Day. The beach has still been accessible to the public during the off-season, however, the washrooms have been closed and the site receives limited maintenance. With the addition of a park at Bay Beach, the operating season of the site (including washrooms) has been extended in the spring and fall to coincide with other park operations. This

expanded season was not captured in previous reports. Future budgets will reflect the costs to operate the park and washrooms for the extended season.

Beach Admissions

Staff have completed an analysis of the 2019 beach admission statistics. The following information highlights the information gathered.

The beach attendance during the paid admission period (10am-4pm weekdays and 9am-5pm weekends and holidays, from Victoria Day weekend through Labour Day) during the summer of 2019 was 95,496 patrons. This attendance total is made up of 38,528 patrons that did not have to purchase a daily pass (youth 10 and under and/or resident pass holders) and 56,968 paid daily admissions attendees. The revenues received from these admissions were \$40,000 in resident passes (4,000 sold at \$10.00 each) and \$284,840 (including HST) in paid daily admissions for non-residents pass holders over 10 years of age at \$5.00 per person. A summary of revenues and expenses is listed in the Financial Implications section of this report.

Staff will continue to seek operational efficiencies for the admission process for future seasons. Technological efficiencies like online payment, app payment or barcoded access all require a reliable digital network which currently is not available on site. As improvements are made to the digital systems, these options will be further explored and implemented.

Numerous requests were received from non-resident patrons for an alternative to the \$5.00 daily admission pass. Staff have reviewed the various options (weekly passes, family passes and non-resident season passes) and believe the option which can be most effectively implemented and addresses the largest number of requests is to offer a non-resident seasonal admission pass. Similar to the resident pass, this option will offer regular beach patrons some relief and help expedite the admission process at the gate. Non-resident beach passes will also be made available to owners through the short-term rental program. By offering this pass and receiving payment up front, staff do not believe the overall revenues for the beach will see a noticeable decline. The introduction of other pass options may be considered in the future once the success of the non-resident pass can be analyzed.

Recommendation #1 – Implementation a \$100 fee for a non-resident seasonal admission pass for Bay Beach for the benefit of short term rental owners and tenants.

A weekly pass will be investigated as we progress into 2020 but at the current time, logistical challenges preclude this option. If we can overcome the challenges, a 7-day fee of \$20 per person is recommended.

Parking

Throughout the summer of 2019, parking revenues were derived from two sources in the Bay Beach area, the municipal parking lot and on-street parking. The Bay Beach municipal lot generated a total of \$108,835 in revenue and the on-street parking machines generated a total of \$25,789.

Although the on-street parking revenues were lower than expected, it's important to note that when the on-street parking was offered at no charge in previous years, the municipal lot revenues were significantly lower (the previous annual budget was \$70,000). In previous years, many patrons would park for free on side streets and walk a short distance to the beach in order to save money. On-street paid parking has provided structure to the parking in the area and reduced the number of cars parked on side streets as many cars opted to use the paid lot instead. This is further demonstrated through the drastic decrease in on-street parking infraction fines levied in 2019, where fines decreased by approximately 75% from 2018. However, parking infraction fines in the paid municipal parking lot remained relatively constant from previous years. This reveals that improved parking space delineation, installation of clear signage and diligent enforcement of the on-street parking by-laws lead to conformity from the majority of people, creating fewer parking issues on the already narrow streets of Crystal Beach. Further information regarding the implementation of on-street paid parking can be found on Appendix '2'.

An analysis of the on-street parking does demonstrate that an adjustment to the on-street paid parking area could be considered. Specifically, the paid streets lying furthest from a beach entrance could be removed from the paid parking by-law and have little impact on the paid parking lots revenues while slightly reducing operating costs. These outlying areas may see a marginal increase in on-street parking if the meters were removed, but likely not enough to impact the bottom line, as the costs for operating the parking machines on these streets outweighed revenues received. Further, this will improve the seasonal experience for some residents on these streets by permitting free parking for residents and their guests again. Staff recommend that Cherryhill Blvd, Rosewood Avenue, Lakewood Avenue and Oakwood Avenue be removed from the paid parking list; the elimination of these 4 streets from the parking list would result in a net annual savings of approximately \$6,000.

Recommendation #2 – Removal of Cherryhill Blvd, Rosewood Avenue, Lakewood Avenue and Oakwood Avenue from the on-street paid parking by-law.

One request heard often was the desire of many to be able to purchase a generic seasonal parking pass to permit on-street throughout the season. This opportunity would allow residents and regular beach patrons to purchase a pass upfront and save the hassle of purchasing a parking ticket each trip. Homeowners could also purchase a pass to allow their guests to visit without having to pay for parking. Staff do not believe this option will have an impact on the overall parking revenues received, but will offer another option for patrons and residents, improving the overall beach experience.

Recommendation #3 – Implementation of a \$50 fee for a seasonal on-street parking pass for Crystal Beach.

Financial/Staffing Implications

Table 2 represents a summary of the revenues and expenses for the 2019 season at Bay Beach and neighbourhood parking.

Table 2:

Summary of the 2019 Bay Beach Revenues and Expenses	2019 Approved Budget	2019 Projected Actuals	2020 Proposed Budget
Total Admission Revenues	\$0	\$287,469	\$285,000
Bay Beach Municipal Parking Lot Revenues	\$70,000	\$108,835	\$110,000
On-street Parking Revenues	\$0	\$25,789	\$25,000
Parking Fine Revenue	\$10,000	\$6,270	\$5,000
Total Revenues	\$80,000	\$428,363	\$425,000
Staff Wages (include; Supervisor, admission staff, additional maintenance staff, spring/fall staffing and horticulturalist)	\$48,255	\$153,255	\$163,000
Security Contract Costs (security firm and Niagara Regional Police)	\$0	\$54,000	\$58,000
Annual Material and Supply Costs (building maintenance, park maintenance, utilities, admission and parking machine rentals and maintenance, admission materials, washroom supplies, etc.)	\$36,000	\$104,000	\$104,000
One-time 2019 Expenses (concrete and signs for pay and display machines, staff room outfitting, beach signage, lawn watering, etc.)	\$0	\$35,000	\$0
Total Expenses	\$84,255	\$346,255	\$325,000
Net Operating Surplus/Deficit	(\$4,255)	\$82,108	\$100,000

Surplus revenues will be returned to the general levy and are not directed to any specific purpose.

The proposed new fees will be included with the Town's consolidated fee schedule for 2020.

Policies Affecting Proposal

By-law No. 124-2019 adopted Council's 2019-2022 Corporate Strategic Plan. The capital improvements and Bay Beach operational plan align with Strategic Priorities for Optimizing Health, Housing and Social well-being through service access and healthy lifestyles, Sustainable Infrastructure for the Future and the Capital investment plan to include health living infrastructure (trails, parks/recreation, transit connections, etc.)

Comments from Relevant Departments/Community and Corporate Partners

Staff from various departments have met to review comments and concerns heard from beach patrons in 2019. Feedback was received from Infrastructure Services, Customer Service, Digital Services, Corporate Services, Corporate Communications, Planning and Development Services, By-law Enforcement and the EDTC.

Staff have also reached out to the Crystal Beach BIA to garner feedback from the business owners of Crystal Beach; however, no feedback has been received at the time of writing this report.

Communicating Results

A dedicated communications plan will be developed to support the Bay Beach attraction in order to ensure visitors are receiving accurate information prior to arriving at the beach. The communications plan will include media releases, advertising and social media marketing.

Alternatives

Council may request additional information on a specific topic or direct staff to implement another amendment to a by-law related to Bay Beach.

Conclusion

That Council accept this report for information purposes and staff be directed prepare a by-law to implement the recommended changes.

Attachments

Appendix '1' – 2019 Beach Patron Survey results
Appendix '2' – On-street Parking Statistics



Survey date _____ Initials _____
Respondent's gender, approx. age _____

QUESTIONNAIRE FOR BAY BEACH PATRONS

1. The Town of Fort Erie wants to know what you think about Bay Beach. Would you be willing to answer a short survey about the beach today?

100% YES Thank you. **[proceed to Q#2]**
0% NO OK, have a good day! **[End of interview]**

2. Have you already completed our survey this year?

0% YES That's great. Thanks for your help! **[End interview]**
100% NO

3. Can you tell us how many people total are in your group at the beach today? _____ **[enter # ppl total]**

a. How many of your party are.....[Breakdown] **20% # age 10 or less 15% # age 11-18 65% # age 19+**

4. Are you visiting the beach today with family or friends?

65% Family 13% Friends 18% Both 4% On Own

5. Where did you travel from to get to Crystal Beach today? **5% Fort Erie, 10% Niagara, 70% Ontario, 15% Western New York, 5% Other** **[record name of town, city, country, etc.]**

[If visitor travelled from outside TOFE, complete the following]

a) How did you find out about Bay Beach?

[if participant lists two or more, check all that apply]

66% V visited in past	2% Newspaper or magazine
20% Friend or relative	0% TV or radio
9% Website [specify] _____	3% Other [specify] _____

6. On your current visit, how long are you staying in the area? [check one]

63% 1 day [go to Q#7 next] 10% 2-3 days 19% 4-8 days 8% 9 or more days

[If current visit is longer than 1 day, ask the following]

a) Where are you staying during your visit?

24% At a property we own
4% With family in the area
2% With friends in the area
60% In a B&B or short-term rental (Airbnb)
10% At a local motel or hotel
0% Other **[specify]** _____

7. How did you get to the beach site today?
80% Drove [if patron drove, ask the following]

- a. Where did you park?
 - 70%** Municipal parking lot
 - 20%** Private parking lot
 - 10%** Side street
 - 1%** Private property
- b. Was it easy for you to find a place to park today? ___ YES ___ NO

- 20%** Walked
- 1%** Cycled
- 0%** Fort Erie Transit service
- 0%** Part of Charter Bus Tour
- 0%** Other [specify] _____

8. Is this your first time visiting Bay Beach?

45% YES [proceed to questions below]

55% NO [proceed to questions below]

- a) Do you plan to visit this beach again?
80% YES 14% UNSURE 6% NO
- b) During this trip, do you plan to visit any shops in Crystal Beach? **_32%_ YES**
36% Unsure _32%_ NO

- c) How many times this year have you visited this Bay Beach location? **4**
- d) How many times do you usually come to this beach in an average year? **6**
- e) During your current stay, do you usually visit any shops in Crystal Beach?
63% YES 37% NO

9. What types of **shops do you plan to visit** in the area today, if any? _____
Do you know which shops? [names, if any] _____
62% Don't plan to shop

10. Do you plan to visit any **restaurants** while you're in the area today?
50% YES or UNSURE Do you know which restaurants? [names, if any] _____
50% NO

a) ___ [Check here if visitors indicate they brought their own food]

11. Thinking of the shops and restaurants you will visit or have visited already, how much do you expect your group to spend in total during this visit?
19% Less than \$20 **23%** \$20-\$49 **27%** \$50 to \$100 **20%** Over \$100 **11%** Unsure

12. Considering your visit to Bay Beach today, would you recommend Bay Beach to others?
85% Definitely YES **10%** Probably YES **3%** Unsure **1%** Probably NO **3%** Definitely NO

a) Can you tell us more about the reasons for your answer?

13. We're always looking for ways to improve our beach. Do you have any additional ideas or comments you'd like to share?

I enjoyed talking with you. Thank you for your time and I hope you enjoy(ed) your day at Bay Beach.

Bay Beach Parking Summary

Parking Passes

- 43 addresses were approved for passes
- 83 passes were given out
- 21 addresses were denied passes

Entrance Permits

- 12 addresses received entrance permits
- 3 addresses applied for permits but did not follow through with payment or install



The Municipal Corporation of the Town of Fort Erie
Business Status Report
 Infrastructure Services
 December 2, 2019

Forecasted Reports	Source	Status
Sanitary CCTV RFP Award	Capital Budget	December 9, 2019
CRCC HVAC Tender Award	Capital Budget	January 13, 2019
Janitorial Services	Operating Budget	January 13, 2019
CSO Funding for FLOMON / EXFLOR / HIGH18	Capital Budget	January 13, 2019
NRBN Agreement	Operating Budget	January 13, 2019

Prepared By:

Respectfully Submitted By:

Original Signed By:
 Kelly M. Walsh, P.Eng
 Director, Infrastructure Services

Original Signed By:
 Tom Kuchyt, CET
 Chief Administrative Officer