

John Federici, MCIP, RPP

From: Taran Lennard <tlennard@npca.ca>
Sent: April 5, 2024 10:47 AM
To: Mark Chuang
Subject: NPCA Review: ZBA-18-2023, OPA-08-2023, 26CD-18-23-01, 308 Four Mile Creek Road, Sleek Developments

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Hi Mark,

The NPCA has reviewed the revised information submitted to our Office on March 26, 2024. At a high level, the NPCA is supportive of the OPA/ZBA. We recognize that the proposal is to zone the creek block an Environmental Conservation Zoning. Our Agency is supportive of this Zoning structure for the block.

As such, please include the following conditions into the Agreement:

1. That the Developer provide detailed grading, storm servicing, & construction sediment and erosion control drawings to the Niagara Peninsula Conservation Authority for review and approval. The Owner agrees that all Sediment and Erosion Control Measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized.
2. That the Developer provide a 1.5-metre-high chain-link fencing along the rear and side lot lines, along the creek block. The applicable Engineering Drawings and the Condominium Agreement are to clearly indicate that chain link fencing is not to have any gates for the lots.
3. That Conditions 1 to 2 be incorporated into the Condominium Agreement between the Developer and the Town of Niagara-on-the-Lake, to the satisfaction of the Niagara Peninsula Conservation Authority. The Town of Niagara-on-the-Lake shall circulate the Draft Condominium Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

Thank you.

**Taran Lennard**

Watershed Planner II

Niagara Peninsula Conservation Authority (NPCA)

250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2

905.788.3135 x277

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For more information on Permits & 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.

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

October 27, 2023

File Number: D.10.05.OPA-23-0047
D.18.05.ZA-23-0093
D.11.05.CD-23-0025

Mark Chuang
Planner II
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
PO Box 100, Virgil, ON L0S 1T0

Dear Mr. Chuang:

**Re: Regional and Provincial Comments
Official Plan Amendment, Zoning By-law Amendment and Draft Plan of
Vacant Land Condominium Applications
Town File Number: OPA-08-2023, ZBA-18-2023 and 26CD-18-23-01
Applicant: Sleek Developments Inc. (Rainer Hummel)
Address: 308 Four Mile Creek Road
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 Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Vacant Land Condominium for lands municipally known as 308 Four Mile Creek Road in the Town of Niagara-on-the-Lake.

The applications are proposed to facilitate the development of nine (9) townhouse dwellings, which are planned to have frontage on a private street running parallel to, and having access from, Four Mile Creek Road. Only the northerly portion of the subject lands are proposed to be developed at this time; additional lands located to the south of Four Mile Creek have been reserved in the Draft Plan of Vacant Land Condominium for future development.

The subject lands are currently designated General Industrial, Low Density Residential, and Conservation in the Town's Official Plan. The Official Plan Amendment proposes to re-designate the portion of the subject lands that will be occupied by the townhouse dwellings from General Industrial and Conservation to Medium Density Residential, with a special policy permitting the proposed development. The boundaries of the

Conservation designation on the subject lands are proposed to be revised to reflect the current location of Four Mile Creek, which was previously realigned as part of a Niagara Peninsula Conservation Authority (NPCA) permit.

The subject lands are currently zoned Enterprise (E-17) and Residential (R1) in the Town's Zoning By-law. The Zoning By-law Amendment proposes to rezone the portion of the subject lands that will be occupied by the townhouse dwellings from Enterprise (E-17) to a site-specific Residential Multiple 1 (RM1-X) zone, with various modified zoning provisions to permit the proposed development. The portion of the subject lands containing Four Mile Creek and its associated buffer are proposed to be rezoned to Open Space (OS).

The Draft Plan of Vacant Land Condominium, prepared by Upper Canada Consultants (dated July 13, 2023), proposes to create nine (9) townhouse units (Units 1-9), one (1) unit for future development (Unit 10), a common element block that will contain the private roadway, a temporary turnaround, and creek, and exclusive use areas for the townhouse driveways.

A pre-consultation meeting for this proposal was held on April 21, 2022. The applications were received from the Town on August 29, 2023, with Regional review fees being received from the Town on October 20, 2023. The following Provincial and Regional comments are provided to assist the Town in considering the applications from a Provincial and Regional perspective.

Provincial and Regional Policies

The subject lands are located within a Settlement Area under the Provincial Policy Statement (PPS) and designated Delineated Built-Up Area under A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). The subject lands are situated within the Niagara Escarpment Plan (NEP) area according to the Greenbelt Plan, where the policies of the NEP apply. The NEP designates the subject lands as within the Minor Urban Centre of St. David's. The NEP notes that uses in these centres must align with permitted uses in approved local Official Plans, which are not in conflict with the policies in the NEP. Niagara Escarpment Commission (NEC) staff will evaluate the proposed development relative to the NEP to confirm whether it conforms to this plan. The subject lands are designated Delineated Built-Up Area in the Niagara Official Plan (NOP).

The PPS, Growth Plan and NOP direct growth to Settlement Areas and the Delineated Built-Up Area to efficiently use existing servicing, infrastructure, and public service facilities. An emphasis is placed on intensification and infill to foster the development of complete communities that have a mix of diverse land uses, and a range of housing options for the current and future population. The proposed development is considered infill development and will result in residential intensification within the Built-Up Area. To

support the achievement of forecasted growth for Niagara Region as a whole required under the Growth Plan, the NOP directs municipalities to develop strategy and policies for managing population and employment growth, including those designed to achieve minimum residential intensification targets specified for each municipality. The proposed development, which will result in the creation of nine (9) townhouse dwellings, will contribute to the Town of Niagara-on-the-Lake's minimum residential intensification target of 25% allocated in the NOP.

Regional staff note that the NOP states that municipalities may establish standards for appropriate infill development and supports opportunities for integrating gentle density that considers the character of established residential neighbourhoods. 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 to Town Planning staff.

Employment Policies

The PPS states that planning authorities shall promote economic development and competitiveness by providing for an appropriate mix and range of employment, institutional, and a broad mix of uses to meet long-term needs. Opportunities should be provided for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and consider the needs of existing and future businesses.

The Growth Plan provides direction for municipalities to designate and preserve lands within settlement areas located adjacent to or near major goods movement facilities and corridors for employment. The Growth Plan states that, on lands outside of employment areas, as defined by Provincial and Regional policies, criteria should be established to ensure the redevelopment of any employment lands are required to retain space for a similar number of jobs to remain accommodated on-site.

The NOP designates certain lands as employment areas. Employment areas are required to be protected over the long-term for employment uses, and residential land uses are prohibited within them. The subject lands are not located within a designated employment area under the NOP.

The NOP also includes policy direction for employment lands, which are defined as lands designated in local Official Plans and Zoning By-laws for employment uses, which are located both within, and outside of, designated employment areas. As noted above, portions of the subject lands are currently designated General Industrial in the Town's Official Plan and zoned Enterprise (E-17) in the Town's Zoning By-law. The current Official Plan designation and Zoning By-law provisions allow for a range of employment uses. Accordingly, the subject lands are considered employment lands under the NOP.

In accordance with the direction in the Growth Plan, Policy 4.2.5.1 of the NOP requires that any proposed redevelopment for non-employment uses on employment lands located outside of a designated employment area retain a similar number of jobs on-site. Further, Policy 4.2.5.2 of the NOP encourages Local Area Municipalities to develop criteria for the redevelopment of non-employment uses on employment lands located outside of employment areas. In the absence of local criteria, it is recommended that the Region's Employment Land Redevelopment Criteria Guideline (contained in Appendix 3 to the NOP) be used to assess the impacts of a proposed employment land conversion.

The submitted Planning Justification Report (PJR), prepared by Jennifer Vida, MCIP, RPP (dated August 2023) includes an analysis of the proposed development based on the Region's Employment Land Redevelopment Criteria Guidelines. Regional staff have reviewed the provided analysis and note that future employment uses on the subject lands would be constrained due to the relatively small size (approximately 0.177 hectares) of developable land that is currently designated and zoned for employment uses. The subject lands are also located immediately adjacent to existing residential uses to the north and south and designated residential lands to the west. The proximity of these existing/planned residential land uses would likely limit the use of the subject lands for certain types of employment uses that would result in adverse noise, odour or dust impacts on these adjacent lands. The subject lands are located to the west of several existing industrial facilities (located on the opposite side of Four Mile Creek Road). The submitted Noise Feasibility Study, prepared by HGC Engineering (dated July 7, 2023) (discussed in the 'Noise Impacts' section below) identifies that potential adverse noise impacts from these existing industrial facilities can be appropriately mitigated. Accordingly, Regional staff are satisfied that the proposed conversion should not have an impact on the long-term viability of these nearby facilities or result in adverse impacts from the nearby facilities on the proposed development.

The submitted PJR also addresses the retention of jobs on-site. The PJR identifies that although currently vacant, the subject lands would have supported approximately 6.6 jobs (based on an assumed building footprint of 8,000 square feet and Niagara Region's Development Charges Background Study, May 2022, employment density for industrial uses of 1,200 square feet per job). The PJR identifies that based on a calculation of 1.8 person per unit (as identified in the Niagara Region's Development Charges Background Study), and assuming that each of the nine townhouse units will contain one additional dwelling unit, the population for the proposed development would be approximately 32 people. Based on this assumed population, the PJR contends that the proposed development could therefore potentially accommodate 10-15 jobs through a live-work scenario (i.e. a 30-40% work at home rate).

The PJR does not specify how the assumed 30-40% work at home rate was selected. It also does not specify how it can be assumed that the identified accessory dwelling units will be achieved. Staff note that the proposed Official Plan and Zoning By-law

Amendments do not include provisions that would require these units be provided as part of the final development.

Accordingly, Regional staff requested that the applicant provide additional justification addressing these two components of the analysis. A supplementary memorandum, prepared by Jennifer Vida, MCIP, RPP (dated October 17, 2023), was subsequently provided. The memorandum outlines how the applicant has identified increased work from home rates in their other developments (noted in the report as being on average at least one person working from home exclusively full-time, and one person working part-time from home as part of a hybrid model). The memorandum also notes that it is the intent at this juncture to provide options for secondary basement units in the proposed development; however, the ultimate provision of these units will be at the discretion of market demand.

Given the uncertainty surrounding the eventual provision of the future accessory dwelling units, staff do not feel it is justified to include this assumption when calculating the total number of jobs that will be provided on-site. However, based on recent census data, which suggests that work from home rates have increased significantly since the COVID-19 pandemic, Regional staff are satisfied that it can be assumed that the proposed development will result in the provision of at least 6.6 jobs on-site.

Town staff should also be satisfied with the analysis provided in the PJR.

Noise Impacts

Policy 1.2.6.1 of the PPS and Policy 4.2.4.2 of the NOP require that major facilities and sensitive land uses “be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities...”. Section 4.2.5.3 of the NOP also states that “the Region and Local Area Municipalities shall discourage any redevelopment of employment land that may restrict the ability for nearby existing or planned employment uses to operate or expand”. As noted previously, the applications propose sensitive residential uses in the vicinity of existing industrial uses, which are located on the opposite side of Four Mile Creek Road. These include a cold storage facility (365 Four Mile Creek Road), and an industrial building containing a food manufacturer, chocolate factory/retail store, veterinary clinic, and business office (329 Four Mile Creek Road). The subject lands also have frontage on Regional Road 100 (Four Mile Creek Road). In order to address Provincial and Regional policies related to land use compatibility, Regional staff requested the submission of a noise feasibility study at the pre-consultation stage to address potential adverse noise impacts on the proposed development.

The submitted Noise Feasibility Study, prepared by HGC Engineering (dated July 7, 2023), includes an assessment of both nearby transportation and stationary noise sources on the proposed development. Regarding stationary noise impacts, the noise study identifies that there are closer existing sensitive receptors to the cold storage facility located at 365 Four Mile Creek Road than the subject lands, and therefore, it is expected that sound levels from this facility on the proposed development will meet Ministry of the Environment, Conservation and Parks' (MECP) NPC-300 Noise Guidelines limits. For the industrial building located at 329 Four Mile Creek Road, the study finds that sound levels from rooftop HVAC equipment and loading docks associated with this facility will also comply with NPC-300 limits at the proposed development. Regarding transportation noise impacts, the noise study finds that noise levels from Four Mile Creek Road will exceed NPC-300 limits at the proposed development. The study recommends that the townhouse dwellings be designed with ductwork sized to allow for the future installation of central air conditioning, if desired, as well as that warning clauses be included in all ownership and tenancy agreements to inform future occupants of potential sound level exceedances. A condition of draft plan approval to implement these recommendations is provided in Appendix 1.

Regional staff note that the noise study contains a standard technical limitations section that limits the Region's ability to use/rely on the information contained within the study. The submission of a letter of reliance from the report author will need to be provided to the Region which states 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 report submitted. A condition of draft plan approval to address this requirement is included in Appendix 1.

Natural Heritage

A pre-consultation meeting for these applications was held prior to the approval of the NOP by the Minister of Municipal Affairs and Housing on November 4, 2022. Policy 3.1.30.3.1 of the NOP states that, where a formal pre-consultation meeting has been completed within one (1) year of the approval of the NOP, and environmental requirements have been established through a signed pre-consultation agreement that has not expired, required environmental studies may be evaluated in accordance with the Regional policies that existed at the time the pre-consultation meeting was completed (provided the application is submitted within two years of the approval of the NOP). Accordingly, the environmental policies of the previous Regional Official Plan (ROP) apply to the proposed applications.

Under the ROP, the subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Type 2 (Important) Fish Habitat. Staff understand that the watercourse has been realigned through an NPCA authorization (Permit #201900660) and is now located at the southern and western extents of the property. The NPCA permit also includes a requirement to plant and maintain a 15 metre naturalized buffer.

Staff are satisfied with the requirements outlined in the NPCA work permit. That said, there are portions of the subject lands between the 15 metre watercourse buffer and the proposed townhouse units that have not been identified for restoration. Staff recommend that these lands be planted with native naturally self-sustaining vegetation to ensure that invasive species are not permitted to proliferate in this area. It is therefore recommended that the submitted landscape plan be revised to identify how these lands will be restored. Conditions of draft plan approval to implement this requirement, as well as the implementation of other environmental best management practices, are included in Appendix 1.

As it relates to the proposed Official Plan Amendment and Zoning By-law Amendment applications, the watercourse and associated buffer should be placed into an appropriately restrictive environmental designation and zone. Staff note that the draft Official Plan and Zoning By-law schedules circulated with the applications sufficiently address this requirement.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Section 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. Based on archaeological potential mapping in Schedule K of the NOP, the subject lands exhibit high potential for the discovery of archaeological resources.

The following archaeological assessments were submitted with the applications:

- Stage 1 and 2 Archaeological Assessment (Trailer Park Storage Parcel), prepared by Detritus Consulting Ltd. (dated April 11, 2017);
- Stage 1 and 2 Archaeological Assessment (308 Four Mile Creek Road), prepared by Detritus Consulting Ltd. (dated May 1, 2017);
- Stage 3 Archaeological Assessment, prepared by Detritus Consulting Ltd. (dated June 29, 2017); and,
- Stage 4 Mitigation of Impacts, prepared by Detritus Consulting Ltd. (dated November 7, 2018).

The report entitled 'Stage 1 and 2 Archaeological Assessment (Trailer Park Storage Parcel)' assesses the portion of the subject lands located to the east of Four Mile Creek, prior to its realignment. The Stage 2 field assessment did not result in the identification or documentation of any archaeological resources. Accordingly, the report recommends that no further archaeological assessment is warranted for this portion of the subject lands. In a letter dated August 16, 2017, the (then) Ministry of Tourism, Culture and

Sport (MTCS) confirmed that all archaeological resource concerns associated with this Stage 1 and 2 assessment met licensing and resource conservation requirements, and that the report has been entered onto the Ontario Public Register of Archaeological Reports.

The report entitled 'Stage 1 and 2 Archaeological Assessment (308 Four Mile Creek Road)' assesses the remainder of the subject lands. The Stage 2 field assessment documents the discovery of two (2) sites (AgGs-397 and AgGs-398), which the licensed archaeologist determined fulfilled the criteria for Stage 3 assessment based on other archaeological finds in the area. The Stage 3 Archeological Assessment recommends that further Stage 4 works be undertaken for one (1) of the two (2) sites identified through the Stage 3 assessment (AgGs-398). The Stage 4 Mitigation of Impacts report concludes that, in the opinion of the licensed archaeologist, this remaining site (AgGs-398) is fully mitigated and therefore the study area is clear of any further cultural heritage value or interest.

In letters dated August 9, 2017 and June 19, 2018, the MTCS stated that they concurred with the information and recommendation contained in both the Stage 1-2 Archaeological Assessment and Stage 3 Archaeological Assessment reports. Provided with the application submissions was also a letter, prepared by the Ministry of Citizenship and Multiculturalism (MCM) (dated January 31, 2023), which stated that the Ministry's review of the Stage 4 Mitigation of Impacts Report was complete, and that, although the fieldwork and/or report was not compliant with the MCM's Standards and Guidelines for Consultant Archaeologists, there are no outstanding concerns for impacts to archaeological resources on the property, and accordingly, the report has been entered into the Ontario Public Register of Archaeological Reports. Regional staff have confirmed with MCM staff that they are satisfied that there is no further cultural heritage value or interest on the subject lands, and therefore, Regional staff have no further archaeological assessment requirements for the proposed development.

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 condominium agreement, relating to deeply buried archaeological materials that may be encountered during grading and construction activities. A condition to implement this clause in the final condominium agreement is included in Appendix 1.

Site Condition

As conveyed at the pre-consultation meeting, the subject lands were previously used for commercial purposes. Under the Environmental Protection Act, and more specifically Ontario Regulation 153/04, the proposed change in use from a commercial use to a more sensitive residential use requires the filing of a Record of Site Condition (RSC) on the MECP Brownfields Environmental Site Registry.

In this regard, a Draft Phase I Environmental Site Assessment (ESA), prepared by Andre Breberina P. Geo (dated August 2, 2023) was submitted with the applications. The Draft Phase I ESA identifies three (3) Areas of Potential Environment Concern (APEC) located both on, and adjacent to, the subject lands associated with past orchard uses and fuel storage. The Draft Phase I ESA concludes that a Phase II ESA is required to assess these APECs prior to an RSC being filed.

In accordance with O. Reg. 153/04, the RSC must be filed prior to change in site use. As of the date of this letter, no RSC had been filed on the Registry. A draft plan condition requiring the filing of an RSC is provided in Appendix 1. Recognizing that additional assessment is required to confirm the subject lands are suitable for residential purposes, it is recommended that the Town include holding provisions in the amending zoning by-law requiring the filing of an RSC prior to any residential development occurring on the subject lands.

Urban Design

Regional staff have an urban design interest in the proposed development as the subject lands have frontage along Regional Road 100 (Four Mile Creek Road). The Region's primary urban design interest in the proposed development is to ensure it will contribute to the overall success of the streetscape in this location.

As noted in the comments below, Regional staff will require the submission of engineering drawings and detailed landscape drawings showing urbanization along Four Mile Creek Road as part of future engineering submissions. Regional Urban Design staff will review these plans at that time to ensure the proposed streetscaping meets best practices and guidelines. To undertake this review, the applicant will be required to submit the Region's minor urban design review fee, as per the Council-approved Schedule of Rates and Fees. A draft plan condition to address this requirement is included in Appendix 1.

Transportation

Regional staff have reviewed the Sight Line Analysis, prepared by Paradigm (dated May 3, 2023), and note that Transportation Association of Canada (TAC) intersection sight distances for left and right turns have been based on passenger vehicles only, and a road gradient equal to, or less than, 3%. The applicant will need to confirm in an updated memorandum that the gradient of Four Mile Creek Road near the site is in fact equal to, or less than, 3%. The analysis should also be revised to consider the time gap required for a single-unit truck. Driveway geometry will be required to be in accordance with TAC or OPSD standards. A condition of draft plan approval requiring the submission of the updated memorandum is included in Appendix 1.

Regional Road Allowance

As noted previously, the subject lands have frontage on Regional Road 100 (Four Mile Creek Road). This section of Regional Road 100 does not meet the required road width included in the NOP, and therefore, the applicant will be required to gratuitously grant the following to Niagara Region:

- A road widening of varying width along the subject land frontage in order to achieve 13.1 metres from the original centreline of the Regional road allowance, as per the NOP.

A sketch showing the approximate limit of this widening is included in Appendix 2.

The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The required portion of the plan will be the responsibility of the owner to order. The cost of providing this plan will be the full responsibility of the owner. The owner will have to arrange for the land surveyor to submit the preliminary undeposited survey plan, along with all related documents, to Regional Surveys staff for approval. Regional Surveys staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Region will clear the applicable condition.

Should the applicant have any questions about the widening, they can contact the individuals listed below.

- Inquiries specific to the transfer of property to the Region:

Jordan Hadler, Law Clerk
Phone: 905-980-6000 extension 3271
Email: jordan.hadler@niagararegion.ca

- Surveys and property information:

Normans Taurins, Manager, Surveys and Property Information
Phone: 905-980-6000 extension 3325
Email: normans.taurins@niagararegion.ca

A condition of draft plan approval requiring the widening is included in Appendix 1.

Regional Permit Requirements

Through on-going discussions with the Town, it has been determined that the sidewalk connection from the development area at the north end of St. David's would be located

on the west side of Four Mile Creek Road. Therefore, the Region will require that the applicant urbanize the road along the frontage of the proposed development (including curbing, storm sewers, sidewalk and lighting) at their own cost.

Engineering drawings and detailed landscape drawings showing urbanization along Four Mile Creek Road will be required to be provided as part of future engineering submissions for the proposed development. Street trees along Four Mile Creek Road are to be selected from the Regional tree list and the following planting note must be included on the plans:

Standard Street Tree Planting Note

Please note that prior to tree plantings within the Regional Boulevard, the locations of the proposed trees should be staked with the tree species being noted. The plantings are to be completed by the developer at their expense. However, the developer is required to contact Jeff Hill, Supervisor of Forestry and Road Operations to assess and approve the location of the stakes prior to planting. (Email: Jeff.Hill@niagararegion.ca; Phone: 905-227-4633 ext. 2208)

All existing driveways are to be removed and road/boulevard is to be re-instated to Regional standards. Details regarding the entrance are also to be included on the plans. The frontage is to be urbanized with a sidewalk to provide a safe pedestrian link.

The applicant should be advised that prior to any construction taking place within the Regional Road allowance, the applicant must obtain the necessary Regional Construction Encroachment and/or Entrance Permits from Niagara Region's Transportation Services Division, Public Works Department. Construction specifications and restoration requirements will be outlined through the Regional permit process. Permit applications can be made online through the Region's website using the following link: <http://niagararegion.ca/living/roads/permits/default.aspx>. Conditions of draft plan approval to address these requirements are included in Appendix 1.

Servicing

Niagara Region has a 300 mm trunk watermain along Four Mile Creek Road, as identified in the submitted Functional Servicing Report, prepared by Upper Canada Consultants (dated April 2023). The Functional Servicing Report proposes to install a 150mm watermain, connect to an existing 150mm hydrant connection and extend this within the site to provide domestic water supply and fire protection to the proposed development. Niagara Region also has a 200mm sanitary forcemain along Four Mile Creek Road. The Functional Servicing Report proposes to connect the proposed development to the existing local sanitary sewer on Four Mile Creek Road and extend this within the site. The submission did not include detailed engineering drawings. Therefore, Regional Staff will require that plan and profile drawings showing all

proposed crossing of the watermain and forcemain be submitted for review and approval by Regional staff prior to final approval of the condominium application.

The Functional Servicing Report also proposes to extend the existing storm sewer. Regional staff will require plan and profile drawings for this extension, which will have to be reviewed and approved by Regional staff, as the storm sewer will be within the Regional road allowance.

Regional staff note that servicing will be under the jurisdiction of the Town of Niagara-on-the-Lake and will require the construction of water, sanitary and storm services for the proposed development area. As a condition of draft plan approval, Environmental Compliance Approvals (ECA) from the MECP, or approval through the new Consolidated Linear ECA approval system, will be required for any new/extended municipal sanitary and storm sewer services. Regional staff can review and approve the ECA's under the MECP Transfer of Review Program. Detailed engineering design drawings with calculations for the services must be submitted to the Region for review and approval as part of this program.

Conditions to address servicing requirements are included in Appendix 1.

Stormwater Management

The submitted Functional Servicing Report includes a conceptual stormwater management (SWM) plan for both the current phase (north of Four Mile Creek), as well as a future phase (south of Four Mile Creek). The following preliminary comments will be required to be addressed at the detailed design stage:

Current Phase:

The SWM plan proposes a stormwater outlet to the Town's storm sewer on Four Mile Creek Road. The Town should be satisfied that this infrastructure will not be negatively impacted by stormwater from the proposed development. If the development's major flow (i.e., beyond a five-year flow) will flow overland to Four Mile Creek Road (Regional Road 100), it must be justified that the flow will not exceed the pre-development level. The detailed design should also identify Low Impact Development (LID) SWM measures that will be implemented in order to mitigate development impacts to Four Mile Creek.

Future Phase:

The SWM plan proposes that the development's stormwater be attenuated prior to being directly outletted to Four Mile Creek. The detention storage sizing shall include two-year storms and be based on a modelling program, or the Modified Rationale Method (Appendix E) of Niagara Region's 2022 SWM Guidelines:

<https://niagararegion.ca/projects/stormwater-management-design->

[guidelines/default.aspx](#). A water quality treatment train approach is also required, which may be achieved through the implementation of LID SWM measures.

Conditions of draft plan approval to address these stormwater management requirements are included in Appendix 1.

Waste Collection

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

- Blue/grey – no limit (collected weekly);
- Green – no limit (collected weekly); and
- Waste – 2 bag/can limit (collected bi-weekly).

The applicant shall comply with Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection and Indemnity Agreement. The forms and policy can be found at the following link:

www.niagararegion.ca/waste.

Regional staff have reviewed the submitted Site Plan and note that the townhouse units are proposed along a private road, which has a temporary turnaround area at the end. To determine if on-site collection is possible, the Region will require that truck turning templates be shown on future engineering plans, with the truck entering from both directions. If the layout is unable to accommodate the trucks, Niagara Region would not be able to provide internal curbside waste collection as there is no turning facility which would permit the Regional truck to turn around and exit the site in a safe manner. Conditions of draft plan approval to address waste management requirements are included in Appendix 1.

Regional Bicycle Network

Regional Road 100 (Four Mile Creek Road) is designated as part of the Regional Niagara Bicycling Network. If the bicycle route is currently not established or identified with signage, it is the intent of the Region to make provisions for doing so when an appropriate opportunity arises. The applicant should be advised that this may involve additional pavement width, elimination of on-street parking, etc.

Protection of Survey Evidence

Survey evidence adjacent to the Regional Road allowance is not to be damaged or removed during the development of the subject lands. Regional staff would request that any agreements for this development include a clause that requires the owner to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development. A draft plan condition to address this requirement is included in Appendix 1.

Conclusion

In conclusion, Regional staff have no objection to the proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Condominium applications from a Provincial and Regional perspective, subject to the conditions outlined in Appendix 1, and any local requirements.

Subject to the satisfaction of the conditions in Appendix 1, the proposal is consistent with the Provincial Policy Statement (PPS) and conforms to the intent of the Growth Plan and Niagara Official Plan (NOP).

In accordance with Policy 7.4.1.6 and 7.4.1.7 of the NOP and the Memorandum of Understanding, the proposed Official Plan Amendment is exempt from Regional Council approval.

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,



Amy Shanks, MCIP, RPP
Senior Planner

cc: Pat Busnello, Manager of Development Planning, Niagara Region
Susan Dunsmore, Manager of Development Engineering, Niagara Region
Adam Boudens, Senior Environmental Planner/Planning Ecologist, Niagara Region
Maggie Ding, Stormwater Management Engineer, Niagara Region
Jordan Hadler, Law Clerk, Niagara Region
Normans Taurins, Manager, Surveys & Property Information, Niagara Region

Appendix 1

Regional Conditions of Draft Plan of Vacant Land Condominium Approval

308 Four Mile Creek Road. Niagara-on-the-Lake

1. That a Letter of Reliance for the Noise Feasibility Study, prepared by HGC Engineering (dated July 7, 2023) shall be submitted to Niagara Region to indicate that, despite any limitations or qualifications included in the submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted.
2. That the condominium agreement between the owner and the Town contain a provision whereby the owner agrees to implement the noise mitigation measures and ensure the required warning clauses are included in all offers and agreements of purchase and sale or lease for each dwelling unit in accordance with the noise study required in the condition above.
3. That the following clause be included in the subdivision agreement:

“Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism (MCM) (416-212-8886) and a licensed archaeologist is required 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.”

4. That following completion of any remediation and/or risk assessment work (if required), a Record of Site Condition (RSC) shall be filed on the Ministry of the Environment, Conservation and Parks' (MECP) Environmental Site Registry in accordance with *Environmental Protection Act* and associated regulations, as amended. Finalized copies of the Environmental Site Assessments, site remediation reports, MECP written acknowledgement of the filing of the RSC, and certification from a Qualified Professional (QP) outlining that the property

meets the applicable standard(s) of the intended land uses, shall be submitted to Niagara Region. A reliance letter from a QP shall also 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 to clear this condition.

5. That the condominium agreement contain wording wherein the owner agrees to implement the recommendations outlined in the Arborist Report, prepared by Beacon Environmental Ltd. (dated April 2023).
6. That the condominium agreement contain wording wherein the owner agrees to implement the following:
 - a. That vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window.
 - b. That any security lighting to be installed on buildings should be downward facing and directed away from natural areas to minimize ambient light exposure to the adjacent natural areas.
 - c. That a no-gate bylaw be included in the agreement to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
7. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Niagara Region. All ESC measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.
8. That a Grading Plan be provided to the satisfaction of Niagara Region that demonstrates that no grading within the natural heritage features and/or their buffers will occur. The Grading Plan shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural heritage features and their buffers.
9. That the Preliminary Landscape Plan, prepared by James McWilliam Landscape Architect, dated July 2023, be updated to the satisfaction of the Niagara Region to include lands located between the 15 metre watercourse buffer and the outer extent of residential development. The area should be planted with native trees, shrubs and groundcover that complements the adjacent vegetation communities.
10. That the condominium agreement contain wording wherein the owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan and Landscape Plan.

11. That the owner dedicate the required widening across the frontage of the property along Regional Road 100 (Four Mile Creek Road).
12. That prior to any construction within the Regional Road 100 (Four Mile Creek Road) road allowance, the owner shall obtain the required Regional Construction Encroachment and/or Entrance Permits from Niagara Region's Transportation Services Division, Public Works Department.
13. That revised engineering drawings to address transportation engineering comments and required urbanization be submitted for review and approval by Niagara Region.
14. That the applicant submit payment of the Region's 'Minor Urban Design Review' fee, as per the Council-approved Schedule of Rates and Fees.
15. That the owner is responsible for the design and the construction costs to urbanize Four Mile Creek Road along the frontage of the development and enter into a legal agreement with Niagara Region for such work.
16. That the owner provide an updated sight line analysis memo or response to Niagara Region for review and approval.
17. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the condominium and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled Stormwater Management Planning and Design Manual March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successor, to Niagara Region for review and approval:
 - a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b. Detailed erosion and sedimentation control plans.
18. That the condominium agreement between the owner and the Town contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the above condition.
19. That prior to final approval for registration, the owner shall submit engineering drawings showing all servicing crossings of the Regional watermain and forcemain, as well as plan and profile drawings for the storm sewer, for review and approval by Niagara Region.

20. That the owner submit Regional waste collection truck turning templates for review and approval.
21. That the owner comply with the requirements of Niagara Region's Corporate Waste Collection Policy and complete the required Indemnity Agreement and commencement of collection form prior to Regional waste collection services commencing on-site.
22. That the condominium agreement between the owner and the Town of contain a provision whereby the owner agrees to include the following warning clauses within future Purchase and Sale or Lease Agreement:
 - a. 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).
23. That the condominium agreement between the owner and the Town contain a provision whereby the owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.

Clearance of Conditions

Prior to granting final approval, the Town of Niagara-on-the-Lake must be in receipt of written confirmation that the requirements of each condition have been met satisfactorily and that all fees have been paid to the satisfaction of Niagara Region.

Condominium Agreement

Prior to final approval for registration, a copy of the executed condominium agreement for the proposed development should be submitted to Niagara Region for verification that the appropriate clauses have been included. Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.

Note: Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the local municipality. The local municipality is also responsible for circulating a copy of the draft agreement, and the Region is unable to provide a final clearance letter until the draft agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and

D.10.05.OPA-23-0047

D.18.05.ZA-23-0093

D.11.05.CD-23-0025

October 27, 2023

reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the local municipality.

John Federici, MCIP, RPP

From: Shanks, Amy <Amy.Shanks@niagararegion.ca>
Sent: April 8, 2024 1:06 PM
To: Mark Chuang
Cc: Development Planning Applications; Dunsmore, Susan; Boudens, Adam; Ding, Maggie; Bureau, Stephen
Subject: RE: Second Submission for ZBA-18-2023, OPA-08-2023, 26CD-18-23-01, 308 Four Mile Creek Road, Sleek Developments
Attachments: Regional Comments - 308 Four Mile Creek Road.docx.pdf

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Good afternoon Mark,

Regional staff have reviewed the materials provided with the second submission for these applications and note that our comments and associated conditions of draft plan approval remain the same as those provided in response to the first submission (attached).

Regional staff note that the Niagara Peninsula Conservation Authority (NPCA) continues to be responsible for the review and comment on planning applications related to their regulated features. As such, the NPCA should be consulted with respect to their comments and potential permit requirements pursuant to applicable legislation.

The applicant should be advised that as part of future engineering submissions, Regional staff will require that the proposed entrance from Four Mile Creek Road be designed so that the curb return radius falls entirely within the subject property, as per TAC section 8.9.8.

From a stormwater perspective, Regional staff note for information that, in the updated Functional Servicing Report (FSR) (prepared by Upper Canada Consultants and dated March 2024), the allowable discharge rate from the future phase is the pre-development condition identified in the previous FSR (i.e. an area of 0.35 hectare and runoff coefficient of 0.25). Table 2 in the updated FSR shows that the 1.42 hectares site's pre-development flow to Four Mile Creek will be exceeded by the total of post-development and storm sewer flow. This will have to be addressed as part of future engineering submissions.

I hope this information is of assistance. Please let me know if you have any questions.

Kind regards,
Amy

October 12, 2023

Mark Chuang
Planner II
Town of Niagara-on-the-Lake

VIA EMAIL

Dear Mark Chuang:

**Re: Request for Comments – DEV-01-2023 (ZBA-18-2023, OPA-08-2023, 26CD-18-23-01)
308 Four Mile Creek Road
Town of Niagara-on-the-Lake**

Staff of the Niagara Escarpment Commission (NEC) received a request for comments related to the following applications under the Planning Act:

- Official Plan Amendment OPA-08-2023 to redesignate Part 1 of the lands from General Industrial to Medium Density Residential Special Policy Area and Part 2 of the lands from Conservation to Medium Density Residential Special Policy Area. Part 3 of the lands will remain as Conservation Area.
- Zoning By-law Amendment ZBA-18-2023 to rezone Part 1 of the lands from Employment (E-17) to Residential Multiple (RM1-XX) – Site Specific and Part 2 of the lands from Employment (E-17) to Open Space (OS) Zone.
- Draft Plan of Vacant Land Condominium 26-CD-18-23-01 to facilitate the development of 9 block townhouses with access through a private road.

NEC staff have reviewed the following supporting plans and studies in preparing this response:

- Planning Justification Report, dated August 2023, prepared by Jennifer Vida
- Draft Plan of Vacant Land Condominium, dated July 2023, prepared by Upper Canada Consultants
- Site Plan, dated July 2023, prepared by Upper Canada Consultants
- Conceptual Building Elevations, dated July 2023, prepared by 2M Architects
- Draft Official Plan Amendment
- Draft Zoning By-law Amendment
- Stage 1-2 Archaeological Assessment (North Lot), dated April 2017, prepared by Detritus Consulting Ltd. and associated Ministry clearance letter
- Stage 1-2 Archaeological Assessment (South Lot), dated May 2017, prepared by Detritus Consulting Ltd. and associated Ministry clearance letter
- Stage 3 Archaeological Assessment, dated June 2017, prepared by Detritus Consulting Ltd. and associated Ministry clearance letter

- Stage 4 Archaeological Assessment, dated November 2018, prepared by Detritus Consulting Ltd. and associated Ministry clearance letter
- Phase 1 Environmental Site Assessment, dated August 2023, prepared by Andre Breberina
- Arborist Report, dated April 2023, prepared by Beacon Environmental
- Landscape concept plan, dated July 2023, prepared by James McWilliam, Landscape Architect
- Functional Servicing Report, dated April 2023, prepared by Upper Canada Consultants
- Noise Feasibility Study, dated July 2023, prepared by HGC
- Site Distance Review, dated May 2023, prepared by Paradigm Transportation Solutions
- Employment Conservation Justification Report, dated January 2023, prepared by Parcel Economics
- Review of Preliminary Niagara Region LNA and Employment Land Conversion Justification, dated June 2021, prepared by Urban Metrics Inc.
- Geomorphic Assessment, dated April 2018, prepared by Beacon Environmental

The subject lands are within the Niagara Escarpment Plan area but are located outside of the area of Development Control. For lands outside of the area of Development Control, NEC staff review planning applications to ensure that the policies of the Niagara Escarpment Plan (NEP) are upheld. Although the NEC is not the land use approval authority in areas subject to municipal zoning/areas outside of Development Control, section 13(1) of the Niagara Escarpment Planning and Development Act states that all by-laws within the NEP Area must not conflict with the NEP. Therefore, a detailed analysis of the NEP policies is required to ensure that the site-specific official plan amendment and zoning by-law amendment does not conflict with the NEP.

Niagara Escarpment Plan Part 1 – Minor Urban Centre

The lands are entirely within the Niagara Escarpment Plan (NEP) Area. The policies of the NEP apply to all lands within the Plan area. The lands are designated as within a Minor Urban Centre (St. Davids) by the NEP and are within the underlying Escarpment Rural Area designation.

Development is subject to the land use policies for Minor Urban Centres in Part 1.6 of the NEP. Part 1.6.6 of the NEP states that amendments to designations and/or land use policies within the boundaries of an approval official plan that is not in conflict with the NEP may be made without requiring an amendment to the NEP provided such an amendment does not involve Escarpment Natural Areas, Mineral Resource Extraction Areas or conflict with the Objectives and Development and Growth Objectives of this designation. Part 1.6.7 of the NEP states that by-law amendments must not conflict with the Objectives and Development and Growth Objectives of this designation, and the Development Criteria in Part 2 of the NEP.

Part 1.6.8 of the NEP contains the Development and Growth Objectives for Minor Urban Centres; those relevant to this application are discussed below:

3. *Development and growth should avoid Escarpment Protection Areas and be directed to Escarpment Rural Areas in a manner consistent with the Escarpment Rural Area Objectives and Part 2, the Development Criteria of this Plan.*
 - The development is within the underlying Escarpment Rural Area.
4. *Development and growth should be limited to minimize land use conflicts (e.g., with agriculture) and all development should be of a design compatible with the scenic resources of the Escarpment. Where appropriate, provision for adequate setbacks, and maximum heights for buildings, structures and screening shall be required to minimize the visual impact of development, consistent with any applicable provincial guidance.*
 - Development is proposed within an existing settlement area, but adjacent to an agricultural operation (vineyard) and nearby commercial uses. The submitted documents include measures to buffer agricultural uses through setbacks to the agricultural land and vegetation planting within the creek block. Noise warning clauses have also been recommended.
 - NEC staff understand that the development is also subject to the St. Davids Urban Design Guidelines. A conceptual landscape plan has been provided, which includes trees along the front lot line.
5. *Development within Minor Urban Centres should encourage reduced energy consumption, improved air quality, reduced greenhouse gas emissions (consistent with provincial reduction targets to 2030 and 2050) and work towards the long-term goals of low carbon communities, net-zero communities and increased resilience to climate change, through maximizing opportunities for the use of green infrastructure and appropriate low impact development.*
 - NEC staff understand there may be opportunities to address this objective through the development of the grading plan and building plans. NEC staff encourage the use of green infrastructure and low impact development in the future detailed design where possible.
6. *Development and growth should be minor only, relative to the size and capacity of the settlement to absorb new growth, so that the community character is maintained.*
 - The Functional Servicing Report concludes that the existing water service and sanitary sewer are expected to be adequate. The Sight Line Assessment did not identify any sight distance issues.
 - The development will be designed to meet the St. Davids Urban Design Guidelines to ensure that community character is maintained.
9. *Growth and development in Minor Urban Centres shall be compatible with and provide for:*

- a) *the protection of natural heritage features and functions;*
 - b) *the protection of hydrologic features and functions;*
 - c) *the protection of agricultural lands, including prime agricultural areas;*
 - d) *the conservation of cultural heritage resources, including features of interest to First Nation and Métis communities;*
 - e) *considerations for reductions in greenhouse gas emissions and improved resilience to the impacts of a changing climate;*
 - f) *sustainable use of water resources for ecological and servicing needs; and*
 - g) *compliance with the targets, criteria and recommendations of applicable water, wastewater and stormwater master plans, approved watershed planning and/or subwatershed plan in land use planning.*
- A watercourse traverses the property. The realigned creek is proposed to be part of a common element outside of the development envelope. The development will be setback from the creek and a fence will separate the natural area.
 - Landscaping will buffer the residential use from agricultural lands.
 - Stage 1-4 Archaeological Assessments were completed. There are no outstanding concerns for impacts to archaeological resources.
 - The Functional Servicing Report concludes that existing stormwater quantity controls are expected to be adequate, and an oil/grit separator is required for quality control.

10. Municipal sewage and water services will be the preferred form of servicing.

- Municipal servicing is proposed.

Niagara Escarpment Plan Part 2 – Development Criteria

Part 2 of the NEP contains the Development Criteria used in consideration of a development proposal. The proposal must be consistent with the Development Criteria contained in Part 2 of the NEP.

Part 2.2: General Development Criteria

- An Arborist Report, Tree Protection Plan, and conceptual Landscape Plan were submitted and ensure the restoration and enhancement of tree cover across the site. NEC staff also understand that additional restoration took place when the watercourse was realigned.
- A Phase 1 Environmental Site Assessments was completed. A Phase 2 assessment is required before a Record of Site Condition can be submitted.
- A Geomorphic Assessment was completed to delineate the meander belt and determine the erosion hazard limits. It is noted that there is a minor encroachment into the meander belt associated with two lots. The report recommends that the development proposal needs to demonstrate that potential erosion hazards can be avoided or acceptably mitigated. NEC staff recommend that the proposed lots are entirely outside of the erosion hazard to ensure that Part 2.2.2 of the NEP is met.

Part 2.4: Lot Creation

- The new condo lots are located entirely within a Minor Urban Centre. An official plan amendment and zoning by-law amendment are required to change the designation from employment lands to residential and to align the conservation area designation with the realigned creek and associated hazard lands.
- To ensure the lot lines protect the hydrologic feature and function, the lots should be entirely outside of the erosion hazard.

Part 2.6: Water Resources

- Four Mile Creek, which is a key hydrologic feature, traverses the property. NEC staff understand that the creek was recently realigned. The planning justification report explains that the creek was realigned to improve natural flows and allow for ecological opportunities for fish and wildlife, but also to accommodate future development. Forest, fisheries, and wildlife management to maintain or enhance the feature is listed as an exception to the prohibition on development within a key hydrologic feature. Given that the creek relocation has already taken place and there is an existing culvert where the driveway turn around is proposed, no further work within a key hydrologic feature is proposed.
- The rezoning of the lands surrounding the creek to open space will ensure the protection of the creek. NEC staff understand that as part of the realignment project, the area was planted with natural vegetation and will not be maintained. NEC staff recommend that this area is considered as a vegetation protection zone as per the NEP definition.

Part 2.7: Development Affecting Natural Heritage

- The Arborist Report identifies trees for removal and preservation and provides recommendations for protection of the trees to be retained. No species at risk trees were identified. Some of the trees are located within the rear yard and not directly within the footprint of proposed development. NEC staff recommend looking for opportunities to retain some of these trees that may not be impacted by future grading and where tree condition allows.
- A conceptual Landscape Plan has been provided and NEC staff understand additional vegetation was planted within the creek block. A final landscape plan should be provided that includes the species and size of trees. Native species should be planted given proximity to the creek.

Part 2.10: Cultural Heritage

- Stage 1-4 Archaeological Assessments were completed. There are no outstanding concerns for impacts to archaeological resources and the assessments have been entered into the Ministry of Citizenship and Multiculturalism register. A standard advisory note is recommended.

Part 2.13: Scenic Resources and Landform Conservation

- The Planning Justification Report includes that the development will be designed in accordance with the St. Davids Urban Design Guidelines. No variances in height from the proposed zoning are required. A conceptual landscape plan has been provided, which includes screening of the development.

Conclusion

NEC staff have no objection to the approval of the draft plan of condominium, official plan amendment, and zoning by-law amendment, subject to the following:

- The submission of a Final Landscape Plan, with native species included.
- The submission of a Grading and Drainage Plan.
- Phase 2 Environmental Site Assessment and finalization of Record of Site Condition.
- That development occurs in accordance with the recommendations of the Geomorphic Assessment, prepared by Beacon Environmental, dated April 2018. The proposed lots should be entirely outside of the erosion hazard.
- That development occurs in accordance with the recommendations of the Arborist Report, prepared by Beacon Environmental, dated April 2023.
- The inclusion of an advisory note regarding the identification of archaeological resources.
- Consideration of the use of green infrastructure and low impact development in future detailed design where possible.

I trust the above comments are of assistance in ensuring that the proposed does not conflict with the Niagara Escarpment Plan. If there are any questions or concerns, I can be reached at 905-703-5354 or cheryl.tansony@ontario.ca.

Please send notice of decision.

Sincerely,



Cheryl Tansony
Senior Planner
Niagara Escarpment Commission

John Federici, MCIP, RPP

From: PrimeCities <WSP.PrimeCities@wspdigitalfactory.com>
Sent: March 27, 2024 4:33 PM
To: Mark Chuang
Subject: OPA (OPA-08-2023), ZBLA (ZBA-18-2023) and Draft Plan of Vacant Land Condominium (26CD-18-23-01) , 308 Four Mile Creek Rd., Niagara-on-the-Lake

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3/27/2024

Mark Chuang

Niagara-on-the-Lake

Niagara-on-the-Lake (Town)

Attention: Mark Chuang

Re: OPA (OPA-08-2023), ZBLA (ZBA-18-2023) and Draft Plan of Vacant Land Condominium (26CD-18-23-01) , 308 Four Mile Creek Rd., Niagara-on-the-Lake; Your File No. 26CD-18-23-01,OPA-08-2023,ZBA-18-2023

Our File No. DTS: 34691 / Circ: 41144

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,



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

October 4, 2023

Mark Chuang
NIAGARA ON THE LAKE
P.O. BOX # 100
1593 FOUR MILE CREEK ROAD
VIRGIL, ONTARIO L0S 1T0

RE: 26CD-18-23-01 308 Four Mile Creek Road

Dear Mark:

Canada Post Corporation has no requirements or conditions regarding this project as the development in question falls within the Post Office Box-served boundaries of the St. Davids Post Office.

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 this decision, I can be reached at 226-268-5914 or the above noted address.

I appreciate the opportunity to comment on this project.

Regards,

A. Carrigan

Andrew Carrigan
Delivery Services Officer



**I Matter
At DSBN**

DISTRICT SCHOOL BOARD OF NIAGARA

191 Carlton St. ■ St. Catharines, ON ■ L2R 7P4 ■ 905-641-1550 ■ dsbn.org

September 13, 2023

Mark Chuang
Planner II
Community & Development Services
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
PO Box 100
Virgil, ON L0S 1T0

Dear Mr. Chuang,

**Re: Applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Vacant Land Condominium
File Nos. DEV-01-2023 (ZBA-18-2023, OPA-08-2023, 26CD-18-23-01)
308 Four Mile Creek Road, Niagara-on-the-Lake, ON**

Thank you for circulating the District School Board of Niagara (DSBN) the above noted applications for an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Vacant Land Condominium for the lands located at 308 Four Mile Creek Road. The applications will facilitate the development of a vacant land condominium with 9 block townhouses with private road access that connects to Four Mile Creek Road.

DSBN Planning staff has completed its review and has no objections to the applications. At this time, future students from this area would attend St. Davids PS (Gr. JK-8), and A. N. Myer Secondary School (Gr. 9-12).

If you have any questions, feel free to contact me at ext. 54225.

Yours truly,

Sue Mabee, MCIP, RPP
Supervisor of Planning Services

August 30, 2023

Mark Chuang
Planner II
The Town of Niagara-on-the-Lake
Community & Development Services
1593 Four Mile Creek Road – PO Box 100
Virgil, ON L0S 1T0

Dear Mark,

Re: Draft Plan of Condominium, Official Plan Amendment, Zoning By-law Amendment
Sleek Developments
308 Four Mile Creek Road
Town of Niagara-on-the-Lake
File No.: DEV-01-2023 (26CD-18-23-01, OPA-08-2023, ZBA-18-2023)

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 constitute a pipe locate, clearance for construction or availability of gas.

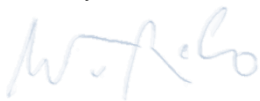
The applicant shall use the [Enbridge Gas Get Connected tool](https://enbridge.outsystemsenterprise.com/GetConnected_Th/Login2?OriginalURL=https%3A%2F%2Fenbridge.outsystemsenterprise.com%2FGetConnectedApp_UI%2F) to determine gas availability, service and meter installation details and to ensure all gas 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 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.

The applicant will contact Enbridge Gas Customer Service at 1-877-362-7434 prior to any site construction activities to determine if existing piping facilities need to be relocated or abandoned.

Sincerely,



Willie Cornelio CET
Sr Analyst Municipal Planning
Engineering

From: ARABIA Gabriel <Gabriel.Arabia@hydroone.com>
Sent: Tuesday, September 12, 2023 8:38 AM
To: Clerks <clerks@notl.com>
Subject: Town of Niagara - On - The Lake - 308 Four Mile Creek Road - 26CD-18-23-01

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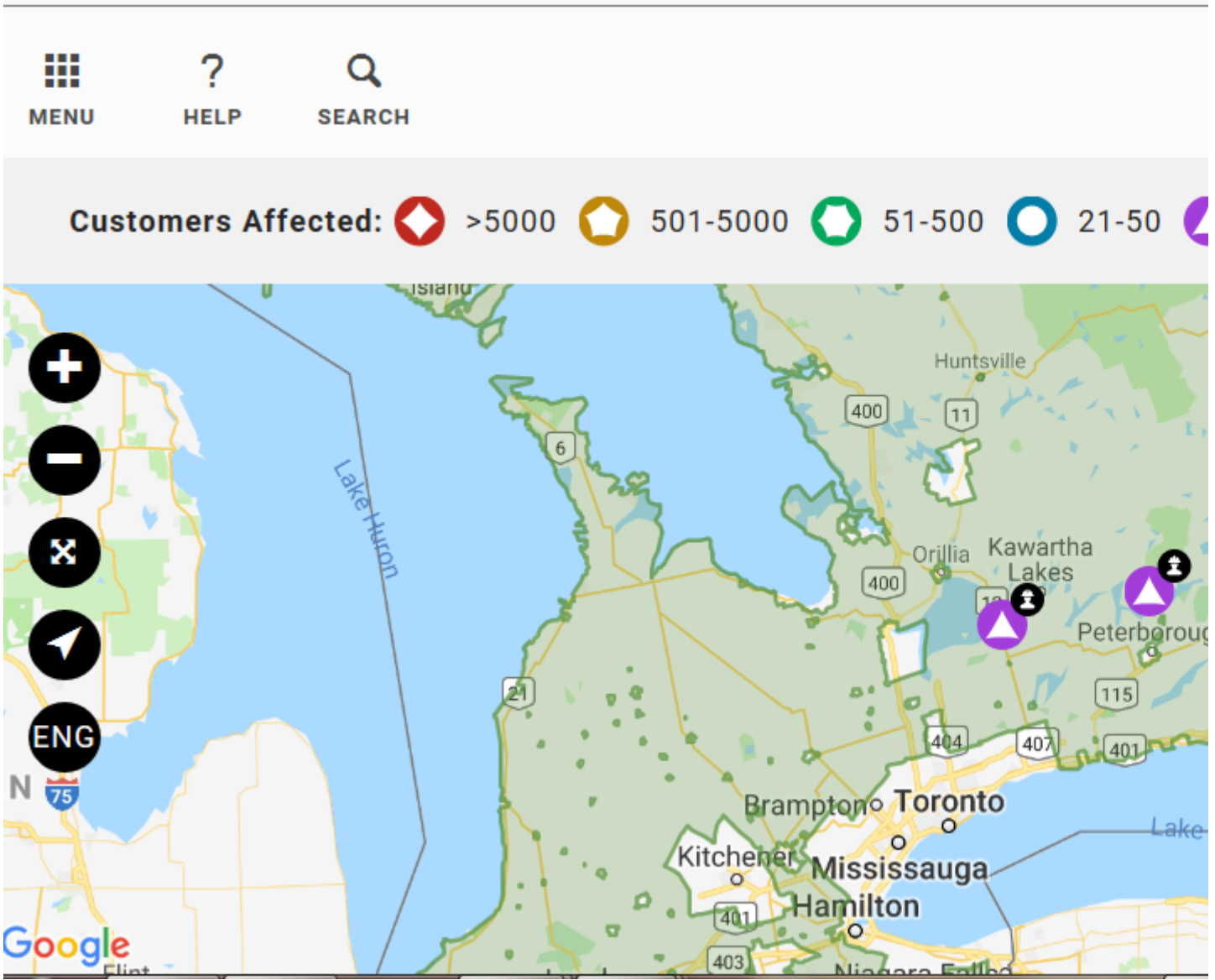
Hello,

We are in receipt of your Plan of Condominium application, 26CD-18-23-01 dated September 1st, 2023. 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:
[HydroOne Map](#)

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



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.

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