

The Municipal Corporation of the Town of Fort Erie

By-law No. 48-2023

**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. 69
214 Windmill Point Road South
Joseph Moore and Irene Moore - Owners**

The Municipal Council of The Corporation of the Town of Fort Erie in accordance with the provisions of Section 17 of the *Planning Act*, R.S.O. 1990, c. P.13 enacts as follows:

1. **That** amendment No. 69 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text and mapping is hereby adopted and approved.
2. **That** this by-law shall come into force and take effect on the day of the final passing thereof.
3. **That** the Clerk of the Town of Fort Erie is authorized to affect 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 27th day of March, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 48-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20 .

AMENDMENT NO. 69

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. 69 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. 69 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 the subject lands shown on Schedule "A" attached hereto from "Rural" to "Site Specific Policy Area 45 – 214 Windmill Point Road South", to facilitate the creation of two new lots for residential development.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located on the east side 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 property is designated Rural in the Town's Official Plan and is not being used for agricultural purposes. This designation permits non-agricultural development, including residential development and lot creation. The proposal involves the creation of two new lots for the development of future single detached dwellings, and the balance of the property would be retained to accommodate the existing single detached dwelling. Creation of the two lots would not negatively impact the agricultural viability of the community.

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 that is proposed to be severed is currently part of the lawn associated with the existing single detached dwelling. Several single detached dwellings are present throughout the surrounding rural community.

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 Hydrogeological Assessment that was submitted with the application demonstrates that the proposed lot areas are adequate to accommodate individual private sewage systems. Further, the proposed lot lines, and future development and accompanying site alterations are located outside of the Significant Woodlot and associated 30 m Vegetation Protection Zone. As such, the property is considered physically suitable for the proposed development.

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 proposed and retained lots will front onto Windmill Point Road South, which is a travelled and maintained municipal road. Site generated traffic from the proposed development is expected to be minimal.

With respect to servicing, a municipal water main is available within the Windmill Point Road South road allowance to service the proposed lots. Further, Regional Staff have confirmed that based on the Hydrogeological Assessment, the severed and retained lots are adequately sized to accommodate individual private sewage systems.

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

Although the lots south of the subject property and Windmill Point Lane East and West were created by plan of subdivision prior to the *Planning Act* coming into force and effect, the lots still contribute to the overall fabric and character of the community. The surrounding community consists of single detached dwellings on Waterfront Rural Residential lots that are smaller than the proposed lots, and single detached dwellings on Rural lots that vary in size.

The proposed lot lines, and future development and accompanying site alterations are located outside of the Significant Woodlot and associated 30 m Vegetation Protection Zone.

A proposal for two lots is supportable as it is in keeping with the intent of the 2022 Niagara Official Plan, which permits a maximum of three new lots as-of-right. Further, the proposal addresses outstanding natural heritage compatibility concerns associated with the overall development of the subject property, and responds to the concerns raised by area residents.

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

There is no evidence to suggest that the proposed development will have a depreciating or deteriorating effect on adjoining properties.

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

The proposed amendment will not negatively affect the financial position of the municipality as any works associated with the proposed development are the responsibility of the Owner/Developer. The proposed residential development will increase the tax base of the municipality, and provide the municipality with development charges.

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

The proposed use and development are not anticipated to impact the intent and implementing regulations 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. 69 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area. The Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area is hereby amended as follows:

1. The subject lands shown on Schedule "A" attached hereto are hereby redesignated to:

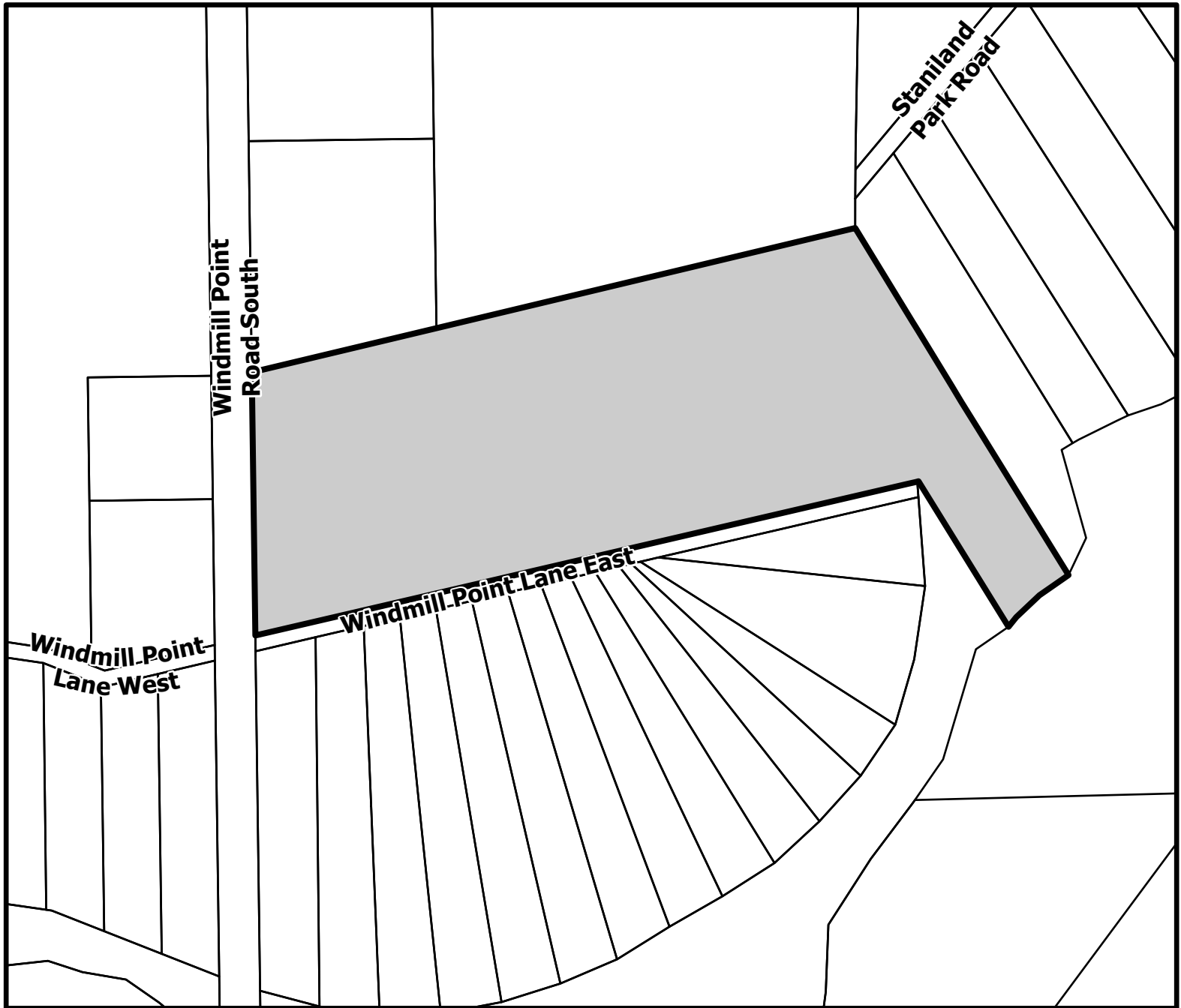
Site Specific Policy Area 45 – 214 Windmill Point Road South

The subject lands shall generally be governed by the Rural policies of Section 4.6. Notwithstanding the policies of Section 4.6.3 CONSENT TO SEVER, Subsection II (a) and (b) shall not apply to the lands shown on Schedule "A" attached hereto. Development shall be limited to the creation of two new lots for residential development, having minimum lot areas of 0.5 hectares and minimum lot frontages of 46.0 metres. The retained lot shall have a minimum lot area of 3.5 hectares. 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. 48-2023

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN
PASSED THIS 27th DAY OF MARCH, 2023**



Subject Lands - 214 Windmill Point Road South



Change from Rural to Site Specific Policy Area 45 - 214 Windmill Point Road South

N





**NOTICE OF COMPLETE APPLICATION AND
PUBLIC MEETING**

Owner: Joseph Moore
Applicant: Steven Rivers (South Coast Consulting)
214 Windmill Point Road South
Combined Official Plan and Zoning By-law Amendment
Application

Application File Nos: 350309-0545 & 350302-162

DATE: Monday, January 16th, 2023
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.

LOCATION OF SUBJECT LANDS





PROPOSAL



Town of Fort Erie Planning Staff have received a Combined Official Plan and Zoning By-law Amendment application. The application proposes to sever 214 Windmill Point Road South to facilitate the creation of three new residential lots, shown as Parts 2, 3 and 4 on the attached consent sketch (Schedule 1).

The subject property is located outside of the urban area boundary. The majority of the property is designated Rural in the Town’s Official Plan. A portion of the property is designated Environmental Protection, which corresponds with the Lake Erie shoreline. The Applicant is requesting an amendment to the Official Plan as the proposed lots do not comply with the lot frontage requirement of 46.00 m under Section 4.6.3. II. b) of the Official Plan. Further, the proposed lots do not comply with the definition of an infilling lot under Section 4.6.3. II. a) of the Official Plan, where an infilling lot means “a new lot which fronts on a public road and which is situated on the same side of the road and between either an existing dwelling and another existing dwelling or a natural heritage feature or an improved road allowance where the distance between such structures or features is 90 metres or less”.

The majority of the subject property is zoned Rural (RU) Zone, and a portion of the property adjacent to the Lake Erie shoreline is zoned Hazard (H) Zone, in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-90, as amended. An amendment to the Zoning By-law is requested as the proposed and retained lots do not meet the minimum lot frontage requirement of 46.00 m in accordance with Subsection 8.4 of the Zoning By-law.

	<p><u>GETTING MORE INFORMATION</u></p> <p>Input on any proposed matter is welcomed and encouraged. You can provide input by speaking at the Public Meeting or by providing a written submission to the Town. Please note that unless you do one of the above, 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 Wednesday, January 11th, 2023. The Report will be available at www.forterie.ca (Government > Agendas & Minutes) or by contacting Mackenzie Ceci, Intermediate Development Planner at mceci@forterie.ca.</p> <p><u>CONTACT INFORMATION</u></p> <p>Mackenzie Ceci, Intermediate Development Planner Planning and Development Services Department Town Hall, 1 Municipal Centre Drive Fort Erie, Ontario L2A 2S6 905-871-1600 ext. 2514 Or by e-mailing your comments to: mceci@forterie.ca</p> <p><u>PROVIDING YOUR COMMENTS OR REQUESTING NOTICE OF DECISION</u></p> <p>To provide input in writing, or to request personal notice if the proposed changes are adopted, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, ON, L2A 2S6 or an email to cschofield@forterie.ca.</p>
	<p><u>PLANNING ACT LEGAL NOTICE REQUIREMENTS</u></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 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, then 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 your appeal rights, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to cschofield@forterie.ca</p> <p>Notice dated at the Town of Fort Erie this 19th day of December, 2022.</p>

APPENDIX "2"

Council-in-Committee - 16 Jan 2023 Meeting Minutes

which were circulated to members of Council and staff, and are appended to the Minutes.

Mayor Redekop declared the Public Meeting closed.

PDS-01-2023 Information Report - Proposed Zoning By-law Amendment - 92 Adelaide Street - Upper Canada Consultants - Craig Rohe (Agent) - Niagara Pines Developments Ltd. - Paul Savoia (Owner)

Recommendation No. 1
Moved by: Councillor Lewis

That: Council receives for information purposes Report No. PDS-01-2023 regarding a proposed Zoning By-law Amendment for 92 Adelaide Street. **(Carried)**

(b) Proposed Combined Official Plan & Zoning By-law Amendment

Re: 214 Windmill Point Road South - Owner: Joseph Moore - Applicant: Steven Rivers (South Coast Consulting). The Applicant is proposing to sever 214 Windmill Point Road South to facilitate the creation of three new residential lots. The subject property is located outside of the urban area boundary. The majority of the property is designated Rural and a portion designated Environmental Protection in the Official Plan. The Applicant is requesting an amendment to the Official Plan as the proposed lots do not comply with the lot frontage requirement of 46.00 m under Section 4.6.3. II. b) of the Official Plan. Further, the proposed lots do not comply with the definition of an infilling lot under Section 4.6.3. II. a) of the Official Plan, where an infilling lot means "a new lot which fronts on a public road and which is situated on the same side of the road and between either an existing dwelling and another existing dwelling or a natural heritage feature or an improved road allowance where the distance between such structures or features is 90 metres or less". The majority of the subject property is zoned Rural (RU) Zone, and a portion adjacent to the Lake Erie shoreline is zoned Hazard (H) Zone. A Zoning By-law amendment is requested as the proposed and retained lots do not meet the minimum lot frontage requirement of 46.00 m in accordance with Subsection 8.4 of the Zoning By-law.

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

APPENDIX "2"

Council-in-Committee - 16 Jan 2023 Meeting Minutes

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

Leigh Whyte, MCIP, RPP, AICP, President/Principal Planner, PLW Planning and Environmental Consulting, Agent, provided a PowerPoint presentation, and summarized the Application.

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.

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

- (a) J.P. Maloney, legal representative on behalf of Windmill Point Holdings Corporation, spoke in opposition to the Application and suggested that it was premature.
- (b) Barry Couse, 2535 Windmill Point Lane East, spoke in opposition to the Application and identified his concerns.
- (c) Charles Kreiner, 2587 Windmill Point Lane West, spoke in opposition to the Application and identified his concerns.

All visual presentations and oral presentations of the members of the public who spoke at this Public Meeting can be viewed as recorded at:

www.youtube.com/townofforterie

Mayor Redekop enquired whether the Clerk received any written submissions subsequent to the posting of the Report. The Clerk advised that she received comments from:

- (d) H. Rudi Kroeker, 2479 Windmill Point Lane East, in opposition, which were circulated to members of Council and staff, and are appended to the Minutes.

Mayor Redekop declared the Public Meeting closed.

APPENDIX "2"

Council-in-Committee - 16 Jan 2023 Meeting Minutes

PDS-02-2023 Proposed Combined Official Plan and Zoning By-law Amendment - 214 Windmill Point Road South - South Coast Consulting - Steven Rivers
(Applicant/Agent) - Joseph & Irene Moore (Owners)

Recommendation No. 2
Moved by: Councillor Flagg

That: Council receives for information purposes Report No. PDS-02-2023 regarding a proposed Combined Official Plan and Zoning By-law Amendment for 214 Windmill Point Road South. **(Carried)**

Council recessed for 10 minutes at 8:17 p.m. for 10 minutes.

7. Consent Agenda Items

None.

8. Planning and Development Services

Chaired by Councillor Dubanow

8.1 Presentations and Delegations

None.

8.2 Reports

PDS-78-1-2022 Supplemental Recommendation Report - Proposed Draft Plan of Subdivision and Combined Official Plan and Zoning By-law Amendment - Spring Creek Estates - 0-17482 and 0-17484 Black Creek Road - 5009823 Ontario Inc. - Mitch William and Mike Colosimo (Owners) - Upper Canada Consultants - Matt Kernahan (Agent)

Recommendation No. 3
Moved by: Mayor Redekop

That: Council approves the amendments to the Town's Official Plan and Zoning Bylaw No. 129-90 as detailed in Report No. PDS-78-1-2022 for the lands known as 0-17482 and 0-17484 Black Creek Road, and further

That: Council approves the Draft Plan of Subdivision for 0-17482 and 0-17484 Black Creek Road, revised on December

APPENDIX "3"

RE: Town of Fort Erie Request for Comments - Combined Official Plan and Zoning By-law Amendment Application (214 Windmill Point Road South)

Abby LaForme to Mackenzie Ceci

08/23/2022 01:54 PM

Cc "Mark LaForme"

From "Abby LaForme" <Abby.LaForme@mncfn.ca>
To "Mackenzie Ceci" <MCeci@forterie.ca>
Cc "Mark LaForme" <Mark.LaForme@mncfn.ca>

Good Afternoon,

MCFN DOCA has no questions or concerns at this time.
Please see the attached letter for more information.

Thank you

Abby LaForme,
Acting Consultation Coordinator



Mississaugas of the Credit First Nation (MCFN)
Department of Consultation & Accommodation (DOCA)
4065 Highway 6, Hagersville, ON N0A 1H0
Ph: (905) 768 – 4260
Email: Abby.LaForme@mncfn.ca

APPENDIX "3"

RE: Town of Fort Erie Request for Comments - Combined Official Plan and Zoning By-law Amendment Application (214 Windmill Point Road South)

CARRIGAN, Andrew to Mackenzie Ceci

08/26/2022 01:18 PM

From "CARRIGAN, Andrew" <andrew.carrigan@canadapost.postescanada.ca>
To "Mackenzie Ceci" <MCeci@forterie.ca>

Good Afternoon,

CPC has no comments regarding this application. Future lots would receive mail delivery via the existing community mailbox located across from 2547 Thunder Bay Rd.

Thank you

Andrew Carrigan | Delivery Services Officer | Canada Post | Delivery Planning | 955 Highbury Ave,
London, ON N5Y 1A3 | 226-268-5914



Please consider the environment before printing this email.

APPENDIX "3"

RE: [External] Town of Fort Erie Request for Comments - Combined Official Plan and Zoning By-law Amendment Application (214 Windmill Point Road South)

Municipal Planning to Mackenzie Ceci

09/06/2022 08:47 AM

From "Municipal Planning" <MunicipalPlanning@enbridge.com>
To "Mackenzie Ceci" <MCeci@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,

Jasleen Kaur

Municipal Planning Coordinator
Engineering

ENBRIDGE

TEL: 437-929-8083
500 Consumers Rd, North York, ON M2J1P8

enbridge.com

Safety. Integrity. Respect. Inclusion.

APPENDIX "3"

RE: Town of Fort Erie Request for Comments - Combined Official Plan and Zoning By-law Amendment Application (214 Windmill Point Road South)

Sarah Mastroianni to Mackenzie Ceci

09/27/2022 07:06 PM

From "Sarah Mastroianni" <smastroianni@npca.ca>
To "Mackenzie Ceci" <MCeci@forterie.ca>

Hi Mackenzie,

There are no NPCA concerns with the approval of these applications. There are no NPCA regulated features impacted as a result of the approval of the applications.

Thank you.

Sarah Mastroianni
Manager, Planning and Permits
Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2
Tel: 905-788-3135 | extension 249
smastroianni@npca.ca
www.npca.ca



Planning and Development Services

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

Via Email

November 2, 2022

Region Files: D.10.01.OPA-22-0031
D.18.01.ZA-22-0066

Mackenzie Ceci
Intermediate Development Planner
Planning and Development Services
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON, L2A 2S6

Dear Ms. Ceci

**Re: Regional and Provincial Comments
Combined Local Official Plan & Zoning By-law Amendment Applications
Owner: Joseph Moore
Agent: South Coast Consulting (c/o Steven Rivers)
214 Windmill Point Road South
Town of Fort Erie**

Regional Planning and Development Services staff has reviewed the proposed combined Local Official Plan and Zoning By-law Amendment Applications as it relates to the above noted address. The Region received its circulation from the Town on August 23, 2022. The property is approximately 4.7 ha (11.61 acres) in size.

The property is currently designated "Rural" in part and "Environmental Protection" in part within the Town's Official Plan, and is zoned "Rural (RU) Zone" in part and "Hazard (H) Zone" in part within the Town's Zoning By-law. Amendments to the Town's Official Plan and Zoning By-law are required to facilitate the creation of three lots (Parts 2, 3 and 4 on the Consent Sketch) for future residential development.

A Local Official Plan Amendment is required for the proposed lot creation, as the proposal does not meet the Town's definition of 'infill lots'. Specifically, the Applicant is proposing the creation of three new lots, whereas only one new lot is permitted. Additionally, the Amendment is needed to address deficiencies with respect to lot frontage and distance separation to other structures / features. A Zoning By-law Amendment is required to establish special provisions that would provide relief to the deficiencies with minimum lot area and minimum frontage for all parcels involved.

A virtual pre-consultation meeting for this proposal was held on April 22, 2021. Regional staff observe that the proposed Application has been revised since its initial concept, as the number of proposed new lots has been reduced from four to down to three. The following comments are provided from a Provincial and Regional perspective to assist the Town with its review of the Amendment Applications.

Regional and Provincial Policies

The property is located outside of the Urban Area of the Town of Fort Erie and is designated "Rural Area / Lands" within the *Provincial Policy Statement, 2020* ("PPS"), the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"), and the *Regional Official Plan* ("ROP").

In the Rural Area / Lands, the predominant use of lands is intended for agriculture, but some non-farm development is permitted. Staff notes that the subject Local Official Plan and Zoning By-law Amendment Applications do not propose to change the land use designations of the PPS, Growth Plan, or ROP. The Amendments set out to establish a site-specific special provisions that reflects the existing delineated Provincial and Regional land use designations and to address deficiencies to minimum lot area and minimum lot frontage as a result of the future Consent (Severance) Applications.

Section 5.C of the ROP sets out the circumstances and permissions related to rural development and lot creation in the Rural Area. ROP policies in Section 5.C.6 state that development in the Rural Area is limited to 3 lots or less and specifies that impacts to existing agricultural uses and the rural character of the area must be carefully considered before non-farm residential development in the Rural Area can be approved.

Policy 5.C.6.4(i) of the ROP states that new rural development consisting of 3 lots shall be a minimum of 1 ha in size, unless it is demonstrated that a smaller sized lot will adequately accommodate private water and sewage treatment facilities for long-term operation. All three proposed lots appear to be less than 1 ha in size. Regional staff has reviewed the "*Hydrogeological Assessment*" prepared by Terra-Dynamic Consulting Ltd. (dated March 8, 2022) and find it to be acceptable. Staff concurs with the Study's recommendations, which supports the proposed lot creation provided that:

- Each new lot has the septic bed is placed in the northeastern corner of the parcel, while maintaining the minimum 3 m Ontario Building Code set-back from the property boundary.
- Each new lot be required to have sewage effluent nitrogen removal systems of at least 75% nitrogen removal. And
- Each new lot has the provision of municipal water supply.

Regional staff has also reviewed the "*Preliminary Planning Policy Justification Report and Impact Analysis*" prepared by South Coast Consulting (dated July 13, 2022). Although Regional staff does not object to the proposed Amendments, it is

recommended that the Report be revised and re-submitted at the time of the future Consent Application(s) to include a more detailed policy analysis of applicable ROP policies. Specifically, the "Regional Official Plan" analysis section (page 10 of the Report) should contain a similar policy analysis to that of the subsequent sections which address the Town of Fort Erie's Official Plan policies and Provincial Plans policies.

Staff also observe that a Schedule, one for each the Local Official Plan Amendment and Zoning By-law Amendment, was not included with the subject Applications. These Schedules are requested for staff's review, for which its need is further described within the Region's "Core Natural Heritage" comments below.

Core Natural Heritage

The property is impacted by the Region's Core Natural Heritage System ("CNHS"), consisting of Significant Woodland. The property is also mapped as part of the Growth Plan's Provincial Natural Heritage System ("NHS"). As such, this feature is considered a Key Natural Heritage Feature ("KNHF") and the natural heritage policies identified in the Growth Plan apply accordingly.

Growth Plan policies require that a minimum 30 m Vegetation Protection Zone ("VPZ") as measured from the outside boundary of a KNHF be established as natural self-sustaining vegetation. Development and/or site alteration is not permitted within a KNHF or its VPZ. Due to the scope, nature and location of the subject property, staff were satisfied that the requirement to complete a Natural Heritage Evaluation ("NHE") could be waived provided all development and/or site alteration adheres to Growth Plan VPZ requirements.

Therefore, as it relates to the proposed Amendment Applications, staff does not object provided that the features and their associated 30 m VPZ are placed into an appropriately restrictive environmental zone / designation. Consistent with comments provided through the previous Minor Variance Application process (Town File: A33/22 ; Region File: MV-22-0045), staff continues to request that the driveway be moved outside of the feature and it's VPZ.

Staff will review the future Consent Applications to ensure they meet the intent of both Provincial and Regional CNHS policies. Growth Plan policies state that development and/or site alteration is not permitted within a KNHF / Key Hydrologic Feature or associated 30 m VPZ. As such, any newly proposed lot lines shall be located outside of these setbacks. Staff will continue to recommend that a Landscape Plan be prepared as a condition of consent to demonstrate how the entirety of the 30 m VPZ will be planted with native, natural self-sustaining vegetation.

Waste Collection

The Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Corporate Waste Collection Policy. The proposed residential lots are eligible to receive Regional curbside waste and recycling collection provided that the Owner bring the waste and recycling to the curbside on the designated pick up day, and that the following curbside limits are not exceeded:

- Recycling blue / grey boxes – no limit (weekly collection).
- Organics green bins – no limit (weekly collection).
- Garbage cans or bags – 2 maximum (bi-weekly collection).
- Collection will be at the curbside only.

If the above mentioned waste collection limits cannot be met, then waste collection will be the responsibility of the Owner through a private contractor and not Niagara Region.

Conclusion

Regional Planning and Development Services staff does not object to the proposed Local Official Plan and Zoning By-law Amendment Applications, in principle, subject to the comments of this letter. It is requested that a Schedule for each the Local Official Plan Amendment and Zoning By-law Amendment be provided to show the "Environmental" designation and zone for the subject lands. Town staff should also be satisfied that the proposed Amendments are aligned with all applicable local requirements and provisions.

Given the site-specific nature of the Local Official Plan Amendment, the Amendment is exempt from Regional Council approval in accordance with ROP Policies 14.E.7 and 14. E.8, the Memorandum of Understanding, and Regional By-law No. 2019-73.

If you have any questions related to the above comments, please contact the undersigned at Alexander.Morrison@niagararegion.ca.

Respectfully,



Alexander Morrison, MCIP, RPP
Senior Development Planner

cc. Pat Busnello, Manager, Development Planning, Niagara Region
Phill Lambert, Director, Infrastructure Planning & Development Engineering, Niagara Region
Chris Pirkas, Development Approvals Technician, Niagara Region
Cara Lampman, Manager, Environmental Planning, Niagara Region
Adam Boudens, Senior Environmental Planner, Niagara Region

APPENDIX "3"

Re: Invitation: Comments Due - 214 Windmill Point Road South Combined Official Plan and Zoning By-law Amendment Application (Sep 22 12:00 PM EDT)

Chris Millar to Mackenzie Ceci

09/22/2022 08:28 AM

From Chris Millar/FortErie
To Mackenzie Ceci/FortErie@TownOfFortErie

Mackenzie,
Following review of the previous Pre-consultation Agreement, and in review of the plan submitted herein, I have no further comment to those supplied by Pieter previously.

Sincerely
Chris Millar, MCIP, RPP, CNU-A
Senior Community Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario
Canada
L2A 2S6

TEL: 1-905-871-1600 ext.2504
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Interoffice Memorandum

August 30, 2022

File No. 350302-0162 and 350309-0545

To: Mackenzie Ceci, Intermediate Development Planner

From: Jeremy Korevaar, Coordinator, Development Approvals

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

On behalf of the Infrastructure Services Department, Engineering Division, I have reviewed the proposed Official Plan and Zoning By-law Amendment for **214 Windmill Point Road South** and have no comments or objections.

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

APPENDIX "3"

214 Windmill Point Road - OPA and ZBA

Keegan Gennings to Mackenzie Ceci

09/22/2022 12:03 PM

From Keegan Gennings/FortErie
To Mackenzie Ceci/FortErie@TownOfFortErie

Hi Mackenzie,

I have no comments concerning the proposed official plan amendment and zoning by-law amendment. It was noted that the planning justification report that it states they are proposing to construct an accessory/ barn building, if the barn will be used to house animals MDS calculations will need to be performed.

Regards,

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