

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 133-2022 of the said Town. Given under my hand and the seal of the said Corporation this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**AMENDMENT NO. 64**

**TO THE**

**OFFICIAL PLAN**

**FOR THE**

**CORPORATION OF THE TOWN OF FORT ERIE**

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## **PART "A" - THE PREAMBLE**

### **SECTION 1**

#### **TITLE AND COMPONENTS**

This document, when approved in accordance with Sections 17 and 21 of The Planning Act, 1990, shall be known as Amendment No. 64 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. 64 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 amend the infilling policy in Section 4.6.3 II. (a) and (b) of the Town's Official Plan as it applies to the lands shown on Schedule "A" and to limit the development of the lands shown on Schedule "A" to facilitate creation of two building lots intended for future construction of one single detached dwelling on each lot.

### **SECTION 3**

#### **LOCATION OF THIS AMENDMENT**

The lands, which are the subject of this amendment, are located on the south side of Thunder Bay Road east of Windmill Point Road South as shown on Schedule "A" attached hereto.

## SECTION 4

### BASIS OF THIS AMENDMENT

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

**a) The need for the proposed use:**

The subject lands are designated Rural in the Town's Official Plan and the current designation permits residential dwellings as a standalone use. The lands are not being farmed and the creation of the two proposed lots will not negatively impact the agricultural viability of the area. This proposal is to create two new parcels with future single detached dwellings as the primary land use. The retained parcel will continue its existing use for a single detached dwelling.

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

The portion of the subject property proposed to be severed is currently vacant. Other similar rural lots with single detached dwellings are located in the surrounding area.

**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 two proposed parcels are 0.42 and 0.52 ha in area respectively. The applicant has completed a hydrogeological study that demonstrates that the parcels are sufficiently sized to accommodate private septic systems for future development of future single detached dwellings. The proposal has been reviewed by the Regional Private Sewage System staff and they have no objection to the proposed lot sizes.

An Environmental Impact Study (EIS) and Addendum submitted with the application supports the creation of the proposed two parcels for single detached dwellings. Mitigation measures are recommended in the EIS to ensure there are no significant impacts to natural heritage features as a result of the proposal. Some mitigation measures include providing a wildlife corridor west of the proposed parcels and keeping the new lot boundaries outside of any natural heritage features and their associated buffer areas. The current lot configuration upholds the recommendations of the EIS and Addendum and complies with the natural heritage policies of the Town's Official Plan and the Regional Official Plan's Core Natural Heritage System. The recommended mitigation measures will be implemented at the consent stage. The NPCA has also confirmed that the proposed development will not negatively impact NPCA-regulated features.

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

The proposed lots front onto a travelled municipal road and also have access to an existing Town-owned water main for water service. The subject property is outside of the urban boundary so all existing and future dwellings in the area are serviced with private septic systems. A hydrogeological study was completed that demonstrates that the proposed lot sizes are sufficient to accommodate private septic systems. Creation of two additional parcels on Thunder Bay Road is not anticipated to have any significant impact on vehicle or pedestrian traffic or safety in the area.

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

Adjacent uses consist of rural lands, rural residential uses and natural heritage features which are compatible with the existing and proposed uses of the subject property. As there are no livestock operations in the vicinity the Provincial Minimum Distance Separation requirements do not apply.

- 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 two additional lots into the area will depreciate adjoining properties.

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

The proposed applications will not negatively affect the financial position of the municipality as all the works associated with the proposed development are the responsibility of the developer. The proposed future single detached dwellings will benefit the municipality via development charges and property taxes resulting from the increased assessment value if the applications are approved.

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

The EIS and Addendum contained analysis that demonstrates that this proposal complies with the intent and implementation of the Environmental Protection Act.

## **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. 64 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area. The Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area is hereby amended as follows:

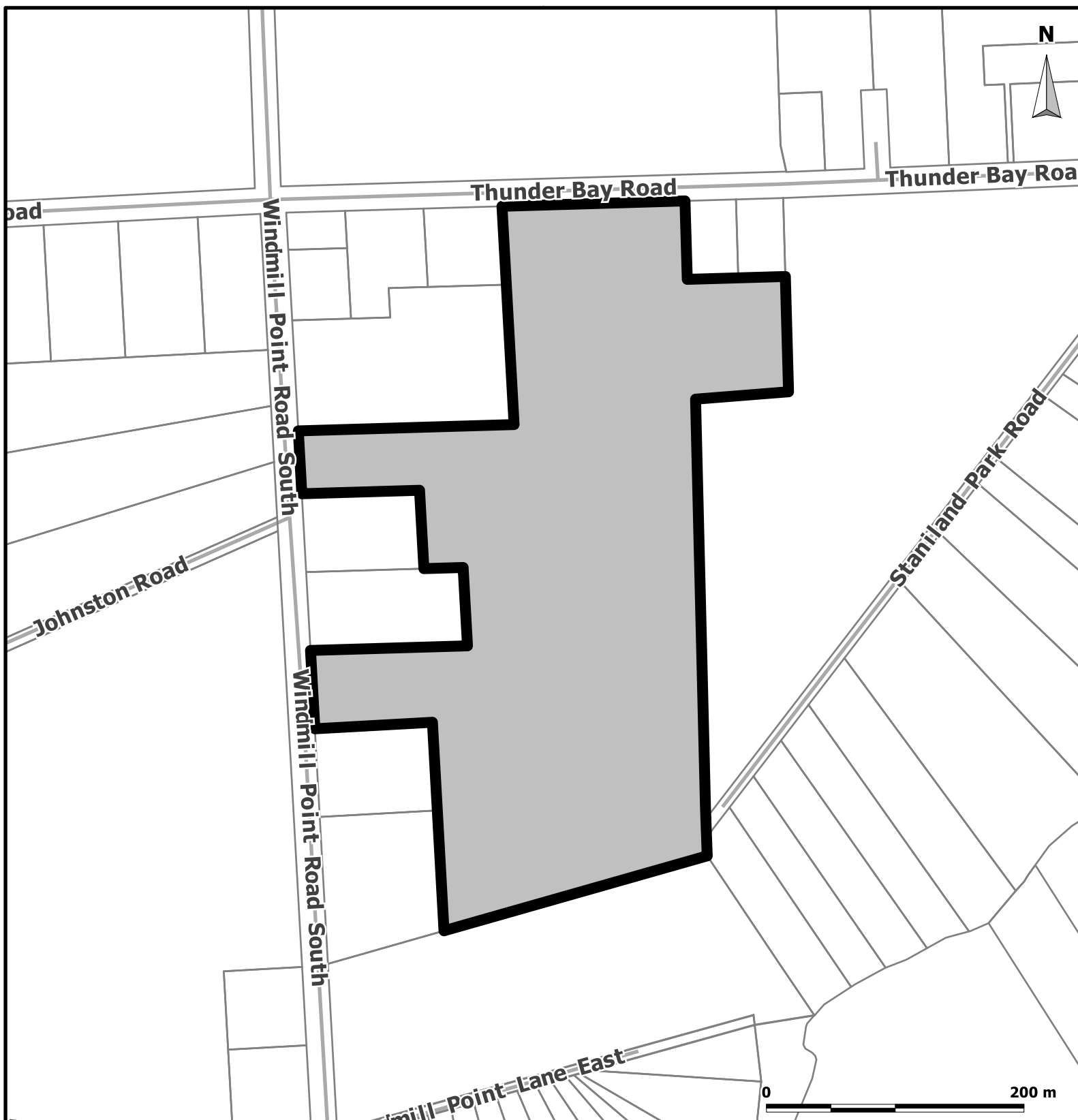
1. Section 4.6.3 CONSENTS TO SEVER, Subsection II. (a) and (b) shall not apply to the lands shown on Schedule "A" attached hereto and development shall be limited to two building lots. The first building lot will have a lot area of 0.42 hectares and lot frontage of 68.96 m. The second building lot will have a lot area of 0.52 hectares and lot frontage of 52.91 m. The retained lot, municipally known as 124 Windmill Point Road South, will have a lot area of 10.57 hectares and lot frontage of 20.00 m and will continue its existing residential use. No further development shall be permitted without an amendment to this Plan.



## **PART “C” - THE APPENDICES**


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

# SCHEDULE "A"



By-law No. 133-2022


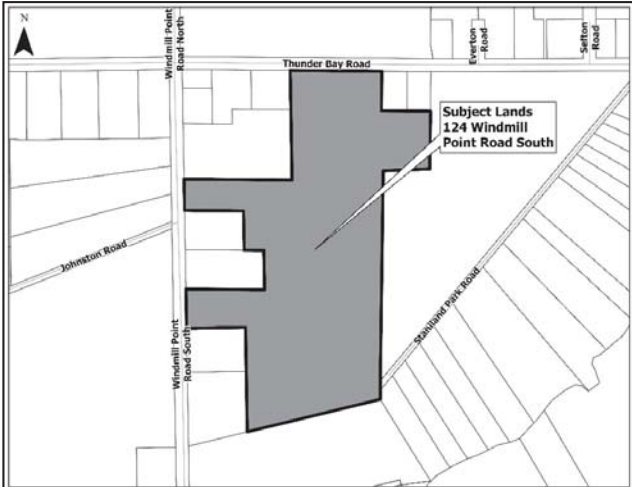

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN  
PASSED THIS 17th DAY OF OCTOBER, 2022**

 Subject Lands - 124 Windmill Point Road South



## **NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING**

**Owner: Craig and Katie Kuhn  
Agent: Quartek Group Inc. (Susan Smyth)  
124 Windmill Point Road South  
Combined Official Plan & Zoning By-law Amendment  
Application  
Application File No: 350309-0539**

**DATE: May 30, 2022  
TIME: 6:00 PM  
LOCATION: This will be a hybrid meeting. Members of the public may attend the meeting in person in Council Chambers, Town Hall, 1 Municipal Centre Drive OR Virtually via Zoom.**

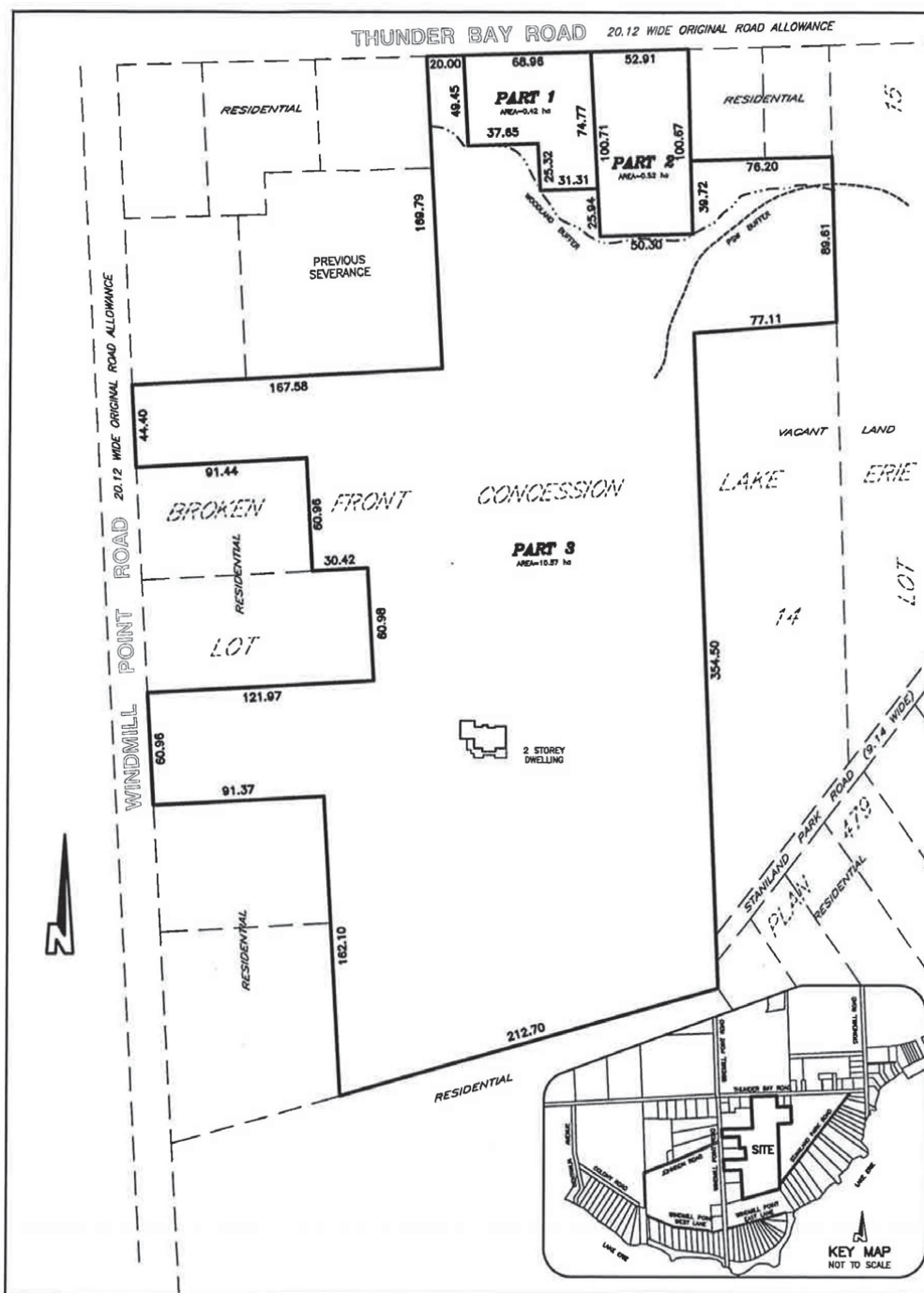
	<p><b><u>LOCATION OF SUBJECT LANDS</u></b></p> 
	<p><b><u>PROPOSED CHANGE</u></b></p> <p>A Combined Official Plan and Zoning By-law Amendment is requested to facilitate a future severance to create two new residential lots on the lands known as 124 Windmill Point Road South. The two proposed lots front onto Thunder Bay Road.</p> <p>The subject lands are located outside the Urban Area and are currently designated Rural, in part and Environmental Protection, in part, in the Town's Official Plan. An Official Plan Amendment is required as the proposed lots do not comply with the definition of infill lots outlined in the Official Plan. The Official Plan defines an infilling lot as a "new lot which fronts on a public road and which is situated on the same side of the road and between either an existing dwelling and another existing dwelling or a natural heritage feature or an improved road allowance where the distance between such structures or features is 90 metres or less".</p> <p>The lands are currently zoned Rural (RU) Zone, in part, Environmental Conservation (EC) Overlay Zone, in part and Environmental Protection (EP) Zone, in part, in accordance with the Zoning By-law 129-90. A Zoning By-law Amendment is required to change the portions of the subject property zoned Rural (RU) Zone to a site-specific Rural (RU) Zone with provisions for the following:</p> <ul style="list-style-type: none"> <li>• reduced lot frontage of 68.96 m from 95.00 m and a reduced lot area of 0.42 ha from 6.00 ha for Part 1 (proposed new lot);</li> <li>• reduced lot frontage of 52.91 m from 95.00 m and a reduced lot area of 0.52 ha from 6.00 ha for Part 2 (proposed new lot);</li> <li>• reduced lot frontage of 20.00 m from 95.00 m for Part 3 (retained lot).</li> </ul> <p>The applicant is also requesting to remove the Environmental Conservation (EC)</p>

## APPENDIX "1"

	<p>Overlay Zone from the two proposed residential lots (Parts 1 and 2) to facilitate the construction of the future single detached dwellings. The Environmental Conservation (EC) Overlay Zone will be maintained on the remaining portion of the property. No changes are proposed to areas zoned Environmental Protection (EP) Zone.</p>
	<p><b><u>GETTING MORE INFORMATION</u></b></p> <p>Input on the Combined Official Plan and Zoning By-law Amendment is welcome and encouraged. You can provide input by speaking at the Public Meeting or by making a written submission to the Town. Please note that unless you do one of the above now, you may not be able to appeal the decision later.</p> <p>A copy of the Information Report will be available to the public by 5:00 PM on <b>May 26, 2022</b>. The information report will be available in the Council agenda portion of the Town's Web Site: <a href="http://www.forterie.ca">www.forterie.ca</a> or by contacting Daryl Vander Veen, Junior Development Planner.</p> <p><b><u>CONTACT INFORMATION</u></b></p> <p><b>Daryl Vander Veen, Junior Development Planner</b> <b>Planning and Development Services Department</b> <b>Town Hall, 1 Municipal Centre Drive</b> <b>Fort Erie, Ontario L2A 2S6</b> <b>905-871-1600 ext. 2509</b> Or by e-mailing your comments to: <a href="mailto:dvanderveen@forterie.ca">dvanderveen@forterie.ca</a></p> <p><b><u>PROVIDING YOUR COMMENTS OR REQUESTING NOTICE OF DECISION</u></b></p> <p>To provide input in writing, or to request written notice of the decision of the combined Official Plan and Zoning By-law Amendment, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to <a href="mailto:cschofield@forterie.ca">cschofield@forterie.ca</a></p>
	<p><b><u>PLANNING ACT LEGAL NOTICE REQUIREMENTS</u></b></p> <p>The Town of Fort Erie has not yet made a decision regarding this application. After considering any written comments and the comments from the public meeting, a Recommendation Report will be prepared for a future Council-in-Committee meeting.</p> <p>If a person or public body would otherwise have an ability to appeal the decision of the Town of Fort Erie's Municipal Council to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written statements to the Town of Fort Erie before the by-law is passed, the person or public body is not entitled to appeal the decision.</p> <p>If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Town of Fort Erie before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.</p> <p>For more information about this matter, including information about appeal rights, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to <a href="mailto:cschofield@forterie.ca">cschofield@forterie.ca</a></p> <p>Notice dated at the Town of Fort Erie this 9<sup>th</sup> day of May, 2022.</p>

# APPENDIX "1"

## SCHEDULE 1



**SKETCH**  
 PREPARED FOR SEVERANCE APPLICATION  
 PART OF LOT 14, BROKEN FRONT  
 CONCESSION LAKE ERIE  
 GEOGRAPHIC TOWNSHIP OF BERTIE  
 IN THE  
**TOWN OF FORT ERIE**  
 REGIONAL MUNICIPALITY OF NIAGARA  
 SCALE 1 : 2500 (METRIC)

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*Donald G. Chambers*  
 DONALD G. CHAMBERS, B. Sc., O.L.S.

**CHAMBERS AND ASSOCIATES**  
**SURVEYING LTD**

12 THOROLD ROAD EAST  
 WELLAND ONTARIO  
 L3C 3T2

(905) 735-7841 / 735-7844  
 FAX (905) 735-7333  
 www.coel-surveying.com

DATE **NOVEMBER 15, 2021** FILE No **89-295-2 (89295-2\_SEV5)**



The Municipal Corporation of the  
Town of Fort Erie

**Regular Council Meeting Minutes**

**Monday, May 30, 2022**

**Council Chambers**

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

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

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

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

**1. Call to Order**

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

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

**2. Invocation**

The Clerk read the Invocation.

**3. Roll Call**

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

Absent: Regional Councillor Insinna

Staff: K. Beauchamp, A. Dilwaria, A. Herlovitch, J. Janzen, C. McQueen, C. Patton, C. Schofield, D. Vander Veen, and K. Walsh

**4. Announcements/Addenda**

There was 1 addendum as follows:

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- The report does not speak to the watercourse or Stormwater Management and potential flooding issues.

(c) Allen Polegato, 3641 River Trail

- Consider entry off of Netherby to ease traffic flow into Black Creek, need accurate traffic study.
- Concerned with the pond or lagoon being built and all watershed going into the sewer system.

*Mayor Redekop requested Adam Mildenberger, Traffic Engineer, RV Anderson Associates Limited, to answer questions of Council regarding the Traffic Study.*

(d) \*Ian MacIver, 2895 Arrowsmith Court, Stevensville

- Douglastown is expanding from 225 single family homes to a proposal of over 620 homes, including townhomes/condos and apartments.
- Amendments are an agreed plan to put in higher apartments, condos, and smaller lot sizes. There is no shopping or regular transit for kilometres increasing vehicular traffic.
- The developer stated he is not a builder and can't promise what the apartments would look like or who would be targeted for rentals.

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

**Mayor Redekop declared the Public Meeting closed.**

*Council recessed for 10 minutes at 8:22 p.m.*

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

Re: 124 Windmill Point Road South - Owner: Craig and Katie Kuhn - Agent: Quartek Group Inc. (Susan Smyth). The Applicant's request is to amend the Official Plan which is currently outside of the Urban Area and designated Rural, in part and Environmental Protection, in part and the proposed lots do not comply with the definition of infill lots. The Applicant's request is to change the Rural (RU) Zone to a site specific Rural (RU) Zone to reduce the lot frontage and lot area of Parts 1 and 2 and reduce the lot frontage on Part 3 and to remove the

Regular Council - 30 May 2022 Meeting Minutes

Environmental Conservation (EC) Overlay Zone from the 2 proposed residential lots (Parts 1 and 2) to facilitate the construction of the future single detached dwellings. The Environmental Conservation (EC) Overlay Zone will be maintained on the remaining portion of the property. No changes proposed to areas zoned Environmental Protection (EP) Zone.

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

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

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

Leigh Whyte, Agent, Quartek Group Inc. was present to speak behalf of the Applicant. Mr. Whyte provided a PowerPoint presentation and the following commentary:

- There is a single detached dwelling on 28 ½ acres.
- Putting 2 additional units on the parcel will not alter the character of the community.
- The front portion of Thunder Bay was not designated as significant wetland as the majority of the vegetation is successional scrub shrub, not mature forest.
- 92% of the site is going to continue to be environmentally protected wetland or environmental conservation overlay.
- Heritage features have been avoided as part of the 2 new lots for the single detached dwellings.
- Wildlife corridor was determined to be in the best location by the Biologist.
- They want to pursue the Official Plan Amendment for a deficient frontage concern and require a Zoning By-law Amendment to provide the wildlife corridor.
- Following the Amendments, they would request consent from the Committee of Adjustment and would require a building permit and construction plan including a grading plan.

Mayor Redekop enquired whether there were any members of the public present in the virtual waiting room or in the Chamber who wished to speak in favour of the Application. No members of the public came forward.



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Mayor Redekop enquired whether there were any members of the public present in the virtual waiting room or in the Chamber who wished to speak in opposition to the Application.

There were no members of the public attending virtually or in the Chamber.

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

**Mayor Redekop declared the Public Meeting closed.**

**8. Regional Councillor Report**

None.

**9. Presentations and Delegations**

None.

**10. Consent Agenda Items**

**10.1 Request to Remove Consent Agenda Items**

*Report No. CAO-08-2022 was removed due to Mayor Redekop's declared pecuniary interest.*

**10.2 Consent Agenda Items for Approval**

**1. Minutes**

- (a) Approve - Regular Council Meeting - April 25, 2022
- (b) Approve - Special Council Meeting - May 9, 2022
- (c) Approve - Council-in-Committee Meeting - May 9, 2022
- (d) Approve - Special Council-in-Committee Meeting - May 11, 2022
- (e) Approve - Council-in-Committee Meeting - May 16, 2022

## **APPENDIX "2"**

### Regular Council - 30 May 2022 Meeting Minutes

**PDS-35-2022** Proposed Combined Official Plan and Zoning By-law Amendment - 124 Windmill Road South - Quartek Group Inc. - Susan Smyth (Agent) - Craig & Katie Kuhn (Owners)

Resolution No. 4

Moved by: Councillor Dubanow

Seconded by: Councillor McDermott

**That:** Council receives for information purposes Report No. PDS-35-2022 regarding a proposed Combined Official Plan and Zoning By-law Amendment for 124 Windmill Point Road South. **(Carried)**

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

Resolution No. 5

Moved by: Councillor McDermott

Seconded by: Councillor Dubanow

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

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

**That:** Council directs staff to circulate the Conditions of Draft Plan Approval in Appendix "4" of Report No. PDS-36-2022 to the applicable agencies in accordance with the requirements of the Planning Act, and further Council authorizes the entry into an Agreement to amend the Memorandum of Understanding with

## APPENDIX "3"



### RE: [External] Request for Comments- Proposed Official Plan and Zoning By-law Amendment Applications- 124 Windmill Point Road South

**Municipal Planning** to: Anamika Dilwaria

01/18/2022 06:44 PM

From: "Municipal Planning" <MunicipalPlanning@enbridge.com>

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

	Anamika Dilwaria	Anamika Dilwaria	Request for Comments- Proposed Official Plan and
	Mail Router	Mail Router	<i>Hi Everyone, A combined Official Plan and Z</i>
	Mail Router	Mail Router	<i>Hi Everyone, A combined Official Plan and Z</i>
	Mail Router	Mail Router	<i>Hi Everyone, A combined Official Plan and Z</i>
	Mail Router	Mail Router	<i>Hi Everyone, A combined Official Plan and Z</i>

Thank you for your circulation.

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

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

Regards,

**Alice Coleman**

Municipal Planning Analyst

Long Range Distribution Planning

—

**ENBRIDGE**

TEL: 416-495-5386 | [MunicipalPlanning@Enbridge.com](mailto:MunicipalPlanning@Enbridge.com)

500 Consumers Road, North York, Ontario M2J 1P8

[enbridge.com](http://enbridge.com)

**Safety. Integrity. Respect. Inclusion.**

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

**Sent:** Tuesday, January 18, 2022 4:35 PM

**To:** Andrew.Carrigan@Canadapost.ca; circulations@mmm.ca; cara.lampman@niagararegion.ca; kathy.levinski@ncdsb.com; kris.watson@cnpower.com; LandUsePlanning@HydroOne.com; Municipal Planning <MunicipalPlanning@enbridge.com>; planification@csdccc.edu.on.ca;

## APPENDIX "3"



### RE: Request for Comments- Proposed Official Plan and Zoning By-law Amendment Applications- 124 Windmill Point Road South

**Jessica Abrahamse** to: Anamika Dilwaria

03/07/2022 01:00 PM

From: "Jessica Abrahamse" <jabrahamse@npca.ca>

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

	Anamika Dilwaria	Anamika Dilwaria	Request for Comments- Proposed Official Plan and
	Mail Router	Mail Router	<i>Hi Everyone, A combined Official Plan and Z</i>
	Mail Router	Mail Router	<i>Hi Everyone, A combined Official Plan and Z</i>
	Mail Router	Mail Router	<i>Hi Everyone, A combined Official Plan and Z</i>
	Mail Router	Mail Router	<i>Hi Everyone, A combined Official Plan and Z</i>

Hi Anamika,

I have very late comments for this application – The proposed development is located outside of the 30 m PSW buffer with the exception of a small fragment of buffer that extends across Thunder Bay Road. NPCA staff are satisfied that the proposed development will not negatively impact the Provincially Significant Six Mile Creek Wetland Complex. Therefore, no objections to the proposed zoning change, however it is requested that the PSW is zoned Environmental Protection.

With Best Regards,

**Jessica Abrahamse M.E.S.**  
**Watershed Planner**

250 Thorold Road West, 3<sup>rd</sup> Floor  
Welland, On  
L3C 3W2  
(905) 788-3135 Ext. 235  
[jabrahamse@npca.ca](mailto:jabrahamse@npca.ca)  
[www.npca.ca](http://www.npca.ca)  
[NPCA Mapping Tool](#)

Thank you for your email. Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. NPCA enforcement, permitting and planning functions are continuing to operate, however there may be delays in receiving responses to inquiries or complaints due to staff restrictions and remote work locations. Updates with regards to NPCA operations and activities can be found on our website at [www.npca.ca/our-voice](http://www.npca.ca/our-voice), the NPCA Facebook page at <https://www.facebook.com/NPCAOntario> and on Twitter at [https://twitter.com/NPCA\\_Ontario](https://twitter.com/NPCA_Ontario).

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

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

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



## **Planning and Development Services**

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

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### **Via Email**

February 8, 2022

Region File: D.10.01.OPA-21-0062  
D.18.01.ZA-21-0133

Ms. Anamika Dilwaria  
Senior Development Planner  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, ON, L2A 2S6

Dear Ms. Dilwaria:

**Re: Regional and Provincial Review Comments  
Proposed Local Official Plan and Zoning By-law Amendments  
Applicant: Craig & Katie Kuhn  
Agent: Quartek Group Inc. (c/o Susan Smyth)  
124 Windmill Point Road South  
Town of Fort Erie**

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Regional Planning and Development Services staff have reviewed the proposed applications to amend the Town's Official Plan and Zoning By-law Amendment as it relates to 124 Windmill Point Road South located in the Town of Fort Erie. The subject property is approximately 28.44 acres (11.51 ha) in size and has approximately 105.36 m of frontage along Windmill Point Road South and approximately 141.87 m of frontage along Thunder Bay Road.

The lands are outside of the Town of Fort Erie's urban area and is designated in the Town's Official Plan as "Rural" in part and "Environmental Protection" in part, and zoned in the Town's Zoning By-law (No. 129-90) as "Rural (RU) Zone" in part, "Environmental Conservation (EC) Overlay Zone" in part, and "Environmental Protection (EP) Zone" in part. The property currently occupies a single-detached dwelling.

The applicant is proposing to amend the Town's Official Plan and Zoning By-law to facilitate future severances to create two residential infill lots, Part 1 and Part 2, that are approximately 1.02 acres (0.42 ha) and 1.25 acres (0.52 ha) in size, respectively. The proposed amendments are required by the Town, as the proposal does not meet the definition of "infill lots" as set out in the Town's Official Plan, and site-specific provisions are needed for a reduced minimum lot area and lot frontage as set out in the Zoning By-law. The applicant is also proposing to remove the EC Overlay Zone from the portion of

the property that is subject to the current application. There are no changes proposed to the EP Zone.

A virtual pre-consultation meeting for this proposal was held on March 25, 2021 with Town staff, Region staff, and applicant in attendance. The following comments are provided from a Provincial and Regional perspective to assist the Town in considering these applications.

## **Regional and Provincial Policies**

The subject property is located outside of the urban area boundary for the Town of Fort Erie and is designated as "Rural Lands" within the *Provincial Policy Statement, 2020* ("PPS") and "Rural Area" in the *Regional Official Plan* ("ROP"). Provincial and Regional policies state that the prominent use in rural areas shall be for agriculture; however, some non-farm development may be permitted provided such development does not adversely affect the viability of agricultural uses, is compatible with the rural landscape, protects natural features and areas, and can be sustained by rural services.

The ROP sets out that development in the Rural Area will only be permitted where soil conditions are suitable for long-term use of private septic system and water supply. With respect to water resource protection, the ROP states that development and site alteration shall only be permitted where there are no negative impacts on the quantity or quality of surface and ground water. The subject property is located on a highly vulnerable aquifer. Further, in accordance with ROP policies for rural residential lot creation for development consisting of up to three lots, the minimum lot size will be 1 ha unless it is determined through a Hydrogeological Study that soil conditions and a smaller lot size will adequately accommodate private water and sewage treatment facilities for the long-term operation.

Staff have reviewed the "*Hydrogeological Assessment*" prepared by Terra-Dynamics Consulting Inc. (dated October 25, 2021). The Assessment recommends that Part 1 and Part 2 can be safely serviced by private sewage systems provided that both lots are equipped with at least a 75% nitrogen reduction of septic sewage effluent Level IV / Tertiary Treatment, and that the systems adhere to the required Ontario Building Code set-backs from water supplies and surface water. Regional staff concur with the recommendations of the Hydrogeological Assessment and note that sewage system designs, including the specified treatment, is required for review and approval at the future Building Permit stage.

Regional staff have also reviewed the "*Planning Justification and Impact Analysis Report*" ("PJR") prepared by Quartek Group Inc. (dated December 2021) and find its analysis relating to Provincial and Regional rural lot creation policies acceptable. Therefore, Regional staff do not object to the subject amendment applications from a rural lot creation perspective, in principle, as the proposed future lot creations will not adversely impact any nearby agricultural lands and soil conditions is suitable for long-

term private servicing. Additional discussion relating to archaeological potential and natural heritage system features impacting the subject lands is provided below.

## **Archaeological Potential**

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

At the pre-consultation meeting, Regional staff identified that the subject property exhibits a high potential for the discovery of archaeological resources in accordance with Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI") Criteria for Evaluating Archaeological Potential. Specifically, the site is located within 300 m of known archaeological sites, natural watercourse features, and a significant water body (Lake Erie). The property is also mapped as having "Archaeological Potential" as mapped in the Town's Official Plan "Schedule D - Cultural Heritage Archaeological Zones of Potential".

Regional staff have reviewed the submitted "*Stage 1-2 Archaeological Assessment*" prepared by Detritus Consulting Ltd. (dated October 26, 2017) that assessed a scoped Study Area consisting of three rectangular parcels (totalling 1.82 ha of land) on the subject property, as well as the provided acknowledgement letter from the MHSTCI (dated July 15, 2020).

The Study Area includes lands (labelled as Parcel 1 and Parcel 2 in the Archaeological Assessment) that are subject to the current proposed amendment applications; however, Parcel 1 and Parcel 2 do not appear to include the entirety of the proposed Part 1 and Part 2 lands as depicted within the current amendment applications. Although the Stage 1-2 Assessment concluded that no further archaeological work is recommended for lands within the Study Area; it also notes that all lands on the subject property that were not included within the Study Area retains cultural heritage value or interest and will require archaeological assessment prior to any future development.

Therefore in recognizing that there is lands shown in the proposed lot creation for Part 1 and Part 2 that remain unassessed, Regional staff requires that the Stage 1-2 Archaeological Assessment is updated to include the remaining unassessed portions of Part 1 and Part 2 that were omitted from the original Study Area. Staff notes that the updated Stage 1-2 Archaeological Assessment work can be submitted with the future Consent Application and that the applicable acknowledgement letter from the MHSTCI can be addressed through a condition of consent.

## **Core Natural Heritage**

Regional Environmental Planning staff note that the subject property is impacted by the Region's Core Natural Heritage System ("CNHS"), consisting of the Six Mile Creek Provincially Significant Wetland Complex ("PSW") and Significant Woodland. As such, consistent with ROP Policy 7.B.1.11, an Environmental Impact Study ("EIS") was requested by Regional staff to demonstrate that there will be no significant negative impact on the features or their ecological function as a result of the proposed development/site alteration.

Staff have reviewed the EIS and EIS Addendum prepared by Natural Resource Solutions Inc. ("NRSI") (dated August 2020 and December 31, 2021, respectively) and are satisfied that the boundaries of the features as identified in the EIS Addendum are consistent with the Draft Schedules included within the PJR.

As such, Environmental Planning staff do not object to the proposed amendments, in principle, and will ensure that the specific mitigation measures and recommendations as outlined in the approved EIS are implemented through the conditions of future applications.

Any questions with respect to the above Core Natural Heritage System comments should be directed to either **Adam Boudens**, Senior Environmental Planner / Ecologist, at (905) 980-6000 ext. 3770 ([adam.boudens@niagararegion.ca](mailto:adam.boudens@niagararegion.ca)), or **Cara Lampman**, Manager, Environmental Planning at (905) 980-6000 ext. 3430 ([cara.lampman@niagararegion.ca](mailto:cara.lampman@niagararegion.ca)).

## **Conclusion**

In conclusion, Regional Planning and Development Services staff do not object, in principle, to the proposed Local Official Plan Amendment and Zoning By-law Amendment applications provided that an updated Stage 1-2 Archaeological Assessment (and its applicable letter of acknowledgement from the MHSTCI) is submitted with the future Consent Application. The updated Assessment must have a Study Area that includes the entirety of the lands that is subject to the proposed lot creation (Part 1 and Part 2). Town staff should be satisfied that the proposed applications meet the intent of all applicable local provisions and requirements.

Regional staff notes that in accordance with the Memorandum of Understanding and ROP Exemption (Chapter 14) policies, the proposed Local Official Plan Amendment is exempt from Regional Council approval. Please send a copy of the notice of Town Council's decision on the applications and a copy of the Official Plan and Zoning By-law Amendments as adopted.

Should you have any questions related to the above comments, please feel free to contact me at [alexander.morrison@niagararegion.ca](mailto:alexander.morrison@niagararegion.ca).



*D.10.01.OPA-21-0062*

*D.18.01.ZA-21-0133*

*February 8, 2022*

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Respectfully,

A handwritten signature in dark ink, appearing to read "Alex Morrison". The signature is fluid and cursive, with the first name "Alex" and last name "Morrison" clearly distinguishable.

Alexander Morrison, MCIP, RPP  
Senior Development Planner, Niagara Region

cc: Cheryl Selig, Manager (A), Development Planning, Niagara Region  
Phill Lambert, Director, Infrastructure Planning & Development Engineering, Niagara Region  
Susan Dunsmore, Manager, Development Engineering, Niagara Region  
Cara Lampman, Manager, Environmental Planning, Niagara Region  
Adam Boudens, Senior Environmental Planner / Ecologist, Niagara Region

## APPENDIX "3"

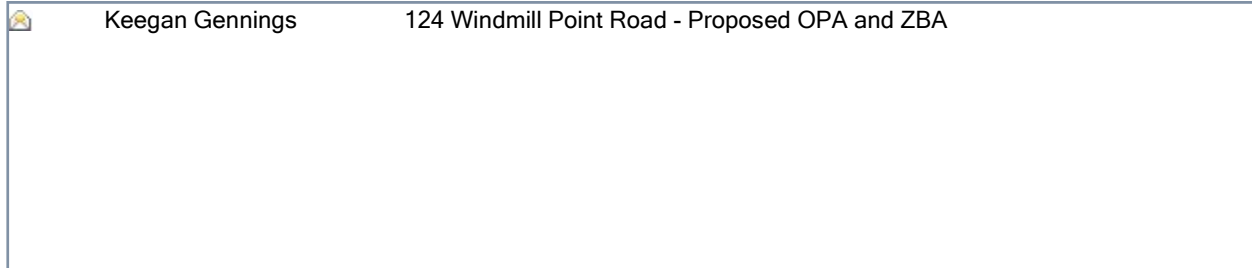


### 124 Windmill Point Road - Proposed OPA and ZBA

**Keegan Gennings** to: Anamika Dilwaria

02/08/2022 12:28 PM

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



Hi Anamika,

A review of the proposed official plan amendment and zoning by-law amendment has been completed and I have no comments.

Regards,

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



## Interoffice Memorandum

February 8, 2022

File No: 350302-130 and 350309-539

To: Anamika Dilwaria, Senior Development Planner  
From: Signe Hansen, Manager, Community Planning  
Subject: **124 Windmill Point Road South - OPA/ZBA Application**

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I have no comments relative to the application for a Zoning By-law Amendment for 129 Cook Avenue.

Pursuant to the March 25, 2021 Pre-consultation meeting, I will have comments relative to future severances.

Regards

Signe Hansen, OALA, CSLA, MBA  
Manager, Community Planning  
/sh



## Interoffice Memorandum

February 7, 2022

File No. 350302-130 and 350309-539

To: Anamika Dilwaria, Senior Development Planner

From: Jeremy Korevaar, Coordinator, Development Approvals

Subject: **Application for Combined Official Plan and Zoning By-law Amendment –  
124 Windmill Point Road South**

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On behalf of the Infrastructure Services Department, Engineering Division, I have reviewed the proposed Zoning By-law Amendment for **124 Windmill Point Road South** and have no comments or objections.

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

cc: Tim Marotta, Manager, Engineering Division; Aaron Butler, Manager, Development Approvals;

## APPENDIX "3"



**Re: Invitation: Request for Comments - Proposed OPA and ZBA Application - 124 Windmill Point Road South (Jan 28 12:00 PM EST)** 📎

**Ed Melanson** to: Anamika Dilwaria

01/19/2022 10:36 AM

From: Ed Melanson/FortErie

To: Anamika Dilwaria/FortErie@TownOfFortErie

📎	Anamika Dilwaria	Request for Comments - Proposed OPA and ZBA Application - 124 Windmill Po
✓	Mohammad Kamruzzaman	<i>Accepted: Request for Comments - Proposed OPA and ZBA Application -</i>
✓	Aaron Butler	<i>Accepted: Request for Comments - Proposed OPA and ZBA Application -</i>
✓	Signe Hansen	<i>Accepted: Request for Comments - Proposed OPA and ZBA Application -</i>
✓	Pieter Wasserman	<i>Accepted: Request for Comments - Proposed OPA and ZBA Application -</i>

Good Morning Anamika,

I have reviewed the attachments for the proposed zoning and official plan amendments and have no objections or questions at this time,



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

Office: (905) 871-1600 ext. 2600

Cell: (905) 329-7255

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

2022-01-18 04:27:10 PM



**Invitation: Request for Comments - Proposed OPA and ZBA Application - 124 Windmill Point Road South**

**2022-01-28 Fri 12:00 PM - 12:15**

PM

Attendance is **required** for Ed Melanson

Chair: **Anamika Dilwaria/FortErie**

No Location Information

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



## Interoffice Memorandum

Date 8 February 2022

File No. 350302-130 and 350309-539

To: Anamika Dilwaria, Senior Development Planner  
From: Pieter Wasserman, Neighbourhood Planner & Urban Designer  
Subject: **Request for Comments –Combined Official Plan & Zoning By-law Amendment Application**  
**Location: 124 Windmill Point Road South**  
**Applicant/Owner: Craig and Katie Khun**  
**Agent: Susan Smyth (Quartek Group)**

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### 1. OFFICIAL PLAN & SECONDARY PLAN

The subject property is located outside the urban boundary and is currently designated Rural, in part and Environmental Protection, in part. The lands are zoned Rural (RU) Zone, in part, Environmental Conservation (EC) Overlay Zone, in part and Environmental Protection (EP) Zone, in part.

### 2. URBAN DESIGN

No further comment.

Kind regards,

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

PCW/  
Attach. none