



The Municipal Corporation of the Town of Fort Erie Regular Council Meeting Agenda

Monday, July 21, 2025, 5:30 p.m.

Council Chambers

	Pages
1. Call to Order	
2. Land Acknowledgement	9 - 9
3. Invocation	10 - 10
4. Roll Call	
5. Announcements/Addenda	
6. Declarations of Pecuniary Interest	
7. Notice of Upcoming Public Meetings and Open Houses	
8. Closed Session	
8.1 Closed Session Minutes - July 7, 2025	
8.2 PBBS-55-2025 Mediation Update and Next Steps - 1 Burns Place (OLT Case Nos. OLT-22-004707, OLT-25-000081, OLT-25-000108)	
Pursuant to Section 239 (e) of the <i>Municipal Act, 2001</i> , litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, and 239 (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.	
Mediation Update and Next Steps Regarding the Ontario Land Tribunal Appeal for Combined Official Plan and Zoning By-law Amendments, Heritage Designation, and Heritage Permit at 1 Burns Place (OLT Case Nos. OLT-22-004707, OLT-25-000081, OLT-25-000108)	
8.3 Memorandum - Hershey Estates	
Pursuant to Section 239 (e) of the <i>Municipal Act, 2001</i> , litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.	

9. Back to Open Session
10. Regional Councillor Report
11. Presentations and Delegations
 - 11.1 Fred Louws, Principal, Greater Fort Erie Secondary School
Re: Recognition of Accomplishments of Greater Fort Erie Secondary School Student at Skills Canada - Autumn Wartman
 - 11.2 Clare Cameron, Director of Community Services 11 - 26
Re: Community Services Update
12. Public Meetings
 - 12.1 Public Meeting - Official Plan and Zoning By-law Amendment - 0-8227 27 - 29
Hibbard Street

2655321 Ontario Ltd. (Mark Spadafora) - Urban and Environmental Management (Greg Taras) - Monday, July 21, 2025 - 6:00 pm - Council Chambers, Town Hall

(To participate residents can attend in person in Council Chambers, Town Hall, OR virtually via audio/video, web or telephone. Send an email to Daryl Vander Veen, Intermediate Development Planner, at dvanderveen@forterie.ca or 905-871-1600 ext. 2509 for information on joining the zoom meeting.)
 - 12.2 PBBS-56-2025 30 - 55

Proposed Combined Official Plan Amendment and Zoning By-law Amendment Application Information Report for 0-8227 Hibbard Street

Resolution:
That: Council receives, for information purposes, Report PDS-56-2025 regarding a proposed combined Official Plan Amendment and Zoning By-law Amendment for the lands located at 0-8227 Hibbard Street.
13. Consent Agenda
 - 13.1 Minutes
 - 13.1.1 Regular Council Minutes - June 23, 2025 56 - 68
 - 13.1.2 Special Council Minutes - June 30, 2025 69 - 73
 - 13.1.3 Council-in-Committee Minutes - July 7, 2025 74 - 85
 - 13.2 Correspondence
 - 13.3 Board/Committee Minutes
 - 13.3.1 Receive and Refer Recommendations to Staff - Museum and Cultural Heritage Advisory Committee Minutes: 86 - 93

Resolution:

160th Anniversary of the Fenian Raids

That: The Museum and Cultural Heritage Advisory Committee recommends celebrating the 160th anniversary of the Fenian Raids in a grander format, possibly in partnership with Niagara Parks, to recognize its significance to the Town. The celebration could include reenactments of the skirmishes that occurred throughout Fort Erie when the Fenians retreated.

477 Ridge Road North

That: The Museum and Cultural Heritage Advisory Committee recommends that 477 Ridge Road North be referred back to the Counsel for a legal opinion.

John E. Rebstock

That: The Museum and Cultural Heritage Advisory Committee recommends that if the project is to be named, it should be called John E. Rebstock. If the project is not named, the developer should install a plaque to acknowledge that this was the home of John E. Rebstock, the founder of Crystal Beach.

3798 West Main Street

That: The Museum and Cultural Heritage Advisory Committee recommends that the stairs in the road allowance in front of 3798 West Main Street be donated by the Town to the property owner of 3798 West Main Street.

- 13.3.2 Receive and Refer Recommendations to Staff - Affordable Housing Advisory Committee - July 2, 2025:

94 - 96

Resolution:

Lodging House By-law

That: Town of Fort Erie Council adopt the Lodging House By-law and that Council request other regional municipalities to do the same.

Affordable Housing Incentives

That: Mayor Redekop communicate with the Minister of Municipal Affairs and Housing regarding delays in the affordable housing incentives process through Canada Mortgage and Housing Corporation.

13.4 Reports

13.5 New Business

- 13.5.1 Notice of Resignations - Mackenzie Arts, Linkyn Willick, Paige Henneberger, Addison Wightman, Hailey Hudson - Mayor's

Youth Advisory Committee

Resolution:

That: Council accepts the resignations of Mackenzie Arts, Linkyn Willick, Paige Henneberger, Addison Wightman and Hailey Hudson from the Mayor's Youth Advisory Committee, and further

That: Council directs staff to proceed with filling the vacancy in accordance with the Procedural By-law.

13.5.2 Notice of Resignation - Monica Witvoet - Affordable Housing Advisory Committee

Resolution:

That: Council accepts the resignation of Monica Witvoet from the Affordable Housing Advisory Committee, and further

That: Council directs staff to proceed with filling the vacancy in accordance with the Procedural By-law.

13.5.3 Councillor Representative - Court of Revision - Point Abino Drain

Resolution:

That: Council appoints Councillor _____, and Councillor _____, as an alternate, as per Section 97 (3) of the *Drainage Act*, to the Court of Revision for Point Abino Drain.

14. Reports

14.1 IS-18-2025

97 - 104

Tender Award – Gibson Centre Expansion Project – Contract ISE-25T-GCAE23/GCBE25

Resolution:

That: Council accepts and approves the tender submission for the Gibson Centre Expansion Project, Contract ISE-25T-GCAE23/GCBE25 from NIACON Limited in the amount of \$7,261,522.00 (including 13% HST), and further

That: Council authorizes the extension of the contract with ATA Architectural Inc. assignment for contract administration and inspection services in the amount of \$54,743.00 (including 13% HST), and further

That: Council amends the 2025 Capital Budget to supplement the Gibson Centre Building Expansion Project (GCAE23) by \$2,115,124 with debentures of \$2,080,000 and \$35,124 from the Facilities Maintenance Reserve, and further

That: Council amends the 2025 Capital Budget to decrease the Point

Abino Road South Reinstatement (PARR20) by \$2,080,000 with debenture financing, and further

That: Council amends the 2025 Capital Budget to supplement the Gibson Centre Vehicle Bay Expansion Project (GCBE25) by \$588,700 from the Development Charges (DC) Reserve.

15. New Business/Enquiries

- 15.1 Selection of Chair and Vice-Chairs for Business Subdivision Services for the period July 28, 2025, to October 25, 2026

(Deferred from the December 2, 2024 Special Council Meeting, Moved by Councillor McDermott and Seconded by Councillor Christensen, and the March 31, 2025 and the June 23, 2025 Regular Council Meetings)

Resolution:

Whereas: Section 18.8 of Council's Rules of Procedure By-law states that Prior to _____ in the _____ of the term, Council meets in open session and selects the Chair and Vice-Chair for each Business Subdivision for the second sixteen-month period of the term.

Now, therefore, be it resolved,

That: Council appoints the following Chair and Vice-chair for the Business Subdivisions of Council-in-Committee for the period of July 28, 2025, to October 25, 2026:

Planning, Building and By-law Services

Councillor _____, Chair

Councillor _____, Vice-Chair

Infrastructure Services

Councillor _____, Chair

Councillor _____, Vice-Chair

Corporate and Community Services

Councillor _____ Chair

Councillor _____, Vice-Chair

16. Motions

- 16.1 Councillor Noyes

Re: Black Creek Water Windows Time-of-Use Restrictions

Resolution:

Whereas By-law 119-03, as amended, regulates the use of parks and beaches in the Town of Fort Erie, and

Whereas the Water Windows in Black Creek are considered a Park as defined in By-law 119-03, of which the hours of operation are from 6:00 am to 11:00 pm, and

Whereas the Water Windows in Black Creek closely abut residential properties and the current operation times may affect the enjoyment of abutting residential properties,

Now, therefore, be it resolved,

That: Staff be directed to provide a report to Council, including:

1. Current rules regarding open hours for parks and open spaces, and
2. Rationale for the rules or any difference in application regarding open hours for parks and open spaces, and
3. Recommendations regarding hours of operation for parks and open spaces.

16.2 Councillor Noyes

Re: Staff Review of Animal Control and Dog Bite Witnesses

Resolution:

Whereas Part VI 19, Potentially Dangerous Dog or Dangerous Dog Section 3 of By-law 73-2021, as amended, requires that the affiant of a dog bite may not be the person subject to the bite, and this requirement limits the prosecution, as By-law Enforcement requires a third-party witness to issue the Dangerous Dog Declaration;

Now, therefore, be it resolved,

That: Part VI 19, Potentially Dangerous Dog or Dangerous Dog Section 3 of By-law 73-2021, as amended, be amended to remove the word "not" from "and, for the purposes of this Subsection, the affiant may not be the subject of the bite.

16.3 Councillor Noyes

Re: Establishment of Process for Playground Replacements to Include Community Council and Appropriate Committee Involvement

Resolution:

Whereas the Town of Fort Erie is committed to ensuring the safety of all residents and visitors; and

Whereas the Town is dedicated to fostering meaningful public consultation;

Now, therefore, be it resolved,

That: Council directs Staff to conduct detailed inspections of playground equipment to assess its actual condition and lifecycle, rather than relying solely on the timelines outlined in the asset management plan; and further,

That: Before the scheduled replacement of playground equipment, Council directs Staff to conduct a comprehensive public engagement process to gather input from the surrounding community, including consultation with the Accessibility Advisory Committee to ensure that the new playground access and equipment meet or exceed the requirements for accessibility and AODA standards.

16.4 Councillor Dubanow

Re: Removal Holding Provision - Walden Boulevard Proposed Development

17. Notice of Motion

18. Consideration of By-laws

18.1	66-2025	105 - 106
	To Amend Zoning By-law 129-90, as amended – 745 Dominion Road	
18.2	67-2025	107 - 107
	To Authorize the Entry into a Collective Agreement with the Canadian Union of Public Employees and its Local #714 for the Period from January 1, 2025, and December 31, 2027, and Repeal By-law 121-2020	
18.3	68-2025	108 - 109
	To Deem a Certain Block on a Registered Plan of Subdivision Not to be a Lot on a Registered Plan of Subdivision being Block 70, Plan 59M330, 0-9176 Gorham Road, Eyes Canada Childcare Inc.	
18.4	69-2025	110 - 120
	To Amend Zoning By-law No. 129-90, as amended - Housekeeping Amendment	
18.5	70-2025	121 - 217
	To Authorize the Execution of the Bridgeburg North Secondary Plan Financial Agreement with 2627781 Ontario Inc., BBFC Holdings Inc. and 2585908 Ontario Inc.	
18.6	71-2025	218 - 218
	To Amend By-law 114-2019 to Expand Appointment of a Hearing Officer	
18.7	72-2025	219 - 220
	To Amend Traffic By-law 2000-89 (Administrative and Event No Parking)	
18.8	73-2025	221 - 222
	To Assume Secondary Services within Peace Bridge Village Subdivision – Phase 1 (59M-470) and Phase 2 (59M-488) - Ashton	

Homes (Western) Limited (Aldo Vercillo) – Owner

18.9 74-2025

223 - 223

To Confirm the Actions of Council at its Council-in-Committee Meeting
Held on July 7, 2025 and its Council Meeting Held on July 21, 2025

19. Scheduling of Meetings

20. Adjournment

■ Land Acknowledgement



We acknowledge that the land upon which we are gathered is the traditional territory of the Attawandaronk, the Haudenosaunee and the Anishinaabe people. We are the beneficiaries of ancient agreements such as the Dish With One Spoon between the Anishinaabe and the Haudenosaunee, who agreed to share the abundance of the land through peace, friendship and mutual respect; the Two Row Wampum, by which the Haudenosaunee welcomed the settlers and agreed to share the land in mutual respect; and the Treaty of Niagara, considered a fundamental document by First Nations in all future relations and treaties with the British.

We recognize that we have a responsibility to be stewards of the land, in cooperation and collaboration with the Indigenous peoples, not only for one generation but for all generations to come. We understand that we have an obligation to learn the lessons of our history, educate ourselves about the experiences of the Indigenous people and seek opportunities to heal the wounds that will result in reconciliation with our Indigenous sisters and brothers.

Many First Nations, Métis, and Inuit people live and work in Fort Erie. We stand with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live. We have the good fortune to live in a land of such abundance, diversity and beauty – let us be vigilant in protecting Turtle Island.

Invocation



We meet to serve our community and endeavour to be worthy custodians of all that has been entrusted to us;
Let us be concerned only for what will promote good government;

May we bring to our Council Chamber minds that think and hearts that feel so that in our deliberations we may display imagination, wisdom and courage and the will to do our work for the good of all.





Community Services Update

Town of Fort Erie

July 21, 2025



Adding new capacity to “Integrate community and government relations into broader organizational strategies and decision processes”

Government & Partner Relations:

Stakeholders include all levels of government, school boards, post-secondary institutions, NPC, NRPS, NPCA, AMO, OMAA, ROMA, FCM etc.

- Establish & maintain productive relationships
- Identify areas of shared interest
- Analyze and influence public policy
- Create database & schedule for GR engagement
- Coordinate on grants & funding opportunities

Community Relations & Outreach:

Stakeholders include business owners, community agencies, service clubs, associations, citizens, visitors, NFPs, advocacy groups, community hubs

- Establish & enhance mutually beneficial relationships
- Leverage existing capacity, knowledge & resources
- Align on projects and advocacy
- Share information across organizations



Town of Fort Erie
Strategic Plan 2023-2026

1. Health Care | 2. Quality of Life | 4. Economic Prosperity & Diversification

Community Services Department

Clare Cameron, Director

Relationships | Experiences | Connections

“closing the loop”

**Communications
& Marketing**

Kevin Beauchamp,
Manager

(2.2, 2.3)

**Community
Health**

Alice Preston,
Coordinator

(1.1-1.5)

**Corporate &
Community
Initiatives**

Bev Bradnam,
Manager

(2.1, 2.4, 3.3)

**Economic
Development &
Tourism**

Caralee Grummett,
Manager


(4.1-4.7)

**Museum &
Cultural
Services**


Jane Davies,
Manager

(2.2, 4.4)


Service Missions

 To **connect** with people and **support** the community in creative, empathetic ways

Communications & Marketing

 To **coordinate** with primary health care providers and increase well-being


Community Health

 To **listen** to people, **advocate** for customers and **report** on progress

Corporate & Community Initiatives

 To **create** opportunity for businesses and visitors

Economic Development & Tourism

 To **preserve** the past, and keep it alive

Museum & Cultural Services

DEPARTMENT MISSION

Connecting people to great information, services, experiences and opportunities.
We help to make Fort Erie a great place to live, work, invest in and visit.





VISION

To be a community that cares about the quality of **relationships, connections and experiences** that happen here

Community Services

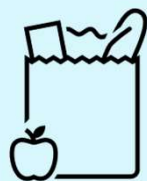
Essential Operations

Director Focus: Strategic Leadership

Team Leadership and Development, Connections & Relationships, Work Portfolio Management

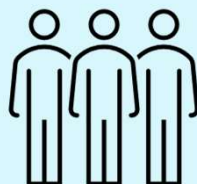
Communications & Marketing	Community & Corporate Initiatives	Community Health	Economic Development & Tourism	Museums & Cultural Services
<ul style="list-style-type: none"> • Website • Social Media • Engagement • Graphic Design • Media Relations • Advertising 	<ul style="list-style-type: none"> • Customer Service • Accessibility • Strategy Updates • Envisio Data • Reporting 	<ul style="list-style-type: none"> • Primary Care Relationships • Physician Recruitment • Community Wellness 	<ul style="list-style-type: none"> • Business Retention, Expansion and Attraction • Tourism Marketing • Business Licensing • STR Licensing • Community Events 	<ul style="list-style-type: none"> • Collections Management • Research • Culture Programs • Exhibit Design

900



lbs of food donated at tree giveaway

2:5



Ministers : Days

700+



attendees to Employment Fair

21k



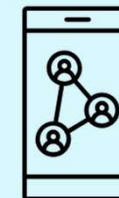
customer requests received

66



local history research requests

3m+



views on social media

2k+



new social media followers and
newsletter subscribers

15



grand openings

11



networked physicians

2025 so far



8

Community Services

Strategic Priorities (2025-26)

Improving and Enhancing Core Services, Meeting Town Strategic Goals
Beginning | Middle | End
“SMART”

Communications & Marketing	Community & Corporate Initiatives	Community Health	Economic Development & Tourism	Museums & Cultural Services
<ul style="list-style-type: none"> • Brand Standards • Let's Talk FE • Work Intake • Influencers 	<ul style="list-style-type: none"> • CSU Technology • CX Strategy • Process Design • CX Training for All 	<ul style="list-style-type: none"> • Douglas Memorial • Primary Care • Wellness Network 	<ul style="list-style-type: none"> • Tourism Strategy • Industrial Lands • Digital Campaigns 	<ul style="list-style-type: none"> • Digital Strategy • Visitor Data • Civic Recognition



CSU: Customer Service Unit
CX: Customer Experience





Fort Erie Museum and Cultural Services

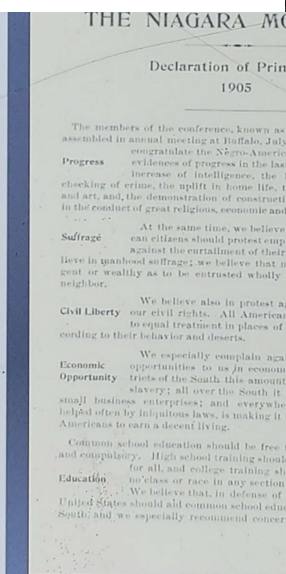
Digitization Strategy
2025 - 2027



son pledge:
freedom: freedom of
o vote, freedom to enjoy
ociate with those who
ising as justice...
t our principles never.



Learn More



May 15th, 2025

MADE in FORT ERIE: the Fort Erie Historical Museum

Time Capsules, Windows to the Past

Fort Erie Museum Services put together a time capsule in 2000 representing life in Fort Erie at the turn of the century.

The dawn of a new millennium was a natural time to reflect on the past, present, and future. Time capsules provide us with a medium for capturing a moment in time in order to tell "our story" to future generations.



A collection of items popular in the year 2000 were fastened to large panels and displayed at the Friendship Festival that year. To remember life at the turn of the millennium and see how things have changed in the last 25 years, the time capsule will be on temporary exhibition at the Fort Erie Historical Museum. Also included in this exhibit are panels on how to make your own time capsule, famous time capsules, and other time capsules in Fort Erie.

Come experience this window to Fort Erie's past at the Historical Museum, 402 Ridge Road North. Open 7 days a week as of May 17.



10





BIRMINGHAM, UK

SAT. MAY 31



UK GP RECRUITMENT EVENT



Saturday, May 31, 2025
1:00pm-5:00pm



Delta by Marriott Birmingham,
Westpoint Room



- Explore GP jobs across Ontario
- Learn about licensing, relocation and incentives
- Discover practice models that fit you
- Find a community your whole family will love!





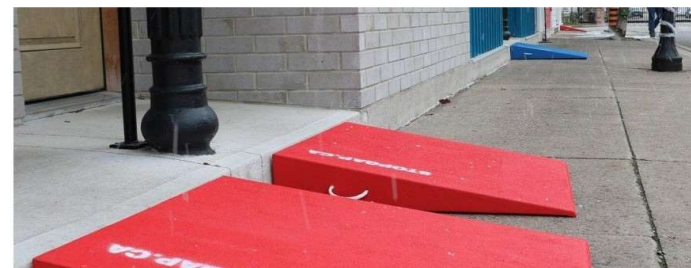
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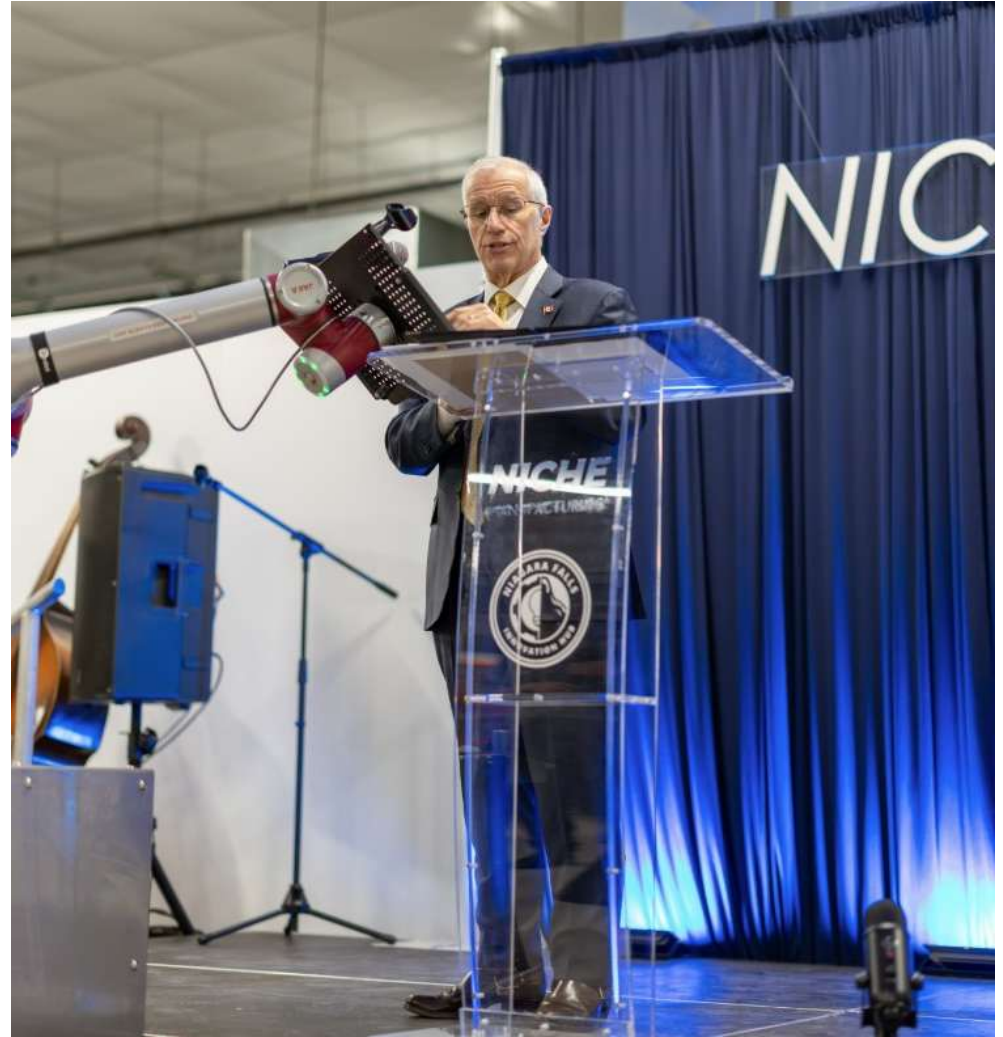


StopGap Ramp Project: Fort Erie businesses saluted for improving accessibility

The town's initiative provides temporary ramps to businesses with single entrance steps, removing a key barrier to people using wheelchairs, walkers, strollers or canes.

Updated 22 hrs ago | May 27, 2025







Ridgeway Grand Opening!

Dario's Family Cucina recently celebrated its official ribbon-cutting and grand opening ceremony. They offer a variety of daily-prepared grab-and-go items, including hot and cold foods such as spaghetti and meatballs, paninos, pizza/wings, among others. If you're not in a hurry, you can also enjoy your meal in their cozy dining area. Visit them today at 3822 Dominion Rd, Ridgeway.

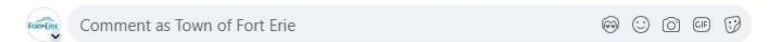
Welcome to Fort Erie, and Congratulations!

Learn more - <https://bit.ly/4jCZYKE>

George McDermott

Joan M. Christensen

Wayne Gates



Next Steps

- Share questions, ideas and feedback
- Request any further reports or information from our services
- Share contacts and suggestions
- Strategic plan progress updates coming in September



THANK YOU

NOTICE OF PUBLIC MEETING

Municipal Address: 0-8227 Hibbard Street, Fort Erie
Owner: 2655321 Ontario Ltd. (Mark Spadafora)
Applicant: Urban and Environmental Management (Greg Taras)
File Number(s): ZBA-09-2025

The Planning, Building and By-law Services Department received a combined Official Plan and Zoning By-law Amendment Application, pursuant to Sections 22 and 34, of the *Planning Act*, R.S.O. 1990, c. P.13.

The application was deemed complete on May 15, 2025.

The subject lands are within the Ridgeway-Thunder Bay Secondary Plan Area in the Town's Official Plan and are designated Institutional, in part, and Medium Density Residential, in part.

The subject lands are zoned Institutional (I) Zone, in part, and Residential Multiple 1 (RM1-508) Zone, in part, in accordance with the Town's Comprehensive Zoning By-law 129-90, as amended.



The purpose and effect of the proposed Official Plan Amendment is to change the land use designation of the western portion of the subject lands from Institutional to Medium Density Residential. The purpose and effect of the proposed Zoning By-law Amendment is to rezone the whole parcel from Institutional (I) Zone and Residential Multiple 1 (RM1-508) Zone to a site-specific Residential Multiple 1 (RM1) Zone to permit the development of 8 street townhouse dwellings and to increase the maximum density from 35 units per hectare to 45 units per hectare. A site plan for the proposal is included as "Schedule 1" to this notice.

PUBLIC PARTICIPATION

The Town of Fort Erie is seeking your comments on the application. The Public Meeting is an opportunity for public input prior to a staff recommendation report and Council making a decision on the proposal.

To participate in the Public Meeting, you may:

1. Attend the Public Meeting, as follows:

Date: Monday, July 21, 2025

Time: 6:00 PM

Location: Council Chambers, Town Hall, 1 Municipal Centre Drive, Fort Erie

Residents can participate in the Public Meeting in-person in the Town Council Chambers, or virtually by registering with Ashlea Carter, Acting Town Clerk by email (clerk@forterie.ca).

The Public Meeting is also available to view on live stream at youtube.com/townofforterie, or by clicking on the YouTube icon on the Town's website: www.forterie.ca

2. Submit written comments to Ashlea Carter, Acting Town Clerk by email (clerk@forterie.ca) or regular mail (1 Municipal Centre Drive, Fort Erie, ON L2A 2S6). All written submissions will become part of the public record and will be provided to Council.

If you wish to be notified of Council's decision on the proposed application, you must make a written request to Daryl Vander Veen, Intermediate Development Planner.

NOTICE OF PUBLIC MEETING

APPEAL INFORMATION

Only the Minister, the applicant, specified persons, public bodies, and the registered owner of the land to which the by-law would apply, as defined in the *Planning Act*, may appeal the decision of Council to the Ontario Land Tribunal (OLT).

If a person or public body would otherwise have an ability to appeal the decision of Council to the OLT, but the 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 is not entitled to appeal the decision.

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 OLT unless, in the opinion of the OLT, there are reasonable grounds to do so.

MORE INFORMATION

An Information Report accompanying the Public Meeting will be available for review by 5:00 PM on **Thursday, July 17, 2025** by accessed the Council agenda through the Town's Website: forterie.ca/en/town-hall/council-meetings.aspx

Application materials are available for review on the Town's website (<https://www2.forterie.ca/resource/planningApplications.xsp>), or by contacting Daryl Vander Veen, Intermediate Development Planner by email. New or revised application materials will be uploaded to the Town's website at the link above as they become available. Please check the Town's website for updates.

CONTACT

Daryl Vander Veen, Intermediate Development Planner
Planning, Building and By-law Services
dvanderveen@forterie.ca
905-871-1600 x. 2509

Dated at the Town of Fort Erie on June 26, 2025.



Planning, Building and By-law Services

Prepared for: Regular Council

Report: PBBS-56-2025

Meeting Date: July 21, 2025

1. Title

Proposed Combined Official Plan Amendment and Zoning By-law Amendment Application Information Report for 0-8227 Hibbard Street

2. Recommendations

That: Council receives, for information purposes, Report PDS-56-2025 regarding a proposed combined Official Plan Amendment and Zoning By-law Amendment for the lands located at 0-8227 Hibbard Street.

3. Relation to Council's Corporate Strategic Plan

Priority: Sustainable and managed growth, and comprehensive housing options

4. List of Stakeholders

2655321 Ontario Ltd. (Mark Spadafora) – Owner
Urban and Environmental Management Inc. (Greg Taras) – Agent
External agencies (E.g., Niagara Region, NPCA, Public Utilities, etc.)
Residents and Property Owners of Fort Erie

5. Purpose of Report

The purpose of this Report is to provide Council and the public with information on a proposed combined Official Plan Amendment and Zoning By-law Amendment application for lands municipally known as 0-8227 Hibbard Street. The Agent, Greg Taras of Urban and Environmental Management Inc., submitted the application on behalf of the Owner, 2655321 Ontario Ltd. (Mark Spadafora). A location map showing the subject lands is attached as **Appendix 1**.

The subject lands are currently designated Institutional, in part, and Medium Density Residential, in part, in the Ridgeway-Thunder Bay Secondary Plan in the Town's Official Plan. The Official Plan Amendment proposes to redesignate the western portion of the subject lands from Institutional to Medium Density Residential. The intent of this redesignation is to facilitate the development of eight (8) street townhouses on the subject lands.

The subject lands are currently zoned Institutional (I) Zone, in part, and Residential Multiple 1 (RM1-508) Zone, in part, in the Town's Comprehensive Zoning By-law 129-90, as amended.

The Zoning By-law Amendment proposes to rezone the entirety of the subject lands to a site-specific Residential Multiple 1 (RM1) Zone to facilitate the development of the proposed street townhouses and proposed a site-specific provision to permit an increased maximum density from 35 units per hectare to 45 units per hectare.

Planning Staff note that a future Plan of Subdivision application is intended to follow to create the new parcels for the proposed street townhouses if this application is approved.

6. Analysis

6.1 Site Context

The subject lands are located on the south side of Hibbard Street, east of Ridge Road North, within downtown Ridgeway. The subject lands are within the Urban Boundary in the Ridgeway-Thunder Bay Secondary Plan Area. The subject lands are rectangular in shape with an approximate lot area of 1,778.00 square metres and lot frontage of 60.89 metres. The subject lands are currently vacant.

Planning Staff note that width of Hibbard Street has a variable road width ranging from approximately 3.80 metres at the narrowest point to 13.00 metres at the widest point. The width of the road in front of the subject lands ranges from 3.80 metres to 7.00 metres.

The subject lands are located directly adjacent to the public amenity area associated with the Ridgeway Village Square / Fort Erie Friendship Trail in downtown Ridgeway. Ridgeway Lions Field is located approximately 550 metres to the southwest, and Crystal Ridge Park, a community Park, is located approximately 1,100 metres to the south. Cash-in-lieu of parkland dedication will be required as a condition of approval for a future Draft Plan of Subdivision application.

The subject lands are surrounded by the following uses:

- North: Hibbard Street, Mixed-use (downtown mixed-use buildings) and Residential (single detached dwellings and street townhouses);
- East: Residential (street townhouses and a block townhouse development);
- South: Open Space (Ridgeway Village Square / Fort Erie Friendship Trail) and Residential (single detached dwellings);
- West: Mixed-use (downtown mixed-use buildings).

6.2 Planning Policy Framework

6.2.1 Planning Act, R.S.O. 1990, c. P.13

The *Planning Act* provides for a land use planning system led by Provincial policy, integrating provincial interests with municipal decision making, promoting sustainable economic development in a healthy natural environment and encouraging coordination among various interests.

The *Planning Act* identifies matters of Provincial interest that Council must consider in carrying out their legislative responsibilities, such as, but not limited to, the efficient use of sewage and water services, orderly development of safe and healthy communities, adequate provision of a

full range of housing, including affordable housing, and the appropriate location of growth and development. Decisions of Council must also be consistent with provincial policy statements and conform with provincial plans and municipal official plans that are in effect.

6.2.2 Provincial Planning Statement, 2024

Land use planning decisions are required to be consistent with the Provincial Planning Statement, 2024 (PPS).

The subject lands are located within a Settlement Area under the PPS. The PPS directs growth to settlement areas to provide an appropriate range and mix of housing options and densities, encourages building complete communities, promotes intensification within built up areas and supports efficient use of resources and infrastructure.

6.2.3 Niagara Official Plan, 2022

The Niagara Official Plan, 2022 (NOP) identifies the subject lands as being within the Delineated Built-Up Area within the Urban Area. The NOP states that within Urban Areas forecasted population growth will be accommodated primarily through intensification. Development in Urban Areas shall facilitate the efficient use of infrastructure, implement compact design and provide a variety of residential built forms to create complete communities. The NOP also promotes opportunities for the integration of gentle density and a mix and range of housing options that considers the character of established neighbourhoods. The NOP establishes a minimum density target in Fort Erie that requires 50% of all new residential units to be constructed within Built-up Areas annually.

Schedule C1 – Natural Environment System Overlay and Provincial Natural Heritage Systems

Schedule C1 of the NOP does not identify any natural heritage features or system on the subject lands.

Schedule K – Areas of Archaeological Potential

Schedule K of the NOP identifies the subject lands as being within an area of archaeological potential. The Applicant has provided a [Stage 1 and 2 Archaeological Assessment](#) and an associated Ministry Acknowledgement Letter. The Stage 1 and Stage 2 Archaeological Assessment was completed by Seguin Archaeological Services, dated May 16, 2024. The Stage 2 assessment included a field assessment and noted that no archaeological materials or features were identified in test pits across the site. The Stage 2 assessment therefore concluded that no further archaeological assessment was recommended for the site. It is noted that Provincial compliance legislation must be adhered to in the event of the discovery of deeply buried cultural materials or features during the construction phase.

6.2.4 Official Plan, Town of Fort Erie, 2021 Consolidation

Section 4.18 – Ridgeway-Thunder Bay Secondary Plan Land Use Designations

The subject lands are designated Institutional, in part, and Medium Density Residential, in part, within the Ridgeway-Thunder Bay Secondary Plan area. The main objectives of the Secondary Plan include encouraging new development that has respect for the unique history of the neighbourhood and is compatible with the existing built environment, supporting commercial

areas, providing a variety of housing alternatives at key locations, encouraging compact development that efficiently utilizes land and services, providing a full range of housing choices, and encouraging a full spectrum of built form and tenure, and appropriate level of affordable housing.

The Secondary Plan notes that areas that are designated Institutional shall recognize existing institutional uses with the Plan Area and shall be reserved for a variety of public and institutional uses. Planning Staff note that there is no existing institutional use on the subject lands and the land is currently vacant. The portion of the subject lands that is designated Institutional was utilized as an access driveway to the parking lot within the Ridgeway Village Square / Fort Erie Friendship Trail. However, this area was not formally acquired by the Town and remained in private ownership. The Town removed the access driveway a few years ago and reinstated the area with grass. The Official Plan Amendment proposes to change this portion of the subject lands to Medium Density Residential to be consistent the rest of the subject lands.

The remainder of the subject lands is designated Medium Density Residential. Areas that are designated Medium Density Residential are reserved for multiple-unit building such as townhouses and apartment buildings. The Secondary Plan establishes a density range of 25 – 75 units per hectare for areas designated Medium Density Residential. The density of the proposed development is 45 units per hectare.

Official Plan Policy 13.7

The Town's Official Plan contains several criteria in Section 13.7 III. for Council's consideration when a change to the land use schedule is proposed. These are:

- a. *The need for the proposed use;*
- b. *The extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development;*
- 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;*
- 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 Public Health Department and any other appropriate authority deemed advisable.*
- e. *The compatibility of the proposed use with uses in adjoining areas;*
- f. *The effects of such proposed use on the surrounding area in respect of the minimizing of any possible deprecating or deteriorating effect upon adjoining properties;*
- g. *The potential effect of the proposed use on the financial position of the municipality; and*
- h. *The potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act.*

Planning staff will provide an analysis with respect to these criteria in a future Recommendation

Report.

Schedule B – Mineral Aggregate & Petroleum Resources

Schedule B of the Official Plan illustrates that the subject lands are within a Petroleum Resource Area. Planning staff reviewed GIS mapping of petroleum wells that is provided by the Province of Ontario. There are no known wells within 75 metres of the subject lands.

Schedule C – Natural Heritage Features and Schedule C1 – Natural Hazards and Fish Habitat

There are no natural heritage features on the subject lands as identified on Schedule C. The subject lands are adjacent to an Environmental Corridor associated with the Fort Erie Friendship Trail. Schedule C1 similarly does not identify any natural hazard areas or fish habitat on the subject lands.

Town Environmental Planning Staff were circulated for comments on this application. They had no objections but requested that a Tree Preservation Plan and a Landscape Plan be provided in accordance with the Town's Tree By-law 33-2024 to address compensation for future tree removal on site. These items will be required as conditions of approval for a future plan of subdivision if this application is approved.

The Niagara Peninsula Conservation Authority also provided comments. They have no objections and note that the subject lands are not impacted by NPCA-regulated features. It is noted that there is a small watercourse on the southern edge of the subject lands. It is recommended that erosion and sediment control measures and review of lot grading occurs during the development process to protect this feature. Development Engineering will be requiring an erosion and sediment control plan and a lot and grading plan as conditions of approval for a future plan of subdivision if this application is approved.

Schedule D - Cultural Heritage Archaeological Zones of Potential

Schedule D of the Town's Official Plan does not identify the subject lands as being within an area of archaeological potential. As mentioned earlier, the NOP does identify the subject lands as having archaeological potential. A [Stage 1 and 2 Archaeological Assessment](#) was submitted that concluded there are no archaeological resources on site.

6.2.5 Site Design

The site plan proposed one block of eight (8) street townhouses that front onto Hibbard Street. The rear amenity areas of the townhouses would back onto the Fort Erie Friendship Trail. An attached garage is proposed for each unit. A Conceptual Site Plan is attached as **Appendix 2** to this report. A rendering of the development is included as **Appendix 3** for reference.

The Applicant's submission states that the proposed density is 45 units per hectare.

Development Engineering is requesting a 1.52 metre road widening along the entire frontage of Hibbard Street. This increases the density of the development slightly to 48 units per hectare (rounding up). The density range for Medium Density Residential development is between 25 to 75 units per hectare.

6.2.6 Comprehensive Zoning By-law No. 129-1990, as amended

The subject lands are currently zoned Institutional (I) Zone, in part, and Residential Multiple 1 (RM1-508) Zone, in part, in the Town's Comprehensive Zoning By-law, as amended. The proposed Zoning By-law Amendment seeks to rezone the entirety of the subject lands to a site-specific Residential Multiple 1 (RM1) Zone. The site-specific provision proposes to include the maximum density.

Detailed application review has noted that an additional special site-specific provision is required to permit a reduced planting strip width along the east side of the subject lands. The following table compares the required RM1 Zone provisions to the proposed site-specific RM1 Zone provisions.

Table 1: Proposed Site-specific RM1 Zone for Townhouse Dwelling Units Comparison to Section 14.3 Zone Regulations			
Regulation	Regulation	Proposed	Comments
Minimum Lot Frontage	6.00 metres for street townhouse lots	7.25 metres (interior units) to 8.75 metres (end units) for street townhouse lots	Complies.
Minimum Lot Area	200.00 square metres for a street townhouse lot	211.31 square metres (interior units) to 255.07 square metres (end units)	Complies.
Minimum Front Yard	6.00 metres to garage 4.00 metres to other parts of the dwelling	6.00 metres to garage 6.00 metres to other parts of the dwelling	Complies.
Minimum Interior Side Yard	1.50 metres	1.50 metres	Complies.
Minimum Rear Yard	6.00 metres	> 6.00 metres	Complies.
Maximum Height	3 storeys and 12.00 metres	2 storeys and 12.00 metres	Complies.
Minimum Landscaped Area	25% for street townhouses	> 50%	Complies.
Maximum Number of Units in a Row	8	8	Complies.
Maximum Density *Requested by the Applicant	35 units per hectare	45 units per hectare	Planning Staff will provide comments and a recommendation on this site-specific request in a future Recommendation Report. It is noted that the maximum density may increase to 48 units per

			hectare, rounding up, when a road widening of 1.52 metres is considered.
Maximum Lot Coverage	60% for interior street townhouses	40% for interior street townhouses	Complies.
Privacy Area	Notwithstanding the yard requirements above, every dwelling unit shall have at least one area which serves as a privacy area adjacent to the dwelling unit, having a minimum depth of 4.50 metres.	> 6.00 metres in rear of dwelling units.	Complies.
Planting Strips *Identified by Staff	A planting strip of 3.00 metres is required where and interior side yard abuts a Residential Zone.	1.50 metres on east side.	Planning Staff will provide comments and a recommendation on this zoning deficiency in a future Recommendation Report. Alternatively, the Applicant may adjust their plans to address this deficiency.
Parking	One parking space per dwelling unit.	One parking space per unit in the driveway; one parking space in an attached garage	Complies.

6.2 Studies

On March 14, 2024, a Pre-Consultation Meeting was held between the developer, various Town staff, and external agencies to review the proposed development.

The following studies were submitted as part of the Application and are discussed throughout the report:

- [Archaeological Assessment, Stage 1 and 2](#)
- [Environmental Site Assessment, Phase I](#)
- [Functional Servicing and Stormwater Management Report](#)
- [Noise Study](#)
- [Planning Justification Report](#)

- [Servicing and Grading Plan](#)

7. Financial, Staffing and Accessibility (AODA) Implications

All costs associated with processing the application and the development of the subject lands is the responsibility of the Owner.

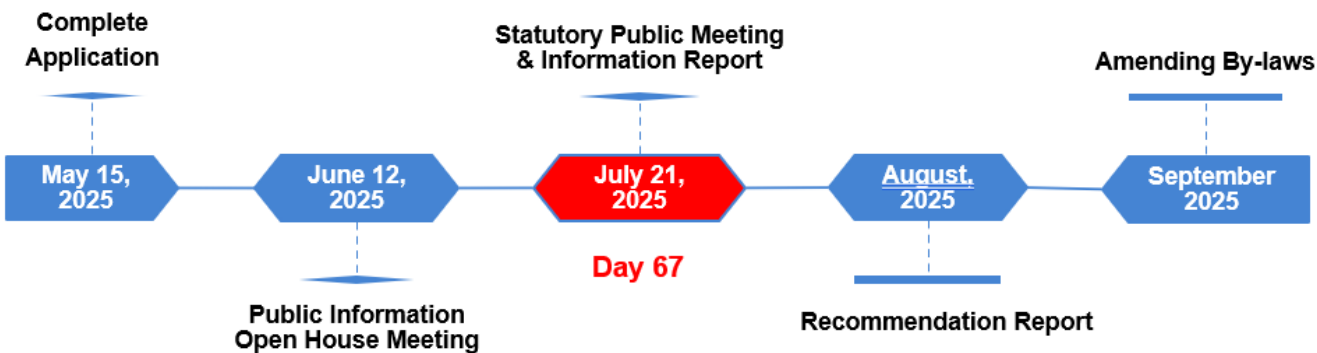
Development charges will be collected through the building permit application process. Cash-in-lieu of parkland dedication will be required as a condition of the future application for site plan approval.

No staffing implications are expected. No impediments to the AODA legislation are expected to be developed through the amendment proposed.

8. Policies Affecting Proposal

The applications were originally submitted on April 1, 2025. The application was initially deemed incomplete due to an outstanding fee for a Peer Review of the Functional Servicing Report and for some minor revisions to the Planning Justification Report. The application was deemed complete on May 15, 2025 following receipt of the fee and revised report.

In accordance with the *Planning Act*, the proposed application for combined Official Plan and Zoning By-law Amendments is subject to a 120-day processing and review timeline. A Council decision is therefore required by September 12, 2025, otherwise, the Owner may appeal the applications to the Ontario Land Tribunal. The applications are currently on day 67, as illustrated below.



Statutory requirements of the *Planning Act* were satisfied by circulating a Notice of Public Meeting by regular mail on June 26, 2025, to all registered landowners within 120 metres of the subject lands, by placing a sign on the subject lands and by circulating internal and external review partners and agencies electronically.

Land use policies affecting the subject lands are contained in the PPS, NOP, and Town Official Plan.

9. Comments from Departments, Community and Corporate Partners

A request for comments was circulated to Town Departments and agency stakeholders. The comprehensive set of comments received to date from agencies and Town Departments is attached as **Appendix 4**. The following provides a summary of comments:

9.1 Agency Comments

Canada Post and Cogeco

No comments.

Enbridge Gas Inc.

No objections.

Niagara Peninsula Conservation Authority (NPCA)

There are no NPCA regulated features on the subject lands. The NPCA recommends requiring erosion and sediment control and a grading to protect a small watercourse that exists on the south side of the subject lands.

9.2 Town Staff Comments

Development Engineering

It is noted that a 1.52 metre road widening will be required. Development Engineering will also require that Hibbard Street will be upgraded to urban cross section, complete with curb and gutter, from the westerly boundary of the subject lands to the easterly limit of 3627 Hibbard Street. Installation of a sidewalk along the frontage of the subject lands is not being requested due to the narrow width of the existing road allowance. The costs associated with upgrading the road will be the responsibility of the developer and required as a condition of draft plan approval for the future Plan of Subdivision.

During the forthcoming Plan of Subdivision application stage, Development Engineering staff will require an Erosion and Sediment Control Plan, a Site Servicing Plan and a Lot Drainage and Grading Plan.

Functional Servicing Report

A Functional Servicing and Stormwater Management Report prepared by Upper Canada Consultants and dated July 2024 was submitted in support of this application. The report concludes the following:

1. There is a 150-millimetre diameter Town-owned water main along Hibbard Street. This water

main will be sufficient to provide water service to the proposed development and sufficient flow for use for fire protection in the event of a fire. A new fire hydrant will also be installed for the proposed development.

2. There is a 200-millimetre diameter Town-owned sanitary sewer along Hibbard Street. The sanitary sewer flows to the east. The flow capacity of the sewer is 37.50 litres per second. The anticipated flow resulting from the proposed street townhouses is 0.17 litres per second, representing approximately 3.5% of the total capacity of the sanitary sewer. The FSR concludes that sanitary sewer capacity is sufficient for the proposed development.
3. There is a storm sewer available along Hibbard Street that the development will utilize. The storm sewer is 300-millimetres in diameter and then widens to 375 millimetres. The stormwater flow expected to result from the proposed development is 21 litres per second. The existing 375-millimetre diameter storm sewer has a capacity of 227.08 litres per second, with an anticipated utilization of 65.5%. The report concludes that the storm sewer capacity is sufficient for the proposed development.

Development Engineering has facilitated a Peer Review of the Functional Servicing Report by GEI Consultants dated June 3, 2025. The Peer Review concluded that there is sufficient capacity in the downstream sanitary sewer network to accommodate the proposed development.

Environmental Planning

A Tree Protection Plan and Landscape Plan detailing compensation requirements per Tree By-law 33-2024 will be required.

Planning Staff Response

A Tree Protection Plan and Landscape Plan will be required at a future Plan of Subdivision application stage.

Fire Services

No objections.

Landscape Architect

A Landscape Plan prepared by an OALA licensed Landscape Architect or equivalent will be required. The plan should show pedestrian connection to Hibbard Street and Landscape and Hardscape treatments along Hibbard Street.

9.3 Public Comments

A Public Information Open House Meeting was held in the Atrium of Town Hall on June 12, 2025. All property owners within 120 metres of the subject lands were notified of the meeting via a notice mailed by Staff on May 29, 2025. Town Planning Staff, the Owner and the Agent were in attendance, and approximately 10 members of the public attended the Open House. In addition, one written comment was submitted to Town Staff. A summary of the public comments is provided below. The written comment is attached for review as **Appendix 5**.

- Concerns over two-way traffic movement, narrow road width and on-street parking.

Planning Staff Response: A Traffic Impact Study was not required in this instance as the proposed 8 dwelling units will not create a significant impact on vehicular trip generation. Development Engineering Staff confirmed that the Town will require a 1.52 metre road widening along the frontage of the subject lands on the south side of Hibbard Street. This section of road will also be required to urban cross section with curb and gutter. There are currently no plans to change the road to a one-way street. It is noted that the road is narrow but this is an existing situation.

- Concerns over on-street parking and large commercial vehicle parking on Hibbard Street.

Planning Staff Response: Several residents mentioned that large commercial vehicles park on Hibbard Street for loading/unloading to service the commercial uses along Ridge Road North. Planning Staff will look into this matter further and will provide further comments in the future Recommendation Report to Council.

It is noted that each townhouse dwelling can accommodate one parking space in the driveway and an additional parking space in the garage. This meets the parking requirement of one parking space per dwelling unit for street townhouses required by the Town's Zoning By-law. Planning Staff do not anticipate any significant parking issues to result from the proposed development due to the relatively small number of units. If any parking issues arise they can be reviewed by the Town's By-law Enforcement Staff.

- Concerns about pedestrian safety and sidewalks.

Planning Staff Response: Preliminary comments from Development Engineering note that a sidewalk will not be required to be built across the frontage of the subject lands due to the limited space within the Hibbard Street road allowance, even with the required road widening. It is noted that the Ridgeway-Thunder Bay Secondary Plan requires sidewalks to be constructed on one side only of local roads. The existing sidewalk on Hibbard Street is located on the north side of the road allowance and currently does not extend the full length of the road.

10. Alternatives

None.

11. Communicating Results

There are no communication requirements at this time.

12. Conclusion

This report is submitted to Council for information purposes. A Recommendation Report will be presented to Council at a future meeting date.

13. Report Approval

Prepared by:
Daryl Vander Veen
Intermediate Development Planner

Reviewed by:
Mark Iamarino, MCIP, RPP
Manager of Development Approvals

Submitted by:
Anamika Dilwaria, MCIP, RPP
Director of Planning and Development Services

Approved by:
Chris McQueen, MBA
Chief Administrative Officer

14. Attachments

Appendix 1 – Location Map
Appendix 2 – Conceptual Site Plan
Appendix 3 – Rendering
Appendix 4 – Agency and Town Staff Comments
Appendix 5 – Public Comment

Appendix 1



LOCATION PLAN

Proposed Combined Official Plan and Zoning By-law Amendment - 0-8227 Hibbard Street

Subject Lands - 0-8227 Hibbard Street

Appendix 2

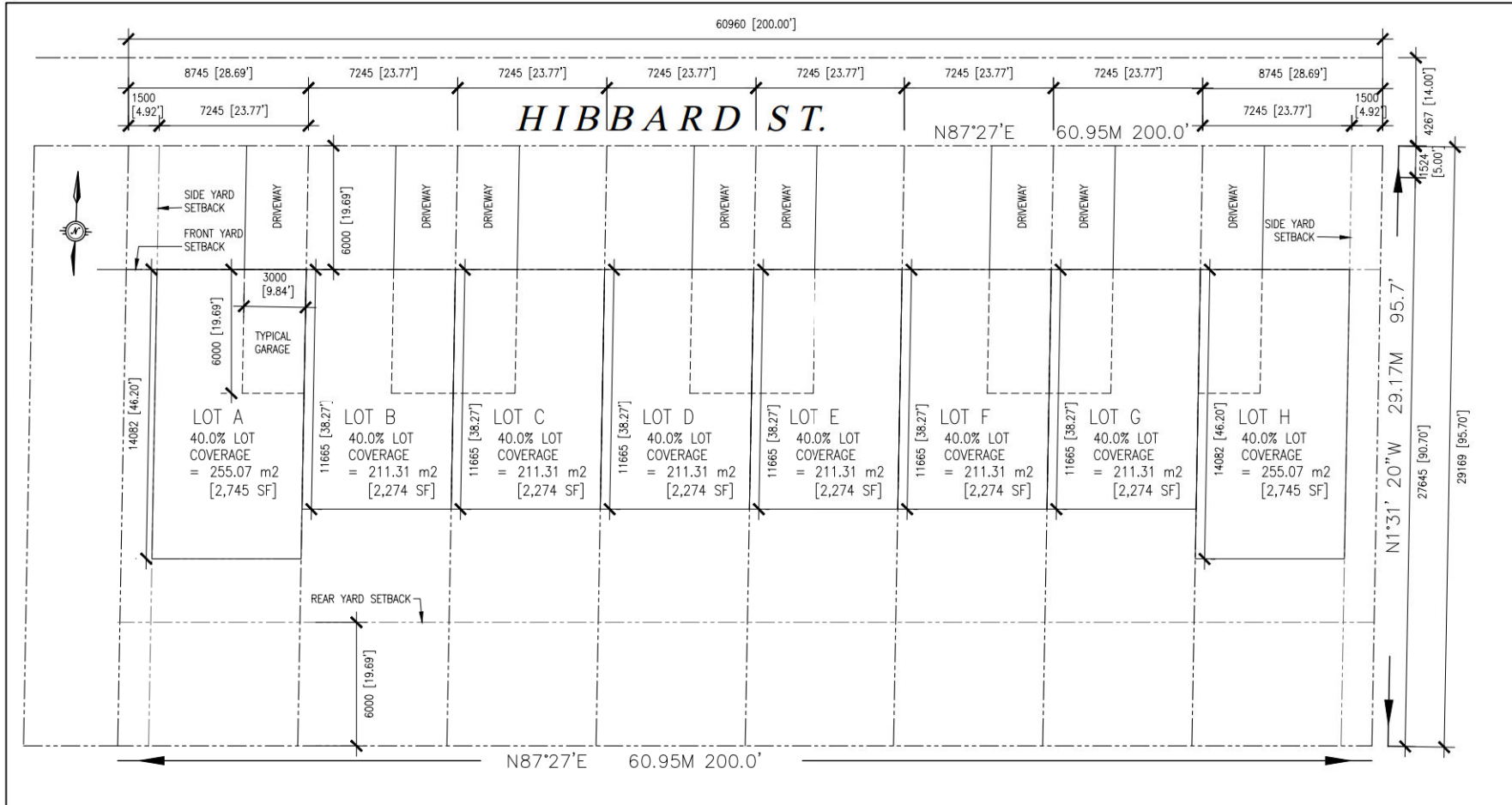


2 CONTEXT PLAN
SCALE 1:1000

SITE STATISTICS							
LOT	AREA		Lot Coverage (40%)		Buildable		
	s.f.	m ²	s.f.	m ²	width	Length	
A	2,745	255.07	1,098	102.03	23.77	46.20	
B	2,274	211.31	910	84.52	23.77	38.27	
C	2,274	211.31	910	84.52	23.77	38.27	
D	2,274	211.31	910	84.52	23.77	38.27	
E	2,274	211.31	910	84.52	23.77	38.27	
F	2,274	211.31	910	84.52	23.77	38.27	
G	2,274	211.31	910	84.52	23.77	38.27	
H	2,745	255.07	1,098	102.03	23.77	46.20	

LEGEND	
---	PROPERTY LINE
---	ZONING SETBACK LINE
---	OUTLINE OF MAXIMUM LOT COVERAGE (EXAMPLE)
---	FENCE

NOTE:
PROPERTY INFORMATION OBTAINED FROM:
SURVEY 0-9672
PLAN OF LOT 7 ON THE EAST SIDE
RIDGE RD. AND PART OF TWP LOT 23
CON. I.E. BEING PART OF THE BLOCK
IN THE REAR OF LOTS 6, 7 & 8 ON
THE EAST SIDE OF RIDGE RD.
ACCORDING TO REG. PLAN NO. 227.
NOW KNOWN AS PLAN 549 FOR THE
FORMER TOWNSHIP OF BERTIE, NOW IN
THE TOWN OF FORT ERIE
REGIONAL MUNICIPALITY OF NIAGARA.
BY:
J. EDWARD LANTHER O.L.S.
173 CLARENCE ST. PORT COLBORNE, ON
DATED: NOVEMBER 8, 1976



1 SITE PLAN
SCALE 1:200



2	DRAFT FOR REVIEW	28 MAY 22
1	DRAFT FOR REVIEW	28 MAY 22
NO	ISSUED / REVISED	28 MAY 22

ZONING STUDY -
PROPOSED 8 UNIT
TOWNHOUSES WITH
SINGLE GARAGES
HIBBARD ST
RIDGEWAY, ONTARIO

SITE PLAN



PROJECT NO:	23-104
SCALE:	1/8"=1'-0"
DRAWN BY:	DS
CHECKED BY:	FILE NUMBER
DATE:	A1.1



RE: Request for comments - proposed Official Plan and Zoning By-law Amendment applications for Unassigned Parcel, 0-8227 Hibbard Street, Ridgeway-Thunder Bay, Town of Fort Erie (file OPA-02-2025 and ZBA-09-2025)

From CARRIGAN, Andrew <andrew.carrigan@canadapost.postescanada.ca>

Date Fri 2025-05-30 9:04 AM

To Daryl Vander Veen <DVanderVeen@forterie.ca>

You don't often get email from andrew.carrigan@canadapost.postescanada.ca. [Learn why this is important](#)

Good Morning,

CPC has no comments regarding this proposed Official Plan and Zoning By-law Amendment.

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.

From: Daryl Vander Veen <DVanderVeen@forterie.ca>

Sent: May-29-25 8:06 PM

Subject: Request for comments - proposed Official Plan and Zoning By-law Amendment applications for Unassigned Parcel, 0-8227 Hibbard Street, Ridgeway-Thunder Bay, Town of Fort Erie (file OPA-02-2025 and ZBA-09-2025)

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[Report Suspicious](#)

Good evening,

The Town of Fort Erie has received an application for a combined Official Plan and Zoning By-law Amendment for 0-8227 Hibbard Street. The subject lands are located in the Ridgeway-Thunder Bay neighbourhood in the Town of Fort Erie on the south side of Hibbard Street and adjacent to the Fort Erie Friendship Trail. The intent of the application is to facilitate development of eight (8) street townhouse dwellings fronting onto Hibbard Street. The proposed density is approximately 45.02 units per hectare.



Re: Request for comments - proposed Official Plan and Zoning By-law Amendment applications for Unassigned Parcel, 0-8227 Hibbard Street, Ridgeway-Thunder Bay, Town of Fort Erie (file OPA-02-2025 and ZBA-09-2025)

From Mike Embleton <mike.embleton@cogeco.com>

Date Fri 2025-05-30 1:42 PM

To Daryl Vander Veen <DVanderVeen@forterie.ca>

Hi Daryl,

Cogeco has no comment on this application.

Thank you,

Mike

Mike Embleton

Network Delivery Coordinator
7170 McLeod Rd, Niagara Falls ON, L2H 3H2
C 905-246-8621



Join the conversation

#cogecommunity



On Thu, May 29, 2025 at 8:05 PM Daryl Vander Veen <DVanderVeen@forterie.ca> wrote:

Good evening,

The Town of Fort Erie has received an application for a combined Official Plan and Zoning By-law Amendment for 0-8227 Hibbard Street. The subject lands are located in the Ridgeway-Thunder Bay neighbourhood in the Town of Fort Erie on the south side of Hibbard Street and adjacent to the Fort Erie Friendship Trail. The intent of the application is to facilitate development of eight (8) street townhouse dwellings fronting onto Hibbard Street. The proposed density is approximately 45.02 units per hectare.

The subject lands are currently designated Residential - Medium Density, in part, and Institutional, in part, in the Ridgeway-Thunder Bay Secondary Plan in the Town's Official Plan. The Institutional portion of the subject lands is also identified as a 'Proposed Public Parking Area' in the Secondary Plan. The Official Plan Amendment proposes to redesignate the Institutional portion to Residential - Medium Density to facilitate development of the proposed



RE: Request for comments - proposed Official Plan and Zoning By-law Amendment applications for Unassigned Parcel, 0-8227 Hibbard Street, Ridgeway-Thunder Bay, Town of Fort Erie (file OPA-02-2025 and ZBA-09-2025)

From Municipal Planning <MunicipalPlanning@enbridge.com>

Date Wed 2025-06-04 2:33 PM

To Daryl Vander Veen <DVanderVeen@forterie.ca>

Thank you for your circulation.

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Willie Cornelio CET (he/him)

Sr Analyst, Municipal Planning

Engineering

ENBRIDGE

TEL: 416-495-6411

500 Consumers Rd, North York, ON M2J1P8

enbridge.com

Safety. Integrity. Respect. Inclusion.

From: Daryl Vander Veen <DVanderVeen@forterie.ca>

Sent: Thursday, May 29, 2025 8:06 PM

Subject: [External] Request for comments - proposed Official Plan and Zoning By-law Amendment applications for Unassigned Parcel, 0-8227 Hibbard Street, Ridgeway-Thunder Bay, Town of Fort Erie (file OPA-02-2025 and ZBA-09-2025)

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Were you expecting this email? TAKE A CLOSER LOOK. Is the sender legitimate?

DO NOT click links or open attachments unless you are 100% sure that the email is safe.

Good evening,

The Town of Fort Erie has received an application for a combined Official Plan and Zoning By-law Amendment for 0-8227 Hibbard Street. The subject lands are located in the Ridgeway-



RE: Request for comments - proposed Official Plan and Zoning By-law Amendment applications for Unassigned Parcel, 0-8227 Hibbard Street, Ridgeway-Thunder Bay, Town of Fort Erie (file OPA-02-2025 and ZBA-09-2025)

From Sarah Mastroianni <smastroianni@npca.ca>

Date Fri 2025-05-30 12:45 PM

To Daryl Vander Veen <DVanderVeen@forterie.ca>

Cc Taran Lennard <tlennard@npca.ca>; Kartiki Sharma <ksharma@npca.ca>

Hi Daryl,

Please note that the subject property is not impacted by lands regulated by the NPCA. At the detailed design phases, we would ask that erosion and sediment control fencing is installed along the rear lot line. We would also suggest the Town ensure the proposed grading and drainage of the lot is done in such a way as to protect the small watercourse on lands abutting the subject property to the south.

Thank you.



Sarah Mastroianni

Manager, Planning and Permits

Niagara Peninsula Conservation Authority (NPCA)

3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

905.788.3135 ext. 249

www.npca.ca

smastroianni@npca.ca

For more information on Permits and Planning 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 41/24 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>.

The NPCA completed its [Watershed-based Resource Management](#) and [Conservation Area](#) Strategies, paving the way for sustainable conservation across the Niagara Peninsula watershed. It's [Watershed Natural Asset Analysis and Valuation](#) for the Niagara Peninsula watershed offers new insights that redefine how we view nature. **Explore them today!**



Interoffice Memorandum

April 25th, 2025
File No. PA-2023-049

To: Robin Shugan, Intermediate Development Planner
From: Taylor Boyle, Project Manager, Development Engineering
Subject: Preliminary Development Engineering Comments
 Pre-Consultation
Address: 0-8227 Hibbard Street

Application Summary: 8-unit street townhouse development

Roads:

Hibbard Street is designated as an **Local Road** as per the Town's current Official Plan. The designated road width is 20m. The current width is substantially deficient with an approximate width of 3.9m. Town Staff acknowledges that some sections of roads throughout the Town are considered as "Laneways" and operate with a deficient road width, Town Staff note that Willow Trail, a subdivision to the East was subject to a road widening of 1.52m (measured from the centreline of the road).

Town Staff will require a road widening of approximately 1.52m (measured from the centreline of the road).

Additionally, Staff require that Hibbard Street be upgraded to an urban cross section, complete with curb and gutter from the western limit of the subject lands to the eastern limit of 3627 Hibbard Street.

Comments/Requirements:

- Sidewalks currently exist along the north frontage to the east, installed with the above noted Willow Trail plan of subdivision. Considering sidewalks are required on one-side of Local roads only, as per the Town's Official Plan and the Ridgeway – Thunder Bay Secondary Plan, and the limiting space within the existing road allowance, regardless of the required above noted widening, **no additional accommodations for a sidewalk along the subject land frontage shall be provisioned with this proposal.**
- Town staff will require a **Functional Servicing Report (FSR)** identifying the existing services, their size, material, capacity and if they are being proposed for re-use for the development site. Confirmation that sizing, material, location, capacity etc. proposed for re-use are in suitable condition and meet Town standards and requirements. Verification and calculations shall be provided for all servicing and design shall be in accordance

with Niagara Region's 2021 Water and Wastewater Master Servicing Plan Update, Volume 3, dated June 22, 2023. The FSR shall also provide all required information and flow rates to confirm downstream sewers have sufficient capacity to receive the additional flows and meet the demands for the proposed development site.

The submitted Functional Servicing Report will be peer-reviewed by the Town's Sanitary Sewer Consultant, GMBLue Plan. The analysis by the Town's Consultant shall comment on and provide recommendations for the existing downstream system, if any. The submission of this Functional Servicing component and recommendations thereof to the downstream system, if any, as a result of the peer-review, shall be required at the Site Plan Submission phase. In the event there are capacity constraints, the Site Plan Agreement will include a condition stating how works can be completed until such time as recommendations for improvements downstream, if any, are implemented accordingly, at 100% Owner costs.

- It is common that in-fill developments such as this increase the drainage challenges where acceptable outlets do not currently exist. Town staff will require a **Stormwater Management Report** demonstrating how storm water runoff will be maintained and matched from post- to pre- development and demonstrate that the additional runoff will not negatively impact nor rely upon neighboring properties.
 - Please be advised that stormwater:
 - QUALITY controls must be to an **Enhanced Standard**; and
 - QUANTITY control must meet pre-development flows rates for the 2-year to the 100-year storm events minimum.
- Staff require that the Owner/Applicants have a Consulting Engineer prepare and submit a Proposed **Erosion & Sediment Control Plan** to the Town for review and approval. This document shall contain (but is not limited to):
 - Sediment traps or temporary retention ponds;
 - Seeding of topsoil stock piles;
 - Isolated stripping of development lands, upon arrival;
 - Vegetated screens;
 - Silt and erosion control fencing;
 - Mud mats, and outlet erosion controls (riprap, filter clothe etc): and
 - Construction staging.
- Town staff suggest that the Owner/Applicant obtain a **Pre-Construction Condition Survey** of all existing abutting properties and structures. The purpose of this is to obtain independent documentary evidence of the conditions of the adjacent buildings, structures, features etc. prior to construction activities commencing.
- Town staff will require a **Site Servicing Plan** showing both the existing and proposed site services for water, storm and sanitary. The plan is to include location, size, material, inverts, etc. from the municipal main to the building face for all services.
- Town staff will require a **Lot Grading and Drainage Plan** demonstrating that storm water runoff will not negatively impact nor rely upon neighboring properties. The plan shall include all existing and proposed downspout discharge locations, all hardscape

surfaces and all physical features including decks, trees, walkways, pools, etc. both existing and proposed.

As per Town Standards, no more than four lots shall be accommodated by rear yard swales to a proposed RYCB.

The locations and directions of the roof water discharge pipes and sump pumps shall be identified on the Lot Grading and Drainage Plan, prepared and certified by a Professional Engineer.

Please note that these comments are preliminary and reflect the concept proposed for these lands at the time of this application / pre-consultation and may be subject to change. Trusting this information is satisfactory, and if you have any further questions or comments, please feel free to contact Taylor Boyle at extension 2505,

Regards,

Taylor Boyle
Project Manager, Development Engineering

c. Mark Iamarino, PDS (email only)



Re: Request for comments - proposed Official Plan and Zoning By-law Amendment applications for Unassigned Parcel, 0-8227 Hibbard Street, Ridgeway-Thunder Bay, Town of Fort Erie (file OPA-02-2025 and ZBA-09-2025)

From Jessica Abrahamse <JAbrahamse@forterie.ca>

Date Mon 2025-06-16 11:52 AM

To Daryl Vander Veen <DVanderVeen@forterie.ca>

Cc Zachary George <ZGeorge@forterie.ca>

Good Morning Daryl,

Senior Environmental Planning staff have reviewed the information that has been provided and note that a Tree Protection Plan and Landscape Plan detailing compensation requirements per Tree By-Law 33-2024 will be required. It is noted that the Pre-Consultation agreement is now over 1 year old and that since this time the Town has implemented a Tree By-law.

Regards,

Jessica Abrahamse M.E.S.

Senior Environmental Planner

Town of Fort Erie

Planning and Development Services

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

p: 905-871-1600 ext. 2510

[forterie.ca](https://www.forterie.ca) | jabrahamse@forterie.ca



From: Daryl Vander Veen <DVanderVeen@forterie.ca>

Sent: Thursday, May 29, 2025 8:05 PM

Subject: Request for comments - proposed Official Plan and Zoning By-law Amendment applications for Unassigned Parcel, 0-8227 Hibbard Street, Ridgeway-Thunder Bay, Town of Fort Erie (file OPA-02-2025 and ZBA-09-2025)

Good evening,



Re: Request for comments - proposed Official Plan and Zoning By-law Amendment applications for Unassigned Parcel, 0-8227 Hibbard Street, Ridgeway-Thunder Bay, Town of Fort Erie (file OPA-02-2025 and ZBA-09-2025)

From Jessica Goodings <JGoodings@forterie.ca>

Date Mon 2025-06-09 1:43 PM

To Daryl Vander Veen <DVanderVeen@forterie.ca>

Good afternoon Daryl,

Thank you for providing the documents to review for the proposal at 0-8227 Hibbard St.

At this time the Fire Department has no questions, concerns or comments.

Thank you and kind regards,

Jessica Goodings

Senior Fire Prevention Officer

Town of Fort Erie

Fire Department

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

p: 905-871-1600 ext. 2605 | c: 289-321-0019

forterie.ca | jgoodings@forterie.ca



From: Daryl Vander Veen <DVanderVeen@forterie.ca>

Sent: Thursday, May 29, 2025 8:05 PM

Subject: Request for comments - proposed Official Plan and Zoning By-law Amendment applications for Unassigned Parcel, 0-8227 Hibbard Street, Ridgeway-Thunder Bay, Town of Fort Erie (file OPA-02-2025 and ZBA-09-2025)

Good evening,

The Town of Fort Erie has received an application for a combined Official Plan and Zoning By-law Amendment for 0-8227 Hibbard Street. The subject lands are located in the Ridgeway-Thunder Bay neighbourhood in the Town of Fort Erie on the south side of Hibbard Street and adjacent to the Fort Erie Friendship Trail. The intent of the application is to facilitate



0-8227 Hibbard Street

From Kathryn Strachan <KStrachan@forterie.ca>

Date Thu 2025-06-19 4:17 PM

To Daryl Vander Veen <DVanderVeen@forterie.ca>

Cc Elizabeth Latif <ELatif@forterie.ca>

Hi Daryl,

Please see our comments below regarding 0-8227 Hibbard

0-8227 Hibbard Street

- Landscape Plan required by OALA licensed Landscape Architect or equivalent
- Show pedestrian connection to Hibbard Street and Landscape and Hardscape treatments along Hibbard Street

Kathryn Strachan

Landscape Architect Associate (MLA, BFA)

Town of Fort Erie

Planning and Development Services

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

p: 905-871-1600 ext. 2529

[forterie.ca](https://www.forterie.ca) | kstrachan@forterie.ca





Zoning change notification zba-09-2025 (Hibbard)

From Greg McC [REDACTED]
Date Fri 2025-05-30 4:33 PM
To Daryl Vander Veen <DVanderVeen@forterie.ca>

You don't often get email from offmyeasel@startmail.com. [Learn why this is important](#)

Dear Mr Vander Veen

The site posted web link for the zoning change application for Hibbard Street 0-8227 is to a non existent page. (<https://www.forterie.ca/planningApplications.xsp>)
It should point to <https://www2.forterie.ca/resource/eservicesPlanning.xsp?s1=POPA-FFEI-DFYQL4>

Please note as well the uploaded site plan lists the legal description of the site as being located in the City of Hamilton.

The site plan and other documents make no indication of new sidewalks nor the widening of the sites fronting part of Hibbard Street to match the easterly section width of Hibbard. As the street is very well used by both vehicles and pedestrians, is the city planning on any safety improvements in the future? Such as extending the sidewalk, widening Hibbard to two lanes or making the street a one way? Is this not something that usually is considered at the development phase of a site?

If you could clarify this, it would be appreciated.

Could you as well include us in notification of the Councils decision regarding the application zba-09-2025.

regards

Greg McCullough

Appendix 3





**The Municipal Corporation of the Town of Fort Erie
Regular Council Meeting Minutes**

**Monday, June 23, 2025, 6:00 p.m.
Council Chambers**

1. Call to Order

Mayor Redekop called the meeting to order at 6:02 pm.

2. Land Acknowledgement

Mayor Redekop provided a land acknowledgment.

3. Invocation

The Deputy Clerk read the Invocation.

4. Roll Call

The Deputy Clerk gave the roll call.

Present: His Worship Mayor Redekop and Councillors Christensen, Dubanow, Flagg, Lewis, McDermott and Noyes

Also present: Regional Councillor Insinna

Staff: A. Carter, A. Dilwaria, R. Firenze, J. Frost, J. Janzen, C. McQueen, C. Patton and P. Riley.

5. Announcements/Addenda

An addendum was introduced, which included correspondence received on Friday from the President and CEO of Niagara Health. The Mayor also noted that Councillor Lewis had submitted several Notices of Motion related to funding for the South Niagara Hospital, summer hours of operation at the Fort Erie Urgent Care Centre, and a matter concerning the Chief Executive Officer and Board of Directors of Niagara Health.

Mayor Redekop made the following announcements:

Extreme Heat Warning

The Mayor advised that an extreme heat warning had been issued for Niagara. Residents were reminded to stay hydrated and cool, and informed of available cooling centres at the Leisureplex (8 a.m. to 5 p.m.) and all three branches of the Fort Erie Public Library (during regular hours). Spray pad locations at Douglas Park, Ferndale Park, Crystal Ridge Park, Stevensville Memorial Park, and the Sugar Bowl were also noted as resources to help residents stay cool.

Correspondence from Niagara Health

The Mayor commented on correspondence received from Niagara Health's President and CEO. While no formal funding request was made, the timing and content were described as "somewhat tone-deaf," especially in light of the motions on the agenda. The Mayor noted that the Town of Fort Erie has contributed to the new hospital build, both directly and through the Region, amounting to an estimated \$3.1 million from Fort Erie taxpayers.

Premier's Recent Comments

The Mayor addressed a recent comment made by the Premier during his visit, regarding potential summer closures of the Fort Erie Urgent Care Centre. The Mayor expressed concern, noting the closure was not limited to a single day and emphasizing hope that the Premier's broader commitment to healthcare would take precedence.

Canada Day

Residents were wished a happy Canada Day in advance of the holiday. Events include "Canada Day at the Races" at the Fort Erie Racetrack starting at noon, and fireworks in the area between the Old Fort and the Peace Bridge (Mather Arch) around dusk, approximately 9:30 p.m.

6. Declarations of Pecuniary Interest

None.

7. Notice of Upcoming Public Meetings and Open Houses

None.

8. Regional Councillor Report

Regional Councillor Insinna gave the following report:

A presentation was given to the Corporate Services Committee last week regarding Hospice Niagara. The Wilson House project will be the hospice here in Fort Erie. The site for development is next to the new Gilmore Lodge at the corner of Garrison Road and King Street. The groundbreaking ceremony will be this summer with the anticipated opening in late 2026/ early 2027. Draft renderings of the facility and rooms were presented and what stood out is the attention to detail when it comes to the comfort of the resident. Each room will

have a sliding door so the bed can be moved into the courtyard to enjoy the sunshine and other residents. The rooms will be equipped with a fireplace and other amenities to make the last stages of life as comfortable as can be. The Capital Campaign goal currently sits at 87% of funding raised. Contributions have come from Niagara Region, Town of Fort Erie, Ministry of Health and community and corporate donors. Hospice Niagara will be receiving a 20-year lease of the property with a 10-year extension at the end of the term. Hospice Niagara has been helping residents in the Niagara Region for the last 17 years, and this year there is a great need for volunteers.

Last week Councillor Insinna had the opportunity to speak with several Cabinet Ministers from the Province who were in the Fort Erie area. MPP Stan Cho, Minister of Tourism, Culture and Gaming of Ontario, MPP Todd Mc Carthy, Minister of the Environment, Conservation and Parks and MPP Sam Oosterhoff, Associate Minister of Energy-Intensive Industries all heard about our Town and the issues we face.

The official ribbon-cutting ceremony for Gilmore Lodge Long-Term Care Home and Community Hub is set for July 4th at 11am. The facility has been open, and the Community Hub continues to put on fantastic programs for residents in Fort Erie.

Once again Public Health will be continuing the Beach Surveillance program. The authority for Public Health to test the waters are provided under the Ontario Health Protection and Promotion Act. There are 19 beaches in the Region with 12 being on Lake Erie. The beach water is to be sampled at least once per week with some being sampled twice. There are five samples taken at each beach and are tested for E. Coli. Public Health will issue warnings if the lab results merit. The Beach Water Testing website can be seen on the Niagara Region website and constantly updated.

9. Presentations and Delegations

9.1 Edward Zahra, Director, Customer Experience, Niagara Transit Commission

Re: Accessibility Advisory Committee Niagara Transit Issues

E. Zahra, Director, Customer Experience, Niagara Transit Commission, and Jordan Hamilton (title) provided a PowerPoint presentation in response to a motion referred to the Niagara Transit Commission dated April 1, 2025, re: Accessibility Advisory Committee Niagara Transit issues and answered questions from members of Council.

The presentation addressed the following key topics:

- Service provisions specific to the Town of Fort Erie;
- Operational standards of Niagara Transit;
- Financial accountability and oversight;

- Community concerns, including matters raised by the Accessibility Advisory Committee.

10. Public Meetings

10.1 Zoning By-law Amendment - 745 Dominion Road

Owner: Crystal Ridge Homes Inc. c/o Jeff Davis - Applicant: Quartek Group Inc. c/o Matthew Trendota

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

Devon Morton, Supervisor of Development approvals, and Myles Banfield, Junior Development Planner provided a presentation outlining the proposal and responded to questions from members of Council.

Mayor Redekop inquired whether the agent or the applicant wished to speak to the applications.

The applicant's agent, Jeff Davis of Crystal Ridge Homes Inc., was not in attendance.

Mayor Redekop asked if anyone present would like to speak in favour of the application.

No one in the audience wished to speak in favour of the application.

Mayor Redekop asked if anyone present would like to speak in opposition to the application.

No one in the audience wished to speak in opposition to the application.

The Clerk confirmed that no additional written comments were received.

Mayor Redekop declared the Public Meeting closed.

10.2 PBBS-46-2025

Proposed Zoning By-law Amendment Information and Recommendation Report for 745 Dominion Road

Resolution 1

Moved by: Councillor Christensen

Seconded by: Councillor Lewis

That: Council approves the amendment to the Town's Zoning By-law 129-90 as detailed in Report PBBS-46-2025 for land known as 745 Dominion Road, and further

That: Council directs staff to submit the necessary Zoning By-law Amendment By-law.

Carried

11. Consent Agenda

Councillor Dubanow requested that Item 11.3.2 be dealt with separately. Council dealt with the balance of the Consent Agenda first and then proceeded with item 11.3.2.

Resolution 2

Moved by: Councillor McDermott

Seconded by: Councillor Flagg

That: Council approves the consent agenda as recommended.

Carried, as amended

11.1 Minutes

11.1.1 Regular Council Minutes - May 26, 2025

11.1.2 Special Council Minutes - June 9, 2025

11.1.3 Council-in-Committee Minutes - June 9, 2025

11.2 Correspondence

11.2.1 Receive and Support - Rideau Lakes - Strong Mayor Powers Resolution

11.2.2 Receive and Support - County of Prince Edward - Bill 5: Protect Ontario by Unleashing Our Economy Act, 2025

11.2.3 Proclamation - Niagara Health System - World Hepatitis Day, July 28, 2025

That: Council proclaims July 28, 2025, as "World Hepatitis Day".

Carried

11.2.4 Receive - Niagara Health - Fort Erie Local Share

11.3 Board/Committee Minutes

11.3.1 Receive and Approve Recommendation - Museum and Cultural Heritage Advisory Committee - May 14, 2025:

576 Ridge Road North

That: The Museum and Cultural Heritage Advisory Committee recommends that the demolition of the 1950's and 1960's additions to 576 Ridge Road North be permitted, and that the original 1920's

building be retained in accordance with the drawings provided by Shoalts Engineering.

That: The Museum and Cultural Heritage Advisory Committee recommends that the property owner be required to board up all of the doors and windows and install fencing around the remaining designated building to enhance security and protection.

Carried, as amended

Amendment:

Councillor Noyes recommended a friendly amendment to the second paragraph to strike out the words "board up all of the doors and windows and". Councillor McDermott and Councillor Flagg were agreeable to the amendment.

11.3.3 Receive - Community Gaming Development Corporation - April 23, 2025

11.3.4 Receive - Accessibility Advisory Committee - May 27, 2025

11.3.5 Receive - Ridgeway Business Improvement Area Board of Management

- February 5, 2025; April 2, 2025; May 7, 2025; June 4, 2025 (No Quorum); June 11, 2025

11.3.6 Receive - Bridgeburg Station Downtown Business Improvement Area Board of Management - May 7, 2025; June 10, 2025

11.3.7 Receive - Crystal Beach Business Improvement Area Board of Management - June 11, 2025

11.4 Reports

11.4.1 PBBS-47-2025

Housekeeping Amendments to Comprehensive Zoning By-law 129-90, as Amended Recommendation Report

That: Council approves the proposed housekeeping amendments to the Town's Comprehensive Zoning By-law 129-90 as detailed in Appendix 1 of Report PBBS-47-2025, and further

That: Council authorizes staff to prepare the necessary by-law.

Carried

11.5 New Business

11.5.1 Councillor Representative Appointment to the SPCA Board of Management

That: Council appoints Council Noyes as the Council Representative and Councillor Christensen, as the alternate Councillor Representative to the Fort Erie SPCA Board of Management for the term ending November 14, 2026.

Carried

11.5.2 Notice of Resignation - Councillor McDermott - Community Health Care Services Advisory Committee

That: Council accepts the resignation of Councillor McDermott from the Community Health Care Services Committee, and further

That: Council directs staff to proceed with filling the vacancy in accordance with the Procedural By-law.

Carried

11.5.3 Notice of Resignation - Jeff Sinclair, Niagara Region Representative - Affordable Housing Advisory Committee

That: Council accepts the resignation of Jeff Sinclair, as Niagara Region Representation from the Affordable Housing Advisory Committee, and further

That: Council directs staff to proceed with filling the vacancy in accordance with the Procedure By-law.

Carried

11.5.4 Notice of Resignation - Melissa Dubois - Crystal Beach Business Improvement Area Board of Management

That: Council accepts the resignation of Melissa Dubois from the Crystal Beach Business Improvement Area Board of Management, and further

That: Council directs staff to proceed with filling the vacancy in accordance with the Procedure By-law.

Carried

11.5.5 Notice of Resignations - Liane Beauchemin and Chuck Lord (effective July 31, 2025) - Ridgeway Business Improvement Area Board of Management

That: Council accepts the resignation of Liane Beauchemin and Chuck Lord (effective July 31, 2025) from the Ridgeway Business Improvement Area Board of Management, and further

That: Council directs staff to proceed with filling the vacancy in accordance with the Procedural By-law.

Carried

11. Consent Agenda

11.3 Board/Committee Minutes

11.3.2 Receive and Approve Recommendation - Traffic Coordinating Committee - June 4, 2025:

That: Council accepts and approves the proposed speed limit changes as presented in Appendix 2 of the Traffic Coordinating Committee Meeting held on June 4, 2025.

Resolution 2

Moved by: Councillor Dubanow

Seconded by: Councillor Noyes

That: The recommendations from the Traffic Coordinating Committee (Appendix 2 – Proposed Speed Limit Reductions) be deferred to the Council-in-Committee meeting of July 7, 2025, and that staff be directed to provide additional background information to Council regarding the rationale for the proposed changes.

Carried

12. Reports

None.

13. New Business/Enquiries

13.1 Selection of Chair and Vice-Chairs for Business Subdivision Services for the period July 28, 2025, to October 25, 2026

(Deferred from the March 31, 2025 Regular Council Meeting)

Resolution 3

Moved by: Councillor Noyes

Seconded by: Councillor Lewis

Whereas: Section 18.8 of Council's Rules of Procedure By-law states that Prior to April 1 in the second year of the term, Council meets in open session and selects the Chair and Vice-Chair for each Business Subdivision for the second sixteen-month period of the term.

Now, therefore, be it resolved,

That: Council appoints the following Chair and Vice-chair for the Business Subdivisions of Council-in-Committee for the period of July 28, 2025, to October 25, 2026:

Planning, Building and By-law Services

Councillor _____, Chair

Councillor _____, Vice-Chair

Infrastructure Services

Councillor _____, Chair

Councillor _____, Vice-Chair

Corporate and Community Services

Councillor _____ Chair

Councillor _____, Vice-Chair

Moved by: Councillor Dubanow

Seconded by: Councillor Christensen

That: Consideration of the motion to appoint the Chair and Vice-Chair for the Business Subdivisions of Council-in-Committee for the period of July 28, 2025, to October 25, 2026, be deferred to the Council meeting of July 21, 2025.

Carried

14. Closed Session

Resolution 4

Moved by: Councillor Dubanow

Seconded by: Councillor Flagg

That: Council does now go into Closed Session at 7:19 p.m. to consider the following:

Item 14.1 Closed Session Minutes - June 9, 2025;

Item 14.2 Accessibility Advisory Committee Appointment pursuant to Section 239 (2) (b) of the *Municipal Act, 2001*, personal matters about an identifiable individual, including municipal or local board employees;

Item 14.3 Affordable Housing Advisory Committee (Niagara Region Representative) Appointment pursuant to Section 239 (2) (b) of the *Municipal Act, 2001*, personal matters about an identifiable individual, including municipal or local board employees;

Item 14.4 Ridgeway Business Improvement Area Board of Management Appointment pursuant to Section 239 (2) (b) of the *Municipal Act, 2001*, personal

matters about an identifiable individual, including municipal or local board employees; and

Item 14.5 Community Health Care Services Committee - Councillor Representative Appointment pursuant to Section 239 (2) (b) of the *Municipal Act, 2001*, personal matters about an identifiable individual, including municipal or local board employees.

Carried

15. Back to Open Session

Resolution 5

Moved by: Councillor Lewis

Seconded by: Councillor McDermott

That: Council does now rise and reconvene from closed session at 7:30 p.m. with report:

14.1 **That:** Council approves the Closed Session Minutes of June 9, 2025, and

14.2 **That:** Council appoints Deyineyra Macdonnell to the Accessibility Advisory Committee for the term ending November 14, 2026, or until her successor is appointed, and

14.3 **That:** Council appoints Brendon Nicholson, Niagara Region Representative, to the Affordable Housing Advisory Committee for the term ending November 14, 2026, or until his successor is appointed, and

14.4 **That:** Council appoints Frank Pirri to the Ridgeway Business Improvement Area Board of Management for the term ending November 14, 2026, or until his successor is appointed, and

14.5 **That:** Council appoints Councillor Dubanow, as the Councillor Representative and Councillor Noyes as the alternate Councillor Representative, to the Community Health Care Services Committee for the term ending November 14, 2026, or until his/her successor is appointed.

Carried

16. Motions

None.

17. Notice of Motion

Resolution 6

Moved by: Councillor Lewis

Seconded by: Councillor McDermott

That: Council dispenses with the notice requirements to consider Councillor Lewis's Motions regarding South Niagara Hospital Funding and Fort Erie Urgent Care Centre Summer Hours of Operation.

Carried

17.1 Councillor Lewis - South Niagara Hospital Funding

Resolution 7

Moved by: Councillor Lewis

Seconded by: Councillor McDermott

That: The Town of Fort Erie temporarily withhold the previously committed funding to the South Niagara Hospital and discusses options for reallocating those funds to other healthcare initiatives, and

That: The Town of Fort Erie engage in discussions to determine where these funds should/could be directed based on identified community health needs, which may or may not include the South Niagara Hospital or Niagara Health.

Yes (7): Mayor Redekop, Councillor Christensen, Councillor Dubanow, Councillor Flagg, Councillor Lewis, Councillor McDermott, and Councillor Noyes

Carried

17.2 Councillor Lewis - Fort Erie Urgent Care Centre Summer Hours of Operation

Resolution 8

Moved by: Councillor Lewis

Seconded by: Councillor McDermott

That: The Town of Fort Erie requests that the Minister of Health direct Niagara Health to reinstate the full hours of operation of the Fort Erie Urgent Care Centre (UCC) during July and August of 2025.

Carried, as amended

Amendment:

Councillor Noyes recommended a friendly amendment to change the word "full" to "current". Councillor Lewis and Councillor McDermott were agreeable to the amendment.

17.3 Councillor Lewis - Chief Executive Officer and Board of Directors of Niagara Health

Councillor Lewis gave Notice of Motion, that the Town of Fort Erie formally request the resignation of the Chief Executive Officer and Board of Directors of Niagara Health, and further request that the Province of Ontario appoint a supervisor to oversee the operations of Niagara Health.

Returnable September 22, 2025

17.4 Councillor Dubanow - Removal of Holding Provision

Councillor Dubanow gave Notice of Motion respecting the removal of a holding provision from a block of land on Walden Boulevard associated with a proposed development.

Returnable July 21, 2025

18. Consideration of By-laws

Resolution 9

Moved by: Councillor Flagg

Seconded by: Councillor McDermott

That: The by-law package containing:

56-2025 To Amend Zoning By-law 129-90, as mended – 4924 Sherkston Road;

57- 2025 To Amend By-law 52-09 (Change Delegated Authority to the Director of Planning, Building and By-law Services);

58-2025 To Authorize the Entry into an Amending Agreement between DCS Niagara Developments Inc. for 271 Ridgeway Road (Expand Permitted Uses);

59-2025 To Appoint Darryl Suess as a Fire Prevention Inspector for The Corporation of the Town of Fort Erie;

60-2025 To Authorize Amending the Memorandum of Understanding between Hospice Niagara and The Corporation of the Town of Fort Erie (Increase Grant Funding);

61-2025 To Authorize Applications for the Cancellation, Reduction or Refund of Taxes Levied for the Years 2023, 2024 and 2025;

62-2025 To Amend the User Fees and Charges By-law 132-2024 (Regional Official Plan Amendment Fees); and

63-2025 To Amend Zoning By-law 129-90, as amended - 99 Joseph Street are given first and second reading.

Carried

Resolution 10

Moved by: Councillor Christensen

Seconded by: Councillor Lewis

That: By-laws 56-2025 to 63-2025 inclusive are given third and final reading to be signed by the Mayor and Clerk under the corporate seal.

Carried

Resolution 11

Moved by: Councillor Noyes

Seconded by: Councillor Dubanow

That: By-law 64-2025: To Confirm the Actions of Council at its Council-in-Committee meeting held June 9, 2025, and its Regular Council meeting held June 23, 2025, is given first and second reading.

Carried

Resolution 12

Moved by: Councillor McDermott

Seconded by: Councillor Flagg

That: By-law 64-2025 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal.

Carried

19. Scheduling of Meetings

Members of Council announced upcoming Boards and Committees meetings for the remainder of June 2025.

20. Adjournment

Resolution 13

Moved by: Councillor Dubanow

Seconded by: Councillor Flagg

That: Council adjourns at 8:05 pm to reconvene into a Regular Meeting of Council on July 21, 2025.

Carried

Mayor

Clerk



**The Municipal Corporation of the Town of Fort Erie
Special Council Meeting Minutes**

**Monday, June 30, 2025, 5:30 p.m.
Council Chambers**

1. Call To Order

Mayor Redekop called the meeting to order at 5:33 pm.

2. Land Acknowledgement

Mayor Redekop provided a land acknowledgment.

3. Roll Call

The Clerk gave the roll call.

Present: His Worship Mayor Redekop and Councillors Christensen, Flagg, Lewis, McDermott and Noyes

Absent: Councillor Dubanow

Staff: A. Carter, A. Dilwaria, J. Frost, C. McQueen, and C. Patton.

4. Announcements/Addenda

There was one addendum which revised Appendix 5 of Report PBBS-40-2025.

Mayor Redekop wished everyone a Happy Canada Day and passed the Chair to Councillor Christensen.

Councillor Christensen made an announcement regarding the release of the Fort Erie Public Library Annual Report, highlighting statistics from 2024, including:

- 32% increase in visits to the library, and
- 12% increase in digital circulation, showing strong engagement from both younger and older demographics, and
- Total circulations reached 79,582.

Councillor Christensen also gave special recognition to the Friends of the Fort Erie Public Library, who have donated over \$78,000 since 2015.

Councillor Christensen returned the Chair to Mayor Redekop.

5. Declarations of Pecuniary Interest

None.

6. Closed Session

Resolution 1

Moved by: Councillor Flagg

Seconded by: Councillor Christensen

That: Council does now go into Closed Session at 5:35 p.m. to consider Item 6.1 Canadian Union of Public Employees and its Local #714 Collective pursuant to Section 239 (2) (d) of the *Municipal Act, 2001*, labour relations or employee negotiations.

Carried

7. Back to Open Session

Resolution 2

Moved by: Councillor Lewis

Seconded by: Councillor Flagg

That: Council does now rise and reconvene from closed session at 6:06 p.m. with report that for Item 6.1, staff proceed as directed in Closed Session.

Carried

8. Public Meetings

8.1 Official Plan Amendment and Zoning By-law Amendment - 3856 Terrace Lane and Unassigned Parcel 0-15097 Crystal Beach Drive

Owners: 1000054526 Ontario Inc. & 3101669 Nova Scotia Company,
Applicant: Robert Martin, P.Eng (Project Manager)

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

Devon Morton, Supervisor of Development Approvals, provided a presentation outlining the proposal and responded to questions from members of Council.

Mayor Redekop inquired whether the agent or the applicant wished to speak to the applications.

Lou Pompili, Agent, spoke to the application and answered the questions of Council.

Mayor Redekop asked if anyone present would like to speak in favour of the application.

No one in the audience wished to speak in favour of the application.

Mayor Redekop asked if anyone present would like to speak in opposition to the application.

The following individuals provided oral comments:

- Fred Tonin, 528 Ridgeway Road
- Brian Treble, RPP, 6075 Summer Street, Niagara Falls, speaking on behalf of several residents
- John Platz, 3710 Crystal Beach Drive
- Rose Di Renzo, 0-15085 and 0-15086 Terrace Lane
- Rob Ketteman, 3727 Crystal Beach Drive
- Ben Burke, 3729 Crystal Beach Drive

The Clerk confirmed that no additional written comments were received.

Mayor Redekop declared the Public Meeting closed.

Council recessed at 7:59 pm and reconvened at 8:09 pm.

8.2 PBBS-40-2025

Proposed Official Plan and Zoning By-law Amendments Information Report for lands located at 3856 Terrace Lane and Unassigned Parcel 0-15097 Crystal Beach Road.

Resolution 3

Moved by: Councillor Christensen

Seconded by: Councillor Flagg

That: Council receive for information purposes, Report PBBS-40-2025 regarding the proposed Official Plan and Zoning By-law Amendment Applications for lands located at 3856 Terrace Lane and Unassigned Parcel 0-15097 Crystal Beach Drive.

Carried, as amended

Amendment:

Moved by: Councillor McDermott

Seconded by: Councillor Lewis

That: The Municipal Council of The Corporation of the Town of Fort Erie denies the combined Official Plan and Zoning By-law Amendment Applications (OPA-08-2024 and ZBA-17-2024), submitted by Lou Pompili

on behalf of the Owners, 1000054526 Ontario Inc. and 3101669 Nova Scotia Company, for lands municipally known as 3856 Terrace Lane and Unassigned Parcel 0-15097 Crystal Beach Drive, for the following reasons, as well as others:

1. Non-Conformity with the Crystal Beach Secondary Plan - The proposed development does not align with the intent, policies, or guiding principles of the Crystal Beach Secondary Plan, which was adopted by Council in 2021 and was approved by Ontario Land Tribunal in 2023, following an extensive and inclusive public engagement process. The Plan represents a community-driven vision for sustainable and context-sensitive growth. The Crystal Beach Secondary Plan contemplates a low-rise, residential development of no more than three storeys and 50 units per hectare on the subject lands. The applicant's proposal comprising of a 10-storey structure with a residential density of 385 units per hectare is an excessive departure from the Council-approved plan.
2. Lack of Compatibility with Existing Neighbourhood Character - The proposed development fails to achieve compatibility with the surrounding neighbourhood in terms including scale, massing, height, setbacks, landscaping and buffering to maximize privacy and minimize the impact on adjacent lower density uses. It does not reflect or respect the established cottage-style character that defines the identity of Crystal Beach.
3. Environmental Impacts and Inconsistency with Provincial Policy - The proposal includes the removal of a Significant Woodland, which is inconsistent with the environmental protection objectives outlined in the 2024 Provincial Policy Statement. This action would represent a loss of natural heritage and contravenes provincial directives that prioritize ecological conservation and climate resilience.

Carried

Mayor Redekop suggested a friendly amendment to include the words "per hectare" following "50 units."

Councillor McDermott and Councillor Lewis were agreeable to the amendment.

9. Consideration of By-laws

9.1 65-2025

To Confirm the Actions of Council at its Special Council Meeting Held June 30, 2025

Resolution 4

Moved by: Councillor Noyes

Seconded by: Councillor Flagg

That: By-law 65-2025 To Confirm the Actions of Council at its Special Council Meeting Held June 30, 2025, is given first and second reading.

Carried

Resolution 5

Moved by: Councillor McDermott

Seconded by: Councillor Christensen

That: By-law 65-2025 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal.

Carried

10. Scheduling of Meetings

None.

11. Adjournment

Resolution 6

Moved by: Councillor Flagg

Seconded by: Councillor Christensen

That: Council adjourns at 8:22 p.m. to reconvene into Regular Meeting of Council on July 21, 2025.

Carried

Mayor

Clerk



**The Municipal Corporation of the Town of Fort Erie
Council-in-Committee Minutes**

**Monday, July 7, 2025, 6:00 p.m.
Council Chambers**

1. Call to Order

Mayor Redekop called the meeting to order at 6:01 pm.

2. Land Acknowledgement

Councillor Flagg provided a land acknowledgment.

3. Roll Call

The Clerk gave the roll call.

Present: His Worship Mayor Redekop and Councillors Christensen, Dubanow, Flagg, McDermott and Noyes

Absent: Councillor Lewis

Staff: C. Cameron, A. Carter, J. Frost, J. Janzen, C. McQueen, C. Patton, P. Riley and E. Terry.

4. Announcements/Addenda

There was one Addendum which moved Item 10.2.2 IS-15-2025 Budget Amendment – WMET25 2025 Residential Water Meter Replacement Program to Closed Session.

Mayor Redekop made the following announcements:

**Association of Municipal Clerks and Treasurers of Ontario (AMCTO)
Academic Awards**

AMCTO held its annual awards gala dinner, which honours municipal professionals for their innovation, contributions to their field, and commitment to

professional development. This year, Ashlea Carter, Acting Clerk, received the Award for Excellence in the Employment Law and Human Resources Program. Mayor Redekop congratulated Ashlea on her well-deserved recognition, praising her accuracy, efficiency, and overall high standard of work.

Update on Niagara Health and Urgent Care Center

Mayor Redekop provided an update on the status of the Urgent Care Center (UCC) in Fort Erie. The center remained open on July 1, a date it was previously scheduled to be closed, and will also stay open during the upcoming Labour Day weekend. However, the UCC is scheduled for closure during the August civic holiday weekend. The latest communication with Dr. Kevin Chan, Chief of Staff, indicated that unless all three shifts on August 2, 3, and 4 can be staffed, the center will not open. Clarification on this policy is being sought.

Engagement with Government Officials - Fort Erie Urgent Care Centre

Mayor Redekop advised that at the opening of the new Gilmore Lodge, he had the opportunity to discuss Fort Erie's urgent care situation with Minister of Long-Term Care, Kusendova Bashta, and Associate Minister of Energy-Intensive Industries, Sam Oosterhoff. Mayor Redekop spoke with the two Ministers regarding the Town of Fort Erie's proposal for the Urgent Care Centre. He will be sending them additional background information, as well as to other ministers who have been briefed on the matter. Conversations have also taken place with MPP Wayne Gates, who has been in direct contact with the Premier and expects a response from the Minister of Health. Efforts are ongoing to arrange a meeting with the Minister before the AMO conference to present a proposal concerning the use of Douglas Memorial Hospital to enhance the effectiveness of Niagara Health services across the region.

Ridgefest July 11-12, 2025

Mayor Redekop announced that Ridgefest will take place this coming weekend. The event is known for its strong attendance and festive atmosphere.

5. Declarations of Pecuniary Interest

None

6. Notice of Upcoming Public Meetings and Open Houses

6.1 Public Meeting - Official Plan and Zoning By-law Amendment - 0-8227
Hibbard Street

2655321 Ontario Ltd. (Mark Spadafora) - Urban and Environmental
Management (Greg Taras) - Monday, July 21, 2025 - 6:00 pm - Council
Chambers, Town Hall

7. Public Meetings

None.

8. Consent Agenda

Recommendation 1

Moved by: Councillor Dubanow

That: Council approves the consent agenda as recommended.

Carried

8.1 PBBS-49-2025

Bridgeburg North Secondary Plan Financial Agreement

That: Council approves Report PBBS-49-2025 regarding a financial agreement for the completion of the Bridgeburg North Secondary Plan with the Participating Landowner Group (PLG), and

That: Council directs Staff to bring the Financial Agreement and implementing by-law to the July 21, 2025, Council meeting for approval, and

That: Council amends the 2025 General Levy Operating Budget to include PBBS staffing costs of \$66,667 with grant funding from PLG.

Carried

8.2 PBBS-53-2024

Q1 Development, Building, and By-law Enforcement Status Report

PBBS 2025 First Quarter (Q1) Development-Building-Planning-By-law Status Report

That: Council receives Report PBBS-53-2024 regarding development, building, planning and by-law statistical reporting for information purposes, and further

That: Council directs staff to forward a copy of Report PBBS-53-2025 to Regional Niagara Planning and Development Services, the District School Board of Niagara and the Niagara Catholic District School Board.

Carried

8.3 IS-14-2025

Annual 2024 American Water Works Association (AWWA) Water Loss Audit

That: Council receives Report IS-14-2025 for information purposes.

Carried

8.4 IS-16-2025

2025 Asset Management Plan

That: That Council receives Report IS-16-2025 for information purposes; and further

That: Council directs that the costs of implementation and maintenance of the Asset Management Plan be included in future budget deliberations.

Carried

8.5 CAO-06-2025

Land Committee Meeting Minutes – June 19, 2025

That: Council receives the June 19, 2025, Land Committee meeting minutes attached as Appendix “1”, and further

That: The request from the owner of 294 Prospect Point Road to enter into an encroachment agreement for the flower beds, brick pillars, garden lighting and wiring located on the Town’s road allowance be denied and that the Applicant be required to remove the encroachments within 30 days.

Carried

9. Planning, Building and By-law Services

Chaired by Councillor Christensen.

9.1 Presentations and Delegations

9.1.1 Father Stuart MacDonald, Pastor, St. Joseph's Catholic Church

Re: Opposed to Heritage Designation - 3718 Netherby Road and Conservation District Information (PBBS-51-2025 and PBBS-52-2025)

Father Stuart MacDonald, Pastor, provided a presentation summarizing his opposition to the proposed heritage designation of St. Joseph's Catholic Church and responded to questions from members of Council.

Father Stuart MacDonald noted the following:

- The stained glass window was installed in 1999, and
- Arched opening windows were all replaced, and
- The church was Reclad in 1969 in fake brick, and

- The entryway door is not original, and
- The church, hall and rectory features is not unique, and
- The worshipping community has existed for 173 years next to an operating cemetery, and
- They were careful to preserve the look of the church when constructing the new additions, and
- They are supportive of the installation of a plaque.

9.2 Reports

9.2.1 PBBS-48-2025

Heritage Property Designation – 451 Niagara Boulevard

Recommendation 2

Moved by: Mayor Redekop

That: Council approves the designation of 451 Niagara Boulevard as outlined in this report, for architectural, historical and contextual attributes and reasons, under Part IV of the *Ontario Heritage Act*; pursuant to the recommendation of the Museum and Cultural Heritage Advisory Committee, and further

That: Council directs staff to prepare a Designation By-law and provide Notice of Intention to Designate in accordance with the *Ontario Heritage Act*.

Carried

9.2.2 PBBS-50-2025

Heritage Property Designation – 2584 Ott Road

Recommendation 3

Moved by: Councillor Dubanow

That: Council approves the designation of 2584 Ott Road as outlined in this report, for architectural, historical and contextual attributes and reasons, under Part IV of the *Ontario Heritage Act*; pursuant to the recommendation of the Museum and Cultural Heritage Advisory Committee, and further

That: Council directs Staff to prepare a Designation By-law and provide Notice of Intention to Designate in accordance with the *Ontario Heritage Act*.

Amendment:

Moved by: Mayor Redekop

That: Report PBBS-50-2025 be deferred to the October 6, 2025, Council-in-Committee Meeting so that staff can report back on the heritage designations of churches in other municipalities and possible alternatives.

Carried

9.2.3 PBBS-51-2025

Heritage Property Designation – 3718 Netherby Road

Recommendation 4

Moved by: Mayor Redekop

That: Council approves the designation of 3718 Netherby Road as outlined in this report, for architectural, historical and contextual attributes and reasons, under Part IV of the *Ontario Heritage Act*; pursuant to the recommendation of the Museum and Cultural Heritage Advisory Committee, and further

That: Council directs Staff to prepare a Designation By-law and provide Notice of Intention to Designate in accordance with the *Ontario Heritage Act*.

Yes (2): Mayor Redekop, and Councillor Dubanow

No (4): Councillor McDermott, Councillor Flagg, Councillor Christensen, and Councillor Noyes

Absent (1): Councillor Lewis

Lost

Amendment:

Moved by: Councillor Noyes

That: Council Rules of Procedure By-law 36-2016, as amended, be waived in order to permit a recorded vote in Council-in-Committee.

Carried

Amendment:

Moved by: Mayor Redekop

That: Report PBBS-51-2025 be deferred to the October 6, 2025, Council-in-Committee Meeting so that staff can report back on the

heritage designations of churches in other municipalities, possible alternatives and request more information from ARA.

Yes (3): Mayor Redekop, Councillor Dubanow, and Councillor Flagg

No (3): Councillor McDermott, Councillor Christensen, and Councillor Noyes

Absent (1): Councillor Lewis

Lost

Amendment:

Moved by: Councillor Noyes

That: Council Rules of Procedure By-law 36-2016, as amended, be waived in order to permit a recorded vote in Council-in-Committee.

Carried

9.2.4 PBBS-52-2025

Heritage Conservation District Information - Cluster of Buildings in Synder

Recommendation 5

Moved by: Councillor Dubanow

That: Council does not proceed with the pursuit of a Heritage Conservation District under Part V of the Ontario Heritage Act for the cluster of buildings in Snyder, based on the findings outlined in report PBBS-52-2025.

Carried

9.2.5 PBBS-54-2025

Park Name Proposal for 3440 Thunder Bay Road

Recommendation 6

Moved by: Mayor Redekop

That: Council approves the proposed name “Thunder Bay Park” for the neighbourhood park located at 3440 Thunder Bay Road; and further

That: Council direct Staff to submit the necessary by-law.

Amendment:

Moved by: Mayor Redekop

That: Report PBBS-54-2025 be deferred to the September 8, 2025, Council-in-Committee Meeting to permit consideration of possible cultural or historic name options and consult with Museum Services.

Carried

9.3 New Business/Enquiries

9.3.1 Councillor Noyes - Naming of Water Windows in Black Creek

Councillor Noyes enquired whether there was public consultation regarding the naming of the Water Windows in Black Creek.

9.4 Business Status Report

No changes.

10. Infrastructure Services

Chaired by Councillor Noyes.

10.1 Presentations and Delegations

None.

10.2 Reports

10.2.1 IS-13-2025

Tennis Club Operating Agreement

Supplemental Memorandum Attached

(Deferred from the June 9, 2025, Council-in-Committee Meeting, Moved by Councillor Christensen)

Councillor Noyes gave the Chair to Councillor Dubanow to speak to the matter.

That: Council authorize entry into an operating agreement with the Fort Erie Tennis Club for the management and operation of the Oakes Park tennis courts.

Amendment:

Moved by: Mayor Redekop

That: Council defers Report IS-13-2025 to the November 3, 2025, Council-in-Committee Meeting to facilitate renegotiating the draft operating agreement for the 2026 season, including a shorter contract, social and recreational programming, and free public access times.

That: Public Access times be increased for the 2025 season.

Carried

Councillor Dubanow returned the Chair to Councillor Noyes.

~~10.2.2 IS-15-2025~~

Budget Amendment – WMET25 2025 Residential Water Meter Replacement Program.

10.2.3 IS-17-2025

Updates to Consolidated Traffic By-law 2000-89 (Speed limits, Waterfront Park, Event Parking, Administrative Updates)

Councillor Dubanow requested that the third and fourth operative motions of Report IS-17-2025 be voted on separately.

Recommendation 7

Moved by: Councillor Dubanow

That: Council approves the Seasonal Parking Restrictions for Waterfront Park Regular Events (Appendix 1); and further

That: Council directs staff to prepare the necessary by-law amendment to the existing Consolidated Traffic and Parking By-laws 2000-89, Schedule C – No Parking, and further

Carried

Moved by: Councillor Dubanow

That: Council approves speed reductions on various Town Roads as listed in Appendix 2, and further

Lost

Moved by: Councillor Dubanow

That: Council directs staff to prepare the necessary by-law amendment to the existing Consolidated Traffic and Parking By-laws 2000-89, Schedule W – Speed Limit on Highways.

Lost

Mayor Redekop suggested a friendly amendment that "excluding provisions in Appendix 2" be added following "as attached in Appendix 3."

Councillor Dubanow was agreeable to the amendment.

Moved by: Councillor Dubanow

That: Council approves several administrative updates to the Consolidated Traffic By-laws 2000-89, as attached in Appendix 3 excluding provisions in Appendix 2; and further

Carried, as amended

Moved by: Councillor Dubanow

That: Council directs staff to prepare the necessary by-law amendment to the existing Consolidated Traffic and Parking By-laws 2000-89 to update the various schedules as needed.

Carried

10.3 New Business/Enquiries

10.3.1 Receive and Approve Recommendation - Traffic Coordinating Committee - June 4, 2025:

(Deferred from the June 23, 2025, Regular Council Meeting, Moved by Councillor Dubanow and Seconded by Councillor Noyes)

Recommendation 9

That: Council accepts and approves the proposed speed limit changes as presented in Appendix 2 of the Traffic Coordinating Committee Meeting held on June 4, 2025.

Lost

10.3.2 Mayor Redekop - Realignment of Michener and Sherston Roads

Review of the intersection regarding interpretation that it should be a four-way stop.

J. Frost - reviewing Point Abino and Michener intersection to make traffic more clear. Through road does not stop.

Traffic Coordinating Committee to review. Staff measure some sight lines.

10.4 Business Status Report

No changes.

11. Corporate and Community Services

Chaired by Councillor Flagg.

11.1 Presentations and Delegations

None.

11.2 Reports

None.

11.3 New Business/Enquiries

None.

11.4 Business Status Report

No changes.

12. Closed Session

Moved by: Councillor Christensen

That: Council does now go into Closed Session at 8:13 p.m. to consider the following:

12.1 Closed Session Minutes of June 23 and June 30, 2025;

12.2 Strong Mayor Powers and the Chief Administrative Officer, pursuant to Section 239 (2) (b) of the *Municipal Act, 2001*, personal matters about an identifiable individual, including municipal or local board;

12.3 LLS-02-2025 Request for Class 4 Area Designation Under the MOE's NPC-300 Guidelines for 4 and 6 Hagey Avenue pursuant to Section 239 (2) (f), advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and

12.4 IS-15-2025 Budget Amendment – WMET25 2025 Residential Water Meter Replacement Program, pursuant to Section 239 (2) (i), a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization.

Carried

13. Back to Open Session

Recommendation 11

Moved by: Councillor Flagg

That: Council does now rise and reconvene from closed session at 8:53 p.m. with report:

12.1 **That:** Council approves the Closed Session Minutes of June 23 and June 30, 2025; and

12.2 **That:** Council authorizes staff to proceed as directed in Closed Session regarding Strong Mayor Powers and the Chief Administrative Officer; and

12.3 **That:** Council approves the recommendations in Report LLS-02-2025 and authorizes Staff to proceed as directed in Closed Session; and

12.4 **That:** Council amends the 2025 Capital Budget to increase the 2025 residential water meter replacement program (WMET25) capital project by \$143,000 with funding from the Water Meter Reserve.

That: Report IS-15-2025 be made public excluding Table 3.

Carried

14. Scheduling of Meetings

Members of Council announced upcoming Committee meetings on July 9, 2025.

15. Adjournment

Recommendation 12

Moved by: Councillor Dubanow

That: Council adjourns Council-in-Committee at 8:56 p.m.

Carried

Mayor

Clerk



**The Municipal Corporation of the Town of Fort Erie
Museum and Cultural Heritage Advisory Committee Minutes**

**June 11, 2025, 1:00 p.m.
Conference Room 1**

1. Call to Order

The Chair called the meeting to order at 1:02 p.m.

2. Roll Call

The Chair gave the roll call.

Present: M. McLelland-Papp, K. Ratcliffe, D. Ellsworth, R. MacKay Burton, A. Woolley, C. Riou, N. Dubanow

Guests: D. Horne, D. Konstantinos

Staff: K. Smith, J. Davies, E. Terry, A. Hair, C. Cameron

E. Terry and A. Hair left the meeting at 1:35 p.m.

D. Horne left at 1:57 p.m.

D. Konstantinos joined the meeting at 1:10 p.m. and left at 1:57 p.m.

N. Dubanow joined the meeting at 1:43 p.m.

C. Cameron joined the meeting at 1:46 p.m. and left at 1:49 p.m.

J. Davies left the meeting at 1:45 p.m.

3. Disclosure of Pecuniary Interest

No disclosures of pecuniary interest.

4. Adoption of the Agenda

That: The Agenda for June 11, 2025 be adopted as presented.

Moved by: D. Ellsworth
Seconded by: R. MacKay Burton
Carried

5. Adoption of the Minutes

That: The Minutes for May 14, 2025, be adopted as amended.

Moved by: R. MacKay Burton
Seconded by: K. Ratcliffe
Carried

6. Presentations

6.1 Introduction of Clare Cameron

This item was not addressed due to the scheduling of the Press Conference at Town Hall.

6.2 Official Plan Update

A. Hair gave a presentation on the new Official Plan, outlining its purpose, key components, and the current status of the process within the Town. He also went over the requests and comments received from the Committee.

The committee's first point, raised by A. Hair, was to include additional detail in the Official Plan to more accurately and comprehensively reflect Fort Erie's historical background. A. Hair confirmed that this information was provided by J. Davies and forwarded to our consultant, WSP, for inclusion.

The second question concerned the decision not to carry forward the moveable and intangible heritage. He explained that these were removed due to changes in provincial policies and legislation, including the *Ontario Heritage Act* and the *More Homes Built Faster Act, 2022*. He noted that while we could collaborate with WSP to develop encouragement policies, enforcement would not be possible.

R. MacKay Burton sought clarification on whether the Official Plan addresses only land use planning or if it also includes other heritage features typically managed by Museum Services. A. Hair clarified that the Official Plan is the Town's long-range land use planning document and does not cover Museum Services.

R. MacKay Burton noted that under the Vision and Guiding Principles in Section B 3.2, heritage is mentioned through artifacts, archives, and intangible resources, but this is not reflected elsewhere, as the rest of the plan focuses on land use planning. She pointed out that if the plan addresses only land use planning, Museum Services should not be included in the vision. J. Davies requested that the wording referring to Museum Services be removed from the introductory paragraph in Section E.

J. Davies asked that Section 11.5 and 11.6 be reinstated.

A. Hair discussed the development charges exemption for museums. R. MacKay Burton asked how often development charge studies are conducted and when the next one is scheduled. E. Terry confirmed that the next study will take place in four years. R. MacKay Burton emphasized that the Town needs to consider how it will address funding for Museum Services. E. Terry confirmed that this is not something addressed through the Official Plan, but could potentially be considered under the Community Benefits Charges. He noted that this would be a takeaway for staff to review further.

R. MacKay Burton pointed out that the new plan does not include any mention of heritage trees.

A. Hair reviewed the next steps, noting that the public meeting took place this past Monday. Comments received will be incorporated, and a comments matrix will be presented to Council in August.

E. Terry added that feedback is being received from several stakeholders, and staff are working to incorporate it as effectively as possible. The intent is to review all input, both from today's discussion and other sources, with the project team, and then circulate a revised version for further review.

M. McLelland-Papp asked if the updated material could be brought back to their meeting on July 9. E. Terry responded that they would review the timing, but it will likely need to be circulated by email. He assured the committee that they will be kept informed throughout the process.

7. Reports

7.1 Council Report

N. Dubanow spoke about the Great Lakes St. Lawrence Conference, highlighting one event held at the Milwaukee Historical Society, which is an old bank that had been converted into a multi-unit space while retaining many of its historical features. He noted it as an excellent example of adaptive reuse. The surrounding area also demonstrated how new architecture can be successfully integrated with older buildings.

He then discussed the presentation of the Official Plan, the heritage elements currently included, and the next steps in the process. M. McLelland-Papp added that the plan does not include enough detail on preserving downtown Ridgeway and emphasized that this area is important to highlight. R. MacKay Burton also noted that the area should be referred to as "Ridgeway" and not "Gorham."

The Committee also had a brief discussion about the recent press conference regarding the future of health care in Fort Erie and Port Colborne.

8. Correspondence

8.1 Official Plan Concerns, Questions, & Timeline

K. Ratcliffe noted that the new Official Plan is significantly shorter than the previous version. M. McLelland-Papp reiterated that this reduction is a result of changes in provincial legislation, as previously explained by A. Hair and E. Terry.

The Committee again discussed how Museum Services should be incorporated into the Official Plan.

9. Business Arising from Previous Meetings

9.1 2025 Budget Reduction

The Committee discussed the budget being reduced from \$2,000 to \$250 without their knowledge. They explained the reasons why a \$2,000 budget is necessary and expressed that \$250 is insufficient. They asked Councillor Dubanow to help determine what caused such a drastic reduction. Councillor Dubanow said he would raise the issue with Chris McQueen.

9.2 Decoration Day

M. McLelland-Papp provided an update on the event, noting that the wreath was displayed for four days and that the event was a success.

K. Ratcliffe highlighted that next year marks the 160th anniversary and suggested that something extra should be planned. The Committee emphasized the need for greater recognition in Fort Erie as the home of the battle that was a catalyst for Confederation. Concern was expressed that by not promoting this, the Town is distancing itself from an important part of the national story. The Committee agreed that this is likely something J. Davies or C. Cameron could explore or include in the work plan.

M. McLelland-Papp mentioned that one of the event attendees was a reenactor and that Niagara Parks is planning a reenactment in 2026 at the old fort. N. Dubanow asked K. Smith to identify the appropriate Town staff member to contact Niagara Parks to explore potential partnership opportunities.

The Committee made the following motion:

That: *the Museum and Cultural Heritage Advisory Committee recommends celebrating the 160th anniversary of the Fenian Raids in a grander format, possibly in partnership with Niagara Parks, to recognize its significance to the Town. The celebration could include reenactments of the skirmishes that occurred throughout Fort Erie when the Fenians retreated.*

Moved by: R. MacKay Burton
Seconded by: K. Ratcliffe

Carried

10. Museum Services Standing Committee Business

No Museum Services Meeting Scheduled

10.1 Presentations

10.2 Reports

10.2.1 Museum Update

10.2.2 Museum Financial Update

10.3 Correspondence

10.4 New Business

11. Municipal Heritage Standing Committee Business

11.1 Presentations

11.1.1 848 Garrison Road - NPG

D. Horne reviewed the peer review completed by Leah Wallace, focusing on the specific points that were raised. She noted that the cover letters for the individuals Leah requested will be provided.

Addressing the second comment, D. Horne explained that adjacent cultural heritage resources located within 2 km were mapped, and she is confident there will be no negative impacts to these sites. She clarified that the Provincial Policy Statement requires the assessment of impacts on adjacent designated properties. However, it defines "adjacent" as being contiguous, which is not the case here. Therefore, they believe this requirement has been met.

Regarding the third comment, which suggested including a scoped Ontario Regulation 9/06 analysis to confirm that the heritage attributes are correctly and clearly identified, D. Horne explained the distinction between a Heritage Impact Assessment and a Cultural Heritage Evaluation Report. She noted that this type of report does not require a 9/06 analysis.

The fourth comment involved a request for preliminary urban design concepts, including elements such as landscaping and buffering. D. Horne responded that, under the current *Planning Act*, such requests are no longer permitted.

D. Horne addressed the final comment regarding mothballing, explaining the process and outlining the protective measures that have already been implemented, as well as those planned for the future.

11.2 Reports

11.3 Correspondence

11.3.1 477 Ridge Road North

K. Smith reported that the property owner is interested in meeting with the Committee to discuss his proposal for the property. After consideration, the Committee agreed that, given the property's history and its status with the Ontario Land Tribunal (OLT), the matter should be handled by Staff and Council.

The Committee made the following motion:

That: *the Museum and Cultural Heritage Advisory Committee recommends that 477 Ridge Road North be referred back to the Counsel for a legal opinion.*

Moved by: R. MacKay Burton

Seconded by: M. McLelland-Papp

Carried

11.4 New Business

11.4.1 3957 Rebstock Road

K. Ratcliffe emphasized the historical significance of the property and suggested that any development there should be named after John E. Rebstock. N. Dubanow noted that since it is an infill project rather than a major development, a plaque might be a more appropriate way to honor the history.

The Committee made the following motion:

That: *the Museum and Cultural Heritage Advisory Committee recommends that if the project is to be named, it should be called John E. Rebstock. If the project is not named, the developer should install a plaque to acknowledge that this was the home of John E. Rebstock, the founder of Crystal Beach.*

Moved by: M. McLelland-Papp

Seconded by: D. Ellsworth

Carried

R. MacKay Burton noted her understanding that the naming committee does not permit naming places after individuals. N. Dubanow clarified that there is an approved list of names and added that the Mayor is encouraging the use of this list.

11.4.2 3967 Rebstock Road

K. Ratcliffe explained that the property is located right on the property line, and any construction there would likely encroach. The Committee discussed whether the property holds historical significance and if it should be researched. They ultimately determined that it is not worth pursuing research at this time.

11.5 Business Arising from Previous Meetings

11.5.1 3798 West Main Street Stairs

K. Smith explained that the Committee previously made a motion to Council, which was endorsed, requesting that Infrastructure Services relocate the stairs at Stevensville Memorial Park. However, Parks staff indicated that this is not feasible. If the stairs hold historical significance, the Museum should take responsibility for them, but they also confirmed that this is not possible. K. Smith added that the current property owner wishes to keep the stairs, and if the Committee agrees, the process to donate the stairs to the owner would proceed with the Town's Solicitor.

The Committee made the following motion:

That: the Museum and Cultural Heritage Advisory Committee recommends that the stairs in the road allowance in front of 3798 West Main Street be donated by the Town to the property owner of 3798 West Main Street.

Moved by: M. McLelland-Papp

Seconded by: N. Dubanow

Carried

11.5.2 576 Ridge Road North Update

K. Ratcliffe shared photos of the property and its current condition. The Committee discussed the vandalism that has occurred.

K. Smith provided an update from the Council meeting, noting that the Heritage Permit for the demolition of the additions was endorsed by Council. She also explained that instead of boarding up the windows and doors, a fence will be installed. This decision was made because boarding up the windows and doors could cause more damage to the remaining façade features, a view supported by the Town's Chief Building Official, Keegan Gennings.

M. McLelland-Papp emphasized the importance of boarding up windows and doors and requested that the Town develop a policy on this matter. N. Dubanow suggested inviting Keegan Gennings to the next Committee meeting to explain the process, allowing the Committee to better understand what is involved and whether this solution is feasible or if better options exist. There are many conflicting

pieces of legislation involved, and we want to make sure we are proceeding correctly.

12. New Business

R. MacKay Burton explained that the Museum has a new exhibit called the Time Capsule Exhibit and wanted to ensure people are aware of it.

13. Next Meeting Date

July 9, 2025

14. Adjournment

That: The Museum and Cultural Heritage Advisory Committee adjourns at 3:12 p.m.



**The Municipal Corporation of the Town of Fort Erie
Affordable Housing Advisory Committee Minutes**

**July 2, 2025, 3:00 p.m.
Conference Room 1**

1. Call to Order

The Chair called the meeting to order at 3:04 p.m.

2. Roll Call

W. Thomas gave the roll call.

Present: B. Nicholson, M. Carl, A. Chiarello, K. Kendrick, W. Redekop, W. Thomas

Staff: A. Hair, E. Terry, C. McQueen, B. Antonio

3. Disclosure of Pecuniary Interest

None

4. Adoption of the Agenda

That: The Agenda for July 2, 2025 be adopted as presented.

Moved by: B. Nicholson

Seconded by: A. Chiarello

Carried

5. Adoption of Minutes

Adoption of minutes from meeting on April 9, 2025.

That: The Minutes for April 9, 2025 be adopted as presented.

Moved by: A. Chiarello

Seconded by: M. Carl

Carried

6. Staff Updates

1. Affordable Housing Community Improvement Plan Update

B. Antonio provided an update on Affordable Housing Community Improvement Plan and number of active applications.

Committee discussed delays with CMHC process for affordable housing incentives.

Committee discussed the Lodging House By-law passed by City of Port Colborne Council and resolution made at Port Colborne Council meeting that encouraged Niagara municipalities to adopt a similar by-law. Committee made two motions:

That: Town of Fort Erie Council adopt the Lodging House By-law and that Council request other regional municipalities to do the same.

Moved by: A. Chiarello

Seconded by: M. Carl

Carried

That: Mayor Redekop communicate with the Minister of Municipal Affairs and Housing regarding delays in the affordable housing incentives process through Canada Mortgage and Housing Corporation.

Moved by: M. Carl

Seconded by: A. Chiarello

Carried

7. New Business

1. Future plans for AHAC

2. Regional Council motion to exempt Public Use Provisions from the Planning process and development related costs:

"That local area municipalities BE REQUESTED to consider waiving all municipal application review and permitting fees for any Niagara Regional Housing project and any non-profit and co-operative housing provider development project;

That local area municipalities BE REQUESTED to consider amending or creating public use exemption provisions within local official plans and comprehensive zoning by-laws to establish Niagara Regional Housing affordable housing units, as well as non-profit and co-operative housing providers that are under Service Manager agreements with Niagara Region's Housing Services Department as eligible uses."

Committee discussed future plans for the AHAC Committee.

E. Terry suggested an Attainable Housing Symposium run by the committee with staff's support to spark conversations with developers and stakeholders regarding the development of attainable housing in Fort Erie. A motion was made:

That: An Affordable Housing Advisory Committee meeting be scheduled for Wednesday August 13, 2025 at 3:00 PM to brainstorm ideas for an Attainable Housing Symposium in October 2025.

Moved by: B. Nicholson

Seconded by: M. Carl

Carried

A. Hair provided information to the committee regarding a motion made at Regional Council to exempt public use provisions from the planning process and development related costs.

Committee requested A. Hair to provided options for fee waiving back to the committee with examples of what other municipalities are doing.

8. Next Meeting Dates

August 13, 2025 - Conference Room #1

9. Adjournment

That: The Affordable Housing Advisory Committee adjourns at 4:20 PM.

Moved by: W. Redekop

Seconded by: B. Nicholson

Carried



Infrastructure Services

Prepared for: Regular Council

Report: IS-18-2025

Meeting Date: July 21, 2025

1. Title:

Tender Award – Gibson Centre Expansion Project – Contract ISE-25T-GCAE23/GCBE25

2. Recommendations

That: Council accepts and approves the tender submission for the Gibson Centre Expansion Project, Contract ISE-25T-GCAE23/GCBE25 from NIACON Limited in the amount of \$7,261,522.00 (including 13% HST), and further

That: Council authorizes the extension of the contract with ATA Architectural Inc. assignment for contract administration and inspection services in the amount of \$54,743.00 (including 13% HST), and further

That: Council amends the 2025 Capital Budget to supplement the Gibson Centre Building Expansion Project (GCAE23) by \$2,115,124 with debentures of \$2,080,000 and \$35,124 from the Facilities Maintenance Reserve, and further

That: Council amends the 2025 Capital Budget to decrease the Point Abino Road South Reinstatement (PARR20) by \$2,080,000 with debenture financing, and further

That: Council amends the 2025 Capital Budget to supplement the Gibson Centre Vehicle Bay Expansion Project (GCBE25) by \$588,700 from the Development Charges (DC) Reserve.

3. Relation to Council's Corporate Strategic Plan

Priority: Quality of life and community well-being

This project also relates to Sustainable and Managed Growth

4. List of Stakeholders

- Mayor and Council of the Town of Fort Erie
- The Residents of the Town of Fort Erie
- ATA Architectural Inc.
- NIACON Limited Remaining Bidders on the project
- Town of Fort Erie Staff

5. Purpose of Report

The purpose of this report is to advise Council of the tender process for Gibson Centre

Expansion Project and to request Council's approval to award the tender of Contract ISE-25T-GCAE23/GCBE25 to NIACON Limited of Niagara Falls, in the amount of \$7,261,522.00 (Including 13% HST).

The report further requests Council's approval to extend an existing engineering assignment to ATA Architectural Inc. This additional assignment includes contract administration and inspection services in the amount of \$54,743.00 (including 13% HST).

Further, Council is being requested to consider and approve the necessary amendment to the 2025 Capital Budget. The original approved budget of \$4,103,000 will require a budget amendment increase of \$2,703,823 from Development Charges (DC) due to expanded scope of the project to accommodate Engineering staff at Gibson Centre, address inflation that was identified before tariffs and rising construction material prices since the original budgeting. This will supplement the project in order to account for the difference between the original project costs and the approved budget.

6. Analysis

Background

The Town of Fort Erie issued a tender for the Gibson Centre Expansion Project, located at 1818 Pettit Road, Fort Erie, ON L2A 5M4. This project is a strategic investment aimed at enhancing the operational capacity of the John L. Gibson Centre, a municipal public works facility originally constructed in 1993.

The Gibson Centre currently houses the Town's public works operations, including roads and drainage, water/wastewater services, parks and cemetery services, and fleet maintenance. The existing building comprises administrative offices, staff amenities, vehicle storage, repair bays, and general storage, and is serviced by rooftop HVAC units and gas-fired unit heaters.

In response to growing operational demands, administrative space pressures and the need for updated infrastructure, the Town plans to undertake a significant expansion of the facility. The proposed scope of work includes:

- Construction of a new two-storey building, connected to the existing structure, totaling approximately 1,182 m² (591 m² per floor).
- Expansion of the vehicle bay area by an additional 491 m².
- Resulting in a new total construction area of approximately 1,673 m² (18,008 ft²).

The new administrative space will accommodate modernized offices, workstations, meeting and multipurpose rooms, a server room, and dedicated storage areas. The project also encompasses extensive site improvements, including upgrades to site servicing infrastructure, stormwater management systems, site grading, parking capacity (existing and future), landscaping, and provisions for improved public access.

In summary, the works included in the tender for the Gibson Centre Expansion Project are divided into the following six main sections:

1. Section A – General Conditions
2. Section B – Office Building Expansion
3. Section C – Vehicle Bay Expansion
4. Section D – Site Works / Site Services
5. Section E – Cash Allowances
6. Section F – Contingency Allowance

Furniture, Fixtures, and Equipment (FFE)

FFE requirements for the new office space including workstations, seating, meeting room furniture, and operational equipment are not included in the current construction budget. A preliminary estimate of costs is \$931,104. A separate funding request will be submitted for the 2026 fiscal year to support the procurement and installation of any essential furnishings.

Contract Administration and Site Inspection Services

The original competitive Negotiated Request for Proposals (NRFP) process completed in April 2024 incorporated engineering design and tendering services as the primary tasks and contract administration and inspection services as provisional tasks. ATA Architectural Inc. was competitively rated for the engineering design and tendering; as well as contract administration and inspection services for the project receiving the highest score in the financial sections. The engineering design and tendering services have been completed by ATA Architectural Inc. However, the provisional contract administration and inspection services have not yet been awarded.

Given the familiarity with the design of the project and Town inspection staff having been committed to other 2025/2026 capital projects, Town staff recommends that ATA Architectural Inc. be retained to provide contract administration and inspection services. Based on the competitive evaluation results, Town staff recommends services to be extended in the amount of \$54,743.00 (including 13% HST) for Contract ISE-25T-GCAE23/GCBE25 assignment.

Table 1: Design, Tendering and Contract Administration and Inspection Services
(All amounts include Net of NRHST)

GIBSON CENTRE EXPANSION PROJECT-OFFICE BUILDING	
Contract ISE-25T-GCAE23	
Project Component	Cost
Engineering Design & Tender	\$130,980.00
Contract Administration and Inspection Services	\$29,579.00
Total Costs (Design, Tendering and Contract Administration and Inspection Services)	\$160,559.00

Table 2: Design, Tendering and Contract Administration and Inspection Services
(All amounts include Net of NRHST)

GIBSON CENTRE EXPANSION PROJECT -VEHICLE BAY Contract ISE-25T- GCBE25	
Project Component	Cost
Engineering Design & Tender	\$87,320.00
Contract Administration and Inspection Services	\$19,719.00
Total Fees (Design, Tendering and Contract Administration and Inspection Services)	\$107,039.00

Tender Call

The Gibson Centre Office Building Expansion Project GCAE23 and Gibson Centre Vehicle Bay Expansion GCBE25 projects were approved in the 2023 and 2025 Capital Budgets, with a total allocation of \$4,103,000 for the design, general conditions, office building expansion, vehicle bay and site services. Tender ISE-25T-GCAE23/GCBE25 was issued in accordance with and adhered to the provisions of the Town of Fort Erie's Procurement By-law 123-2022, which governs the purchase of goods, services, and construction.

The tenders closed on Friday, July 11, 2025, at 2:00 p.m. local time and an opening took place shortly thereafter by procurement staff. Five (5) tenders were received through the Town's bidding system, Biddingo.com. The submitted tenders were checked for mathematical errors and tender specification conformance. A detailed spreadsheet, including unit prices submitted by the contractors is available for review by members of Council in the Infrastructure Services Department. The tender summary is presented in Table 2 below:

Table 3: Tender Summary

GIBSON CENTRE EXPANSION PROJECT		
ISE-25T- GCAE23 / GCBE25- Submitted Tenders		
Contractor	Tender Price (including 13% HST)	Tender Price (net of NRHST)
Aveiro Constructors Limited	\$8,257,392.17	\$7,436,037.41
Brouwer Construction (1981) Ltd	\$7,433,538.89	\$6,694,132.01
G.S. Wark Limited	\$7,630,438.00	\$6,871,445.76
GEN-PRO	\$7,584,221.00	\$6,829,825.92
Niacon Limited	\$7,261,521.72	\$6,539,225.23

All bids exceeded the \$4,103,000 budget allocated for the project. This was due to project scope expansion but also significant increases in construction material and labour costs caused by

market inflation, including rising prices for steel, construction materials, labour shortages and wage inflation that further impacted the budget.

During the design phase of the Gibson Centre Expansion project, it was identified that the existing facility's layout, space limitations, and aging infrastructure were contributing to operational inefficiencies. In particular, the current office and vehicle bay spaces no longer adequately support the Town's growing public works operations. Addressing these challenges through the expansion and modernization of the facility is necessary to improve long-term operational efficiency, accommodate future service needs, and reduce ongoing maintenance pressures.

As part of the Gibson Centre Expansion Project, the Town is investing in energy-efficient materials and building systems to address immediate infrastructure challenges while reducing long-term operating costs. These design choices support the Town's commitment to sustainability and fiscal responsibility by creating a more efficient and cost-effective facility. In addition, the combined impact of market inflation and an expanded project scope has increased overall construction costs, reinforcing the need for a budget adjustment. However, these upfront investments are expected to yield benefits through improved energy performance and reduced maintenance requirements.

It is recommended that Contract ISE-25T- GCASE23/GCBE25 Gibson Centre Expansion project be awarded to NIACON Limited for the upset limit of \$7,261,522 (including 13% HST). Budget amendments are required to increase funding for both capital projects.

7. Financial, Staffing and Accessibility (AODA) Implications

Total project funds available for this project are \$4,103,000. A summary of total project costs and funding sources are noted below in Table 4 and Table 5. AODA standards have been considered when developing this project.

Table 4: Total Project Cost-Office Building *(All amounts include Net of NRHST)*

Project Component	Cost
Engineering Design Services	\$108,918.00
Construction	\$4,504,565.00
Inspection, Contract Administration and Project Management	\$29,579.00
Geotech Report	\$16,506.00
Surveys	\$5,556.00
Total Project Costs	\$4,665,124.00

Table 5: Total Project Cost - Vehicle Bay *(All amounts include Net of NRHST)*

Project Component	Cost
Engineering Design Services	\$72,612.00
Construction	\$2,034,660.00
Inspection, Contract Administration and Project Management	\$19,719.00
Geotech Report	\$11,004.00
Surveys	\$3,704.00
Total Project Costs	\$2,141,699.00

Table 6: Available Funding Sources

Funding Sources	Funds
Gibson Centre Expansion (GCAE23) - DC Reserves	\$2,550,000
Gibson Centre Vehicle Bay Expansion (GCBE25) - DC	\$1,553,000
Total Project Funds Available	\$4,103,000

Table 7: Variance Projection - Office Building *(All amounts include Net of NRHST)*

GIBSON CENTRE EXPANSION PROJECT		
BUDGET (GCAE23)		
Total Estimated Project Cost	Total Project Funds	Variance
\$4,665,124	\$2,550,000	(\$2,115,124)

The Town is investigating eligibility of DC funding for elements of the project that have expanded since the original scope. Using general guidelines of the 2024 DC Study, it is currently assumed that all of the above negative variance will need to be funded separately from DC sources. IS staff recently updated forecasts for the Point Abino Road South Reinstatement project (PARR20) and can reduce the project by \$2,080,000 and release the related debenture financing to support this variance. This will be further addressed in future capital variance report. It is therefore recommended that this previously forecast but unissued debt be assigned to the project above to address the variance. The remaining \$35,124 is proposed to be funded from the Facilities Maintenance Reserve. Debt charge impacts of this debt, using a 20-year debt issued in 2027 at an estimated rate of 4.5% are 2027 interest accruals of \$47,000 with full annual costs of \$158,000 forecast for 2028.

Table 8: Variance Projection - Vehicle Bay *(All amounts include Net of NRHST)*

GIBSON CENTRE EXPANSION PROJECT		
BUDGET (GCBE25)		
Total Estimated Project Cost	Total Project Funds	Variance
\$2,141,699	\$1,553,000	(\$588,700)

The DC Reserve has a forecasted 2025 ending balance of \$14.8M to support the above negative variance of \$588,700. A transfer request has been made to cover the deficit related to design, contract administration, construction, geotechnical services, and inspection. Should the full amount not be required, any unused portion will be returned to the reserve account upon project completion.

8. Policies Affecting Proposal

By-law 136-2023 adopted Council's 2023-2026 Corporate Strategic Plan. Quality of Life and community well-being and Sustainable and managed growth.

The Gibson Centre Expansion Project offers several key benefits, including enhanced operational efficiency, improved energy performance, and long-term environmental sustainability. The upgraded facility will provide a safer, more functional workspace for staff while supporting the Town's increasing service demands. By addressing current infrastructure limitations and modernizing critical systems, the project will help prevent costly future repairs and improve overall service delivery. Ultimately, this expansion represents a strategic investment in the Town of Fort Erie's operational capacity and supports the long-term well-being of the community and its residents.

The provisions of the Town of Fort Erie Procurement Policy By-law 123-2022 were adhered to during the tender process for this project.

9. Comments from Departments, Community and Corporate Partners

Relevant comments from relevant departments have been incorporated into this report.

10. Alternatives

Council has the option of not authorizing the award of this contract and postponing the Gibson Centre Expansion project; however this project is critical due to the limitations of the existing facility, which no longer meets the operational needs of the Town's public works services. The aging infrastructure, inefficient building systems, and restricted workspace are contributing to increased maintenance demands, reduced staff productivity, and long-term operational risks. If these deficiencies are not addressed, they will continue to negatively affect service delivery and result in escalating repair costs.

The proposed expansion and modernization are essential to ensure the facility's functionality, safety, and long-term sustainability. Given the scale and nature of the existing deficiencies, no alternative solution can provide the same operational benefits without compromising service levels or leading to higher future expenditures.

Therefore, proceeding with the expansion is the most viable and responsible course of action to support the Town's current and future operational requirements.

11. Communicating Results

Results from the report will be communicated with the successful bidder upon Council's decision.

The project is anticipated to begin September 2025 and be substantially completed by September 2026.

The Gibson Centre staff will be updated on Construction timelines upon Council's decision.

12. Conclusion

It is recommended that the contract for ISE-25T-GCAE23/GCBE25 Gibson Centre Expansion Project be awarded to NIACON Limited with an upset limit of \$7,261,522 (including 13% HST).

Staff recommends the extension of the ATA Architectural Inc for contract administration and inspection services in the amount of \$54,743 (including 13% HST).

Council's approval is requested for an amendment to the 2025 Capital Budget to supplement the Gibson Centre Expansion project (GCAE23) by \$2,115,124 with debentures of \$2,080,000 and \$35,124 from the Facilities Maintenance Reserve.

Council's approval is requested for an amendment to the 2025 Capital Budget to decrease the Point Abino Road South Reinstatement project (PARR20) by \$2,080,000 with debenture financing.

Council's approval is requested for an amendment to the 2025 Capital Budget to supplement the Gibson Centre Vehicle Bay Expansion project (GCBE25) by \$588,700 with funding from DC Reserves.

13. Report Approval

Prepared by:
Mustafa Saddat
Project Manager, Facilities

Reviewed by:
Sean Hutton
Manager, Parks and Facilities

Submitted by:
Jordan Frost, P. Eng. PTOE
Acting Director of Infrastructure Services

Approved by:
Chris McQueen, MBA
Chief Administrative Officer

14. Attachments

N/A



The Corporation of the Town of Fort Erie
By-law 66-2025

Being a By-law to Amend Zoning By-law 129-90, as amended
745 Dominion Road

Whereas an application was received from Matthew Trendota of Quartek Group Inc. on behalf of the Owner, Crystal Ridge Homes c / o Jeff Davis, to amend the Town’s Comprehensive Zoning By-law 129-90, as amended, for the lands known as 745 Dominion Road; and

Whereas a Public Meeting pursuant to Section 34(12) of the *Planning Act, R.S.O. 1990, c. P.13* was held on June 23, 2025; and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law 129-90, as amended, pursuant to the recommendations of Report PBBS-46-2025 considered and approved at the Council meeting held on June 23, 2025; and

Now, therefore, the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

- 1. **That** Schedule “A” of Comprehensive Zoning By-law 129-90, as amended, is further amended by changing the zoning of the subject lands known as 745 Dominion Road and shown on the attached Schedule “A” from “Residential 2 (R2) Zone” to “Residential 3 (R3-820) Zone”.
- 2. **That** Comprehensive Zoning By-law 129-90, as amended, is further amended by adding to “Section 13 – Residential 3 (R3) Zone” Subsection – “Exceptions to the Residential 3 (R3) Zone” the following exception:

“R3-820 (66-2025) 745 Dominion Road

a) Notwithstanding the “Regulations for Semi-Detached Dwellings” in Section 13.4 related to Minimum Lot Frontage and Minimum Lot Area, the following shall apply to semi-detached dwellings:

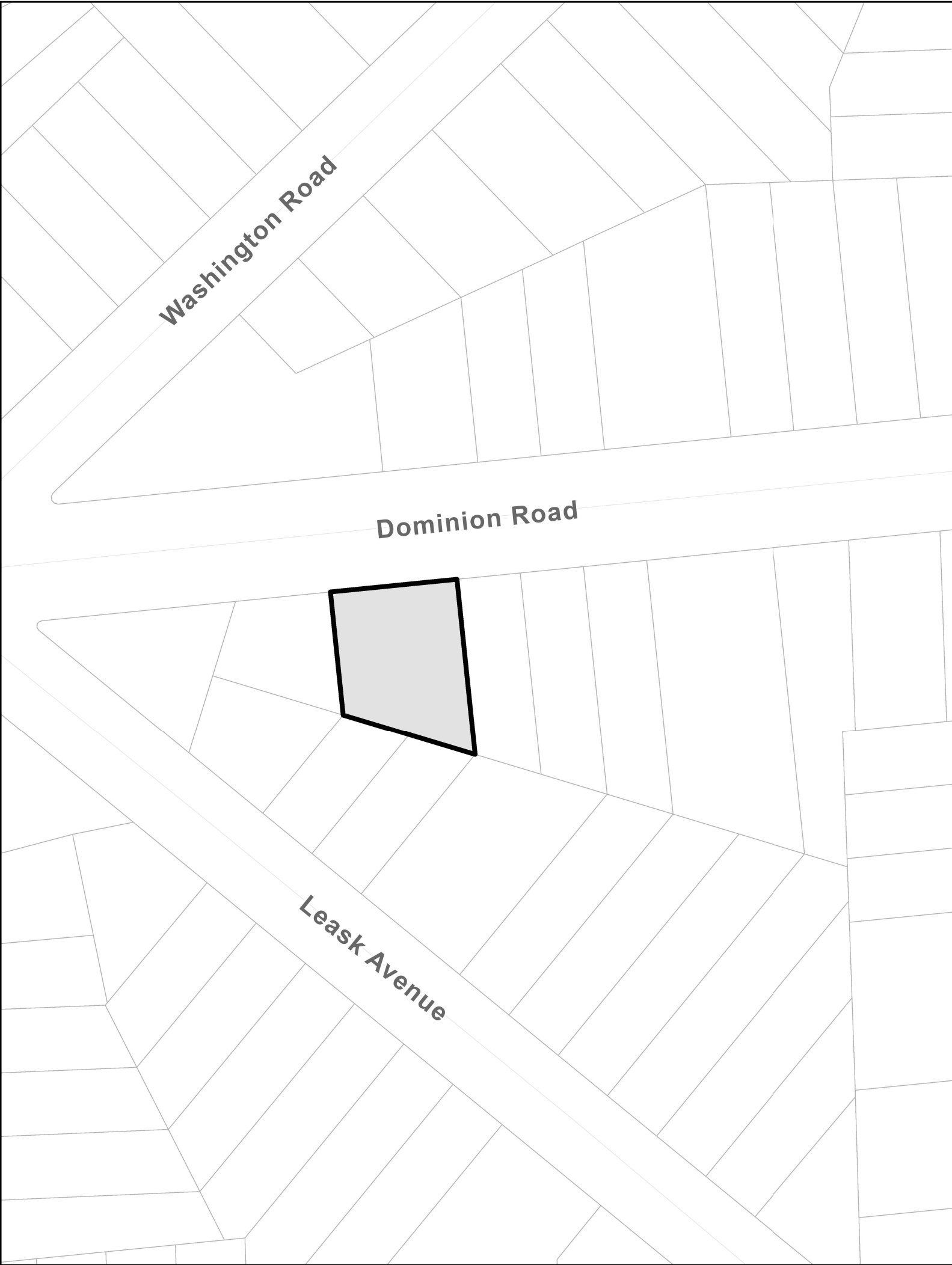
- i. Minimum Lot Frontage 7.6 m
 10.5 m (corner lot)
 - ii. Minimum Lot Area 238 sq m”
- 3. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 21st day of July 2025.

Mayor

Clerk

By-law 66-2025 Schedule A



0 12.5 25 50 Meters

By-law 66-2025

This sketch forms part of Schedule "A" to By-law 129-90 passed this 21st Day of July 2025.



Subject lands - 745 Dominion Road, Fort Erie



From Residential 2 (R2) Zone to Residential 3 (R3-820) Zone





The Corporation of the Town of Fort Erie
By-law 67-2025

Being a By-law to Authorize the Entry into a Collective Agreement with the Canadian Union of Public Employees and its Local #714 for the Period from January 1, 2025, and December 31, 2027, and Repeal By-law 121-2020

Whereas the Canadian Union of Public Employees and its Local #714 (CUPE) is the certified bargaining agent for certain employees of The Corporation of the Town of Fort Erie (The Corporation); and

Whereas By-law 121-2020 authorized the execution of the Collective Agreement for the period from January 1, 2021, to December 31, 2024; and

Whereas CUPE and The Corporation have negotiated a Memorandum of Agreement dated June 25, 2025, to enter into a new Collective Agreement for the period from January 1, 2025, to December 31, 2027, including the terms and conditions of the previous Collective Agreement and incorporating amendments; and

Whereas Report CAO-07-2025 was considered and approved at the Special Council Meeting held on June 30, 2025, to approve the amendments to the Collective Agreement; and

Whereas it is deemed desirable to enter into a new Collective Agreement with the Canadian Union of Public Employees and its Local #714;

Now, therefore, the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

- 1. That** the entry into a Collective Agreement with CUPE for the period from January 1, 2025, to December 31, 2027, in a form satisfactory to the Town Solicitor and the Director of Human Resources, is authorized and approved.
- 2. That** the Mayor and Clerk are authorized and directed to execute the Collective Agreement and to affix the corporate seal thereto.
- 3. That** By-law 121-2020 is repealed.
- 4. That** the Clerk of the Town 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 21st day of July 2025.

Mayor

Clerk



The Corporation of the Town of Fort Erie
By-law 68-2025

**Being a By-law to Deem a Certain Block on a Registered Plan of Subdivision
Not to be a Lot on a Registered Plan of Subdivision being Block 70, Plan
59M-330, 0-9176 Gorham Road, Eyes Canada Childcare Inc.**

Whereas subsection 50(4) of the *Planning Act* authorizes the Council of a municipality to designate by by-law any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of the subdivision control provisions of subsection 50(3) of the *Planning Act*;

Whereas Block 70, Plan 59M-330 is within a plan of subdivision registered for more than eight years; and

Whereas the applicant has made an application to designate these lands pursuant to the provisions of subsection 50(4) of the *Planning Act*; and,

Now, therefore, the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

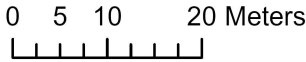
1. **That** Block 70 on Registered Plan 59M-330, registered in the Land Registry Office for the Land Titles Division of Niagara South (No. 59), is hereby deemed not to be a lot on a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*.
2. **That** the Town Law Clerk shall cause this by-law to be registered in the local Land Registry Office.
3. **That** this by-law shall come into force and take effect when registered in the local Land Registry Office.
4. **That** the Clerk of the Town 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 21st day of July 2025.

Mayor

Clerk

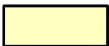
Schedule "A"



Proposed Deeming By-law
0-9176 Gorham Road, Fort Erie



Subject lands - 487 Gorham Road and 0-9176 Gorham Road, Fort Erie



Lot Proposed to be Deemed (0-9176 Gorham Road)





The Corporation of the Town of Fort Erie By-law 69-2025

Being a By-law to Amend Zoning By-law 129-90, as amended Housekeeping Amendment

Whereas By-law 129-90, as amended, being the Comprehensive Zoning By-law for the Town of Fort Erie was passed on May 28, 1990; and

Whereas By-laws 48-97, 34-98, 44-98, 03-02, 123-03, 10-04, 90-04, 152-04, 100-05, 57-06, 199-07, 56-08, 120-11, 130-11, 110-12, 38-13, 65-13, 94-2014, 133-2014, 152-2015, 123-2016, 14-2018, 128-2018, 124-2020, 42-2021, 44-2022 and 12-2024 are previous housekeeping amendments to Zoning By-law 129-90, as amended; and

Whereas since that time, municipal staff have been compiling a record of proposed improvements to the Zoning By-law; and

Whereas Subsection 34 (1) of the *Planning Act, R.S.O. 1990, c.P.13*, authorizes the Council of a municipality to regulate the use of lands and the character, location and use of buildings and structures within the municipality; and

Whereas the Council of the Town of Fort Erie at its meeting of January 13, 2025, authorized staff to undertake a housekeeping amendment to Zoning By-law 129-90, as amended, through Report PBBS-05-2025; and

Whereas Subsection 34 (12) of the *Planning Act, R.S.O. 1990, c.P.13*, provides that Council, before the passing of a by-law under this section of the Act, shall ensure that sufficient information is made available to the public to generally understand the zoning proposal, to hold an open house and to hold a public meeting; and

Whereas in accordance with Subsection 34 (12) of the *Planning Act, R.S.O. 1990, c. P.13*, an Open House was held respecting the proposed housekeeping amendments to Comprehensive Zoning By-law 129-90, as amended on May 1, 2025 and notice of such was published in the Fort Erie Observer and the Town of Fort Erie's website on April 17, 2025; and

Whereas in accordance with Subsection 34 (12) of the *Planning Act, R.S.O. 1990, c. P.13* a Public Meeting was held respecting the proposed housekeeping amendments to Comprehensive Zoning By-law 129-90, as amended, on May 12, 2025, and notice of such was published in the Fort Erie Observer and the Town of Fort Erie's website on April 17, 2025; and

Whereas it is deemed desirable to proceed with the housekeeping amendments to the Comprehensive Zoning By-law 129-90, as amended, pursuant to Report PBBS-47-2025, considered and approved by Council at the Council meeting of June 23, 2025;

Now, therefore, the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Subsection 5.65 of By-law 129-90, as amended, is repealed and replaced with the following:

"5.65 "COMMERCIAL MOTOR VEHICLE" (See 5.385 (a) "VEHICLE, COMMERCIAL")"

2. **That** Subsection 5.102 (f) of By-law 129-90, as amended, is repealed and replaced with the following:

- “(f) **“DWELLING, DUPLEX”** means a dwelling which is divided horizontally into two principal dwelling units, each of which has an independent entrance either directly from a yard or from a common vestibule, but does not contain an Accessory Dwelling Unit. The two principal dwelling units may be equal in floor area.”
3. **That** Subsection 5.102 (k) of By-law 129-90, as amended, is repealed and replaced with the following:
- “(k) **“DWELLING, SEMI-DETACHED”** means a dwelling that is divided vertically into two principal dwellings units attached by a common wall, each with an independent entrance to the exterior. The two dwelling units may be located on separate lots and may be equal in floor area.”
4. **That** Subsection 5.102 (o) of By-law 129-90, as amended, is repealed and replaced with the following:
- “(o) **“DWELLING, TRIPLEX”** means a dwelling that is divided vertically and horizontally, with at least one unit stacked vertically, into three dwelling units on one lot in which each dwelling unit has an independent entrance to the exterior or through a common vestibule, but does not include a Townhouse Dwelling. The three dwelling units may be equal in floor area.”
5. **That** Subsection 5.129 of By-law 129-90, as amended, is repealed and replaced with the following:
- “5.129 “FLOOR AREA”** means the area of a floor or floors in a building exclusive of basements, cellars, attics, garages, carports, sunrooms, verandas, or porches excluding the thickness of all exterior walls.”
6. **That** Subsection 5.144 of By-law 129-90, as amended, is repealed and replaced with the following:
- “5.144 “GARAGE”** means an enclosed or partially enclosed building or structure for the storage of vehicles but does not include a carport.”
7. **That** Subsection 5.217 of By-law 129-90, as amended, is repealed and replaced with the following:
- “5.217 “MOBILE HOME”** (See Section 5.352 Part (2) (b) “Mobile Home”).”
8. **That** Subsection 5.257 of By-law 129-90, as amended, is repealed and replaced with the following:
- “5.257 “PATIO”** means a roofless unenclosed area accessory to a dwelling that is intended for use as amenity area, constructed at finished grade, but does not include a Walkway as defined herein.”
9. **That** Section 5 – Definitions of Comprehensive Zoning By-law 129-90, as amended, is hereby further amended by adding a definition of “Permeable” as follows:
- “5.267 “PERMEABLE”** means a surfaced area that is capable of easily absorbing and draining stormwater runoff into the underlying soil and may include pervious concrete, porous asphalt, permeable pavers or stepping stones.”
10. **That** Subsection 5.286 of By-law 129-90, as amended, is repealed and replaced with the following:
- “5.286 “RECREATIONAL VEHICLE”** (See Section 5.358 (b) **“VEHICLE, RECREATIONAL”**).”
11. **That** Subsection 5.351 (2) (b) of By-law 129-90, as amended, is repealed and replaced with the following:
- ““Mobile Home”** means a factory-built, detached structure designed to be and capable of being transported after fabrication, on its own chassis and wheel system, to a lot or site, and which is suitable for year-round occupancy in a similar fashion as a dwelling unit, except for minor and incidental unpacking and assembly operations, placement on defined supporting structures and connection to utilities. A Mobile Home does not include a Recreational Vehicle or a Detached Accessory Dwelling Unit as defined herein.”

12. That Subsection 5.359 of By-law 129-90, as amended, is repealed and replaced with the following:

“5.359 “VEHICLE” means a passenger automobile or other motor vehicle, which is capable of being drawn, propelled or driven by any kind of power, and includes a “Vehicle, Commercial” and a “Vehicle, Recreational” as defined below:

(a) “VEHICLE, COMMERCIAL” - means a motor vehicle weighing in excess of 3,600 kg used for business, employment or commercial purposes and shall include a tractor trailer or trailer for hauling purposes on the highway, earth moving equipment, backhoes and farm tractors.

(b) “VEHICLE, RECREATIONAL” means a vehicle intended for recreational use such as a boat, all-terrain vehicle, seadoo, snowmobile, motorcycle, or other similar device, and also includes Trailers used for recreational purposes as defined in Section 5.351 Part (1).”

13. That Section 5 – Definitions of Comprehensive Zoning By-law 129-90, as amended, is hereby further amended by adding a definition of “Walkway” as follows:

“5.368 “WALKWAY” means an uncovered, designated path that is intended for pedestrian traffic on a lot that may be hardscaped or permeable, but does not include a Deck, Driveway, Patio or Porch as defined herein.”

14. That Subsection 6.1 Accessory Uses (b) of By-law 129-90, as amended, is repealed and replaced with the following:

“(b) Except as otherwise provided herein, in a Residential Zone any accessory building or structure which is not part of the main building shall be erected in the rear yard or interior side yard, and shall not be located closer to any rear lot line or side lot line than 1.0 m or closer to any street than the required yard therefrom for dwellings, except that a detached garage or carport which faces the exterior side lot line shall be located no closer than 6.0 m to the exterior side lot line. Eaves and gutters may project a maximum of 0.50 m into the required yard except as otherwise provided herein.”

15. That Subsection 6.13 (a) Dwellings of By-law 129-90, as amended, is repealed and replaced with the following:

“Except as otherwise provided in this By-law only one principal dwelling shall be permitted per lot. A legal single detached dwelling, semi-detached dwelling, street townhouse dwelling and block townhouse dwelling may have up to two (2) Accessory Dwelling Units per lot that are added onto or contained within the main dwelling. One Detached Accessory Dwelling Unit may be permitted in an accessory building on the same lot provided the main dwelling does not exceed more than one (1) Accessory Dwelling Unit.”

16. That Subsection 6.18 (e) Lot Area and/or Frontage Less than Required of By-law 129-90, as amended, is repealed and replaced with the following:

“(e) LOT AREA AND/OR FRONTAGE LESS THAN REQUIRED

Where a lot having a lesser lot area or lot frontage than that required herein

(i) is the same as in a deed registered on or prior to the date of passing of this By-law; or

(ii) is a consolidation of adjacent lots described in deeds registered on or prior to the date of passing of this by-law, or

(iii) was subject to a consent approved prior to the date of passing of this By-law, and was subsequently conveyed or is the remnant part of such a lot after such a conveyance and thereafter continuously held in distinct and separate ownership from abutting registered lot; or

(iv) is a whole lot located within a registered plan of subdivision; and

such parcel complies with relevant regulations made under *The Environmental Protection Act, R.S.O. 1990* and all relevant requirements of the Ontario Building Code, and has a minimum lot frontage of 10.00 m; then the said lot shall be deemed to conform to the requirements of this Bylaw with respect to lot area and lot

frontage, and the provisions hereof respecting lot area and lot frontage shall not apply to prevent the use of such lot, or the erection, alteration or use of a permitted building or structure thereupon, in accordance with all other provisions hereof.”

17. That Subsection 6.20 Parking Area Regulations (A) (ii) of By-law 129-90, as amended, is repealed and replaced with the following:

“(ii) This provision shall not apply to commercial uses within the “Central Business District Commercial (C2A) Zone”, “Core Mixed Use 2 (CMU2) Zone”, “Core Mixed Use 4 (CMU4) Zone”, “Core Mixed Use 5 (CMU5) Zone” or “Core Mixed Use 6 (CMU6) Zone” as designated on Schedule “A” attached hereto or shall be exempt from the provision of parking spaces in accordance with an agreement with Council pursuant to Section 39 of The Planning Act, S.O. 1990. Any Short-Term Rentals in the above zones shall be subject to the parking requirements specified in Subsection 6.58 of Section 6 – General Provisions of the Zoning By-law, as amended.”

18. That Subsection 6.20 Parking Area Regulations (D) (viii) of By-law 129-90, as amended, is repealed and replaced with the following:

“(v) Nothing in this By-law shall prevent the obstruction of a driveway by a gate, a temporary barrier or similar obstruction used solely to restrict access to the said driveway and designed to be otherwise opened or removed when necessary to permit passage of a vehicle. On Regional Roads and Provincial Highways, all such gates and barriers shall be set back from the property line to allow the temporary stopping of a vehicle so that the vehicle while stopped is entirely contained within the property limits and does not overhang the public road allowance.”

19. That Subsection 6.20 Parking Area Regulations (H) of By-law 129-90, as amended, is hereby further amended as follows:

“(v) Parking spaces for Electric Vehicles (EVs) are considered valid parking spaces for the purposes of calculating required parking. EV parking spaces may include signage that restricts their use for EVs only.”

20. That Subsection 6.20 Parking Area Regulations (J) of By-law 129-90, as amended, is hereby further amended as follows:

“(iii) Unless otherwise specified in this By-law, a parking space shall have a minimum height clearance of 2.40 m.”

21. That Subsection 6.20 Parking Area Regulations (M) Accessible Parking Spaces By-law 129-90, as amended, is repealed and replaced with the following:

“Parking spaces designated under Section 6.20 (M) shall include Van Accessible (Type A) and Standard (Type B) Parking Spaces.

(i) Type A parking spaces shall:

- a) Where provided outdoors, have a minimum height clearance of 2.75 m
- b) Where provided indoors, have a minimum height clearance of 2.59 m
- c) Be at least 3.40 m wide
- d) Be at least 6.00 m long
- e) Have an adjacent access isle at least 1.50 m wide by 6.00 m long. They must be marked with high tonal contrast diagonal lines, which discourages parking in them, where the surface is asphalt, concrete or some other hard surface.

(ii) Type B parking spaces shall:

- a) Be at least 2.40 m wide
- b) Be at least 6.00 m long
- c) Have an adjacent access isle at least 1.50 m wide by 6.00 m long. They must be marked with high tonal contrast diagonal lines, which discourages parking in them, where the surface is asphalt, concrete or some other hard surface.

- (iii) Accessible parking spaces shall be provided as close as possible to principal building entrances.
- (iv) Accessible Parking Spaces shall be provided in accordance with the requirements specified hereunder:

Total Number of Parking Spaces	Number of Accessible Parking Spaces
12 or fewer	1 Type A parking space
13 to 100	4% of the total number of parking spaces
101 to 200	1 space + 3% of the total number of parking spaces
201 to 1000	2 spaces + 2% of the total number of parking spaces
1000 or more	11 spaces + 1% of the total number of parking spaces

- (v) Where an even number of accessible parking spaces are required, parking spaces shall be equally divided between Type A and Type B parking spaces. Where an odd number of accessible parking spaces are required, the additional odd numbered parking space may be a Type B parking space.
- (vi) Two adjacent parking spaces may share the same access aisle.
- (vii) Accessible parking spaces shall be distinctly indicated by erecting an accessible permit parking sign in accordance with section 11 of Regulation 581 of the Revised Regulations of Ontario, 1990 (Accessible Parking for Persons with Disabilities) made under the *Highway Traffic Act*. O. Reg. 413/12, s. 6, or any successors thereto.”

22. That Subsection 6.21 Landscaping and Planting Strips (c) Driveways or Walks of By-law 129-90, as amended, is deleted.

23. That Subsection 6.21 Landscaping and Planting Strips (g) (ii) of By-law 129-90, as amended, is repealed and replaced with the following:

“(g) MINIMUM LANDSCAPED OPEN SPACE AREA IN A RESIDENTIAL ZONE FOR SINGLE DETACHED, SEMI-DETACHED, DUPLEX, TRIPLEX AND STREET TOWNHOUSE DWELLINGS

- i. The minimum required landscaped open space area in the front yard shall be 30%.
- ii. The minimum required landscaped open space area in the rear yard shall be 40%.
- iii. The overall minimum required landscaped open space area on a lot shall be 20%.”

24. That Subsection 6.33 of By-law 129-90, as amended, is repealed and replaced with the following:

“6.33 ZONING EXCEPTIONS

The special Zoning Exceptions noted in each Zone Section shall have effect in respect of the subject use and the provisions of the respective zone shall be amended insofar as required to give effect to the Zoning Exceptions. All other provisions of the respective zone shall apply, with the necessary changes being made to the subject use.”

25. That Subsection 6.35 Swimming Pools (a) of By-law 129-90, as amended, is repealed and replaced with the following:

“(a) PRIVATE OPEN SWIMMING POOLS:

Notwithstanding any other provision of this By-law to the contrary, the following provisions shall apply with respect to the erection or use of any private open swimming pool not enclosed or otherwise located within a building:

- (i) Notwithstanding any other provisions of this By-law, a private open swimming pool and/or related structures shall be permitted in any interior side yard, exterior side yard or rear yard.

- (ii) No interior wall surface of any open swimming pool, nor any related building or structure other than a fence, shall be located closer than 1.00 m to any interior side or rear lot line or 3.00 m to an exterior side lot line.
- (iii) Any hard surface associated with a swimming pool shall maintain a minimum setback of 0.50 m to the interior side lot line or rear lot line, or 3.00 m to an exterior lot line.
- (iv) No water circulating or treatment equipment, such as pumps or filters shall be located closer than 3.00 m to any side lot line or 1.00 m to any rear lot line when not enclosed within a structure. Water circulating or treatment equipment shall be setback a minimum of 1.00 m from an interior side lot line or rear lot line when enclosed within a structure.”

26. That Subsection 6.38 Travel Trailers, Pick Up Campers, Tent Trailers, Permanently Mounted Campers, Motor Vehicles and Tents (a) of By-law 129-90, as amended, is repealed and replaced with the following:

“(a) ALL ZONES

No person in any zone, shall locate or use any of the following for living, sleeping or eating accommodation unless otherwise specified in this By-law:

- Travel trailer
- Pick up camper
- Tent trailer
- Permanently mounted camper
- Motor vehicle
- Tent”

27. That Subsection 6.40 Covered or Uncovered Porches, Balconies, Decks and Patios (a) Residential Zones of By-law 129-90, as amended, is repealed and replaced with the following:

“(a) Residential Zones

Notwithstanding the yard provisions of this By-law to the contrary, porches, balconies, decks and patios are subject to the following setbacks in residential zones as follows:

Height of Platform			
	0 m to 0.5 m Above grade (uncovered)	Between 0.5 m and 1.5 m (uncovered) or 0 m to 1.5 m above grade (covered)	Above 1.5 m above grade (covered or uncovered)
Minimum setback to exterior side lot line	0.25 m, if permeable and drainage is not adversely impacted; 1.50 m if non- permeable	1.5 m	Required building setback
Minimum setback to interior side lot line	Required building setback	Required building setback	Required building setback
Minimum setback to rear lot line	0.25 m, if permeable and drainage is not adversely impacted; 3 m if non- permeable	3 m	Required building setback
Minimum setback to front lot line	3 m	3 m	Required building setback

28. That Subsection 6.40 Covered or Uncovered Porches, Balconies, Decks and Patios (b) of By-law 129-90, as amended, is repealed and replaced with the following:

“(b) Notwithstanding part (a) above

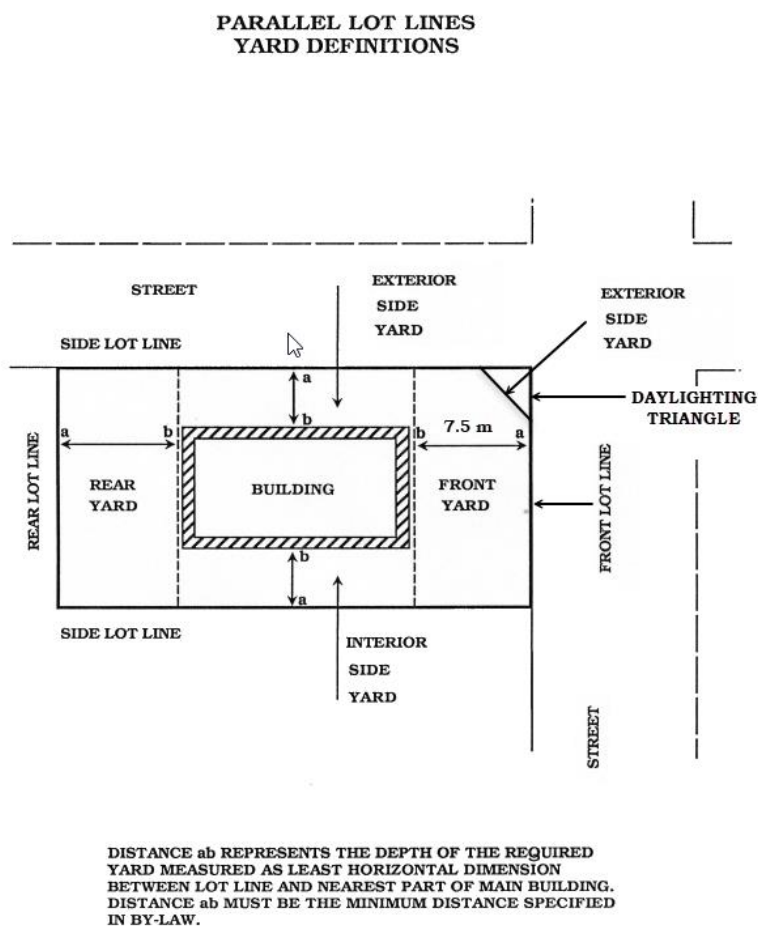
- i. Porches, balconies, decks and patios are not permitted to encroach into required swales.
- ii. A Walkway is permitted in an interior side yard, provided a minimum setback of 0.25 m is maintained to the interior side lot line and the Walkway does not interfere with required swales.”

29. That Subsection 6.43 Accessory Dwelling Units of By-law 129-90, as amended, is repealed and replaced with the following:

- “(a) In a Residential Zone in the Urban Boundary that has access to full municipal water and sanitary sewer service, up to two (2) Accessory Dwelling Units shall be permitted in any single detached, semi-detached or rowhouse/townhouse dwelling in addition to the main dwelling unit.
- (b) In a Residential Zone in the Urban Boundary that has access to full municipal water and sanitary sewer service, one (1) Detached Accessory Dwelling Unit shall be permitted on the same lot. Notwithstanding Subsection 6.43 (a), where a lot contains a permitted Detached Accessory Dwelling Unit, only one (1) Accessory Dwelling Unit shall be permitted in any single detached, semi-detached or rowhouse/townhouse dwelling in addition to the main dwelling unit.
- (c) In a Neighbourhood Development (ND) Zone in the Urban Boundary that has access to full municipal water and sanitary sewer service, up to two (2) Accessory Dwelling Units shall be permitted in an existing single detached, semi-detached or rowhouse/townhouse dwelling.
- (d) In a Neighbourhood Development (ND) Zone in the Urban Boundary that has access to full municipal water and sanitary sewer service, one (1) Detached Accessory Dwelling Unit shall be permitted on the same lot. Notwithstanding Subsection 6.43 (c), where a lot contains a permitted Detached Accessory Dwelling Unit, only one (1) Accessory Dwelling Unit shall be permitted in any single detached, semi-detached or rowhouse/townhouse dwelling in addition to the main dwelling unit.
- (e) A Detached Accessory Dwelling Unit in the Urban Boundary that is contained within or added onto an Accessory Building that existed prior to By-law 12-2024 being approved on January 29, 2024 shall be subject to the regulations of Subsection 6.1 (b), (d) and (e).
- (f) A Detached Accessory Dwelling Unit in the Urban Boundary that is contained within a new Accessory Building shall be subject to the following regulations:
 - a. Maximum Lot Coverage – 15%
 - b. Location on Parcel – Shall be located in an interior side yard or the rear yard only
 - c. Minimum Interior Side Yard and Rear Yard:
 - i. 1 storey – 1.00 m
 - ii. 1.5 storey – 1.50 m
 - iii. 2 storey – 2.00 m
 - d. Minimum Exterior Side Yard – 3.00 m, except that an attached garage or carport which faces the exterior side lot line shall be located no closer than 6.00 m to the exterior side lot line.
 - e. Maximum Building Height
 - i. 2 storeys or the same number of storeys as the main dwelling, whichever is less.
 - ii. The maximum height shall be the same as the main dwelling or 8.00 m, whichever is less.
- (g) The maximum floor area for each Accessory Dwelling Unit shall not exceed 40% of the total floor area of the main dwelling or 100 sq m, whichever is lesser. Where a portion of the basement of the dwelling is occupied by an Accessory Dwelling Unit, the occupied

- floor area of the basement shall be included in the calculation of the total floor area. If located in the basement of the main dwelling the Accessory Dwelling Unit may occupy the entire basement area.
- (h) In an Agricultural (A) Zone, a Rural (RU) Zone, a Rural Residential (RR) Zone or a Waterfront Rural Residential (WRR) Zone, up to two (2) Accessory Dwelling Units shall be permitted in a single detached dwelling in addition to the main dwelling unit.
 - (i) In an Agricultural (A) Zone, a Rural (RU) Zone, a Rural Residential (RR) Zone or a Waterfront Rural Residential (WRR) Zone one (1) Detached Accessory Dwelling Unit shall be permitted on the same lot. Notwithstanding Subsection 6.43 (h), where a lot contains a permitted Detached Accessory Dwelling Unit, only one (1) Accessory Dwelling Unit shall be permitted in a single detached dwelling in addition to the main dwelling unit.
 - (j) Accessory Dwelling Units located in the Agricultural (A) Zone, Rural (RU) Zone, Rural Residential (RR) Zone or the Waterfront Rural Residential (WRR) Zone are subject to the following regulations:
 - i. The dwelling units shall comply with Provincial Minimum Distance Separation (MDS) requirements, or any successors thereto;
 - ii. The dwelling units shall be adequately serviced with private services (private sewage system and water supply);
 - iii. The dwelling units are subject to the respective regulations for dwellings for the Zone they are in.
 - iv. The maximum floor area for each Accessory Dwelling Unit shall not exceed 40% of the total floor area of the main dwelling or 100 sq m, whichever is lesser. Where a portion of the basement of the dwelling is occupied by an Accessory Dwelling Unit, the occupied floor area of the basement shall be included in the calculation of the total floor area. If located in the basement of the main dwelling the Accessory Dwelling Unit may occupy the entire basement area.
 - (k) Detached Accessory Dwelling Units located in the Agricultural (A) Zone, Rural (RU) Zone, Rural Residential (RR) Zone or Waterfront Rural Residential (WRR) Zone are subject to the following regulations:
 - i. The Detached Accessory Dwelling shall comply with Provincial Minimum Distance Separation (MDS) requirements, or any successors thereto;
 - ii. The Detached Accessory Dwelling Unit and any other dwelling units shall be adequately serviced with private services (private sewage system and water supply).
 - iii. In the Agricultural (A) Zone and Rural (RU) Zone, Detached Accessory Dwelling units are subject to the regulations of 7.6 and 8.6 Regulations for Buildings Accessory to Dwellings respectively. In the Rural Residential (RR) Zone or the Waterfront Rural Residential (WRR) Zone Detached Accessory Dwellings are subject to the regulations of Section 6.43 (f).
 - iv. In the Agricultural (A) Zone and Rural (RU) Zone a Detached Accessory Dwelling must be located a maximum distance of 15.00 metres from the main dwelling.
 - v. In the Agricultural (A) Zone and Rural (RU) Zone a Detached Accessory Dwelling is not permitted within a building/structure used for any agricultural use.
 - (l) One parking space must be provided on site for each Accessory Dwelling Unit and Detached Accessory Dwelling Unit. Tandem parking is permitted for Accessory Dwelling Units and Detached Accessory Dwelling Units to the maximum depth of two parking spaces.
 - (m) If a single detached dwelling, semi-detached dwelling or townhouse dwelling is permitted in a non-Residential Zone by way of site-specific Zoning Exception, Accessory Dwelling Units / a Detached Accessory Dwelling Unit are permitted as per part (a) through (l) above."

- 30. That** Subsection 6.45 Lots Comprised of Two or More Lots of By-law 129-90, as amended, is hereby repealed and replaced with the following:
- “Nothing in this by-law shall prevent the erection, alteration, extension or enlargement of a building or structure on lands composed of two or more contiguous lots, and such lots may be treated as one lot when calculating lot coverage and yard setback requirements, provided all of the requirements of the appropriate zone are complied with.”
- 31. That** Subsection 6.51 Model Homes in Draft Approved Plans of Subdivision of By-law 129-90, as amended, is hereby further amended by adding the following:
- “(f) Model homes are exempted the regulations of Section 6.5 until such time as the roads and municipal services have been constructed to municipal standards and assumed by the Town.”
- 32. That** the Illustrations in Section 6 – General Provisions of By-law 129-90 be amended to add the following diagram:



- 33. That** Subsection 6.58 Short Term Rentals (a) General Regulations for Short Term Rentals of By-law 129-90, as amended, is hereby further amended by adding the following:
- “(v) Short-Term Rentals are permitted in legal non-conforming buildings that are partially or fully impacted by Hazard (H) Zone. The type of Short-Term Rental operation (Dedicated and/or Owner-Occupied) shall comply with the associated zone category that would exist if the Hazard (H) Zone was not in place.”
- 34. That** Section 7.2 (c) of By-law 129-90, as amended, is repealed and replaced with the following:
- “(b) One (1) single detached dwelling on one lot and up to two (2) Accessory Dwelling Units, or one (1) single detached dwelling on one lot with one (1) Accessory Dwelling Unit and one (1) Detached Accessory Dwelling Unit as per the regulations of Section 6.43.”
- 35. That** Section 8.2 (f) of By-law 129-90, as amended, is repealed and replaced with the following:

“(f) One (1) single detached dwelling on one lot and up to two (2) Accessory Dwelling Units, or one (1) single detached dwelling on one lot with one (1) Accessory Dwelling Unit and one (1) Detached Accessory Dwelling Unit as per the regulations of Section 6.43.”

36. That Section 9.2 (a) of By-law 129-90, as amended, is repealed and replaced with the following:

“(a) One (1) single detached dwelling on one lot and up to two (2) Accessory Dwelling Units, or one (1) single detached dwelling on one lot with one (1) Accessory Dwelling Unit and one (1) Detached Accessory Dwelling Unit as per the regulations of Section 6.43.”

37. That Section 16A.2 of By-law 129-90, as amended, is repealed and replaced with the following:

“(a) One (1) single detached dwelling on one lot and up to two (2) Accessory Dwelling Units, or one (1) single detached dwelling on one lot with one (1) Accessory Dwelling Unit and one (1) Detached Accessory Dwelling Unit as per the regulations of Section 6.43.

(b) Home occupations

(c) Buildings and structures accessory to the above uses”

38. That Section 17.1 of By-law 129-90, as amended, is repealed and replaced with the following:

“Subject to the General Provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this Section shall apply in all Neighbourhood Development (ND) Zones for existing uses. New uses or lot creation in the Neighbourhood Development (ND) Zone shall be established through a development plan and at minimum a Zoning By-law Amendment.”

39. That Section 18.2 (b) of By-law 129-90, as amended, is repealed and replaced with the following:

“(b) Location – Dwelling units are permitted in a building with commercial use(s) provided the dwelling units are located on the second floor or higher and may occupy 100% of the floor area of those floors. Dwelling units are prohibited in the basement, cellar or ground floor of a commercial building. Exceptions:

(i) an accessory dwelling unit may be located on the ground floor of a motel, hotel or motor hotel.

(ii) a dwelling unit is not permitted in combination with one or more of the following commercial uses:

- car wash
- automobile service station
- public garage
- bingo hall
- taxi establishment
- dry cleaning plants
- motor vehicle sales rooms and car sales lots”

40. That Section 18.3 (a) of By-law 129-90, as amended, is repealed and replaced with the following:

“(a) Location – Dwelling units are prohibited to be located on the basement or cellar of a commercial building. Dwelling units shall be permitted to occupy a maximum of 49% of the ground floor area of buildings with commercial use(s), provided that no part of such dwelling unit, except for the entranceway, has frontage onto a public street. Dwelling units are also permitted to be located on the second floor or higher where they may occupy up to 100% of the floor area of those floors. Dwelling units may not be located in combination with one or more of the following uses:

- car wash
- automobile service station
- public garage

- bingo hall
- taxi establishment
- dry cleaning plants
- motor vehicle sales rooms and car sales lots”

41. That Section 21.3 Parking Exemptions of By-law 129-90, as amended, is repealed and replaced with the following:

“Parking Requirements	Commercial uses within the C2A Zone shall be exempted from the parking and loading requirements of this By-law.
	Buildings containing Short-Term Rentals subject to the provisions of Section 6.58.”

42. That Section 26B.3 Parking Exemptions of By-law 129-90, as amended, is repealed and replaced with the following:

“Parking Requirements	Notwithstanding any other provisions of this By-law, commercial uses within the CMU2 Zone shall be exempted from the parking and loading requirements of this By-law.
	Buildings containing Short-Term Rentals subject to the provisions of Section 6.58.”

43. That Section 26D.3 Parking Exemptions of By-law 129-90, as amended, is repealed and replaced with the following:

“Parking Requirements	Commercial uses within the CMU4 Zone shall be exempted from the parking and loading requirements of this By-law.
	Buildings containing Short-Term Rentals subject to the provisions of Section 6.58.”

44. That Section 26E.3 Parking Exemptions of By-law 129-90, as amended, is repealed and replaced with the following:

“Parking Requirements	Commercial uses within the CMU5 Zone shall be exempted from the parking and loading requirements of this By-law.
	Buildings containing Short-Term Rentals subject to the provisions of Section 6.58.”

45. That Section 26F.3 Parking Exemptions of By-law 129-90, as amended, is repealed and replaced with the following:

“Parking Requirements	Commercial uses within the CMU6 Zone shall be exempted from the parking and loading requirements of this By-law.
	Buildings containing Short-Term Rentals subject to the provisions of Section 6.58.”

46. That the Clerk of the Town 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 21st day of July 2025.

Mayor

Clerk



The Corporation of the Town of Fort Erie
By-law 70-2025

**Being a By-law to Authorize the Execution of the Bridgeburg North
Secondary Plan Financial Agreement with 2627781 Ontario Inc., BBFC
Holdings Inc. and 2585908 Ontario Inc.**

Whereas Report PBBS-49-2025 was considered and approved at the Council-in-Committee meeting on July 7, 2025, regarding a financial agreement for the completion of the Bridgeburg North Secondary Plan with the Participating Landowner Group (PLG); and

Whereas the Participating Landowner Group (PLG) has agreed to front-end the cost of the Secondary Plan and related background studies upon the terms contained in the Agreement, which costs shall be reimbursed in accordance with the Agreement;

Whereas it is deemed desirable to enter into a Financial Agreement with Participating Landowners Group (PLG), comprised of 2627781 Ontario Inc., BBFC Holdings Inc. and 2585908 Ontario Inc. in order to complete a Secondary Plan for the orderly development of the lands described in Schedule “A” of the Financial Agreement, and also attached hereto as Schedule “A,” and forming part of this by-law;

Now, therefore, the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

- 1. That** the entry into a Financial Agreement with 2627781 Ontario Inc., BBFC Holdings Inc. and 2585908 Ontario Inc. (the “Participating Landowners Group” (PLG)), in a form satisfactory to the Town’s Solicitor, is authorized and approved.
- 2. That** the Mayor and Clerk are authorized and directed to execute the Financial Agreement and to affix the corporate seal thereto.
- 3. That** the Clerk of the Town 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 21st day of July 2025.

Mayor

Clerk

THIS AGREEMENT made this _____ day _____ of 2025

BETWEEN:

2627781 ONTARIO INC., BBFC HOLDINGS INC. AND 2585908 ONTARIO INC.
(hereinafter collectively called the "**Participating Landowner Group**" or "**PLG**")
OF THE FIRST PART;

- and-

BRIDGEBURG LANDOWNERS GROUP INC.
(hereinafter called the "**Trustee**")
OF THE SECOND PART;

- and-

**THE CORPORATION OF THE
TOWN OF FORT ERIE**
(hereinafter called the "**Town**")
OF THE THIRD PART

WHEREAS the PLG owns lands located within the area bounded to the north and east by the Niagara River, to the south by the existing community of Bridgeburg, and to the west by Thompson Road (the "**Bridgeburg North Secondary Plan Area**") in the Town of Fort Erie (the "**Town**"), in the Regional Municipality of Niagara (the "**Region**"), as shown on the attached Schedule "A";

AND WHEREAS the PLG wishes to develop its lands for residential and other uses;

AND WHEREAS the PLG lands are predominantly designated "Urban Residential Area", "Low Density Residential Area", "Environmental Protection Area" and "Open Space Area" in the Town's Official Plan;

AND WHEREAS the policies contained in the Town's Official Plan as amended, require among other things, that a secondary plan for the Bridgeburg North Secondary Plan Area (the "**Secondary Plan**") be completed prior to the development of the PLG's lands;

AND WHEREAS the Town's does not have Budget for the Secondary Plan.

AND WHEREAS the PLG has agreed to front-end the cost of the Secondary Plan and related background studies upon the terms contained in this Agreement, which costs shall be reimbursed in accordance with this Agreement;

AND WHEREAS the PLG and the Town wish to establish an understanding of the obligations for the process for the preparation of the Secondary Plan (the "**Secondary Plan Process**")

NOW, THEREFORE, in consideration of the sum of TEN DOLLARS (\$10.00) now paid by each of the parties hereto to the other (the receipt and adequacy of which are hereby acknowledged), and for other good and valuable consideration, THE PARTIES HERETO COVENANT AND AGREE AS FOLLOWS:

Estimated Staff Costs re: the Secondary Plan Process (Excluding Related Background Studies)

1. The parties acknowledge that the Town has estimated the cost of staff related to the Secondary Plan Process (the "**Staff Costs**"), excluding the related background studies, to be \$160,000.00 per 12-month period. This amount reflects the costs of monitoring of the Secondary Plan Process and review of the Background Studies (as hereinafter defined) by the Town's contract staff and the coordination and processing of the Secondary Plan by other internal Town staff.
2. Immediately upon execution of this Agreement and prior to the solicitation of bids or other expressions of interest as contemplated by Section 4 below, the PLG shall pay \$160,000 towards the Staff Costs to the Town. The Parties agree that this payment represents a contribution of 100% of the estimated Town Staff Costs per 12-month period, and any further payments shall be subject to paragraph 14 hereinbelow.
3. It is agreed that, following the execution of this Agreement, the Town may proceed with the normal staff hiring process for a contract position (as aforesaid) in respect of the Secondary Plan in such manner as the Town, in its sole discretion sees fit.
4. The parties agree that the background studies related to the Secondary Plan (the "**Background Studies**") are to be scoped by the Town in consultation with the Region and Conservation Authority and the PLG. The PLG will engage their own qualified consultant(s) to undertake said Background Studies. For the purposes of this Agreement, the Town has established that the Background Studies required for the approval of the Secondary Plan shall be carried out in accordance with terms of reference attached hereto as Schedule "B", which may be amended at the discretion of the Director, Planning, Building and By-law Services.
5. The parties further agree that all costs involved with undertaking said Background Studies (the "**Background Study Costs**") shall be financed by the PLG subject to reimbursement as set out in this Agreement. The parties acknowledge that the Town has estimated the Background Study Costs to be \$675,000.00.
6. The Town agrees to reimburse the PLG (via the Trustee) the actual Secondary Plan Background Study Costs paid/incurred by the PLG (as confirmed by the Trustee in writing to the Town), without interest, in the form of monetary payment, to be paid by the Town to the Trustee by no later than one (1) year following the date of final approval (i.e. adoption by the Town) of the Secondary Plan.
 - a) The amount reimbursed is to be the lesser of the actual cost as confirmed by Director, Planning, Building and By-law Services and the cost included in the Development Charge Background Study for the Development-Related Studies which is to be increased at a rate commensurate with the Town's Development Charge rate indexing provisions.
7. Following the commencement of work on the Secondary Plan, should additional work or additional and/or unexpected expenses become necessary and/or arise, any of which would result in the total Secondary Plan Process Costs exceeding the estimated amount

set out herein, the Town's Director, Planning, Building and By-law Services shall obtain an estimate of any additional costs arising from the same (the "**Additional Costs**"), and notify the PLG (via the Trustee) of the Additional Costs. Within thirty (30) days thereafter, the PLG (via the Trustee), shall notify the Town that:

- a) the PLG agrees to fund the Additional Costs. In such case the terms of this Agreement (including without limitation, with respect to reimbursement thereof) shall apply to such Additional Costs with necessary modifications; or
- b) the PLG objects to the Additional Costs. Following receipt of such notice from the Trustee, the Town shall, in its sole and absolute discretion, determine whether to assume responsibility for funding of such Additional Costs. The terms of this Agreement shall not apply in any respect of any such Additional Costs undertaken or funded by the Town in accordance with this subsection.

Payments

- 8. Any payment made to the Town by the PLG pursuant to this agreement shall be in the form of a cash deposit.
- 9. The Town may draw down the funds provided under Section 1 from time to time to pay the Staff Costs. The Town shall provide the Trustee with copies of any invoices to be reimbursed using the said cash deposit, no later than fifteen (15) days prior to the proposed payment thereof.
- 10. Prior to any work on the Secondary Plan being commenced or continued, cash deposits in the total amounts required under this Agreement on account of the Staff/Study Costs must be received by the Town and must have been deemed satisfactory by the Town Treasurer.
- 11. As work on the Secondary Plan proceeds, the Town shall draw down the PLG's cash deposit in the amount of any Staff Costs incurred in association with such work (including the cost of any administrative fees required to draw down the same). The Town shall provide the Trustee with no less than fifteen (15) days prior written notice (together with supporting invoices) prior to any such draw-down.

Preparation and Completion of Secondary Plan excluding related Background Studies

- 12. The preparation of the Secondary Plan excluding the related Background Studies shall be undertaken under the Town's sole direction using such resources, including Town staff as the Town may see fit, in its sole discretion. The PLG acknowledges and agrees that nothing in this agreement shall fetter the discretion of Town Council in considering any matter which may come before it in connection with the Secondary Plan, or any application made by the PLG under the *Planning Act* or any other legislation.
- 13. The Town estimates that the Secondary Plan shall be adopted by Town council by the end of 2026.
- 14. The PLG is willing to provide \$160,000 per 12-month period (inclusive of all applicable costs), until December 31, 2026, to the Town to hire a contract position to expedite the adoption of the Secondary Plan earlier than the end of 2026. This is to be paid to the Town

by PLG in advance of posting the position and the position is to be filled through the Town's normal staff hiring process for contract positions. Any extension to the contract would be prorated per month until the adoption of the Secondary Plan provided that:

- a) in the event the contract position, at any time, remains vacant for a period of thirty (30) days or more, the PLG shall not be responsible to pay the pro-rated amount for the period(s) of such vacancy; and
- b) in the event that the contract position is extended (or anticipated to be extended) beyond December 31, 2026, the Town shall notify the PLG, via the Trustee, as to the anticipated Staff Costs to be incurred after such date (the "**Additional Staff Costs**"). Within thirty (30) days thereafter, the PLG, via the Trustee, shall notify the Town that:
 - (i) the PLG agrees to fund the Additional Staff Costs. In such case, the terms of this Agreement shall apply to such costs with necessary modifications; or
 - (ii) the PLG objects to the Additional Staff Costs. Following receipt of such notice from the Trustee, the Town shall, in its sole and absolute discretion, determine whether to assume responsibility for funding of such Additional Staff Costs. The terms of this Agreement shall not apply in any respect to such Additional Staff Costs undertaken or funded by the Town in accordance with this Subsection.

15. The Town shall provide to the Trustee in writing, at least quarter-yearly during the term of this Agreement, a statement showing the following:

- a) the amount then incurred with respect to the actual Staff Costs;
- b) the status of the Secondary Plan and estimated timing to complete same.

Focus Group

16. The Town shall establish a focus group (the "**Focus Group**") to guide and co-ordinate the preparation of the Secondary Plan.

17. The PLG shall be entitled to elect a representative to attend at regularly scheduled meetings of the Focus Group.

Non-Participating Owners within the Bridgeburg North Secondary Plan Area

18. The Town agrees to include policies in the Secondary Plan and as a condition of any planning and/or development approval for any lands therein, wherein the owners of lands within the Bridgeburg North Secondary Plan Area, specifically (but without limitation) including landowners who are not currently members of the PLG, shall be required, as a condition of any approval for the development of such lands, to provide written confirmation from the Trustee that they have joined the cost sharing group formed or to be formed by the PLG and is a member in good standing thereof.

Interpretation Not Affected by Headings, Etc.

19. Grammatical variations of any terms defined herein shall have similar meanings; words importing the singular number shall include the plural and vice versa; words importing the masculine gender shall include the feminine and neuter genders and vice versa. The division of this Agreement into separate Articles, Sections, Subsections, Paragraphs and Subparagraphs, the provision of a table of contents and index thereto, and the insertion of headings and marginal notes and references are for convenience of reference only and shall not affect the construction or interpretation of this Agreement.

Severability

20. If any covenant, obligation or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement or the application of such covenant, obligation or provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and each covenant, obligation and agreement of this Agreement shall be separately valid and enforceable to the fullest extent permitted by law, unless such covenant, obligation or provision of this Agreement or application of the same which has been determined to be invalid or unenforceable is deemed by the Town, in its sole discretion to be fundamental to this Agreement, in which case this agreement shall be null and void.

Governing Law

21. This Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario and the laws of Canada applicable therein and shall be treated in all respects as an Ontario contract.

Disclaimer of Partnership

22. The parties disclaim any intention to create a partnership or joint venture or to constitute either of them the agent of the other. Nothing in this agreement shall constitute the parties as partners or agents of the other.

Notices

23. All notices under this agreement shall be given to the Parties at the following addresses:

To the Town:

Attention: Town Clerk
 The Corporation of the Town of Fort Erie
 1 Municipal Centre Drive
 Fort Erie, Ontario
 L2A 2S6
 Fax No.: (905) 871-1600

To the PLG:

2627781 Ontario Inc.
 PO Box 549
 Fonthill ON L0S 1E0
 Attn: Richard Dekorte
 Email: Richard@hert.ca

BBFC Holdings Inc.
 3976 Portage Road, Unit 2
 Niagara Falls ON L2G 2C9
 Attn: Mitch Williams
 Email: info@tmmcap.com

2585908 Ontario Inc.
 1755 Stevensville Road
 Stevensville ON L0S 1E0
 Attn: Vaughn Gibbons
 Email: v.gibbons@vgibbonscontracting.com

To the Trustee:

Bridgeburg Landowners Group Inc.
 c/o 7501 Keele Street, Suite 200
 Vaughan, ON L4K 1Y2
 Attention: Helen Mihailidi
 hmihailidi@bratty.com
 Fax No: 905 760 2900

With a copy to:

Upper Canada Planning & Engineering Ltd.
 30 Hannover, Unit #3
 St. Catharines, ON
 L2W 1A3
 Attention: William Heikoop, B.U.R.P.I., MCIP, RPP, Planning Manager
 Email: wheikoop@ucc.com

or to such other address of a party as it shall specify to the other parties by written notice given in the manner aforesaid. Any such notice delivered or sent by facsimile as aforesaid shall be deemed to have been given and received on the date of actual delivery to the addressee.

Waiver

24. No consent or waiver, express or implied, by a party to or of any breach or default by another party in the performance by such other party of its obligations hereunder shall be deemed or construed to be a consent or waiver to or of any other breach or default in the performance by such other party hereunder. Failure on the part of a party to complain of any act or failure to act of another party or to declare another party in default, irrespective

of how long such failure continues, shall not constitute a waiver by such first-mentioned party of its rights hereunder.

Amendments

25. This Agreement may not be modified or amended except with the written consent of all parties hereto.

Further Assurances

26. The parties hereto agree that they will from time to time, at the reasonable request of any of them execute and deliver such assignments, instruments and conveyances, and take such further actions, as may be required to accomplish the purposes of this Agreement.

Successors and Assigns

27. This Agreement shall enure to the benefit of and be binding upon the respective successors and assigns of each of the parties hereto.

Effective Date

28. This agreement shall not be in force, or bind any of the parties, until executed by all of the parties named in it.

Entirety

29. It is agreed and understood that there is no representation or warranty, collateral term or condition affecting this agreement other than those set forth herein, and no other representation or warranty, collateral term or condition shall be binding upon the parties unless expressed in writing, signed by each party hereto and purporting to be expressed in modification of this agreement.

Counterparts and Electronic Execution

30. This Agreement may be executed in any number of counterparts and by facsimile or other electronic transmission, and each such facsimile or electronic copy shall constitute an original and all such counterparts shall for all purposes constitute one agreement, binding on all parties hereto notwithstanding that all parties are not signatories to the same counterpart.

IN WITNESS WHEREOF, the parties have executed this Agreement, attested by the hands of their respective officers duly authorized in that behalf.

THE CORPORATION OF THE TOWN OF FORT ERIE

Per: _____
Wayne H. Redekop
Mayor

Per: _____
Ashlea Carter
Clerk
We have authority to bind the Town.

2627781 ONTARIO INC.

Per: _____
Name: Richard Dekorte
Title:
I have the authority to bind the corporation.

BBFC HOLDINGS INC.

Per: _____
Name: Mitch Williams
Title:
I have the authority to bind the corporation.

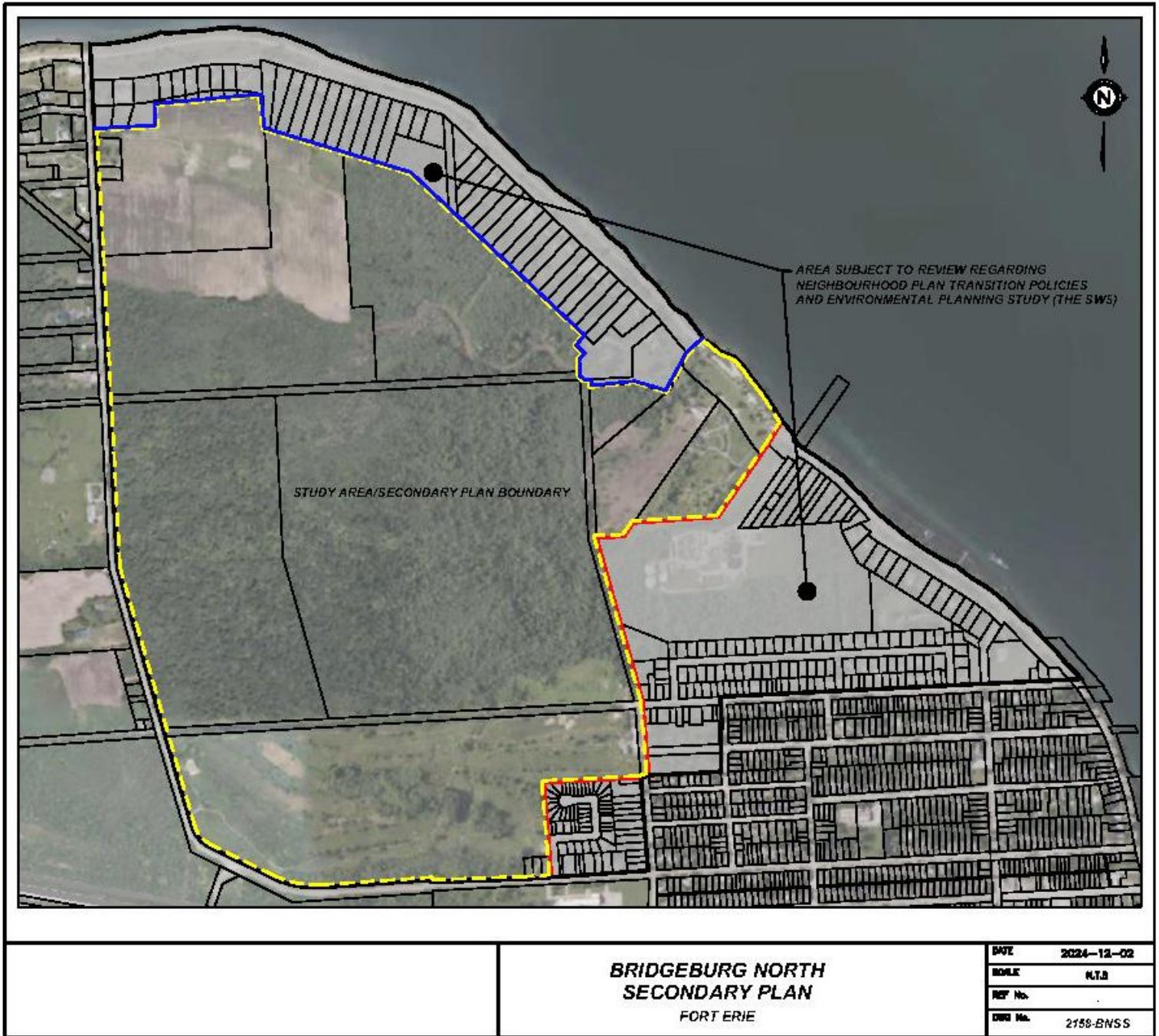
2585908 ONTARIO INC.

Per: _____
Name: Vaughn Gibbons
Title:
I have the authority to bind the corporation.

BRIDGEBURG LANDOWNERS GROUP INC.

Per: _____
Name: Helen Mihailidi
Title: A.S.O.
I have the authority to bind the corporation.

Schedule A – Bridgeburg North Secondary Plan Area



Schedule “B”

Terms of Reference

Terms of Reference

Bridgeburg North Subwatershed Study

February 2024

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1.0 Introduction

The Growth Plan for the Greater Golden Horseshoe (2019), along with other guiding documents, promote integrated land use planning processes which consider multiple factors when planning for communities and neighbourhoods. These factors include the natural and physical environment, infrastructure needs, transportation, as well as socio-economic considerations. A cornerstone to contemporary planning, as recognized by the Growth Plan (2017), is the need for multi-disciplinary subwatershed studies which comprehensively establish a baseline characterization of the environmental conditions and natural systems and resources in a subject study area planned for growth developed on the basis of a subwatershed unit. This systems-based assessment involves an examination of the role of water (both surface and ground) in sustaining area resources, including creeks, wetlands, and other water-based features, including headwater drainage features. This baseline characterization, built on a period of field data collection and monitoring, then serves as the basis from which to examine and assess potential impacts due to planned urbanization. The impact assessment process includes a vetting of land use concept plans through an integrated and comprehensive planning exercise, that includes infrastructure studies such as Master Servicing (Water/wastewater) and Transportation Plans, which are advanced for consideration through a consultative process involving local and Regional municipalities, other provincial agencies, landowners, Indigenous groups, and the public. Once appropriately vetted, management and monitoring recommendations to implement the recommendations of the Subwatershed Study and related municipal Master Plans are translated into policy and strategies for community development.

The new Niagara Region Official Plan requires subwatershed studies to be completed for new Greenfield areas as Niagara Region Official Plan policy 6.1.4.9. As part of Niagara Region's Official Plan, a Watershed (equivalency) Plan was prepared to inform and support the Region's New Official Plan. The Region's Watershed Plan may provide foundational information and guidance when undertaking the subwatershed study work for each Secondary Plan Areas identified in this RFP. Other documented guidance, such as the draft Ministry of Environment, Conservation and Parks (MECP) Subwatershed Planning Guide (January 2022) and the Niagara Peninsula Conservation Authority Interim Environmental Impact Study Guideline (in relation to the Natural Features Impact component of the Subwatershed Study ("SWS")) and draft Niagara Region EIS Guidelines, 2023.

1.1 Study Area

The North Bridgeburg area is approximate 285 hectares in size and is bounded to the north and east by the Niagara River, to the south by the existing community of Bridgeburg which is predominately low density residential, and neighbourhood commercial, with opportunities for intensification, and to the west by Thompson Road, the current urban boundary line. A large segment of the study area is impacted by the Frenchman's Creek and its associated floodplain and wetlands represent the major environmental features associated with the subject lands.

The Subwatershed study will be scoped to the limits of the surrounding subwatershed, including but not limited to the Frenchman's Creek Subwatershed and be consistent with the requirements of Regional Policy 3.2.3.2.

The following features are present within the Study Area:

- Provincially Significant Wetland, Frenchman's Creek Wetland Complex;
- NPCA Regulated Watercourses;
- Frenchmen's Creek (MNRF Type I Critical Fish Habitat) and its associated tributaries, flood plain and erosion hazard;
- MNRF Type II Important Fish Habitat;
- Unevaluated Wetlands.

The following Table depicts the Species at Risk (SAR) documented within approximately 1 km of the Study Area. SAR data is disseminated by the MECP and UTM coordinates for the occurrences of the species identified below are not able to be provided. Please note that this list may not be inclusive:

Table 1: SAR Records within 1km of the Stuy Area

Scientific Name	Common Name
<i>Haliaeetus leucocephalus</i>	Bald Eagle
<i>Riparia riparia</i>	Bank Swallow
<i>Oenothera gaura</i>	Biennial Gaura
<i>Nyssa sylvatica</i>	Black Gum
<i>Dolichonyx oryzivorus</i>	Bobolink
<i>Aythya valisineria</i>	Canvasback
<i>Chaetura pelagica</i>	Chimney Swift
<i>Silphium laciniatum</i>	Compass Plant
<i>Cornus florida</i>	Eastern Flowering Dogwood
<i>Sturnella magna</i>	Eastern Meadowlark
<i>Ligumia nasuta</i>	Eastern Pondmussel
<i>Opuntia cespitosa</i>	Eastern Prickly-pear Cactus
<i>Digitaria cognata</i>	Fall Crabgrass
<i>Corvus ossifragus</i>	Fish Crow
<i>Anaxyrus fowleri</i>	Fowler's Toad
<i>Esox americanus</i>	Grass Pickerel
<i>Moxostoma valenciennesi</i>	Greater Redhorse
<i>Arisaema dracontium</i>	Green Dragon
<i>Carex hirsutella</i>	Hairy Green Sedge
<i>Podiceps auritus</i>	Horned Grebe
<i>Acipenser fulvescens</i> pop. 3	Lake Sturgeon (Great Lakes - Upper St. Lawrence River population)
<i>Lanius ludovicianus</i>	Loggerhead Shrike
<i>Chrysemys picta marginata</i>	Midland Painted Turtle
<i>Falco peregrinus</i>	Peregrine Falcon
<i>Aythya americana</i>	Redhead
<i>Mimulus alatus</i>	Sharp-winged Monkeyflower
<i>Asio flammeus</i>	Short-eared Owl
<i>Chimaphila maculata</i>	Spotted Wintergreen
<i>Hylocichla mustelina</i>	Wood Thrush

1.2 The Objectives of the Subwatershed Study

The purpose of the Local Subwatershed Studies is to assist in developing a sustainable development plan for the Bridgeburg North Secondary Plan Area in Fort Erie by ensuring protection and benefits to the natural and human environments. Subwatershed Studies are intended to incorporate a natural heritage systems management approach that will protect, rehabilitate, and enhance the environment within the Secondary Plan Area, and the surrounding lands in the subwatershed. The broader watershed/subwatersheds may have existing downstream constraints beyond the identified Secondary Plan study area and, to the appropriate extent, these will have to be considered in establishing the management strategies based on the overall study objectives and ultimate targets. Where there is an established watershed wide quantity strategy, the established strategy is to be considered a minimum requirement. The Subwatershed Studies will need to provide the following:

- Identify the location, extent, present status, significance, and sensitivity of the existing natural environment;
- Identify environmentally sensitive areas and natural hazards, including constraints and opportunities;
- Identify an environmental resource system(s) to protect, rehabilitate, and enhance the ecological function of the system within the Secondary Plan Area;
- Identify lands where development may be considered, and determine how existing and future land uses can be developed compatibly with natural features;
- Undertake a two-stage, iterative Impact Assessment based on an initial Preliminary Preferred Land Use Plan (This inherently will require establishing an initial land use concept which will need to be tested and assessed, followed by a second refined land use concept developed through the feedback from the initial testing, including input from other technical studies and feedback from stakeholders);
- Provide direction on best management practices (BMPs) to manage impacts from the Secondary Plan (from an environmental and water management perspective), and, where there are established BMPs for infrastructure, these established BMPs are considered a minimum requirement;
- Provide direction on future infrastructure needs (i.e. planning and implementing servicing and transportation infrastructure from an environmental and water management perspective);
- Establish an implementation and management strategy and requirements for environmental systems monitoring;
- Support the Class Environmental Assessment process undertaken as part of the infrastructure planning for the Secondary Plan, specific to natural and water-based systems.

2.0 General Summary of the Subwatershed Process

2.1 Scope and Approach

The Secondary Plan Work Program and related Studies will guide the development of the Secondary Plan area through a consultative, collaborative, and coordinated process to establish a compact, complete, healthy, and resilient community.

The Subwatershed Study will describe the location, extent, sensitivity and significance of natural features and functions within the identified study area and evaluate the factors and influences that are important to their sustainability. The respective studies will establish goals and objectives for terrestrial and aquatic systems (i.e. natural heritage) and water resource systems in accordance

with the Provincial Policy Statement, the Region's Official Plan, Municipal Official Plan, and the applicable Watershed Plans. Using existing desktop information and studies and reconnaissance-level and detailed fieldwork, the respective studies will document existing conditions, assess potential impacts of existing and future development and recommend management strategies to manage and mitigate the predicted impacts, including comprehensive stormwater management strategies to protect, enhance and restore hydrologic functions. In conjunction with the concurrent development of the Secondary Plan, including Transportation and Servicing Master Plans (water, wastewater, and stormwater), the Local Subwatershed Studies will reflect and refine the Natural Heritage System and Water Resource System in the Secondary Plan area and identify strategies to protect, enhance and restore ecological functions and promote compatible activities.

In addition, the Subwatershed Studies include monitoring pre-development to characterize existing features and systems and baseline conditions. The initiation of monitoring is necessary to properly characterize the study area and further to conduct a thorough impact assessment at a detailed level for the local SWS and Secondary Planning Stage. The post-development monitoring program, implemented following completion of the Subwatershed Study, is also required to provide appropriate recommendations to apply adaptive environmental management incorporating the environmental monitoring program in Town-led initiatives, such as broader scale planning strategies and secondary planning recognizing that development and secondary planning will be staged and phased with opportunities to adjust requirements in subsequent planning stages. In this regard, the Subwatershed Study is required to provide guidance for developing and implementing a monitoring program post development, as well as to provide direction regarding the timing and duration associated with each monitoring component, the party responsible for the various monitoring components, and funding timing and strategy.

Fundamentally, the Consultant will ensure the study work is consistent with, and effectively addresses, components identified in Niagara Region Official Plan Section 3.2.3.2. The subwatershed studies (or equivalent) would be expected to follow best practice and be structured in three phases of deliverable. The following sections provides an outline of the stages of the study expected to meet approval of the responsible approval authorities and the Town.

A Technical Work Plan is required prior to the initiation of Phase 1. The plan would include a detailed list of field work and monitoring to be completed along with mapping to properly characterize and undertake required modelling for the study area. The technical work plan will be finalized and approved by the municipality, relevant Conservation Authority, and Region prior to initiating field surveys, etc. in the characterization phase (Phase 1) and prior to proceeding into the Impact Assessments (Phase 2).

Phase 1: Characterization and Integration

Phase 1 characterizes the resources associated with each subwatershed (and outlet) by study discipline (i.e., hydrology/hydraulics, groundwater, water quality, stream morphology, aquatic, and terrestrial ecology). Background and supplemental field data are to be assessed by each discipline, and then across disciplines, to:

- a) establish the form, function and linkages of the environmental resources,
- b) identify environmental constraints and opportunities related to terrestrial and aquatic habitat, features, and systems,
- c) establish surface water and groundwater constraints and opportunities associated with flooding, erosion, water quality, water budgets, including recharge and discharge areas through new numerical tools (models) suitably calibrated to local conditions

- d) establish criteria and constraints for management opportunities associated with the environmental features and systems.

From this work, preliminary “working” goals, objectives, and targets will be developed and refined over the study period for the respective subwatershed(s) in consultation with a Technical Advisory Committee (TAC), comprised of representatives from Town of Fort Erie, Niagara Region, CAs, and local agencies. The Phase 1 characterization includes pre-development monitoring to characterize existing systems and features as well as to inform establishing baseline conditions for comparison with post-development conditions.

Secondary Plan land use concepts will be generated and refined over the course of the subwatershed Phase 1, due to the time involved in completing the Phase 1 subwatershed study work. The Proponent will, in consultation with the Town and Technical Advisory Committee, will prepare up to three (3) land use concepts for each of the Plan Areas that can be assessed at a higher level, and used to engage the public for additional commenting and opinion. Following the engagements, a preferred land use concept will be prepared for detailed assessment.

Phase 2: Subwatershed Impact Assessment

Phase 2 identifies future stressors, describes (past, present) and predicts (future) impacts, and assesses these impacts against the preliminary goals, objectives, and targets developed as part of Phase 1. Future land use scenario(s) are evaluated based on input from the TAC. For various disciplines (i.e. groundwater, hydrology, hydraulics and water quality) analytical tools are used to predict changes to existing conditions in relation to subwatershed-based targets. Information and analyses from previous background studies will be used to assist modelling future land use scenarios. For others (i.e., terrestrial and aquatic ecology) predictions will inherently be semi-quantitative, qualitative or conceptual, integrated with predictions from other subwatershed disciplines (i.e., hydrogeology, hydrology, hydraulics and water quality) and experience elsewhere including knowledge of habitat/biota interactions.

As noted earlier, the Subwatershed Impact Assessment process is expected to be a two-stage iterative process whereby an initial land use concept will be evaluated/tested against the preliminary targets, and the feedback from this initial test will then inform the establishment of a refined land use concept.

Phase 3: Management Strategies, Implementation, and Monitoring Plan

Phase 3 will use the findings of Phase 2: Impact Assessment (first and second iteration) to refine and finalize the evaluation of various land use scenarios and recommend a set of preferred management strategies, addressing the preferred land use designations and form, established through broader planning input to achieve the identified goals and objectives, and to establish the recommended strategies. An Implementation Plan will be prepared to offer guidance on: locations and types of SWM facilities, staging/phasing, future study requirements, monitoring, Environmental Assessment requirements, and general economics.

Phase 3 also involves the development of a long-term monitoring initiative that is to evaluate the effectiveness of the proposed management strategies post-development by assessing whether the assumptions made at the Subwatershed Study scale are appropriate and predictions made are sufficiently accurate. The feedback from monitoring will then be used through a process of adaptive management to determine if parts of the Subwatershed Study strategies and/or

recommendations should be modified. While the execution of the monitoring plan is not included within the scope of work for the Subwatershed Study, the Local Subwatershed Studies are nevertheless to provide framework-level direction regarding the components, methods, duration, and key locations for the execution of the monitoring program, as part of future work. Further details on area specifics would need to be considered as part of future neighborhood scale studies.

2.2 Phase 1 – Subwatershed Characterization and Integration

2.2.1 Background Information Review/Gap Analysis/Work Plan Confirmation

Background Information Review:

During Phase 1, the Study Area will need to be characterized and preliminary mapping of constraints and opportunities will need to be developed. Information shall be obtained through three levels of investigation, including (i) review of desk-top secondary sources (compiling information from existing documents); (ii) reconnaissance-level fieldwork; and (iii) detailed fieldwork.

The following existing desk-top information relevant to the Subwatershed Study Area will need to be reviewed:

- Niagara Official Plan schedules and associated online mapping
- Town of Fort Erie Official Plan schedules and online mapping
- Town of Fort Erie Natural Areas Inventory
- Watershed Plan(s) and/or Subwatershed Plan(s)
- Aerial / satellite imagery of the project area (to screen for unmapped features / potential features)
- Conservation Authority mapping (e.g., regulated areas, wetlands, etc.)
- Land Information Ontario (L.I.O.)
- Natural Heritage Information Centre (N.H.I.C.)
- Department of Fisheries and Oceans (D.F.O.) Species at Risk mapping
- eBird
- iNaturalist
- Ontario Geological Survey (OGS (Chapman and Putnam)
- Source Water Protection Atlas
- Ontario Reptile and Amphibian Atlas (Ontario Nature)
- Ontario Butterfly Atlas (Toronto Entomologists' Association)
- Atlas of the Breeding Birds of Ontario (Birds Canada)
- NPCA records indicate MNRF fisheries data for Frenchman's Creek and at the mouth of Frenchman's Creek where it outlets to the Niagara River. Information on Fisheries Database Sites can be requested from the MNRF office in Vineland (David Denyes Tel: (289) 241-6872 or david.denyas@ontario.ca).
- NPCA Natural Areas Inventory 2006-2009 Volume 1:
(https://npca.ca/images/uploads/board_files/NAI-Vol-1.pdf)
- NPCA Natural Areas Inventory 2006-2009 Volume 2:

(<https://npca.ca/images/uploads/common/NAI-Vol-2.pdf>)

- 2022 Water Quality Report:
(https://npca.ca/images/uploads/common/NPCA_Water_Quality_Monitoring_Program_Summary_Report_of_the_Year_2022.pdf)
- 2023 Watershed Report Card:
https://npca.ca/images/uploads/common/WRC_NPCA_2023_-_CO.pdf
- NPCA Authority Open Data (arcgis.com).
- NPCA Regulatory Mapping
- 2008 Fort Erie's Creek Watershed Plan, all associated mapping and technical figures done by Phillips: found on NPCA website under the Watershed Health tab
- NPCA Natural Areas Inventory: found on NPCA website under the Watershed Health tab
- Provincial Groundwater Monitoring Network data,
- NPCA groundwater monitoring well data from a well northwest of the study area, located adjacent to the Niagara Christian Collegiate. Groundwater level and chemistry data is available upon request.
- Environmental Impact Study: Proposed Official Plan Amendment Bridgeburg Development Inc (Beacon, 2020a)
- Environmental Impact Study: Miller Property Thompson Road Fort Erie (Beacon, 2015)
- 1075 Niagara Parkway Natural heritage Assessment: Existing Conditions and Development Constraints (Beacon 202b)
- Wetland Water Balance Risk Evaluation
https://trca.ca/app/uploads/2017/12/WetlandWaterBalanceRiskEvaluation_Nov2017.pdf
- Wetland Water Balance Monitoring Protocol
<https://trcaca.s3.ca-central-1.amazonaws.com/app/uploads/2016/08/17180016/TRCAWetland-Water-Balance-Monitoring-Protocol-1.pdf>
- Water Balance Guidelines for the Protection of Natural Features
https://sustainabletechnologies.ca/app/uploads/2013/04/SWM-Criteria-2012_AppendixD.pdf

Gap Analysis:

Background data used to prepare the Subwatershed Study, will need to be documented listing its source and format (e.g. municipal report/agency website/personal communication). For map data, the map scale shall be specified. The list of source materials shall follow a generally accepted bibliographic format. The purpose of documenting the background data is to facilitate a “gap analysis” and identify methods preferred by which to appropriately address the information gaps in Phase 1.

A summary of each document from which information was used to prepare the Subwatershed Study will need to be prepared. For each source, a brief (single paragraph) review shall be produced, summarizing the source's content, and describing its relevance to the Subwatershed Study.

Work Plan Confirmation:

Once all of the background data have been collected, the need and requirements for obtaining additional information beyond that outlined in the core scope shall be determined, and a proposed program for collecting additional data shall be outlined to the TAC. This process allows for collaborative consultation on the Work Plan. It will be important to receive final sign-off from the TAC prior to advancing the updated/refined work plan. Site visit(s) with agency staff (Town of Fort Erie, Niagara Region and NPCA) will need to be completed prior to the finalization of the Work Plan.

2.2.2 Hydrology and Hydraulics

Background information on the study area is to be collected from all available sources. For each subwatershed and associated outlet the physical features (e.g. subwatershed boundary, physiography, topography, soils, major watercourses, drainage swales, and wetland features) within the Secondary Plan Area shall be established. Any specific areas of interest shall be defined, identifying important implications on development potential, environmental features, and / or watercourse system function.

Hydrology

A detailed hydrologic model (continuous) shall be selected for use in the Local SWS. The NPCA has hydraulic and hydrologic models for Frenchmans Creek that was undertaken in 2004 and will need to be updated with current metrics. It is recommended that as part of the review of background data, that the locations for streamflow gauges and rain gauges be identified. Field data for model calibration/validation should be collected between April and November inclusive. Once calibrated/validated the model is to be executed in both event and continuous mode to generate peak flows for a range of storms including 2, 5, 10, 25, 50, 100, 350 year and Regional Storm.

The results from the surface water model should be used to corroborate the water budget developed as part of the Hydrogeologic assessment.

The hydrologic modelling is to establish the baseline hydrology for the subwatershed systems. As noted, it is expected that the model(s) will be calibrated/validated based upon both historical rainfall and flow monitoring data, as well as new study data collected as part of this study. The exercise should meet the standards to provide a comprehensive understanding of the existing hydrologic conditions of the study area. The model shall be calibrated/validated to provide comparable flows at the subwatershed outlets to those determined in any previous watershed or drainage studies for the given watercourses. The extent of area modelled should be sufficient to generate results at downstream locations/confluence points and locations of interest (i.e. Special Policy Areas, Flood Vulnerable Areas, Flood Vulnerable Roads) to confirm development will not have adverse impacts on the peak flow rates.

The Erosion potential assessment of receiving and downstream watercourse shall be carried out using continuous simulation of watercourse flows over a suitable period time, to evaluate the duration of critical flow exceedance, cumulative shear stress exceedance, or stream power based on the erosion thresholds established by the study stream morphologist and the associated guidance on the appropriate methodology.

Hydraulics

The Study will involve preparation of a field inventory of creeks, road crossings (culverts and bridges), stormwater facilities, etc. The current drainage systems and outlets shall be identified

with drainage constraints and opportunities. The intent of hydraulic modelling is to define area hazards and system constraints.

For established and regulated watercourses located in the study area, hydraulic analyses shall be conducted. Flood lines shall be established for the Regulatory Event (100 Year Storm) for existing conditions. For the creeks that have flood plain delineation, as identified in previous studies, the flood lines shall be updated to reflect the current limits of the flood hazard. The flood plain delineation should be based on hydraulic modelling, using the 2004 NPCA hydraulic model to generate the associated flood lines based on the peak flows established through the hydrologic analysis conducted for the subwatershed study. It is noteworthy that this study, while preparing preliminary floodlines for land use planning purposes, is not intended to be a formal floodline mapping study.

Hydrogeology

The goal of this Subwatershed Study with respect to hydrogeology is to establish a geological conceptual model for the study area, determining the key characteristics of the bedrock and overburden systems, in addition to their functions in terms of controlling groundwater movement, availability, and quality in the subwatershed study area; This model will need to be developed as part of this Subwatershed Study. An integral component is to assess the interactions between the groundwater system and the surface water system, and to determine the overall role or function of these interactions in an ecosystem context. It is also important to have an understanding of the effects of future development on the local groundwater resource to assist in the need and implementation of techniques to address overall water balance. The incorporation of field monitoring using new data and modelling tools will achieve the primary objectives and extend the understanding of the following key issues:

- Presence of potentially significant local recharge areas, linked with local discharge,
- Shallow depth to groundwater: strong upward gradient,
- Groundwater/surface water interaction,
- Dewatering issues,
- Seepage areas and
- Existing tile drainage.

The groundwater field program is expected to include but not be limited to the following:

- Monitoring well installations with borehole logs,
- Drivepoint piezometers,
- Manual and continuous water level measurements,
- Groundwater and surface water chemistry,
- Hydraulic conductivity measurements and
- Spot baseflow measurements.

A conceptual groundwater model will aim to:

- Refine geologic interpretation and hydrostratigraphy including surficial geology and hydrogeologic parameters.
- Refined understanding of observed shallow groundwater conditions as they relate to response to storm events, upward gradient and potential impacts on infrastructure.

- Refine mapping and interpretations groundwater discharge areas (subwatershed scale and reach
- scale).
- Refinements to understanding of groundwater flow include contributions to and from areas
- outside the subwatersheds.

The baseline groundwater conceptual model and groundwater model analysis should incorporate observations and technical assessment from the hydrologic, terrestrial, aquatic and fluvial geomorphologic characterizations. These would include for example:

- Observations of seepage and discharge,
- Fish habitat,
- Phreatophytic observations,
- Streambed composition, and
- Low flow analysis and water quality.
- In turn the groundwater characterization should provide technical input to aid in confirming or guiding the characterization of the component subwatershed studies.
- Field observations for groundwater discharge will be coordinated at the outset of the field program. In order to efficiently use the field resources, observations from all disciplines should be utilized, as it is expected that more field reconnaissance is carried out by terrestrial, aquatic and fluvial geomorphology in the course of their work.

2.2.4 Stream Morphology

Several objectives concerning aquatic habitat are intended to protect the morphological and fluvial character of the study area streams, with the intent (where feasible) to restore sinuosity, maintain physical habitat attributes (e.g. pools, riffles etc.), diversity and fluvial processes (e.g. bed load transport, energy reduction through sinuosity, etc.), and to prevent increases in erosion and deposition through the maintenance of the hydrological regime.

Available data for the subwatershed and other existing sources, is to be reviewed and confirm the need for updating the existing information. Reach delineations are to be confirmed and/or updated based on refined mapping and field investigations. Each reach is to be characterized using industry standards including the application methodology presented in *Evaluation, Classification and Management of Headwater Drainage Features Guidelines* (CVC and TRCA, 2014). A baseline morphologic assessment, according to stream characterization and flood /erosion considerations, is required including a detailed inventory of stream morphology observations. Through field-based observations of channel process and stability, sensitive and/or representative sites are to be selected to complete detailed field surveys for an erosion threshold analysis at the systems scale.

There are valley slopes associated with Frenchmans Creek, in general these slopes are flatter than 3:1, meaning they are stable. Stable top of slope may be landward of physical top of slope depending upon the toe erosion allowance. NPCA previously conducted a site visit on January 12, 2019 to identify the physical top of slope along the east side of Frenchmans Creek for the property with tax roll number: 270302002613000. It is unknown if the current property is in the same ownership as in 2019. The physical top of slope for the remaining sections Frenchmans Creek will need to be completed.

An erosion potential analysis is to be conducted, based on the erosion data collected to understand the erosion processes and to identify areas which are prone to erosion, or where

existing structures may be at risk. This will be completed through desktop and field analyses. The erosion potential analysis is also to determine the threshold flows for erosion at strategic points in the subwatershed for input to the hydrologic assessment. Assessments will identify sites most sensitive to erosion, with reasonable details covering the entire study area.

An erosion hazard delineation will be completed for each watercourse reach. The valley setting will determine whether a meander belt (unconfined systems), or a long-term stable top of slope (confined systems) is delineated. These assessments and application of setbacks will conform to Provincial Policy and applicable Conservation Authority Regulations.

In addition, the Study Team's Stream Morphologist, along with others on the Study Team including aquatic and terrestrial ecologists and surface and groundwater specialists, are to conduct an assessment of the headwater drainage features (HWDF) in accordance with the TRCA/CVC 2014 protocol as referenced above. The assessment will need to involve multi-seasonal fieldwork and an integrated interpretation of the data to establish current classification and future management (Phase 3). Any site specific modifiers to the protocol will need to be vetted through the study's Technical Advisory Committee prior to finalizing and proposing management recommendations.

2.2.5 Aquatic Environment

Conduct an assessment of fisheries in the subwatershed study area. Detailed field assessments of the aquatic environments shall generally be undertaken in the areas of fish and riparian habitat, including areas immediately upstream and downstream of these habitat areas. Comprehensive headwater drainage feature (HDF) assessments throughout the study area are required as part of the Subwatershed Study process. Guidance on HDF evaluation is available in Appendix "P" of the NCPA's Planning and Procedural Manual. A photolog of all HDFs and watercourses within the study area shall be included/appended in the Subwatershed Study. Stream classifications based on the priority of the habitat type as well as cold, cool, and warm water designations shall be identified. An assessment of stream barriers and on-line ponds will need to be undertaken to determine potential impacts of development on aquatic resources. Where applicable, the criteria and considerations contained in Table 1 will form the basis for evaluating watercourses. The data collected will be used to ensure that future development will have no negative impacts on fish habitat or the ecological functions for which the area has been identified. Opportunities for enhancement of the aquatic environment shall also be identified.

When assessing species, status should include federal, provincial and local rankings. In addition, maps that identify the results of the aquatic investigations shall be provided. Areas of interest should be identified by comparing existing land uses to sensitive aquatic habitats. Further, as noted above, the Study Team Aquatic Ecologist will need to support the HWDF assessment based on the "Evaluation, Classification and Management of Headwater Drainage Features Guidelines" (CVC & TRCA, January 2014).

Table 1. Aquatic Environment Inventory Requirements

Biophysical Inventory	Inventory Requirements
Fisheries Assessment	Electrofishing may be required. If required, MNRF Permits would need to be obtained. Acceptable protocols, i.e. Ontario Stream Assessment Protocol (OSAP), should be followed.

Habitat Assessment	Assess watercourse habitat using acceptable protocols, i.e. the OSAP module
Species at Risk Screening	Screening should include results from all available sources, i.e. Natural Heritage Information Centre, Ministry of Natural Resources and Forestry (MNRF), Municipal List and Conservation Authority database, and Fisheries and Oceans Canada (DFO) screening map.

The MNRF has identified in-water restricted timing windows for the Upper Niagara River and Tributaries (no in-water works to occur between these dates):

- Near and Offshore Spring Season: March 1st to July 15th (Primary sensitive species: Large and Smallmouth Bass, Northern Pike, Muskellunge, Grass Pickerel, Lake Sturgeon, Yellow Perch, Rainbow and Brown Trout, Walleye, Emerald Shiner, Rare Minnow Species (i.e. Central Stoneroller), River and Greater Redhorse)

The above timing windows are derived from *MNR (2016) Niagara Regional Municipality Fish Habitat types with Management Rationale* document. For more information regarding fisheries timing windows, it is advised to contact the MNRF Office in Vineland (David Denyes: David.denyas@ontario.ca)

2.2.6 Terrestrial Environment

Landscape Scale Screening

In order to better understand the ecological context of the proposed development area as part of the overall subwatershed, a review of the provincial, regional, and conservation authority Natural Heritage Systems will be required, building upon the Regional Scoped SWS. The purpose of this review will be to generate information on the ecological context of the Study Area and its potential connectivity within the broader landscape. This Landscape Scale Screening will be helpful to identify terrestrial and wetland habitat connectivity, potential wildlife movements, and the ecological context of the Secondary Plan Area, in relation to the surrounding environs to help understand and to develop linkages between the ecological systems. This screening will rely on existing information sources.

Building on the approaches used in the scoped SWS, a variety of metrics should be used to quantify existing landscape-scale conditions and functions. Given the broader scale of interest, the objective should be to characterize patches of natural cover that occur within the subwatersheds being studied. Metrics should include, but are not limited to, those that quantify:

- The occurrence and diversity of vegetation community types within and across patches
- The size and shape characteristics of vegetation and habitat patches
- Matrix influence on features and/or natural area patches
- Connectivity of patches

- The occurrence and coverage of features and/or habitats that have policy implications (e.g.
- habitat for Species at Risk, species that are provincially rare, Significant Wildlife Habitat, etc.)

Assessment of Terrestrial Resources

An assessment of terrestrial resources in the subwatershed shall be undertaken. The Natural Area Inventory information from the Conservation Authority and the Town of Fort Erie should be consulted prior to the initiation of field work. The data collected shall be used to ensure that future land-use planning and development is consistent with Section 2.1 of the Provincial Policy Statement and the Niagara Region Official Plan.

Depending on the vegetation community, Ecological Land Classification (ELC) results and habitats determined to be present in the study area, it may be appropriate to undertake targeted surveys for certain taxa or species, rather than rely solely on incidental observation. The Significant Wildlife Habitat Eco-Region 6E Criteria Schedules (MNR, 2015) should be used in conjunction with the Significant Wildlife Habitat Technical Guide when assessing Significant Wildlife Habitat; this analysis should incorporate advancements in SWH analysis that are provided by stakeholders and agencies (e.g. watershed-scale SWH mapping).

Detailed field assessment of the terrestrial resources shall be provided to characterize the terrestrial environment and establish a baseline terrestrial environment for the Secondary Plan Area, including the proximity to, and the degree of linkage with other habitats. When assessing species, status should include federal, provincial and local rankings. In addition, maps that identify natural heritage features and the results of the terrestrial investigations shall be provided. Features are to be assessed against criteria and direction outlined in the scoped Subwatershed Study (Phase 1) to inform implementation of management guidelines for features and other components of the NHS (Phase 2 and 3 of the scoped Subwatershed Study). Specific consideration shall be given to the location and relationship of features and areas within the NHS (e.g., occurring within the Province's NHS, linkage, proximity to Key Features, etc.). Opportunities for enhancement of the terrestrial environment shall be explored.

Table 2. Terrestrial Environment Inventory Requirements

Biophysical Inventory	Inventory Requirements
Vegetation Community Identification	Use Ecological Land Classification to classify vegetation communities according to Lee et al. (1998). Three plots should be evaluated per ELC polygon with raw field sheets appended to the report.
Botanical Inventory	3 season survey (spring, summer and fall) to identify species
Native / Invasive Flora Survey	Determine the percentage of Native and Invasive Species in surveyed vegetation communities.
Woodland Evaluations	Inventory within woodland areas should be sufficient to evaluate the significance of woodland features based on relevant criteria and policy definitions. Woodland boundaries should be field verified with responsible authorities where feasible

Evaluation of Unclassified Wetlands	Document species records and wetland community types consistent with methods used in the Ontario Wetland Evaluation System (OWES)
Breeding Bird Surveys	Ontario Breeding Bird Atlas protocol or Forest Bird Monitoring Protocol / Marsh Monitoring Protocol where appropriate. Technical Work Plan to identify point count locations and appropriate methodology.
Reptile Surveys (Turtle, Snakes)	Use active searching or other commonly accepted MNRF protocols/methods (April- July and Sept.-Oct.)
Amphibian Breeding Surveys	3 surveys between April and June corresponding to specific nighttime temperatures of >5°C, >10°C and >17°C, according to the Marsh Monitoring Protocol. Salamander surveys are required using active searching and should be completed in spring in appropriate ponds to determine the presence of salamander breeding areas
Bat Surveys	Leaf on and leaf-off bat roost surveys and acoustic monitoring according to the 2017 Guelph District MNRF Protocol for Little Brown Myotis, Northern Myotis and Tri-coloured Bat
Incidental Wildlife Observations	Incidental sightings of all wildlife (mammals, birds, butterflies, dragonflies, damselflies, amphibians, and reptiles) should be recorded during site investigation
Species at Risk Screening	Screening should include results from all available sources, i.e. Natural Heritage Information Centre, wildlife atlases, MNRF Municipal List and Conservation Authority database
Significant Wildlife Habitat Screening and Assessment	This assessment will include identifying candidate and confirmed Significant Wildlife Habitat and will utilize the MNR's Significant Wildlife Habitat Technical Guide 2000) and associated Criteria Schedules (MNRF 2015).

2.2.7 Surface Water Quality

Currently available background information shall be used to provide a preliminary understanding of the baseline water quality in the Secondary Plan Area and subwatershed. The existing datasets (water quality surface water chemistry and benthic macroinvertebrate data) from NPCA will be provided and shall be reviewed to understand the existing water quality status proximate to the study area. The NPCA summarizes its water quality data using the Canadian Water Quality Index (Canadian Council of Ministers of the Environment. 2001. Canadian Water Quality Index). The NPCA has determined the Water Quality rating for Frenchman's Creek at station FR003 as poor based on the concentrations of chloride, Copper, E.Coli, Lead, Nitrate, Total Phosphorus, and Total Suspended Solids and Zinc; This poor rating has been in place since 2020. The NPCA observed exceedances of Provincial Water Quality Objectives and Canadian Water Quality Guidelines of chloride, copper, E.coli, Total Phosphorus, and Total Suspended Solids and Zinc in the last 5 years. For stream benthic macroinvertebrates, the NPCA calculated a Hilsenhoff Biotic Index rating ranging from fairly poor to very poor suggesting substantial to severe organic

pollution. Calculation is based on: Hilsenhoff, William L. 1987, An Improved Biotic Index of Organic Stream Pollution. The Great Lakes Entomologist. 20: 31-36.

The existing water quality status shall be assessed to provide the baseline reference, and identify any water quality concerns and constraints in the study area. Other studies such as the Conservation Authority's Source Water Protection work will have some relevant data to contribute to this understanding. The study will also locate existing SWM facilities and the respective catchment areas, as the baseline reference for stormwater management in terms of water quantity/ quality control.

NPCA should be contacted to determine the need for additional grab samples during the Subwatershed Study. If required, the following information has been provided to guide the collection of samples:

Local water quality monitoring data are collected in order to characterize the surface water quality based upon the contributing land use, soils, and stormwater quality management practices during both wet (storm) and dry (baseflow) periods. Surface water quality monitoring at the same locations as the streamflow gauging in order to correlate the surface water quality with the study area hydrology. Surface water quality monitoring would need to be conducted between the months of April and December. Water quality grab sampling would be completed at each station for three (3) dry weather events and capturing at least one (1) wet and one (1) dry event for each season. Two (2) grab samples would be obtained for each wet weather event, with the objective of characterizing the surface water chemistry during the onset of the storm with the first sample, and characterizing the surface water chemistry during the recession of the storm with the second sample. Grab sampling has been recommended over the use of automated samplers as prior experience with the use of automated samplers has demonstrated logistical issues related to the pre-determination of the sampling duration and interval, functional issues related to the "triggering" of the sampler and siting on a flat surface, as well as other issues related to protection against vandalism.

The grab samples for each wet weather and dry weather event will need to be analyzed for the following contaminants:

- Oil and Grease
- Total Phosphorus
- Anions (Nitrate, Nitrite, Phosphate, Chloride)
- Ammonia
- Total Kjeldahl Nitrogen (TKN)
- Conductivity
- Total Solids (TS)
- Total Suspended Solids (TSS)
- BOD5
- Dissolved Oxygen
- pH/alkalinity
- Salinity
- Total Coliforms/Fecal Coliforms/E. Coli
- PAH
- Metals (Al, Sb, As, Ba, Be, B, Cd, Ca, Cr, Co, Cu, Fe, Pb, Mg, Mn, Mo, Ni, P, K, Se, Si, Ag, Na, Sr, Tl,
- Sn, Ti, W, U, V, Zn, Zr)

- Hardness as CaCO₃
- Turbidity

2.2.7 Phase 1 Report – Subwatershed Characterization and Integration

At the completion of Phase 1, the general characteristics of the subwatershed study area will have been identified and a clear understanding of the constraints and opportunities will have been developed. Constraints and opportunities mapping shall be developed, and a preliminary Natural Heritage System should be identified. The Phase 1 Report will establish the general characteristics of the subwatersheds and the Secondary Plan Area, which will be the starting point from which the proposed land uses are to be developed. Of importance, the Phase 1 Characterization report should identify/delineate all key natural heritage and key hydrologic features and assess their status and significance tied to policy requirements, as a key deliverable and component of the constraint mapping.

The Phase 1 Report shall include:

- Summary of background literature and data reviewed;
- Subwatershed study area characterization including:
 - a) Climate, landform, geology, and soils
 - b) Hydrogeology/groundwater quantity and quality
 - c) Surface water quantity and quality
 - d) Stream geomorphology
 - e) Aquatic and Terrestrial ecosystems

based on the findings of the:

- i) Review of secondary sources (compiling information from existing documents);
 - ii) reconnaissance-level fieldwork; and/or
 - iii) detailed fieldwork.
- Assessment of above identified features and functions to evaluate their significance
 - Summary of the subwatershed study area major issues, concerns and constraints; and,
 - Raw data sheets and field survey location maps for all field studies included within appendices

The constraint-based framework that is developed should be consistent and inclusive of all relevant federal, provincial, municipal, and CA policies and clearly identify areas that are protected from development and those that provide opportunities for development.

Note: It is expected that a Draft Table of Contents will be submitted for review and comment well in advance of the Draft Report submission. A minimum of three weeks should be allowed for submission of comments on all submitted deliverables, including Draft and Final Reports.

2.3 Phase 2 – Impact Assessment

Based on the outcomes of Phase 1, including the review of background information sources and supplementary fieldwork, Phase 2 will require an iterative assessment of the potential impacts of future land use changes on the natural environment and water system within the study area. The findings from the Phase 1 Characterization and Integration work, completed by the various disciplines, along with the outcomes of the initial servicing and transportation needs, will be considered in an integrated manner in developing the preliminary preferred land use concept. A

screening of the preliminary land use concepts is to be undertaken in Phase 1 to determine a preliminary preferred concept(s) for impact assessment in Phase 2.

The Phase 2 Impact Assessment work will be completed concurrently to the other component studies such as the Transportation Master Plan, and Water / Waste Water Master Servicing Plan, which will also be assessing the impacts and requirements of the preliminary preferred land use concept.

The intent of Phase 2 is to assess the impacts of the preliminary preferred land use concept and inform the preliminary establishment of initial management strategies which:

- protect the critical elements and systems of the subwatershed and local drainage system;
- prevent environmental degradation;
- provide adequate flexibility for integration with adjacent development and redevelopment areas;
- assist in the establishment of open space linkages;
- identify opportunities and constraints to development;
- provide a strategy to manage existing land uses;
- detail preliminary locations and areas for stormwater management (LID BMPs and end-of-pipe facilities); and
- identify restoration and enhancement opportunities.

In Phase 2, a detailed analysis shall be completed to assess the impacts of future land use changes in the Secondary Plan Area. Various options and practices for mitigating these impacts shall be reviewed and management strategies to create net benefit shall be advanced. As noted, the assessment of future land use changes is premised on a 2-stage iterative approach whereby the feedback from the initial assessment shall be provided to the TAC. The impact assessment shall also consider the impacts of climate change to the Natural Heritage System and Water Resources System, and the manner in which the proposed development and management plan exacerbate or mitigate these impacts. In this regard, the impacts resulting from the proposed development and climate change are intended to be assessed in an integrated manner, rather than evaluating the impacts separately/individually.

The information from the Local SWS at this stage, will be considered along with the information from the concurrent transportation and servicing assessments to refine the preliminary preferred concept option(s) to eventually develop a preferred Secondary Plan.

The second iteration of impact assessment will be expected to be more scoped and focused on the specific changes to the land use and environmental impact management strategies. Hence the scope outlined in the following sections will need to be conducted twice, the first time will inherently be more complex and detailed than the second time. It is expected that the majority of the impacts and associated management and land use changes will have been captured as part of the first iteration

2.3.1 Hydrologic and Hydraulic Analysis

Hydrology

A hydrologic analysis shall be conducted for the initial future development land use concept to determine post- development flows, hydrographs and water balance (integrated with the groundwater assessment).

If Water Balance Assessments determine additional monitoring is required, costs associated with such additional monitoring, reporting and additional agency meetings associated with this extra work should all be provisional and are to appear as provisional price line items (per unit/install), separate from the upset limit pricing form. Potential monitoring installations and techniques (including labour) may include, but not limited to Piezometers, Monitoring Well, Rain Gauge, Staff Gauge, Flow Meter, Flume or Weir, Hydraulic Conductivity Tests, and/or Boreholes.

The existing conditions hydrologic model shall be modified to reflect post-development conditions and executed continuously and in event mode to generate peak flows for all events ranging from 2, 5, 10, 25, 50, and 100 year, and the Regional Storm. As in the hydrologic analysis for existing conditions, the model results shall be reviewed by the TAC. The modelling will be used to determine the potential impacts on surface water, groundwater and water budgets. The Phase 2 Impact assessment hydrologic analysis will need to:

- Delineate a discrete drainage area plan based on potential future development;
- Calculate post-development flows for all event storms at predetermined locations, as per discretized drainage area plan and model schematic diagram within the study area. The post development flows shall be compared to existing flows for all storm events at the hydrologic nodes of interest;
- Conduct the water budget assessment at the nodes of interest coordinated with the Groundwater modelling (see below).
- Identify constraints related to imperviousness and intensity of development. Assess the requirement and/or performance of proposed stormwater management facilities including the potential approach for Regulatory flow impact management per the details outlined in the Regional Scoped SWS;
- Assess the future discharge impacts on the local systems and the broader creek systems;

The future development impact assessment should evaluate the impacts on both runoff volumes and peak flow rates.

Hydraulics

The existing hydraulic condition shall be reviewed in the context of the proposed development, with the land use changes, runoff increases and/or channel modifications. For those watercourses which may receive additional flow or perhaps require no controls, the study shall assess the impacts of the proposed development on watercourse water levels, flow velocities and water surface profiles for all storm events. Any potential erosion and/or flood risk concerns due to the proposed development shall be identified. Again, for any watercourses where flow would change, current flood line information shall be updated for post-development scenarios. The model results shall be reviewed and approved by the TAC.

The updated future land use flood lines (where changes are considered) are to be presented on the maps, with Regulatory Event flood line locations and cross sections identified with flood elevations. The overtopping depths, caused by the Regulatory Event, shall be assessed and documented on existing roads at all crossing structures. The flood plain maps should confirm the post-development flood levels are consistent with the current condition. Any changes in the flood inundation magnitude must be listed in inventory, with explanations of such changes. Any preliminary stormwater management strategies, required to match the post-development flows to existing conditions, shall be identified.

2.3.2 Hydrogeology

The hydrogeology analysis shall examine the impact of future development and land use changes on groundwater systems. An impact analysis is to be completed to evaluate the sensitivity of the groundwater flow system to changes in land use resulting from a potential reduction in recharge. Impacts are expected to include a decrease in the water table elevation, changes to stream flow (e.g. baseflow/groundwater discharge) and the potential degradation of groundwater quality. The hydrogeological component of the subwatersheds investigation shall:

- Ensure the groundwater sensitive areas are recognized and protected from future urbanizing and disturbances;
- Within the water balance assessment, update the overall groundwater budget model along with the surface water components for both existing and future scenarios; The water budget for the study area shall estimate precipitation, evapo-transpiration, runoff and infiltration, in addition to the groundwater recharge and discharge; and
- Take into account any relevant needs within the Source Water Protection Plan.

Integration with the hydrologic modelling and consistency of the various input parameters is required. It is understood the hydrologic and groundwater analysis may have some differences in the physical representation. The potential limitations should be reflected in the overall impact assessment.

The groundwater impact assessment should be integrated with the ecological component impact assessments as it relates to the groundwater function for discharge or water table depth.

2.3.3 Stream Morphology and Erosion Analysis

Erosion hazards as mapped and confirmed through Phase 1 will need to be evaluated against the proposed land use plan to ensure that area watercourses are protected from encroachment by development, but also to ensure that risk to property and infrastructure is minimized. Where realignments are proposed, and provided there is sufficient rationale, realignment alternatives should be evaluated through an integrated process with other members of the Study Team to maintain flood conveyance, habitat requirements, and linkages. Any realignment will require that appropriate erosion hazards and setbacks are delineated and mapped.

The continuous erosion analysis (see hydrologic assessment above) for the existing conditions shall be updated with the future development scenarios. Erosion potential for the study area shall be estimated by applying erosion thresholds to the existing channel / bank conditions using the post-development flows. This analysis is to be completed for the same cross sections that were assessed as part of the detailed geomorphological assessment. Appropriate mitigation measures shall be recommended for sections showing a significant increase in erosion potential. Erosion thresholds shall be used to establish discharge rates for stormwater management systems for the proposed development to ensure there is no increase in downstream erosion. This process will

involve determination of the impacts without mitigation and then defining the necessary levels of control in an iterative manner to ensure downstream systems are appropriately protected.

Based on the results presented in Phase 1, identify which watercourses and headwater drainage features in the proposed development area are stable and have sufficient conveyance capacity, and which watercourses and headwater drainage features need restoration or alteration through natural channel design approaches. Stream morphology shall be assessed downstream of future development areas, with a focus on the existing and potential erosion concerns. Existing and future development impacts shall be evaluated with the development strategy indicated to limit the negative impacts, while accommodating opportunities to restore and improve the existing channel status. This will need to consider those watercourses and HWDFs which are to remain on the landscape versus those which can be removed subject to appropriate management practices.

For areas of new development, the size of the channel block necessary to allow natural channel design to occur shall be determined. The sizing will include the meander belt, hydraulic criteria, fisheries setbacks and Natural Heritage System planning, and all buffers and setbacks. The natural channel design information on which the preliminary assessments are made, shall be documented for use at the next stages of planning (i.e. neighbourhood scale). The natural channel design strategy must clearly define that all channel blocks have the ability to convey flows associated with the Regulatory event. As noted, the size determination should be made based on stream morphology, in addition to the considerations of aquatic and terrestrial features and setbacks. The determination of which watercourses and HWDFs are to be maintained and which are to be considered for relocation or removal, needs approval of the TAC. The Conservation Authority and Fisheries and Oceans Canada and others will ultimately need to be consulted for any recommended channel works.

2.3.4 Aquatic Environment

Assess the potential impacts of future land uses on the aquatic resources. Recommendations shall be identified for improvement of aquatic habitat, including in-stream, stream bank and flood plain habitat enhancement, removal of barriers and on-line ponds, and retrofitting existing altered habitats. The assessment shall relate physical characteristics and processes of the aquatic environment to biological communities. The assessment shall also identify and protect appropriate buffers/setbacks, and linkage of these habitats, which reflect the specific stream sensitivity and required buffer functions.

Detailed assessment shall be generally focused on the significant areas identified in Phase 1 and areas immediately downstream of proposed new developments. Considerations should be given to Low Impact Development approaches. Along with the Stream Morphologist, the Aquatic Ecologist must consider HWDF management.

2.3.5 Terrestrial Assessment

The Study Team is to investigate potential land use impacts on the terrestrial features. Appropriate buffers/setbacks should be identified in order to protect the natural heritage features and functions from disturbance. In addition, potential linkages (natural areas that ecologically connect core areas) shall be identified and protected. Linkages are important in reducing the potential adverse impacts of habitat fragmentation on natural areas. The management strategies shall be documented regarding the protection of these sensitive resources and functions. Linkage and buffer alternatives, should be presented in maps to:

- Identify successional habitat that are restoration areas within the Natural Heritage System;
- Identify habitat features that will be retained as part of the Natural Heritage System due to their quality.

The assessment shall generally focus on the sensitive areas identified in Phase 1 and areas in the immediate vicinity of new developments. Where a continuous ELC-defined vegetation community extends beyond the subject areas, the assessment shall generally address the entire community, including portions beyond the study area boundaries.

2.3.6 Surface Water Quality

The successful consultant shall investigate potential land use impacts and develop strategies to maintain or enhance in-stream water quality. Actions to address existing point and non-point sources of pollution resulting in degraded water quality shall be developed. Best Management Practices (BMPs) for urban stormwater management shall be recommended for all new development to address stormwater quality. The proposed BMPs shall be in accordance with the requirements of the MECP and local agencies including the Provincial guidance which focuses on a treatment train approach using LID BMPs.

2.3.7 Phase 2 Report – Impact Assessment

At the completion of the Phase 2 1st Iteration and 2nd Iteration Stages, Reports will need to be prepared (i.e. one for each iteration) outlining the results of the Impact Assessment. These Reports shall be submitted to document the results of the impact assessment and the preliminary evaluation of the stormwater management options and recommended subwatershed management strategies as they relate to the proposed development. The water (surface/ground) modelling input and output files shall be appended to this report. In addition, constraints and opportunities present in the study area, in terms of urban expansion, environment impacts and protection, shall be clearly documented with GIS maps for the associated locations.

Note: It is expected that a Draft Table of Contents will be submitted for review and comment well in advance of the Draft Report submission. A minimum of three weeks should be allowed for submission of comments on all submitted deliverables, including Draft and Final Report.

2.4 Phase 3 – Management, Implementation and Monitoring Plan

Phase 3 shall identify and set the framework for implementation and monitoring of the preferred subwatershed's management strategy building from the results of the second iteration land use impact assessment. Management recommendations are required to address the objectives identified in the Study Area Boundary Expansion Scoped Subwatershed Study as well as the goals, objectives and targets from the parent watershed plan for the respective Secondary Plan Areas. A Management, Implementation, and Monitoring Plan shall be developed, which sets out the requirements for phasing, financing, operation of facilities, and monitoring to ensure the future development(s) are in compliance with the approved Subwatershed Study and Secondary Plan Policies. The Phase 3 work will be completed when a preferred community structure plan has been determined. The findings of this study will provide a technical framework for future infrastructure works, and support the future development proposals in accordance with the approved Secondary Plan.

Watercourse management recommendations will be made at the reach scale and based on an integrated characterization of feature constraints, with site-specific opportunities presented as

appropriate. Management recommendations and opportunities are to be developed in consultation with the Study's TAC, with agreement prior to study conclusion.

Phase 3 will provide the detailed subwatershed management strategy for the proposed development, based on the evaluation of a range of subwatersheds management options through Phase 2 and based on the preliminary subwatershed goals, objectives and targets, established in Phase 1. The stormwater management strategy outlines the siting for various components of the overall stormwater management plan, including key locations for siting and general guidance for selecting green infrastructure and LID BMPs to manage the Natural Heritage System and Water Resources System. The scope for additional studies will also be identified that are to be completed in support of future Draft Plans of Subdivisions or Condominium, and Site Plans as required, to meet the objectives and targets of this Subwatershed Study. The Subwatershed Study is to identify preliminary locations for logical development blocks drainage sheds for consideration as part of future plans. The scope for additional studies should include requirements to complete hydrologic and/or hydraulic modelling to verify the stormwater management criteria established in the higher-level studies based upon more detailed information, and revise/refine the criteria as required.

Groundwater

Management strategies are required that will reflect the local and functional linkages of sensitive recharge and discharge areas, the potential groundwater quantity impacts on the private wells and groundwater quality degradation.

Groundwater management strategies should include technical input (quantitative and qualitative) into the following:

- Determination or refinement of hydrogeologically sensitive areas relating to both recharge and
- discharge.
- Potential location and function of Stormwater Management facilities and other BMPs.
- Planning and policy recommendations for groundwater quantity and quality protection.

Phase 3 shall outline the agencies/organizations that are responsible for carrying out the various recommendations, and specify when in the development process the various recommendations need to be initiated. Phase 3 shall include:

- Timing and Phasing recommendations for the construction of any required facilities with respect to the future development; these recommendations will inherently need to consider the influence of other infrastructure as well;
- Asset Management Strategies such as:
 - A Phasing and Funding strategy for the construction and maintenance of the facilities;
 - A monitoring program to ensure compliance with the subwatersheds study, and a strategy for corrective actions which may be necessary based on results of the monitoring program;
 - Recommendations for future studies;
- An Adaptive Management and Monitoring Plan to monitor the subwatershed's response to land use change and suggest adaptive responses where impacts are being observed;

- Assist Secondary Plan Consultant with developing policies for consideration in the Secondary Plan;
- Time frame for the review/update of the Subwatershed Plan;

The Management, Implementation, and Monitoring Plan shall also recommend the phasing of development, and address climate change considerations. This will permit changes to recommend mitigation measures and management strategies for future phases of the development, in the case results of monitoring from the initial phases suggest that changes are warranted.

After all required modifications determined through final review have been addressed and approved, the final Subwatershed Study documents will be assembled and distributed to approval authority and made available to the public via the Project web page.

Note: It is expected that a Draft Table of Contents will be submitted for review and comment well in advance of the Draft Report submission. A minimum of three weeks should be allowed for submission of comments on all submitted deliverables, including Draft and Final Report.

Terms of Reference
Bridgeburg North Functional Servicing Report

February 2024

Functional Servicing Study

The Town is currently undertaking a Master Servicing Plan (MSP) and Wet Weather Management Strategy (WWMS) following the required Municipal Class Environmental Assessment processes that will inform Town-wide capital planning to accommodate future growth, in addition to informing the Town's Asset Management Plan and the Development Charges Study (all currently underway). The Region has recently completed the Regional Master Servicing Plan the finalized documents can be found using the following link: <https://niagararegion.ca/projects/www-master-servicing-plan/>

Depending on the timing of various milestones of the Functional Servicing Study (FSS) for Plan Area, it is important that the work being undertaken as part of this RFP be informed by work presently being undertaken with the active MSP. If timing permits, there will be opportunity to, in return, inform the MSP modeling, resulting in the most current projection of population / jobs feasible for both Plan Areas and by extension, produce a more reliable forecast to plan towards with capital improvements relating to these areas.

The Consultant will need to work cooperatively with the Town's Planning and Development Services and Infrastructure Services, the Town's Consultant, and Niagara Region on matters relating to the broader implications and impacts the Plan Area will eventually produce not only on the servicing side, but as they may relate to other master planning (Transportation Master Plan, Asset Management and Development Charge Study) and the subwatershed study work that is important for the stormwater management planning and water balance as part of the FSS. Municipal Water supply will also require examination and capacity planning in consultation with Regional and Town Infrastructure Services team for a fulsome FSS result and reporting.

The Proponent will understand and have a working knowledge of the policy and strategy framework (such as that of Niagara Region Official Plan Policy 3.2.3.3) that provides the guidance needed in the preparation of the FSS to support the secondary planning and satisfy the respective approval authorities. The following (non-exhaustive) list will assist Proponents in their consideration on the FSS component of this RFP:

Provincial Policy Statement: (or potentially Provincial Planning Statement subject of Bill 97)

<https://www.ontario.ca/page/provincial-policy-statement-2020>

A Place to Grow - Growth Plan for the Greater Golden Horseshoe (Growth Plan):

<https://www.ontario.ca/document/place-grow-growth-plan-greater-golden-horseshoe>

The Town of Fort Erie Subdivision Control Guidelines for Development of new Subdivisions, dated 2021;

<https://www.forterie.ca/en/build-and-invest/resources/documents/Planning/planning-applications/2021-Subdivision-Control-Guidelines.pdf>

Region of Niagara 2021 Water and Wastewater Master Servicing Plan Update, dated June 22, 2023, by GM BluePlan;

<https://niagararegion.ca/projects/www-master-servicing-plan/default.aspx>

Official Plan for the Town of Fort Erie, consolidated September 1, 2021;

<https://www.forterie.ca/en/build-and-invest/official-plan.aspx>

Niagara Peninsula Conservation Authority standards and regulations;

[https://npca.ca/images/uploads/common/NPCA_Policy_Document -
Nov 18 2022 Office Consolidation.pdf](https://npca.ca/images/uploads/common/NPCA_Policy_Document_-_Nov_18_2022_Office_Consolidation.pdf)

Erosion and Sediment Control Guidelines for Urban Construction, dated December 2006, prepared by the Greater Golden Horseshoe Area Conservation Authorities

<https://npca.ca/images/uploads/common/ErosionandSedimentControl-Guidelines.pdf>

MECP Stormwater Management Planning and Design Manual (2003, Updated 2019);

<https://www.ontario.ca/document/stormwater-management-planning-and-designmanual-0>

Niagara Region Pumping Station Policy – PWA 49-2010:

- See Attachment 1 - PWA 49-2010- Pumping Station Policy

Niagara Region Stormwater Management Guidelines (2022);

<https://niagararegion.ca/projects/stormwater-management-design-guidelines/pdf/finalreport.pdf>

MECP Design Guidelines for Sewage Works (2008, Updated 2019); and

<https://www.ontario.ca/document/design-guidelines-sewage-works-0>

MECP Design Guidelines for Drinking-Water Systems (2008, Updated 2019).

<https://www.ontario.ca/document/design-guidelines-drinking-water-systems-0>

The Consultant will be responsible for confirming currency of publications referenced.

The Functional Servicing Study will comprise three phases of study and reporting.

Phase 1 – Existing Conditions Report

The Consultant will be required to prepare detailed existing conditions report as the Phase 1 deliverable. The review will ensure the following details are captured in the Phase 1 findings and outlined in a comprehensive report that relates and aligns with any current and/or more recent investigations being undertaken and completed by Town consultants retained to complete the MSP and WWMS and TMP. The Existing Conditions Report will address at a minimum:

- Identification of all existing primary services in the immediate area including location, sizing, depths, and direction;

- Location of trunk, transmission and pumping stations that service the existing catchment area(s) and any available details on design / firm capacity and existing usage;
- Any existing stormwater facilities within the catchment area(s);
- Topographic base mapping for both Plan Area (from available data, field checked at key locations and confirmed with Town consultants working on MSP for consistency);
- Assessment of any available geotechnical information that would inform on soil types, depths, static water table and bedrock (if available); and
- Natural features representing constraints to servicing and development.

In addition to the reporting of the Phase 1 document, the Consultant will prepare mapping with the data supplied, gathered, or produced as appropriate, that illustrates existing service locations, drainage conditions, catchments, existing natural features and any other servicing related information useful in consideration while the Town is developing land use options.

The Phase 1 Existing Conditions Report will be reviewed by the Consultant's team and the Town and Region with further review for consistency with those outside consultants who may have contributed data and information in the preparation of the document.

Phase 2 – Land Use Options Assessment

The Phase 2 Report will provide cursory review and assessment of the land use options prepared during initial public consultation. The goal of the cursory assessment will be to provide general feasibility for each that may influence land use distribution, density and functional optimization when the Town prepares a preferred land use plan for all disciplines to use in their final reporting and recommendations.

The cursory review would make use of criteria developed by the Consultant's team, based on the above noted guidelines for design criteria, that would result in a pros and cons approach to the various functional advantages and/or disadvantages for each primary servicing and drainage outcome.

The Phase 2 Report will be subject of consultation with stakeholders, partner agencies and public as part of the open secondary planning process used by the Town in its effort to remain inclusive and inviting of commenting and feedback.

The Phase 2 Report will include mapping useful in public consultation and comprehension and, along with the Phase 1 Report, be public-facing documents accessible on the project web pages once completed and accepted by the Town.

Phase 3 – Preferred Land Use Plan - Functional Servicing Study

The Phase 3 Report will provide detailed assessment and recommendations as it relates to the primary servicing requirements to supply the Plan Area. The Phase 3 report will inform all aspects of primary servicing and drainage to carry forward the responsibilities of the development community at time of development applications. The

Town, in consultation with the Region and the Consultant, shall determine appropriate phasing plans for the Secondary Plan Area that will assist the Town with other key master planning activities and capital financing considerations. Options can be explored that may be feasible for modifying or expediting phasing activity where feasible, however such options would only be considered if a net benefit to the Town's financial position is proven (example being whether or not entertaining front-ending agreements would be in the best interest of the Town).

The Phase 3 Preferred Land Use Plan – Functional Servicing Study will supply the following detailed information, based on the preferred land use plan:

Storm Water Management and Drainage

- Stormwater Management criteria that are to be applied at time of design and application submission;
- Minor and major storm event planning impacts and determination on applicability of quality/quantity control, overland flow route conveyance and discharge;
- Stormwater Management facility locational criteria, sizing and related requirements such as maintenance access;
- Recommendations for improved infiltration, localized retention and climate change resiliency;
- Erosion and sediment control guidance;
- Recommended policies for secondary plan inclusion;
- Suggested conditions for development applications at time of development; and
- Cost estimates (denoting assumptions).

Municipal Water Supply

- Proposed distribution network (as appropriate for the secondary plan scale);
- Estimated demand resulting from proposed land use and applied densities;
- Recommendations relating to supply looping;
- Recommended policies for secondary plan inclusion;
- Suggested conditions for development applications at time of development; and
- Cost estimates (denoting assumptions)

Sanitary Servicing

- Identification of Town and Regional assets required to service the Plan Area and connection point to the Region's Waste Water Treatment Plant;
- Estimate of dry and peak flows expected.
- Town primary network location, sizing and depth (as appropriate for the secondary plan scale);
- Pumping station location and sizing if required
- Recommended policies for secondary plan inclusion;
- Suggested conditions for development applications at time of development; and
- Cost estimates (denoting assumptions)

The Consultant will be required to consult Town, Region and NPCA with respect to any standardized modeling requirements or digital standards that would result in any modification, augmentation or new data supply that may be useful to the respective parties, such as those occurring with the ongoing Town MSP and TMP preparation, baseline modeling and projection updates.

The draft Phase 3 Report will be compiled and circulated to Town and Regional staff for review and comment prior to broader circulation to responsible authorities for comment.

The completed Functional Servicing Study will be circulated to Town and Regional staff for review and comment prior to finalization. All phase-ending reports will be a public-facing documents to be made available on the Town's project web pages and required to be fully AODA compliant.

The Consultant's PM will ensure a responsible representative is available for public open house engagement who may be asked to present and receive questions in open forums.

Deliverables

Phase 1:

- Draft of the Existing Conditions Report and associated mapping
- Final Existing Conditions Report and associated mapping
- Presentation slides

Phase 2:

- Draft of the Land Use Options Assessment Report and mapping
- Final Land Use Options Assessment Report and mapping outlining pros and cons respecting each assessed option,
- Presentation slides

Phase 3:

- Draft of the Preferred Land Use Plan - Functional Servicing Study and mapping
- Final Preferred Land Use Plan – Functional Servicing Study and mapping
- Presentation slides
- Any database created or modified, digital mapping or digital modeling
- Meeting chronology, agenda and minutes

Niagara Region

REPORT TO: Chair and Members of the Public Works Committee

SUBJECT: Sewage Pumping Stations and Forcemains Policy
Proposed Policy Amendments

RECOMMENDATION(S)

That this Committee recommend to Regional Council:

That the current Sewage Pumping Stations and Forcemains Policy be amended, as presented in draft form in Appendix A.

EXECUTIVE SUMMARY

Regional Council previously adopted a Sewage Pumping Stations and Forcemains Policy (PWA 100-2005 dated May 31, 2005) regarding upper tier and lower tier ownership and responsibilities.

In the course of applying the Sewage Pumping Stations and Forcemains Policy since its implementation in 2005, it became apparent to staff that the current policy could be improved through review and refinement. Staff have completed a review and are proposing revisions to the policy to:

- Clarify responsibility for documenting the need for new pumping stations. The need for new stations is sometimes identified by the Region at the Master Servicing Plan level, but more often by the Local Area Municipality at the secondary plan stage, or through a development request.
- Clarify responsibility for the funding of new sewage pumping stations. This is becoming a significant issue as neither the Region nor area municipalities have included the cost of any new sewage pumping stations in their current respective Development Charge Background Studies.
- Clarify the basis by which a new pumping station is to be compared against the option of servicing by gravity sewer, by defining the process for carrying out a life cycle cost analysis.

It is the intent of the policy that the Region will ultimately own, operate and maintain pumping stations that are planned, funded, and constructed in accordance with the policy.

The proposed revisions to the Policy were reviewed with Public Works Officials from the Region and local area municipalities at a meeting on May 20, 2010.

FINANCIAL IMPLICATIONS

There are no immediate financial implications associated with this report but there are longer term financial implications associated with Regional ownership of additional facilities. These include increased operational, maintenance and capital reinvestment costs.

PURPOSE

The purpose of this report is to make recommendations for amending the Sewage Pumping Stations and Forcemains Policy.

BACKGROUND

Wastewater servicing in Niagara is operated under a two-tier system. The relative roles and responsibilities between the Region and area municipalities were initially defined in the 1969 MacLaren report carried out immediately prior to formation of the Region.

The Region was given responsibility for wastewater treatment. Ownership of sewers was based in part on the degree to which there were service connections, but primarily on capacity. The Region is generally responsible for sewers with a design capacity of 170 litres/second (peak dry weather flow). This size is characteristic to trunk systems with larger capacity to convey effluent from a large area to the wastewater treatment plant.

Regional responsibility for sewage pumping stations was based on whether the pumping station and forcemain discharged directly to a Regional trunk sewer or wastewater treatment plant. It would appear, however, that this criteria was not definitive, as it was not followed in subsequent years. Records show that the Region soon assumed other pumping stations and forcemains from the Ministry of the Environment and area municipalities, including some that discharged to local sewers. This pattern of transfer of ownership continued from 1970 to 2005 for both new and older stations. By 2005 the Region owned about 80% of all municipal sewage pumping stations.

Regional Council previously adopted a Sewage Pumping Stations and Forcemains Policy (PWA 100-2005 dated May 31, 2005) regarding upper tier and lower tier ownership and responsibilities. This included agreeing to transfer to the Region all of the 23 sewage pumping stations remaining in the hands of the local municipalities. The majority of these stations have since been transferred to the Region. There are a few, however, which have not been transferred, either because they have not met the requirement that they first be upgraded to Regional standards, or because the land cannot be transferred as it is owned by a third party.

REPORT

In the course of applying the Sewage Pumping Stations and Force mains Policy since its implementation in 2005, it became apparent to staff that the current policy could be improved through review and refinement. The reasons for proposing amendments to the current policy include:

- Responsibility for documenting the need for new pumping stations is not clear. The need for new stations is sometimes identified by the Region at the Master Servicing Plan level, but more often by the Local Area Municipality at the secondary plan stage or through a development request.
- Responsibility for the funding of new sewage pumping stations is not clear. This is becoming a significant issue as neither the Region or area municipalities have included the cost of any new sewage pumping stations in their respective Development Charge Background Studies.

The need for a new pumping station should be compared to the option of servicing by gravity sewer on the basis of a lifecycle cost analysis. While it may be less expensive initially to build a pumping station, over the life cycle of the infrastructure, a gravity sewer may have a better net present value. The amended policy clarifies the criteria on which the cost analysis is to be based.

The proposed amended policy is based on the following statements:

- Gravity sewers are the most reliable method of transferring sewage from the sanitary collection system to wastewater treatment facilities.
- There are limitations to the practical depth of gravity sewers such that new pumping stations will be only allowed where it can be shown that pumping is a more cost effective and feasible option than gravity.
- The need for a new pumping station, as well as an assessment of capacity of the downstream infrastructure, must be documented in engineering and/or planning studies such as Wastewater Master Servicing Plans carried out by the Region and/or Area Servicing Plans prepared by a Local Area Municipality.
- The cost for a new pumping station required to accommodate growth is to be included in the applicable Development Charges bylaw, either the Region's or the Local Area Municipality's.

The purpose of the proposed amended policy is to:

- Minimize the overall lifecycle costs associated with conveying sewage to wastewater treatment plants.

- Minimize the risk of basement flooding and the risk of spills to the environment associated with conveying sewage to wastewater treatment plants.
- Define a decision making process to determine when an area is to be serviced by gravity sewers versus a pumping station.
- Delineate roles and responsibilities between the Region and local area municipalities for funding of new pumping stations.
- Define procedures under which the Region will assume ownership of an existing pumping station currently owned by a local area municipality.
- Define procedures under which the Region will operate and maintain sewage pumping stations on behalf of local area municipalities.
- Minimize the number of sewage pumping facilities by ensuring that new stations are designed for the maximum drainage area that can be serviced by incoming gravity sewers.

It is the intent of the proposed amended policy that the Region continue to own, operate and maintain pumping stations that are planned, funded, and constructed in accordance with the policy.

The proposed revisions to the Sewage Pumping Stations and Forcemains Policy were reviewed with Public Works Officials from the Region and local area municipalities at a meeting on May 20, 2010. The key concern raised at the meeting was from a public works official who questioned whether or not the proposed policy was in compliance with the Development Charges Act. The concern was specific to the matter of an area municipality including the cost of a new pumping station in their development charges with the intent of turning ownership over to the Region following expiration of the one year construction warranty period. This question was subsequently directed to Mr. Cam Watson of Watson and Associates who reviewed the matter and expressed the opinion that this approach is appropriate.

Submitted by:


Kenneth J. Brothers, P. Eng.
Commissioner of Public Works

Approved by:


Mike Trojan
Chief Administrative Officer

Attachments

This report was prepared by Peter Baker, P. Eng., Associate Director of Water & Wastewater Engineering, and Betty Mathews-Malone, P. Eng., Director Water & Wastewater Services

APPENDIX A

PUBLIC WORKS POLICY MANUAL

SECTION

WATER AND WASTEWATER

NAME OF POLICY

SEWAGE PUMPING STATIONS AND FORCEMAINS

Page 1 of 9

DEVELOPED BY: PUBLIC WORKS DEPARTMENT

APPROVED BY:

DATE:

EFFECTIVE DATE: July 1, 2010

LATEST REVISION: May 19, 2010

POLICY STATEMENT:

Gravity sewers are the most reliable method of transferring sewage from the sanitary collection system to wastewater treatment facilities as the risk of sewer collapse or blockage is lower than the risk of pumping station mechanical failure or loss of electrical power. In addition, the life cycle cost of a sewer is generally lower than that of a pumping station.

Given that there are limitations to the practical depth of gravity sewers, new Pumping Stations will be considered in situations where it can be shown that pumping is a more cost effective option than gravity.

The need for a new pumping station, as well as an assessment of capacity of the downstream infrastructure, must be documented in engineering and/or planning studies such as the Wastewater Servicing Plans carried out by the Region and/or Area Servicing Plans prepared by the Local Area Municipality.

The cost for a new pumping station required to accommodate growth is to be included in the Development Charges bylaw of the Region or Local Area Municipality in accordance with the roles and responsibilities regarding funding defined in this Policy.

The Region will ultimately own, operate and maintain new pumping stations that are planned, funded, and constructed in accordance with the policy. Unless directed otherwise by a resolution of Regional Council, the Region shall not:

- Fund any new pumping station or assume ownership of any existing pumping station from an area municipality that does not meet the requirements of this policy.
- Operate or maintain any pumping station located on private property (with the exception of stations covered by existing agreements).

APPENDIX A

PUBLIC WORKS POLICY MANUAL

SECTION

WATER AND WASTEWATER

NAME OF POLICY

SEWAGE PUMPING STATIONS AND FORCEMAINS

Page 2 of 9

- Operate or maintain any privately owned pumping station.
- Fund or assume ownership of any interim (i.e. temporary) pumping station.

This amended policy supersedes the previous Sewage Pumping Stations and Force mains policy that was approved by Regional Council May 31, 2005 (PWA 100-2005) and came into effect September 1, 2005.

PURPOSE

The purpose of this policy is to:

- Minimize the overall lifecycle costs associated with conveying sewage to wastewater treatment plants.
- Minimize the risk of basement flooding and the risk of spills to the environment associated with conveying sewage to wastewater treatment plants.
- Define a decision making process for when an area is to be serviced by gravity sewers versus a pumping station.
- Delineate roles and responsibilities between the Region and local area municipalities for funding of new pumping stations.
- Define procedures and conditions under which the Region will assume ownership of an existing pumping station currently owned by a local area municipality.
- Define procedures under which the Region will operate and maintain sewage pumping stations on behalf of local area municipalities.
- Minimize the number of sewage pumping facilities by ensuring that new stations are designed for the maximum drainage area that can be serviced by incoming gravity sewers.

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DEFINITIONS

In this policy, the following definitions shall apply:

- a. **"Region"** shall mean the Regional Municipality of Niagara
- b. **"MOE Design Guidelines"** shall mean the most current edition of the Ontario Ministry of the Environment Design Guidelines for Sewage Works.
- c. **"Regional Design Standards"** shall mean the most current version of the Region's Public Works Department Project Design and Technical Specifications Manual and includes the Region's most current SCADA standards, Process Control Narratives and Security Standards.
- d. **"Life-cycle costs"** shall mean all costs associated with the planning, development, approvals, design, construction, operation and maintenance of the new asset throughout its expected life.
- e. **"Pumping Station"** shall mean sanitary sewage pumping station.
- f. **"Forcemain"** shall mean the pressure pipe conveying sewage from the Pumping Station to the downstream collection system or wastewater treatment plant.
- g. **"Maximum Drainage Area"** shall mean the maximum area within an Urban Area Boundary that can be cost effectively serviced by a single pumping station in conjunction with incoming gravity sewers. The Maximum Drainage Area shall include areas beyond the Urban Area Boundary where there is a reasonable expectation that the boundary will be expanded in the future, but in no way shall be deemed as supporting an urban boundary expansion.
- h. **"Wastewater Master Servicing Plan"** shall mean a report which documents current wastewater flows and Regional infrastructure capacities and forecasts future flows and Regional infrastructure requirements based on population and employment growth projections.

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- i. **"Area Servicing Plans"** shall mean plans such as Secondary Plans, or drainage area specific servicing plans which are prepared to address the development or redevelopment of large areas of land or neighbourhoods and include servicing studies identifying both local and Regional infrastructure requirements and constraints.
- j. **"Urban Area Boundary"** shall mean as defined by the Region's Policy Plan and by Local Area Municipality Official Plans.
- k. **"Dry Weather Flow"** flows shall mean sewage flows experienced during a period of dry weather
- l. **"Wet Weather Flows"** shall mean sewage flows experienced during and following periods of wet weather and/or snowmelt during which the flows are significantly influenced by inflow/infiltration.
- m. **"Interim Sewage Pumping Station"** shall mean a facility that is intended for the short term only with the understanding that it will be replaced in the longer term with a gravity sewer and/or a pumping station that services a larger drainage area.
- n. **"Combined Sewers"** shall mean sewers that include both road drainage (catch basins) and private property connections (which may include foundation drain and/or roof leaders).
- o. **"Partially Separated Sewers"** shall mean sewers which do not have road drainage (catch basin) connections but have foundation drain and/or roof leader connections.

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DESCRIPTION

ESTABLISHMENT OF NEW SEWAGE PUMPING STATIONS

The need for a new pumping station must be documented in engineering and/or planning studies such as the Wastewater Servicing Plans carried out by the Region and/or Area Servicing Plans prepared by the Local Area Municipality. The study is to assess the impact of the proposed flows on the downstream wastewater infrastructure, including sewers, pumping stations and treatment plants.

Where a new sewage pumping station is proposed by a local area municipality, a detailed life-cycle cost comparison between a sewage pumping station and a gravity sewer must be submitted to the Region by the municipality. Life cycle cost comparisons shall be undertaken as outlined in Schedule A to this Policy. No pumping station shall be constructed where, in the opinion of the Region, the construction of a gravity sewer is a viable and cost effective alternative.

For all new pumping stations and forcemains, consideration shall be given to a catchment area that would meet the ultimate build-out needs of the Maximum Drainage Area that could be serviced by incoming sewers.

Each proposed forcemain will be evaluated with regard to the potential for transient pressures and for odour and corrosion problems. The project design shall include pressure relief and odour and corrosion prevention measures as required. Where it is not possible to address these issues to the Region's satisfaction then further consideration will be given to a gravity solution and the degradation of downstream infrastructure will be included in the life cycle cost analysis.

All new pumping stations and forcemains shall be designed and constructed in accordance with current MOE Design Guidelines and current Regional Design Standards. New forcemains will not be allowed to discharge to existing forcemains.

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Niagara Region approvals for new pumping stations proposed by a local area municipality shall be obtained in accordance with the procedures outline in this policy. The Region will deal directly with the local area municipality in following these procedures and will not deal directly with any third party that may have an interest in the new station. Any cost sharing agreement involving a third party shall be with the local area municipality.

The Region will assume ownership of a new pumping station from a local area municipality when the requirements of this policy have been met, including the following specific criteria:

- i. a resolution is passed by the local municipal council to begin the transfer of ownership of the station to the Region;
- ii. the station meets the MOE Design Guidelines and the Regional Design Standards;
- iii. the design capacity of the station includes an allowance for inflow/infiltration (i.e. wet weather flows) to the satisfaction of the Region. In the case of new development, the allowance for Infiltration shall be as per the MOE Design Guidelines and Regional Design Standards. In the case of existing developed areas, the allowance for wet weather flows shall be decided on a case by case basis taking into consideration whether the area is serviced by combined, partially separated or fully separated sewers. In general, the Region will not allow the diversion of flows from an existing developed area to a new station where the existing peak wet weather flows from that developed area are more than two times existing peak dry weather flows (based on actual measurements from flow monitoring devices). The Region reserves the right not to allow flows to a new station from an existing area until inflow/infiltration is reduced to an acceptable level through sewer separation projects and/or other inflow/infiltration reduction measures.
- iv. any and all construction contract deficiencies have been addressed to the satisfaction of the Region;
- v. the appropriate Equipment and Operating Manuals have been received by the Region;
- vi. a set of as-built drawings has been provided to the Region;

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- vii. the warranty period of any attached equipment has expired;
- viii. the property, including the station and associated forcemain is transferred to the Region;
- ix. the Ministry of the Environment Certificate of approval has been amended to reflect the change in ownership.
- x. the region will only accept the property transfer, from private properties in Fee Simple, and must include access to a road and enough property for future expansion;
- xi. for those situations wherein a pumping station is on public lands, the Region will consider accepting ownership of the pumping station subject to an easement agreement with the property owner;
- xii. a resolution has been passed by Regional Council to assume ownership of the station.

REGIONAL ASSUMPTION OF OWNERSHIP OF EXISTING PUMPING STATIONS

The Region will consider assuming ownership of an existing pumping station that is currently owned by a local area municipality on a case by case basis. The Region will assume ownership of a pumping station that existed prior to the date that this revised policy comes into force when the requirements of this policy have been met, including the following specific criteria:

- a. a resolution is passed by the local municipal council to begin the transfer of ownership of the station to the Region;
- b. the station is upgraded as required at the expense of the local area municipality to meet the MOE Design Guidelines and the Regional Design Standards;
- c. existing wet weather flows (i.e. inflow/infiltration) to the station are at levels considered to be acceptable to the Region as decided on a case by case basis taking into account whether the drainage area is serviced by combined, partially separated or fully separated sewers. In general, the Region will not assume ownership of an existing pumping station where the existing peak wet weather flows to the station are more than two times existing peak dry weather flows (based on actual measurements

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from flow monitoring devices). The Region reserves the right not to assume ownership of an existing pumping station until inflow/infiltration is reduced to an acceptable level through sewer separation projects and/or other inflow/infiltration reduction measures.

- d. any and all construction contract deficiencies have been addressed to the satisfaction of the Region;
- e. the appropriate Equipment and Operating Manuals have been received by the Region;
- f. a set of as-built drawings has been provided to the Region;
- g. the warranty period of any attached equipment has expired;
- h. the property, including the station and associated forcemain is transferred to the Region;
- i. the Ministry of the Environment Certificate of approval has been amended to reflect the change in ownership.
- j. the region will only accept the property transfer, from private properties in Fee Simple, and must include access to a road and enough property for future expansion;
- k. for those situations wherein a pumping station is on public lands, the Region will consider accepting ownership subject to an easement agreement with the owner;
- l. a resolution has been passed by Regional Council to assume ownership of the station.

INTERIM PUMPING STATIONS

A local area municipality may establish a new interim (i.e. temporary) pumping station as a short term solution to facilitate servicing of a smaller development area where a larger pumping station and/or gravity sewer is required over the longer term to service additional lands (i.e. the maximum drainage area). The Region will not fund or assume ownership of any interim pumping station nor assume ownership of multiple pumping stations servicing the maximum drainage area.

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OPERATION AND MAINTENANCE OF NON-REGIONALLY OWNED PUMPING STATIONS

The Region, at its discretion and without prejudice, may operate and maintain any pumping station owned by a local area municipality at the request of the local area municipality. Operation and maintenance of any non-regionally owned pumping station shall be in accordance with a written agreement executed by both the Region and the local area municipality. The Region will charge fees as detailed in such an agreement to cover its costs for the operation and maintenance of the station. The Region may cease operating and maintaining a pumping station should the requirements of the agreement not be met or in accordance with the termination clause of any such agreement. Any improvements or upgrades of the non-regionally owned stations shall be at the expense of the local area municipality whether undertaken by the Region or its agents as outlined in the agreement.

The Region will not operate or maintain any privately owned pumping station.

FINANCIAL RESPONSIBILITIES

The local area municipality will be responsible for the cost of any new pumping station with a design capacity of less than 170 litres per second peak dry weather flow.

The Region will be responsible for the cost of any new pumping station with a design capacity of equal to or greater than 170 litres per second peak dry weather flow.

In cases where it will be necessary for an existing Regional gravity sewer to be upgraded or a new Regional gravity sewer to be constructed to receive the sewage from the pumping station forcemain, and such works are not planned within the required timelines, the proponent may choose to "front end" the cost of the upgrade. The proponent shall receive credit for such upgrades as specified in an executed agreement between the proponent and the Region.

Schedule A

Life Cycle Cost Comparison (Pumping Station vs. Gravity Sewer)

The life-cycle cost comparison between the sewage pumping (PS) option and the gravity sewer option is to be based on the component cost breakdown and component lifespan shown below. This table is based on the Region's Tangible Capital Assets Policy and was developed for purposes of compliance with Public Sector Accounting Board (PSAB) 3150 requirements.

Pumping Station Component	% of initial capital cost		Lifespan in years
	Wet Well/Dry Well	Submersible	
Building Architectural	10%	6%	20
Building Mechanical and Electrical	20%	16%	20
Building Structural	30%	17%	60
Process Electrical	8%	12%	30
Process Instrumentation	2%	6%	10
Process Piping & Equipment	26%	36%	20
Site Works	4%	7%	25

% of initial capital cost	Linear Component (gravity sewer or forcemain)	Lifespan in years
100%	Linear Piping	75

Calculation

The net present cost of each option is to be calculated as outlined below and as shown in the example provided.

1. Evaluate life cycle costs on the basis of a 75 year project life.
2. Multiply each component's proportional cost by the asset's total capital cost estimate and the project lifespan divided by the component lifespan. Sum the results for each component.
3. Include annual property taxes, utility costs (electrical, water, fuel, phone/SCADA) and misc. annual O&M costs (1% of PS capital cost) for the pumping station option.
4. Do not include annual Operation and Maintenance (O&M) costs for the forcemain and gravity sewer as they are assumed to be offsetting.
5. Assume that the rate of inflation equals the rate of return on investments.

Example – wet well/dry well PS versus gravity sewer:

Pumping Station (PS) capital cost estimate:	\$600,000
Forcemain capital cost estimate:	\$700,000
Gravity Sewer capital cost estimate:	\$3,500,000
Annual property taxes on PS (estimated):	\$3,000
Annual PS utility cost estimate (estimated):	\$12,000
Annual misc. PS O&M costs (1% of PS capital cost)	\$6,000

Anticipated project life: 75 years

Net present cost of PS/Forcemain (see below):	\$4,042,000
Net present cost of Gravity Sewer:	\$3,500,000

Net Present Cost of PS/Forcemain Calculation:

Component	Contribution	Cost
Building Architectural	$10\% \times \$600,000 \times 75\text{years}/20\text{ years}$	\$225,000
Building Mechanical and Electrical	$20\% \times \$600,000 \times 75\text{years}/20\text{years}$	\$450,000
Building Structural	$30\% \times \$600,000 \times 75\text{ years}/60\text{ years}$	\$225,000
Process Electrical	$8\% \times \$600,000 \times 75\text{ years}/30\text{ years}$	\$120,000
Process Instrumentation	$2\% \times \$600,000 \times 75\text{ years}/10\text{ years}$	\$90,000
Process Piping & Equipment	$26\% \times \$600,000 \times 75\text{ years}/20\text{ years}$	\$585,000
Site Works	$4\% \times \$600,000 \times 75\text{ years}/25\text{ years}$	\$72,000
Forcemain	$100\% \times \$700,000 \times 75\text{ years}/75\text{ years}$	\$700,000
Annual expenses	$(\$3,000 + \$12,000 + \$6,000)/\text{year} \times 75\text{ years}$	\$1,575,000
Total		\$4,042,000

Terms of Reference
Bridgeburg North Land Use Compatibility Study

February 2024

Land Use Compatibility Study

The Plan Areas subject of this RFP will be reviewed in relation to the surrounding land uses that could influence “community” land use decisions of the respective Plan Area. The Plan Area was added as “Community Lands” through an urban boundary expansion exercises and can be expected to develop with residential prominence. To a lesser extent, population related employment (commercial and institutional use) may also result for portions of the Plan Area.

Phase 1 – Existing Conditions

An initial assessment will be completed that identifies:

- All potential sources of incompatibility from outside sources on sensitive land uses within the Plan Areas; and
- Identifies existing and potential areas of influence (if applicable) that will need consideration during land use planning exercises.

The Existing Conditions Report will be prepared to provide identification and awareness of potential for incompatible land use impact (if determined to have influence). The Report will be circulated for review and comment to Town staff prior to finalization. The updated Report will be a public-facing document and made available on the Town’s project web pages.

Phase 2 – Land Use Compatibility Impact Assessment

Once a preferred land use plan has been determined, a more detailed land use compatibility review will be performed that provides any recommendations for incorporation into policy of the respective Secondary Plan. This would include policy for additional study requirements at the time of detailed design and development application stages.

The Consultant will make use of the following documents, Acts and Regulations when assessing land use compatibility:

- The Provincial Policy Statement (*or Provincial Planning Statement 2023*)
- Environmental Protection Act
- Town of Fort Erie Official Plan
- Ontario Regulation 419/05 (air quality)
- NPC-300 (environmental noise)
- MECP D-series Land Use Compatibility Guidelines

Potential external sources for investigation include existing and planned aggregate operations, existing and planned industrial or commercial uses, active railways, Q.E.W. proximity (500 metre influence area), and boundary arterial roads.

The completed Land Use Compatibility Study will be circulated to Town staff for review and comment prior to finalization. All phase-ending reports will be a public-facing document to be made available on the Town’s project web pages and required to be fully AODA compliant. The Consultant’s PM will ensure a responsible representative is

available for public open house engagement who may be asked to present and receive questions in open forums.

For information and reference with respect to study expectations, the following Niagara Region document is provided for consideration of Proponents in preparation of proposals that satisfy the municipal level detail suitable for secondary planning and policy development:

Niagara Region sample Land Use Compatibility Study Terms of Reference:

See Attachment 2 - Niagara Region TOR for Land Use Compatibility 2022

Deliverables

Phase 1:

- Draft Existing Conditions Report identifying all existing and potential/planned sources of potential conflict and mapping to illustrate including actual or potential influence areas
- Final Existing Conditions Report identifying all existing and potential/planned sources of potential conflict with mapping to illustrate including actual or potential influence areas
- Presentation slides

Phase 2:

- Draft Land Use Compatibility Study assessed against preferred land use option with mapping and recommendations of any mitigation measures and identifying any additional study required at the time of development applications
- Final Land Use Compatibility Study assessed against preferred land use option with mapping and recommendations of any mitigation measures and identifying any additional study required at the time of development applications
- Presentation slides
- Any database created or modified, digital mapping or digital modeling
- Meeting chronology, agendas and minutes

Land Use Compatibility Study Terms of Reference

Description

A Land Use Compatibility Study is a technical report that provides a written description of the land use compatibility of sensitive land uses, where permitted or proposed adjacent to, or near to industrial uses; or within the influence area of major facilities; or in proximity to transportation and utility sources.

The report will identify any existing and potential land use compatibility issues and will identify and evaluate options to achieve appropriate design, buffering and/or separation distances between the proposed sensitive land uses and existing uses.

This report will be used to assist Regional staff in making recommendations concerning the proposed sensitive land uses, and may be peer reviewed by the Region at the cost of the applicant.

The report will:

1. Provide a written description of:
 - any potential land use compatibility impacts by type (i.e.: traffic, noise, vibration, and emissions, including dust and odour) and the severity, frequency and duration of such impacts, as may be appropriate for each type;
 - the history of any complaints received by the municipality and/or MOECP within the immediate area of the proposed development;
 - the potential land use compatibility issues the proposed development may create. Impacts shall be considered based on the potential:
 - effects on major facilities' compliance with applicable environmental policy, regulations, approvals, authorizations and guidelines, including the noise provisions of local by-laws;
 - increased risk of complaint and nuisance claims;
 - operational constraints for major facilities;
 - constraints on major facilities to reasonably expand, intensify or introduce changes to their operations;
 - constraints for new major facilities to reasonably be established on lands in proximity to the development that are designated for employment uses;
 - the extent of non-compliance with land use separation requirements for existing employment uses in the vicinity, including propane storage and distribution facilities, if applicable; and,
 - the extent to which the applicant of the proposed development and businesses within the nearby industrial, utility, transportation and/or major facilities have exchanged relevant information. This would include the written undertakings given to affected businesses that any information regarding their processes, emissions data and expansion plans not already part of the public record would be treated on a confidential basis.

2. Identify and evaluate options to achieve appropriate design, buffering and/or separation distance to prevent or mitigate potential adverse effects from traffic, noise, vibration, and emissions. This would include details on the following:
 - At-Source Mitigation: Technology that businesses in *Employment Areas* and/or major facilities may consider implementing to mitigate adverse effects;
 - Buffers: Physical structures, building design elements or distance separation that could be incorporated into the site design of the proposed sensitive land uses, including residential uses, to mitigate adverse effects and negative impacts;
 - At-Receptor Mitigation: Technologies, building materials, design features etc. that could be incorporated both on-site and within the built structure of proposed sensitive land uses, including residential uses, to mitigate negative impacts and adverse effects; and
 - Other: Any other potential techniques, strategies and approaches not identified above, including but not limited to, warning clauses, environmental easements, agreements with major facilities to secure at-source and at-receptor mitigation and classifying lands as a Class 4 Area in accordance with the requirements of the MOECP “Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning Publication NPC-300”, as amended or replaced from time to time.
3. Provide details of assessment criteria.
4. Provide details regarding the methodology used and assessment locations.
5. Discuss how the proposed development is consistent with the Provincial Policy Statement, is in accordance to the *Planning Act* (as amended), and conforms to The Growth Plan for the Greater Golden Horseshoe and The Greenbelt Plan, as it applies to the planning and development of sensitive land uses in proximity to industrial, utility and transportation uses.
6. Recommended methods to secure the necessary mitigation to guarantee that such mitigation is installed, performs as intended and will be maintained to ensure land use compatibility.

The study is to be prepared on behalf of the applicant by a Consultant (or Consultants) that is/are fully accredited, qualified and/or certified in the relevant matters being evaluated and recommended (for example air quality assessments should be performed by an engineer fully accredited in such field, etc.).

When Required

A study may be required to justify sensitive land uses where permitted or proposed adjacent to or in proximity to industrial, transportation, and utility sources:

- Official Plan Amendment
- Zoning By-law Amendment
- Subdivision Application

- Site Plan Control
- Consent Application

During pre-application consultation, Regional staff will work with the applicant and the applicant's consultant(s) to determine if such a Study is required and, if so, the specific requirements of the Study, based on the nature of the proposed application and the context of the study area.

Peer Review

The objective of the peer review is to provide staff with an independent, expert, third party assessment of the potential land use compatibility issues as well as the proposed mitigation measures. The purpose is to assist in making fully informed land use planning recommendations.

The peer reviewer will provide, at the cost of the applicant, an assessment of the report and whether appropriate methodology and data have been applied to the analysis, as well as an evaluation of the recommended mitigation measures and conclusions. The peer reviewer may request updates to the study as needed to satisfy Niagara Region and the Local Area Municipality that the report is complete and adequately addresses any potential land use compatibility concerns.

Terms of Reference
Bridgeburg North Oil & Gas Analysis, Phase 1 ESA, and Archaeological Assessment

February 2024

Oil and Gas Analysis

As per the Regions requirements.

Phase 1 Environmental Site Assessment (ESA)

The Phase 1 ESA shall follow Ontario Regulation 153/04.

A Letter of Reliance from a Qualified Professional shall also be provided stating that both the Town and Region may rely on the information contained within the report.

Archaeological Assessment

A Stage 1 Archaeological Assessment (at minimum) by a licensed archaeologist for any development and/or site alteration within an area of archaeological potential.

A Ministry's acknowledgement letter of receiving the report shall also be submitted for Stage 1.

If a Stage 2 Archaeological Assessment is warranted; consultation with the Mississaugas of the Credit First Nation shall be required to scope the Stage 2 and any subsequent stages.

Fact Sheet

Oil and Gas Wells in Ontario

The Ministry of Natural Resources and Forestry (MNRF) is responsible for a variety of activities related to oil and gas wells, including policy development and analysis, licensing and approvals, enforcement, and inspection. The ministry also provides technical support to municipalities related to oil and gas well emergency planning, preparedness, and response.

Responsibility for wells falls to the licence holder, lessee, or other “operator” of that well. Where no licence holder, lessee or other operator exists, the responsibility for the well falls to the landowner.

Municipalities and first responders should be aware of petroleum resources and infrastructure in their communities and include them in their emergency management plans.

Oil and gas wells are human-dug holes in the ground that are typically designed to bring oil or natural gas to the surface.

Wells that are abandoned do not necessarily pose a safety risk. Risks associated with aging infrastructure include:

- leaking wells – show signs of soil staining and vegetation die-off.
- hydrogen sulphide – a poisonous gas that in some instances may be detected by the smell of rotten eggs.
- high pressure / flammability – natural gas and oil may be released at high pressures around wells; these fluids are flammable and combustible.

Members of the public can find information about oil and gas wells in Ontario, including location and status of wells by accessing:

- the interactive petroleum well map at the Ontario Geo Hub:
<https://geohub.lio.gov.on.ca/search?q=petroleum>
- searchable petroleum well records at the Oil, Gas and Salt Resources Library: www.ogsrlibrary.com

Landowners that are aware of, or discover a well on their property, are encouraged to contact the ministry's Petroleum Operations Section at posrecords@ontario.ca or by phone at (519) 873-4634.

If issues are identified with a well, the province will provide advice to the landowner or responsible party to help address the issues. If there is an immediate concern for public health and safety, individuals should evacuate the area and contact 911 or their local emergency services.

Abandoned Works Program

Is a program through the Ministry of Natural Resources and Forestry (MNRF) that can provide financial assistance to well owners to support the plugging of oil and gas wells that are considered to be a risk to public health and safety or the natural environment and which qualify for financial support under the program. This program typically addresses degraded, old wells that may be at risk of leaking.

For more information on this program, please visit: www.ontario.ca/page/abandoned-works-program

Addressing Risks from Legacy Oil & Gas Wells & Gas Migration

March 31, 2023

Agenda

- Welcome and Introduction
- Minister's Opening Remarks

• Overview of Oil and Gas Hazard Management in Ontario and the Provincial Strategy to Address Hazards Associated with Legacy Oil and Gas Wells and Gas Migration

- Engagement Session

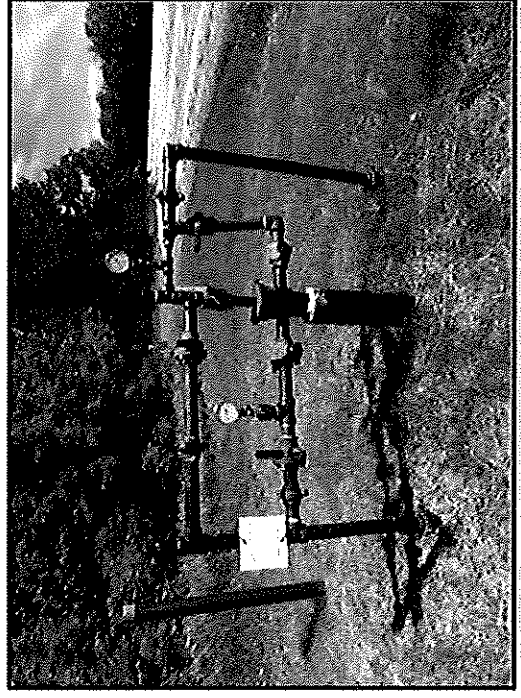
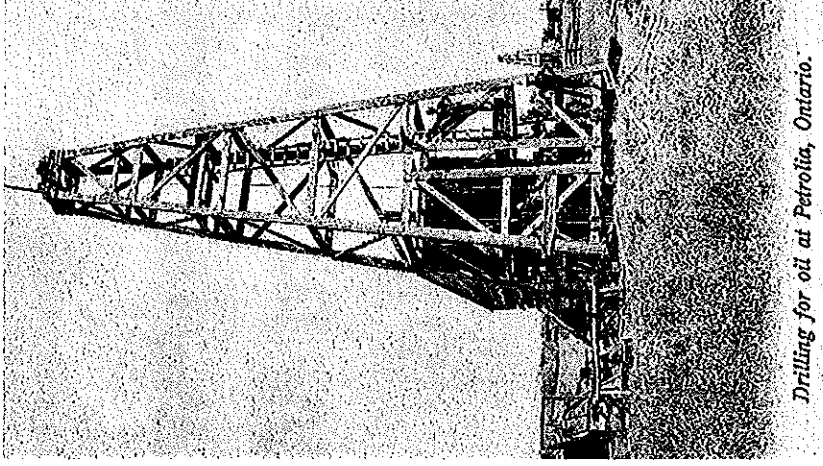
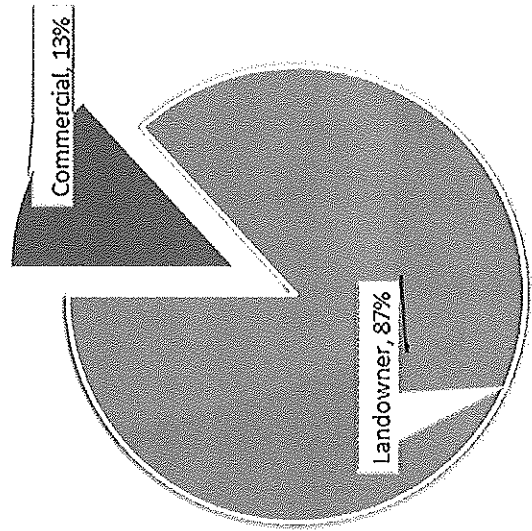
Overview of Oil and Gas Hazard Management in Ontario

Oil and Gas Wells in Ontario

- Oil and gas drilling activity began in Ontario over 160 years ago
- Many wells have aging infrastructure and were drilled and decommissioned decades ago when some plugging practices were rudimentary or before stringent regulations were in place.
- Vast majority of the oil and gas wells are the responsibility of the landowner.

87%

Ownership of Oil & Gas Wells



Petroleum Wells

- Inactive
- Active Well

0 10 20 40 Kilometers

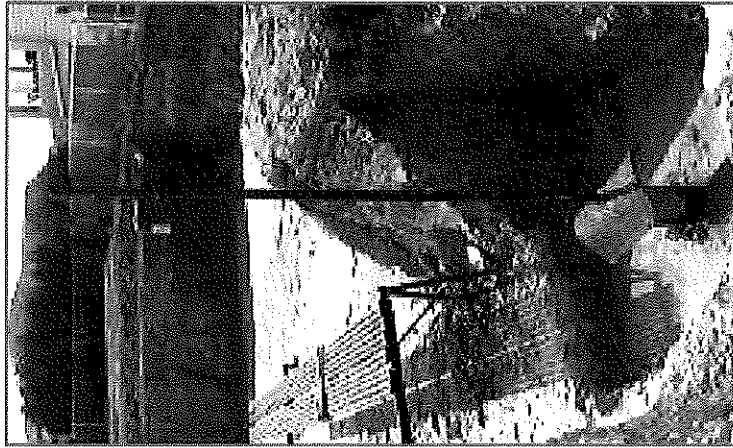
1:1,300,000

Notes:
Projection and Datum:
UTM Zone 17, NAD83
Scale: 1:1,300,000
Source: Ontario
Land Information System

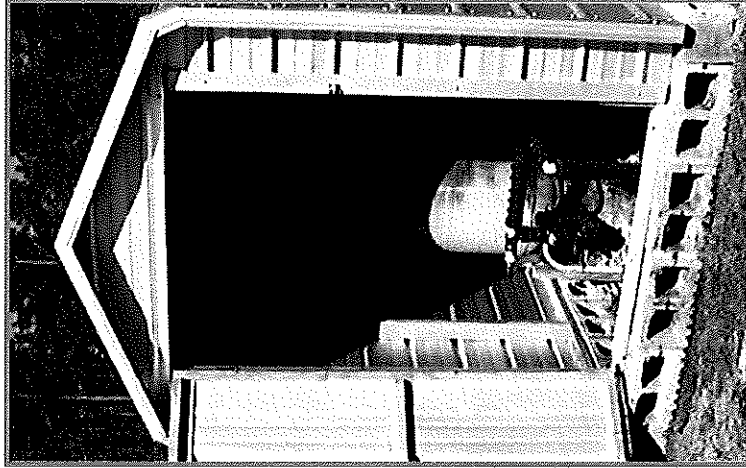
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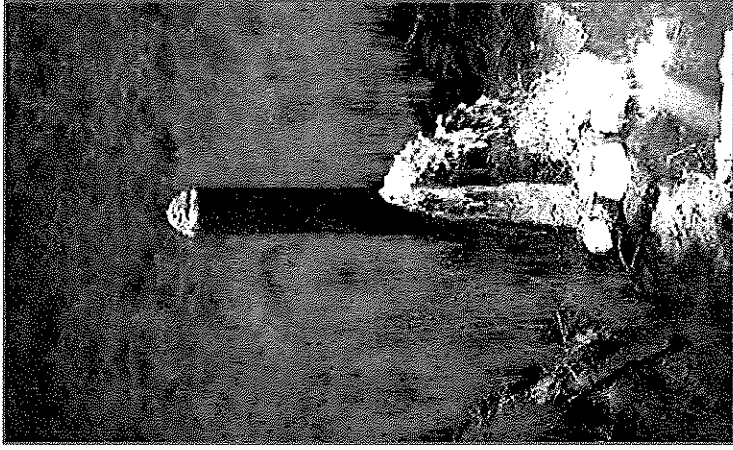
Hazards Associated with Legacy Wells & Gas Migration



Unknown or improperly plugged wells encountered during construction

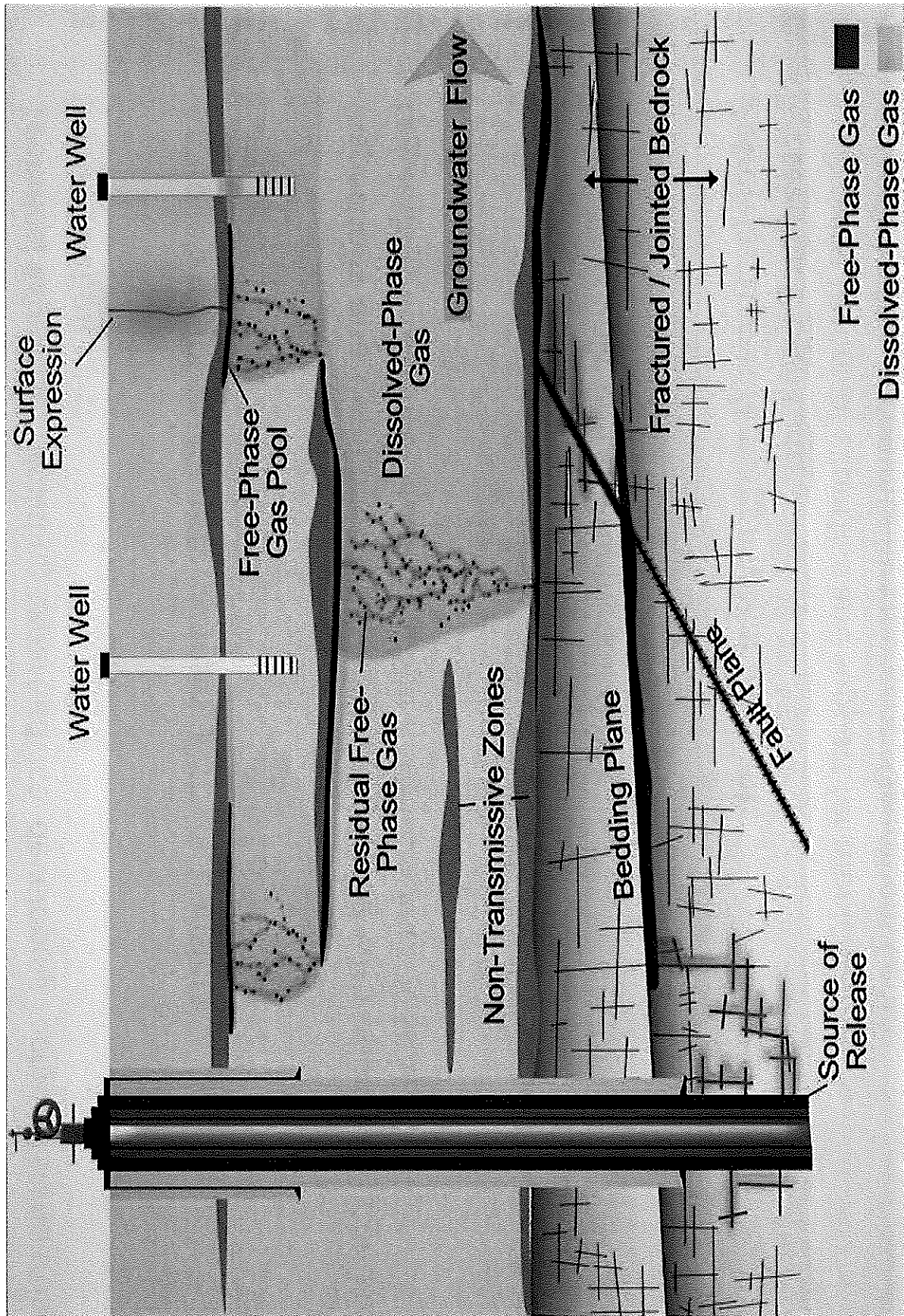


Pathway to the surface for poisonous gases such as hydrogen sulphide or explosive gases such as methane

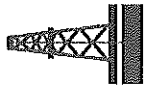


Spills to the environment from aging or improperly plugged wells

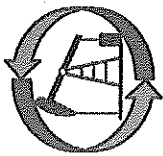
Pathways for Subsurface Gas Migration



Provincial Management of Petroleum Industry



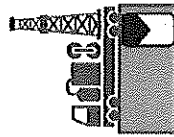
Technical Expertise: providing expert advice, developing technical standards, policy and regulation



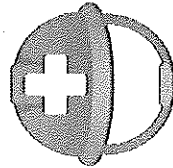
Approvals for Infrastructure: Licenses, permits, transfers



Inspections and Compliance: Ensuring compliance with approvals, standards and regulations under the Oil, Gas and Salt Resources Act (OGSRA)



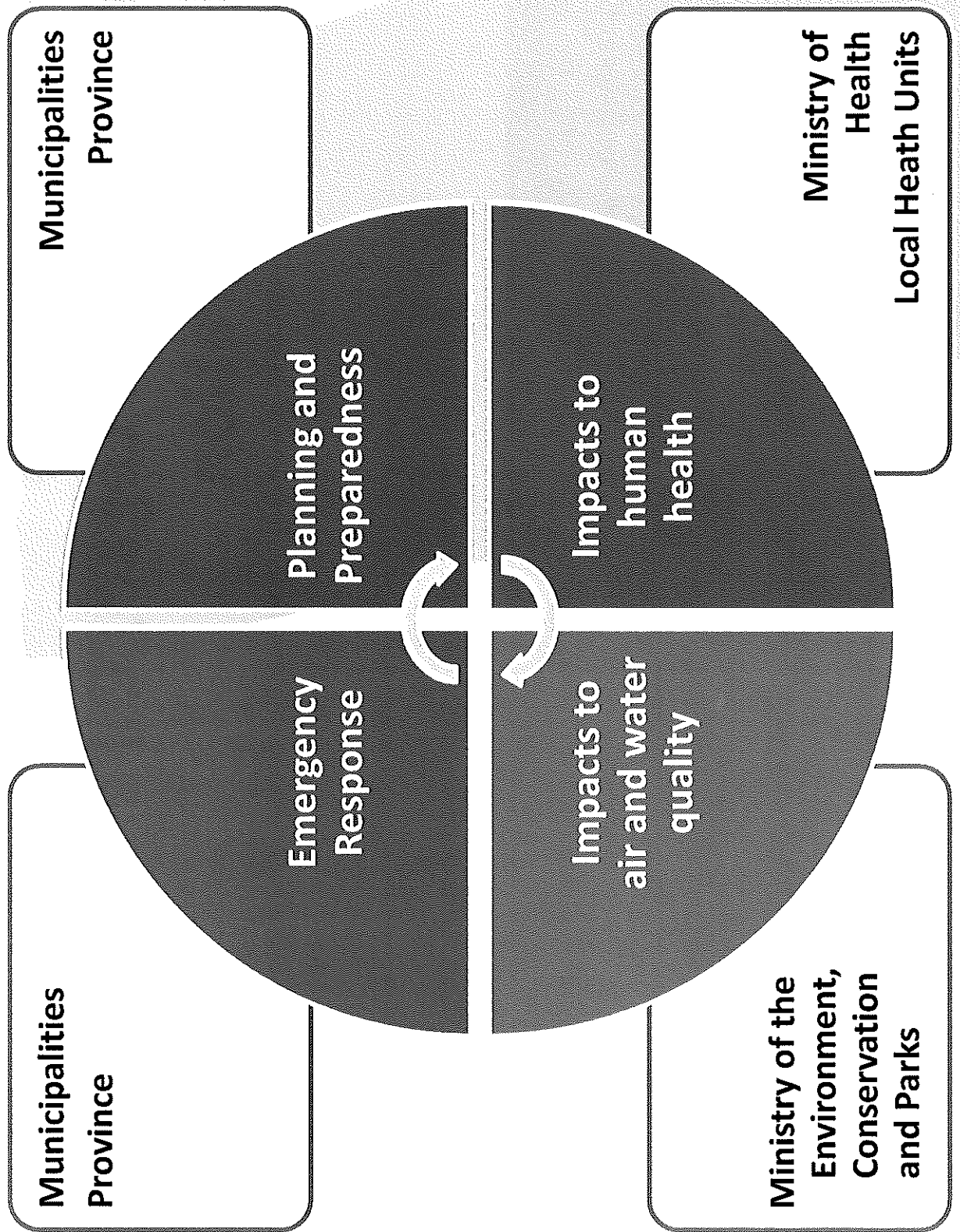
Abandoned Works Program: Funding program for the oil and gas wells that pose a threat to public and environmental safety



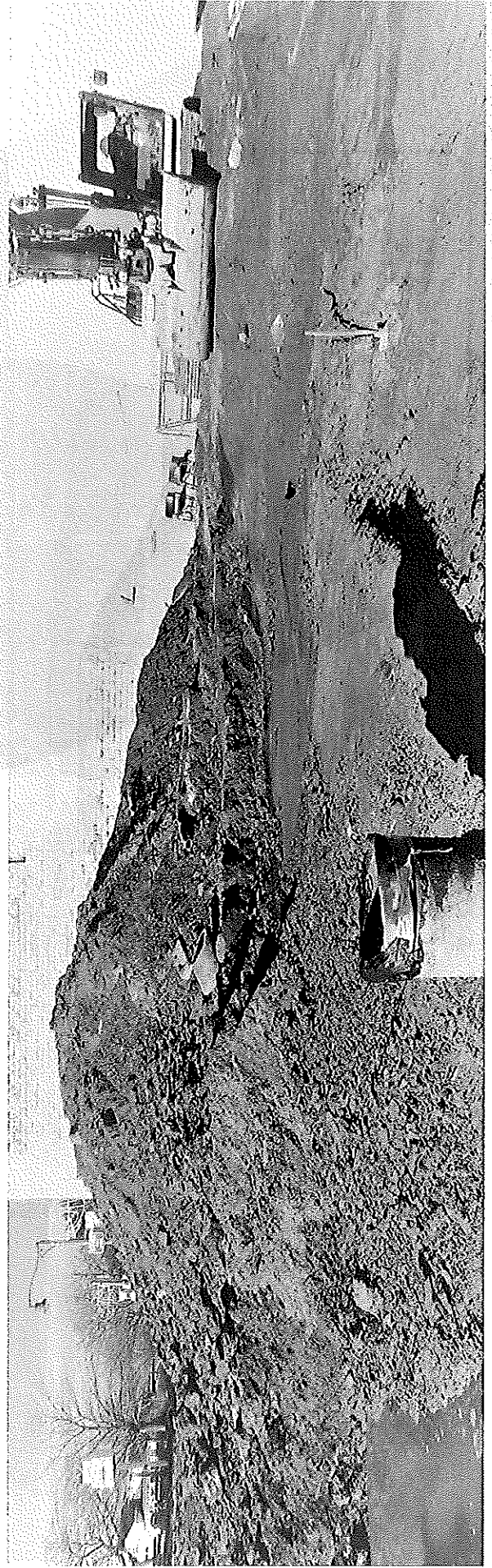
Petroleum Hazard/Emergency Management:

- Lead on Crown Land
- Provide technical expertise and support for municipalities
- Participation in community Emergency Operations Centre
- MNRF assigned the Order in Council for oil and gas emergency plans

Managing Petroleum Emergencies



Overview: Provincial Strategy to Address Hazards Associated with Legacy Oil and Gas wells and Gas Migration



Path Forward: Legacy Oil and Gas Wells Strategy



Understand Risks

- Expand knowledge to focus on areas of highest risk
- Evaluate strategies to mitigate risk
- Invest in science to inform solutions



Reduce Risks

- Address risks in collaboration with ministry partners
- Develop products and tools for municipalities and the public



Enhance Preparedness

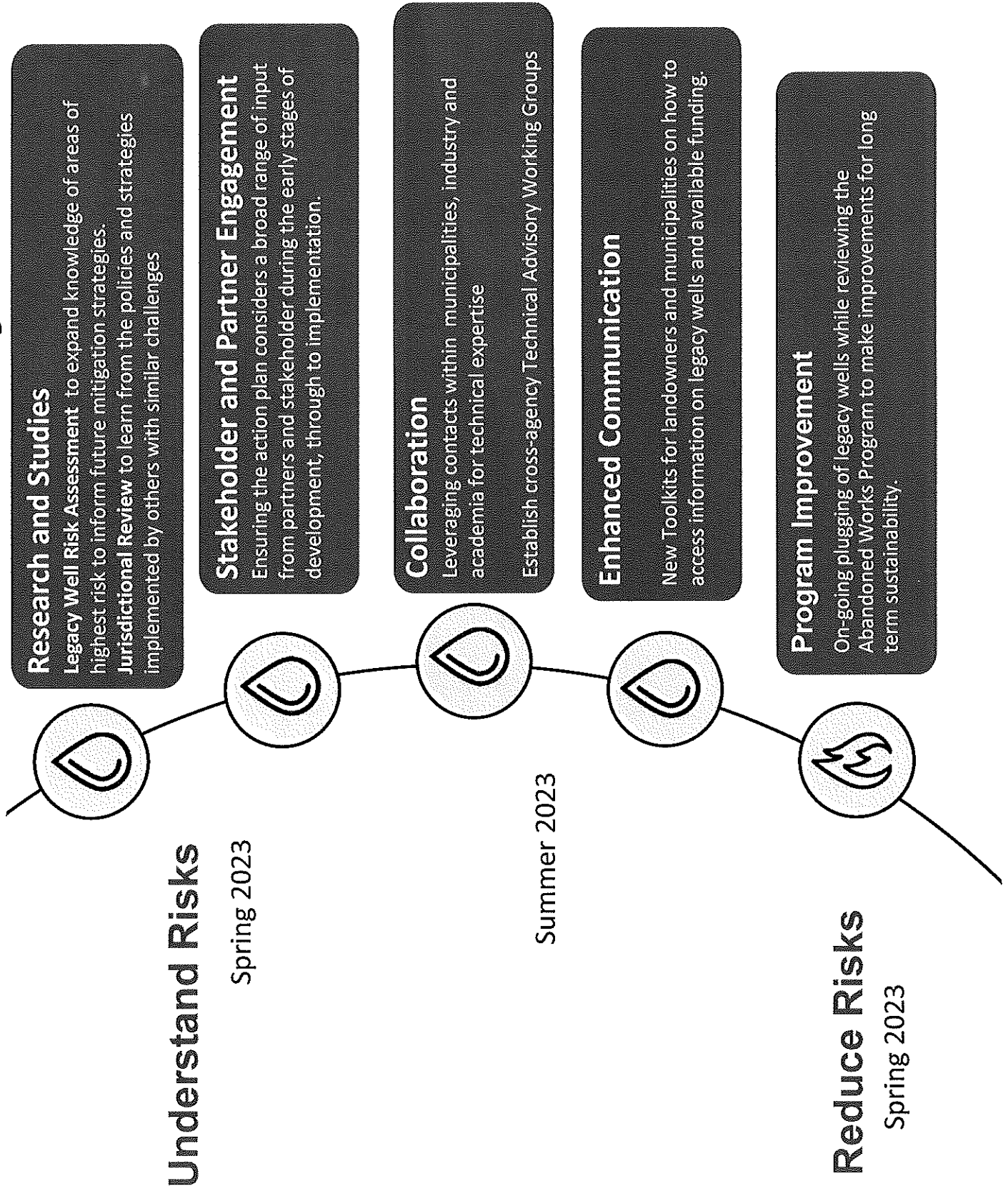
- Improve emergency preparedness by enabling municipalities and partners to develop plans for prevention and response

Engagement, Consultation and Partnerships

Reviewing the feedback from consultation discussions will play a key part in:

- Identifying opportunities for province to assist municipalities and landowners manage legacy oil and gas wells and subsurface gas migration hazards
- Defining areas of highest risk to public and environmental safety
- Enhancing working relationships across ministry and municipal partners
- Improving emergency preparedness and response
- Promoting awareness of risks and access to tools and supports

Path Forward: Work Underway and Planned



Path Forward: Work Underway and Planned

Enhance Preparedness 2023/2024

Enhanced Supports

Exploring options for programs to support municipalities, with a focus on emergency planning and preparedness

Analysis of Policy Needs

Cross-ministry reviews of program options to mitigate risks and enhance emergency preparedness

Improved Communication

Clear multi-agency roles and responsibilities
Continued development of outreach tools and supports

Program Improvements

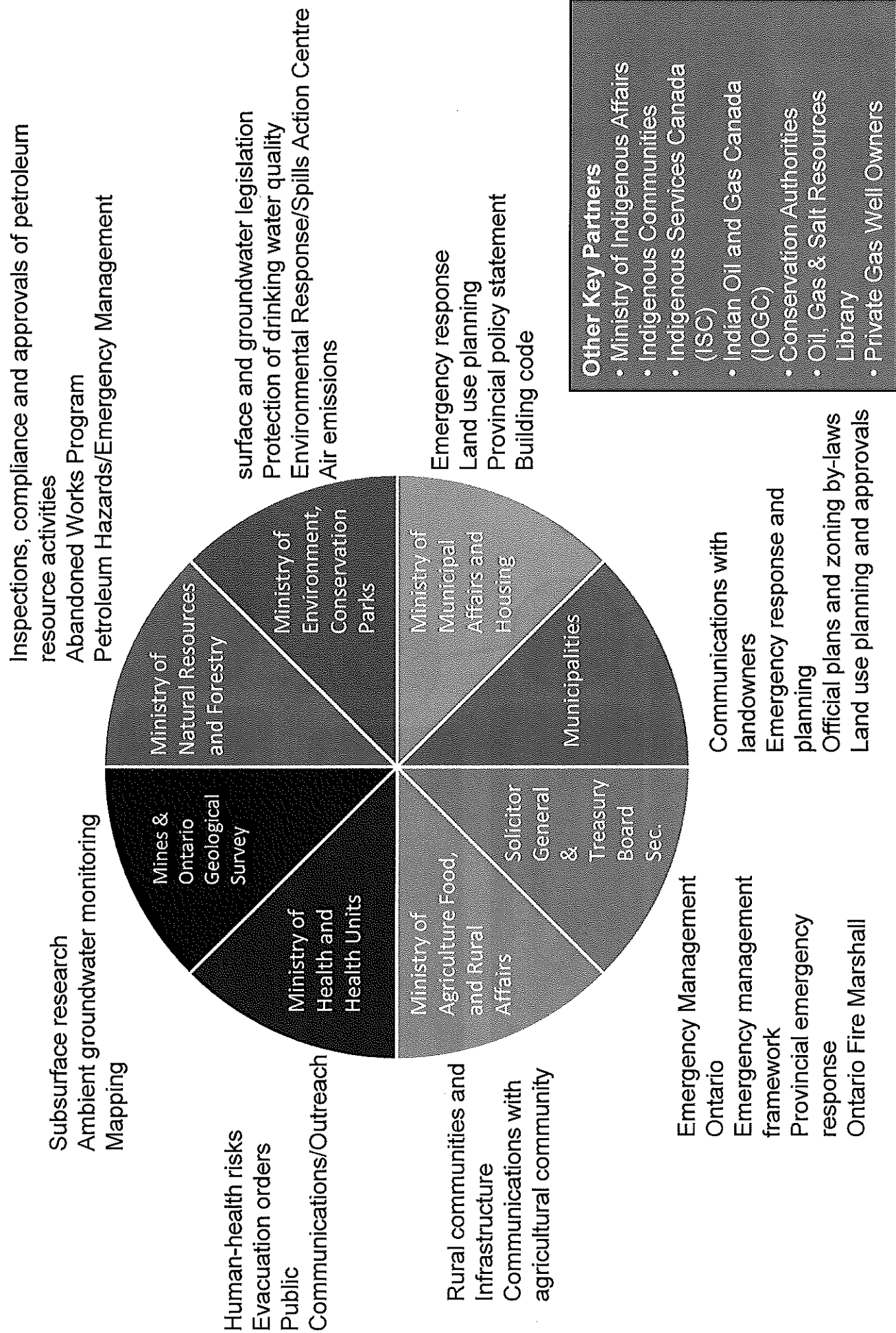
Implement outcomes of program reviews and potential policy needs, including statute or regulatory changes

Enhanced Support Programs

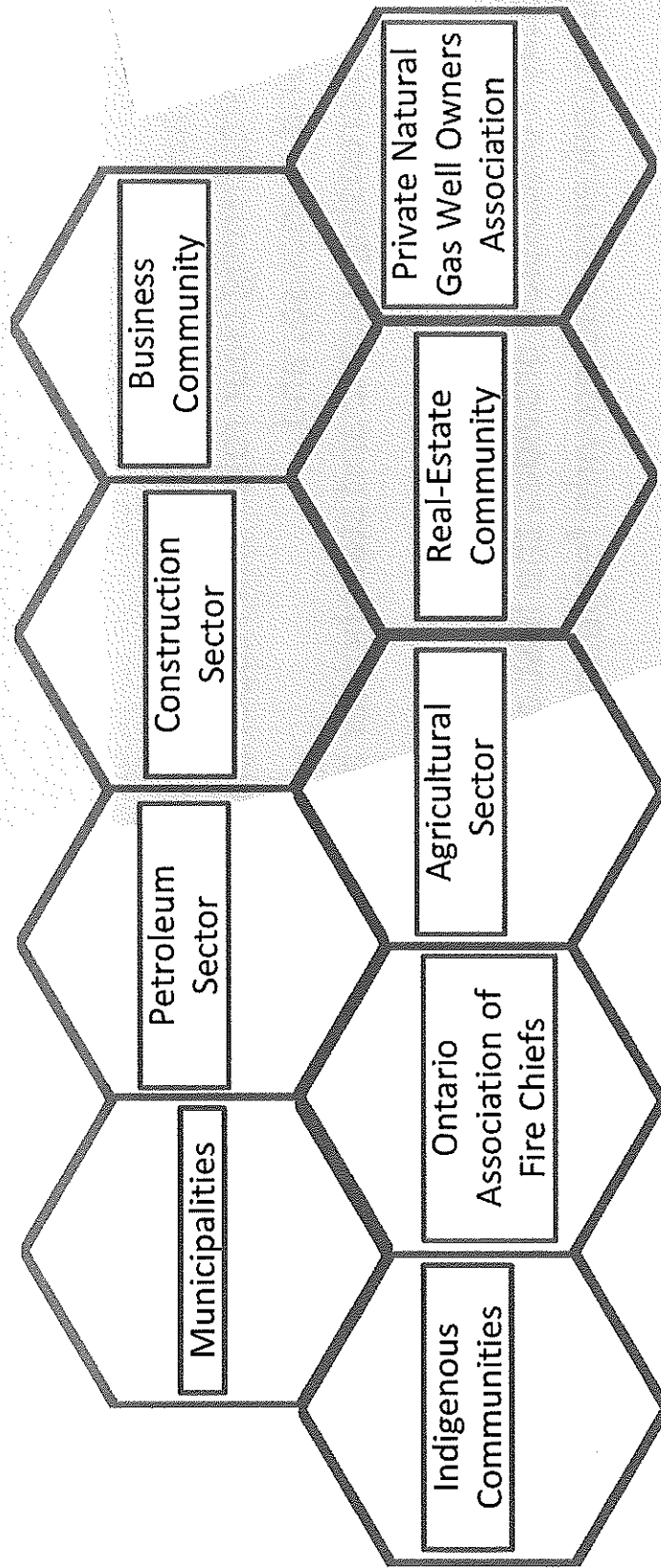
Opportunities for additional public awareness, self reporting, monitoring
New programs, tools and supports for municipalities
Coordinated emergency preparedness resources

Reduce Risks 2025/2026

Shared Responsibilities



Targeted Groups for Early Engagement (2023)



Conclusion

- We are seeking to better understand the specific needs of municipalities and determine how best to provide additional supports as part of the action plan.
- Your input will inform the development and implementation of our comprehensive, action plan with outcomes that include:
 - Defining areas of highest risk to public and environmental safety;
 - Enhancing relationships with provincial and municipal partners;
 - Establishing clear roles and responsibilities for emergency preparedness and response; and
 - Increasing public and stakeholder awareness of risks and access to tools and supports.
- Today's discussion provides the first of many opportunities for our municipal partners to share concerns and provide feedback.

Notes

Notes

Notes

Terms of Reference
Bridgeburg North Land Use Compatibility Study

February 2024

Statistical Calculations

All Land Use Concept maps, shall provide for a statistical breakdown of use and population, the below is an example of a Land Use Concept and Population Statistics Breakdown:

	Area (ha)	% of GA
Gross Area (GA)	#	100%
- Natural Heritage	#	%
- Arterial Road Right-of-way	#	%
- Other Right-of-way	#	%
Gross Developable Area	#	
- Existing Land Uses	#	
- Commercial		
❖ Major Commercial	#	
❖ Neighborhood Commercial	#	
- Parkland, Recreation, Open Space		
❖ District Park	#	
❖ Neighborhood Park	#	
- Institutional		
❖ Fire Station	#	
❖ School	#	
❖ Civic Area (Libraries, Rec Centres, etc...)	#	
- Mixed Use		
- Transportation		
- Dedicated Active Transportation		
- Transit Centre		
- Infrastructure/Servicing		
❖ Stormwater Management Facilities		
❖ Pump Stations, Etc...		
Special Uses.		
Total Non-Residential Area		
Net Residential Area (NRA)		

Residential Land Use Area, Unit & Population Count						
Land Use	Area (ha)	Units/ha	Units	People/Unit	Population	% of NRA
Single/Semi-Detached						
Townhomes						
Low-rise/medium density housing						

Medium to High Rise Units						
Total Residential						100.00%

Sustainability Measures	
- Population per net hectare (ppnha)	#
- Units per net residential hectare (upnrha)	#
[Single/Semi-Detached / [Row Housing: Low-rise/Medium Density Housing; Medium to High-Rise Units] Unit Ratio	%/%
Population (%) within 500m Parkland	
Population (%) within 400m of transit	
Population (%) within 600m of Commercial Services	

Presence/Loss of Natural Heritage Features	Land	Water
Protected as Environmental Protection (ha)		
Conserved under conservation overlay (ha)		
Protected through other means (please specify) (ha)		
Lost to Development (ha)		

STUDENT GENERATION COUNT

Public School Board
Elementary School
Middle School
High School

Separate School Board
Elementary School
Middle School
High School

Francophone School Board
Elementary School
Middle School
High School

Total Student Population

Terms of Reference
Bridgeburg North Traffic Impact Study

February 2024

Transportation Impact Study

It can be expected there will be a need to coordinate and communicate with outside or third-party consultants retained by the Town as part of the proposed work plan. The Consultant will work with Town staff to ensure a coordinated output that aligns with work being performed. Wherever feasible, the sharing of data will provide for the most accurate and up-to-date traffic conditions and projections to assist in delivering more reliable results for long-range planning and capital projection estimates and potential capacity constraints.

The Plan Area presently involves three roadway jurisdictions (Town, Region, Niagara Parks Commission, and Ministry of Transportation) that will share an interest in the transportation planning for this area.

The Niagara River Parkway is controlled access highway, that provides a scenic drive running parallel to the Niagara River 55 km from Fort Erie in the south, to Niagara on the Lake in the north. New road connections to the Niagara River Parkway will be discouraged.

The Plan Area can be characterized as being Greenfield, with significant natural heritage features with limited existing origin and destination traffic being generated.

The Plan Area was added as “Community Lands” through an urban boundary expansion exercises and can be expected to develop with residential prominence. To a lesser extent, traffic generation from population related employment (commercial and institutional use) may also result for portions of the Plan Area.

The Proponent will have a working knowledge and understanding of the policy framework that relates to transportation planning occurring at the provincial, regional, and local levels. The following documents contain relevant policy direction in relation to transportation planning matters that may impact the Secondary Plans subject to this RFP:

Provincial Policy Statement: (or potentially Provincial Planning Statement subject of Bill 97)

<https://www.ontario.ca/page/provincial-policy-statement-2020>

A Place to Grow - Growth Plan for the Greater Golden Horseshoe (Growth Plan):

<https://www.ontario.ca/document/place-grow-growth-plan-greater-golden-horseshoe>

Ministry of Transportation’s Greater Golden Horseshoe Transportation Plan (GGH Transportation Plan):

<https://www.ontario.ca/page/connecting-ggh-transportation-plan-greater-golden-horseshoe#:~:text=What's%20in%20the%20plan%3F,the%20region%20into%20the%20future.>

Niagara Region Official Plan:

<https://www.niagararegion.ca/official-plan/>

Niagara Region Transportation Master Plan – How We Go:

<https://www.niagararegion.ca/2041/transportation-master-plan/default.aspx>

Niagara Region Transportation Impact Guidelines July 2023:

<https://www.niagararegion.ca/business/pdf/traffic-impact-study-guidelines.pdf>

The Transportation Impact Study will comprise three phases of study and reporting.

Phase 1 – Existing Conditions and Baseline Model

The first phase of the study work will make use of available Town, Region or third-party traffic and collision data for the immediate area. A description and an illustration of the existing transportation system within the study area shall be provided in the existing conditions section of the TIS and shall include, but not be limited to, the following:

- Roads indicating the number of lanes, jurisdiction and posted speed;
- Existing intersection control
- Signalized/unsignalized intersections and interchange ramp terminals indicating, as relevant:
- Lane configurations, widths and storage lengths; Available permitted movements;
- Location of sidewalks, bicycle paths/routes and pedestrian control and school crossing guard locations;
- Planned roadway and pedestrian improvements which will have a noticeable impact on the transportation operations within the study area; and
- Have regard for other developments in the study area, which are under construction, approved or for which an application has been submitted. Briefly describe the size and nature of these developments in general terms.

The Consultant will utilize the recently developed Niagara Region Activity Based Model (NRABM). The NRABM was calibrated to 2023 or newer traffic counts with adjustments to reflect current conditions and provides travel demand forecasts and network auto, truck and transit person assignments for the planning horizons of 2031, 2041 and 2051. For the purpose of this RFP, the Proponent should anticipate build-out of the respective Plan Areas will be achieved at, or within, the 2051 planning horizon.

The initial phase will also review the perimeter road networks to assess optimal future intersection recommendations for consideration during the conceptual land use planning phase of the secondary planning exercises.

In addition to generating the baseline for vehicular volumes and pattern modeling, the Consultant will be required to identify the existing transit systems/networks and any active transportation networks in the vicinity that present opportunities to broaden all modes of transportation options for future residents.

It is also anticipated that transportation team representatives will be required to meet directly with Ministry of Transportation representatives to address and resolve Ministry concerns wherever identified. Such meetings will be coordinated through the Consultant's PM with appropriate Town and Region staff in attendance as well.

Phase 1 – Existing Conditions Report

On conclusion of the background review and baseline modeling, the Consultant will provide a report identifying the extent of existing conditions (roads, transit, active transportation and trails) for review by Staff and relevant jurisdictions.

The Report will be used to inform land use options development and should highlight situations or challenges that may positively or negatively influence initial land use concepts.

The Report will also supply mapping that illustrates locations of nearest transit routes, active transportation infrastructure and sidewalk networks for consideration on how connections may best be made or introduced for each of the Plan Areas. The Phase 1 report will be a public facing document once finalized and made available on the Town's project webpages for public access.

Phase 2 – Cursory Concept Assessment

Following the Town's development of Land Use Options (up to 3 are planned), the Consultant will provide a cursory review of each land use arrangement with respect to:

- primary road network functional flow;
- intersection location; and
- suitability for transit provision, pedestrian movement and active transportation facilities.
- Trip Generation
- New road corridors

The Consultant will provide illustration suitable for public consultation and presentation and will have appropriate representation at the planned public open house.

Town staff and the Consultant will consider public comments and commentary from the Assessment Report when selecting the most appropriate land use option or hybrid concept to advance as the preferred land use plan.

The Phase 2 – Concept Assessment Report will be a public-facing document made available on the project web pages once complete and accepted by the Town.

Phase 3 - Transportation Impact Study

The Consultant will use the preferred land use concept for the detailed impact assessment that provides for:

- future travel demands by mode; Development beyond study area, Transportation demand measures
- New road corridors
- assessing adequacy of Plan Area access and internal collector road locations to determine the classification and features of a new roadway that has direct impacts on the development of land use concepts; (permeability, separations, sight lines, level of service and Traffic Calming Measures, Specifically, outline and recommend appropriate traffic calming measures based on the findings of the assessment.);
- travel patterns and resulting infrastructure requirements; and to identify the potential capacity constraints;
- timing and opportunities for road improvements
- Timing for implementation and cost estimates

In addition to the traffic modeling, there will be need for the Consultant to make policy recommendations for inclusion in the Secondary Plans documents, including recommendations on transit planning consideration and provision, active transportation facility provision pedestrian network connections and bicycle route planning to encourage the use of a variety of modes of transportation within the Plan Areas and connection beyond.

The Transportation Impact Study will be circulated to Town staff for review and comment at 75% completion and prior to finalization. All phase-ending reports will be a public-facing documents to be made available on the Town's project web pages and required to be fully AODA compliant.

The Consultant's PM will ensure a responsible representative is available for public open house engagement who may be asked to present and receive questions in open forums.

Deliverables

Phase 1:

- Draft of the Existing Conditions and Baseline Model Report and associated mapping
- Final Existing Conditions and Baseline Model Report and associated mapping
- Presentation slides

Phase 2:

- Draft of the Cursory Options Assessment Report and mapping
- Final Cursory Options Assessment Report and mapping outlining pros and cons respecting each assessed option,
- Presentation slides
- Evaluation of options

Phase 3

- Draft of the Preferred Land Use Plan – Transportation Impact Study and mapping
- Final Preferred Land Use Plan – Functional Servicing Study and mapping
- Presentation slides
- Any database created or modified, digital mapping or digital modeling
- Meeting chronology, agenda and minutes
- 75% draft of TIS
- Draft TIS
- Final TIS

Intersections identified in the table below should have an impact by the increase of traffic volumes on adjacent facilities; Volume/capacity (V/C) ratios for overall intersection operations, through movements, or shared through/turning movements increased; or V/C ratios for exclusive movements increased.

The list of key intersections in the study area is not final, other intersections or roads may be added after we see how development traffic is forecast to use the road network.

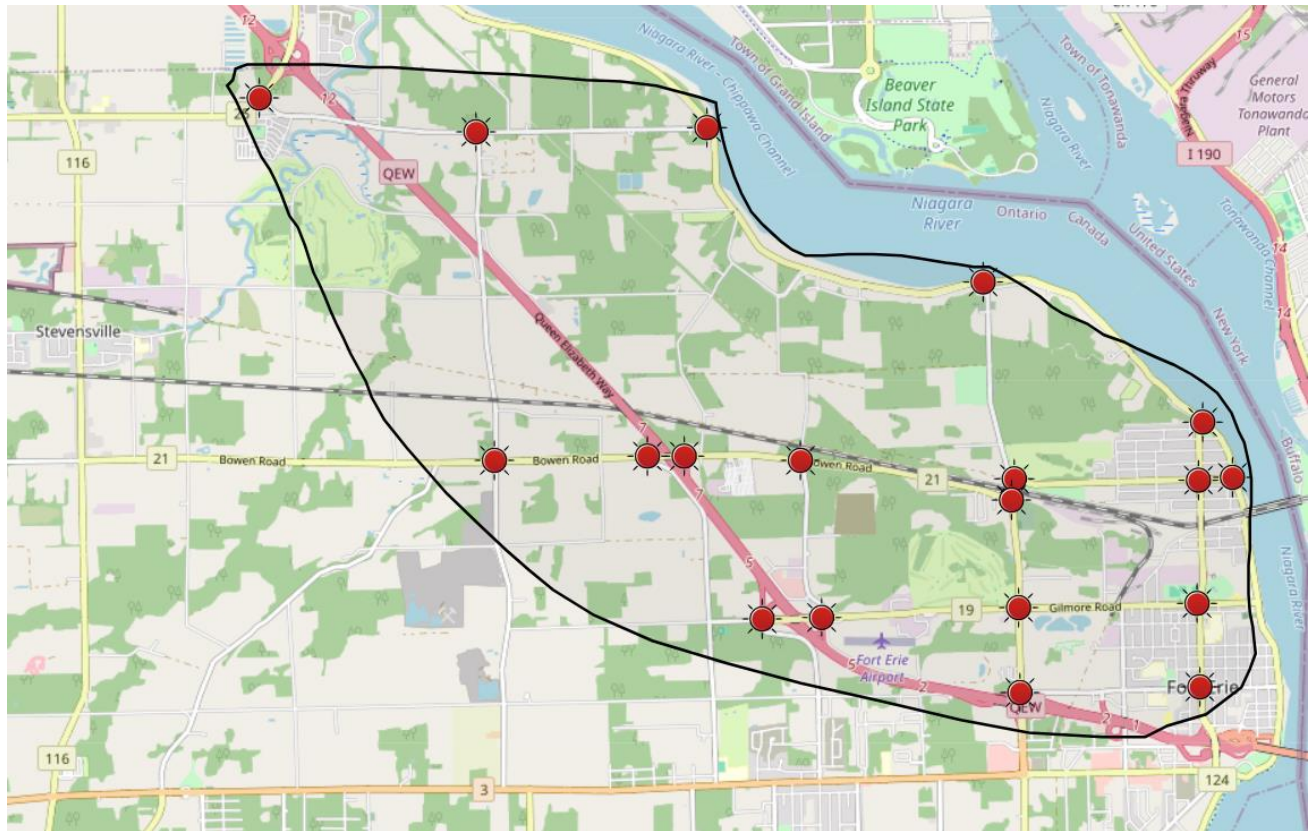


Figure 1 Study area key intersections

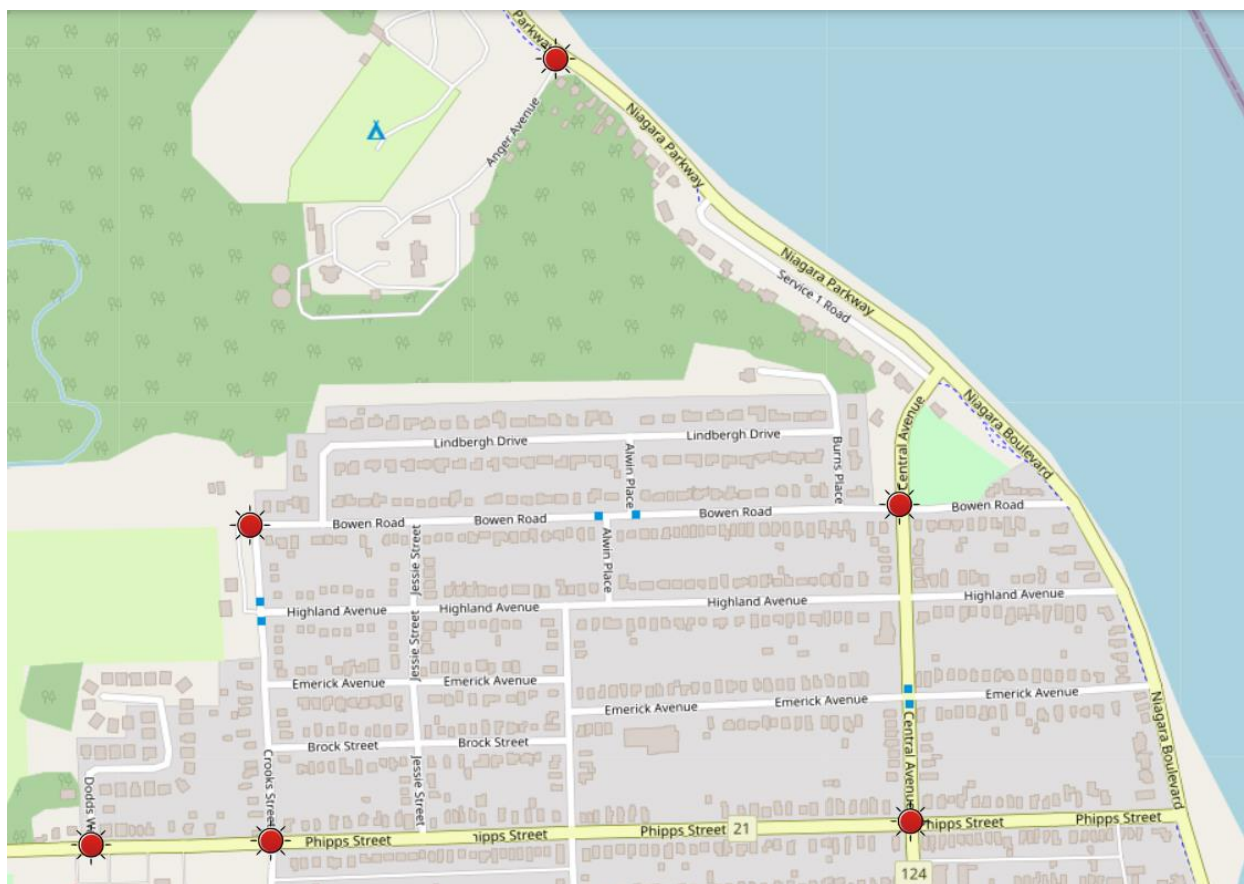


Figure 2 Study area key intersections

Table 1: Study Area to Include Intersections for Transportation Impact Study

No	Street	At
1	Townline Road	Netherby Road
2	Townline Road	Ridgemount Road
3	Townline Road	Niagara Parkway
4	Bowen Road	Ridgemount Road
5	Bowen Road	Sunset Drive
6	Bowen Road	Pettit Road
7	Bowen Road	Thompson Road
8	Phipps Road	Thompson Road

No	Street	At
9	Phipps Road	Central Avenue
10	Phipps Road	Niagara Parkway
11	QEW off-ramp	Bowen Road
12	Pettit Rd	Gilmore Road
13	QEW off-ramp	Gilmore Road
14	Gilmore Road	Thompson Road
15	Gilmore Road	Central Ave
16	Thompson Road	Gilmore Road
17	Bertie St	Thompson Road
18	Bertie St	Central Avenue
19	Anger Avenue	Niagara parkway
20	Dodds Court	Phipps Street
21	Crooks St	Bowen Rd
22	Crooks St	Phipps St



The Corporation of the Town of Fort Erie
By-law 71-2025

Being a By-law to Amend By-law 114-2019 to
Expand Appointment of a Hearing Officer

Whereas By-law 84-2014 was passed by the Municipal Council of the Town of Fort Erie on June 16, 2014, to establish a System for Administrative Penalties respecting the stopping, standing and parking of vehicles within the Town of Fort Erie (Administrative Penalty By-law), pursuant to Section 102.1(1) *Municipal Act, 2001*, S.O. 2001, c.25, as amended, and Ontario Regulation 333/07 thereto; and

Whereas By-law 111-2019 was passed by the Municipal Council of the Town of Fort Erie on the 15th day of July 2019, to establish an Administrative Penalty System for various municipal by-laws; and

Whereas it is necessary to appoint a Hearing Officer to hear appeals of Screening Decisions under the Administrative Penalty By-law; and

Whereas By-law 114-2019 was passed to authorize the entry into an agreement with Rutherford Prosecutions and to appoint Janet Rutherford as the Hearing Officer for The Corporation of the Town of Fort Erie under the Administrative Penalty System; and

Whereas to accommodate timely hearings, Janet Rutherford has requested expanding Fort Erie’s appointment of a Hearing Officer to include a designated employee by Rutherford Prosecutions; and

Whereas it is deemed desirable to amend By-law 114-2019 to expand the appointment of a Hearing Officer to include a designated employee by Rutherford Prosecutions.

Now, therefore, the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

- 1. That** Section 3 of By-law 114-2019 is replaced as follows:

“**That** Janet Rutherford, or a designated employee by Rutherford Prosecutions, is appointed as the Hearing Officer for The Corporation of the Town of Fort Erie for the purposes of the Town’s Administrative Penalty System.”
- 2. That** the Clerk of the Town 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 21st day of July 2025.

Mayor

Clerk



The Corporation of the Town of Fort Erie
By-law 72-2025

Being a By-law to Amend Traffic By-law 2000-89, as amended
(Parking Restrictions and Administrative Updates)

Whereas By-law 2000-89, as amended, provides for the regulation of traffic and parking on highways in the Town of Fort Erie; and

Whereas Report IS-17-2025 was considered and approved, in part, at the Council-in-Committee meeting held on July 7, 2025, approving the Seasonal Parking Restrictions for Waterfront Park Regular Events and administrative updates to the Consolidated Traffic By-laws 2000-89; and

Whereas it is deemed desirable to amend Traffic By-law 2000-89, as amended, accordingly;

Now, therefore, the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Schedule “C” to By-law 2000-89, as amended, is further amended by adding the following:

SCHEDULE ‘C’			
NO PARKING			
COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
HIGHWAY	SIDE	BETWEEN	PROHIBITED TIMES OR DAYS
Crystal Beach Drive	North Side	East limit Ridge Road and West limit Lake Avenue	Thursdays and Sundays from 5:00 p.m. to 9:00 p.m. June 1st – September 15th
Crystal Beach Drive	South Side	East limit of Lake Avenue and West limit Ridge Road South	Thursdays and Sundays from 5:00 p.m. to 9:00 p.m. June 1st – September 15th
Lake Avenue	West Side	North limit Terrace Lane and South limit Crystal Beach Drive	Anytime
Lake Avenue	East Side	North limit Terrace Lane and South limit Crystal Beach Drive	Thursdays and Sundays from 5:00 p.m. to 9:00 p.m. June 1st – September 15th
Ridgeway Road (Millington Skyway)	Both Sides	North limit Terrace Lane and South limit Crystal Beach Drive	Anytime
Ridgway Road	West Side	North limit Crystal Beach Drive and South limit Erie Road	Thursdays and Sundays from 5:00 p.m. to 9:00 p.m. June 1st – September 15th

2. That Schedule “W” to By-law 2000-89, as amended, is further amended by deleting the following:

SCHEDULE ‘W’		
SPEED LIMIT ON HIGHWAYS		
COLUMN 1	COLUMN 2	COLUMN 3
HIGHWAY	BETWEEN	RATE OF SPEED
Michener Rd	East side of Schooley Rd to West side of Elmwood Ave	70 Km/hr
Point Abino Rd N	From North side of Garrison Rd to South side of Netherby Rd	70 Km/hr
Townline Rd	East side of Netherby Rd to the intersection at Niagara Parkway East side of Ridgemount Rd	70 km/hr.

3. That Schedule “W” to By-law 2000-89, as amended, is further amended by adding the following:

SCHEDULE ‘W’		
SPEED LIMIT ON HIGHWAYS		
COLUMN 1	COLUMN 2	COLUMN 3
HIGHWAY	BETWEEN	RATE OF SPEED
Townline Rd	East side of Ridgemount Rd to West side of Niagara Parkway	60 km/hr.

4. That Schedule “X” to By-law 2000-89, as amended, is further amended by adding the following:

SCHEDULE ‘X’			
SPEED LIMIT IN SCHOOLS ZONES			
COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
HIGHWAY	FROM / TO	DAYS	TIMES
Ridgeway Road	A distance of 40m North of Michener Road to 40m North of Mathewson Road beyond the limits of the land used for the purposes of St. George Catholic School	Anytime	Anytime

5. That Schedule “X” to By-law 2000-89, as amended, is further amended by deleting “Stonemill Street” from Column 1.

6. That the Clerk of the Town 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 21st day of July 2025.

Mayor

Clerk



The Corporation of the Town of Fort Erie By-law 73-2025

Being a By-law to Assume Secondary Services within Peace Bridge Village Subdivision – Phase 1 (59M-470) and Phase 2 (59M-488) Ashton Homes (Western) Limited (Aldo Vercillo) – Owner

Whereas By-law 123-2018, as amended, authorized the Mayor and Clerk to execute the Subdivision Agreement for Peace Bridge Village Subdivision, Phase 1; and

Whereas By-law 17-2021, authorized the Mayor and Clerk to execute the Subdivision Agreement for Peace Bridge Village Subdivision, Phase 2, Stages 1 and 2; and

Whereas Section 10.8 of the Subdivision Agreement provides that municipal services shall be assumed by the Town in two stages, namely, by Council first passing an Assumption By-law for Primary Services after the Director of Infrastructure Services approves the Certificate of Final Acceptance for Primary Services, and second, an Assumption By-law for Secondary Services after the Director of Infrastructure Services approves the Certificate of Final Acceptance for Secondary Services; and

Whereas pursuant to the Subdivision Agreement, the Secondary Services include all finished streets and roadways as constructed by the Developer for the Plan of Subdivision; and

Whereas the Director of Infrastructure Services has approved the Certificate of Final Acceptance for Secondary Services for Phase 2 Stages 1 and 2 of the said subdivision; and

Whereas it is deemed desirable to assume the Secondary Services installed pursuant to the Subdivision Agreement for Phase 1 and 2, including certain highways within Registered Plans 59M-470 and 59M-488;

Now therefore, the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the following Secondary Services identified on the approved servicing plans of the Subdivision registered as Plan 59M-470 and 59M-488 are assumed by the Town of Fort Erie, namely:
 - a. Municipal roads, including boulevards;
 - b. Driveway aprons;
 - c. Sidewalks;
 - d. Landscaping and tree plantings;
 - e. Walkways (Blocks 71, 72, and 73 on Plan 59M-470 and Block 48 on Plan 59M-488); and
 - f. Fencing (1.5m black chain link) around walkways:
 - i. Phase 1 (59M-470) – Blocks 71, 72, 73, 74; and
 - ii. Phase 2 (59M-488) – Block 48

Pursuant to the Certificate of Final Acceptance of Secondary Services for Phase 1, dated March 3, 2025, and Pursuant to the Certificate of Final Acceptance of Secondary Services for Phase 2, dated July 16, 2025.

2. **That** the Clerk of the Town 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 21st day of July 2025.

Mayor

Clerk



The Corporation of the Town of Fort Erie
By-law 74-2025

**Being a By-law to Confirm the Actions of Council at its
Council-in-Committee Meeting Held on July 7, 2025, and its
Council Meeting Held on July 21, 2025**

Whereas it is desirable to have the actions and proceedings of Council adopted, ratified and confirmed by by-law; and

Now, therefore, the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

- 1. **That** the actions of Council at its Council-in-Committee Meeting Held on July 7, 2025, and its Council Meeting Held on July 21, 2025, including all motions, resolutions and other actions, are adopted, ratified and confirmed as if they were expressly embodied in this by-law, except where the law requires the prior approval of any authority.
- 2. **That** where no individual by-law has been or is passed with respect to the taking of any action authorized in or with respect to the exercise of any powers by the Council, then this by-law is deemed for all purposes to be the by-law required for such authorization or exercise of any powers.
- 3. **That** the Mayor and officers of The Corporation of the Town of Fort Erie are authorized and directed to do all things necessary to give effect to such actions or to obtain approvals where required.
- 4. **That** except where otherwise provided, the Mayor and the Clerk are authorized and directed to execute all documents arising from such actions.
- 5. **That** the Clerk of the Town 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 21st day of July 2025.

Mayor

Clerk