

Frequently Asked Questions

Environmental Conservation (EC) Overlay Removal

What is the Environmental Conservation (EC) Overlay?

The Environmental Conservation (EC) Overlay is a planning tool used by the Town of Fort Erie to identify lands that may contain environmental features or natural hazards. The overlay helps ensure these areas are properly evaluated before development occurs.

Does the EC Overlay mean I cannot build on my property?

The presence of an EC Overlay does not automatically prohibit development. It means additional review is required to determine whether the overlay is still appropriate and whether development can occur without negatively impacting environmental features.

Why is my property covered by the EC Overlay?

Properties may be identified because they contain or are adjacent to features such as:

- Wetlands
- Woodlands
- Watercourses (Fish Habitat)
- Valleylands
- Wildlife habitat
- Flood-prone areas
- ANSI's
- Dune Protection Areas
- Linkages
- Other environmentally significant features

In some cases, mapping is based on historical information and may no longer accurately reflect current site conditions. Some of these features may be regulated by the NPCA and additional permitting may be required.

How do I know if the EC Overlay applies to my property?

You can check the Town's Interactive Mapping System (Geopedia) or contact Environmental Planning Staff. Staff can confirm whether your property is impacted and what your next steps would be.

Can the EC Overlay be removed?

Property owners may apply to have all or part of the overlay removed if consultation with Environmental Planning Staff or if technical studies demonstrate that removal is appropriate.

Is there an application fee?

There is currently no fee to apply for the removal of an Environmental Conservation Overlay.

What is the first step?

The first step is to contact the Town's Environmental Planning staff to arrange a phone call. During this discussion, staff will review your proposal and determine whether additional technical studies will be required and request an intake meeting.

Will I need an Environmental Impact Study (EIS)?

Whether an Environmental Impact Study is required depends on the size of the proposal, the environmental features present, and the potential impacts. Staff will determine whether an EIS is necessary during the initial review.

What other studies might be required?

Depending on the property and proposed development, additional studies may include:

- Environmental Impact Study (EIS)
- Water Balance Study
- Arborist Report and Tree Inventory
- Landscape or Replanting Plan
- Invasive Species Management Plan
- Ecological Restoration Plan
- Photometric Plan
- Snow Storage Plan
- Other supporting technical information as required.

Does submitting the required studies guarantee approval?

Technical studies are used to determine whether the EC Overlay can be removed. In many cases, the studies may identify additional environmental constraints that limit or

prevent development. There is no guarantee that completing any requested study will result in an approval of an EC Overlay removal.

Who prepares the required studies?

Studies must generally be prepared by qualified professionals, such as:

- Professional Planners
- Ecologists or Biologists
- Hydrogeologists
- ISA Certified Arborists
- Ontario Association of Landscape Architects (OALA) Landscape Architects

The specific professionals required depends on the proposal.

Can I remove only part of the EC Overlay?

Applicants may request the removal of only the portion of the EC Overlay necessary for their proposal. The application should clearly identify the area proposed for removal.

How long does the process take?

Processing times vary depending on:

- The complexity of the site.
- Whether technical studies are required.
- The completeness of the submission.
- Agency review timelines.

Applications requiring technical studies typically take longer than minor applications. It is typical that any application requiring an Environmental Impact Study will take over one year.

Although certain developments may be exempt from Site Plan Control, the Town may still require technical studies, such as Geotechnical or Stormwater Management Studies, where necessary to evaluate the proposal.

Where Geotechnical or Stormwater Management Studies are required, they may also be circulated to the Town's Engineering Department for technical review as part of the application process.

Will the Niagara Peninsula Conservation Authority (NPCA) be involved?

If the property contains regulated features or is within an area regulated by the NPCA, the Town may consult with the Conservation Authority during its review. Applicants may also require separate approvals from the NPCA where applicable.

Can I apply without a planner?

Minor applications may not require professional representation. More complex applications often require a qualified Professional Planner to coordinate the submission and act as the primary contact throughout the review process.

What happens if my request is denied?

The applicant can request to take the application for the EC Overlay Removal to Council for a second review.

Does removing the EC Overlay automatically give me permission to build?

Removal of the EC Overlay only addresses the environmental overlay. Other approvals may still be required, including zoning compliance, building permits, Conservation Authority approvals, or other applicable planning approvals.

How long does the EC Overlay review process take?

Review timelines vary depending on the complexity of the application and the quality of the submission.

Typical review timelines are as follows:

- **Minor Applications:** Approximately **3 weeks**.
- **Environmental Impact Study (EIS):** Approximately **3 weeks**.
- **Arborist Report and Tree Inventory:** Approximately **2 weeks** following approval of the EIS.
- **Water Balance Study, Hydrogeological Report, Geotechnical Study, and Stormwater Management Study:** Generally reviewed within the same **3-week** review period as the EIS, where submitted together.

Please note that these timelines begin once a complete submission has been received. If revisions or additional information are required, review timelines will be extended accordingly.