



**REPORT TO:** Chair and Members of the  
Public Works Committee

**SUBJECT:** Final Recommendations Report  
Regional Policy Plan Amendment 3-2009 and  
Fort Erie Official Plan Amendments No. 4 and 63  
Canadian Motor Speedway  
Town of Fort Erie

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## **RECOMMENDATIONS**

That this Committee recommend to Regional Council:

1. That Regional Policy Plan Amendment 3-2009 to provide for a Special Policy Area to permit the Canadian Motor Speedway development in the Town of Fort Erie be approved.
2. That a By-law be prepared for adoption of Regional Policy Plan Amendment 3-2009 by Council.
3. That Amendment No. 63 to the existing (approved) Town of Fort Erie Official Plan and Amendment No. 4 to the updated (adopted) Town of Fort Erie Official Plan, be approved **as modified in this report**.
4. That Notice of Council's decision regarding Regional Policy Plan Amendment 3-2009 and Amendments No. 4 and 63 to the Town of Fort Erie Official Plan be given in accordance with Planning Act requirements.
5. That a copy of this report be forwarded to the Town of Fort Erie and the applicant.

## **EXECUTIVE SUMMARY**

The Canadian Motor Speedway complex is anticipated to be a catalyst to accelerate growth in the Niagara's Gateway Economic Zone. As outlined in Staff's previous report to Committee and Council (PWA 121-2009, December 9, 2009), there are still a number of important planning and development issues and approvals required to be addressed before construction can begin. The Amendments to the Regional Policy Plan and Fort Erie Official Plan represent the first step in moving this project forward in terms of setting policy direction for the development. Several minor modifications to the Official Plan Amendments adopted by the Town are being recommended by Regional staff to meet

Provincial and Regional policies. Regional Policy Plan Amendment No. 3-2009 and Amendment No. 63 to the existing (approved) Town of Fort Erie Official Plan and Amendment No. 4 to the updated (adopted) Town of Fort Erie Official Plan, as modified, are recommended for approval by Regional Council.

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications associated with the approval of the policy amendments being presented for the Canadian Motor Speedway proposal. The owners are responsible for all costs associated with this project when the development proceeds.

## **PURPOSE**

This report provides final recommendations on applications to amend the Regional Policy Plan and the Town of Fort Erie Official Plan to provide policy direction to permit the Canadian Motor Speedway development. A location map is provided **in Appendix 1 (see Schedule A)**.

## **REPORT**

### Regional Policy Plan Amendment 3-2009

Development Services staff presented a report (PWA 121-2009) to the Integrated Community Planning and Public Works Committee on December 8, 2009 to evaluate a Regional Policy Plan amendment application to permit a motor speedway complex with ancillary recreational, commercial and industrial uses including an automotive research, technology and innovation centre. The application was supported by Committee on December 8, 2009 and Regional Council on December 17, 2009.

The Regional Policy Plan Amendment No. 3-2009 has now been finalized for approval by Council (see Appendix 1). The Amendment adds a "Special Policy Area" applicable to 332 hectares (821 acres) of land under the Section 6: Agricultural and Rural Areas of the Regional Policy Plan. Policy direction is provided to address requirements for restricting ancillary uses; more detailed examination of infrastructure requirements and financial considerations; and the completion of studies or additional information on impacts related to natural heritage, air quality (noise & odours), traffic and operations management, agricultural activities, environmental site conditions, archaeological resources. This will be implemented through amendments to the Town's Official Plan and Zoning By-law.

### Town of Fort Erie Official Plan Amendments No. 4 and 63

The Town of Fort Erie has adopted two related Official Plan amendments for this development, as a new Official Plan adopted for the community has not received final approval from Niagara Region. Therefore, both the existing and updated Official Plan had to be amended to allow the Canadian Motor Speedway application (No. 63 affects the existing Official Plan and No. 4 affects the updated Official Plan). These Amendments must conform to the Regional Policy Plan, as amended. Regional staff has reviewed the

Amendments and is recommending three modifications. In staff's opinion, these modifications are relatively minor in scope, but are important to ensure the intent of Regional Council's support of the proposal and concerns raised by the Niagara Peninsula Conservation Authority.

### Proposed Modifications

The proposed modifications to Town's Official Plan Amendments are outlined below and referenced in the Amendments attached as Appendix 2:

1. Revise land use schedules to remove a rural residential lot, located on the north side of Bowen Road, from the Amendment area

Rationale:

This is an isolated lot owned by the applicants that was not shown in the public notice for the development and there is no planning basis to include this site. The change is also necessary to be consistent with the schedule to the Regional Policy Plan Amendment.

2. Modify wording (**new wording in bold**) in Policy XIII to read:

"The implementing zoning by-law shall establish **an environmental protection zone and** buffer setbacks for the natural heritage features identified for protection **to the satisfaction of the Ministry of Natural Resources, Niagara Peninsula Conservation, Niagara Region and Town of Fort Erie.**"

Rationale:

To clarify that zones for natural heritage areas need to be defined to the satisfaction of all appropriate parties prior to the passing of a zoning by-law amendment.

3. Modify wording (**new wording in bold**) in Policy XV to read:

"No development shall take place within natural heritage features identified for protection, except **in accordance with the approval of the Ministry of Natural Resources and the Niagara Peninsula Conservation Authority.**"

Rationale:

To remove reference to development details which have not been fully assessed at this time by MNR and the NPCA.

Regional staff forwarded these changes to NPCA staff, Town of Fort Erie staff, and the applicant's planning consultant who were all satisfied with the modifications.

## **CONCLUSION**

In the opinion of Regional staff, the Amendments to the Regional Policy Plan and Town of Fort Erie Official Plan are consistent with and conform to Provincial and Regional policies and plans. Therefore, Regional Policy Plan Amendment No. 3-2009 and Amendment No. 63 to the existing (approved) Town of Fort Erie Official Plan and Amendment No. 4 to the updated (adopted) Town of Fort Erie Official Plan, as modified, are recommended for approval by Regional Council.

Submitted by:

Approved by:

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Kenneth J. Brothers, P. Eng.  
Commissioner of Public Works

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Mike Trojan  
Chief Administrative Officer

This report was prepared by Peter Colosimo, MCIP, RPP, Director, Development Services Division.

## **APPENDICES**

Appendix 1: Proposed Regional Policy Plan Amendment No. 3-2009

Appendix 2: Fort Erie Official Plan Amendments No. 4 and 63