



The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 170-06

BEING A BY-LAW TO ESTABLISH THE ENVIRONMENTAL ADVISORY COMMITTEE OF FORT ERIE

WHEREAS Section 8 of the *Municipal Act, 2001* provides a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other *Act*, and

WHEREAS Section 9(1) of the said *Municipal Act* provides Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities,

- (a) to enable them to govern their affairs as they consider appropriate; and
- (b) to enhance their ability to respond to municipal issues, and

WHEREAS Section 11(2) of the said *Municipal Act* provides for spheres of jurisdiction for lower and upper tiers and under Table (5) thereof provides that by-laws may be passed by upper and lower tiers for culture, parks, recreation and heritage matters, and

WHEREAS at the Council-in-Committee meeting of October 2, 2006 Report No. 092-06 was approved recommending the establishment of the Environmental Advisory Committee, and

WHEREAS the new Official Plan for the Town of Fort Erie, adopted on September 11, 2006 by way of By-law No. 150-06 contains Natural Heritage policies, and

WHEREAS Section 8 of the Official Plan for the Town of Fort Erie pertains to Natural Heritage and states, in part:

"XX.The Town may create an Environmental Advisory Committee to assist in the review of Environmental Impact Studies, watershed plans or other environmental studies and to give advice to Council on environmental matters."

WHEREAS the new Official Plan states as follows:

"VI.Where a site specific development/redevelopment proposal, requiring an Official Plan amendment, a Zoning By-law amendment, a plan of subdivision, or a consent, minor variance or site plan control may impact an Environmental Protection Area or certain Environmental Conservation Areas, identified on Schedule "A" and as outlined in greater detail by the policies of this Plan, the proponent will be required to prepare an Environmental Impact Study (EIS). The EIS shall be submitted with the application."

WHEREAS the goal Environmental Advisory Committee as outlined in the Terms of Reference attached as Schedule A hereto is as follows:

" The goal of the Environmental Advisory Committee is to advise and assist the Community and Development Services Department with the management and conservation of the natural environment in Fort Erie."

NOW THEREFORE the Municipal Council of The Corporation of the Town of Fort Erie hereby enacts as follows:

1. **THAT** the Fort Erie Environmental Advisory Committee (EAC) is hereby authorized and approved and the composition and purpose of this Committee shall be in accordance with the Terms of Reference attached hereto as Schedule A.
2. **THAT** pursuant to the provisions of Section 227 of the *Municipal Act, 2001* the Clerk of the Town of Fort Erie is hereby authorized to effect any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the by-law may be necessary after the passage of this by-law.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 23rd DAY OF October, 2006.



MAYOR



CLERK

I, Carolyn J. Kett, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true certified copy of By-law No. 170-06 of the said Town. Given under my hand and the seal of the said Corporation this day of _____, 200 .

Schedule "A to By-law No. 170-2006 dated October 23, 2006

FORT ERIE ENVIRONMENTAL ADVISORY COMMITTEE (EAC)

TERMS OF REFERENCE

**FORT ERIE
ENVIRONMENTAL ADVISORY COMMITTEE
*TERMS OF REFERENCE***

SECTION 1 - NAME AND PURPOSE OF COMMITTEE

- 1.1 The Committee shall be known as the Fort Erie Environmental Advisory Committee, hereinafter called "the EA Committee".
- 1.2 "The EA Committee" shall be an advisory committee to Council and Staff. The EA Committee has been established in accordance with Administrative Report CDS-092-06, and the Town of Fort Erie Official Plan.
- 1.3 The objective of "the EA Committee" is to advise and assist the Community and Development Services Department ("the Department") with the management and conservation of the natural environment in Fort Erie.
- 1.4 The duties and responsibilities of the EA Committee shall be as follows:
 - review "significant" development applications involving a change of use or intensification of use within or adjacent to Natural Heritage features identified on Schedule "C" of the Town's Official Plan;
 - determine whether information submitted with a proposal is sufficient to assess the significance of impacts on the features or functions considered important by the Town's Natural Areas Inventory for which the site was designated;
 - assess the significance of potential environmental impacts of a proposal on the features or functions for which the area was designated;
 - determine whether impacts can be effectively mitigated in order to comply with the Natural Heritage policies of the Town's Official Plan;
 - assist in the review or updating of future Town, Regional or Provincial policies related to natural heritage protection.
 - to undertake educational programs and promote public awareness and stewardship of Fort Erie's natural heritage.

- 1.5 For the purpose of this Section a "significant" development application could include substantial expansion or intensification to an existing use, establishment of a new large scale commercial industrial or multi-detached residential use, or new multi-lot creation within an Environmental Conservation Area designation or adjacent to and within accepted buffer distances for Environmental Protection Areas or Environmental Conservation Areas.
- 1.6 The EA Committee shall prepare an annual, year-end, activity report documenting the work of this committee. This report may include comments on problems or concerns the EA Committee has experienced in assisting with the implementation of Official Plan policies concerning lands within and adjacent to Environmental Protection and Environmental Conservation Areas.

SECTION 2 – REFERRAL OF APPLICATIONS

- 2.1 The EA Committee will offer assistance with respect to applications referred by the Department.

SECTION 3 – PROCESSING OF APPLICATIONS

- 3.1 Once the application has been referred, Planning staff will contact the applicant and pass on the set of criteria, outlined in the Town's Official Plan, the Environmental Impact Study must address. The applicant's consultant in consultation with the Town and Regional planning staff shall develop the Terms of Reference and other agency representatives deemed important. The proposal will be placed on the next EA Committee agenda. The EA Committee will review draft Terms of Reference for an EIS. Once the applicant submits the EIS, staff will bring it, and other relevant information, before the EA Committee for consideration. The EA Committee will be expected to provide staff with comments on the proposed application, points of consensus and points of consideration for staff.
- 3.2 The EA Committee has been formed to assist the Department and Council with the review of environmental issues. The comments of the EA Committee will be considered by Staff, but Planning Staff recommendations will be made based on an assessment of all Official Plan policies and planning issues. Minutes of the Committee Meetings will be provided to Council and attached to any relevant staff report.

SECTION 4 - COMPOSITION AND APPOINTMENT OF COMMITTEE

- 4.1 Consideration of appointments to the EA Committee shall be based on a demonstrated knowledge, expertise or skill set related to natural heritage in Fort Erie, ability to interpret or experience in interpreting mapping or technical information, ability to understand the planning process, and municipal government and agency roles. Although not required, an educational background or work experience in the following areas would be beneficial.

Biology	Zoology	Civil Engineering
Ecology	Botany	Forestry
Geology	Limnology	Resource Management
Botany	Hydrology	Environmental Planning
Ornithology	Hydrogeology	Landscape Architecture
		Silviculture

- 4.2 It is recognized there are several environmental groups operating within Fort Erie that have a significant interest in and local expertise of natural heritage in Fort Erie. Opportunity for at least one member from each of the following groups shall be sought, namely:

Bert Miller Nature Club
Friends of Fort Erie Creeks
Fort Erie Conservation Womens' Auxiliary
Fort Erie Conservation Club

- 4.3 The EA Committee shall consist of 9 members, including one member being a member of Council.
- 4.4 The Town will advertise for expressions of interest from community members who would be willing to volunteer for appointment to the EA Committee.
- 4.5 The Senior Policy Planner of the Department shall act as the coordinator for the EA Committee by preparing agendas and minutes of the meeting.
- 4.6 Agency representatives or the consultants who prepared the Environmental Impact Study may be invited to participate in the discussions at meetings.

SECTION 5 – TERM OF OFFICE

- 5.1 EA Committee members shall hold office pursuant to the Corporation's Rules of Procedure by-law 145-06, as amended.

SECTION 6 – VACANCIES

- 6.1 Vacancies shall be filled by Council resolution.
- 6.2 Any vacancy affecting the Chair, or the Vice-Chair shall be filled from the remaining EA Committee members by a majority vote.

SECTION 7 - QUORUM AND MEETINGS

- 7.1 A quorum for any meeting shall be a majority of the EA Committee members.
- 7.2 Formal notice of each meeting shall be given at least 48 hours in advance of the meeting. The Chair may call special meetings for extraordinary purposes.
- 7.3 The EA Committee shall have regard to the Town's Procedural By-law for the conduct of meetings.
- 7.4 If any member of the EA Committee is absent from three (3) consecutive monthly meetings without permission of the EA Committee duly noted in the minutes and voted upon by resolution, the member shall forfeit their seat and a vacancy on the EA Committee declared.
- 7.5 At the first meeting, the EA Committee shall establish the meeting schedule, with a minimum of one meeting per month.

SECTION 8 - VOTING

- 8.1 Recommendations at any meeting of the EA Committee shall be decided by a majority vote.
- 8.2 Each Member shall be entitled to one (1) vote on each question arising at any Meeting.
- 8.3 The Chair may only vote in the case of a tie. A recorded vote may be requested on any question.
- 8.4 Any tied question shall be not be considered a point of consensus

SECTION 9 - POWERS

- 9.1 The EA Committee Members may only exercise such powers and do such other acts and things according to these Terms of Reference and empowered by the Municipal Council of the Town of Fort Erie.

SECTION 10- DUTIES OF CHAIR, VICE-CHAIR AND

- 10.1 The Chair shall preside at all meetings of the EA Committee. During the absence or inability of the Chair to preside, the duties and responsibilities shall be exercised by the Vice-Chair.
- 10.2 The Senior Policy Planner of the Department shall keep and maintain a record of all proceedings of all meetings held by the EA Committee and deliver same to the Town Clerk for inclusion in the Council agenda.