

From: donna@theherringtongroup.ca
To: [Aimee Alderman, MSc, MCIP, RPP](#)
Subject: RE: New Applications - 26T-18-24-02, 26CD-18-24-01, ZBA-02-2024 - Konik Estates Phase 2, NOTL
Date: Monday, February 26, 2024 3:02:57 PM

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Hi Aimee,

I do not have any accessibility-related comments on this application.

Donna Herrington

From: [PrimeCities](#)
To: [Aimee Alderman, MSc, MCIP, RPP](#)
Subject: Draft Plan of Subdivision (26T-18-24-02), Draft Plan of Condominium (26CD-18-24-01) & ZBLA (ZBA-02-2024), north of Line 2 Rd. & east of Concession 6 Rd., Niagara-on-the-Lake
Date: Thursday, February 22, 2024 12:52:19 PM

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2/22/2024

Aimee Alderman

**Niagara-on-the-Lake
Niagara-on-the-Lake (Town)**

Attention: Aimee Alderman

**Re: Draft Plan of Subdivision (26T-18-24-02), Draft Plan of Condominium (26CD-18-24-01) & ZBLA (ZBA-02-2024), north of Line 2 Rd. & east of Concession 6 Rd., Niagara-on-the-Lake; Your File No. 26T-18-24-02,26CD-18-24-01,ZBA-02-2024
Our File No. DTS: 38581 / Circ: 40665**

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

Bell Canada Condition(s) of Approval

1) The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

2) The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

Upon receipt of this comment letter, the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to planninganddevelopment@bell.ca to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide

service to this development.

Concluding Remarks:

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

If you believe that these comments have been sent to you in error or have questions regarding Bell's protocols for responding to municipal circulations and enquiries, please contact planninganddevelopment@bell.ca directly.

We note that WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. **However, all responses to circulations and requests for information, such as requests for clearance, will come directly from Bell Canada, and not from WSP.** WSP is not responsible for Bell's responses and for any of the content herein.

Should you have any questions, please contact the undersigned.

Yours Truly,

A rectangular box with a light blue border, containing a small blue square icon with a white question mark inside, indicating a redacted signature.

Juan Corvalan
Senior Manager - Municipal Liaison
Email: planninganddevelopment@bell.ca.



CANADA POST
955 Highbury Ave N
London ON N5Y 1A3
CANADAPOST.CA

POSTES CANADA
955 Highbury Ave N
London ON N5Y 1A3
POSTESCANADA.CA

Aimee Alderman
TOWN OF NIAGARA ON THE LAKE
1593 FOUR MILE CREEK ROAD
P.O BOX 100, VIRGIL, ON

Re: Konik Estates Phase 2

Dear Aimee,

This development will receive mail service to centralized mail facilities provided through our Community Mailbox program.

I will specify the conditions which I request to be added for Canada Post Corporation's purposes.

The owner shall complete to the satisfaction of the Director of Engineering of the Town of Niagara on the Lake and Canada Post:

- a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i) that the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) The owner further agrees to:
 - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.

- ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
 - iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- a) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me.

I appreciate the opportunity to comment on this project.

Regards,

A. Carrigan

Andrew Carrigan
Delivery Planning Officer
Andrew.Carrigan@canadapost.ca

February 28, 2024

Aimee Alderman, MCIP, RPP
Senior Planner
The Town of Niagara-on-the-Lake
Community & Development Services
1593 Four Mile Creek Road – PO Box 100
Virgil, ON L0S 1T0

Dear Aimee,

Re: Draft Plan of Subdivision, Draft Plan of Condominium, Zoning By-law Amendment
Grey Forest Homes Ltd.,
1537 Concession 6 Road, 448 Line 2 Road
Town of Niagara-on-the-Lake
File No.: 26T-18-24-02, 26CD-18-24-01, ZBA-02-2024

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 always call before you dig, see web link for additional details:
<https://www.enbridgegas.com/safety/digging-safety-for-contractors>

This response does not constitute a pipe locate, clearance for construction or availability of gas.

The applicant shall use the [Enbridge Gas Get Connected tool](#) to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping and/or asphalt paving.
(https://enbridge.outsystemsenterprise.com/GetConnected_Th/Login2?OriginalURL=https%3A%2F%2Fenbridge.outsystemsenterprise.com%2FGetConnectedApp_UI%2F)

If the gas main(s) needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.

In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas at no cost.

Sincerely,



Willie Cornelio CET
Sr Analyst Municipal Planning
Engineering

From: [AMIN Pranav](#)
To: [Aimee Alderman_MSc_MCIP_RPP](#)
Subject: Niagara on the Lake - 1537 Concession 6 Road, 448 Line 2 Road - 26CD-18-24-01
Date: Thursday, March 21, 2024 11:47:21 AM
Attachments: [image001.png](#)

You don't often get email from pranav.amin1@hydroone.com. [Learn why this is important](#)

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Hello,

We are in receipt of your Plan of Condominium application, 26CD-18-24-01 dated February 21st, 2024. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at Subdivision@HydroOne.com or 1-866-272-3330.

To confirm if Hydro One is your local distributor please follow the following link:
<http://www.hydroone.com/StormCenter3/>

Please select "Search" and locate address in question by entering the address or by zooming in and out of the map

hydro one

Customers Affected: >5000 501-5000 51-500 21-50 <=20 Multiple Crew Service Area

Map data ©2019 Google 50 km

If you have any further questions or inquiries, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

If you have any questions please feel free to contact myself.

Thank you,

Dennis De Rango

Specialized Services Team Lead, Real Estate Department
Hydro One Networks Inc.

Tel: (905)946-6237

Email: Dennis.DeRango@HydroOne.com

From: [AMIN Pranav](#)
To: [Aimee Alderman, MSc, MCIP, RPP](#)
Subject: Niagara on the Lake - 1537 Concession 6 Road, 448 Line 2 Road - 26T-18-24-02
Date: Thursday, March 21, 2024 11:47:39 AM
Attachments: [image001.png](#)

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Hello,

We are in receipt of your Plan of Subdivision application, 26T-18-24-02 dated February 21st, 2024. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at subdivision@hydroone.com or 1-866-272-3330.

To confirm if Hydro One is your local distributor please follow the following link:
<http://www.hydroone.com/StormCenter3/>

Please select " Search" and locate address in question by entering the address or by zooming in and out of the map

The screenshot shows the Hydro One map interface. At the top right is the Hydro One logo. Below it is a navigation bar with 'MENU', 'HELP', and 'SEARCH' icons. A legend for 'Customers Affected' is displayed, with categories: >5000 (red diamond), 501-5000 (orange star), 51-500 (green circle), 21-50 (blue circle), <=20 (purple triangle), Multiple (green circle with white center), Crew (black person icon), and Service Area (green line). The map shows a large green-shaded service area covering parts of Ontario, Canada, including cities like Toronto, Mississauga, Hamilton, and Ottawa. Several purple triangle markers are placed on the map, indicating specific locations. The map includes standard navigation controls like zoom in (+), zoom out (-), and a search bar. The Google logo is visible in the bottom left corner of the map area.

If you have any further questions or inquiries, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

If you have any questions please feel free to contact myself.

Thank you,

Dennis De Rango

Specialized Services Team Lead, Real Estate Department
Hydro One Networks Inc.

Tel: (905)946-6237

Email: Dennis.DeRango@HydroOne.com

Growth Strategy and Economic Development

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

Via Email Only

March 15, 2024

File Numbers: D.18.05.ZA-24-0018
D.11.05. SD-24-0016
D.11.05.CD-24-0009

Aimee Alderman, MCIP, RPP
Senior Planner
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
PO Box 100, Virgil, ON L0S 1T0

Dear Ms. Alderman:

**Re: Regional and Provincial Comments
Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of
Vacant Land Condominium Applications
Town File Numbers: 26T-18-24-02, 26CD-18-24-01, ZBA-02-2024
Applicant: Grey Forest Homes Ltd.
Agent: Upper Canada Consultants (William Heikoop)
Address: Lands located to the north of Line 2 Road, east of Concession 6
Road, and south of Homestead Drive (Konik Estates Phase 2)
Municipality: Town of Niagara-on-the-Lake**

Staff from the Region's Growth Strategy and Economic Development Department have reviewed the information circulated with the applications for Zoning By-law Amendment, and Draft Plan of Subdivision for the above-noted lands, identified as Konik Estates Phase 2, in the Town of Niagara-on-the-Lake.

The applications are proposed to facilitate the development of 108 townhouse dwellings (consisting of 102 block townhouse dwellings and 6 street townhouse dwellings) and 52 single-detached dwellings on the subject lands.

The Zoning By-law Amendment proposes to rezone the subject lands from a Residential Development (RD) zone to site-specific Residential 2 (R2) zones, applying to the single-detached and street townhouse dwellings, and a site-specific Residential Multiple (RM1) zone, applying to the block townhouse dwellings, to permit the proposed development.

The Draft Plan of Subdivision, prepared by Upper Canada Consultants (dated September 21, 2023, and certified by J.D. Barnes Limited on December 7, 2023) proposes the creation of 52 lots for the single-detached dwellings (Lots 1-52), 2 blocks for the street townhouse dwellings (Blocks 53 and 54), 1 block for the block townhouse dwellings (Block 55), 2 blocks for road widenings (Blocks 56 and 57), 1 block for a 0.3 metre reserve (Block 58), and the creation of an associated roadway (Crossroads Drive) on the 8.301 hectare property.

The Draft Plan of Vacant Land Condominium, prepared by Upper Canada Consultants (dated November 9, 2023, and certified by J.D. Barnes Limited on November 28, 2023) proposes the creation of 102 units for the block townhouse dwellings.

A pre-consultation meeting for the proposal was held on August 3, 2023. The following Provincial and Regional comments are provided to assist the Town in considering the applications.

Provincial and Regional Policies

The subject lands are located within a Settlement Area under the Provincial Policy Statement (PPS) and within a Designated Greenfield Area under A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) and the Niagara Official Plan (NOP).

The PPS, Growth Plan and NOP direct growth to Settlement Areas to efficiently use existing servicing, infrastructure, and public service facilities. Within settlement areas, the development of a range and mix of densities, lot and unit sizes, and housing types are encouraged to meet housing needs at all stages of life. The Growth Plan and NOP encourage the development of Designated Greenfield Areas into complete communities, which offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, services, a full range of housing, transportation options, and public service facilities. Designated Greenfield Areas are required to achieve a minimum density target of 50 residents and jobs combined per hectare, measured across the entire municipality.

The Planning Justification Report (PJR), prepared by Upper Canada Consultants (dated January 2024) provided with the applications identifies that the proposed development will yield a density of 47.994 people and jobs per hectare (assuming 2.929 persons per unit for the single-detached dwellings, and 2.189 persons per unit for the townhouse dwellings, and that 5% of the residential units will generate “at home” employment), which is below the minimum density target of 50 people and jobs per hectare for designated Greenfield Areas. The PJR correctly identifies that the minimum density target is to be measured on a municipal-wide basis and contends that the proposed development has been designed to provide as much density on-site as possible, while

maintaining compatibility with adjacent existing and approved residential uses to the north and east and south, and agricultural lands to the west.

Regional staff note that, as part of the review of the previous applications for Konik Estates Phase I (located immediately to the north of the subject lands), a density shortfall of approximately 12.4 people and jobs per hectare was identified for this earlier phase. At that time, it was stated that the density shortfall would need to be made up as part of future development within the community, including as part the current phase of the proposed development. The Town is to monitor developments to ensure that the overall Greenfield density target will be achieved, and accordingly should be satisfied that the proposed development will contribute positively to the achievement of the overall target.

If a density shortfall is identified by Town staff, Regional staff recommend that the applicant be encouraged to explore opportunities to integrate other housing forms (i.e. stacked towns, low-rise apartments etc.) within the proposed development. This will address Provincial and Regional policies which direct for a diverse mix of housing types within Designated Greenfield Areas. Local compatibility considerations and interface with neighbouring land uses are local planning matters, and therefore Regional staff defer consideration of these aspects of the proposed development, and any modifications required to support the achievement of the overall Greenfield density target, to Town Planning staff.

Natural Environment System

The subject lands are impacted by the Region's Natural Environment System (NES), consisting of 'Other Woodland'. The subject lands were assessed in 2022, prior to being sold, to determine if there were any environmental features present that met Regional designation criteria. The subject lands were assessed in accordance with the policies of the previous Regional Official Plan (ROP), which was still in force at the time of the assessment. Based on staff review of the Constraints Analysis (prepared by North-South Environmental, dated October 2022), which included a robust field work program completed in accordance with an approved Terms of Reference, staff offered no objection to the conclusion that the property did not contain any Regionally-designated Core Natural Heritage System features.

The NOP includes a transition policy (Policy 3.1.30.3.2) which states that, where an Environmental Impact Study (EIS) or similar study has been formally accepted by local or Regional planning staff, but the application for development or site alteration has yet to be approved, the application may be approved in accordance with the approved study as long as the study remains valid in accordance with the Region's EIS Guidelines. Staff confirm that the 2022 Constraints Analysis qualifies as a similar study to an EIS and is still valid in accordance with the Region's EIS Guidelines.

As such, Regional staff offer no objection to the proposed applications from a natural environment system perspective.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Policy 2.6.2 of the PPS and Policy 6.4.2.1 of the NOP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Stage 1-2 Archaeological Assessments, prepared by Detritus Consulting Ltd. (dated July 4, 2017 and July 28, 2017) were submitted with the earlier applications for Konik Estates Phase I. The assessments also reviewed the entirety of the subject lands that are subject to the current applications, apart from the easterly portion of the subject lands, known municipally as 448 Line 2 Road. The assessments concluded that no archaeological resources were found and, accordingly, that no further archaeological assessments were required for the lands that were assessed. Acknowledgement letters from the (then) Ministry of Tourism, Culture and Sport were provided which stated that Ministry was satisfied the archaeological assessment work was consistent with the Ministry's standards and guidelines, and that the Stage 1-2 Archaeological Assessments had been entered into the Ontario Public Register of Archaeological Reports.

A Stage 1-2 Archaeological Assessment, prepared by Amick Consultants Ltd. (dated November 28, 2023) was provided with the current applications. The report assesses the portion of the subject lands (448 Line 2 Road) that was not subject to the previous archaeological assessments. The Stage 2 assessment did not result in the identification or documentation of any archaeological resources. Accordingly, the Licensed Archaeologist recommended that no further archaeological assessment for this portion of the subject lands was warranted. As of the date of this letter, a letter from the Ministry of Multiculturalism and Citizenship confirming the findings of the Stage 1-2 Archaeological Assessment has not been received by Regional staff. Regional staff will require that this requirement be addressed as a condition of draft plan of subdivision and condominium approval.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff recommend the inclusion of a standard warning clause in the future subdivision and condominium agreements, relating to deeply buried archaeological materials that may be encountered during grading and construction activities.

Conditions addressing archaeological requirements have been included in Appendix 1.

Site Condition

A Phase I Environmental Site Assessment (ESA), prepared by Soil-Mat Engineers & Consultants Ltd. (dated September 6, 2017), was submitted with the earlier applications for Konik Estates Phase I. This report also assessed the entirety of the subject lands that are subject to the current applications, with the exception of the property known municipally as 448 Line 2 Road. The report concluded that the potential for site contamination on the assessed lands was considered medium as a result of past use of the lands for orchards, and the potential presence of fill materials and fuel storage on-site, and recommended that additional investigations (i.e. a Phase II ESA) be undertaken. Regional staff will require that a Phase II ESA be undertaken for this portion of the subject lands prior to final subdivision and condominium approval. A condition addressing this requirement is included in Appendix 1.

A Phase I ESA, prepared by Soil-Mat Engineers & Consultants Ltd. (dated December 14, 2023) was submitted with the current applications. The report assesses the portion of the subject lands (448 Line 2 Road) that was not subject to the previous Phase I ESA. The report documents historic use of the property for agricultural purposes and identifies that this would be considered a Potential Contaminating Activity (PCA); however, the report concludes that further assessment is not required as the property is “not subject to a proposed redevelopment plan that includes a change in land use to a more sensitive land use, and an RSC is not required”. The report does not indicate, however, whether the Qualified Professional who prepared the report considers this portion of the subject lands suitable for the proposed residential use.

Policy 3.2.2 of the PPS and Policy 6.3.1.5 of the NOP require that “sites of contaminants in land or water shall be assessed and remediated as necessary (...) such that there will be no adverse effects”. Based on the information contained in the Phase I ESA, the lands supported agricultural uses at a time when older generation pesticides containing lead and arsenic were in use. Information previously obtained from the Ministry of the Environment, Conservation, and Parks (MECP), as well as from other sources, indicate that the application of lead arsenate pesticides can raise the concentration of lead and arsenic in the soil. Accordingly, to ensure Policy 3.2.2 of the PPS and Policy 6.3.1.5 of the NOP are addressed, Regional staff will require as a condition of draft plan of subdivision and condominium approval that a letter (and/or updated Phase I ESA with soil sampling, at minimum) be submitted indicating that a Qualified Professional considers this portion of the subject lands to be suitable for residential use. A condition to address this requirement is included in Appendix 1.

Regional staff note that should the findings of the soil sampling program/ESA indicate contamination, it is the Region’s practice to require the filing of a Record of Site Condition (RSC).

Agricultural Land Use Compatibility

Lands on the west side of Concession 6 Road fall outside of the urban area boundary and are designated for agricultural use. Regional staff will require the inclusion of a standard warning clause in the future subdivision and condominium agreements relating to potential impacts (noise, odour and dust) from nearby agricultural activities and agricultural-related traffic. A condition to address this requirement is included in Appendix 1.

Servicing

This proposed development is within the Lakeshore Road Sewage Pumping Station (SPS). Regional staff provide the following comments based on the Region's recently completed Master Servicing Plan (MSP):

- The proposed development is within the Lakeshore Road SPS sewershed. The current SPS has an operational capacity of 86 litres/second and the MSP has indicated that an upgrade to the station will be required to accommodate all anticipated growth in the SPS sewershed, plus the calculated wet weather flows. An infiltration/inflow (I/I) reduction program should be on-going to restore design capacity and potentially gain additional capacity in the system during rainfall events. Additionally, the Town, in partnership with the Region, is currently undertaking a Pollution Prevention Control Plan (PPCP) to review the overall system performance, develop a mitigation plan and determine projects to help create I/I reduction in the system. The MSP can be found at the following link: <http://www.niagararegion.ca/2041/master-servicing-plan/default.aspx>

Regional staff have reviewed the General Servicing Plan, prepared by Upper Canada Consultants (dated December 18, 2023) and notes that all servicing connections are planned to be made to the Town of Niagara-on-the-Lake's sanitary sewers.

Conditions of draft plan approval requiring the owner to submit design drawings for the sanitary and storm drainage system to confirm Regional infrastructure capacity, as well as to acknowledge that any servicing allocation from Niagara Region will not be assigned until the plan is registered, and that any pre-servicing is at the risk of the owner, are included in Appendix 1.

Stormwater Management

Due to the location and nature of the proposed development, Regional staff defer consideration of the proposed stormwater management plan to Town staff.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Corporate Waste Collection Policy. The proposed single-detached lots are eligible to receive Regional curbside waste and recycling collection, provided the owner brings the waste and recycling to the curbside on the designated collection day, and the following curbside limits are met:

- Organics: Unlimited Green Bins; and,
- Garbage: One Garbage Bag/Can.

The owner shall comply with Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection. The form and policy can be found at the following link: www.niagararegion.ca/waste

Future engineering submissions will be required to demonstrate that the truck turning radii meet the Region's standards, or truck turning template drawings should be provided to demonstrate that trucks can maneuver on site. As well, units 15, 16, 17, 40 and 41 (as shown on the Draft Plan of Vacant Land Condominium) will require collection pads which meet the Region's standards.

Conditions to address waste collection requirements are included in Appendix 1.

Regional staff note that Circular Materials Ontario is responsible for the delivery of residential Blue / Grey Box recycling collection services. The most up to date information regarding this program can be found at the following link: <https://www.circularmaterials.ca/resident-communities/niagara-region/>

Conclusion

In conclusion, Regional staff have no objection to the proposed Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Vacant Land Condominium applications from a Provincial and Regional perspective, subject to the conditions outlined in Appendix 1. The Town should also be satisfied that the proposed development will not detract from the municipality achieving the overall density target of 50 people and jobs per hectare for Designated Greenfield Areas (to be measured on a municipal-wide basis).

Subject to this requirement, and the conditions in Appendix 1, the proposal is consistent with the Provincial Policy Statement (PPS) and conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) and the Niagara Official Plan (NOP).

D.18.05.ZA-24-0018
D.11.05. SD-24-0016
D.11.05.CD-24-0009
March 15, 2024

Please send copies of the staff report and notice of the Town's decision on these applications.

If you have any questions related to the above comments, please contact me at amy.shanks@niagararegion.ca.

Kind regards,

A handwritten signature in black ink, appearing to read "Amy Shanks". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Amy Shanks, MCIP, RPP
Senior Development Planner

cc: Adam Boudens, Senior Environmental Planner/Planning Ecologist, Niagara Region
Stephen Bureau, Development Approvals Technician, Niagara Region

Appendix 1: Regional Conditions of Draft Plan of Subdivision and Draft Plan of Vacant Land Condominium Approval

Konik Estates Phase 2, Town of Niagara-on-the-Lake

1. That the owner receive acceptance from the Ministry of Multiculturalism and Citizenship (MCM) for the archaeological assessment report titled Stage 1-2 Archaeological Assessment, prepared by Amick Consultants Ltd. (dated November 28, 2023). If the Ministry requires further archaeological work to be completed prior to acknowledging this report, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
2. That the following clause is included in the subdivision and condominium agreements:

“Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Multiculturalism and Citizenship (MCM) (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.”

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MCM should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”

3. That a Phase II Environmental Assessment (ESA) prepared by a Qualified Professional (QP) in accordance with the Environmental Protection Act and associated regulations, as amended, describing the current conditions of the lands assessed as part of the report titled Phase I Environmental Site Assessment (ESA), prepared by Soil-Mat Engineers & Consultants Ltd. (dated September 6, 2017), be submitted to the satisfaction of Niagara Region. A reliance letter from a QP shall be submitted to Niagara Region, to indicate that, despite any limitations or qualifications included in the above submitted reports/documents, the Region is authorized to rely on all information and

opinions provided in the reports submitted, in order to clear this condition.

4. That a letter (and/or updated Phase I ESA with soil sampling, at minimum) prepared by a Qualified Professional (QP) be submitted to the satisfaction of Niagara Region indicating that, in the opinion of the QP, the lands assessed as part of the report titled Phase I Environmental Site Assessment (ESA), prepared by Soil-Mat Engineers & Consultants Ltd. (dated December 14, 2023) are suitable for residential use. A Letter of Reliance from a QP shall be submitted to Niagara Region, to indicate that, despite any limitations or qualifications included in the above submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted, in order to clear this condition.
5. That the subdivision and condominium agreements contain provisions whereby the owner agrees to implement the recommendations of the approved ESAs required by Conditions 3 and 4, if applicable.
6. That the owner agrees to include the following warning clause in all Agreements of Purchase and Sale or Lease or Occupancy, and that it also be included in the subdivision and condominium agreements:

“These lands are in proximity to lands designated for agricultural uses. The lands may be subject to noise, odour, and/or dust from nearby agricultural operations, which may interfere with some activities of the dwelling occupants.”
7. That the owner provides written acknowledgement to Niagara Region stating that draft approval of this subdivision/condominium does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
8. That the owner provide a written undertaking to Niagara Region stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision/condominium, shall contain a clause indicating that servicing allocation for the subdivision/condominium will not be assigned until the plan is registered, and that a similar clause be inserted in the subdivision/condominium agreement between the owner and the Town of Niagara-on-the-Lake.
9. That prior to final approval for registration of this plan of subdivision/condominium, the owner submit design drawings (with calculations) for the sanitary and storm drainage systems required to service this development to confirm the capacity in the Regional system prior to the Town signing off on

the CLI ECA forms.

10. That the owner ensures that all streets and development blocks can provide access in accordance with the Regional Municipality of Niagara's Corporate Policy for Waste Collection, and by-laws relating to the curbside collection of waste.
11. That the owner ensures, throughout all phases of development, that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy for Waste Collection, and by-laws relating to the curbside collection of waste. Where a through street is not maintained, the owner shall provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.
12. That the subdivision and condominium agreement contain a condition that the owner/developer shall comply with the Niagara Region's Corporate Policy for Waste Collection, and complete the Application for Commencement of Collection and Indemnity Agreement.
13. That the owner submit engineering drawings for the proposed roads within the development to Niagara Region for review and approval to ensure the design can accommodate the Regional collection vehicles.
14. That the following clauses be included in the condominium agreement, and inserted into all Agreements of Purchase and Sale or Lease or Occupancy for each of the affected dwelling units:
 - *Owners/Purchasers/Tenants of units #15, 16, 17, 40 & 41 are advised that in order to accommodate Regional Waste Collection Services they will be required to bring their waste/recycling containers to the designated waste collection pads on the required collection day.*
 - *Purchasers are advised that a properly executed Indemnity Agreement must be submitted from the private property owner(s) or property management company with signing authority to Niagara Region in order to maintain waste collection services on private roadway(s) and/or property(ies).*