

Comment Matrix
Town of Niagara-on-the-Lake Official Plan Update

#	Source	Submission Type	Date Received	Submission Page Reference	Response Page Reference
1	MHBC	Written Submission	04-02-26	B20	A4
2	MHBC	Written Submission	03-24-26	B18	A4
3	MHBC	Written Submission	03-17-26	B17	A4
4	Niagara Region Metis Council	Email	03-17-26	B16	A4
5	The Biglieri Group on behalf of the Queenston Quarry Reclamation Company Ltd. of the property known as the Queenston Quarry lands in the Town of Niagara-on-the-Lake	Written Submission	02-02-26	B15	A4
6	SGL Planning & Design Inc.	Written Submission	09-01-26	B14	A5
7	Aird & Berlis LLP on behalf of Scotsman Hotel Inc.	Written Submission	20-01-26	B13	A5
8	Niagara Greenhouse Growers	Email	19-01-26	A5	A5
9	MHBC	Written Submission	12-Dec-25	B1	A7
10	Dentons Canada LLP (Isaiah Banach, Counsel)	Written Submission	08-Dec-25	B2	A8
11	Councillor	Email	26-Nov-25	A8	A8
12	MHBC	Written Submission	24-Nov-25	B19	A14
13	GSP Group	Written Submission	21-Nov-25	B3	A14
14	NPG	Written Submission	18-Nov-25	B4	A14
15	MHBC	Written Submission	18-Nov-25	B5	A15
16	Anonymous	Email	11-Nov-25	A15	A15
17	Dentons Canada LLP (Isaiah Banach, Counsel)	Written Submission	28-Oct-25	B6	A15
18	Municipal Affairs and Housing	Provincial One Window Review Comments	27-Oct-25	B7	A15
19	Cam Lang	Email	22-Oct-25	A15	A15
20	Anonymous	October Public Information Centre	16-Oct-25	A16	A16
21	Anonymous	October Public Information Centre	16-Oct-25	A16	A16
22	Anonymous	October Public Information Centre	16-Oct-25	A16	A16
23	Scott Kirby	October Public Information Centre	16-Oct-25	A16	A16
24	Anonymous	October Public Information Centre - Sticky Note	16-Oct-25	A16	A16
25	Anonymous	October Public Information Centre - Sticky Note	16-Oct-25	A16	A16
26	Anonymous	October Public Information Centre - Sticky Note	16-Oct-25	A16	A16
27	Anonymous	October Public Information Centre - Sticky Note	16-Oct-25	A16	A16
28	Anonymous	October Public Information Centre	15-Oct-25	A17	A17
29	Anonymous	October Public Information Centre	15-Oct-25	A17	A17
30	Seniors for Climate in Niagara	October Public Information Centre	15-Oct-25	A17	A17
31	Steven Hardaker	Email	08-Oct-25	A17	A17
32	Peter Graham	Email	07-Oct-25	A17	A17
33	Ontario Tender Fruit Growers	Written Submission	06-Oct-25	B8	A18
34	Chautauqua Residents Association	Written Submission	03-Oct-25	A18	A18
35	Niagara Peninsula Conservation Authority	Written Submission	26-Sep-25	A19	A19
36	Seniors for Climate in Niagara	Written Submission	19-Sep-25	A19	A19
37	NPG Planning Solutions	Written Submission	19-Sep-25	A24	A24
38	NPG Planning Solutions	Written Submission	19-Sep-25	A30	A30
39	NOTL Residents' Association	Written Submission	19-Sep-25	B9	A31
40	Peter Neame	Written Submission	19-Sep-25	A32	A32
41	Anonymous	Comment Box Submission	19-Sep-25	A33	A33
42	Niagara Region	Written Submission	18-Sep-25	B10	A33
43	The Niagara Foundation	Written Submission	18-Sep-25	A34	A34

44	Anonymous	Comment Box Submission	17-Sep-25	A35	A35
45	Anonymous	Comment Box Submission	17-Sep-25	A35	A35
46	Anonymous	Comment Box Submission	17-Sep-25	A35	A35
47	Anonymous	Comment Box Submission	17-Sep-25	A35	A35
48	Jennifer Vida, Hummel Properties	Written Letter	16-Sep-25	B11	A35
49	Anonymous	Comment Box Submission	16-Sep-25	A36	A36
50	Anonymous	Comment Box Submission	11-Sep-25	A36	A36
51	Anonymous	Comment Box Submission	10-Sep-25	A36	A36
52	Anonymous	Comment Box Submission	10-Sep-25	A37	A37
53	Chautauqua Residents Association	Written Submission	08-Sep-25	A37	A37
54	Anonymous	Comment Box Submission	08-Sep-25	A38	A38
55	Mary & Bill Mursell	Email	06-Sep-25	A38	A38
56	Councillor	Email	30-Aug-25	A39	A39
57	MHBC	Written Submission	22-Aug-25	A39	A39
58	Anonymous	Comment Box Submission	22-Aug-25	A41	A41
59	Niagara-on-the-Lake Conservancy	Written Submission	19-Aug-25	A41	A41
60	Anonymous	Comment Box Submission	18-Aug-25	A43	A43
61	Environmental Advisory Committee Member	Written Submission	11-Aug-25	A43	A43
62	Environmental Advisory Committee Member	Written Submission	11-Aug-25	A44	A44
63	Anonymous	Comment Box Submission	11-Aug-25	A45	A45
64	Anonymous	Comment Box Submission	10-Aug-25	A45	A45
65	Anonymous	Comment Box Submission	08-Aug-25	A46	A46
66	Anonymous	Comment Box Submission	05-Aug-25	A46	A46
67	Anonymous	Comment Box Submission	03-Aug-25	A46	A46
68	Ontario Tender Fruit Growers	Written Submission	Aug-25	A47	A47
69	Anonymous	Comment Box Submission	31-Jul-25	A50	A50
70	Anonymous	Comment Box Submission	31-Jul-25	A50	A50
71	Anonymous	Comment Box Submission	31-Jul-25	A50	A50
72	Malcolm Newton	Comment Box Submission	24-Jul-25	A51	A51
73	Chautauqua Residents Association	Email	24-Jul-25	A51	A51
74	Chautauqua Residents Association	Email	23-Jul-25	A51	A51
75	King's Point Condominium Residents	Written Submission	16-Jul-25	A51	A51
76	Masonry Council of Ontario	Written Submission	02-Jul-25	A53	A53
77	N/A	Email	18-Jun-25	A55	A55
78	LANDx Developments Ltd.	Written Submission	09-Jun-25	A55	A55
79	MHBC	Written Submission	03-Jun-25	A55	A55
80	Kyra Simone, Environmental Advisory Committee Member	Written Submission	May-25	A57	A57
81	The Niagara Foundation	Written Submission	14-Apr-25	A59	A59
82	Chautauqua Residents Association	Written Submission	14-Apr-25	A60	A60
83	Lyle Hall, Chair of the Niagara Foundation	Email	14-Apr-25	A61	A61
84	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A61	A61
85	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A61	A61
86	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A61	A61
87	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A61	A61
88	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A61	A61
89	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A61	A61
90	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A61	A61

91	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A61	A61
92	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A61	A61
93	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A61	A61
94	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A61	A61
95	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A61	A61
96	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A62	A62
97	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A62	A62
98	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A62	A62
99	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A62	A62
100	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A62	A62
101	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A62	A62
102	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A62	A62
103	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A62	A62
104	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A62	A62
105	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A62	A62
106	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A62	A62
107	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A62	A62
108	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A62	A62
109	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A62	A62
110	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A62	A62
111	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A62	A62
112	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A62	A62
113	Anonymous	Public Information Centre - Sticky Note	01-Apr-25	A62	A62
114	Pat Rapone	Written Submission	13-Mar-25	A62	A62
115	Mississaugas of the Credit First Nation ("MCFN")	Written Submission	17-Jan-25	B12	A63
116	Winery Grower Alliance of Ontario	Written Submission	19-Dec-19	A63	A63
117	MHBC on behalf of TransCanada PipeLines Limited	Email	25-Aug-14	A70	A70
118	217 Concession 5 Road	Email	25-May-13	A72	A72
119	SDRA	Written Submission	2025	A72	A72
120	David Snelgrove	Written Submission	2025	A74	A74

#	Source	Submission / Submission Summary	Response
1	MHBC	Refer to B20 for the comment letter on the Final Draft Official Plan.	<p>Town staff reviewed the definition for Density, Net. The definition is updated as follows:</p> <p>The "Density, Net" definition is updated as follows: Density, Net: The total number of residents and jobs per hectare of land intended for <i>development</i> excluding public and private roads, lands dedicated or acquired by the municipality for parkland purposes, and excluding any undevelopable lands identified in this Plan and the following features in the <i>Natural Heritage System</i>:</p> <ul style="list-style-type: none"> a) <i>key natural heritage features</i>; b) <i>key hydrologic features</i>; c) <i>any related vegetation protection zone</i>; d) <i>Floodplain areas</i>. <p>Definitions for private road and private lane are not proposed to be added into the final Draft Official Plan.</p>
2	MHBC	Refer to B18 for the comment letter on the Final Draft Official Plan.	<p>In addition to Comment 14 of the Comment Matrix, the following additional information is provided for the comment letter:</p> <ul style="list-style-type: none"> • The Country Inn definition aligns with the By-law No. 2025-032 (Short-term Rental By-law) • The Special Events Policy and By-Law was approved by Council on January 27, 2026. The Permit Application Form has been revised to incorporate new provisions, as identified in the Special Events By-Law No. 2026-005, Special Event Policy and Parks By-law 5306-21 & 5306A-21. <p>Town staff held a follow-up meeting to review the comment letter and provide additional clarification on the comments prepared for the comment matrix.</p>
3	MHBC	Refer to B17 for the comment letter on the Final Draft Official Plan.	<p>S3-24 for Former Rand Estate and John Street East Character Study is reinstated into the final Draft Official Plan. S3-24 is removed and renumbered as S3-47. Town staff have reviewed the original OPA 92 policies in detail and prepared a revised site-specific policy set for the Character Study Area that removes duplication where policies are already addressed elsewhere in the draft Official Plan.</p>
4	Niagara Region Metis Council	Refer to B16 for email correspondence.	<p>Comments received and considered by Town staff.</p>
5	The Biglieri Group on behalf of the Queenston Quarry	Refer to B15 for the comment letter on the Final Draft Official Plan.	<p>Town staff confirmed receipt of the letter. Town staff revised site specific policy language based on additional meetings and correspondence with the Biglieri Group.</p>

	Reclamation Company Ltd. of the property known as the Queenston Quarry lands in the Town of Niagara-on-the-Lake		
6	SGL Planning & Design Inc.	Refer to B14 for comment letter on the Final Draft Official Plan (November 19, 2025) 144, 176, 200 John Street East and 588 Charlotte Street Two Sisters Resorts Corp. and Solmar (Niagara 2) Inc.	<p>S3-4 Randwood Estate land use designations in the site specific policy language are updated to reflect Schedule B2. S3-24 for Former Rand Estate and John Street East Character Study is reintroduced into the final Draft Official Plan after additional review by Town staff. S3-24 is removed and renumbered as S3-47. Town staff have reviewed the original OPA 92 policies in detail and prepared a revised site-specific policy set for the Character Study Area that removes duplication where policies are already addressed elsewhere in the draft Official Plan.</p> <p>The portion of the conservation designation shown on the lower part of the properties on the proposed Schedule B2 of the Draft Official Plan is removed to align with existing approvals.</p> <p>Policy 3.11.3.1 specifies that medium-rise structures (e.g. multi-floor apartment buildings) may be recognized in specific locations within specific secondary plans, and subject to a zoning by-law amendment. Therefore, a zoning by-law amendment may be required for medium-rise structures where recognized in that specified location in a secondary plan. Policy 3.11.5.2 permits the following:</p> <ul style="list-style-type: none"> • medium rise or multiple unit residential uses (e.g. townhouses, walk-up apartments) may be permitted in specific locations shown in secondary plans • medium rise apartments up to 4 storeys <p>Reference to a Schedule B9 is removed from the Draft Official Plan.</p>
7	Aird & Berlis LLP on behalf of Scotsman Hotel Inc.	Refer to B13 for comment letter for the Scotsman Hotel Inc. (95 Johnson St.).	Town staff confirmed receipt of the letter. Response provided by Community and Protective Services Town staff by email.
8	Niagara Greenhouse Growers	<p>Re: Draft Official Plan – Public Consultation Date: January 19, 2026 On behalf of the Niagara Greenhouse Growers (NGG), please accept this submission as public input to the Town of Niagara-on-the-Lake’s Draft Official Plan.</p> <p>Background and Context When the first draft of the Official Plan (OP) was circulated in Spring 2025, NGG met with Planning staff to better understand the Town’s intent and approach to greenhouse operations. At that time,</p>	<p>Proposed revised policy language removes word “hoophouses” in Section 2.2.4.16 of the Draft Official Plan.</p> <p>The references in the Town’s Site Plan Control By-law include 7. b) and 10 a). These policies address site plan control requirements for greenhouse operations that are 10,000 square feet or greater.</p>

	<p>greenhouses were addressed within the Town's Specialty Crop Area framework, consistent with other specialty crop uses in Niagara-on-the-Lake, as reflected in Appendix I of the Draft OP (page 493). The only direct policy constraint identified for greenhouse expansion was the site-specific policy at Policy 10.2.2.18, related to 169 Tanbark Road (Scott Street Greenhouses), which effectively limits expansion due to the site's location within an identified residential area. NGG found the Spring 2025 discussion constructive and helpful.</p> <p>Following the Town's public meeting held at the end of November 2025 on the updated Draft OP, NGG noted the introduction of additional language in Appendix I. Specifically, Policy 2.2.4.16 (Appendix I, page 38) states:</p> <p>"Greenhouses and hoophouses are subject to requirements of the Town's Site Plan Control By-law."</p> <p>As a result of this addition, NGG offers the following comments and recommendations for consideration before the Plan is finalized and presented to Council.</p> <p>Hoophouses</p> <p>NGG notes that the Town's current planning documents do not define "hoophouses" or otherwise establish specific policy direction for them. Across Niagara, hoophouses are commonly treated as temporary, non-structural agricultural accessory structures that typically do not require building permits. This practice is consistent across the Region and was addressed by the Chief Building Officials of Niagara (CBON) in Fall 2025.</p> <p>CBON essentially agreed that hoophouses are temporary, non-structural agricultural accessory uses. Understanding that hoophouses are without a foundation, unheated, not occupied by humans and can easily be dismantled or removed, they are not subject to the Ontario Building Code.</p> <p>Accordingly, they are typically not subject to the Ontario Building Code. In practice, preparing lands for hoophouses often involves minor alterations (e.g., grading) that constitute normal farm practices.</p> <p>Recommendation (Hoophouses)</p> <ol style="list-style-type: none"> 1. Confirm with the Town's Chief Building Official that hoophouses will continue to be treated consistently with the Niagara Region approach and do not require building permits, where applicable. 2. Remove the reference to "hoophouses" from Policy 2.2.4.16 (Appendix I). <p>Greenhouses and Site Plan Control</p> <p>NGG acknowledges the Town's long-standing practice of applying site plan control to greenhouse development in certain circumstances. However, NGG is concerned that the draft wording of Policy 2.2.4.16 could broaden or reinforce the application of site plan control in a manner that may conflict with the Draft OP's stated intent to protect agricultural uses and normal farm practices within the Specialty Crop Area / Protected Countryside.</p> <p>Relevant Draft OP Policies</p> <p>The Draft OP indicates that site plan control does not generally apply to agricultural operations except where specifically required by the Plan or by-law:</p> <p>Policy 9.5.3</p> <p>"Where development consists of agricultural operations, farm buildings and the residence of the farm operator, site plan control will not apply, except in cases where specifically required by this Plan or the Site Plan Control By-law..."</p> <p>The Draft OP further outlines broad objectives for site plan approval, including:</p> <p>Policy 9.5.4(d) minimizing land use incompatibility between new and existing development; and</p>	
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	<p>Policy 9.5.4(e) providing functional and attractive on-site facilities such as landscaping and lighting. At the same time, Section 2 emphasizes the Specialty Crop Area designation and the expectation that agricultural uses and normal farm practices are promoted and unhindered, including:</p> <p>Policy 2.1.3 (Specialty Crop Area protections and support for all types and intensities of agriculture); and</p> <p>Policy 2.2.4.3 “All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected... Normal farm practices are to be unhindered.” Further, where land use compatibility is required at the interface between agricultural and non-agricultural uses, the Draft OP states that mitigation should be incorporated within non-agricultural development:</p> <p>Policy 2.2.4.13 “...Where mitigation is required, measures should be incorporated as part of the non-agricultural uses...” Finally, NGG notes that for Agriculture-Related Uses and On-Farm Diversified Uses, the Draft OP uses more discretionary language:</p> <p>Policy 2.2.6.3(I) “Development may be subject to site plan control.” As currently worded, Policy 2.2.4.16 could be interpreted as a broad and mandatory trigger (“are subject to...”) that may enable site plan control to be applied to greenhouse development in a manner that extends into matters that affect normal farm practices or operational viability—particularly where site plan review is used to address issues such as perceived “compatibility” through requirements relating to landscaping and lighting, or other aesthetic/site design measures not directly tied to on-site servicing, access, drainage, or similar technical considerations. NGG submits that compatibility between agricultural and non-agricultural uses is more appropriately addressed through zoning permissions/standards and appropriate separation from sensitive uses, consistent with the Draft OP’s direction that mitigation should be incorporated as part of non-agricultural development (Policy 2.2.4.13), rather than by imposing additional constraints on agricultural operations via site plan control.</p> <p>Recommended Amendment to Policy 2.2.4.16 To ensure consistency with the Draft OP’s stated objectives for agricultural protection and normal farm practices, and to align greenhouse policy language with the discretionary approach used elsewhere in Section 2, NGG recommends that Policy 2.2.4.16 be revised to clarify that site plan control, where applied, must not infringe upon normal farm practices.</p> <p>Amend Policy 2.2.4.16 as follows: “Greenhouses may be subject to the requirements of the Town’s Site Plan Control By-law, where applicable, provided that site plan control is applied in a manner that does not infringe on Normal Farm Practices.”</p> <p>(And, consistent with Section 2 above, remove “hoophouses” from this policy unless separately defined and addressed.)</p> <p>NGG appreciates the opportunity to provide input and remains available to meet with staff to discuss the intent and implementation of this policy language. Our objective is to ensure that the final Official</p>	
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		Plan is clear, consistent, and aligned with Provincial direction supporting agricultural uses and normal farm practices in Niagara-on-the-Lake's Specialty Crop Area.	
9	MHBC	Additional comments for the Draft Official Plan that address the site specific policies for Site Specific Exceptions S4-4 and S4-24.	<p>Town staff have made the revisions, as applicable, to the schedules and Draft Official Plan site specific policies.</p> <p>S4-4 is renumbered to S3-4. S4-24 is removed and renumbered as S3-47.</p> <p>Please note that S3-47 was included in previous drafts as S3-24 and in the Draft released on March 13, 2026, was removed. In the Draft prepared for the Recommendation report, the site specific policy language is added back into the final Draft Official Plan as S3-47. A revised, site-specific policy set for the Character Study Area is prepared and the revisions remove duplication where policies are already addressed elsewhere in the draft Official Plan.</p>
10	Dentons Canada LLP (Isaiah Banach, Counsel)	Additional comments based on the comment letter submitted on October 28, 2025, for the Draft Official Plan that address the Glendale Secondary Plan, Airport-related policy, references to guidelines, settlement area boundaries, housing, protected countryside and natural heritage system, edge planting, and cash in lieu of parkland. Refer to B2 for the comment letters.	<p>Comments received and incorporated into the Draft Official Plan, as appropriate. Section 3.17.4 of the Draft Official Plan states that "Where a Secondary Plan has been approved, the land use policies contained therein will take precedence."</p> <p>As per Section 10.4.1.2 e), where there is a conflict between the designations and policies of this Plan and any policy of the Draft Official Plan, the policies of the Secondary Plan shall prevail. Staff completed a review of the policy language in sections such as Section 7.1.1.1 and Section 3.7.4 in the final Draft Official Plan and confirm that there are no conflicts identified.</p> <p>Section 1.2.6 is updated to include "except as permitted by the PPS or Greenbelt Plan outside settlement areas".</p> <p>Section 1.6.3.6 is updated accordingly based on the comment for the typographical issue. No changes are proposed to further specify non-agricultural uses in the Protected Countryside Specialty Crop area. Town staff rely on the permissions of the Greenbelt Plan.</p> <p>Section 2.2.4.6 addresses existing uses which are not permitted by this Plan.</p> <p>No changes are proposed based on the comments provided related to the edge planning section of the Draft Official Plan.</p> <p>Section 3.17.4 of the Draft Official Plan states that "Where a Secondary Plan has been approved, the land use policies contained therein will take precedence."</p> <p>Parkland dedication policy language has been updated accordingly.</p> <p>Town staff held two additional meetings to review the comments that were submitted.</p>

			<p>Please also refer to comment 17 in the comment matrix based on a previous letter submitted.</p>
<p>11</p>	<p>Councillor</p>	<p>Official Plan Comments – Nov. 2025</p> <p>Over-arching Comments:</p> <ul style="list-style-type: none"> • CDS-25-084 Public engagement feedback for the OP placed Environmental Stewardship and Greenspace preservation as the #2 priority. This should be reflected in the statements regarding the environment. • Growth management was listed as the #3 priority concern in the public engagement feedback, but there is little discussion surrounding it in the OP report (CDS-25-104). It just presents the Region’s goal. We need to designate areas that the intensification policies will not apply to, similar to the current OP. In addition, any intensification must not impact cultural and natural heritage resources. <p>Since I am on the Agricultural Committee and Environment Committee, I will start with those 2 areas first.</p> <p>Protected Countryside - Agricultural System:</p> <p>You should note that many farmers are reluctant to speak out about the winery policies in case of repercussions ie wineries not buying their grapes. I have been told this by farmers who have asked me to speak out on these issues.</p> <ul style="list-style-type: none"> • This plan has weakened the protection of our specialty crop land for agriculture. • 2.2.4.12 “Non-agricultural uses may be permitted subject to the Greenbelt Plan”. My concern is that it doesn't consider restrictions from the specialty crop classification. Nor does it reflect, what I thought was our desire to protect our agricultural base, which is also in the title of the section. Having it just dependent on the Greenbelt Plan, which could change boundaries and goals, doesn't necessarily protect agricultural lands. This could open the door to increased non-agricultural uses in the future. 2.2.2.1 Objective a) Preserving and supporting the Specialty Crop Area for farming. PPS Policy 2.3.6.1 specifies the limited circumstances under which non-agricultural uses may be considered in prime agricultural areas. Any non-agricultural uses must be outside of specialty crop areas. So Non-agricultural uses may NOT be in specialty crop areas. 	<p>Protected Countryside – Agricultural System Response:</p> <ul style="list-style-type: none"> • Wineries “must” maintain the 8 and 4 hectare (20 and 10 acre) requirement <p>An additional review will be completed for the winery policies during the OFDU and Winery Policy Review. At that time, staff may review hectare requirements. Currently, the policy language aligns more closely with the current Official Plan (2017). Town staff considered comments received from the agriculture and winery community while acknowledging provincial regulations and application requirements for estate wineries.</p> <ul style="list-style-type: none"> • Must maintain the 75% requirement for vineyards for wineries. <p>An additional review will be completed for the winery policies. Part of this review may be to determine if a percentage requirement should still be considered and whether 75% is still an appropriate percentage to include.</p> <p>Also, Section 2.2.7.3 c) states that the Town shall require that majority of the land that is arable for viticulture and/or the production of fruit crops to be planted and be in full production.</p> <ul style="list-style-type: none"> • No non-agricultural uses in specialty crop areas <p>Policy language is incorporated regarding uses that are compatible with and shall not hinder the surrounding</p>

	<ul style="list-style-type: none"> • Region OP: to permit uses that are compatible with farming and to encourage accessory uses that directly support continued agricultural uses. We allow uses that don't directly support agricultural uses eg weddings. Why? • Must uphold the 8 hectare (20 acre) requirement for estate wineries and 4 hectares (10 acres) for farm wineries. No wiggle words such as "generally". • Do not change the 75% requirement for vineyards on estate and farm wineries to majority or 51%. This reduces the production of the specialty crop area by up to an additional ~25%. • Should not allow breweries and distilleries (most distilleries do not use tender fruits). <ul style="list-style-type: none"> ◦ 2.2.8.1 use 2019 OP wording: 3.2.11 Breweries and Distilleries 3.2.11.1 Breweries and distilleries are not permitted in the Specialty Crop Area • Why is diversifying and expanding the agricultural sector in the accommodation of 1.4.7 The population, housing and employment forecasts established by this Plan? j) Supporting opportunities for the agricultural sector to protect, diversify and expand their operations <p>The title of this section is "Protected Countryside - Agricultural System" not wineries. Focus on protecting our agricultural system.</p> <p>In summary:</p> <ol style="list-style-type: none"> 1. Wineries "must" maintain the 8 and 4 hectare (20 and 10 acre) requirement 2. Must maintain the 75% requirement for vineyards for wineries. 3. No non-agricultural uses in specialty crop areas 4. Breweries and distilleries are not permitted in the Specialty Crop Area <ul style="list-style-type: none"> • Examples of uses that would typically NOT be on-farm diversified uses because they would not meet PPS definitions or criteria include: uses with high water and sewage needs and/or that generate significant traffic, such as, full-scale restaurants. Then why do we allow full-scale restaurants in specialty crop areas? In addition, guidelines state that large-scale, repeated or permanent events are not on-farm diversified uses and should be directed to existing facilities such as fairgrounds, parks, community centres and halls, settlement areas or rural lands. Weddings are repeated events – why are they allowed? <p>SECTION 7 Section 8 Natural Heritage Environment System 7.1 8.1 A Unique Local Natural Heritage Environment System</p> <p>CDS-25-084 Public engagement feedback for the OP placed Environmental Stewardship and Greenspace preservation as the #2 priority. This should be reflected in the statements regarding the environment.</p> <p>This is a comment from one of the Environmental Advisory Committee members which I think is relevant: In summary, it is my opinion that the 56 pages of section 7 give the appearance of concern and protection for the natural environment while in fact primarily codifying what already exists in Provincial legislation (i.e., what the Town is required by law to do anyway). The minimum is protected, to a minimal extent, with maximal exemptions, particularly for agriculture. Where the Town does not have authority it "recommends" and "encourages". Where it does have authority, it exempts.</p> <ul style="list-style-type: none"> • Why has consultation with the Environmental Advisory Committee been crossed out when there is consultation with other advisory committees in the plan eg Heritage Committee? • Why eliminate this section? 7.2.1.1.and 8.2.2 b) Recognize voluntary environmental stewardship that contributes to beauty of the Town's natural landscape and countryside and preserves the Town's unique sense of place; 	<p>agricultural operations in accordance with PPS, 2024. Additional policy language in Section 2.2.4 includes:</p> <ul style="list-style-type: none"> • 2.2.4.5 All uses in the <i>specialty crop area</i> will be designed, located and managed to not detract from the primacy of agriculture. • 2.2.4.12 <i>Non-agricultural uses</i> may be permitted subject to the Greenbelt Plan. • 2.2.4.13 Where <i>agricultural uses</i> and <i>non-agricultural uses</i> interface, land use compatibility shall be achieved by avoiding or, where avoidance is not possible, minimizing and mitigating adverse impacts on the <i>Agricultural System</i>, based on provincial guidance. Where mitigation is required, measures should be incorporated as part of the <i>non-agricultural uses</i>, as appropriate, within the area being developed. • 2.2.4.14 Applications for <i>non-agricultural uses</i> shall require completion of an <i>agricultural impact assessment</i>. Impacts from any new or expanding <i>non-agricultural uses</i> on the <i>agricultural system</i> are to be avoided, or where avoidance is not possible, minimized and mitigated as determined through an <i>agricultural impact assessment</i> or equivalent analysis, based on provincial guidance. <ul style="list-style-type: none"> • Breweries and distilleries are not permitted in the Specialty Crop Area <p>Breweries and distilleries are subject to an Official Plan Amendment. During an application process, a review for compatibility will be completed.</p> <p>Examples of uses that would typically NOT be on-farm diversified uses because they would not meet PPS definitions or criteria include: uses with high water and sewage needs and/or that generate significant traffic, such as, full-scale restaurants. Then why do we allow full-scale restaurants in specialty crop areas? In addition, guidelines state that large-scale, repeated or permanent events are not on-farm diversified uses and should be directed to existing facilities such as fairgrounds, parks, community centres and halls, settlement areas or rural lands. Weddings are repeated events – why are they allowed?</p> <ul style="list-style-type: none"> • The policy language referred to in the example provided mostly aligns with Publication 851 OMAFA guidelines. In addition to the guidelines, the Draft Official Plan proposes to
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	<ul style="list-style-type: none"> 7.2.1.9 Where site plan control is required for development or site alteration in the natural heritage system, the applicant is encouraged to address the following matters, as applicable: h) the use of bird-safe design standards (CSA A460) We should expand the use of bird-safe design standards and not just limit it to natural heritage system. Several Ontario municipalities have bird-safe design standards for site plans, including Fort Erie, We need to incorporate this in our OP. 7.2.5.2 Notwithstanding Table 5-2, the requirement for an EIS and/or hydrological evaluation may be waived if justification in a justification report demonstrates that the proposed development or site alteration is minor and is not anticipated to have a negative impact on the Natural Environment System in accordance with Section 7.24 of this Plan. How do you define “minor”? 7.2.5.3 Notwithstanding Policy 7.2.5.1, “an EIS will not be required for a proposal for development or site alteration on a site where the only natural heritage feature and area is the habitat of endangered species and threatened species”. Why wouldn’t an EIS be required for endangered species? Kirsten to look into. No word to date. Old OP 8.5 Development and Site Alteration, Red-lined OP 7.2.5 Development & Site Alteration in Adjacent Lands to Town’s Natural Heritage System: This is more restrictive than current OP ie only “adjacent” lands. What about all surface and groundwater features and impacts? Fish & wildlife habitat, like in old OP 7.2.7.7 Notwithstanding Policy 7.2.7.3, the following types of minor construction is permitted within a linkage shown on Schedule C, provided there is no alternative, without requiring an evaluation: c) Expansions to existing residential buildings below 50 percent of the size of the original building; AND Greenbelt 7.4.1.11 same. Why allow a 50% increase in building size within the 30m buffer zone? THANK YOU for no off-setting!!! 7.3.3.2 Notwithstanding Policy 7.15.5, while the NPCA may permit offsetting of wetlands under its policies and in accordance with its regulatory role, the use of offsetting for any natural heritage feature and areas, key natural heritage features, or key hydrologic features is not supported by the policies of this Plan. 7.7.1.13 8.10.3 Development and site alteration may be permitted within floodplains shall only be permitted if where it has been demonstrated to the satisfaction of the NPCA that it is in accordance with the Authority’s “Fill, Construction and Alteration to Waterways Regulation” (as amended) or its successor, and subject to the Authority’s approval. Floodlines along One and Eight Mile Creeks are regulated to the 1:100 year storm flood level, and Two and Four Mile Creeks are regulated to the Regional Storm Flood level. Criteria being reviewed? Please elaborate vis-à-vis climate change. Why only regional flood level? <p>1.4 2.4 Growth Management Strategy</p> <p>1.4.1 The updated population and employment forecasts will be based on the Ontario Population Projections published by the Ministry of Finance, modified as appropriate (criteria?). The population, household and employment forecasts contained within this Section are as per the Niagara Region Official Plan (no longer exists) and will be reviewed and updated accordingly based on a review of the demand for development in the Town (criteria??) and the location and amount of the supply of land, taking into account that there are no proposals to expand any of the Town’s settlement areas. The resulting Growth Management Strategy will be implemented into this Plan by an official plan amendment.</p> <p>1.4.2 The population of the Town is forecasted to increase to 28,900 by 2051. The number of additional housing units required to accommodate population growth is 4,600. Is this in addition to existing built housing units? Or also those that have been approved?</p>	<p>include the following criteria for agri-tourism uses which are considered on-farm diversified uses:</p> <ul style="list-style-type: none"> c) 3.2.9.4 Agri-tourism uses are on-farm tourism uses that promote the enjoyment, education or activities related to the farm operation and are permitted subject to the following: <ul style="list-style-type: none"> Small-scale Appropriate Agri-tourism uses that are directly related to agriculture will be permitted as-of-right in the implementing zoning by-law. <i>Agri-tourism uses</i> indirectly related to agriculture that benefit from a farm location may be permitted but will require an amendment to the zoning by-law. These types of <i>agri-tourism uses</i> will be considered based on the following criteria: <ul style="list-style-type: none"> the scale of the operation is limited and appropriate to the site and surrounding farming operations; the use has minimal impact on, does not interfere with and is <i>compatible</i> with and shall not hinder surrounding agricultural operations and neighbouring properties; the use does not generate potentially conflicting off-site impacts including impacts related to <i>infrastructure</i> or transportation; the use is limited to low water consumption and low effluent-producing uses, and the site is capable of accommodating the use on private water and private sewage treatment systems and will not generate the need for additional public infrastructure; for <i>special events</i>, the use represents an occasional activity and is not a regularly recurring activity; the timing and duration of such uses do not hinder the agricultural operation on the site or on surrounding agricultural or non-farm properties; the use does not require <i>significant</i> improvements to utilities or <i>infrastructure</i> such as roads or hydro services; the use complies with all of the policies of this Plan and the Regional Official Plan; the area used shall not negatively impact the amount of land available for agricultural production; and the proposed use or <i>site alteration</i> and/or <i>development</i> will not
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	<p>1.4.7 The population, housing and employment forecasts established by this Plan will be accommodated by:</p> <p>a) Directing the vast majority of population and housing growth to the settlement areas;</p> <ul style="list-style-type: none"> • Why isn't there any discussion of the need to not intensify certain areas of settlement areas to protect heritage – agriculture was mentioned here, why not heritage???? More specifically, we need to designate areas that the intensification policies will not apply to, similar to the current OP. In addition, any intensification must not impact cultural and natural heritage resources. <p>Red type 2.4.1 Growth Strategy Objectives: The objectives of the Town's growth strategy are to: (Keep statement:) g) protect, conserve and manage the agricultural system, the Town's natural heritage system, working landscapes and cultural heritage resources for current and future generations;</p> <p>3.5 4.5 Intensification Strategy 3.5.1 4.5.1 Intensification and infilling in appropriate locations – where are appropriate and inappropriate areas</p> <p>3.5.3.6 4.5.3.6 The Town will prepare an intensification strategy that provides direction on intensification within the Old Town and Virgil. non?-intensification areas???</p> <p>3.11.5.2 • medium rise apartments up to 4 storeys. This should be left to the current 3 stories.</p> <p>3.17.2 4.16.2 In addition, secondary plans will address the importance of prominent views and vistas. Why take out: In the Old Town in particular the view between Fort George and Fort Niagara is recognized as being of national significance. As well the view of the Niagara River, Lake Ontario and the Niagara Escarpment are an important component of the Town's character. ????</p> <p>Community Vision</p> <ul style="list-style-type: none"> • 1.3.3 As key components of the Town's economic development strategy, the Town: add something about the importance of maintaining the character and charm of Old Town to order to attract and maintain tourism • Growth Management: 1.4.7 b) Permitting and facilitating all forms of residential intensification – we need to also determine locations for less intensification eg heritage, streetscape. • d) Encouraging intensification generally throughout the settlement areas; we need to be selective. Delete and keep d) direct appropriate intensification to Designated Intensification Areas; • Complete Communities: 1.6.1.4 The Town may/will prepare a municipal sustainability plan and develop sustainable development standards... stet keep "will" • 1.6.4.3 The Town may, will ..., identify areas of the Town that are underserved by community infrastructure, and develop polices... This is a major role for the Town and it should be mandatory. • Why eliminated former 2.6.2.3?" Development outside the settlement areas that would negatively impact agricultural production or reduce the amount of agricultural land will be strictly controlled." This is good, strong wording to protect our agricultural areas. 	<p>negatively impact built<i>cultural</i> resources.</p> <ul style="list-style-type: none"> • Town staff continue to monitor the progress of the special events permit and will coordinate to ensure alignment with the Draft Official Plan policy language. <p>Section 7 Responses:</p> <ul style="list-style-type: none"> • Section 7.9.1.1 is revised in the Draft Official Plan as follows: The Town <i>is encouraged to</i>will consult with the Environmental Advisory Committee for matters related to the Town's natural environment system. • Section 7.1.2.1 b) (formerly 8.2.2 b)) is removed. Section 7.1.2.1 c) provides policy language to promote and recognize environmental stewardship including restoration where possible, as part of all municipal decision-making. • Where appropriate, Town staff have incorporated bird-safe design standard references into the Draft Official Plan, specifically Section 3.4.2.1, Section 7.2.1.3, and Section 7.2.1.9. • Minor is not a defined term in the Official Plan. What is considered minor may differ per application and required studies. The Niagara Region Environmental Impact Study Guideline outlines a waiving assessment tool and provides some general examples. • Section 7.2.5.3 policy language is referencing the Greenbelt Plan. The Draft Official Plan policy language is as follows: Notwithstanding Section 7.2.5.1, an EIS will not be required for a proposal for development or site alteration on a site where the only natural heritage feature and area is the habitat of endangered species and threatened species. The Minister of Environment and Climate Change is primarily responsible for the protection and recovery of endangered species and threatened species under the <i>Species at Risk Act</i>. • Section 7.2.5 is incorporated as per the policy language from the Niagara Official Plan.
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	<ul style="list-style-type: none"> • Housing: 1.6.3.5 “To encourage the development of affordable housing, at least 20% all new rental housing is to be affordable along with at least 10% of new ownership housing”. Is it an unattainable goal? <p>Settlement Areas</p> <ul style="list-style-type: none"> • 3.2.2 3.2.2 “Schedule B7 outlines the Built-Up Areas and Greenfield Areas and Intensification Areas within Old Town, Virgil and Glendale. All development within St Davids and Queenston is considered to be within the Built-Up Area”. We need to maintain a distinction of intensified and non-intensified areas. Change. • 3.5.3.8 a) the lot frontage(s) and lot area(s) of the proposed new lot(s) shall be generally (added) consistent with the sizes of existing lots on both sides of the street on which the property is located; c) front and rear yard setbacks for the new building(s) are generally (shall be) consistent with the front and rear yards that exist on the same side of the street; Again with the wiggle words. Be definitive. Take out “generally”. • 3.7.1.6 The design and development of all public and private lands within Glendale, Queenston and St. Davids will be in accordance with approved Secondary plan and Community Design Standards and Guidelines. (What about the Dock Area Secondary Plan? What about Chautaugua?) • 3.7.1.8 In addition to meeting other design related policies of this Plan, the following design guidelines apply to intensification proposals in Virgil and Old Town until more detailed intensification strategies and Community Design Guidelines are approved by the Town: (remove intensification – stat) • 3.7.2.1 4 7 and other sites may be identified for higher building heights in the Intensification Strategy (delete – stat). If we want other sites, then we have to do an OP amendment. Delete. <p>Employment lands Policies</p> <ul style="list-style-type: none"> • 3.12.1.4 h) and i) “Major facilities and sensitive land uses shall 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”. Why allow this if there is a risk to public health? The old OP didn’t allow it. Remove. • 3.15.2 4.16.2 “In addition, secondary plans will address the importance of prominent views and vistas. In the Old Town in particular the view between Fort George and Fort Niagara is recognized as being of national significance. As well the view of the Niagara River, Lake Ontario and the Niagara Escarpment are an important component of the Town’s character”. Why eliminate the detail? Keep in OP. • 4.16.9 Secondary plans will be developed for all or a portion of Old Town and Virgil, including the Chautauqua neighbourhood in Old Town. Why eliminate?? Add Chautauqua. 	<ul style="list-style-type: none"> • Please note that the section numbering has changed in the final draft Official Plan. Section 7.7.2.8 b) and c) incorporates policy language from the Niagara Region Official Plan regarding permissions for minor construction permitted within a linkage. Section 7.5.1.8 incorporates policy language from the Niagara Region Official Plan regarding permissions for when minor construction is permitted within a vegetation protection zone provided there is no alternative, outside of a key natural heritage feature or key hydrologic feature, without an EIS and/or hydrological evaluation. The specific policy language is “use below 50 percent of the size of the original building”. The wording for “below 50 percent” is intended to consider what scale is appropriate in a measurable manner. • The 1:100 year floodline is based on the Niagara Official Plan and the <i>PPS</i>. <p>Growth Management Strategy Responses:</p> <ul style="list-style-type: none"> • Section 3.17.2 was revised to generalize the policy language and consider all prominent views and vistas. Policy language regarding the view between Fort George and Fort Niagara, and the view of the Niagara River, Lake Ontario and the Niagara Escarpment are referenced in Sections 6.3.7, 10.1.10.7, 10.1.14.2 c), and 10.2.2.12 g). • Policy language in Section 3.5 related to intensification and infilling in appropriate locations is intended to remain broad. During the Growth Management and Intensification Strategy, additional review may be completed. • As directed by Council, the Town will prepare a Growth Management and Intensification Strategy that will provide further direction on intensification and growth in the Town. • As per Section 3.11.5.2, medium rise apartments up to 4 storeys was also reflected in the 2019 Adopted Official Plan. Section 3.11.3.1 includes additional policy language to address where medium-rise structures may be recognized and their general height requirements. <p>Community Vision Responses:</p> <ul style="list-style-type: none"> • For Section 1.6.1.4, Town staff were asked to use the word “may” at this time by the Climate Change Coordinator.
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			<ul style="list-style-type: none"> • For Section 1.6.4.3, “will” was added into the final Draft Official Plan • Similar general policy language exists in other sections of the Draft Official Plan similar to Section 2.6.2.3 that was removed. • The affordable housing percentages are based on the affordable housing percentages established in the Niagara Official Plan. Town staff will revisit this policy when completing the Housing Needs Assessment. <p>Settlement Areas Response:</p> <ul style="list-style-type: none"> • Schedule B7 outlines the Built-Up Areas and Greenfield Areas and Intensification Areas within Old Town, Virgil and Glendale. All development within St Davids and Queenston is considered to be within the Built-Up Area. Further review on intensification and growth management in the Town will be completed during the Growth Management and Intensification Strategy. • No changes are proposed for Section 3.5.3.8. • Section 3.8.1.6 addresses the design and development of all public and private lands within Glendale, Queenston and St. Davids will be in accordance with approved Secondary plan and Community Design Standards and Guidelines. Dock Area Secondary Plan is not referenced as the location of the secondary plan is covered under Schedule B2 for Old Town. • Section 3.8.2.2 addresses height permissions and considerations in Virgil and specifies that other sites may be identified for higher building heights in the Intensification Strategy. <p>Employment Land Responses:</p> <ul style="list-style-type: none"> • Niagara Region requested the Official Plan to include Section 3.12.1.3 h) to k) as per the Niagara Official Plan. <p>General Comments Response:</p> <ul style="list-style-type: none"> • A meeting was held with Chautauqua neighbourhood to discuss planning tools.
12	MHBC	Refer to B19 for comment letter.	<p>Lands within the specialty crop area shall not be redesignated for non-agricultural uses. Non-agricultural uses is not a defined term in the Official Plan.</p> <p>No changes are proposed to further specify non-agricultural uses in the Protected Countryside Specialty Crop area. Town staff rely on the permissions of the Greenbelt Plan for non-agricultural uses</p>

			The Farm Business Plan description is revised as follows: Demonstrate that the use will support the viability and sustainability of an agricultural operation, aligns with provincial and local planning policies, and provides justification for the proposed use prepared by the business owner of the subject agricultural operation or agricultural-related use with support from a financial advisor.
13	GSP Group	Refer to B3 for comment letter regarding the site specific policy request for the Riverbend Inn.	Revised policy language is proposed and added as S2-10.
14	NPG	Refer to B4 for comment letter.	Comments received and incorporated into the Draft Official Plan, as appropriate. Section 2.2.6.3 b), Town staff has prepared the Special Events Permit and Special Event Policy, Special Events By-law No.2026-005 and the Parks By-law No.5306-21 that is separate from the Official Plan process which further clarify permissions and direction for special events. Section 2.2.7.3 has been updated based on consultation with winery and agriculture groups. At this time, no changes are proposed to Section 2.2.8. Section 2.2.12.1 c) is updated to include "within or abutting". Schedule C1, C2, and C3 have addressed comments accordingly. No changes are proposed to Section 7.1.1.5. Permanent streams and intermittent streams are reflected in Schedule C2 and C3. Appendix 1 is included and provides additional information on the agricultural infrastructure system. Policy language for other woodlands and other wetlands are revised and incorporate the criteria. Linkages are mapped on Schedule C2. No changes proposed for 3.5.2.1. "Views" is not a defined term. Section 6.1.1.1 considers other regulations through "or in accordance with any other provincially recognized approach". No change proposed to Section 6.1.2.2 f) at this time. Heritage definitions are updated, as required. 6.4.2 references the Niagara Region Archaeological Management Plan. Town staff will complete an Intensification Strategy and Growth Management Strategy process once the Draft Official Plan is submitted for approval by the Province.
15	MHBC	Refer to B5 for comment letter regarding proposed amendments and 95 Johnson Street (the Scotsman).	Town staff held meetings with MHBC to discuss proposed amendments and 95 Johnson Street (the Scotsman). Section 3.11.4.2b) is revised to include country inns as a secondary use permitted in conjunction with a principal use that are appropriate in the Established Residential designation. The definition for Country Inn is not proposed to be updated in the Draft Official Plan.
16	Anonymous	Please can you expand the term AZR on page 107 of the OP draft 2.: <i>5.3.2 Before development can proceed it will be assessed to ensure compatibility with the AZR.</i> It's the only mention in the document, and I have found what it means, but you'll agree that the abbreviation should be expanded to the full title (Airport Zoning Regulations - Am I right?)	Section 5.3.1 a) is revised to include airport zoning regulations (AZR) wording.
17	Dentons Canada LLP (Isaiah Banach, Counsel)	General comments for the Draft Official Plan that address the Glendale Secondary Plan, Airport-related policy, references to guidelines, settlement area boundaries, housing, protected countryside and natural heritage system, edge planting, and cash in lieu of parkland.	Town staff held a meeting to discuss the comments. The comments are incorporated into the Draft Official Plan, where possible and appropriate. Please refer to Section 3.17.4 to address specific comments related to secondary plans which states that "Where a Secondary Plan has been approved, the land use policies contained therein will take precedence".
18	Ministry of Municipal	Comments provided for the first release of the Draft Official Plan. MMAH completed a Provincial One Window review with attached comments from MMAH and partner ministries.	Comments received and incorporated into the Draft Official Plan. A meeting was held with MMAH and Town staff to discuss comments.

	Affairs and Housing		Additional meetings held throughout the process for clarification regarding certain comments.
19	Cam Lang	<p>I have a few items for clarification on the proposed draft policies for ADUs and short-term rentals:</p> <ol style="list-style-type: none"> 1. Policy 9.13.1.5 b) regarding ADUs proposed outside settlement areas...<i>"the additional dwelling unit is only permitted within the main residential unit"</i>, isn't consistent with Section 4.5.3 of the Greenbelt Plan which permits an ADU within an existing accessory building. It also seems to conflict with the Town's own proposed draft policies under policy 9.13.1.3 b) and 9.13.1.6 which contemplate ADUs in accessory buildings and structures in the rural or specialty crop area. Please clarify if proposed Policy 9.13.1.5 b) is intentional, and if so, why is there a need or desire to be more restrictive than the Greenbelt Plan? Also, how does it not conflict with the other Town proposed policies mentioned above? 2. Policy 9.13.1.7...<i>additional dwelling units will not be utilized for vacation rentals or short-term apartment rentals</i>. Can you clarify if this policy is intended to apply to all short-term rentals, including villas, and if so, why? (I can't tell if vacation rental and villa are interchangeable as there is no definition for vacation rental in the OP). It would seem to me that villas by their inherent nature would need to operate out of an ADU (detached), unless of course there is an intentional desire to prevent both a main dwelling and a villa on the same lot. And if that is the objective, what is the downside to that prospect if a site-specific application for a villa can satisfy all other policy criteria (either within or outside of a settlement area)? 	<p>Thank you for providing comments and questions on the second release of the Draft Official plan.</p> <p>A housekeeping amendment is underway for ARU policies for the current Town Zoning By-laws and Official Plan. For the most recent and finalized drafts of the ARU policies.</p> <p>Please note that these housekeeping policies continue are now in effect and are integrated into the current Official Plan and the final Draft Official Plan.</p> <p>For Policy 9.13.1.5 b), I appreciate you bringing this to Town staff's attention. The policy will be updated accordingly to align with the proposed policy language used in the housekeeping amendment:</p> <p>The <i>additional residential unit</i> second residential unit is only permitted within the main residential unit <i>or in a detached accessory building or structure outside of the Natural Heritage System as defined by the Greenbelt Plan and outside of the Natural Environment System as defined by the Niagara Official Plan;</i></p> <p>For Policy 9.13.1.7, see the below definitions and Section references that may provide additional clarification regarding your questions.</p> <ul style="list-style-type: none"> • Additional Residential Units (ARUs): Separate and self-contained dwelling units with a separate access, kitchen, bathroom facilities and sleeping areas that are secondary to a primary dwelling on the same lot. <i>Additional residential units</i> can be located within or attached to a principal dwelling or within an <i>accessory building or structure</i> that is detached from the principal dwelling. • Villa: Means the commercial use of a single detached dwelling unit with four (4) or more <i>bedrooms</i>, that may be rented for periods up to 28 consecutive days for use as temporary accommodation and used as an occasional or seasonal residential dwelling for recreation, rest or relaxation, but not occupied continuously as a principal residence. When occupied continuously as a principal residence (i.e. for more than 28 days), a <i>villa</i> can be used as a single detached dwelling. A <i>villa</i> is not a <i>cottage rental</i>. <i>Villas</i> located in the Agricultural Zone District are restricted to a maximum of six (6) rented rooms. • 9.13.2.3 10.13.2.1 Short-term Rental tourist accommodations (STRAs) are an important part of the cultural landscape, tourism <i>infrastructure</i> and the economy of the Town. The Town has identified various types of STRs that are appropriately located in various areas of the Town.

			These include <i>Bed and Breakfast Establishments, Country Inns, Vacation Rentals (Villas), Vacation Cottage rentals and Vacation Apartments.</i>
20	Anonymous	3.17.2 The view between Fort George and Niagara is still of National (international) significance and should not be redlined in the Draft Official Plan.	Policy language removed in Section 3.17.2 to generally recognize the importance of prominent views and vistas. The Secondary Plans incorporated into the Draft Official Plan provide detailed policy language regarding views and vistas.
21	Anonymous	3.17.2 The view of the Niagara River, Lake Ontario and Niagara Escarpment remains important components of the Town's character and should remain in the Plan.	Policy language removed in Section 3.17 to generally recognize the importance of prominent views and vistas. The Secondary Plans incorporated into the Draft Official Plan provide detailed policy language regarding views and vistas.
22	Anonymous	3.15 Community Facilities - Review Culture for Section 3.1.5.3 Clarify definition of specialized housing in Section 3.15	Specialized housing wording proposed to be removed.
23	Scott Kirby	<ul style="list-style-type: none"> • Agriculture Infrastructure System - Irrigation channel below Line 1 • Policies re - ag/env • Virgil Stormwater Management Study • Flooding 	Comments received and considered.
24	Anonymous	Include Chautauqua area in all matter of cultural heritage	Considerations and collaboration with Chautauqua Residents Association are completed and further discussions will occur after the Official Plan Update process on the potential use of other planning tools.
25	Anonymous	No commercial creep into residential areas	Response provided.
26	Anonymous	Site specific permission existing on Legion property? Make sure that Legion is permitted.	Comment received and considered.
27	Anonymous	Need community planning permit system.	Comment received. Policy language included for Community Planning Permit System.
28	Anonymous	Monitor affordable Housing developments to ensure they are affordable or don't approve them in the first place. Allow more than 2% of rural areas to have facilities that support tourism. Allow for tourists to stay at wineries instead of only in one area of NOTL.	Comment received. Town staff to consider the addition of general monitoring policy language. Town staff to consider detailed policy language when preparing the Housing Needs Assessment.
29	Anonymous	National Parks and sites should be designated (identified) on the plan. E.g. Butlers' burial grounds at the end of Butler St.	Comment received and considered. No changes to the schedules are proposed to include National Parks and sites.
30	Seniors for Climate in Niagara	Seniors for Climate in Niagara submitted comments on the first draft of the updated Official Plan on August 25, 2025. The publication of the second draft provided Seniors of Climate in Niagara with an opportunity to look beyond Sections 7 and 8.1, which were the focus of our first submission, and to look at other areas of the draft that relate to climate change, sustainability and protection of biodiversity in the natural environment.	Comments received and considered. Town staff have incorporated comments into the Draft Official Plan, as appropriate. Comments addressed include updates to Section 1.6.1.2, 1.6.1.3 (f), 1.6.5, and 3.8.1.7. For Section 1.6.5, the ongoing Parks and Recreation Master plan process may be best to address this comment.
31	Steve Hardaker	<p>Thank you for the opportunity to review the Second Draft of the Updated Official Plan, October 1, 2025. Living in Glendale, I have focused my attention on this portion of the Draft OP. As such, I would like to offer the following observations and suggestions:</p> <p>Section 1.2 Community Structure, sub-section 1.2.3 states "With the exception of Glendale, the settlement areas are.....". There is no follow on sub-section that actually defines Glendale settlement area difference from the other settlement areas. This really should be articulated in a separate sub-section paragraph in Section 1.2. What is the 'exception'?</p>	<p>The Glendale Secondary Plan sets out a policy framework for future development within this settlement area.</p> <p>Town staff will prepare a Growth Management Strategy and Intensification Strategy. During that review, Town staff will further review employment areas and business areas as it relates to the updated definitions in the PPS 2024 and within the context of the Town.</p>

		<p>Section 1.5 Employment Areas and Business Areas, sub-section 1.5.1.1 states “The only employment area in the Town is located in Virgil.....” Should that not also include Glendale as per the Industrial/Business Park designation per Schedule B6 on the Draft Official Plan and Schedule 1 of the Glendale Secondary Plan? Also noted in sub-section 1.5.1.2 of the draft OP.</p> <p>Section 1.6.5. Parks and Open Space Systems: recommend and additional paragraph be included to identify Glendale as one settlement area where new parks and open spaces will be developed to support in increase in residential development.</p>	
32	Peter Graham	<p>I’m concerned the latest draft doesn’t reflect our meeting from a few months ago. I’d particularly like language along the lines of Brant’s OP, ensuring adequate time for consultation: “Proponents of <i>development</i> or <i>redevelopment</i> proposals throughout the County shall engage with Indigenous Communities being the Six Nations of the Grand River and the Mississaugas of the Credit First Nation prior to submission of an application for <i>development</i> or <i>redevelopment</i>. Proof of engagement shall be provided as part of a complete application.”</p>	<p>Please refer to Section 6.1.2.10, Section 6.1.2.11, Section 6.4.2 vi., Section 6.4.2 ix., Section 6.4.4, Section 7.1.2.1 x), Section 9.10.8, Section 9.10.9, and Section 9.10.10 policy language proposed in the Draft Official Plan that directly relates to consultation and engagement.</p> <p>Section 9.10 includes policy language for Procedures for Public Engagement & First Nations and Indigenous Communities Engagement</p> <ul style="list-style-type: none"> • 9.10.8 The Town will consider the consultation protocols of the First Nations and Indigenous communities that have traditional territory in this area, including the Mississaugas of the Credit First Nation and the Six Nations when engaging on planning matters or public works projects. • 9.10.9 Proponents shall engage with First Nations and Indigenous communities at the earliest opportunity and consider their interests when identifying, protecting, and managing built heritage resources and archaeological resources. • 9.10.10 Proponents are encouraged to engage with all relevant First Nations and Indigenous communities as determined by treaty, traditional territory, and/or cultural affiliation to the site and/or archaeological resources and in whose traditional territories the archaeological resources were found, to address their interests in the resource, when planning for sustainability and climate change, and relative to Natural Environment System. Proponents should confirm whether the First Nation or Indigenous community would like to repatriate the archaeological resources, and if not, define interpretive and commemorative opportunities related to the resource, where preservation of the resource is not possible in its current location.
33	Ontario Tender Fruit Growers	<p>We appreciate the opportunity to provide input on the updated October 1, 2025, draft Niagara-on-the-Lake Official Plan. We are very pleased that many of our initial concerns have been addressed, and we thank you for your support.</p> <p>There are a few remaining concerns that we would like addressed in this updated version of the plan.</p>	<p>Comment 1: No changes to the intermittent stream policy language are made in the Draft Official Plan. The policy language is not part of 7.4.11 b). Fish Habitat definition is proposed, as follows:</p>

		<ol style="list-style-type: none"> 1. Intermittent stream - this should be removed from the Fish Habitat definition, as by definition, an intermittent stream can be dry at times and therefore cannot consistently support fish life. 2. Pg 247 Section 9.13.1- We ask that the plan include a similar statement from the PPS pg. 24 Clause 6 excerpted as per below. For greater certainty, the two additional residential units that are permitted on a lot in a prime agricultural area are in addition to farm worker housing permitted as an agricultural use. 3. Pg 163- A 200 square metre maximum for an exemption to EIS and/or hydrological evaluation on new or expansion of agricultural structures within the 30-metre buffer zone. We seek clarity that this maximum does not apply to the Specialty Crop area as outlined in its policies section 2.2.4. <p>Thank you for your flexibility in ensuring growers remain successful in the future.</p>	<p>Fish Habitat: As defined in the <u>Fisheries Act</u>, means spawning grounds and any other areas, including nursery, rearing, food supply, and migration areas on which ‘fish’ depend directly or indirectly in order to carry out their life processes, including spawning grounds and nursery, rearing, food supply, and migration areas.</p> <p>Comment 2: Addressed in the updated Draft Official Plan.</p> <p>Comment 3: In accordance with the Greenbelt Plan, new buildings and structure for agricultural, agriculture-related or on-farm diversified uses are not required to undertake an EIS and/or hydrological evaluation if a minimum thirty (30) metre vegetation protection zone is provided from a key natural heritage feature or key hydrologic feature. As per Section 7.2.3.6, the buffers are required as per Table 5 and being below 200 square metres.</p>
<p>34</p>	<p>Chautauqua Residents Association</p>	<p>Re: Requirement for a Secondary Plan for Chautauqua</p> <p>Dear Lord Mayor and Members of Council,</p> <p>On behalf of the Chautauqua Residents Association, I am writing to express our continued concern with the language contained in the second draft of the Town’s Official Plan. While the document identifies Chautauqua among the areas where the Town “will prepare new Secondary Plans or other appropriate studies,” the inclusion of the latter phrase represents a significant weakening of the Town’s stated commitment.</p> <p>Dilution of Commitment</p> <p>The wording “or other appropriate studies” creates ambiguity and undermines the certainty required to safeguard Chautauqua. A Secondary Plan is a statutory instrument under the Planning Act. Once adopted, it forms part of the Official Plan, establishes enforceable policies, and carries substantial weight at the Ontario Land Tribunal (OLT). In contrast, “other studies”, whether design guidelines, character area policies, or general reviews, do not have the same legal status. They are advisory in nature, typically framed in non-binding language such as “encourage” or “consider,” and are routinely afforded minimal weight at the Tribunal. This distinction is not a matter of semantics. It is the difference between a binding and defensible planning framework, and one that offers little practical protection.</p> <p>History of Concerns</p> <p>Our Association has repeatedly raised this issue with both Council and staff. The original 2019 draft Official Plan contained an unequivocal commitment to prepare a Secondary Plan for Chautauqua. That clear promise was subsequently removed in later drafts, despite strong community objection and extensive correspondence from residents and the Association.</p> <p>The current wording appears to acknowledge these concerns on the surface, but in practice, it reintroduces uncertainty by suggesting that Chautauqua may be addressed through weaker mechanisms. This approach does not reflect the repeated requests of the community, nor does it provide the assurances that were initially offered.</p> <p>Why Only a Secondary Plan is Appropriate Chautauqua is a neighbourhood of significant cultural and heritage value, defined by its cottagescale homes, radial street layout, mature tree canopy, and distinctive landscape. These qualities face increasing pressure from development. Only a Secondary Plan can provide the detailed, enforceable policy framework required to manage growth while</p>	<p>Engagement and meetings held with the Chautauqua Residents Association. Town staff are exploring planning tools options outside of the Official Plan Update process that would best support the needs identified by the Chautauqua Residents Association.</p>

		<p>preserving the neighbourhood’s unique character. Other mechanisms, no matter how well intentioned, lack the statutory force necessary to withstand challenge at the OLT. For Council, for staff, and for residents, a Secondary Plan represents the strongest and most reliable planning tool available.</p> <p>Request We therefore respectfully request that Council: 1. Remove the words “or other appropriate studies” from the second draft of the Official Plan; and 2. Commit unequivocally to the preparation of a Secondary Plan for Chautauqua, as was originally provided in the 2019 draft Official Plan. This adjustment would restore the clarity of the Town’s original commitment and provide both Council and residents with the assurance that Chautauqua will be afforded the statutory protections it requires and merits.</p>	
35	Niagara Peninsula Conservation Authority	<p>Technical comments provided on the first release of the Draft Official Plan.</p>	<p>Comments received and incorporated into the Draft Official Plan.</p>
36	Seniors for Climate in Niagara	<p>PRELIMINARY STATEMENT As members of Seniors for Climate in Niagara and residents of the Town of Niagara-on-the-Lake, we thank NOTL Town Council for this opportunity to comment on the proposed revisions to the Official Plan (2025).</p> <p>We recognize that revising the OP is an extensive process, and we appreciate the hard work that staff and council contribute to presenting the best plan possible to guide Niagara-on-the-Lake towards a prosperous and sustainable future.</p> <p>Although the survey of residents about the OP regrettably resulted in only 179 responses, one can assume that these respondents have a strong interest in the future of our town, and we’re pleased to note that their primary concerns all speak to mitigating climate change, sustaining our natural and built environment and addressing transportation issues. We appreciate that the Official Plan addresses three areas of Seniors for Climate’s current focus: climate change mitigation; stewardship/improvement of the natural environment; and transition to clean air and zero-emissions transportation. Every section of the Plan has some items of importance for one or more of these three themes, but Seniors for Climate’s resources force us to limit our detailed review to Sections 7 and 8.1. Please note that we provide an attachment that addresses line-by-line suggestions to Sections 7 and 8.1.</p> <p>We know that other submissions will put forward amendments to other sections to support stronger policies for climate mitigation/adaptation that are essential to achieving a sustainable and still-prosperous community in the coming years, and we trust that the Town will build them into the next draft.</p> <p>2. GENERAL COMMENTS Language Throughout the document the language has been significantly weakened. This permits the Council to evade its greatest responsibility, the stewardship of our town towards a strong and sustainable future. The primary example of this is the change from the word will to may (e.g., Sustainability 1.6.1.4, 1.6.1.5). Other examples of watered-down language are flexible (1.3.3 c), encourages (8.5.3), will explore. For example, when it comes to Green Energy Planning (8.5), there should be no option when it comes to developing local sustainable energy solutions in this time of climate crisis. The word key is used repeatedly to limit what features or areas are included in specific policies, but there is no</p>	<p>Comment received and considered. Where appropriate, Town staff incorporated strengthened wording. The Transportation Master Plan process is ongoing, and Town staff will incorporate relevant policies once the process is complete. Town staff received comments from the Climate Change Coordinator at the Town. Low impact development is referenced in Sections 1.6.1.4, 3.4.2.1 j), 7.2.1.9 f), 7.9.1.3. f), 8.3.1 f), 8.3.5 f) and defined in Section 11.4. Engagement is completed with the Chautauqua Residents Association regarding the Chautauqua neighbourhood and secondary plan sections of the Draft Official Plan. References to Habitat of Threatened and Endangered Species and Species at Risk align with the policy language in the PPS, 2024, Greenbelt Plan, 2017, and Niagara Official Plan, 2022. Where possible and appropriate in the context of Official Plans, stronger wording is included in Section 7. The Official Plan does not have permissions to regulate seepage of chemicals into the soil for farmers. Policy language for buildings on agricultural lands aligns with provincial and regional policies. Total developable area is now defined using the Niagara Region Official Plan definition. Section 8 has incorporated some updated policy language. Town staff will revise and update where possible in alignment with the ongoing Transportation Master Plan process.</p>

	<p>definition of how this term will be defined or interpreted, or how an area or feature of the town becomes key. It's essential that there is some consistency in the use of such an important concept, otherwise it becomes subject to expediency in each case to which it is applied.</p> <p>Sustainability planning Section 1.6.1.4 deals with a sustainable development plan that the Town may develop. We argue that this, of all policies, is essential to the future of our town, and is an area where a municipality has a unique capability to embed sustainable practices into everyday life. With the appointment of the Climate Change Coordinator, and despite legislation that attempts to limit municipal ability to independently protect our future, the Town is well-placed to develop a strong sustainability plan. In its OP, it can create a framework where sustainable options and the use of green technologies and practices become not just a viable option but also an attractive choice. We urge that the phrase "will develop" is reinstated in this subsection. We also urge that all standards are developed in equal consultation with sustainability experts and the community at large, and not just the development industry.</p> <p>Development and building standards There is a missed opportunity to twin, overlap or include objectives and wording in certain sections. For example, in Subsection 1.4, Growth Management, there is no mention of green building standards, yet 7.2.1.3 mentions incorporating green infrastructure. Council must be aware that other municipalities have adopted various green building standards (e.g., Toronto Green Standard (2010), mandatory or pointsbased standards Halton Hills, Whitby, Ajax, Brampton, Markham, Vaughan, and Hamilton). Despite the challenges of Bill 17, NOTL must do whatever it can to implement climate-sustainable building practices, starting with its own properties.</p> <p>Low-impact development Specific objectives related to 'low impact development' (LID) have been redlined out in the section on Greenfield Areas (3.4). LID is an important method of managing stormwater, which is a matter of considerable concern in NOTL. The Town should retain LID within the OP, and use techniques such as retaining trees, or using permeable surfaces, rain gardens, swales and constructed wetlands within communities and its own properties to contribute cost-effectively to stormwater management.</p> <p>Chautauqua We're aware that residents of Chautauqua are asking that the Town does not abandon the Secondary Plan for Chautauqua (3.15.9 and deleted 4.16.9). This neighbourhood is a unique feature of our town and should, if anything, have the same heritage status as the Queen-Picton area or designation as a cultural heritage resource or landscape (3.9.2.1 and 6.1.1.2). It's curious that the Dock Area, another small but historically significant part of Old Town, should be worthy of a secondary plan, but that Chautauqua is not. We look forward to seeing the Chautauqua secondary plan reinstated in Section 10 of the next OP draft.</p> <p>3. SECTION 7: NATURAL ENVIRONMENT SYSTEM</p> <p>We paid special attention to Section 7, and recognize the many references to maintaining and conserving the Natural Environment System. However, there are areas where we ask the Town to take a stronger stand, or extend its commitments and we summarize these below, as well as mentioning a few items where the wording might be revised.</p> <ul style="list-style-type: none"> • Broader ecosystems. Paragraph 7.1.1.3 (p148) The Great Lakes and St. Lawrence Seaway should also be mentioned. Their health is critical to the health of the other ecosystems mentioned. The OP should also note that NOTL's situated within the historic bio-system of the 	
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		<p>Carolinian Forest and has a responsibility to sustain its historic characteristics whenever possible.</p> <ul style="list-style-type: none"> • Protected Countryside and Core Natural Areas. Although “Protected Countryside” is defined in the Preamble (p8) it should also be included in 11.4 – Definitions. The definition of Core Natural Areas, deleted in 8.3.3(a) should be reinstated. • Urban settlements’ environment. It’s noticeable that the focus on the natural environment system has only passing mention of the environment system in urban settlements. For example, paragraph 7.1.1.4 (p149) doesn’t state that the NES co-exists with the urban settlements. The five villages are a major feature in our town, and the forthcoming development of Glendale only emphasizes the importance of having policies relating to the NES in urban areas included in the OP. • Protecting habitats of threatened and endangered species, and species at risk. We recognize that the Council is subject to provincial and federal legislation. However, we ask that, in Habitat of Threatened and Endangered Species and Species at Risk (7.6.4), the OP includes a statement recognizing the importance of protecting such species, and committing the Town to promote protection beyond the minimum set out in legislation. • Strengthening commitment to protecting the Natural Environment System. All the wording in Section 7 is weak. For example, in 7.1.2.1 (p150) the wording is to take a “strategic approach to addressing biodiversity loss, land use change and the uncertainties of climate change”. We suggest words such as minimizing, halting and reversing should be considered with regard to biodiversity loss and climate change. Other examples are included in the attached spreadsheet. • Also problematic is giving council a choice as to the waiving of requirements for proposed new developments/site alterations and if an EIS and/or hydrologic evaluation is required (7.8.2.1). Since Bill 5 became provincial law, it has become essential for municipalities to be forthright about the importance of development requirements that protect the site’s environmental contribution to the Town. • Protecting the NES from pollution and harmful substances. The most glaring omission in Section 7 is the failure to address the seepage of chemicals into the soil and water systems of the town. Although seepage is mentioned repeatedly in relation to development, we found no mention in the Plan of working with farmers and other agencies to reduce the harmful substances leeching into water systems and ecosystems. Although the OP may focus on lands the Town has direct influence on, it’s important that it recognizes its responsibility for actively promoting and working with the community to reduce the use of harmful substances in agriculture (and other commercial enterprises, of course). This omission, we respectfully suggest, must be rectified. • Green infrastructure techniques. Paragraph 7.2.1.3 (p163). Strengthen wording to state that Council will adopt/develop strategy to encourage/require the incorporation of green infrastructure techniques in all developments/infrastructure/construction. This wording can be phrased to allow for the uncertainty of Toronto’s success in challenging Bill 17’s veto on green building standards. • Strengthening limits on piecemeal building on agricultural land. In recent years, more and more buildings have been “popping up” on agricultural lands, including dwellings. Our agricultural community strongly defends Niagara’s specialty grape and tender crop designation and yet constantly encroaches on it with additional buildings, including commercial activities. The OP permits, for example, agricultural property development to encroach on minimum buffers and to be exempt from woodland policies. It also has exemptions from doing an EIS in 7.4.1. These permissions should be more strictly limited, and require building proposals to explore and report on other options besides encroaching on even small areas of unbuilt land. 	
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	<ul style="list-style-type: none"> • Exempting mineral extraction from specific policies. Example: In 7.2.6.5 (p171) mineral extraction operations are excluded from policies related to woodlands. There is no logic in this: any activity that destroys natural environment, especially tree cover, must be subject to an EIS, whenever provincial legislation permits. • “Exceptions” to OP requirements. (Example 7.4.1.7) "Exceptions" are permitted in some OP requirements where "there is no alternative". This should be worded to include the proposer having to demonstrate that the need for the expansion or alteration is essential and that no alternative location for the proposed use is available. • Total Developable Area. (7.4.1.9) What is the definition of the total developable area if this subsection is saying you can't develop all of it? Does it mean 'the property under discussion'? There should be a definition in the relevant section. • Grasslands, thickets, meadows, valleylands and wildlife habitat are covered as “Supporting Features and Areas” in 7.6.5, whereas woodland, lake and lakeshore, water and wetlands are covered in 7.2. There should be a sentence directing readers from 7.2 to 7.6.5 for information on the other features and areas. • Non-native and invasive species. We welcome the inclusion of 7.6.6 in the OP and the Town’s commitment to using and promoting native species, and eliminating non-native invasive species. Wording such as “will develop policies and programs...” would make this section even better. We feel the OP understates the need to remove invasive species such as phragmites from the Water Resource System (7.3.2) and should use stronger language to encourage landowners to do so. In 7.6.6.4 the Town should actively discourage planting of non-native invasive species throughout the Town, not just in new developments. • Development/alteration without an EIS. 7.4.1.15 permits development/alteration without an EIS where the only key natural heritage feature is the habitat of endangered/threatened species. Why are these key species singled out to have no protection when they’re the “only” impediment to destruction? This will cause death by a thousand cuts to their habitat. Again, we come up against undefined use of the word “key”. Species protection is also “key” to the entire ecosystem, and so this paragraph should be deleted. <p>4. SUBSECTION 8.1 - TRANSPORTATION In Subsection 8.1, we appreciate the many references to supporting transportation other than personal vehicles, reducing vehicle congestion, and developing infrastructure that accommodates the transition away from personal vehicles. However, the draft shows no attempt to update the 2019 plan, and we consider this to be a serious oversight, given the increased urgency of the climate crisis and the need to reduce carbon emissions, especially in the transportation sector.</p> <ul style="list-style-type: none"> • There is no mention of zero or reduced-emission transportation. It’s essential that the OP includes the Town’s commitment to reducing greenhouse gases and other harmful emissions from fossil fuel-powered vehicles. There should be a statement committing the Town to prioritize actions that promote zero-emission transportation, including private vehicles’ powering system. This would include providing the necessary infrastructure for electric vehicles. There is also no mention of promoting zero emission transit for Niagara Transit, or promoting the use of electric private transit (example: tourist shuttles/tour buses). One way in which EV-use could be supported is by discounting parking charges for registered zero-emission buses. • Public transit should be included in more subsections, even though the Town is not responsible for providing it. Examples include: • 8.1.3.3, by including transit infrastructure (and multi-modal transport) in the uses for which the Town will protect “strategically located lands” 	
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	<ul style="list-style-type: none"> • 8.1.4, by including a commitment to desirable standards for public transit provision or inter-community hop-on/hop-off buses to new subdivisions and other developments • The Town should commit in the OP to actively promoting the increase of rail transit services from the GTA to Niagara Falls and St. Catharines, and other forms of transportation (i.e. hovercraft) that reduce personal vehicle use in commuting and visiting NOTL. Providing “last mile” transit from GO stations and bus stops, and from the hovercraft are an essential area for NOTL transportation planning to address. • Likewise, the Town should commit to establishing shuttle services for visitors. This should be in addition to the transit hubs identified in the Glendale Secondary Plan (GSP). It should include a shuttle hub from at least one location adjacent to a major point of vehicle entry to the Town (such as within the GSP’s transit hub) and a hop-on/hop-off service within the Town linking villages and points of interest. This will address the issues of traffic congestion, parking, safe driving and visitor satisfaction. • Guidelines and development standards for active transportation and pedestrians. We look forward to evidence that the Town implements its commitments to active transportation in Section 8.1.4, especially in developing the means to have developers include, by default, site plans including pedestrian/active transportation short-cuts through and into/out of sub-divisions. • Expansion of local transit system (8,1,5) is out of date since the amalgamation of transit in Niagara Region and the introduction of on-demand services in NOTL. The Town should also commit to promoting transit ridership much more in NOTL to achieve its stated intention to reduce use of personal vehicles. • Design of access to roads in Section 8.1.7.1 only states a requirement for ease of access and safety for vehicles. This must be changed to include safety for active transportation and pedestrians. “Ease of access” for vehicles should be reconsidered and maybe qualified. Strong Towns has done considerable research on the design of turnings and the safety of pedestrians and other road users besides cars/buses etc. • Transportation master plan favouring traffic. 8.1.12.3 says that “Where a collector or arterial road intersects a local road, the improvements will be designed to favour traffic on the collector or arterial road”. This should include a statement relating to the safe movement of traffic and the safety/convenience of pedestrians and other users of the intersection. <p>5. CONCLUSIONS</p> <p>Seniors for Climate in Niagara stresses the urgency of acting to mitigate climate change and protect the natural environment and heritage systems of the Town. There is no time left to defer this action.</p> <p>Pro-active environmental stewardship is central to ensuring a thriving community. The Official Plan must be a tool for bold climate action and environmental protection, not a framework of optional commitments: action cannot remain “encouraged” or “explored”—it must be required. Strong, enforceable language and updated policies on natural systems, development standards, and sustainable transportation are essential for NOTL to meet its climate and strategic goals. We strongly submit that the OP should:</p> <ul style="list-style-type: none"> • Strengthen wording throughout, and thereby acknowledge the Town’s accountability for achieving the standards and practices set out in the document. • Require the Town to develop and implement a municipal sustainability plan to embed environmental, social and economic sustainability into all its policies and practices. • Tighten exemptions and strengthen protection of the natural environment and species within it. • Include a statement requiring the Town to work with the farming and other enterprises to reduce chemical runoff and other polluting impacts of agricultural, commercial and industrial activity. 	
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		<ul style="list-style-type: none"> • Take a stronger position on the removal of invasive non-native species, and actively discourage planting on private properties. • Strengthen its commitment to a transportation plan that promotes the health and safety of all. Take action that reduces the amount of traffic entering the town, and the emissions it produces. Make provisions for the safety and convenience of pedestrians as well as powered vehicles and active transportation. <p>We urge the Town to honour its Strategic Plan commitment to apply an “Environmental Stewardship Lens” to the Official Plan and adjust the draft accordingly. Regardless of the choices made by higher levels of governments, municipalities are perhaps the most important forum for implementing practical climate change mitigation. Municipal planning documents are some of the most powerful tools for reducing climate change, and the Town of Niagara-on-the-Lake has a unique opportunity to set the route towards sustainable prosperity for the town within the timeframe of this Official Plan. Seniors for Climate in Niagara sincerely hopes the Town Council will use this Official Plan to seal its legacy as an accountable and future-facing municipality, concerned more about the kind of town it creates, than with the expediency of the moment.</p>	
<p>37</p>	<p>NPG Planning Solutions</p>	<p>Submission on Redlined Draft Official Plan NPG Planning Solutions Inc. (“NPG”) has reviewed the first Redlined Draft Official Plan made available for review and comment by the Town of Niagara-on-the-Lake (“NOTL”) at online at: https://www.jointheconversationnotl.org/officialplan.</p> <p>Please accept this letter as our comments on the first Redlined Draft Official Plan policies and mapping.</p> <p>Preliminaries We have reviewed the Staff Reports provided with the first Redlined Draft Official Plan and understand the Town is now in the process of updating the new NOTL Official Plan adopted by Council on October 22, 2019, after a comprehensive review.</p> <p>In terms of timeline, we are aware that following the adoption of the new Plan it was sent to the Region for approval in January 2020 and was deemed not to conform to the Regional Official Plan. Since that time, there have been several updates and amendments to the Planning Act, approval of a new Regional Official Plan (the Niagara Official Plan, 2022), consolidation of the Provincial Policy Statement and the Growth Plan into the Provincial Planning Statement (2024), and, earlier this year, removal of planning responsibilities from the Region.</p> <p>We understand that the updates or changes to the adopted NOTL Official Plan are, to a significant extent, directed at integrating of the Niagara Official Plan into the NOTL Official Plan and ensuring consistency with the Provincial Planning Statement (2024) and compliance with the Planning Act. Materials reviewed also identify updates and changes required to address planning issues and local priorities that have emerged since the adoption of the new NOTL Official Plan in 2019.</p> <p>NPG, as an important part of its planning practice, works with property owners in the Town of Niagara-on-the-Lake to advance a wide range of planning applications through the review and approval process. Our feedback on the first Redlined Draft Official Plan is informed by our experience and expertise gained working within the Town—and our familiarity with the Town’s current Official Plan and Zoning By-laws, as well as the Niagara Official Plan (as well as its predecessor, the Niagara Region Official Plan, 2014).</p>	<p>Town staff have reviewed and considered the comments related to agriculture. Policy language has been revised to be consistent with the Provincial Planning Statement, 2024, as interpreted by the guidelines provided in Publication 851. Updates are proposed to the winery policies in Section 2.2.7 of the Draft Official Plan based on Town staff engagement with wineries.</p> <p>Town staff have reviewed and considered the comments related to natural heritage. Schedule C and all other Schedules for the Draft Official Plan have now been updated to reflect the proposed changes in the Draft Official Plan. Criteria from Schedule L of the Niagara Region Official Plan has been incorporated into the Town's Draft Official Plan.</p> <p>Town staff have reviewed and considered the comments related to cultural heritage. Please note that Town staff will prepare a Growth Management Strategy and Intensification Strategy once the Official Plan Update is complete.</p> <p>Town staff will also incorporate policies once the ongoing Heritage Conservation District Study process is complete.</p> <p>Town staff have reviewed and considered the general comments. As mentioned above, Town staff will complete a Growth Management Strategy and Intensification Strategy. This process will include, but is not limited to, the review of intensification, building heights, density.</p> <p>The Draft Schedules have been updated to reflect the Draft Official Plan policy language in the Final Draft Official Plan. Definitions of the Natural Environment System have been added or updated to the Draft Official Plan, as required. Criteria for features has been appropriately integrated into Section 7 of the Draft Official Plan.</p>

	<p>We would like to state upfront that integrating the Niagara Official Plan into the new NOTL Official Plan and updating policies to align planning direction and terminology with changes made at the provincial level represents a major improvement. Our comments on the draft changes mix high-level or general observations with targeted feedback directed at specific policies.</p> <p>Agriculture</p> <p>The implementation of the provincial framework for prime agricultural areas, including permitted uses – agricultural uses, agriculture-related uses, and on-farm diversified uses – in Section 2 of the first Redlined Draft Official Plan is generally positive. However, we do wish to note the following:</p> <ul style="list-style-type: none"> • Various policies seem to conflate ‘local’ or ‘in the area’ with the Town. Provincial direction does not limit the concept of local to within municipal boundaries but instead leaves room for ‘in the area’ to be interpreted based the specific product or service. • Policy 2.2.6.3 requires a zoning by-law amendment for agriculture-related and on-farm diversified uses involving development over 500 square metres. There is no policy direction provided to clarify how the area of agriculture-related uses or on-farm diversified uses should be determined. • Policy 2.2.7.1 requires agriculture-related use to be small-scale. This is not consistent with the Provincial Planning Statement as interpreted by the guidelines provided in Publication 851. Both indicate that agriculture-related uses shall be compatible with, and shall not hinder, surrounding agricultural operations. • Policy 2.2.7.2 b) requires that for agriculture-related uses “a minimum of 75% of the product processed or sold is from farm operations in the Town.” This requirement does not have regard to the Ontario Ministry of Agriculture, Food and Agribusiness in Publication 8511 which states: “‘In the area’ is not based on a set distance or on municipal boundaries. It is based on how far farmers will reasonably travel for the agriculture-related products or services.” We also request further clarification on how the 75% threshold is to be measured (e.g. by weight, quantity, or volume), and how the threshold would be measured for products that include the processing of inputs of a variety of sources. Policy 2.2.9.1 b) includes special events as an agri-tourism use but provides limited guidance on how to interpret occasional and not a regularly occurring activity. There does not appear to be clear policy direction for outdoor events and/or event tents (whether permanent, semi-permanent or temporary) in the first Redlined Draft NOTL Official Plan. • Policy 2.2.10.2.3 includes the following requirement: • all wines produced will be made from locally grown fruit with a minimum of 75% of the fruit grown on site; <p>It is unclear how “with a minimum of 75% of the fruit grown on site” will be interpreted for estate wineries that operate multiple non-contiguous vineyards or process grapes from other local vineyards. This requirement is also not consistent with the Provincial Planning Statement, which permits agriculture-related uses that are “directly related to farm operations in the area” as opposed to the site at which such use resides.</p> <ul style="list-style-type: none"> • Policy 2.2.11, requiring an Official Plan Amendment to permit breweries and distilleries is not consistent with the guidelines provided by the Ontario Ministry of Agriculture, Food and Agribusiness in Publication 851.2 The Guidelines clearly indicate that breweries and distilleries are examples of agriculture-related and/or on-farm diversified uses. It is unclear to us why breweries and distilleries should be treated differently than other potential uses that qualify as agriculture-related or on-farm diversified. Where a use involves processing local grown fruit or feedstock, contributing to economic sustainable agriculture, and/or strengthen the agricultural system such use should be permitted. 	<p>Town staff have reviewed and considered the cultural heritage comments. Town staff continue to review and consider the ongoing Heritage District Plan Study and other relevant studies for intensification in Old Town. The implementation is not specified in the Official Plan for monitoring of intensification of commercial businesses in the Queen and Picton Street and Dock Area. Town staff take into consideration existing plans, studies, and applications when assessing the impact of such intensification. Section 6.1.3.10 has been updated accordingly to reflect the correct section of the Planning Act. Heritage definitions and policy language are updated to reflect the PPS, 2024, as appropriate.</p>
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- Policy 2.2.15.1 c) requires for a surplus farm dwelling severance that “the farms are both located within the Town of Niagara-on-the-Lake”. It is not consistent with the Provincial Planning Statement or Greenbelt Plan. A farm consolidation is required. It is unclear why surplus farm dwelling severances should be limited to farm consolidations involving farms within the Town only.

Natural Heritage

We understand from the extent of the changes to policies within Section 7 that considerable effort has been made to incorporate the Niagara Official Plan’s Natural Environment System into the new NOTL Official Plan.

- We note that Schedule C in the first Redlined Draft Official Plan identifies “Niagara-on-the-Lake Natural Heritage Features” and “Provincial Natural Heritage System”, but mapping of the components of the Natural Environment System outlined in Section 7.1.3 and Natural Heritage System in Section 7.2.1.1 is not provided. Policies for individual components in the Draft Official Plan indicate they are identified on Schedule C. It is unclear what that means given what is shown on Schedule C in the Draft Official Plan.
- Policy 7.1.3.1 indicates that definitions and criteria for features and components of the Natural Environment System will be provided in a Schedule (we assume) is still being prepared. We would appreciate the opportunity to review and comment on this Schedule and any updated Natural Heritage System or Natural Environment System mapping before the new Official Plan is finalized.
- The updated Policy 7.1.1.5 provides the following:
- Nothing in this Section is intended to limit the ability of agricultural uses to continue in the Natural Environment System. Agriculture, agriculture-related, and on-farm diversified uses and normal farm practises are permitted in the Town’s Natural Environment System subject to the policies of Section 2.2 of this Plan. New activities cannot negatively impact natural heritage or hydrological features. The need to protect and conserve the Natural Heritage System is balanced with the need to protect and conserve specialty crop lands and agricultural viability.

This policy appears to replace Policy 8.1.7 in adopted new NOTL Official Plan, which directed that:

Nothing in this Section is intended to limit the ability of agricultural uses to continue in the Natural Heritage System. Agricultural uses and working landscapes are accepted components of the natural heritage system.

It is unclear what will constitute “new activities”. This policy direction may not be consistent with the Provincial Planning Statement or in conformity with the Greenbelt Plan. Both provide direction that natural heritage policies are not intended to limit the ability of agricultural uses to continue. It is noteworthy that the province chose not to include the modifier “existing” to their policy direction.

- Policy 7.4.3 allows, within the Niagara Tender Fruit and Grape Area of the Greenbelt Plan, new buildings or structures for agricultural uses, agriculture-related uses and on-farm diversified uses within 30 metres of permanent streams or intermittent streams, where:
 - The permanent stream
 - b) A minimum 15 metre vegetation protection zone is established between the building or structure and the permanent stream or intermittent stream; however, the vegetation protection zone is not required to be maintained as natural self-sustaining vegetation if the land is and will continue to be used for agricultural purposes;

		<ul style="list-style-type: none"> • There is no alternative location for the building or structure on the property without impacting lands designated specialty crop area; • A new or replacement individual on-site sewage system will not be located within 30 metres of the stream; and • Agricultural uses, agriculture-related uses and on-farm diversified uses shall pursue best management practices to protect or restore key hydrologic features and functions. • Policy 8.8.2 requires a minimum vegetative protection zone 10 metres in width (measured from the stable top of bank) where development, site alteration and building is proposed adjacent to a municipal drain. <p>It is unclear from the first Redlined Draft Official Plan where permanent streams or intermittent streams are located and where they function as an agricultural swale, roadside ditch or municipal drain as determined through provincially approved mapping. Given the extent of municipal drains in Niagara-on-the-Lake greater clarity is required to understand how municipal drains will be considered in relation to natural heritage policy requirements, including Policy 7.4.3.</p> <p>The requirement in Policy 8.8.2 for vegetative protection zones adjacent to municipal drains should allow for lesser widths where the intent—to provide access for drain maintenance, protect the integrity of the drains, and protect environmental health—is maintained/achieved.</p> <ul style="list-style-type: none"> • Section 7.2.3 provides requirements for buffers outside of settlement areas. Table 8-1 within this Section provides minimum buffers for natural heritage features and areas outside of settlement areas and outside the Greenbelt Plan Natural Heritage System. We note that Policy 3.2.5.3 in the Greenbelt Plan indicates key natural heritage features outside the Greenbelt Natural Heritage System are to be subject to the policies of the Provincial Planning Statement which do not specify or prescribe minimum buffers or vegetation protection zones. Policy direction should be added to allow an environmental impact study to determine narrower buffers consistent with the Provincial Planning Statement requirement that no negative impacts on natural features or their ecological functions be demonstrated. • It is difficult to assess the implications of Sections 7.2.6 (Other Woodlands) and 7.3.3 (Other Wetlands) without definitions and criteria for identifying other woodlands and other wetlands or mapping showing their known locations. We note that misidentification of these features or imprecision in their mapped extents can occur with significant impacts on property owners. • It is difficult to assess the implications of Section 7.2.7 without mapping to show where linkages have been identified. Further, Policy 7.2.7.1 states. • Large, medium, and small linkages outside of settlement areas and outside of the Greenbelt Plan Area and Greenbelt Plan Natural Heritage System, and small linkages inside of settlement areas which are identified between natural heritage features and areas, key natural heritage features, and key hydrologic features are shown on Schedule C. <p>We note that most of the Town outside of settlement areas is within the Greenbelt Plan Area.</p> <p>Cultural Heritage</p> <ul style="list-style-type: none"> • Among the objectives of intensification policies in the Official Plan, Policy 3.5.2.1 states: 	
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		<ul style="list-style-type: none"> • Ensure any proposal for intensification conserves cultural heritage resources; Intensification will be directed to the Built-up Areas where development will not impact cultural heritage resources; and We recommend removing the second clause. Intensification should conserve cultural heritage resources no matter where it is directed. • How are the proposed intensification guidelines for Old Town planned to intersect with the ongoing Heritage Conservation District process? • Policy 3.7.3.7 states the Town shall encourage: <ul style="list-style-type: none"> a) the integration of views of built and cultural heritage features, landmarks, and significant natural heritage features to enhance a sense of place; and b) To provide clarity and transparency, important “views” (which should be a defined term) need to be mapped / documented through a Council endorsed process so that the “views” to be protected are readily identifiable. In addition, the specific tools for the protection of those views need to be identified. • Many of the area policies in Section 3 have standard language around the conservation of cultural heritage resources in different areas. However, only the commercial area policies include a statement that a “heritage impact assessment and/or an archaeological assessment will be required, and appropriate mitigation measures will be taken to the satisfaction of the Town.” This is a duplication of the policies in the heritage section and could be removed, which would result in better alignment with the other area policies. Policy 3.10.5.9 states: • In keeping with the desire to maintain the small Town, small scale character of Old Town, the intensification of commercial businesses in the Queen and Picton Street and Dock Area commercial district will be closely monitored. Should such monitoring indicate a negative impact in this regard the Town will consider imposing restrictions through the implementing zoning by-law. <p>This policy is unclear, and its implementation is not transparent, for instance what is meant by a “negative impact,” and what is the monitoring criteria and mechanism? Will the criteria be designed with public input? Will that information be publicly available or accessible? We would respectfully request that this policy be reconsidered.</p> <ul style="list-style-type: none"> • Policy 6.1.2.1 includes: <ul style="list-style-type: none"> a) will consult with the Municipal Heritage Committee (MHC) on all matters related to the Town’s cultural heritage resources c) Maintain a Register of Properties of Cultural Heritage Value or Interest which is accessible to the public and identifies properties designated under section 29 and 41 of the Ontario Heritage Act or a non-designated property under section 27(3) of the Ontario Heritage Act d) ...will develop a process to continually assess properties, streetscapes, landscapes, views and vistas to determine their merit for inclusion on the Register and to remove properties from the Register, as required e) Ensure consistency in identification and evaluation of cultural heritage resources for inclusion on the Register of Properties of Cultural Heritage Value or Interest by using criteria established by Regulation 9/06 under the Ontario Heritage Act or in accordance with any other provincially recognized approach. When designating properties under Section 29, Part IV of the Ontario Heritage Act Regulation 9/06 must be used. <p>The Ontario Heritage Act provides direction for when MHCs are to be consulted as part of specific processes, we would recommend that the Ontario Heritage Act parameters serve as the basis for consultation. The Register of Properties of Cultural Heritage Value or Interest</p>	
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	<p>should also include properties covered by sections 34.5 and 52 (1) of the Ontario Heritage Act. Regarding d), the processes and criteria for assessment are determined by the province, and these should be referenced. Policy e) should also refer to Ontario Regulation 385/21 (for Ontario Heritage Act By-law Standards). Policy 6.1.3.2 sets the requirements for the preparation of heritage impact assessments and heritage conservation plans, and references adjacency and “in the immediate vicinity of” as considerations for when these studies may be required. The requirement for these plans should be limited to the defined term for “adjacent” per PPS policy.</p> <ul style="list-style-type: none"> • Policy 6.1.3.2 allows for requiring a heritage conservation easement “as a condition of certain development approvals”. It is unclear what “certain development approvals” means. • Policy 6.1.3.10 provides the Town “may use the provisions of Section 37 of the Planning Act in order to conserve cultural heritage resources.” We note that Section 37 of the Planning Act has changed significantly in recent years. It is unclear if this policy reflects Section 37 as it exists. <p>General comments:</p> <ul style="list-style-type: none"> • Heritage definitions within the new Official Plan should be updated to match those of the Provincial Planning Statement. This includes all archaeological definitions, “conserve”, “cultural heritage landscape”, and “heritage attributes”. We also recommend updating the definition of cultural heritage resources to better align with the Provincial Planning Statement and removing the definition of significant archaeological resources as this is covered by the definition of significant. • For all policies “cultural heritage” includes built heritage resources. • The term “conservation” is the overarching term, whereas “preservation” has a narrower and specific meaning. • It is unclear from the first Redlined Draft Official Plan how the municipality is using the updated policies and mapping of the Niagara Regional Archaeological Management Plan. • Caution should be exercised around identifying archaeological sites. <p>Settlement Areas</p> <ul style="list-style-type: none"> • The intensification strategy provided in Section 3.5 refers to intensification areas which the Plan defines as “lands identified by municipalities within an urban area that are to be the focus for accommodating intensification.” It is unclear if any intensification areas are identified by the first Redlined Draft Official Plan as none are identified on Schedule B7 (Growth Plans). <p>The intensification strategy provided in the policies of Section 3.5 appears to support limited intensification in most of the built-up area of Old Town and Virgil, subject to meeting detailed requirements (see policy 3.5.3.8 for lands within the Established Residential and Residential designations). Have the requirements of the plan related to intensification been assessed to determine their impact on the ability to achieve the annual intensification target of 25%?</p> <ul style="list-style-type: none"> • There is overlap between the more detailed requirements of Policy 3.5.3.8 and the more general requirements of Policies 3.6.2.1 and 3.6.2.2. We also note that the requirements have been overly burdensome in facilitating compatible intensification. We request that the focus of the policies be on “avoiding negative impacts” rather than “consistency”. • Building height restrictions provided in Section 3.7.2 reduce the maximum heights allowed in Old Town, St. Davids, and Queenston from 11 to 10 metres. This seems too restrictive to allow for intensification sufficient to meet the annual intensification target of 25%. • It is unclear why urban design policies have been added as Section 3.7.3 in addition to and separately from the guidance/direction provided in 3.7.1 for community design. 	
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		<ul style="list-style-type: none"> • Policy 3.9.3.1 defines low-rise and medium-rise structures as generally 1-2 storeys and 3-4 storeys in height respectively. Policy 3.9.5.2 permits medium-rise or multi-unit residential uses in the Residential Designation. However, Policy 3.7.2.1 provides that zoning in Old Town, St. Davids and Queenston may limit building height to less than 10 metres in residential areas where the majority of buildings are 1 or 1.5 storeys in height. How will the height of a majority of buildings in a residential area be determined? • Further to the previous comment, the 10-metre height limit imposed in Policy 3.7.2.1 combined with the existing character of residential areas suggests that most intensification in Old Town, St. Davids, and Queenston will be limited to 1-2 storeys in practice. This severely limits the potential for even the most gradual or modest forms of residential intensification, even when the policies for additional dwelling units in Section 9.13.1 are considered. 	
38	NPG Planning Solutions	<p>Submission on Redlined Draft Official Plan Re: 256 East and West Line NPG Planning Solutions Inc. (“NPG”) has reviewed on behalf of 2850069 Ontario Inc., owner of 256 East and West Line (“Subject Property”), the first Redlined Draft Official Plan made available for review and comment by the Town of Niagara-on-the-Lake (“NOTL”) at online at: https://www.jointheconversationnotl.org/officialplan.</p> <p>Please accept this letter as our comment on the first Redlined Draft Official Plan policies and mapping as they relate to the Subject Property, which is 4.4 hectares in size and located in the Greenbelt Plan’s Niagara Peninsula Tender Fruit and Grape Area.</p> <p>A site-specific Zoning By-law Amendment was approved by Town Council on May 28, 2024, to permit commercial and agricultural-related uses on the Subject Property with provisions related to lot coverage, front yard, interior side yard, rear yard, accessory building yard setbacks, building height, and dwelling floor area. The approved zoning was, in part, to facilitate the conversion of the Subject Property from its historical use as a salvage yard for Caughill Auto Wreckers to a landscaping/contracting business, Sykes Landscaping, with the latter being more in conformity with the Greenbelt Plan and Niagara Region Official Plan.¹</p> <p>Following approval of site-specific zoning for the Subject Property, a Site Plan Application was submitted on November 18, 2024. This Site Plan Application is still under review by the Town. We are concerned that first Redlined Draft Official Plan includes policies that create uncertainty as to the future permitted use and development of the Subject Property, including as permitted by the approved site-specific zoning.</p> <p>¹ The Zoning By-law Amendment Application was submitted prior to the approval the Niagara Official Plan, while the Niagara Region Official Plan (2014) was still in effect.</p> <p>In particular, we are concerned that implementation of policies to provide for expansion and/or conversion of existing uses in Sections 2 and 7 of the first Redlined Draft Official Plan are not adequate to address the unique characteristics of the Subject Property, which is mapped on Schedule C as within the Greenbelt Natural Heritage System and impacted by the Lavigne Drain, which has an NPCA regulated floodplain associated with it. The extent of the floodplain has been revised through the Site Plan process and the NPCA is in agreement with the revised floodplain. Please refer to the Town’s Site Plan file for the mapping. We are also concerned about the Vegetative Protection Zone as Niagara Region has signed off on a buffer of 6 m. No greater buffer can be provided due to the presence of a berm. The berm was built by the previous owner, to screen the salvage yard, at the request of the Town of Niagara-on-the-Lake. Together these site circumstances raise concerns with the new Official Plan and how it will be applied to this property. The rezoning and Site Plan have taken almost five years of collaborative work and that work should be recognized in the new Official Plan. We respectfully request that the permitted use and development and/or site alteration of the Subject Property be clarified through a Site-Specific Policy in the new Official Plan.</p>	A meeting with Town staff was held to discuss the site specific request.

		Should you have any questions or wish to discuss the above request, please contact Mary Lou Tanner at mtanner@npgsolutions.ca or 289-776-8904.	
39	NOTL Residents' Association	Position paper submitted to Town staff by the NOTL Residents' Association addresses the Community Planning Permit System, growth management, housing affordability, employment, agriculture, open space, settlement areas framework for development, secondary plans, Niagara District Airport, cultural heritage resources, implementation and administration, and special provisions for specific land uses.	<p>Comments are received and considered by Town staff.</p> <p>Community Planning Permit System policies are incorporated into Section 9.4 of the Draft Official Plan. Once the Official Plan is approved, Town staff will consider the potential appropriate use and areas for a Community Planning Permit System. Town staff intend to reach out to other municipalities who currently have a Community Planning Permit System in place for knowledge sharing. The use of specific policy language is considered in relation to the planning permissions of a municipal official plans, provincial regulations and guidelines, and other regulatory authorities.</p> <p>The Official Plan tables have been updated based on Niagara Region Official Plan population and employment forecasts. Town staff will complete a Growth Management Strategy and Intensification Strategy. Once complete, the policies will be incorporated into the Official Plan.</p> <p>Town staff will review policy language for monitoring of affordable housing during the Affordable and Attainable Housing Strategy process.</p> <p>Town staff continue to review the new Niagara District Airport Master Plan to be considered and incorporated into the Official Plan, as appropriate.</p> <p>References to Draft Schedules have been updated accordingly.</p> <p>Section references have been revised accordingly.</p>
40	Peter Neame	<p>Comments on Redlined Draft Official Plan NOTL</p> <p>The main comment I would like to make on this draft document is my concern with the use of the word 'may' in many places, rather than 'should' or, even better, 'will'. 'May' means you might get to it sometime, but probably won't! 'Will' is a requirement that Staff and Council have to do it, hopefully in a reasonable time frame (of course, you could also specify a time frame, such as 6 months or 1 year).</p> <p>Secondly, you confuse Community Design and Urban Design. I'll comment on this below.</p> <p>Specific comments:</p> <p>1.6.1.4 The Town may... Change 'may' to 'will'.</p> <p>1.6.1.5 ...applicants may be required... Change 'may' to 'will'.</p> <p>3.6.2.2 Change '...should be provided...' to 'must be provided'. These are really an essential part of a development proposal and you need to insist that they be provided.</p> <p>3.7 Community Design. This is a new term that you seem to be substituting for Urban Design. But although these terms are related, they are not the same. Community Design is really the process of</p>	<p>Town staff strengthened wording that has been incorporated into the Draft Official Plan as appropriate and to align with provincial plans. Sections of the Official Plan related to community design and urban design have been updated. Additional updates may be required in accordance with provincial comments received. Engagement is completed with the Chautauqua Residents Association related to the policy language and secondary plans.</p>

	<p>shaping the physical/social/cultural environment of a community. The process of collaboration and community (public) involvement is key here. Urban Design is a broader discipline focused on the physical form and function of a community, town or city, dealing in particular with the form and relations of the physical environment and their architectural features (design, mass, materials, etc. etc.) and how these all work together—what I call the ‘look and feel’ of the community and how it works. I’ve given you a broader definition of urban design previously. So, changing the name ‘Urban’ to ‘Community’ seems pointless and risks distracting from the real issues mentioned above. I suggest you return to using the term Urban Design, and just keep the text in 3.7.1.1 to 3.7.1.8 inclusive.</p> <p>3.7.1.5 Change ‘may’ to ‘will’ throughout this paragraph.</p> <p>3.7.1.6 This is good, you use ‘will’ here, why not in 3.7.1.5 as well?</p> <p>3.7.1.7 Why are you being so specific about block sizes and grid pattern? Diversity in layout contributes to the attractiveness of neighborhoods, as seen in The Village in the Garrison Village area of town.</p> <p>3.15.1 Secondary Plans ‘may be prepared...’. Change ‘may’ to ‘will’. Note that this would be consistent with the ‘will’ used in 3.15.10.</p> <p>3.15.11 Delete ‘will be considered’ and just add Chautauqua and Old Town wartime homes to the list of ones you will do in 3.15.10.</p> <p>8.5 Green Energy Planning. This is an important topic for the building industry and for the use of energy in the Canadian economy overall. The problem is the use of ‘encourages’ used throughout this section. There’s no mention of ways the Town will ‘encourage’ this, and absent that the term ‘encourage is meaningless. There should be a commitment from the Town to develop and implement requirements for all of these energy aspects in paragraphs 8.5.1 to 8.5.5. Specifically, as a start, 8.5.2 should require applicants to obtain certification to LEED or other similar and appropriate programs.</p> <p>9.4.5.3 This is another egregious example of weakening or essentially eliminating a requirement. Please change ‘may’ to ‘shall’ or ‘will’ and re-insert ‘required’.</p> <p>9.9.1 Again, replace ‘encouraged with ‘required’.</p> <p>9.9.2 Change ‘may’ to ‘will’.</p> <p>9.9.5 Add back ‘pre-consultation’ where deleted in second sentence.</p> <p>Definitions: Why is the definition for Community Design redlined out? The previous definition reads almost exactly like that for Urban Design. And, there’s no definition of Urban Design, even though you have it in 3.7.3. Why is this? Are you trying to avoid any discussion of urban design altogether? I recommend that you put in a clear and recognized definition of urban design.</p>	
41	Anonymous Dear Council and Administrative staff, I am pleased to see the inclusion of Community Facility in the Official Plan and feel strongly that the Shaw Festival’s physical facilities be converted to this designation when practicable, including the current and proposed Royal George Theatre and Artists	Comment received.

		<p>Village complexes. As an academic physician and medical educator with a role in national standard-setting, I can attest to the major detrimental health impact that both loneliness and lack of human connection are having. The performant g arts have been proven to positively impact health, not just for direct participants but their networks and community as well. The Shaw’s bold new ‘All.Together.Now.’ campaign goes beyond performances and is infused with educational programming including partnerships with medical institutions to help solidify the connections between the arts and healthcare. Certainly this connection is embraced by national medical organizations who recognize it as both a critical determinant of health for patients and a key competency for physicians. This treasure is in our town, but serves as a source of positive cultural and wellness for a vast region. I feel the mandate of the Shaw and impact on our community to be entirely consistent with the ‘Community Facilities’ designation. Glen Bandiera, MD, FRCPC</p>	
<p>42</p>	<p>Niagara Region</p>	<p>Thank you for the opportunity to review the Town of Niagara-on-the-Lake Draft Official Plan, received by on July 25, 2025.</p> <p>Section 6.2 of the 2024 Provincial Planning Statement emphasizes the importance of coordinating planning across municipal boundaries and between different levels of government, especially on matters related to growth, infrastructure, and public services.</p> <p>In keeping with this direction, the Niagara Region has entered into an Engineering Services Memorandum of Understanding (MOU) with the Town of Niagara-on-the-Lake to ensure continued consistency and collaboration in the planning and delivery of infrastructure and related services. In accordance with the MOU, Regional infrastructure policies and mapping from the Niagara Region Official Plan should be incorporated into the Town’s Draft Official Plan.</p> <p>Regional staff understand that Section 8 (Infrastructure) of the Draft Official Plan is pending further review; however, in keeping with the direction above, a comment table has been provided in Appendix 1, which identifies comments, requests and recommendations related to the provision of Regional water, wastewater, transportation, stormwater, and waste management infrastructure and services for consideration by Town staff.</p> <p>In addition, the Town has entered into an agreement with the Niagara Region to continue certain planning services, including the review of the natural environment system. As such, Appendix 1 also contains comments and proposed refinements to the natural environment system policies of the Draft Official Plan, which were drafted in collaboration between Regional and Town staff.</p> <p>If you have any questions regarding the above or the comments attached within Appendix 1, please do not hesitate to contact the undersigned at alexandria.tikky@niagararegion.ca or 905-980-6000 ext. 3593, or Angela Stea, Director of Strategic Initiatives, at angela.stea@niagararegion.ca or ext. 3518.</p>	<p>Comments received and incorporated into the Draft Official Plan.</p>
<p>43</p>	<p>The Niagara Foundation</p>	<p>Comments on red-lined draft Official Plan</p> <p>Dear Lord Mayor Zalepa and Council:</p> <p>As suggested in our April 14, 2025 letter addressing amendments to the Official Plan (“OP”), The Niagara Foundation wishes to provide further comments on the revision process, having studied the redlined draft OP circulated in June.</p> <p>We’re pleased to see that the revised Official Plan maintains policies important to the Town’s interests, aligned with our heritage preservation mandate—and consistent with the approach taken in the (2012) Adopted Official Plan. In particular, we note that the revised OP:</p>	<p>Comments received and considered by Town staff.</p> <p>The proposed Additional Residential Unit policies are in accordance with the PPS, 2024. Engagement is completed with the Chautauqua Residents Association as it relates to the Chautauqua neighbourhood and secondary plans. Please note that the existing secondary plans are incorporated into the Draft Official Plan.</p>

		<ul style="list-style-type: none"> • Maintains compatibility as a foundational policy. Assuming consistent implementation of this policy, any intensification will be compatible with the current nature and form of built structures and will be sensitive to surrounding and adjacent uses. • Maintains low-rise character policies, notably a broad height limit of 10 metres; less than 10 metres (1 to 1.5 stories) in residential neighbourhoods. We note that several development projects approved during this term of Council (e.g., Parliament Oak, 228 Queen Street), would not be approved if the policies in the revised Official Plan were to be followed. <p>Several questions remain, however, which we ask that you address:</p> <ul style="list-style-type: none"> • The previously identified Old Town secondary plan is being replaced with an intensification study for both Old Town and Virgil, and any changes would be implemented through an Official Plan Amendment. We agree with this approach, but wish to understand how current legislation may affect third-party appeal rights for such an amendment? • The provincial mandate to permit Additional Dwelling Units (“ADUs”) on a single lot is a topic recently discussed at the Committee of the Whole (Planning) meeting, and we understand it to be a directive from the province. We wish to understand how notifications of such changes will be communicated to residents and how key parameters (parking, setbacks, height, lot coverage) will be determined? There are several discretionary policies in the draft plan that would require a rezoning process to implement. For example, how will approvals of ADUs be managed in such a way to protect heritage and character policies in the Official Plan. • The language around secondary plans in the revised Official Plan is vague. The Niagara Foundation believes that secondary plans are critical to achieving community input to a planning structure. Why was the secondary plan for Chautauqua eliminated from the revised Official Plan—and can this be reinstated? In conducting our review of the redlined draft Official Plan, we engaged professional planning expertise, notably Mr. Robert Lehman, a Fellow of the Canadian Institute of Planners. Mr. Lehman has appeared as an expert witness before the Courts, Ontario Municipal Board or Local Planning Appeal Tribunal on about 500 occasions in over 100 municipalities. An urban planner, author and mediator Mr. Lehman has established a reputation as one who understands the broader context of the forces shaping our cities and applying his experience in both land use and transportation planning Mr. Lehman’s comments are attached to this letter. <p>Thank you for the opportunity to submit our position. We wish to remain involved in this process and request the ability to review and comment on the next draft of the Official Plan prior to presentation to Council.</p>	
44	Anonymous	<p>Suggest that the zoning for the Shaw Festival theatres be changed to Community Facility. The Shaw is a non profit organization and not commercial. We are so fortunate to have this excellent arts organization in our community. By changing the zoning I think it would help eliminate commercial creep on Victoria Street? Also, the change would show the community is aligned and supports the Shaw as a nonprofit organization that provides culture to the community and not a commercial offering.</p>	<p>The Official Plan does not involve the rezoning process. Currently there is no intent to change the designation on the property to Community Facilities.</p>
45	Anonymous	<p>This is an excellent draft that thoughtfully incorporates a wide range of important lenses, including sustainability, cultural heritage, land use planning, and community development. The integration of diverse perspectives reflects a strong commitment to building a resilient and inclusive future for Niagara-on-the-Lake! A few suggestions to consider would include:</p> <p>1. Health Equity: The Plan references affordable housing and community infrastructure but could better integrate health equity principles. Suggested Feedback: - More targeted strategies to support vulnerable populations throughout document (e.g., seniors, low-income residents, seasonal workers).</p>	<p>Comments received and considered by Town staff. The upcoming Growth Management and Intensification Strategy, Intensification Strategy, and the Housing Needs Assessment processes will consider the comments related to health equity. The ongoing Transportation Master Plan process may best address the specific comments related to accessible transportation and active mobility. The ongoing Parks and Recreation Master Plan process may best address the specific comments related to Green Spaces and Nature</p>

		<p>- Suggest clearer commitments to inclusive planning that addresses social determinants of health (e.g., income, education, access to services).</p> <p>2. Accessible Transportation & Active Mobility: The Plan supports active transportation and transit but could emphasize accessibility and health outcomes more explicitly. Suggested Feedback: - Consider micromobility usage and how that could fit into the community (scooter - electrified, bikeshare programs) - Commit to safe routes to schools, healthcare, and community hubs to promote walking and cycling. - Suggest integration of health-promoting infrastructure (e.g., benches, shade, water fountains) along active transportation corridors.</p> <p>3. Green Spaces & Nature Access: The Plan recognizes parks and open spaces but could better link them to mental and physical health benefits. Suggested Feedback: - Equitable access to green spaces across all settlement areas, especially underserved communities. - Recommend nature-based solutions (e.g., tree planting, community gardens) to support climate resilience and public health.</p> <p>4. Climate Resilience & Public Health: Environmental policies are strong but could better connect climate adaptation to health outcomes. Suggested Feedback: - Advocate for heat mitigation strategies (e.g., urban canopy, cool roofs) in vulnerable areas. - Recommend emergency preparedness planning that includes public health risks (e.g., flooding, air quality).</p>	<p>Access. As the Town strategies and plans are completed, Town staff will implement policies into the Draft Official Plan, as appropriate.</p>
46	Anonymous	<p>Having reviewed the draft Official Plan, I am convinced that in the best interest of both the Town and the Shaw, the Shaw should not be categorized as a commercial enterprise, but rather a nonprofit theatre (with the charitable purpose to advance the public's appreciation of the arts, specifically theatre, as a basic human need). The zoning for the theatres should be changed to Community Facility to reflect that the Shaw theatres 'provide culture to existing and future residents of the Town', and that they are not commercial entities.</p>	<p>The Official Plan does not involve the rezoning process. Currently there is no intent to change the designation on the property to Community Facilities.</p>
47	Anonymous	<p>Having reviewed the draft Official Plan, I strongly feel that the Shaw Theatres should not be categorized as commercial enterprises. The Shaw is not a commercial enterprise. It is a non-profit theatre with charitable status and therefore the zoning for the theatres should be changed to Community Facility.</p>	<p>The Official Plan does not involve the rezoning process. Currently there is no intent to change the designation on the property to Community Facilities.</p>
48	Jennifer Vida, Hummel Properties	<p>Comments provided for Section 1, Section 3, Section 6, Section 7, and Section 9 of the Draft Official Plan.</p>	<p>Section 1.1.4 reference has since been revised to reflect growth to 2051.</p>
49	Anonymous	<p>I object to the removal of language in Section 4.16.9 from the previous Draft Official Plan of 2019 that states a Secondary Plan will be developed for Chautauqua, Virgil, and a portion of Old Town and replaces it with 3.15.11 in the current Draft Plan, referring only to consideration for area-specific plans or character area policies for Chautauqua and war-time homes in Old Town. The rationale and clear need for a commitment to a Secondary Plan for Chautauqua is solid and has been clearly communicated to Council. Please include in the new Official Plan a commitment to develop a Secondary Plan for Chautauqua, at the minimum and the Old Town war-time homes as well.</p>	<p>Comments received and considered by Town staff.</p> <p>Policy language for Section 3.17.9 (formerly Section 4.16.9) and Section 3.17.10 (formerly Section 4.16.2) have been updated and engagement was completed with the Chautauqua Residents Association.</p> <p>The Draft Official Plan population and employment forecasts to 2051 are updated using the forecasts contained in the approved Niagara Official Plan, as permitted by the PPS 2024, and submit the Plan to the Minister for approval. During the approval process with the Ministry, Town staff would complete a Growth Management and Intensification Strategy to determine how and where to accommodate growth to 2051 and update the population and employment forecasts to include the growth planned for Glendale. The strategies could be incorporated into the new Official Plan by Ministerial modification if completed before Minister approval of the</p>

			<p>new Official Plan, or by amendment to the Official Plan if after Minister approval.</p> <p>Section 1.4.6 and 1.4.7 are updated accordingly.</p> <p>The Draft Official Plan and Draft Schedules are updated to be consistent with provincial policies and regional schedules in the Niagara Official Plan.</p> <p>Town staff will complete Growth Management Strategy and Intensification Strategy. Once complete, policies may be incorporated into the Official Plan, as appropriate.</p> <p>Section 7 of the Official Plan is updated to reflect provincial policies and integrate the Niagara Region Official Plan 2022 policies.</p>
50	Anonymous	<p>Although it is clear in 3.13.1.1 that Community facilities include cultural facilities, the only one listed under Permitted Uses under 3.13.3 is places of worship. Please add under 3.13.3.1 "cultural & art facilities" (or specifically "non-profit cultural & art facilities") to ensure that lands for important community facilities like the Pumphouse Art Centre, Laura Secord Homestead and Mackenzie Printery are protected. Relevant sections and suggested edit: 3.13.1.1 Community facilities are intended to provide for the culture, education, health and welfare of the existing and future residents of the Town Permitted Uses 3.13.3</p> <p>3.13.3.1 Community facilities include a full range of uses such as private and public schools, day care facilities, treatments centres and clinics, health care facilities, community centres, places of worship, CULTURAL AND ART FACILITIES, government offices, libraries, emergency service facilities, public and private cemeteries, parks, trails, and specialized housing (e.g. nursing homes/retirement homes)</p>	<p>Policy language has been updated to add "museums" and "arts and cultural facilities".</p>
51	Anonymous	<p>I appreciate the Town's work on this updated Official Plan and support its emphasis on protecting Niagara-on-the-Lake's unique character and ensuring responsible growth. I am pleased to see policies that: Require new development to follow strong community design standards, including appropriate building heights, massing, streetscapes, and architectural treatments that respect the character and charm of our Town. Limit high-rise development, with a focus on low-rise, humanscale buildings that blend with the surrounding neighbourhoods. Protect heritage resources and require conservation measures in intensification areas. Plan for a balanced mix of housing types, with the majority remaining single and semi-detached homes, ensuring that townhomes and apartment buildings do not dominate future development. Commit to ongoing monitoring of housing mix, and density to ensure that growth continues to reflect community needs. We need to stop the townhome development in St. Davids. Its enough. Commit to monitoring the ability for the infrastructure to accommodate new developments - especially with our school. Work closely with developers and school boards to ensure that past mistakes are not repeated. I encourage Council to strictly enforce these design and housing policies, particularly as development applications come forward, to avoid over-concentration of high-density housing and to preserve Niagara-on-the-Lake's character and charm for future generations.</p>	<p>Comment received and considered. Town staff will review policy language for monitoring of affordable housing during the Housing Needs Assessment. Comments will also be considered during the Growth Management and Intensification Strategy process.</p>
52	Anonymous	<p>I would like to see Chautauqua added back to the Secondary Plan in Old Town with an additional Character Study due to its unique design, small narrow streets, historic home and unique, very old natural heritage features. Would also like to see the winery policies improved to the benefit of the wine industry. This wine industry is one of our greatest assets, it one of the largest employers, primary driver of tourism visitation, draw for new residents and contributor to the economic sustainability of the agricultural industry and community. Please work in partnership to build plans together and reduce paper work and timelines for obtaining building permits. The Town has an increased number of</p>	<p>Engagement was completed with the Chautauqua Residents Association as it relates to the Chautauqua neighbourhood and secondary plans. Please note that the existing secondary plans are incorporated into the Draft Official Plan. Town staff have updated the winery policies in Section 2.2.7 based on two working group sessions and comments received. The ongoing Transportation</p>

		<p>bicyclists, yet we have not invested in bicycle lanes. Please play bicycle lanes as a transportation priority. We need them on rural roads, where it is not safe to ride yet bicycle travel is high. Every time you replace a road please consider adding bicycle lanes.</p>	<p>Master Plan process may best address the comment related to bicycle lanes.</p>
<p>53</p>	<p>Chautauqua Residents Association</p>	<p>Re: Feedback on the Official Plan Update Process: Chautauqua Secondary Plan</p> <p>Dear Lord Mayor and Councillors,</p> <p>On behalf of the Chautauqua Residents Association (CRA), I am writing to provide formal feedback on the ongoing Official Plan update process and to respond to the Lord Mayor’s letter of August 12, 2025 letter to Chautauqua Residents Association members.</p> <p>1. A Clear and Consistent Community Voice For many years, residents of Chautauqua have spoken with one voice in favour of protecting the neighbourhood’s unique character through a Secondary Plan. Our April 2025 submission detailed why Chautauqua is distinct within Old Town. Its radial street layout, modest cottage-scale homes, dense tree canopy, and absence of curbs or sidewalks are features that merit specific policy protection.</p> <p>Public support for a Secondary Plan has been robust, consistent, and longstanding. The community has reinforced this through letters to the editor, public participation, and attendance at meetings. The Lake Report has covered this issue extensively, documenting residents’ disappointment and frustration that the Town has chosen to remove the firm commitment once included in the draft Official Plan.</p> <p>2. Disappointment in the Town’s Reversal The 2019 Draft Official Plan clearly committed to developing Secondary Plans for specific areas, explicitly including Chautauqua. In the most recent draft, however, this has been diluted to a vague suggestion that the neighbourhood may be considered for area-specific policies.</p> <p>The difference between “will be developed” and “will be considered” is not semantic. It represents a shift from a clear obligation to a mere option. This reversal disregards years of resident engagement, undermines trust in the planning process, and fails to provide the certainty needed to protect one of Niagara on the Lake’s most distinctive communities.</p> <p>3. Risks without a Secondary Plan As outlined in our April 2025 submission, Chautauqua faces increasing pressure from inappropriate development, the loss of mature trees, and the introduction of suburban design elements. Without a binding Secondary Plan or equivalent mechanism, the Town’s commitment to preserving Chautauqua’s heritage and character remains uncertain, leaving the neighbourhood vulnerable to irreversible changes. While the Lord Mayor’s letter speaks of “tools that are intended to ensure” that future development aligns with objectives, our understanding is that only a Secondary Plan is binding on the Ontario Land Tribunal and can ensure that this will occur.</p> <p>We are concerned by the statement in the Lord Mayor’s letter that Staff will be determining the best method to protect each neighbourhood. Our view is that a determination as serious as this should be made by our elected representatives, who are accountable to the electorate, and should not be delegated. Our view is supported by section 23.3(1)5 of the Municipal Act, which provides that a municipality may not delegate to its staff the power to adopt an official plan or an amendment to an official plan under the Planning Act. The principle from the legislation is very clear – Council should not be allowing Staff to decide what goes in the Official Plan.</p> <p>We are also concerned about giving decision-making power to Staff because, in recent Committee of Adjustment cases, Staff have demonstrated a very different opinion from Chautauqua residents</p>	<p>Updates to the Secondary Plans section is complete and Town staff engaged with the Chautauqua Residents Association.</p>

		<p>on the character and streetscape of the Chautauqua neighbourhood. Having Council make the final decision after hearing directly from residents is the necessary solution.</p> <p>4. Request for Council Action We respectfully but firmly request that Town Council:</p> <ul style="list-style-type: none"> • Reinstate the commitment that a Secondary Plan for Chautauqua will be developed as part of the 2025 Official Plan • Ensure that this plan addresses contextual design, tree protection, preservation of streetscape, reinforcement of residential character, and environmental stewardship • Provide a transparent explanation of why the previous commitment was removed despite overwhelming resident support • Lastly, we firmly request that Council make its own determination on whether a Secondary Plan requirement for Chautauqua will be included in the new Official Plan <p>5. Closing The residents of Chautauqua remain committed partners in shaping the future of Niagara-on-the-Lake. We wish to collaborate with Council to ensure that the Official Plan reflects both the Town's stated values and the community's long-expressed priorities. We urge Council to honour its past commitments, listen to the voices of residents, and take the necessary steps to secure Chautauqua's future as a cherished and distinctive neighbourhood.</p>	
54	Anonymous	<p>We have provided written feedback to Council and the CAO for one specific area of Niagara on the Lake - the dock area at Riverbeach Drive and Welland Avenue. This has been our community for 20 years. Please refer to our letter emailed Sept 5 and acknowledged by Nick Fuller and Gary Zalepa.</p>	Comment received and considered by Town staff.
55	Mary & Bill Mursell	<p>Dear Lord Mayor and Councillors:</p> <p>We are responding to a request from the Town of Niagara-on-the-Lake and the consulting company 'thinc design' for comments on the Draft Official Plan. We would like to focus specifically on the waterfront area bordering Riverbeach Drive, particularly the parkette, parking lot and the area adjacent to the Riverbeach Townhouses.</p> <p>We have lived at 148 Riverbach Drive for 20 years and in all that time the area had changed little, except for the removal of the Jet Boat operation. A previous Dock Area Secondary Plan was produced in 2010 but there was very little action on this.</p> <p>We would like to quote some comments made in the design consultants' 'Typology' section of the draft plan referring to the small park area opposite the townhouses as 'Riverbeach Parkette'. "The role of a parkette is a small, passive space designed for small scale use, for leisure functions such as picnics and nature and water appreciation". The Riverbeach Parkette is an ideal place for visitors and locals to enjoy one of the rare public waterfronts in the town.</p> <p>We have watched many people enjoy what our waterfront has to offer over many years. However, the proposal to turn the park into a hub for kayakers and other watersports enthusiasts would seem to contradict what a parkette is all about. From a public open space to a noisy, crowded area of entertainment would mean that NOTL would lose what is a serene yet important gem in our busy town. It would also mean that a quiet residential area's character would be changed by significant noise disturbance and parking problems, not to mention the possibility of the waterfront activities potentially becoming a commercial operation.</p> <p>There are also important considerations to be taken into account regarding water use and safety. We are sailors and know the river well. This area of the river is deep and subject to strong currents. It is high risk, especially for novice boaters. We have watched novices using various floating devices being swept down the river in distress. This waterfront is not like Queens Royal Park. It does not have sandy, shallow access. It has jagged rocks to struggle over. There is also a serious risk of accidents</p>	Comment received and shared with Town staff working on the Parks and Recreation Master Plan process.

		<p>from improper use of a floating dock in these treacherous waters. The town could certainly be held liable for any accidents. Additionally qualified safety personnel would need to be employed.</p> <p>We would like to thank Council for implementing the new water and drainage work on Riverbeach Drive and Melville Street over the last ten months. However as our neighbourhood has been, and still is, under construction, we believe this is a perfect time for aesthetic changes to be implemented to this neglected area of NOTL's precious waterfront. We would also request that the parking lot adjacent to the townhouses is reduced to its' original size and re-surfaced. It was extended some years ago to accommodate the arrival of the Tall Ships and had become a dustbowl in the summer and a mud patch in the winter. We invite you to come down to see our waterfront area as it is now, and to envisage what it could become.</p>	
56	Councillor	<p>Agriculture: While reading the summary of the Niagara Escarpment's report of agricultural land uses, I liked some of the terminology used relating to Agriculture-related uses and on-farm diversified uses. For example:</p> <ul style="list-style-type: none"> • to encourage agricultural uses in agricultural areas, especially in prime agricultural areas, to permit uses that are compatible with farming and to encourage accessory uses that directly support continued agricultural uses. • to permit uses that are compatible with farming and to encourage accessory uses that directly support continued agricultural uses. • the impact of multiple uses in prime agricultural areas is limited and does not undermine the agricultural nature of the area <p>I hope that we can incorporate this wording in our OP.</p>	Comments received and considered by Town staff.
57	MHBC	<p>Dear Mr. Burke;</p> <p>RE: TOWN OF NIAGARA ON THE LAKE OFFICIAL PLAN REVIEW PATEL LAND DEVELOPMENTS OUR FILE: 09144U</p> <p>On behalf of our client, Patel Land Developments (hereinafter referred to as the "Client"), we are pleased to submit comments on the draft Town of Niagara on the Lake Official Plan ("Draft Town OP"), dated July 16, 2025. Our client has multiple landholdings in the Town of Niagara on the Lake, which are located within the specialty crop designation of the Town, and are therefore interested in the proposed Agricultural System policies within the Draft Town OP. It is our understanding that the purpose of this Official Plan review is to address the following:</p> <ol style="list-style-type: none"> 1. Update the previous Council adopted iteration of the Town's Official Plan (October, 2019); 2. Consolidate and repeal the Niagara Region Official Plan, 2022; and 3. Conform to provincial legislation, including the Provincial Planning Statement, 2024 (PPS), the Greenbelt Plan, 2017 (Greenbelt Plan), including Amendment 4 of the Greenbelt Plan. <p>Greenbelt Plan, 2017 (and Amendment No. 4) The Greenbelt Plan continues to take precedent over the policies of the PPS to the extent of any conflict. At the time the PPS came into effect, Amendment 4 of the Greenbelt Plan was also passed to direct that references to the PPS and Growth Plan in the Greenbelt Plan would continue to refer to the Provincial Policy Statement, 2020 and A Place to Grow, 2019, as follows: Section 1.4.1 General is amended by adding the following new paragraph after the 2nd paragraph of that section: Proposed Policy 2.2.7.2 We are supportive of the intent to permit agricultural-related uses which support local farm operations; however, we are providing minor wording revisions for Town Staff's consideration. Request: Therefore, we suggest proposed policy 2.2.7.2 be revised as follows (green text is to indicate proposed changes): To sustain a market and allow for efficient operation of agriculture-related uses, products processed and/or sold and/or services provided by these businesses may be obtained from surrounding local farm operations or</p>	Comments received and considered by Town staff.

	<p>from further away provided that a minimum of 75% of the product processed or sold is from farm operations in the Town. To assess whether a proposed agriculture-related use meets the test of providing direct products and/or services to farm operations as a primary activity, the Applicant shall Town may require evidence demonstrating that the use will service the local agricultural industry as the sole or main business activity, in accordance with 9.9 – Complete Application and Pre-Consultation Requirements of this Plan. Proposed Policy 2.2.7.3 In our opinion, limiting roadside produce outlets (fruit stands) to the farm operation which it is located is overly restrictive. The OMAFRA Guidelines provides direction that agricultural-related uses are not required to be located on a site which contains an agricultural use on the property. Therefore, making this a requirement for a roadside produce outlet does not benefit the local agricultural industry overall, as it is common for agricultural operators to hold multiple landholdings within a municipality/region. As an example, this is a lived reality of our client. Similar to our client’s experience, it is our understanding that consolidating agricultural operations, is a common practice, which provides agricultural operators the ability to grow/harvest at one location, while selling products at another location. This enables an agricultural operator the ability to preserve the agricultural land dedicated to growing produce, while also potentially mitigating other concerns related to on-site pedestrian and agricultural vehicular movement, as well as minimizing the requirement for multiple commercial entrances by utilizing another site that provides a better operational location. Furthermore, the concept of agricultural operators, having multiple landholdings, and the advantage of consolidating operations is embedded within existing provincial policy. For example, lot creation for a surplus farm dwelling, can only occur if an agricultural operator has multiple landholdings and is consolidating the agricultural operations. Therefore, there is an inherit understanding that agricultural operators may own multiple landholdings, which provide different operational needs to the agricultural operator. We agree that parking areas and structures should be limited to preserve agricultural land, but some loss is inevitable, if parking spaces and entrances are formalized, even when using pervious material such as gravel. Therefore, it is more appropriate to limit and manage any potential impacts to agricultural production, rather than requiring no reduction to agricultural land.</p> <p>Request: Therefore, we suggest Proposed Policy 2.2.7.3 be revised as follows (green text is to indicate proposed changes): Roadside produce outlets (fruit stands) and “pick your own” facilities are limited to distribution of product produced from the farm operations on which it is located within the Town, with parking areas and structures limited in area. The area used for development shall not negatively impact or reduce the amount of land available for agricultural production. Proposed Policy 2.2.7.4 We are supportive of the Town’s proposed inclusion of providing policy which permits lot creation for agricultural-related uses, as the PPS, 2024 and the Greenbelt Plan permit lots to be created for agricultural-related uses. We suggest that Town Staff consider relocate this policy from section 2.2.7 and insert it under section 2.2.14 with the remainder of the lot creation policies for the Agricultural System in order to keep all lot creation policies together under one section that are relative to the Agricultural System of the Town. Request: Delete policy 2.2.7.4 and insert the deleted policy as new policy 2.2.14.8.</p> <p>Conclusion</p> <p>In summary, we are generally supportive of the policies for the Agricultural System, in the Draft Town OP, and request that the requested revisions to proposed policies 1.2.6 and proposed policies 2.2.7.2 to 2.2.7.4 be revised to reflect the recommend revisions in green text, within this correspondence. We understand that the Town is proceeding with its Official Plan update, with the intention of scheduling a Public Open House/Statutory Public Meeting in September 2025 and targeting October 2025 for Council adoption. We kindly request to receive notification regarding any future public meetings, staff reports or decisions made by Town Council pertaining to this matter. If you have any questions, please do not hesitate to contact the undersigned. Yours truly, MHBC</p>	
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58	Anonymous	<p>This comment is specific to the subdivision development on the Rand Estate. I believe any sewer infrastructure should not allow the use of grinder pumps. Our Town's and the homeowners in St. Davids can attest to the continuing risk and cost issues. I realize it will be more expensive for the developer but doing it right the first time is more important.</p>	<p>Comments received and considered.</p>
59	Niagara-on-the-Lake Conservancy	<p>Working to Protect the Built & Natural Resources of Niagara-on-the-Lake since 1987</p> <p>Niagara-on-the-Lake Official Plan Update Comments August 19th, 2025</p> <p>The Niagara-on-the-Lake Conservancy's mandate to protect the built and natural Heritage of this internationally recognized Town began with our incorporation as a charitable group in 1987. Since then the importance of a very strong Official Plan has been central to our interactions with Council and Planning staff, and protecting cultural heritage resources for present and future residents to live, work in and be proud of, has been our singular goal .</p> <p>1. Overall, this current red-lined draft Official Plan, and staff's subsequent June 24th Update to Council , has shown good intent to protect our heritage, particularly through its very detailed description of our unique and irreplaceable tender fruit and grape lands, their economic value, and specific methods of protecting the land and farming from urban intrusions. In the revised draft Official Plan, these same details for future urbanization, particularly for intensification in key heritage areas of Old Town, Queenston, St. Davids, the Dock Area and Chataqua, are not clear at all . As noted by the Niagara Foundation, and others in the public, there is just a general description of intensification and no definitive information of where, how much, nature of growth".</p> <p>2. Therefore, while statements such as "The focus of this Plan is to encourage a sustainable model of development based on the Town's historic commitment to heritage conservation ", or " the objective is to "prohibit commercial uses within the residential area of the OP Heritage Conservation District", or generally, that the OP will "ensure any proposal for intensification will be directed to the Built up Areas where development will not impact Cultural Resources , may seem strong.</p> <p>However we and a considerable and fast growing number of residents are not convinced.</p> <p>This is very important, as in the last few years, staff has disregarded the Town's Greenbelt and Regionally - directed , planned and mapped intensification areas, in Glendale, Virgil, and in Old Town, South of Mary and west from Charlotte street along John Street west, while recommending developments of significant heritage properties, such as the severance of doubly heritage-designated 187 Queen Street.</p> <p>The Staff 's main planning reference for this development and other applications, was not within the Greenbelt Plan the Places to Grow plan nor the Regional Plan, all which are clearly mapped and described as much larger growth areas such St. Catharines, Niagara Falls and Welland. Instead, staff have made development recommendations based on their professional opinion that the provincial government's call for intensification is a necessity to help our housing shortage. From now on , according to Ontario's lead planner Victor Doyle , every lot, heritage or not, should not be divided on the basis of a general "intensification " need, as " There is nothing in the PPS or Planning Act that would require that a municipality allow intensification in every single area of a settlement area .i.e.</p> <p>3. Given this direction, and the commendable intent of Council and Staff, to strengthen the new Official Plan, the Conservancy asks that the strong Provincial Policy Statement (PPS), Planning Act,</p>	<p>See above comments regarding the Chautauqua neighbourhood, strengthened wording in the Draft Official Plan, Growth Management Strategy and Intensification Strategy.</p>

		<p>also be reflected in the new Official Plan and in the plans for an expanded Queen- Picton Heritage District, proposed Character Areas and Secondary Plans that should include Chataqua.</p> <p>In this way, working together with the residents of Niagara-on-the-Lake we can move forward to protect the built and natural heritage that makes this Town locally, provincially, nationally and internationally unique.</p> <p>Background</p> <p>1. Niagara-on-the-Lake Conservancy Accomplishments :</p> <ul style="list-style-type: none"> • 1988 Ontario Municipal Board Hearing: protection of views and vistas Fort George to Fort Niagara, and then from bluffs of Ricardo and Wellington Streets the views of the River and Lake and Fort Niagara ; • 1989 Ontario Municipal Board Hearing: protection of the Commons, as well as the setting of a protective range of urban development densities ; • 2001- to 2025 participation in multiple Official Plan and Zoning exercises e.g. the Estate Lot Study; The Dock Area Secondary Plan, the Bray Heritage report ; the Rand Study; the 2019 Official Plan ; the recent Town study on the expansion of the Heritage District <p>2..Niagara Foundation April 14th 2025 letter to Lord Mayor and Council “. we believe the new Official Plan should contain more detail on intensification and anticipated growth. To this end we believe the new Official plan should contain more detail on intensification (e.g., where, how much, nature of growth) as well as the desire (and approach to preserve the character of our most vulnerable areas (e.g. Queenston, St. Davids, (and we would add the Dock area and Chautauqua.)</p> <p>3.Victor Dolye “ There is nothing in the PPS or Planning Act that would require that a municipality allow intensification in every single area of a settlement area. and further that “ Precluding residential intensification in heritage landscapes, or limiting its scale and/or managing its design to address heritage conservation is a completely valid and legitimate policy framework for a municipality to pursue, based on the implementation language of the PPS as well as a host of other policies speaking to municipal goals related to their local economies and community sense of place. “</p>	
60	Anonymous	<p>Very disappointed the Chautauqua area is not included in the official plan. It is important to try and maintain the character of the area which is being threatened by houses that don't fit in.</p>	<p>Engagement with the Chautauqua Residents Association was completed and will continue outside of the Official Plan Update process as it relates to the Chautauqua neighbourhood and secondary plans. Policy language for Section 3.17.9 and Section 3.17.10 have been updated in the most up to date Draft Official Plan.</p>
61	Environmental Advisory Committee Member	<p>These are general comments on the July 16 draft of the NOTL Official Plan, section 7 (“Natural Environment System”).</p> <p>1. Generally, the Official Plan exists to present a vision for future development within the Town and to “encourage a sustainable model of development” (p. 2). Official Plans tend to have a long lifespan – this draft is successor to the current Plan, which was adopted in 1994, nearly 30 years ago. Therefore, the Plan is a document that will influence the Town’s development for many years to come.</p> <p>2. Section 7, “Natural Environment System”, describes a vision for how the Town’s development in future years will co-exist with the natural environment. Section 7 of the Plan presents ways in which existing legislation and policy, as well as general concern for the natural environment, will constrain, or at least influence, future development.</p>	<p>Section 7 of the Draft Official Plan has been updated accordingly since the first release of the Draft Official Plan. Town staff have reviewed and considered the comments, as appropriate. See above comments related to strengthened wording in the Draft Official Plan.</p>

	<p>3. To this end, the Plan defines the Natural Environment System which broadly is seen as including:</p> <ul style="list-style-type: none"> a. Landforms (various spaces within the Town), and, b. Water (e.g., lakeshore, rivers, streams, drainage, ponds and so on.) <p>I note the following are not considered or discussed:</p> <ul style="list-style-type: none"> c. Air, regarding for example, air pollution, airborne contaminants, etc. d. Impacts of existing and future built environment regarding, for example, sound and light pollution, traffic, and other human uses. <p>4. Similarly, and very broadly, Section 7 of the draft Plan concerns itself with the relationships between:</p> <ul style="list-style-type: none"> a. Development and the environment, particularly new building for housing and commercial purposes, and, b. Agriculture and the environment, including existing and new or modified agricultural use of lands within the Town. <p>I perceive a general orientation of the draft Plan that:</p> <ul style="list-style-type: none"> c. Building development is to be managed to the extent it affects or may affect the Natural Environment System, but, d. Agricultural uses are to be “balanced” with the needs of the Natural Environment System, due to the “long tradition of farming associated with features supported by voluntary environmental stewardship practiced by farmers”, (7.1.7.1). This fails to address known environmental issues associated with farming, such as pesticide spraying, run-off and entry into the water table of herbicides, pesticides, fertilizers and animal waste, invasive species in drains (e.g., phragmites) which are of concern to agricultural users, incidents of dumping of potentially toxic wastes in the rural drains, and so on. <p>5. Further the language of section 7 with respect to planning and policy frequently employs “weasel words” such as “The Town will encourage...”, “The Town promotes...”, etc.</p> <p>6. The main protections for the Natural Environment System are found in section 7.2. Note that the Natural Environment System as defined is depicted in Schedule C, which reveals that it is primarily confined to the watershed and shore areas of the Town: a very small area relative to the total land area of the Town. Moreover, the great majority of this area is Provincially designated, not Town designated. However, what protections exist in the draft Official Plan, exist to maintain this designated Natural Environment System.</p> <p>7. The list of exemptions for this small area (the designated Natural Environment System) is long. Notably per my comment 4d above, agricultural uses are broadly exempt from the listed protections (e.g., buffers, prohibiting fragmentation, prohibiting development). See for example 7.2.7.6.</p> <p>8. If there is any good news, from an environmental perspective, in the draft Official Plan it is that there is a role for the Environmental Advisory Committee (7.8.1.1) and the NPCA (7.2.4.3, 7.3.3, etc.).</p> <p>9. In summary, it is my opinion that the 56 pages of section 7 give the appearance of concern and protection for the natural environment while in fact primarily codifying what already exists in Provincial legislation (i.e., what the Town is required by law to do anyway). The minimum is protected, to a minimal extent, with maximal exemptions, particularly for agriculture. Where the Town does not have authority it “recommends” and “encourages”. Where it does have authority, it exempts. Perhaps the</p>	
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		<p>Town's "hands are tied" and perhaps this is the norm across Ontario. Whatever the reason, it is discouraging.</p>	
<p>62</p>	<p>Environmental Advisory Committee Member</p>	<p>I agree with DR Paul Jurbala's comments below that seems to be codifying existing provincial regulations. The towns area of responsibility appears to be somewhat passive with their terminology where more definitive direction could or should be provided. There is room for a more aggressive role that the town should consider ensuring development and general environmental issues are treated not just as a nice to have but seen as being necessary for the well being of residents. The numbers or exemptions seems excessive especially for the farming community.</p> <p>Dr Jurbala final comments "In summary, it is my opinion that the 56 pages of section 7 give the appearance of concern and protection for the natural environment while in fact primarily codifying what already exists in Provincial legislation (i.e., what the Town is required by law to do anyway). The minimum is protected, to a minimal extent, with maximal exemptions, particularly for agriculture. Where the Town does not have authority it "recommends" and "encourages". Where it does have authority, it exempts. Perhaps the Town's "hands are tied" and perhaps this is the norm across Ontario. Whatever the reason, it is discouraging.</p> <p>To that end, the following deals with possible of perceived areas that should be reviewed and corrected as necessary.</p> <p>Page 148 - 7.1.1.2 (a) Natural Environment System appears repetitious Page 150 – 7.1.1.5 Should Natural Heritage System be change with Natural Environment System?? Should be change throughout the document! Page 152 – 7.1.1.1 (z) same change as above Natural Heritage System to Natural Environmental System ?? Page 154 – 7.1.3.1 Reminder to update with appropriate Schedule number Page 154 – 7.1.3.2 and 7.1.3.2 and other pages, the term Policy is used in many areas of the document and should be replaced with Section unless there is an official policy that exists. Sections are not policies. Page 152 to 158 entire 8.3 section has been deleted. Is that addressed elsewhere? I may have missed something here. Page 159 – 7.1.4.3 change policy to section Page 159 – (and elsewhere) 7.1.4.5 and 7.1.4.8 use of may be defined is too subjective and should be changed to will be defined or terminology more definitive. The full section 7 should be reviewed with these overly passive or subjective terms and replaced accordingly with more definitive terminology. Page 161 – 7.1.5.4 (d) is it possible to give examples of what compatible uses refers to? Page 162 – Natural heritage System – are we talking about Natural Environment System. Confusing to be using both terms. Natural Environmental System is not defined in the list of Definitions at the end of the document but Natural Heritage System is. Page 162 – 7.2.1.1 (a) refers to six (6) provincially significant wetland complexes identified within the Town (what are they) page 163 – 7.2.1.2 and 7.2.1.3 again shows passive terminology. "should" should be replaced with "shall" or "will" Page 164 - 7.2.1.5 and 7.2.1.7 and 7.2.1.8 , 7.2.2 should it read "Natural Heritage System" or Natural Environment System"? Page 166 – 7.2.2.3 should that read Section and not Policy? Page 169 – 7.2.3.6 refers to Policy 3.2.4.3 which does not appear to exist. Should read Section regardless not Policy</p>	<p>Comments received and considered by Town staff. Since the first release of the Draft Official Plan, policy language for Section 7 has been revised and updated to be consistent with the PPS, 2024, Greenbelt Plan, 2017, Niagara Region Official Plan, 2022, and other applicable plans. References to the appropriate Draft Schedules have been updated. See above responses related to strengthened policy language.</p>

		<p>Page 187 and throughout the document it the term Natural Heritage System and Natural Environment System interchangeable? Needs clarity if only one term is to be used or proper definitions if they refer to two different systems.</p> <p>Page 193 – 7.6.2.2 reminder to add Schedule number</p> <p>Schedule C map – should this be renamed Natural Environment System or is the current term Natural Heritage System appropriate?</p>	
63	Anonymous	<p>I noticed that in the waterfront section there is no mention of the oldest wooden fishing boat on the Great Lakes. The Teenie H, which the town owns and is stored on its property. This boat was used by the Ball family and was integral to the fishing industry of the town. It should be preserved and displayed, along with all the nets, floats, outriggers, etc. in some sort of secure place, yet visible to the public, in the waterfront area.</p>	<p>Comment received and considered.</p>
64	Anonymous	<p>I won't pretend that I have read every word of the revised plan. I have not. I think the Town has struck a reasonable balance here, and the desire to preserve the Town, while recognizing the need for, and the inevitably of, development is evident. I'd like to speak to 2 things:</p> <p>1. In my view, far too much bandwidth has been allowed to be taken up by a small group of complainers, on every single development proposal that I'm aware of. There is zero evidence that such people (and the same negative voices come up, time and again, ad nauseum) speak for a meaningful percentage much less a majority of the residents of the Town. Two hundred complainers represent 1% of the Town. The self-appointed, unelected and unaccountable Residents' Association represents less than 2% of the Town. There is zero evidence that they speak for anyone but themselves. It is far past time for Council to be calling these people on this, and pushing back. And maybe reminding the negative people just how many projects they have been negative about, and how many times in the past they claimed that the Town would be "ruined".</p> <p>2. I live in Chautauqua. I love my neighbourhood. I have no use for or agreement with the 4 negative, unhappy, and controlling men who have purported to speak for this neighbourhood over the last 3-5 years. There is a general theme that I've observed-</p> <p>A. To control who can come into this neighbourhood (see, for example trying to control who could use Ryerson Park during COVID; proposing to limit on-street parking to residents of Chautauqua only; trying to eliminate STRs in the neighbourhood).</p> <p>B. trying to control the people who live here (see, for example: trying to tell people what kind of trees they can plant; we also have a group of zealots who would like to be able to tell people what their house should look like- style, colour, whether you can have a basement, type of driveway; type of HVAC unit, etc.) I know this because I've seen their emails. Again, negative, unhappy, controlling people.</p> <p>C. Misrepresenting the state of the neighbourhood by painting calamity after calamity (STRs have ruined the neighbourhood; people are speeding in the neighbourhood; it's dangerous to walk on the street). All BS, in my opinion. Where I'm going with this is the expressed request to have a "secondary plan" for Chautauqua. I would estimate that 95% of the residents of Chautauqua have no idea what a secondary plan is. As a resident of Chautauqua, I've never been asked whether I want one (I don't), and there are no resolutions from any AGM on this point that demonstrate that a majority of people in this neighbourhood want that. I'd like to stop pretending that Chautauqua is a gated community with 4-5 unhappy old men as the self-appointed HOA. Chautauqua is a part of Old Town, that's it, and in my view it's ridiculous to suggest that a neighbourhood of 500 people or less needs a completely separate set of rules. How small-minded and parochial to have asked for this. Narrow streets without sidewalks can be found all over Old Town. The definition of a cottage is small, simple homes typically</p>	<p>Comment received and considered by Town staff. Engagement will continue after the Official Plan Update process with the Chautauqua Residents Association to discuss the Chautauqua neighbourhood and opportunities to explore other planning tools that may best align with the needs of the neighbourhood.</p>

		near a lake or beach. There are homes like that all over Old Town; it's not limited to Chautauqua. There are many more homes in Chautauqua that absolutely are not cottages. And if you dig just a bit deeper, you will find that none of the people who come to the Town asking that the Town limit house construction to small cottages in Chautauqua actually live in small cottages. Look up the homes of Tarnoy, Crow, Scott, etc. and tell me that those are small simple cottages. So in summary, I am absolutely against any special neighbourhood designation or separate planning rules for Chautauqua. And I particularly object to 4-5 self appointed, unelected and unaccountable residents of Chautauqua having any role whatsoever in planning decisions. I trust Town staff and Council to make these judgements. Thank you	
65	Anonymous	After reading over 300 pages I don't see how you're going to balance the heritage aspect versus the financial pressure to develop more hotels etc... York road used to be a nice road with large trees , now it has been opened up to developers and have cut all the trees down and built 8000 square foot homes. All local wildlife from that area is now gone....The Niagara Escarpment " A world biosphere reserve ". I think not	Comment received and considered.
66	Anonymous	I think affordable housing is important. The definition that you have included in the plan is drawn straight from the CMHC. However, it doesn't really have any connection to the spectrum of household incomes in Niagara on the lake. I would encourage the definition to be expanded to require some level of proportion to the actual range of incomes in the region. What is "affordable" to one person may be wildly unaffordable to another, even if it meets the CMHC threshold. I would even go so far as to strengthen the CMHC definition to recognize in some fashion that housing prices in Niagara on the lake are, in fact, wildly unaffordable for most people. Similarly, moderate and low household income is not defined anywhere. Is this relative to household income in Niagara on the Lake? What are the thresholds? One of the challenges that we have in hiring locally is that for many jobs, people can't afford to live here. This is a big problem. When I purchased my house years ago, there were such things as affordable houses. I don't think that I could even contemplate buying a house here now. I would need to purchase at least a half an hour away to get something proportionately within my budget. The plan also introduces the use of the word "attainable" in relation to housing. However, no definition is offered. I think that is a huge gap that must be fixed. There is no point in specifying something if you don't know what it is. Finally, why on earth did you provide such a small box to provide feedback? Typing and revising this has been a monumental pain	Town staff will complete a Housing Needs Assessment. Currently, the Draft Official Plan incorporates the Niagara Region Official Plan details.
67	Anonymous	I am glad to see that cottage rentals are in the plan. There is a lot of conversation around keeping the character of NOTL and not allowing too much development. Allowing existing vacation homes to be used as cottage rentals ensures they are not sold and torn down to build larger homes. Tourism is a large economic driver of NOTL and cottage rentals bring families to town. Hotels and B&B are not options for families with children or multigenerational gatherings where as a cottage rental can accommodate the family and also provides parking for the guests.	Comment received and considered.
68	Ontario Tender Fruit Growers	The Ontario Tender Fruit Growers represents 175 growers of stone fruit and pears generating farm gate revenues in excess of \$80million. Approx. 95 % of the production is in the Niagara Region, with family farms in Niagara on the Lake representing a good majority of that production. We appreciate the opportunity to provide input into the draft Niagara-on-the-Lake Official Plan which is positioned as an update to the 2019 plan but contains new clauses that if not addressed by either providing additional clarity or removal, could have significant impact on family farms.	Comments received and considered by Town staff. Specific comments were addressed during the Agricultural Committee meetings and an agriculture and winery policy discussion. Town staff have updated Section 2 and Section 7 of the Draft Official Plan accordingly. Section 7 policy language, references, and applicable definitions have been updated since the first release of the Draft Official Plan. The Draft schedules are updated in the final Draft Official Plan.

	<p>Our concerns are outlined below and given their breadth across multiple facets of the plan, we request that Council not make any changes from the 2019 plan that affect agriculture and meet with stakeholders to develop policies that ensure ongoing prosperity for agriculture in Niagara-on-the-Lake.</p> <p>Section 2 Protected Countryside is an outline of overarching goals the Town is committed to in Supporting an Agricultural System and a commitment that the Town will respect and respond to the unique characteristics of agriculture in Niagara-on-the-Lake.</p> <p>The objectives for managing and building the Town’s agricultural system include language such as Preserving and Supporting, Expanding, Fostering Economic linkages, Protecting the Integrity of the Agricultural System from Conflicting Uses, Protect the ability and right to farm and grow specialty crops. We appreciate these supportive statements.</p> <p>New clauses that were not in the 2019 Official Plan appear to contradict many of the supportive agricultural statements/objectives of the new draft plan. Specifics are outlined below.</p> <p>b) role as the key component of working landscapes; Contradiction (Pg 77). Natural Environment System: An ecologically integrated system made up of the Provincial natural heritage systems, natural heritage features and areas, other wetlands, key natural heritage features, key hydrologic features, key hydrologic areas, shoreline areas, hydrologic functions, supporting features and areas, hazardous lands, and linkages intended to provide connectivity and support natural processes which are necessary to maintain biological and hydrological diversity, ecological functions, ecosystem services, viable populations of indigenous species, and ecosystems.</p> <p>Contradiction (pg. 148) 7.1.1.2 a) the Town’s Natural Environment System, which includes features such as wetlands, woodlands, valleylands and wildlife habitat, as well as components such as linkages, buffers, supporting features and areas, and enhancement areas; It needs to be clear in all policies that agricultural lands, first and foremost, are working landscapes, and flexibility applied as stated on page 34. “The Provincial policies permit flexibility in applying environmental control in specialty crop areas” and we request to add “to support the objectives of ensuring long term economic sustainability of the agricultural sector”.</p> <p>This above statement should be included in the introduction to each applicable section where policies need to have an agricultural lens in their application. Section 2 (Agriculture), section 3 (Conservation), section 6 (Heritage Archaeology and Culture) and section 7 (Natural Heritage).</p> <p>h) access to the extensive Niagara-on-the-Lake Agricultural Infrastructure System that utilizes engineered and constructed municipal drains and natural watercourses to sustain specialty crop production, reduce flooding and provide an augmented flow of water during dry periods to sustain crops;</p> <p>Contradictions (pg. 151 and pg. 274): addition of “Fish Habitat” language and definition.</p> <p>It should be made clear through language and by definition, that the infrastructure system is for irrigation and is not a fish habit, ensuring growers will have unencumbered access to sustain crops. Contradiction (pg. 148): - including the Town’s water resource system as a natural heritage system.</p> <p>Operation of the irrigation system is paid for by growers; it should not be included in the town’s natural heritage system- it is infrastructure and is so defined now at the provincial and federal level. The clause should be updated to incorporate “The NOTL Agricultural Infrastructure System is not part of the natural heritage system”.</p>	
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	<p>i) presence of a variety and number of agriculture-related and on-farm diversified uses including a significant component of agritourism uses: and Objective v. Broaden operations to diversify economic activity and add value to agricultural production and pg. 20- j) Supporting opportunities for the agricultural sector to protect, diversify and expand their operations through initiatives such as sustainable agricultural practices, promotion and encouragement of associated food processing and value added technology facilities, promotion of local food, and encouraging accessory bed and breakfast operations, roadside markets and related agri-tourism uses;</p> <p>Contradiction: (Pg 43) 2.2.7.3 Roadside produce outlets (fruit stands) and “pick your own” facilities are limited to distribution of product produced from the farm operation on which it is located.</p> <p>This clause should be removed in consideration of acknowledgements and objectives already built into the plan.</p> <p>Additionally on farm diversified uses definition in the “Guidelines on Permitted Uses in Prime Agricultural Areas” allows for farm related commercial uses which may include agricultural related products from produce grown in the area. https://www.ontario.ca/files/2024-04/omafra-publication-851-guidelines-on-permitted-uses-in-ontarios-prime-agricultural-areas-en-04-02-2024.pdf</p> <p>l) sensitivity of specialty crops to insects, pests, invasive species and blocked air flow; and Objective h) Managing natural heritage features as part of the agricultural system in a way that will protect the feature but not impede the ability to farm or grow specialty crops in a sustainable manner.</p> <p>Contradiction (pg. 151): maintain, restore, and enhance the biodiversity and connectivity of natural features and their associated ecological and hydrological functions, including all species with significance towards habitat for native pollinators and beneficial species critical to both natural systems and agricultural productivity.</p> <p>Growers use integrated pest management to combat insects, pests and invasive species. Native pollinators can have a negative impact by introducing new pests and diseases that there are no current products to combat. There should be recognition in the above statement that growers cannot introduce native pollinators without careful consideration on their potential negative effects on agricultural productivity.</p> <p>g) protect woodlands and their biodiversity, restore their ecological function, and enhance woodland cover through reforestation and restoration, including the identification and protection of other woodlands</p> <p>Note: The updated Regional Woodlands bylaw https://www.niagararegion.ca/culture-and-environment/woodland-conservation.aspx stipulates a definition of woodland based on number of trees and/or diameter and exclusions which should be mirrored in the NOTL plan definition. Bonafide farmers are allowed to harvest or destroy trees if the land is being cleared for agricultural use within 3 years.</p>	
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	<p>Pg. 38 h) one (1) additional dwelling unit subject to the requirements of Section 9.13.3;</p> <p>The 2024 PPS (pg. 24) allows for up to 2 additional dwelling units (one within or attached to original dwelling unit) and is in addition to farm worker housing permitted as an agricultural use. This should be made clear in section 9.13.3.</p> <p>Pg 40. 2.2.4.11 Expansions to existing buildings and structures, accessory structures and existing uses, as well as conversions or redevelopment of legally existing uses that bring the use more into conformity with this Plan, are permitted subject to demonstration of the following:</p> <ul style="list-style-type: none"> a) new municipal services are not required; e) the proposal does not expand into key natural heritage features and key hydrologic features, unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure; f) if applicable, the proposed new use complies with the Specialty Crop Guidelines, as amended from time to time; b) for conversions or redevelopments only, the completion of an agricultural impact assessment by a qualified professional; g) the proposal does not result in the intrusion of new incompatible uses; and h) the proposed use is in accordance with the Minimum Distance Separation Formulae. <p>We seek clarity on the above new clauses. What specific examples of conversion and redevelopment from an agricultural lens are these clauses addressing? What is meant by no new municipal services? For example, Fire Dept and emergency services are municipal services. Is this saying that ARUs or worker housing or a new barn will not have access to any municipal services or not allowed? Ag Impact Assessments should only be for non-ag uses to assess their impact on Ag uses. This is not clear.</p> <p>Pg 41.2.2.4 New buildings or structures for agricultural uses, agriculture-related uses and on-farm diversified uses are permitted within thirty (30) metres of permanent and intermittent streams, where:</p> <ul style="list-style-type: none"> a) The permanent or intermittent stream also functions as an agricultural swale, roadside ditch or municipal drain as determined through provincially approved mapping; b) A minimum fifteen (15) metre vegetation protection zone is established between the building or structure and the permanent or intermittent stream; however, this vegetation protection zone is not required to be maintained as natural self-sustaining vegetation if the land is and will continue to be used for agricultural purposes; c) There is no alternative location for the building or structure on the property without impacting lands that are in specialty crop production; and d) A new individual on-site sewage system will not be located within 30 metres of the stream. <p>The insertion of “intermittent” is in keeping with the 2017 Greenbelt Plan section on the same topic. Intermittent should be in the definitions section and match the definition in the current Greenbelt Plan, below.</p> <p>The ag section refers quite often to ‘cultural heritage’, natural heritage’ features.</p> <p>There is a map that outlines where the natural heritage features are. We seek clarity on when these maps were done and by whom, was the agricultural community consulted?</p> <p>(E) ‘key natural heritage features’ natural heritage is defined in the NOTL plan and follows the Provincial policy statement definition but there is no definition for “key”. How do we know what “key” vs. a regular natural heritage feature? Key is defined in the Greenbelt Plan.</p>	
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		In closing we support Niagara-On-the-Lake's objectives and overarching goals for the agricultural community, but there needs to be work done so that these goals and objectives are carried through into supportive policy.	
69	Anonymous	<p>Hi, thank you for adding cutting edge environmental stewardship concepts, like "nature-based solutions" for wetland management, contiguous wildlife corridors, invasive species removal, and the installation of more native species. I would suggest specifying "local ecotype" native species "where available" because we shouldn't be planting or encouraging the planting of oak trees from Georgia, for instance. They should be sourced from southern Ontario where available. In this section below [7.1.7.1.8.1.3], since the language is "encourages," could we add "local ecotype native species plantings?"</p> <p>Like why not, right? And I would strongly urge you to consider encouraging homeowners to "replace lawn area with more pollinator- and wildlife-friendly native plantings," "minimize or eliminate the use of pesticides," and "add heat-reducing native trees." 7.1.7.1 8.1.3 There is Following a long tradition of farming associated with features supported by voluntary environmental stewardship practiced by farmers., the Town encourages landowners to maintain, enhance or, wherever feasible, restore natural features on their property through a range of measures including, but not limited to, plantings, riparian restoration, conservation easements, vegetative buffers, invasive species identification and removal, citizen science projects, and wherever appropriate, fencing. Thanks</p>	Comment received and considered by Town staff. Specific local ecotype native species are not referenced in the Official Plan and may be more appropriately referenced by the province or Town's Tree by-law.
70	Anonymous	It is ok if respected.	Comment received and considered.
71	Anonymous	So far, there are a few comments: - the TMP (Transportation Master Plan) should be removed until the section includes the many items that have already been decided by the residents (including this Council and previous Council) - The special areas (Chataugua, Dock Area, Wartime Housing) need protecting until the required Secondary Plans can be completed - some form of interim protection - While "Special Events" are currently in a policy form (and are being reviewed), their importance to the well-being of our community needs to be stated in the OP - for those holding "events", and those living around the site of the events.	Comment received and considered.
72	Malcolm Newton	I don't see anything in the plan to address overcrowding on Queen Street on weekends with out of towners parking on all streets in a 5 block radius. Is there a capacity planning section for the old town, a parking planning section? An improved road management system for Concession and line roads. Plan misses the basics.	Comment received and considered. The comment may be best dealt with in the ongoing Transportation Master Plan process.
73	Chautauqua Residents Association	<p>Dear Lord Mayor and Councillors,</p> <p>On April 14th, 2025, the Chautauqua Residents Association provided written input in support of a secondary plan for Chautauqua, as was outlined in the draft 2019 Official Plan. Members of the Association subsequently attended meetings with town staff to further express our support and desire for what was already included in the draft plan. We have been shocked and disappointed to discover that the commitment to create a secondary plan has been removed and replaced with the following:</p> <p>4.16.9 Secondary plans will be developed for all or a portion of Old Town and Virgil, including the Chautauqua neighbourhood in Old Town.</p> <p>3.15.11 Other areas that will be considered for area-specific plans or character area policies include the Chautauqua neighbourhood and the wartime homes in Old Town.</p>	<p>Thank you for your comments on the release of the first draft of the Town's Official Plan for consultation.</p> <p>Based on feedback at the Council workshop, staff are continuing to review where planning tools, like secondary plans or special policy areas, may be most effective. We appreciate your interest in this process. I note that this is the first draft for the OP, and we are continuing to take comments and consider revisions as we receive feedback.</p>

		<p>The residents of Chautauqua would like to know why the town has opted to remove their commitment, one that was made by the town based on years of consistent resident feedback and support. We respectfully request that a secondary plan for Chautauqua be developed and not merely “considered.” We look forward to hearing from you.</p> <p>Sincerely, Weston Miller President, Chautauqua Residents Association</p>	
<p>74</p>	<p>Chautauqua Residents Association</p>	<p>Good evening neighbours,</p> <p>As many of you know, the Town has been working through the process of updating the draft 2019 Official Plan. Throughout this process, the CRA has submitted feedback over the years on how best to protect our unique community. In response to that feedback, the previous Town Council included a commitment in the 2019 draft to establish a secondary plan for Chautauqua.</p> <p>However, in the current Council’s redline version—released this week—that commitment has been removed. In my view, this decision is deeply disappointing and disregards the many voices from our community who have consistently advocated for the preservation of Chautauqua’s distinct character.</p> <p>I’ve attached a letter addressed to Town Council requesting clarification and justification for this change. I encourage each of you to consider forwarding a copy of this letter to Council at council@notl.com.</p> <p>It’s important they hear from many of us and understand that this revision has not gone unnoticed.</p> <p>Chautauqua deserves a secondary plan that reflects its unique identity and safeguards its future.</p> <p>Thank you for your continued support, Weston</p>	<p>Thank you for your comments on the release of the first draft of the Town’s Official Plan for consultation. Based on feedback at the Council workshop, staff are continuing to review and consider where planning tools, like secondary plans or special policy areas, may be most effective. We appreciate your interest in this process. I note that this is the first draft for the OP, and we are continuing to take comments and consider revisions as we receive feedback.</p>
<p>75</p>	<p>King's Point Condominium Residents</p>	<p>This submission is on behalf of the 90 residential units of King’s Point condominium representing over 150 residents (taxpayers) of Niagara-on-the-Lake.</p> <p>We commend the extensive work that has been undertaken by the Town of Niagara-on-the-Lake to prepare a new Official Plan that addresses local priorities while complying with the Region’s Official Plan and provincial planning requirements, and also the public consultation process that has been underway since April.</p> <p>We understand that the deadline for feedback on the first draft of the Plan is September 19.</p> <p>The following three comments are submitted on behalf of the owners of our 90 King’s Point residential units.</p> <p>(1) Section 3.15 Secondary Plans The Draft Official Plan has deleted the old 4.16.2, and replaced it with the new 3.15.2. We recommend that the importance of the National Historical view between Fort George and Fort Niagara needs to be included in the Official Plan, and not just relegated to the Dock Area Secondary Plan. This view needs to be protected.</p> <p>OLD 4.16.2 In the Old Town in particular the view between Fort George and Fort Niagara is recognized as being of national significance. As well, the view of the Niagara River, Lake Ontario and the Niagara Escarpment are an important component of the Town’s character.</p>	<p>Town staff continue to acknowledge the importance of views and vistas. For section 3.17.2 (formerly 4.16.2), The text is proposed to be removed to recognize all potential views and vistas in the Town and not appear as though the Official Plan only recognizes some. No updates are proposed for Section 8.7 Telecommunication Facilities.</p> <p>Please refer to Schedule B2 for the designations related to Nelson Park and King’s Point Condominium.</p>

		<p>NEW 3.15.2 In addition, secondary plans will address the importance of prominent views and vistas.</p> <p>(2) Section 8.7 Telecommunications Facilities The first clause in this section (8.7.1) refers to the Town's Comprehensive Telecommunications Plan (June 2015) and Telecommunication Facilities Protocol (January 2015). This clause should be expanded to note that both these key documents require updating and strengthening. In particular, for free-standing antenna systems, the Protocol should specify a minimum setback from residential areas, with setback being defined as the distance between the property boundary of the proposed telecommunication site and the nearest residential property. Many other municipalities have setback requirements of 120m or 150m. The current protocol is silent in this area.</p> <p>Also, an earlier clause in the Draft Official Plan (6.1.4.1 (i)) should be repeated in Section 8.7 as it is a stronger statement about the location of New Equipment Sites:</p> <p>6.1.4.1. (i) Prevent the placement of cell towers on properties containing or adjacent to cultural heritage resources unless it can be clearly demonstrated to the satisfaction of the Town that there will be no impact to the cultural heritage resources.</p> <p>(3) Schedule B2 Land Use Plan – Old Town (marked Draft July 2025) We seek confirmation from you that the entirety of Nelson Park is designated as Community Facilities, including all of the row of parking spaces and the narrow strip of land beside the fence of the NOTL Sailing Club. In other words, we seek confirmation that the Commercial designation of the sailing club property ends at their fence line.</p> <p>Thank you for this opportunity to submit our feedback about the Draft Official Plan, and we would be pleased to provide any further information you may require.</p> <p>Graham Bailey President, Board of Directors King's Point Condominium (NNCC141) Representing 90 residential property tax accounts and over 150 Town residents</p>	
76	Masonry Council of Ontario	<p>The Masonry Council of Ontario is pleased to provide input on behalf of the province's brick, stone and block sector with respect to the planned conformity updates to the Niagara-on-the-Lake Official Plan.</p> <p>MCO is a not-for-profit association of industry professionals committed to building communities that stand the test of time. Our members include product manufacturers, suppliers and skilled professionals from across Ontario. As an association, MCO is committed to helping communities build tomorrow's heritage neighbourhoods today by advocating for best practices in local planning and built form design policy, based on leading-edge practices from throughout the province.</p> <p>Over the past decade, MCO has visited upwards of 150 communities and taken stock of leading practices in the field of built form and design policy. As the Planning Act has changed over the past six to eight years, the most consistent implementation pathway has been Community Planning Permits – a system which combines site plan, zoning and minor variances into a single stream of expedited approvals. This implementation pathway is both the fastest and most robust pathway to approve design language.</p>	A meeting was held with Town staff and Masonry Council of Ontario to discuss the comments provided.

	<p>MCO was pleased to provide comment and to observe the process of the 2019 Official Plan development. As a historic community with a distinct local character, Niagara-on-the-Lake has taken strong steps towards establishing policies that uphold high-quality built form. Since that time, changes to the Planning Act have affected the implementation mechanisms many communities used to implement policies such as Community and Urban Design Guidelines. In particular, the old Site Plan Control-based approach, rooted in a former version of Section 41(4) of the Planning Act, has been unavailable since the passage of the More Homes Built Faster Act.</p> <p>Further, the recent Bill 17 has introduced limitations on the types of studies that can be requested as part of a Complete Application. This exclusion specifically focuses on design elements, including elements such as shadow studies. As the Province moves to reduce the amount of paperwork that must be filed when applying for a new development, there will be additional scrutiny upon this approach to development assessment.</p> <p>These changes do not close the door to making policy around exterior design. Communities have found new ways to implement character guidance while also decreasing approval turnarounds and reducing the amount of red tape faced by proponents. Many of these have included zoning-based approaches. Niagara-on-the-Lake is somewhat ahead of the curve in this respect: Section 10.4 of the 2019 Official Plan includes robust implementing language for a Community Planning Permit system. This implementation placed the Town ahead of many comparable communities at the time it was approved by both Council and the Province, and it is now a strong advantage as communities increasingly look to adopt CPPs.</p> <p>With a CPP system, the formerly separate processes of zoning approval, site plan approval and minor variances are combined into a single-stream, 45-day approval lane, through which municipalities retain powers over exterior design and built form that have been otherwise scaled back through recent legislation. Most notably, this approach can accelerate development approvals and help to hasten the pace of issuance of building permits.</p> <p>Communities introducing full or partial CPP systems include Waterloo, Innisfil, Brampton, Peterborough, Guelph, Oakville, Ottawa and Burlington. With implementing language already present in the Official Plan, including language specifically articulating Community Design Guidelines as part of the approval criteria for an eventual CPP By-Law, Niagara-on-the-Lake is already part of the way towards implementing this system.</p> <p>MCO recommends these policy steps as the Town moves towards bringing the Official Plan into conformity with the current version of the Planning Act:</p> <ol style="list-style-type: none"> 1. Identify the scale and scope of an initial Community Planning Permit By-Law and determine if it should cover part of the Town or all of it. 2. Ensure that any CPP By-Law incorporates language implementing or mirroring the Community Design Guidelines already approved by Council. <p>As communities begin to adopt CPP By-Laws, each council and planning department is making decisions on the scope of that bylaw. Some communities, such as Innisfil and Peterborough, are exploring CPP By-Laws that would designate the entire municipality a CPP Area. In others, such as Waterloo, Guelph and Burlington, CPPs are being utilized for specific areas of a community, such as the central business area (Waterloo), key corridors (Waterloo), areas around major transit stations (Burlington) or neighbourhoods slated for redevelopment (Oakville). Niagara-on-the-Lake is remarkable in this case as a community with multiple settlement clusters with distinct built characters,</p>	
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		<p>particularly embodied in the Old Town. The existing Official Plan and policies already on the books address these specific characters through the Community Design Guidelines. A CPP Bylaw can incorporate language that mirrors or references the Guidelines, emphasizing the language in the Official Plan that cites them as part of the approval matrix.</p> <p>Many communities have recognized that CPPs and design guidelines addressing the quality of the built form pair well together. Waterloo’s draft bylaw, for instance, incorporates new design guidelines that call for the use of “long-lasting, high-quality building materials (brick, stone and wood) chosen for their functional and aesthetic qualities, compatibility with surroundings and energy and efficiency.” One of the conditions of issuing a permit is that “the proposal is consistent with the intent of any applicable urban design policies, standards and guidelines.” This is reinforced through Official Plan language specifying that permit issuance will be based on several factors, including the intent of Council-approved design manuals.</p> <p>CPPs continue to provide municipalities with authority to make policy concerning design matters, while reducing the red tape involved in approval by streamlining multiple approval pathways into a “one-stop shop” approach. They offer the most effective way to both speed up the time it takes to get shovels in the ground and ensure that what is being built is of high quality. Today’s new builds are tomorrow’s heritage neighbourhoods, if done right – and as the only forever stakeholder in a new home, municipalities have an obligation to future residents to make the best choices for quality and sense of place.</p> <p>Building materials form an important objective aspect of building design. Much like other factors frequently regulated by communities, such as articulation, massing, setbacks and fenestration, exterior cladding contributes to a building’s quality and character in ways that go beyond subjectivity. High-quality, durable building materials, particularly masonry, contribute to:</p> <ul style="list-style-type: none"> • Sustainability, especially lifecycle performance; • Resistance to extreme weather events; • Noise attenuation; • Property value over time; • Emissions reduction through lack of need for replacement; • Possibility for adaptive reuse; • Recyclability (e.g. recovered brick can be recovered for reuse as road bedding). <p>Masonry materials are objectively preferable in these key sustainability metrics.</p> <p>MCO is a not-for-profit association of industry professionals committed to building communities that stand the test of time. Our members include product manufacturers, suppliers and skilled professionals from across Ontario. As an association, MCO is committed to helping communities build tomorrow’s heritage neighbourhoods today by advocating for progressive practices in planning policy aimed at building beautiful and long-lasting buildings, based on leading-edge practices from throughout the province. If you have any questions or comments, MCO is pleased to discuss further. Our members will be watching closely as the City continues towards completion of this project.</p>	
77	N/A	<p>Is there any chance that the survey results could be posted on the JTC site? Don’t see it anywhere. There is also mention that staff consulted with local resident groups, however, no one has reached out to the NOTL Residents Association (notlra2025@gmail.com) for input. Our group represents over 500 residents (and growing daily) including the Village Association, St Davids ratepayers association, Queenton RA, Chatauqua, Glendale and the rural area.</p> <p>I would have thought that this would be a fairly substantial resident group to get input from.</p>	<p>Thank you for suggesting that the survey results be posted on the Join the Conversation webpage. We certainly will do that after the Council workshop, along with the report and any other updates that we can provide.</p> <p>For the engagement with residents associations, we reached out to whomever we had contact information for and also attempted to</p>

			<p>update our contact information as well. In some cases, we were not successful.</p> <p>We were able to contact the St. Davids, Glendale, Queenston and Chautauqua resident associations, and had separate meeting or included individuals in meetings on the OP from all of these groups, but we can always do better and would appreciate your assistance in contacting other groups we may have missed.</p> <p>To my understanding, when we reached out to individuals from the NOTL residents association, those contacted instead chose to attend meetings as representatives of the above associations, but going forward we are happy to discuss how we can engage your association in the upcoming OP engagement over the summer/fall period.</p> <p>Let me know if there are any other questions/concerns I can assist with.</p>
78	LANDx Developments Ltd.	Comments provided and re-submitted for the 2019 Adopted Official Plan.	Comments from the 2019 Adopted Official Plan are reviewed and considered by Town staff. The Special Events Review is ongoing and Town staff will incorporate policy language, as appropriate, once the review is complete. Town staff updated the Draft Official Plan to reference Publication 851: Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. Section 2.2.8.1 (formerly Section 3.2.11.1) of the Draft Official Plan is updated to require that breweries and distilleries may be permitted in the specialty crop area subject to an amendment of this Plan.
79	MHBC	<p>On behalf of Save Our Rand Estate ('SORE'), please accept the following comments regarding the Town of Niagara-on-the-Lake's proposed update to the adopted Official Plan (2019).</p> <p>The Town adopted its new Official Plan in 2019 and forwarded it to the Region of Niagara for approval. On March 31, 2025, the Region of Niagara no longer maintained planning authority in relation to the approval of local municipal Official Plans and the Niagara Regional Official Plan became part of the Town's Local Plan. As a result, the Region forwarded the 2019 adopted Official Plan back to the Town to update and subsequently forward to the Minister of Municipal Affairs and Housing for approval.</p> <p>We understand the Town is now updating the 2019 Official Plan. The update, as noted in the Town Staff Report CDS-25-044, is to ensure that the Official Plan is revised to conform to the new Niagara Official Plan, and/or to the updated Provincial planning legislation and policies, and to integrate any local priorities based on public input and Town initiatives completed since 2019.</p> <p>Former Rand Estate and John Street East Character Study In September 2017, the Town engaged Bray Heritage to undertake a study for the purposes of determining opportunities for the conservation of large lots, referred to as "Estate Lots". This study resulted in a recommendation for policies to be incorporated into the new Official Plan. The 2019 Official Plan did include policies in Section 7.2.3.8 related to the John Street Summer House Character Study.</p>	Comment received and incorporated into the Draft Official Plan, as appropriate.

		<p>On December 21, 2020, the lands, municipally addressed as 144 and 176 John Street East, were designated as being of cultural heritage value or interest Following this, on December 20, 2021, Town Council directed Town staff to undertake the Character Study for Randwood and John Street East. This direction was documented through the December 6, 2021, Committee of the Whole Report No. CDS 21-029, “Character Study – Randwood and John Street East.” The Study was to focus on lands bound by John Street East to the north, agricultural lands (vineyards) to the east, the Heritage Trail to the south, and Charlotte Street to the west. The Study commenced in October 2022 with the purpose of defining the character of the area and identifying appropriate policies, regulations and design criteria for the subject lands, in the context of abutting established neighbourhoods, natural features, agricultural lands and existing cultural heritage landscapes and attributes. The study concluded that, “a ‘heritage and development framework’ and detailed policies in the Official Plan were needed to guide future development and conservation measures.”</p> <p>The Former Rand Estate and John Street East Character Study was prepared by Urban Strategies Inc. and GBCA Architects. The study resulted in the adoption of Official Plan Amendment No. 92 (‘OPA 92’) on March 26, 2024 through By-law 2024-020. OPA 92 amended the current, in effect Official Plan of the Town.</p> <p>OPA 92 adopted cultural heritage policies guided by the following seven principles:</p> <ol style="list-style-type: none"> 1. Conserve, integrate and maintain significant cultural heritage features; 2. Protect, enhance and maintain significant natural features and functions; 3. Ensure cultural and natural heritage features are visible to the public; 4. Accommodate active transportation connections through and to the area as part of a system of connected natural and cultural heritage features; 5. Maintain compatibility and cohesion between distinct places; 6. Accommodate a mix of housing types and sizes and compatible commercial uses; and, 7. Respect the scale and character of existing development in the area and in adjacent neighbourhoods <p>It is extremely important that OPA 92 now be incorporated into the update to the 2019 Official Plan to ensure that the key policies and directions for the Rand Estate and John Street Character Area are in place to ensure that significant cultural heritage resources are conserved in order to foster a sense of place and benefit the Town.</p> <p>Recommendations</p> <p>It is recommended that the OPA 92 policies and schedule be transcribed from the current, in effect Official Plan to the updated Official Plan (2019). These policies are found in the current Official Plan under section 6.32.8: Special Study Area A-9 (Former Rand Estate and John Street East Character Study Area) and Schedule B9: Land Use Plan and Development Framework – Former Rand Estate and John Street East Character Area.</p> <p>The applicable section, wherein the current section 6.32.8 policies could be included and appropriately identified in the updated Official Plan, would be section 7.2.3 Heritage Character Areas, subsection 7.2.3.8 John Street East Summer Homes Character Area.</p> <p>We appreciate the opportunity to provide the Town with our comments regarding the Official Plan (2019) Update. We would also kindly request to be notified when the draft Official Plan Amendment is released for public comment.</p>	
80	Kyra Simone, Environmental Advisory	<p>Comments on draft Town Official Plan:</p> <p>Section 8.4.14: “Significant wildlife habitat will be identified through the preparation of an Environmental Impact Study or other similar investigation as part of development approval process, in</p>	<p>Comments were addressed by Town staff at the Environmental Advisory Committee. Section 8.4.14 is proposed to be removed in the Draft Official Plan.</p>

<p>Committee Member</p>	<p>accordance with current provincial technical criteria schedules. Where identified, development and site alteration will only occur where it has been demonstrated that there will be no negative impacts on the natural features of their ecological functions.”</p> <p>Comment: Is there any way to update this wording to be more inclusive, and stipulate the use of all possible available data to define significant wildlife habitat? Must this be considered in the environmental assessment process as well?</p> <p>For example, publicly available data, like that on iNaturalist, should always be incorporated into such decision-making. This data is crowd-sourced and verified by multiple other experts, and used in biodiversity studies worldwide. For example, my colleague (data science professor at Niagara College) is currently using iNaturalist data to map Key Biodiversity Areas across Canada with Wildlife Conservation Society.</p> <p>Section 8.4.18: “Woodlands that meet one or more of the following criteria are considered Significant Woodlands: a) Contains threatened or endangered species or species of concern”</p> <p>Comment: The comment above also applies here.</p> <p>Section 8.4 – all items pertaining to the definition of fish habitat:</p> <p>Comment: The comment above also applies here.</p> <p>Section 8.7.1: “Landowners are encouraged to maintain shorelines in a natural state by maintaining or establishing a naturally vegetated buffer strip along the shoreline; and using non-structural shoreline protection such as bioengineering with native vegetation.”</p> <p>Section 8.10.6: “The provision of shoreline protection works or the dumping of material along the Lake Ontario and Niagara River shorelines is prohibited, unless authorized in accordance with NPCA, provincial and federal requirements.”</p> <p>Comment: Both of the sections above are a excellent inclusions, but they bring up a larger overarching problem in the region (and many others) – garden centres continue to sell and encourage the planting of damaging invasive species, without any regulation requiring that they label these products as ecologically harmful (or even that they should be kept in container gardens or indoors instead of planted directly in beds where they will spread). As someone that regularly does litter cleanups of NOTL beaches, this is even an issue with regards to section 8.10.6 above, as we often see yard waste containing invasive species dumped into the public lands along the Lake Ontario shoreline, where they spread even further.</p> <p>I know this document cannot address the issue entirely, but perhaps the new official plan wording can lay the foundation for much-needed progress on this issue. Essentially, could the wording establish the precedence for discouraging the sale of common ornamental invasives in the Town/Region for gardening on private property? In the future, this could eventually lead to requirements for local garden centres to label all plants listed provincially/federally as "invasive", with warnings that they should not be planted in garden beds (ex. English Ivy, periwinkle, burning bush, barberry, multiflora rose, daylily, goutweed, lily of the valley, bamboo, reed canary grass, etc.)</p> <p>These comments also relate to Section 3.1.28.1, 3.1.28.2, and 3.1.29 (Invasive Species) of the Niagara Region Official Plan.</p>	<p>Fish habitat policy language and definition is consistent with the PPS 2024.</p> <p>Bird-safe design standards (CSA A460) is referenced in Section 7.2.1.3 and 7.2.1.9. Bird friendly design is referenced in 3.4.2.1 j).</p>
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<p>81</p>	<p>The Niagara Foundation</p> <p>We are writing to provide comments and input on the Town's review of its adopted (2019) Official Plan, ultimately leading to the introduction of a new Official Plan by the end of 2025. Established in 1962, The Niagara Foundation — a registered charity with a voluntary Board — helps to champion and safeguard the architectural, cultural and environmental integrity of Niagara-on-the-Lake. To provide input on the adopted (2019) Official Plan, the Board of the Foundation held a half-day workshop last week, prior to and during which we engaged professional planning expertise. Based on this input and our review, we support the general direction of the Official Plan as drafted. We believe that it strikes an appropriate balance that allows growth and change including, for example, intensification areas, while at the same time conserving the character and heritage resources of each settlement area comprising Niagara-on-the-Lake.</p> <p>Our review included a detailed analysis of the policies for intensification, the maintenance of character in all five important settlement villages, given their unique heritage contexts, and the process to ensure heritage values can co-exist with anticipated growth. To this end, we believe the new Official</p>	<p>Comment received and considered by Town staff. Throughout the Official Plan Update process, revisions to Sections of the Draft Official Plan were made related to secondary plans, and heritage, archaeology, and culture.</p>

		<p>Plan should contain more detail on intensification (e.g., where, how much, nature of growth) as well as more clearly outline a desire (and approach) to preserve the character of our most vulnerable areas (e.g., the Old Town, Queenston, St. Davids).</p> <p>We commend Council for the policies supporting the preparation of Secondary Plans for the Old Town (including Chautauqua) and Virgil. The Secondary Plan process should be one that involves residents in determining the future of their communities as well as creating an understanding of and commitment to managing change. We hope this will be a priority of Council following approval of the Official Plan.</p> <p>We also wanted to point out the focus on cultural heritage in the Region of Niagara Official Plan. Section 6.5 (Cultural Heritage) speaks to the need to conserve cultural heritage and to designate properties (and wider, more encompassing conservation areas) to ensure such assets are retained. Reinforcing the value of cultural heritage to achieving broader economic prosperity goals, Section 4.5 (Economic Prosperity) notes the need to conserve “significant cultural heritage resources to foster a sense of place”. We completely agree with this regional focus and trust this regional direction will be reflected in the Town’s Official Plan.</p> <p>Development and preservation are not mutually exclusive, and we approached our input into the Official Plan review process with that perspective. However, the Foundation has previously expressed our concerns over the increasingly common practice of “zoning by exception” (i.e., the consideration of both zoning and Official Plan amendments on a site-by-site/project-by-project basis). We believe this process diminishes the integrity of our planning documents and processes. A new and fresh Official Plan should provide direction for the future and establish the nature and location of change that is anticipated. If, for example, the Town wishes to extend the commercial areas of Queen, King or Mary Streets, these changes should be enabled in the new Official Plan rather than as the result of a developer’s efforts on a particular property and/or the Town’s reluctance to argue the matter in front of the Ontario Land Tribunal.</p> <p>Thank you for the opportunity to submit our position. We wish to remain involved in this process and request the ability to review and comment on proposed changes to the adopted (2019) plan prior to submission to Council.</p>	
<p>82</p>	<p>Chautauqua Residents Association</p>	<p>On behalf of the Chautauqua Residents Association (CRA), we are pleased to submit the following as formal input to the Town of Niagara-on-the-Lake’s Official Plan review process.</p> <p>Our community has expressed a clear and consistent desire to preserve the unique character of Chautauqua. The summary below is the result of resident input over several years.</p> <p>Why Chautauqua is Unique: There’s no place quite like Chautauqua. Distinct from the rest of Old Town, the neighbourhood features a radial street layout centered around “The Circle,” small irregular lots, a dense and mature tree canopy, and an eclectic mix of modest homes—all contributing to its cherished “cottage” atmosphere. Its walkable streets, absence of curbs and sidewalks, and a strong sense of community set it apart within the fabric of Niagara-on-the-Lake.</p> <p>However, this uniqueness is increasingly at risk. Residents are deeply concerned about new developments that disregard the established scale, style, and intimacy of the neighbourhood. The loss of mature trees, the intrusion of suburban design elements, and the proliferation of short-term rentals are steadily eroding the character of Chautauqua.</p>	<p>Comments received and considered. Updates to the Draft Official Plan have been made related to the Chautauqua neighbourhood and additional engagement with occur with the Chautauqua Residents Association outside of the Official Plan Update process.</p>

	<p>What We Are Asking: We respectfully request that Chautauqua be recognized as a distinct planning area within the Town's Official Plan. In support of this designation, we propose that the Town adopt the following key policy goals:</p> <ol style="list-style-type: none"> 1. Contextual Design: Ensure new development is scaled appropriately and complements the “cottage” aesthetic of the neighbourhood. 2. Tree Canopy Protection: Implement policies that prevent the unnecessary removal of healthy trees, support long-term urban forest sustainability, and increase penalties for residents who disregard the Town’s existing tree by-law. 3. Preserve the Streetscape: Maintain the current streetscape infrastructure—no curbs, gutters, or sidewalks—and discourage lot severance or consolidation that alters the heritage layout. 4. Residential Character: Reinforce Chautauqua’s status as a low-density residential area made up of single-family homes with minimal commercial intrusion. 5. Environmental Stewardship: Work proactively with other levels of government to protect and preserve the DND woodlands, the Lake Ontario shoreline, and Lansdowne Pond. <p>Should these goals not be fully achievable through the Official Plan process, we ask that Council and Planning Staff consider additional tools—such as a Secondary Plan, Heritage Designation, or a Development Permit System—to ensure that Chautauqua’s distinctive character is protected for generations to come.</p> <p>We would welcome the opportunity to work collaboratively with Town Planning Staff to explore how these recommendations can be incorporated into the Official Plan and implemented through municipal policy.</p> <p>Thank you for your attention to this important matter. We look forward to your continued partnership in preserving the heritage, beauty, and community spirit of Chautauqua.</p>	
<p>83</p>	<p>Lyle Hall, Chair of the Niagara Foundation</p> <p>Good afternoon, Council:</p> <p>This morning, I and my fellow Niagara Foundation board members Clare Cameron and Arlyn Levy, had the opportunity to meet with Lord Mayor Zalepa and Deputy Lord Mayor Wiens. The purpose of the meeting was an update on Niagara Foundation activities and to submit comments on the Official Pan review.</p> <p>Enclosed you will find a copy of our Official Plan submission (which I am also cc'ing here to Kirsten McCauley and Steve Burke). We prepared the submission following a half-day workshop with Robert Lehman, a well-known Ontario planner. Bob’s expert opinion and feedback was useful in framing our views. In general, we believe the adopted (2019) Official Plan lays a reasonable baseline for heritage protection. We have identified a couple of areas where additional work may be required however, as well as pointing out several consistencies with the Niagara Official Plan’s comments on heritage.</p> <p>You will also find a brief power point presentation outlining key Foundation activities over the past year, the most significant of which is acquisition of The Wilderness and the beginning of our rehabilitation efforts. Over the coming year we will continue to focus on the Wilderness as well as growing our contact network (with a target of 1,000+ by the end of the year).</p> <p>We would welcome the opportunity to meet with all members of Council and, to this end, will be reaching out over the next short while to organize a couple of small group sessions. In the meantime, happy to answer any questions you may have.</p> <p>Cheers,</p>	<p>Comment received and considered. Comments addressed elsewhere in the Comment Matrix (Comment 80).</p>

		Lyle Hall, Chair The Niagara	
84	Anonymous	If heritage is a major pillar, consider how the museum can play a stronger role within the Town.	Comment received and considered.
85	Anonymous	Land use maps state that the museum is established residential. It is a community facility.	Comment received and revisions to the Draft Schedules have been made.
86	Anonymous	I'm glad to see the John Street East Rand lands at least on the map.	Comment received.
87	Anonymous	War time homes should be included.	Comment received and reference is made to the wartime homes in Section 3.17.12 of the Official Plan.
88	Anonymous	The wartime housing needs to be considered. It is unique and unprotected.	Comment received and reference is made to the wartime homes in Section 3.17.12 of the Official Plan.
89	Anonymous	Chautauqua needs to be included. It is unique and original homes there should be included.	Engagement held with the Chautauqua Residents Association as it relates to the proposed policy language and secondary plans. Additional engagement will occur outside of the Official Plan Update process.
90	Anonymous	Want patios open every summer. Move parking outside of Old Town.	Comment received and considered.
91	Anonymous	People can use driveways for tourists parking in unused areas with shuttles.	Comment received and considered.
92	Anonymous	Give the wilderness protection - Heritage? Natural Environment?	Section 6 and Section 7 of the Draft Official Plan address heritage and natural environment policies.
93	Anonymous	Protect existing farmland.	Section 2 of the Draft Official Plan addresses the agricultural system.
94	Anonymous	Protect farmers from intrusive non-farm uses.	Section 2 of the Draft Official Plan addresses the permitted uses in the agricultural system.
95	Anonymous	Consideration for grape growers.	Winery policies in Section 2.2.7 are revised based on comments received during two working group sessions and additional written submissions received.
96	Anonymous	Protect agricultural land from agriculture-related development	Section 2 of the Draft Official Plan addresses permissions for agricultural uses, non-agricultural uses, agricultural-related uses, and on-farm diversified uses.
97	Anonymous	Study of us/need for public transportation.	There is an ongoing Transportation Master Plan process. Town staff may incorporate relevant transportation policies into the Draft Official Plan once the Transportation Master Plan process is complete.
98	Anonymous	Footpaths through subdivisions to make them walkable to other areas.	Comment received and considered.
99	Anonymous	Shoreline protection and impacts to beaches.	Section 7.4.13 addresses shoreline protection.
100	Anonymous	Plantings to address beach erosion.	Additional policies added to Section 7.4.13 - Shorelines which addresses shoreline protection.
101	Anonymous	LEED standards for community.	Comment received and considered. Section 8.5.2 encourages Leadership in Energy and Environmental Design (LEED) certification or other similar appropriate programs for public and private facilities.
102	Anonymous	Need to provide concrete direction on climate change policies.	Additional climate change policies have been incorporated throughout the Draft Official Plan in accordance with the Town's Climate Change Adaptation Plan.
103	Anonymous	Connectivity between watersheds and settlement areas.	Comment received and considered.
104	Anonymous	Lots of public information/posting re: heritage and other planning matters (need more)	Comment received and considered.
105	Anonymous	Need to incorporate and not just consider policies.	Comment received and considered.
106	Anonymous	Not sure what consider means vs. adopt.	Comment received and considered.
107	Anonymous	More specific definitions for various housing form on the housing spectrum, more especially with regards to senior housing.	Comment received and considered.

108	Anonymous	What types of housing are encouraged? How many units in a dwelling?	Permitted uses are specified in the Draft Official Plan designations. Proposed policies for additional residential units are incorporated into the Draft Official Plan.
109	Anonymous	What is affordable and what is attainable?	Affordable is defined in the Draft Official Plan. Town staff will complete a Housing Needs assessment after the Official Plan Update process.
110	Anonymous	Not all market home ownership is high income. How do you enforce the desired percentages in the mix?	Town staff will complete a Housing Needs Assessment. This comment may best be addressed during this process.
111	Anonymous	It would be good to explain why adus are not allowed in rural areas.	Proposed policies for additional residential units have been incorporated into the Draft Official Plan.
112	Anonymous	How is growth addressed with the unexpected increased population? How to capture by community?	Town staff will complete a Growth Management and Intensification Strategy. This comment may best be addressed during this process.
113	Anonymous	Are there only projections on employment by economic ? How many jobs will the NOTL economy grow to by type?	Please note that the Draft Official Plan uses the Niagara Official Plan projections. Town staff will complete a Growth Management and Intensification Strategy. This comment may best be addressed during this process.
114	Pat Rapone	<p>Dear Ms. McCauley and Lord Mayor Zalepa,</p> <p>I am writing to respectfully request that the block of land bounded by York Road, Concession 5 Road, Warner Road, and Tanbark Road be considered for inclusion within the Minor Urban Area Boundary of St. Davids as part of the Town's ongoing Official Plan review.</p> <p>This area is a natural extension of the existing St. Davids settlement and offers a valuable opportunity to accommodate future growth in a well-planned and responsible manner. Incorporating this block would support:</p> <ul style="list-style-type: none"> - Logical expansion of the settlement area - More efficient use of infrastructure and services - Responsible growth in line with Provincial and Regional planning objectives <p>As a property owner within this block, I believe its inclusion would contribute positively to the future development of our community.</p> <p>I would appreciate the opportunity to meet with you to further discuss this request and provide any additional supporting documentation that may assist in the Town's review. Please let me know a convenient time to arrange a meeting.</p> <p>Thank you for your time and consideration. Please confirm receipt of this submission and advise on any additional steps that may be necessary.</p>	Meeting held regarding the site specific request.
115	Mississaugas of the Credit First Nation ("MCFN")	The purpose of the document is to streamline MCFN's participation in the review of municipal Official Plans, Official Plan reviews, Official Plan amendments, and other related municipal policy undertakings by providing language that can be inserted into policy to help guide municipal planning and better inform planners and developers about our rights and interests.	Comments received and considered. Refer to B12 for comments and Town staff response table regarding the DOCA document provided to Town Staff.
116	Winery Grower Alliance of Ontario	<p>Note: Re-submission of Comments from the Adopted 2019 Official Plan</p> <p>Further to recent discussions that our organizations have had with you regarding the version of the Town's Official Plan, as adopted August 14, 2019, please accept this submission as the current, jointly submitted comments from the OCW and the WGAO, on the Town's current Draft OP. These comments are primarily concerned with policies focused on estate and farm wineries and on agriculture-related use and on-farm diversified uses.</p>	Comments received and considered. Town staff have since updated the winery policies in Section 2.2.7 based on two working group sessions and comments received.

	<p>Before providing more detailed comments, it is important to set some context. The OCW and WGAO have worked within Ontario's land use planning system for decades, providing education on our industry as part of providing constructive input to policy makers, planning bodies, municipal leaders and the planning profession. These efforts have not been without challenges; however, via the recent Coordinated Review (Greenbelt Plan (GBP), Niagara Escarpment Plan (NEP), etc.) and the update to the Provincial Policy Statement (PPS), we are pleased to see that land use policy, particularly as relates to the viability of our industry, has been harmonized for consistency and fairness across Ontario.</p> <p>A good example of these efforts concern the 'made in Niagara' value add on-farm/onfarm diversification policies developed locally, prior to the eventual acceptance of such policies in the PPS, GBP and NEP. Such policies are being applied with great success across Ontario's broad, diverse and rich agricultural sector, with the result being a viable and protected agricultural land base along with the promotion of scalable rural economic development and tourism.</p> <p>The Town of Niagara-on-the-Lake, for its part, has rightful carriage of determining its land use future, consistent with Regional Policy and Provincial Policy (e.g. PPS), as authorized under the Planning Act.</p> <p>Concurrently, the OCW and WGAO are engaged in the system of regulations that direct how we, as an industry, are to conduct our business. These regulations come under the proper purview primarily of the Alcohol and Gaming Commission of Ontario (AGCO) along with the Liquor Control Board of Ontario (LCBO) and the Vintner's Quality Alliance of Ontario (VQAO). These regulatory bodies dictate rules regarding licensure, content and ancillary activities, among others.</p> <p>With that context provided, the comments contained in this letter reflect a broader systemic issue we have with the 'as adopted' version of the OP. To explain, it is our understanding that an OP is a tool for the expression of municipal land use policy, giving policy direction on land uses (e.g. estate wineries, farm wineries, on-farm diversified uses, etc.), and is not appropriate as a regulatory instrument. Municipal regulation guides the more detailed expectations on land users. In this regard, a municipality's regulatory tools are in the form of by-laws — for zoning, site plan control, noise issues, property standards, and more. This understanding is backed by:</p> <ul style="list-style-type: none"> • A review of the preponderance of land use jurisprudence in Ontario, being the combination of both legislation and case law; • An understanding of Provincial land use directions, including the Greenbelt Plan and the Niagara Escarpment Plan; Professional planning advice; and, • The lived experience of several of our members who have served as municipal councillors. <p>In the Town's adopted, 'red-lined' version of the OP, particularly as relates to our industry, it appears that the Town is attempting to apply its OP as a tool of regulation and licensure on the land user. Whether this is intentional or not is not at issue. What is salient here, is that our industry is already heavily regulated — primarily at the provincial level via the AGCO. To assist, the background information regarding the AGCO rules that are already in play, and should not be duplicated or conflicted with Town OP policy, are explained in Appendix 1 to this letter.</p> <p>We note that this is not the first time a planning authority has attempted to use a regulatory approach</p>	
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	<p>to land use policy, in respect of our industry. It had previously been the approach of the Niagara Escarpment Commission via past versions of the NEP. It took extensive trial and error, untold legal and planning resource expenditures, and considerable emotional drain before this approach in the NEP context was abandoned following the recent Coordinated Review. The Town's adopted version of the new OP, as relates to our industry, will unquestionably subject us to a repeat of that decades-long, unnecessary acrimony.</p> <p>While we are unsure what expert sources helped to inform the 'red-lined' changes to the OP, particularly those affecting our industry, it is clear that there is a lack of understanding of the nature of our business. Had we been engaged or informed of the proposed redline changes in advance of their adoption, we may have been able to educate Town Council on the unrealistic expectations being pursued via the red-line changes.</p> <p>Despite our efforts to inform the OP process back in February, 2019 (submission attached as Appendix 2 for reference), the OP that was eventually adopted includes several provisions that are untenable and unnecessary. The detailed red-lined OP provisions of concern are as follows:</p> <p>3.2.10.2 Estate Wineries</p> <p>3.2.10.2.2 The minimum acreage for an estate winery will be established in the implementing zoning by-law and will generally be a contiguous parcel of not less than eight (8) hectares, with a minimum of 75% of the land being in full vineyard production.</p> <p>This acreage is required to provide a rural setting for the winery, land for the ponding of waste water and associated vineyards. Existing estate wineries having less than eight (8) hectares in lot area will be recognized in the zoning by-law provided they comply with all other provisions of this plan.</p> <p>Comment: We had previously been supportive of this provision, when it stated that 'a majority of the land being in full vineyard production' — however, the arbitrary reference to 75% is unworkable and not reflective of the long-term nature of grape farming., nor does it accord with the legally established, jurisdictionally appropriate rules set out by the AGCO — see Appendix 1. Crops change to reflect markets and to address disease and blights, meaning that crops may need to be replaced. So, while 75% may be a worthy goal, it is practically untenable and unworkable, as well as being arbitrary with no practical rationale provided for this attempt to establish a regulatory standard in a policy document, a standard not imposed on any other agricultural crop. It is also noted that the enforcement of the AGCO's and LCBO's regulatory regimes are rightly with those agencies and they are resourced for that purpose — the Town would appear to be leading to duplicating an enforcement regime absent the delegated authority to do so.</p> <p>3.2.10.2.3 The production of wine from an estate winery is subject to the following criteria:</p> <ul style="list-style-type: none"> a) all wines produced will be made from locally grown fruit with a minimum of 75% of the fruit grown on site; b) an estate winery will make the majority of wine on site in accordance with Provincial regulations; c) all wines produced are to be made from locally grown fruit crushed on site; d) an estate winery will have the capability to bottle the majority of all the wine produced and sold on site. <p>Comment: This entire section is unworkable and inappropriate in an OP. Our industry is already subject to rules established by the AGCO re: 'made requirements.' Suggestion is to either remove this</p>	
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	<p>Section or simply reference that Estate Wineries are subject to the requirements of the AGCO regarding the making of wine.</p> <p>3.2.10.2.4 The following uses may be permitted as ancillary to an estate winery, provided that the amount of floor space is limited in the zoning by-law, so such uses are only accessory to and complement the estate winery, do not detract from the main use of the land, and do not adversely impact other uses permitted in the agricultural area: d) the sale of products in an agricultural market provided 75% of such products are from the Town;</p> <p>Comment: This provision is unnecessary and should instead defer to the AGCO prescribed ‘ancillary items list’ required by way of the AGCO’s licensing requirements — see Appendix 7.</p> <p>3.2.10.3 Farm Wineries 3.2.10.3.2 The production of wine from a farm winery will be subject to the following criteria: 1. a) all wines produced will be made from locally grown fruit with a minimum of 75% of that fruit grown on site; 2. b) all wines sold must be made on site; 3. c) all wines produced are to be made from fruit crushed, blended, fermented or barrel aged for 3 months, on site; and 4. d) all wines produced will be bottled on site.</p> <p>Comment: Again, this entire section is unworkable for the industry and should align with the current AGCO rules re: “made requirements” — see Appendix 1.</p> <p>3.2.10.3.4 To extend the operating season of wineries, allow the efficient operation of processing facilities and contribute to the ongoing viability of the farm up to 25% of product may be obtained from surrounding local farm operations or from other parts of Ontario provided the majority of product is from the farm or from surrounding local operations. Such facilities will require a site specific zoning by-law amendment prior to expanding the operation to include product from other parts of Ontario.</p> <p>Comment: We already have rules in this regard e.g. All wineries in Ontario are eligible to operate an on-site retail store regardless of where in Ontario their grapes are grown, provided the other eligibility requirements have been met (e.g. that the winery is located with at least five (5) acres of planted grape, etc.)” See Appendix 1.</p> <p>It is the sincere hope of both the OCW and WGAO that the Town will recognize the gravity of the concerns expressed herein. These include a process concern with not being accorded a reasonable opportunity to discuss and inform the red-lined changes in the ‘As Adopted OP of August 14, 2019’, as well as the detailed concerns expressed regarding apparent regulatory provisions in the red-lined OP, provisions that would appear to attempt to usurp the licensure requirements our industry is already subjected to at the Provincial level. We are not aware of any other agricultural commodity group being subjected a similar attempt by the Town to exact regulatory oversight in the OP.</p> <p>All of that said, we are similarly hopeful to be able to work with Council and Town staff to assure that the detailed policies enable a high functioning, economically-viable agricultural system, one that aligns with Provincial and Regional policy direction. Such policy alignment includes important public policy directions regarding the protection of prime agricultural lands and specialty crop areas, on-farm diversification, and, viable and scalable rural economic development and tourism. It is also our sincere wish that the</p>	
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	<p>Town will recognize the regulatory oversight to which our industry is subjected, via the AGCO and LCBO, and that there not be an inadvertent and unauthorized duplication of that regulatory regime in the Town's OP.</p> <p>OCW and WGAO would welcome the opportunity to discuss these issues before the OP proceeds to the Region for consideration and approval. We look forward to future discussions aimed at reconciling these issues and will follow up with your office about the prospect of a meeting in the new year.</p> <p>Appendix 1: Background on Provincial Rules</p> <p>1. How Wine is Made "The manufacturer must carry out the full primary fermentation process with respect to at least twenty-five per cent (25%) of the total volume of wine sold by such manufacturer in a year*; If the retail store is an on-site retail store, the manufacturer must also carry out the full primary fermentation process at the site of the store with respect to at least twenty-five per cent (25%) of the total volume of wine sold at that store in a year. The full primary fermentation process will be considered carried out at the site of the store only if all aspects of such a process occur and the relevant fermentation vessels are at all times physically present on the premises of the store site; The manufacturer must also carry out at least one significant winemaking step with respect to the full content of each bottle of wine the manufacturer sells in its retail store.</p> <p>For an on-site store, the manufacturer must carry out such step, in full, at the site of such store. For purposes of this requirement, significant winemaking steps are limited to:</p> <ul style="list-style-type: none"> • primary fermentation; • blending; • barrel aging (at least three (3) months); • bulk aging (at least three (3) months); • secondary fermentation (for sparkling wine); § artificial carbonation (for sparkling wine); or • flavouring (for fortified wines). <p>*The year in the "made" policy spans September 'st to the 31st of August of the following year."</p> <p>Source for the rule: https://www.agco.ca/sites/default/files/3168e_wineryretailstoreinfoquide_00.pdf</p> <p>2. Sourcing Grapes for Domestic Wine "Ontario wineries located outside of Ontario's three Designated Viticultural Areas will no longer be required to produce at least fifty per cent (50%) of their total wine production from grapes grown within the boundaries of the territorial division in which the winery is located. All wineries in Ontario will therefore be eligible to operate an on-site retail store regardless of where in Ontario their grapes are grown, provided the other eligibility requirements have been met (e.g. that the winery is located with at least five (5) acres of planted grape, etc.)."</p> <p>Source for the rule: https://www.agco.ca/bulletin/2015/info-bulletin-no39-regulatory-modernization-ontario-s-beverage-alcohol-industry</p> <p>3. To Qualify as VQA Wine (Vintage-Dated) "A vintage-dated wine shall be produced from grapes at least 85 per cent of which are grown in the specified vintage year. O. Reg. 406/00, s. 3 (7)." Source for the rule: https://www.ontario.ca/laws/regulation/000406</p>	
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4. Geographical Indication VQA — Ontario — VQA

“100% of the grapes used to produce the wine shall be grown in Ontario and be of varieties listed in Appendix B. The wine shall be entirely fermented, processed, blended, finished and packaged in Ontario.”

*Note this means that 100% of the grapes used to produce the wine shall be grown in Ontario, but the grapes are not necessarily from NOTL. They can be from elsewhere. The wine simply has to be fermented, processed, blended, finished and packaged in Ontario. Wineries can make these wines now.

Source for the rule: <https://www.ontario.ca/laws/regulation/O00406#BK6>

5. Ancillary Items List

The following non-liquor products may be sold at an on-site manufacturer retail store:

- Items used for storing, opening, carrying and serving beverage alcohol;
 - Books, magazines and other media related to:
 - (i) food and beverage and
 - (ii) local history, art and tourism;
 - Clothing and accessories which display the manufacturer's branding;
- Locally produced artisanal products;
- “Locally-produced” means “produced in the Province of Ontario”
 - “Artisanal products” means “products produced in limited quantities using traditional methods”
 - Dealcoholized wine and beer produced by the manufacturer;
 - Tickets for public events taking place in the community;
 - Gift cards and certificates for the purchase of the manufacturer’s goods and services.

Source for the rule:

https://www.aqco.ca/sites/default/files/3168e_wineryretailstoreinfoquide_0.pdf

Appendix 2 — Previous submission of OCW and WGAO

February 25, 2019

Peter Todd, Town Clerk

Town of Niagara-on-the-Lake, ON

Via email to peter.todd@notl.com

Subject — Town of Niagara-on-the-Lake Draft Official Plan (OP), Dec, 2018

Comments from Ontario Craft Wineries (OCW) and the Winery & Grower Alliance of Ontario (WGAO)

Please accept this submission as the current, jointly submitted comments from the OCW and the WGAO, on the Town’s current Draft OP. These comments are primarily concerned with draft policies focused on estate and farm wineries and on agriculture related use and on-farm diversified uses.

At the outset, both the OCW and WGAO are strongly supportive of the following:

- The clear alignment between the ‘Protected Countryside’ of the Greenbelt Plan (GBP) and the Town’s Draft OP designation of the Specialty Crop Area (per Draft Section 3.1.1);

- The overall ‘agricultural system’ approach (per Draft Sections 3.2.1.1, 3.2.1.2 and 3.2.1.3) — the support for this approach in NOTL is further to having supported same during the recent review of the GBP; and,
- The Objectives enumerated in Draft Section 3.2.2.1, including but not limited to Subsection (a) ‘Preservation of the Specialty Crop Area for farming’; Subsection (j) ‘Supporting uses that enable farming and farmers to :...(i.) Become more economically viable, competitive and sustainable...(v.) Broaden operations to diversify economic activity and add value to agricultural production; and, Subsection (k) ‘Emphasizing the value of agriculture as an essential part of the Town’s environment, working landscape, economy, character and quality of life.’

While strongly supportive of the above, the OCW and WGAO wish to offer a number of constructive suggestions that are intended to assure that those important objectives are equitably realized. To this end, we have already engaged in constructive and encouraging email correspondence with the Town’s planning consultant, Ms. Margaret Walton of Planscape. Also, several OCW members attended the February 13, 2019 Open House and came away with some answers. It is our belief that some further direct, face-to-face discussion would assist greatly in fine tuning of draft policies.

For example, Ms. Walton has suggested solutions to the following questions/concerns posed on behalf of the OCW and WGAO (note that Ms. Walton’s responses are shown in italics):

- 3.2.10.9 states that ‘...land not intended for building or on-site services will be planted in vineyards.’ This is mandatory language and may be unintentionally strict as relates to normal farming practice. Such practices include allowing lands in transition to go fallow, planting other tender fruit or perhaps be used for landscape buffers for visual aesthetic purposes. Perhaps the word ‘should’ is better placed than the mandatory ‘will.’ This wording reflects what is currently in the existing OP. / will make a note of the request to change “will” to “should”.
 - 3.2.10.10. (regarding outdoor events) This provision has a clear regulatory direction as opposed to policy. OCW and WGAO reps are wondering how this provision sits in light of other Provincially-guided efforts to encourage rural economic development or the Region’s value-add policies. Is the Town being more restrictive, and if so, does this have the effect of disadvantaging NOTL estate wineries from other parts of Niagara or Ontario (e.g. Prince Edward County, Norfolk County)? We will consider your comments about the additional policy specific to wineries and review the Section 3.2.10.10 to determine if the controls are more regulatory and therefore better addressed through another process.
- In relation to other value-add on farm uses, notably micro breweries and micro distilleries (terms undefined), it would appear that Estate Wineries and Farm Wineries are subjected to a much more detailed list of requirements and related scrutiny — to be more specific in 3.2.12.1, it allows that micro breweries and micro distilleries may be permitted ‘...and provided the majority of product is from the farm or surrounding local operations.’ This seems rather vague, especially considering barley (a key ingredient in beer) is not, so far as we are aware, grown in Niagara, and, there are very few hops growers. We’re left wondering how this is being interpreted and if there are definitions of micro brewery and/or micro distillery pending? Bear in mind these uses are subject to all of the provisions that apply to estate and farm wineries. They must be low water and effluent producing and have the onsite capacity to provide private servicing. This in itself probably eliminates most of these uses since they are typically not low water users or low effluent producers. They must also use product grown locally which, as you point out is problematic. However, | do understand that if they can meet all of the tests, they should be subject to the provisions for estate and farm wineries. We can clarify.
- For the above responses, both the OCW and WGAO are very encouraged and would support

		<p>these. A face-to-face meeting would allow us to reach agreement, thereby providing support as appropriate.</p> <p>There are a number of additional issues that would benefit from a face-to-face meeting with Town planning staff and the Town’s planning consultant. These issues include:</p> <p>The OCW and the WGAO members are subject to a number of regulatory and licensure requirements at the Provincial level. In order to assure alignment, as well as to avoid confusion or duplication, it would be most helpful to include this concern as part of discussions with Town planning staff and/or the planning consulting firm Planscape.</p> <p>We believe there are means by which we can assure the Province’s regulatory requirements and the Town’s Official plan policies can be mutually reinforcing;</p> <p>The best means of recognizing alignment with and possible cross-referencing to the Region of Niagara’s value-add on-farm policies;</p> <p>There has been considerable attention, going back to the Coordinated Review (i.e. Greenbelt Plan, Niagara Escarpment Plan, Growth Plan for the Greater Golden Horseshoe, etc.), on the potential conflict between ‘key hydrologic features’ and the ongoing (and critical) management of farm drainage and irrigation systems. Having clarity on this issue would assist greatly and hopefully avoid any future contention; and,</p> <p>Some clarity on definitions and/or interpretation — this includes micro brewery, micro distillery, ‘local’ for the purpose of product, and possible refinement for estate winery and farm winery (with particular emphasis on acceptable associated retail activity). For example, currently drafted provisions 3.2.10.7 a, b & c would benefit from a clearer understanding of and consensus on a definition of local as applied to primary production. There may be other provisions that would benefit from a face-to-face meeting, and we would be sure to give notice of such in advance of an agreed meeting time.</p> <p>Again, the OCW and WGAO are supportive of the Town’s efforts to develop the specialty crop provisions of its Official Plan in the context of an agricultural system. We look forward to working with Town staff and Planscape to assure that the detailed policies enable a high functioning, economically-viable agricultural system.</p>	
<p>117</p>	<p>MHBC on behalf of TransCanada PipeLines Limited</p>	<p>MacNaughton Hermsen Britton Clarkson Planning Limited (“MHBC”) are the planning consultants for TransCanada PipeLines Limited (“TCPL”), an affiliate of TC Energy Corporation (“TC Energy”). This letter is in response to the Town of Niagara-on-the-Lake’s Redlined Draft Official Plan. TCPL has two (2) high-pressure natural gas pipelines contained within its easement(s) (“TCPL Pipeline Right-of-Way”) and associated facilities crossing the Town of Niagara-on-the-Lake. TCPL’s pipelines and related facilities are federally regulated and are subject to the jurisdiction of the Canada Energy Regulator (“CER”). As such, certain activities must comply with the Canadian Energy Regulator Act (“Act”) and associated Regulations. The Act and the Regulations noted can be accessed from the CER’s website at www.cer-rec.gc.ca.</p> <p>Policy Context</p> <p>TCPL’s pipelines are defined as infrastructure in the Provincial Planning Statement, 2024 (“PPS”). In accordance with Policy 3.3.1 of the PPS, “planning authorities shall plan for and protect corridors and rights-of-way for infrastructure, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs”. TCPL’s pipelines and facilities are also</p>	<p>Comments received and incorporated into the Draft Official Plan. Response provided by Town staff.</p>

	<p>defined as major facilities in the PPS. In accordance with the policies in Section 3.5 of the PPS, where avoidance is not possible, planning authorities shall protect the long-term viability of existing or planned major facilities that are vulnerable to encroachment by ensuring that the planning and development of adjacent sensitive land uses is only permitted if potential adverse effects to the proposed adjacent sensitive land uses are minimized and mitigated, and potential impacts to major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures. Appropriate setbacks to the TCPL Pipeline Right-of-Way are needed to manage the safety and integrity of the pipelines, as well as ensuring adequate access for emergencies, operations and maintenance. TCPL also provides feedback on official plan policies and zoning regulations to align with TCPL's Damage Prevention Best Practices. Section 5.2.8 of the Niagara Region Official Plan (2022) includes the following TCPL policies:</p> <p>5.2.8.1 TransCanada PipeLines Limited (TCPL) operates two high pressure natural gas pipelines within its right-of-way crossing the region as well as two industrial compressor stations as identified on Schedule B.</p> <p>5.2.8.2 Development resulting in increased population density in proximity to TCPL's right-of-way and compressor stations may result in TCPL being required to replace its pipeline(s) to comply with CSA Code Z662. Early consultation with TCPL or its designated representative, for any development proposals within 200 metres of its pipelines and within 750 metres of TCPL's compressor station should be undertaken to ensure TCPL can assess potential impacts and provide recommendations to avoid adverse impacts to its facilities.</p> <p>5.2.8.3 TCPL is regulated by the Canadian Energy Regulator which has a number of requirements regulating development in proximity to its pipelines. This includes approval requirements for activities within 30 metres of the pipeline centreline, such as conducting a ground disturbance, constructing or installing a facility across, on, or along the pipeline right-of-way, driving a vehicle, mobile equipment or machinery across the right-of-way, and the use of explosives.</p> <p>5.2.8.4 A minimum setback of seven metres shall be provided from the edge of the right-of-way for all permanent buildings and structures. Accessory buildings and structures shall have a minimum setback of at least three metres from the edge of the right-of-way.</p> <p>5.2.8.5 A minimum setback of seven metres shall be provided from the edge of the pipeline right-of-way for:</p> <ol style="list-style-type: none"> road rights-of-way (paralleling pipeline rights-of-way), private driveways, parking spaces and parking areas; and stormwater management facilities. <p>5.2.8.6 Throughout any built-up areas, the TCPL's right-of-way is encouraged to be designated for passive parkland or open space use."</p> <p>To ensure conformity with the Niagara Regional Official Plan and with TCPL's current development and regulatory requirements, we are requesting that the TCPL policies in the Niagara-on-the-Lake Official Plan be revised as outlined below.</p> <p>Green underline = addition Red strikethrough = deletion</p> <p>8.4.7 TransCanada PipeLines Limited (TCPL) operates has two high pressure natural gas pipelines within its rights-of-way crossing the Town, as identified on Schedule B1 to this Plan.</p>	
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		<p>8.4.8 TCPL TransCanada is regulated by the Canada Energy Regulator (CER) National Energy Board (NEB) which has a number of requirements regulating development in proximity to its pipelines. This includes approval requirements for activities within thirty metres of the pipeline centreline such as conducting a ground disturbance, constructing or installing a facility across or along the pipeline right-of-way, driving a vehicle, mobile equipment or machinery across the right-of-way, and the use of explosives</p> <p>8.4.98 New development can result in increasing the population density in the area that may result in TCPL TransCanada being required to replace its pipeline to comply with CSA Code Z662. The Town will require early consultation with TCPL TransCanada or its designated representative for any development proposals within 200 metres of its facilities.</p> <p>8.4.109 No permanent building or structure will be located within seven (7) metres of the pipeline right-of-way. Accessory structures shall have a minimum setback of at least three (3) metres from the limit of the right-of-way. New development in proximity to a TCPL pipeline right-of-way shall incorporate appropriate setbacks in accordance with TCPL's development standards and the Town's Zoning By-law.</p> <p>9.4.110 In areas of more urban development, the Town will encourage the use development of TCPL's TCPL's TransCanada's right-of-way for passive parkland or open space purposes subject to TCPL's TransCanada's easements rights.</p> <p>We request the Official Plan show TCPL's pipelines and facilities on the schedules. We can provide GIS shape files of TCPL's Prescribed Area to the municipality; however, a confidentiality agreement will need to be entered into prior to releasing the files. Please let us know if you would be interested in this option.</p>	
<p>118</p>	<p>217 Concession 5 Road</p>	<p>I am writing to respectfully request that the block of land bounded by York Road, Concession 5 Road, Warner Road, and Tanbark Road be considered for inclusion within the Minor Urban Area Boundary of St. Davids as part of the Town's ongoing Official Plan review.</p> <p>This area is a natural extension of the existing St. Davids settlement and offers a valuable opportunity to accommodate future growth in a well-planned and responsible manner. Incorporating this block would support:</p> <ul style="list-style-type: none"> - Logical expansion of the settlement area - More efficient use of infrastructure and services - Responsible growth in line with Provincial and Regional planning objectives <p>As a property owner within this block, I believe its inclusion would contribute positively to the future development of our community.</p> <p>I would appreciate the opportunity to meet with you to further discuss this request and provide any additional supporting documentation that may assist in the Town's review. Please let me know a convenient time to arrange a meeting.</p> <p>Thank you for your time and consideration. Please confirm receipt of this submission and advise on any additional steps that may be necessary.</p>	<p>Meeting held regarding site specific request.</p>
<p>119</p>	<p>SDRA</p>	<p>The St Davids Secondary Plan from the 1994 OP is woefully out of date and not being adhered to by developers nor the Town. 2017 Plan comments:</p>	<p>Comments received and considered. Reference to condominium townhouses has been removed. Former Section 1.2.2.1 is proposed to be removed. Tables are updated based on Niagara Region Official Plan population and employment forecasts. Town staff will complete</p>

	<p>1.1.8 Reference to “condominium townhouses” should be removed, to date we believe there is only one such building with 6 units, mainly sitting empty. Should also note the heritage resources similar to 1.1.7. and the fact St Davids sits within the Niagara Escarpment as per 2.2.7.</p> <p>1.2.2.1 Should also include the Niagara Escarpment Planning and Development Act.</p> <p>2.2.4 St Davids should be included in having cultural heritage resources, there are a number of designated properties in the settlement area.</p> <p>Table 4 puts an unreasonable share of Residential opportunity on St Davids at 41% given current 10% of population, in particular the call for 800 apartments versus Glendale having only 10 and Virgil 22, this is not in line with the secondary plans. Yet, despite this, B7 doesn’t include St Davids — disconnect?</p> <p>4.4.3.6 should include a similar provision for St Davids on needed a comprehensive secondary plan for greenfield development like Virgil.</p> <p>4.16.10 and Appendix 4, The secondary plan for St Davids is woefully outdated.</p> <p>B4 St Davids should have some “established residential along York and Four Mile Creek Roads</p> <p>9.1.8.1 and E1 Collector Roads shows a tiny section of Apricot Glenn Drive as a Collector, yet no connection to an Arterial as per design practice. Tanbark should be collector, yet 9.1.8.2 say access to individual lots discouraged and Town has recently permitted a number of lots with direct access.</p> <p>9.1.12.2, should remove “discouraged” from allowing items to block sight triangles — see TAC.</p> <p>9.1.12.10 “Traffic circles” is very outdated terminology and not a current accepted design, likely “roundabouts” should be used in this context.</p> <p>9.3 Stormwater — need to include higher standards for design and discourage use of roadways for overland flow.</p> <p>Theme Areas Growth Management — our priorities urban design guidance and intensification/infill policies. SDRA previously submitted to council suggestions for local infill policies to encourage responsible development in character with surrounding buildings and would like to see this coded into the Official Plan for the St Davids area. Themes were keeping building heights and set-backs comparable to the surrounding properties and sympathetic design (similar to 4.5.3.10, which should cover St Davids and 4.8.2.1 on heights).</p> <p>Housing — we agree that a mix of housing types is desirable. However, Official Plan needs more language to hold developers responsible.</p> <p>Employment/Economy — Local employment and services is important to SDRA, this is one of the prime reasons for our opposition to the planned roundabout in the middle of St Davids, which would impact the small amount of commercial land in the heart of the village.</p>	<p>a Growth Management and Intensification Strategy. Town staff will review and update the existing secondary plans once the Official Plan Update process is complete. Schedules are updated accordingly and Town staff await additional comments based on the ongoing Transportation Master Plan process. Additional policy language related to climate change has been incorporated into the Draft Official Plan to align with the new Climate Change Adaptation Plan.</p>
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		<p>Climate Change — SDRA is very concerned about the impacts of climate change on our community. One factor that deeply concerns us is the vastly outdated drainage requirements current developments are subject to. Over the past few years we have seen numerous developments and intensification projects in the area subject to only managing the old 2-year storm and allowing overland flow on local roads beyond that.</p> <p>With the intensification and increase in impervious surfaces, these outdated storm design requirements are compounded. Climate change is resulting in more frequent severe storms in our area. We have seen backups in the Four Mile Creek watershed and it appears to be nearing its limit without more retention. NOTL needs to move to a system of reduced probability of exceedance for storm water, even moving to 25% would be a start and have larger buildings with more than 3 units managing some stormwater on-site.</p> <p>Agriculture — SDRA is supportive of protecting existing agricultural uses within our village area. In addition, surrounding rich agricultural land should not be allowed to be covered over with greenhouse structures.</p> <p>Natural Environment — Similar to climate change, SDRA feels more should be done to protect the four-mile creek watershed. In addition, existing privately-owned open areas within the village limits, such as the golf course should be protected in the OP (4.18.1(p)).</p> <p>Cultural Heritage — This is an important area for SDRA. St Davids is one of the oldest settlement areas in the Province and has a rich cultural heritage, however over the past decade we have seen continual loss of heritage structures within the community (contrary to 4.5.3.6). We have previously asked for a small Heritage Conservation District along the two main roads of the village, which the Town ad committed to studying. We reiterate this request.</p> <p>Transportation/Infrastructure - SDRA has asked previously to be included in the NOTL transportation master plan, we would like to see an improved vision for the village, including reduced speed limits in subdivisions and modern traffic calming measures where appropriate. We continue to ask NOTL to complete the small missing section of Line 9 to connect Four-Mile Creek Road to Tanbark Road. We have repeatedly asked for an activated pedestrian crossing of four-mile Creek Road near David Secord and that all intersection and crossing options in the village follow AODA regulations and best-practices for all ages and abilities.</p>	
<p>120</p>	<p>David Snelgrove</p>	<p>Page 4 1.1.1 "...The challenge is to promote development that respects and enhances this unique character." This statement is the key comment of context and should be emphasized. Page 7 1.2.4 Has the Greater Golden Horseshoe (2019) changed? Page 8 1.2.5 Has the Greenbelt Plan (2017) changed? 1.2.6.2 Is this statement still applicable? Page 9 1.3 This will have to be completely re-worked. Page 10 1.4.5 Change the word "may" to "are". Page 11 2.1.2 Change the word "fiercely" to "traditionally". Page 12</p>	<p>The Draft Official Plan has been updated accordingly to reflect updated provincial plans. Strengthened policy language has been added, as appropriate. Town staff will complete a Growth Management and Intensification Strategy once the Adopted Official Plan is sent to the Province for approval. The tables in the final Draft Official Plan have been updated accordingly to reflect the Niagara Region projections. Phasing policy language has been removed from Section 3.6 based on regional and provincial updates. Section 4.6.1 and Section 4.6.2 are removed. Town staff will complete a Housing Needs Assessment to review and incorporate policies for housing affordability within the context of the Town. Reference to public utilities has been removed from Section 3.14.1.3 (Formerly 4.13.3.1) is removed. Policy language in Section 3.17.10 (Formerly 4.6.12) is updated. Please note that section numbering has changed since this comment was initially received.</p>

	<p>2.2.1 Add the Welland Canal. Page 13</p> <p>2.3.2 Is this still a true statement in 2025? Page 15</p> <p>2.4.1.1 What Growth Management Strategy will be carried forward (not 2011!)? Page 17</p> <p>2.4.3.1 Update Table 1 and Table 2. 2.4.3.2 Update Table 3. Page 24</p> <p>2.6.1.5 Change the word “may” to “must”. 2.6.2.2 Add before the word “identify” the adjective “clearly”. Page 25</p> <p>2.6.3.5 What does this mean? Page 54</p> <p>4.5.3.4 List the Community Design Guidelines (such as for Old Town and for Virgil) in a table and the year that each was approved. Page 56</p> <p>4.6.2 How will all this interim phasing now play out with the Niagara Region stepping back? 4.6.2 d) How does the Region’s reluctance to put in new pumping stations for sewage impact this statement? Page 57</p> <p>4.7.3.1 Does the Town truly support this statement? This question should be asked if the statement is to be retained in the Official Plan. It is a very important statement. If it is retained. It should be in bold font. Page 61</p> <p>4.9 Is this a realistic goal and if so, how can the wording be beefed up to make it happen? Page 65</p> <p>4.10.4.2 b) The is no reference to “Airbnb”. Should there be? Page 68</p> <p>4.10.5.2.b) The is no reference to “Airbnb”. Should there be? Page 70</p> <p>4.11.5.1 Payments of “cash-in-lieu” are a one-time thing but a new commercial development can exist for tens to hundred of years. The better solution is payments of “property-in-lieu” to be used as public parks. This is a fairer barter. Page 75</p> <p>4.13.3.1 Does “public utilities” include level three electric vehicle charging stations? If not, then this category should be added. Page 81</p> <p>4.16.12 This sentence is worded poorly. Consider changing “updated as soon as a” with: “replaced with a”</p>	
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December 12, 2025

Via Email

John Hendricks, RPP, MCIP
Director of Planning, Building and Development Services
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O Box 100
Virgil, ON
L0S 1T0

Dear Mr. Hendricks:

**RE: COMMENTS ON DRAFT TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL PLAN
OUR FILE: 18208A**

MacNaughton Hermsen Britton Clarkson Planning Limited ("MHBC") are assisting Save Our Rand Estate Association ("SORE") with various planning matters in the Town of Niagara-on-the-Lake. We have been monitoring the Official Plan Review process and submitted a letter with comments on behalf of SORE to planning staff on June 3, 2025.

PROPOSED POLICY MODIFICATIONS REQUIRED FOR CLARIFICATION

There are currently two site specific policies that apply to the lands located at 144 and 176 John Street East (part of the Rand Estate): OPA 51 and OPA 92. Both are proposed to be carried forward and implemented as site specific exceptions in the new Draft Official Plan (October 2025 version) as Site Specific Exceptions S4-4 and S4-24. By way of background, OPA 51 was adopted by Council in 2011 to permit the "Romance Inn" proposal and OPA 92 was adopted by Council in on March 24, 2024, to implement the *Former Rand Estate and John Street East Character Study*. Both continue to apply to the lands. As set out below, we have identified some problems with the drafting of the proposed new Official Plan as it relates to how OPAs 51 and 92 are carried forward in the new Plan.

B1

To ensure consistency in how these site specific policies apply to the lands and to maintain the intent of the original Official Plan Amendments, we recommend staff further modify the new Draft Official Plan to address the following matters. We have also attached an Appendix with track changes to the policies to illustrate the minor edits required.

1. Addition of Site Specific Policy Exceptions to Mapping

The notation of the site specific exceptions appears to have been inadvertently omitted from Schedule B2. A revision to Schedule B2, adding the site specific references, is illustrated in Appendix 1.

2. Correct Reference to Special Study Area A-9

References to the Special Study Area A-9 (Former Rand Estate and John Street East Character Study Area), as stated in S4-24, should refer to the lands shown on Schedule D4 not B9 as B9 is not provided in the new Plan.

3. Apply Consistent wording to both Exceptions

The site specific policies in S4-4 need to be revised to ensure there is no conflict with the parent plan policies. The same policy wording should be used for both S4-4 and S4-24.

We would be pleased to meet with staff to further review these proposed minor edits which will address the current areas of policy conflict. Should you have any questions, please feel free to contact the undersigned.

Yours Truly,

MHBC



Dana Anderson, MA, FCIP, RPP
Partner

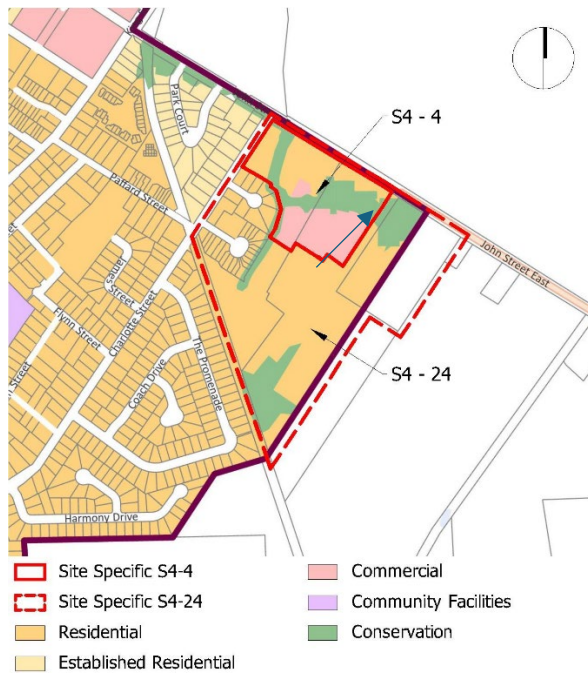
Cc: Taya Devlin, Manager of Policy and Heritage Planning, NOTL
Fionna Main, Senior Policy Planner, NOTL
Members of SORE

Appendix A: Recommended Policy Modifications to the NOTL new Draft Official Plan (October 2025 version)

Text to be removed shown in ~~strikeouts~~

Text to be added is underlined

1. Amend Schedule B2 – Land Use Plan Old Town by adding S4-24 and S4-4 to the applicable lands.



Schedule B2 – Land Use Plan Old Town with addition of noted site specific exceptions

2. Amend policy 3.19.1 d) S4-4 as follows:

d) S4-4: Commercial and Residential (Randwood - 144 & 176 John Street East):

The lands identified S4-4 – Commercial on Schedule B2 shall be subject to the following ~~additional~~ provisions as well as those set out in S4-24:

The following land uses shall only be permitted: ~~Main Uses:~~ Hotel; Spa; Arts and Learning Centre; Conference Centre; Restaurant; ~~Secondary Uses:~~ Accessory buildings and structures shall be permitted as secondary uses.

- i. *At site plan approval stage, the property shall be designated under Part IV of the Ontario Heritage Act.*

B1

- ii. *The final design and plans of any additions or new buildings shall be subject to approval by the Municipal Heritage Committee.*
- iii. *Sufficient landscaping, buffers, and setbacks shall be provided to minimize the impact on abutting residential uses.*
- iv. *No terraces or balconies above the second storey shall be oriented toward abutting properties. Any terraces or balconies shall be oriented toward the interior of the property.*
- v. *All access to parking areas shall be oriented or designed in such a way that there shall be no impact of vehicular lights on abutting residential properties.*
- vi. *There shall be no negative impact on abutting properties as a result of lighting in parking lots, driveways, walkways, or other outdoor recreation and amenity spaces.*
- vii. *There shall be adequate building separation from adjacent residential uses.*
- viii. *A tree preservation plan prepared by a qualified professional shall be submitted with a site plan application.*
- ix. *The boxwood hedge within the buffer area adjacent to the western property line shall remain and be properly protected and preserved to ensure its continued growth. At site plan stage, measures to mitigate construction impacts to protect the boxwood hedge will be required.*

The lands identified S4-4 – Residential on Schedule B2 shall be subject to the following ~~additional~~ provisions as well as those set out in S4-24 with the exception of c) ii), iii) v) and vi) which shall not apply:

- *The following land uses shall only be permitted: Pedestrian and carriage pathways; Existing buildings and structures; Stormwater management facilities; Parking lots; Walls along John and Charlotte Streets; Accessory buildings and structures to main uses shall be permitted as secondary uses in the General Commercial—Randwood Estate designation.*
- *All parking area shall be oriented or designed in such a way that there shall be no impact of vehicular lights on abutting residential properties.*
- *There shall be no negative impact on abutting properties as a result of lighting in parking lots, driveways, walkways, or other outdoor recreational and amenity spaces or accessory buildings or structures.*
- *A tree preservation plan prepared by a qualified professional shall be submitted with a site plan application.*

3. Amend policy 3.19.1 d) S4-24 as follows:

x) S4-24: Special Study Area A-9 (Former Rand Estate and John Street East Character Study Area) as identified on Schedule B2: Land Use Plan – Old Town and on Schedule D4: Areas of Heritage Significance in Schedule B9: Land Use Plan and Development Framework—Former Rand Estate and John Street East Character Area shall be subject to the following: ...

Principle 6: Accommodate a mix of housing types and sizes and compatible commercial uses:

- i. Section 8.3.39.3.3 shall apply to the properties on Christopher Street and Weatherstone Court, except townhouses shall also be permitted;*
- ii. Detached and semi-detached houses, townhouses, duplexes and triplexes shall be permitted in the Residential area;*
- iii. Notwithstanding Policy 6.32.8 (Principle 6.ii), multiple unit residential uses shall be permitted within conserved heritage buildings in the Residential area, subject to heritage impact assessments submitted with a rezoning and heritage permit applications, to the satisfaction of the Town;*
- iv. The following land uses shall be permitted on the properties at 144 and 176 John Street East designated as Commercial: hotel; spa; arts and learning centre; conference centre; restaurant. Accessory buildings and structures shall be permitted as secondary uses;*
- v. Detached dwellings and multiple unit residential buildings also shall be permitted at the rear of properties in the Commercial area and within the Established Residential area at the rear of 210 John Street East, notwithstanding Policy 9.3.3(1) of the Official Plan, provided they conserve cultural heritage features and are in keeping with the scale, massing and character of the existing historic houses. Secondary and other uses, as identified in Policy 9.3.3(1) shall also be permitted;*
- vi. ADUs within a detached or semi-detached house or townhouse, or as an accessory building, such as carriage house, shall be permitted in the Established Residential and Residential areas.*
- vii. All new housing shall minimize adverse impacts on cultural heritage features.*

December 8, 2025

File No.: 596274-1

Sent Via E-mail to fiona.main@notl.com

Fiona Main
Senior Policy Planner
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100
Virgil, ON L0S 1T0

Dear Ms. Main:

**Re: Town of Niagara-on-the-Lake
November 19, 2025 Third Draft Official Plan
Comments from Niagara-on-the-Green Properties Inc. and 1120048 Ontario Limited**

As you know, we are the lawyers for Niagara-on-the-Green Properties Inc. and 1120048 Ontario Limited (together, "NOTG"). NOTG plans to develop a significant amount of land in the Glendale area, which will help shape the future of the Town over the coming decades.

Our client is appreciative of the collaborative discussion in relation to NOTG's prior comments on the new Official Plan. On September 24, 2025 and October 28, 2025, we provided comment letters on the prior versions of the new Official Plan, copies of which are enclosed as Attachment 1 and 2, respectively. We also met with you on November 10, 2025 to discuss these comments. After circulating the letters and our meeting, a third draft of the Official Plan was released, dated November 19, 2025, which is the subject of this letter.

NOTG is pleased that many of its prior comments have been addressed in the Third Draft Official Plan. This includes clarifying how the Glendale Secondary Plan will have precedence over the parent Official Plan. We further appreciate the Town's updates to certain sections to clarify permissions outside settlement area boundaries, revise language around the use of guideline documents, and clarification about the limits of a Niagara District Airport policy.

Technical Issue with Housing-related Policy

The Third Draft Official Plan contains updated language relating to the affordable housing target, similar to what was previously suggested by NOTG. We noticed a typographical issue with this section; specifically, a phrase we suggested to be removed appears to have been inadvertently included, which leaves a grammatical issue. We suggest removal of this phrase, as shown below:

1.6.3.6 To encourage the development of affordable housing, the Town shall target at least 20% all new rental housing ~~is to be affordable along with~~ and at least 10% of new ownership housing to be affordable.

Non-Agricultural Uses in the Protected Countryside

In our prior correspondence, NOTG identified its support for the Protected Countryside (Specialty Crop Area) policies in Section 2. Although the majority of NOTG's lands are in the urban area, it also owns lands in the Protected Countryside, west of Homer Road and north of Glendale Avenue.

We ask the Town consider adding policies to Section 2 that better reflect the provision of non-agricultural uses in this Protected Countryside areas. Provincial policy recognizes that not all Protected Countryside Areas will be used for agricultural production – such as NOTG's lands. NOTG does not seek special permissions for these lands; rather, it asks that the Official Plan better recognize non-agricultural uses in these areas. We made a similar comment in our prior letters.

Natural Heritage Adjacency and Edge Planting Policies

The Town clarified the paramountcy of the Glendale Secondary Plan over the parent Official Plan, including the language at section 3.17.4 which refers to the “precedence” of the “land use policies” in the Secondary Plan.

Based on the forgoing, NOTG is proceeding on the basis that the parent Official Plan will not apply to the Secondary Plan area where there is a conflict. We understand the Town shares this view. However, we remain unclear how the Town may approach certain policies in the Official Plan in light of section 3.17.4.

For example, section 7.1.1.1 (page 136) sets out that “...Conservation, maintenance and stabilization of existing natural heritage resources shall be considered for all properties on or adjacent to natural heritage resources.” We are unsure how the Town will view NOTG's property *inside* the Glendale Secondary Plan, when considering its other properties that are *outside* the Glendale Secondary Plan and have natural heritage resources.

Similarly, section 3.7.4 (page 50) relates to edge planting, including policies that speak to the relationship between settlements and adjacent areas, which is the case for lands owned by NOTG which are *inside* the settlement areas (i.e. Glendale) and outside (i.e. west of Homer Road).

To address this concern, we suggest the Town take one of the following actions:

1. Include specific language, in the respective sections 7.1.1.1 and 3.7.4, and elsewhere in the Plan as applicable, that the sections do not apply to lands in Secondary Plan areas; or
2. Provide us with a separate written confirmation that the Town will not apply these and similar policies to NOTG, based on section 3.17.4.

Parkland Dedication

We previously commented on Section 9.8.10 (page 220), in relation to parkland dedication. This policy requires developers to provide cash in lieu of parkland at the Town's discretion. This is inconsistent with prevailing standards that allow an applicant to decide if they seek to grant parkland or cash in lieu of parkland. The decision on how to address parkland is not at the discretion of the Town. We are unsure why this policy has not been revised to date, and we ask again that it be reconsidered.

Conclusion

NOTG and the Town have a shared interest in the success and ongoing evaluation of the Glendale area. To this end, our client is thankful the Town incorporated many of its prior comments into the Third Draft Official Plan. In this letter, we outline a few remaining comments, including specific suggestions for updates, to ensure the Plan can be successfully implemented.

We appreciate the Town's consideration of these comments. We would be pleased to speak with you further anytime.

Best regards,

Dentons Canada LLP



Isaiah Banach
Counsel

Copy: Taya Devlin, Manager of Policy and Heritage Planning
John Henricks, Interim Director, Town of Niagara-on-the-Lake
Clients
David Falletta, Bousfields

IB/ai

Encl.

Attachment 1

Letter to Town of Niagara-on-the-Lake, dated September 24, 2025

September 24, 2025

File No.: 596274-1

Sent Via E-mail to: kirsten.mccauley@notl.com and fiona.main@notl.comKirsten McCauley
Director of Community & Development
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100
Virgil, ON L0S 1T0

-and-

Fiona Main
Senior Policy Planner
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100
Virgil, ON L0S 1T0

Dear Ms. McCauley and Ms. Main:

**Re: Town of Niagara-on-the-Lake July 2025 Draft Official Plan
Comments from Niagara-on-the-Green Properties Inc. and 1120048 Ontario Limited**

We are counsel to Niagara-on-the-Green Properties Inc. and 1120048 Ontario Limited (together, "NOTG").

We are writing to provide our client's comments on the Town's July 2025 Draft Official Plan. We appreciate the Town's ongoing work and its consideration of NOTG's comments at this stage of the process.

NOTG is the registered owner of a significant amount of land in and around the Glendale area, including the undeveloped lands south of the Outlet Collection, between Homer Road and Taylor Road. NOTG also owns lands outside Glendale, west of Homer Road and, separately, lands south of Glendale Ave.

NOTG is a Niagara-based company, which seeks to continue its investment in this area over the long-term. NOTG has a proud history in the Town, including developing the original Niagara-on-the-Green community south of Glendale Ave and its involvement in land sales which became the Outlet Collection of Niagara, Leon's Furniture, and Royal Niagara Golf Club.

Most of NOTG's lands are within the area covered by the Glendale Secondary Plan. We previously communicated with you and Town Council about NOTG's interests in the new Secondary Plan, which is now before the Ontario Land Tribunal for resolution.

We understand the Town initially prepared a new Official Plan in 2019. Approval of that version of the Official Plan was delayed because of outside actions. Recently, the Town shared, for public input, the July 16, 2025 version of the Draft Official Plan, shown as a redline comparison to the August 2019 version.

The following are NOTG's initial comments on the July 2025 version of the Official Plan. NOTG continues to review the Official Plan and will provide additional comments as further drafts are released.

Relationship to Glendale Secondary Plan

Of critical importance to NOTG is the relationship between the new Official Plan and the Glendale Secondary Plan.

The draft Official Plan contains "placeholders" to include the Glendale Secondary Plan at a later time. We support the approach of including the Secondary Plan once that plan is finalized and approved by the Ontario Land Tribunal.

In our view, policies are required to clarify that the Glendale Secondary Plan will have priority over the balance of the new Official Plan, to the extent of any conflict. We appreciate this may be the intention of the new Official Plan, however, we are unable to find language to this effect.

For example, section 1.1.10 (page 6), sets out that "Glendale is subject to the direction of the Glendale Plan Secondary Plan..." This could be improved by clarifying the *priority* of the Glendale Secondary Plan over the Official Plan in the event of a conflict.

Another example is section 1.4 relating to the Town's Growth Management Strategy. The new Official Plan should be clear that the growth management policies of the Glendale Secondary Plan apply in the event of any conflict between the sections.

Settlement Area Boundaries

NOTG acknowledges this section of the Plan generally reflects provincial policy and good land use planning principles.

At section 1.2.6 (page 15), we noticed an error that impacts lands outside settlement area boundaries. To be consistent with and confirm to the Provincial Planning Statement and Greenbelt Plan, this policy should be clarified to recognize the limited development permitted in these areas. We recommend updating this policy to include the following underlined language:

...Development will occur within the existing settlement area boundaries except as permitted by the PPS or Greenbelt Plan outside settlement areas.

Housing

We appreciate the need for Official Plan housing policies, and particularly those that provide direction relating to affordability. As you are aware, affordability results from many factors, including those in and outside the control of the Town.

In our view, certain housing policies are too restrictive. Official Plans are to contain “goals, objectives and policies” and not specific numerical targets unless explicitly set out by legislation or provincial policy. This arises as it relates to section 1.6.3.5 (page 30) which provides a specific standard for affordability. We suggest the Town reconsider this section to adhere to the Planning Act, as shown in the following underline and strikethrough:

To encourage the development of affordable housing, the Town shall encourage at least 20% all new rental housing ~~is to be affordable along with~~ and at least 10% of new ownership housing to be affordable.

Protected Countryside Policies and Natural Heritage System

Section 2 addresses Protected Countryside (Specialty Crop Area) policies. NOTG understands and supports the agricultural-focus of this section.

In our view, this section is missing key policies that address lands *which will not be used for agricultural production*. This includes NOTG’s lands west of Homer Road. In our view, policies should be included to recognize and support non-agricultural uses in the Protected Countryside area, consistent with provincial policy.

We likewise have concerns with the detail and accuracy of the Natural Heritage Section 7. In our view, these policies are overly prescriptive and are not consistent with the PPS. We will share additional comments at a later time.

Similar to comments provided elsewhere in this letter, we seek to clarify the relationship between these policies and those in the Glendale Secondary Plan. As one example, we note that section 7.1.1.1 (page 148) speaks to “...Conservation, maintenance and stabilization of existing natural heritage resources shall be considered for all properties on or adjacent to natural heritage resources.” This and other policies should be clarified for how they apply to lands adjacent to lands in the Glendale Secondary Plan.

Edge planting

Section 3.6.4 (page 65) relates to edge planting, including policies that speak to the relationship between settlements and adjacent areas. These policies could be improved in how they describe the relationship between the Glendale Secondary Plan area (inside the settlement area) and adjacent areas (outside the settlement area), such as NOTG’s lands west of Homer Road. NOTG’s lands inside the Glendale Secondary Plan should not be subject to these edge planting policies.

Similar to prior comments, this issue could be address through clear language in this policy, or elsewhere in the Official Plan, that speaks to prioritization of the Glendale Secondary Plan, and the Secondary Plan prevailing in the event of any conflict.

Cash in Lieu of Parkland

Section 9.8.11 (page 243) contains a parkland dedication policy which *requires* the developer to provide cash in lieu of parkland at the Town's discretion. This is inconsistent with prevailing standards that allow an Applicant to decide if they seek to grant parkland or cash in lieu of parkland. The Town does not have discretion to make this decision. This policy should be revisited on this basis.

Guidelines

In our view, the draft Official Plan should use specific language when referencing *Guidelines* to clarify that these are for "guidance" and are not policy. Guidelines are not prescribed by the *Planning Act* and can be changed at any time without public input or a legislated approvals process. For this reason, Section 3.7.1.6 should be revised to include the following underlined phrase:

The design and development of all public and private lands within Glendale, Queenston and St. Davids will be in accordance with approved Secondary plan and take guidance from Community Design Standards and Guidelines.

Closing

NOTG appreciates the ongoing dialogue with respect to its lands and the new Official Plan.

We would be pleased to meet with you to discuss our comments. We look forward to working with you further as the Town completes its Official Plan.

Best regards,

Dentons Canada LLP



Isaiah Banach
Counsel

IB/ai

Attachment 2

Letter to Town of Niagara-on-the-Lake, dated October 28, 2025

October 28, 2025

File No.: 596274-1

Sent Via E-mail to: kirsten.mccauley@notl.com and fiona.main@notl.com

Kirsten McCauley
Director of Community & Development
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100
Virgil, ON L0S 1T0

-and-

Fiona Main
Senior Policy Planner
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100
Virgil, ON L0S 1T0

Dear Ms. McCauley and Ms. Main:

**Re: Town of Niagara-on-the-Lake
October 1, 2025 Second Draft Official Plan
Comments from Niagara-on-the-Green Properties Inc. and 1120048 Ontario Limited**

As you know, we are the lawyers for Niagara-on-the-Green Properties Inc. and 1120048 Ontario Limited (together, "NOTG"). NOTG owns a significant amount of lands in and around the Glendale area.

On September 24, 2025, we wrote to provide our client's comments on the Town's July 2025 version of its draft Official Plan. A copy of these comments is attached to this letter for ease of reference. Since then, the Town released a revised draft Official Plan, dated October 1, 2025. This letter provides additional comments for the Town's consideration.

We understand NOTG's September comments remain under review by the Town and the Town is considering how they may be incorporated in the Draft Official Plan. We ask that you consider the suggestions that follow in this letter, in addition to our September comments. We look forward to discussing these items further at our upcoming scheduled meeting.

Upon review of the October 1, 2025 version of the Official Plan, we noticed that NOTG's concern relating to the relationship between the Glendale Secondary Plan and the draft Official Plan remains unaddressed. In our September letter, we commented that there should be policies that clarify that the Secondary Plan will have priority over the balance of the new Official Plan, to the extent of any conflict.

Further details are provided in our September letter. New placeholder language was included in the October Draft Official Plan, but no policies were revised to address the specific issue of the relationship between the two Plans.

We hope this matter will be addressed in future drafts of the Official Plan. Doing so would resolve a number of related policy issues from NOTG that are not itemized in this letter or its September letter.

In our September letter, we noted a concern with the way in which guidelines were referenced in section 3.7.1.6 (as it then was, now section 3.8.1.6). We suggested that this policy, relating to community design standards, should be revisited to “take guidance from” the guidelines, rather than including mandatory language. NOTG remains concerned about this policy for this reason. Additionally, the Town should consider updating other guideline-related policies elsewhere in the draft Official Plan, to remove the mandatory language similar to our suggestion at section 3.8.1.6.

Further, we noticed the draft Official Plan contains an ambiguous Airport-related policy, which may be the result of a language error rather than intentional drafting terms. Specifically, section 5.3.3 currently reads as follows:

Zoning of the airport area will reflect existing and proposed land uses and location, and prescribe regulations, restricted uses, storage and height in accordance with the Airport Master Plan.

We are unsure what is meant by “Zoning of the airport area.” The Town may have intended to use the term “Zoning of the Niagara District Airport designation...” which is the phrase used in the prior policies 5.2.1 and 5.2.2. If the language were revised in this way, NOTG would not have a concern as its issues do not relate to the Niagara District Airport designation.

However, if the phrase “Zoning of the airport area...” is intentional, NOTG is concerned, as the policy suggests an undefined “airport area” which could include NOTG’s lands, and the policy could subject NOTG to restricted uses, storage and height in accordance with the Airport Master Plan. Landowners should not be subject to development restrictions in accordance with an Airport Master Plan, which is not a *Planning Act* document that is subject to a public process, Council approvals, or statutory rights.

For these reasons, we suggest section 5.3.3 be revised as shown in underline:

Zoning in the Niagara District Airport designation will reflect existing and proposed land uses and location, and prescribe regulations, restricted uses, storage and height in accordance with the Airport Master Plan.

In NOTG’s September letter, we make additional comments relating to policies associated with settlement area boundaries, housing, protected countryside and natural heritage system, edge planting, and cash in lieu of parkland. These comments remain of concern to NOTG, and we ask that you continue to consider those comments in the preparation of the new Official Plan.

B2

We appreciate the opportunity to provide these comments. We look forward to discussing them further at our upcoming meeting. Prior to that meeting, we would be pleased to provide any further information to support or clarify our recommendations.

Best regards,

Dentons Canada LLP

A handwritten signature in blue ink, appearing to read "Isaiah Banach", followed by a period.

Isaiah Banach
Counsel

IB/ai

Encl.



SHAPING GREAT COMMUNITIES

November 21, 2025

Project File No. 21229

Fiona Main
Senior Policy Planner
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0

Email Only : Fiona.Main@notl.com

Dear Ms. Main:

**RE: Addition of Site-Specific Policies to the Official Plan for the Riverbend Inn
16104 Niagara River Parkway
Town of Niagara-on-the-Lake, Niagara Region**

Thank you for meeting with Mark Torrance from Andrew Peller Limited, and me on November 5, 2025. We appreciate the opportunity to further discuss the proposed modification to the existing site-specific policy in the Official Plan pertaining to the Riverbend Inn.

At the November 5th meeting, we were advised that the Town requests the merging / consolidation of the Peller Estates Winery land and the Riverbend Inn land before agreeing to modify the site-specific Official Plan policy. The requirement to consolidate the two parcels is related to the wording in the Greenbelt Plan regarding servicing.

A key policy in the Greenbelt Plan, pertaining to the expansion of legal existing uses, is that no new municipal services are required. The current Inn is serviced with municipal water and a private septic system. The private septic system is aging and losing capacity to properly function. An expansion to the Inn would require a municipal wastewater service.

While the Riverbend Inn can rightfully expand, the matter of what constitutes a new municipal service was discussed. The abutting Peller Estates Winery land is connected to municipal wastewater. To not be considered a “new” municipal service, the existing wastewater service to Peller Estates could be extended on private property to the Riverbend Inn. To not cross property lines, the consolidation of the two properties is currently a staff requirement.

B3

Andrew Peller Limited does wish to pursue the improvement and expansion of the Riverbend Inn as a wine resort destination. Detailed plans regarding the extent and timing for such an expansion have not been definitively established.

Unfortunately, Peller Estates cannot consolidate the two parcels now, prior to the modification to the site-specific policy in the Official Plan. The two parcels must remain separate until such time as the company commits to further advancing the detailed studies associated with the required Zoning By-law Amendment and Site Plan approval. The goal is to have the Town's Official Plan incorporate language that clearly outlines the process to be undertaken to expand the Inn. The policy will advise of the technical studies required to support the expansion, including the requirements for a municipal wastewater service. The provision of a wastewater service would be at the sole expense of Peller Estates. A Functional Servicing Report is required at the rezoning stage to detail how the Riverbend Inn will be serviced.

Peller Estates has obtained a Preliminary Technical Memorandum from a civil engineering firm regarding servicing the Riverbend Inn property from the Peller Estates Winery property. Peller Estates is currently serviced by a pumping station and a sanitary forcemain that flows north and westbound along John Street East, connecting to the existing 200mmØ sanitary sewer network at the intersection of King Street and John Street East.

A forcemain and pump would be required to service the Riverbend Inn as well. The forcemain would be approximately 400m in length and it would outlet to the existing pumping station located within the grassed area to the north of the existing Peller Estates Winery building. The size of the forcemain and the pump design would be completed during the detailed design stage by a mechanical engineer. It is feasible to provide wastewater services to the Riverbend Inn by connecting to the Peller Estates system. The preliminary route of the forcemain has been chosen to reduce impact on the existing vineyards, as much as possible.

Before consolidation of the two properties, Peller Estates would like the opportunity to explore servicing options that may not necessitate the consolidation of the two parcels. Given the current economic climate, Peller would prefer to wait to merge the parcels once the detailed expansion plans, including servicing options are fully explored.

Peller Estates remains committed to retaining all existing vineyards, on both parcels, and planting additional vines where appropriate. If policies can be placed into the Official Plan that agree to the principle of expansion and wastewater servicing, the "how" of the servicing can be fully explored.

To advance the modification to the site-specific policy regarding the Riverbend Inn, we propose adding one additional sentence at the end of the policy provided in our letter dated May 5, 2025. The last paragraph of the policy would read (new sentence in red):

Further, notwithstanding policies within the Niagara Official Plan, 2022, specifically Policy 3.1.30.5 (Previous Site-Specific Approvals in the Greenbelt Plan Area) and Policy 5.2.3.3 (Municipal Water and Wastewater Servicing Outside of Urban Areas) an expansion to the Riverbend Inn is permitted based on a municipal wastewater

connection. A parcel consolidation is required should the wastewater connection be made through the adjacent Peller Estate Winery land.

The additional sentence ensures that if no other wastewater service option is possible, that is acceptable to both the Town and the Region, servicing from the Peller Estates Winery land would require the two parcels to merge.

The May 22nd letter, and this letter provide a draft of the modified policy, recognizing the right to expand the Riverbend Inn. We would be pleased to discuss the details of the modified policy further, at your convenience. Please contact me at 289-778-1431 or by email at nfrieday@gspgroup.ca should you have any further questions or require additional information.

We appreciate the opportunity to engage with staff on the Town's Official Plan Review and specifically policy regarding the Riverbend Inn.

Yours truly,
GSP Group Inc.

A handwritten signature in cursive script that reads "Nancy Frieday".

Nancy Frieday, MCIP, RPP
Senior Planner

Copy: Mark Torrance, Vice President,
Estate Wine Group Operations,
Andrew Peller Limited



November 18, 2025

Fiona Main
Senior Policy Planner
Town of Niagara-on-the-Lake
Fiona.Main@notl.com

Via Email

Submission on Redlined Draft Official Plan

NPG Planning Solutions Inc. (“NPG”) has reviewed the second Redlined Draft Official Plan made available for review and comment by the Town of Niagara-on-the-Lake (“NOTL”) on October 1, 2025 online at: <https://www.jointheconversationnotl.org/officialplan>.

NPG also submitted a comment letter dated September 19, 2025 on the first Redlined Draft Official Plan. We thank you for considering the comments in that letter and for making certain revisions. Please accept this letter as our comments on the second Redlined Draft Official Plan policies and mapping.

Preliminaries

We have reviewed the Staff Reports provided with the first Redlined Draft Official Plan and understand the Town is now in the process of updating the new NOTL Official Plan adopted by Council on October 22, 2019, after a comprehensive review.

In terms of timeline, we are aware that following the adoption of the new Plan it was sent to the Region for approval in January 2020 and was deemed not to conform to the Regional Official Plan. Since that time, there have been several updates and amendments to the *Planning Act*, approval of a new Regional Official Plan (the Niagara Official Plan, 2022), consolidation of the Provincial Policy Statement and the Growth Plan into the Provincial Planning Statement (2024), and, earlier this year, removal of planning responsibilities from the Region.

We understand that the updates or changes to the adopted NOTL Official Plan are, to a significant extent, directed at integrating of the Niagara Official Plan into the NOTL Official Plan and ensuring consistency with the Provincial Planning Statement (2024) and compliance with the *Planning Act*. Materials reviewed also identify updates and changes required to address planning issues and local priorities that have emerged since the adoption of the new NOTL Official Plan in 2019.

NPG, as an important part of its planning practice, works with property owners in the Town of Niagara-on-the-Lake to advance a wide range of planning applications through the review and approval process. Our feedback on the Official Plan is informed by our



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experience and expertise gained working within the Town—and our familiarity with the Town’s current Official Plan and Zoning By-laws, as well as the Niagara Official Plan (as well as its predecessor, the Niagara Region Official Plan, 2014).

Agriculture

The implementation of the provincial framework for prime agricultural areas, including permitted uses – agricultural uses, agriculture-related uses, and on-farm diversified uses – in Section 2 of the first Redlined Draft Official Plan is generally positive. However, we continue to note the following:

- Various policies seem to conflate ‘local’ or ‘in the area’ with the Town. Provincial direction does not limit the concept of local to within municipal boundaries but instead leaves room for ‘in the area’ to be interpreted based the specific product or service.
- Policy 2.2.6.2 requires a zoning by-law amendment for agriculture-related and on-farm diversified uses involving development over 500 square metres. There is no policy direction provided to clarify how the area of agriculture-related uses or on-farm diversified uses should be determined.
- Policy 2.2.6.3 b) includes special events as an agri-tourism use but provides limited guidance on how to interpret occasional and not a regularly occurring activity. There does not appear to be clear policy direction for outdoor events and/or event tents (whether permanent, semi-permanent or temporary) in the Redlined Draft NOTL Official Plan.
- Policy 2.2.7.3 includes the following requirement:

a) all wines produced will be made from locally grown fruit with generally a minimum 75% of the fruit grown on site;

It is unclear how “a minimum of 75% of the fruit grown on site” will be interpreted for estate wineries that operate multiple non-contiguous vineyards or process grapes from other local vineyards. This requirement is also not consistent with the Provincial Planning Statement, which permits agriculture-related uses that are “directly related to farm operations in the area” as opposed to the site at which such use resides.

- Policy 2.2.8, requiring an Official Plan Amendment to permit breweries and distilleries is not consistent with the guidelines provided by the Ontario Ministry of Agriculture, Food and Agribusiness in Publication 851.¹ The Guidelines clearly

¹ Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas: <https://www.ontario.ca/page/publication-851-guidelines-permitted-uses-ontarios-prime-agricultural-areas> [last accessed: September 12, 2025]

indicate that breweries and distilleries are examples of agriculture-related and/or on-farm diversified uses. It is unclear to us why breweries and distilleries should be treated differently than other potential uses that qualify as agriculture-related or on-farm diversified. Where a use involves processing local grown fruit or feedstock, contributing to economic sustainable agriculture, and/or strengthen the agricultural system such use should be permitted.

- Policy 2.2.12.1 c) requires for a surplus farm dwelling severance that “the farms are both located within the Town of Niagara-on-the-Lake”. It is not consistent with the Provincial Planning Statement or Greenbelt Plan. A farm consolidation is required. It is unclear why surplus farm dwelling severances should be limited to farm consolidations involving farms within the Town only.

Natural Heritage

We understand from the extent of the changes to policies within Section 7 that considerable effort has been made to incorporate the Niagara Official Plan’s Natural Environment System into the new NOTL Official Plan.

- We note that Schedule C of the Draft Official Plan identifies “Niagara-on-the-Lake Natural Heritage Features” and “Provincial Natural Heritage System”, but mapping of the components of the Natural Environment System outlined in Section 7.1.3 and Natural Heritage System in Section 7.2.1.1 is not provided. Policies for individual components in the Draft Official Plan indicate they are identified on Schedule C. It is unclear what that means given what is shown on Schedule C in the Draft Official Plan.
- The updated Policy 7.1.1.5 provides the following:

Nothing in this Section is intended to limit the ability of agricultural uses to continue in the Natural Environment System. Agriculture, agriculture-related, and on-farm diversified uses and normal farm practises are permitted in the Town’s Natural Environment System subject to the policies of Section 2.2 of this Plan. New activities cannot negatively impact natural heritage or hydrological features. The need to protect and conserve the Natural Heritage System is balanced with the need to protect and conserve specialty crop lands and agricultural viability.

It is unclear what will constitute “new activities”. This policy direction may not be consistent with the Provincial Planning Statement or in conformity with the Greenbelt Plan. Both provide direction that natural heritage policies are not intended to limit the ability of agricultural uses to continue. It is noteworthy that the province chose not to include the modifier “existing” to their policy direction.

- Policy 7.5.3 allows, within the Niagara Tender Fruit and Grape Area of the Greenbelt Plan, new buildings or structures for agricultural uses, agriculture-related uses and on-farm diversified uses within 30 metres of permanent streams or intermittent streams, where:
 - a) *The permanent stream or intermittent stream also functions as an agricultural swale, roadside ditch or municipal drain as determined through provincially approved mapping;*
 - b) *A minimum 15 metre vegetation protection zone is established between the building or structure and the permanent stream or intermittent stream; however, the vegetation protection zone is not required to be maintained as natural self-sustaining vegetation if the land is and will continue to be used for agricultural purposes;*
 - c) *There is no alternative location for the building or structure on the property without impacting lands designated specialty crop area;*
 - d) *A new or replacement individual on-site sewage system will not be located within 30 metres of the stream; and*
 - e) *Agricultural uses, agriculture-related uses and on-farm diversified uses shall pursue best management practices to protect or restore key hydrologic features and functions.*

Policy 8.8.2 requires a minimum vegetative protection zone 10 metres in width (measured from the stable top of bank) where development, site alteration and building is proposed adjacent to a municipal drain.

It is unclear from the Draft Official Plan where permanent streams or intermittent streams are located and where they function as an agricultural swale, roadside ditch or municipal drain as determined through provincially approved mapping. Given the extent of municipal drains in Niagara-on-the-Lake greater clarity is required to understand how municipal drains will be considered in relation to natural heritage policy requirements, including Policy 7.4.3.

The requirement in Policy 8.8.2 for vegetative protection zones adjacent to municipal drains should allow for lesser widths where the intent—to provide access for drain maintenance, protect the integrity of the drains, and protect environmental health—is maintained/achieved.

- Section 7.2.3 provides requirements for buffers outside of settlement areas. Table 8-1 within this Section provides minimum buffers for natural heritage features and areas outside of settlement areas and outside the Greenbelt Plan Natural Heritage System. We note that Policy 3.2.5.3 in the Greenbelt Plan indicates key natural heritage features outside the Greenbelt Natural Heritage System are to be subject

to the policies of the Provincial Planning Statement which do not specify or prescribe minimum buffers or vegetation protection zones. Policy direction should be added to allow an environmental impact study to determine narrower buffers consistent with the Provincial Planning Statement requirement that no negative impacts on natural features or their ecological functions be demonstrated.

- It is difficult to assess the implications of Sections 7.7.1 (Other Woodlands) and 7.4.3 (Other Wetlands) without definitions and criteria for identifying other woodlands and other wetlands or mapping showing their known locations. We note that misidentification of these features or imprecision in their mapped extents can occur with significant impacts on property owners. The features are not shown on Schedule C.
- It is difficult to assess the implications of Section 7.2.7 without mapping to show where linkages have been identified. Further, Policy 7.2.7.1 states:

Large, medium, and small linkages outside of settlement areas and outside of the Greenbelt Plan Area and Greenbelt Plan Natural Heritage System, and small linkages inside of settlement areas which are identified between natural heritage features and areas, key natural heritage features, and key hydrologic features are shown on Schedule C.

We note that most of the Town outside of settlement areas is within the Greenbelt Plan Area.

Cultural Heritage

- Among the objectives of intensification policies in the Official Plan, Policy 3.5.2.1 states:

Ensure any proposal for intensification conserves cultural heritage resources; Intensification will be directed to the Built-up Areas where development will not impact cultural heritage resources; and

We recommend removing the second clause. Intensification should conserve cultural heritage resources no matter where it is directed.

- How are the proposed intensification guidelines for Old Town planned to intersect with the ongoing Heritage Conservation District process?
- Policy 3.9.2 states the Town shall encourage:

c) the integration of views of built and cultural heritage features, landmarks, and significant natural heritage features to enhance a sense of place; and

To provide clarity and transparency, the term “views” should be defined. Further, the “views” need to be mapped / documented through a Council endorsed process

so that the “views” to be protected are readily identifiable. In addition, the specific tools for the protection of those views need to be identified.

- Policy 6.1.1.1 includes:

d) ...will develop a process to continually assess properties, streetscapes, landscapes, views and vistas to determine their merit for inclusion on the Register and to remove properties from the Register, as required

e) Ensure consistency in identification and evaluation of cultural heritage resources for inclusion on the Register of Properties of Cultural Heritage Value or Interest by using criteria established by Regulation 9/06 under the Ontario Heritage Act or in accordance with any other provincially recognized approach. When designating properties under Section 29, Part IV of the Ontario Heritage Act Regulation 9/06 must be used.

Regarding d), the processes and criteria for assessment are determined by the province, and these should be referenced. Policy e) should also refer to Ontario Regulation 385/21 (for *Ontario Heritage Act* By-law Standards).

- Policy 6.1.2.2 f) allows for requiring a heritage conservation easement “as a condition of certain development approvals”. It is unclear what “certain development approvals” means.
- General comments:
 - Heritage definitions within the new Official Plan should be updated to match those of the Provincial Planning Statement. This includes all archaeological definitions, “conserve”, “cultural heritage landscape”, and “heritage attributes”. We also recommend updating the definition of cultural heritage resources to better align with the Provincial Planning Statement and removing the definition of significant archaeological resources as this is covered by the definition of significant.
 - For all policies “cultural heritage” includes built heritage resources.
 - It is unclear from the first Redlined Draft Official Plan how the municipality is using the updated policies and mapping of the Niagara Regional Archaeological Management Plan.
 - Caution should be exercised around identifying archaeological sites.

Settlement Areas

- The intensification strategy provided in Section 3.5 refers to intensification areas which the Plan defines as “lands identified by municipalities within an urban area that are to be the focus for accommodating intensification.” It is unclear if any

NPG Submission on the second Redlined Draft Official Plan

intensification areas are identified by the Redlined Draft Official Plan as none are identified on Schedule B7 (Growth Management).

- Building height restrictions provided in Section 3.8.2.1 reduce the maximum heights allowed in Old Town, St. Davids, and Queenston from 11 to 10 metres. This seems too restrictive to allow for intensification sufficient to meet the annual intensification target of 25%.
- Policy 3.11.3.1 defines low-rise and medium-rise structures as generally 1-2 storeys and 3-4 storeys in height respectively. However, Policy 3.8.2.1 provides that zoning in Old Town, St. Davids and Queenston may limit building height to less than 10 metres in residential areas where the majority of buildings are 1 or 1.5 storeys in height. How will the height of a majority of buildings in a residential area be determined?
- The 10-metre height limit imposed in Policy 3.8.2.1 combined with the existing character of residential areas suggests that most intensification in Old Town, St. Davids, and Queenston will be limited to 1-2 storeys in practice. This severely limits the potential for even the most gradual or modest forms of residential intensification, even when the policies for additional dwelling units in Section 9.13.1 are considered.

Conclusion

We appreciate the opportunity to review and comment on the second Redlined Draft Official Plan. Should you have any questions or wish to discuss the above comments, please contact Aaron Butler at abutler@npgsolutions.ca or 905-246-1576.



Max Fedchyshak, MCIP, RPP
Senior Planner
NPG Planning Solutions Inc.



Aaron Butler, RPP MCIP
Managing Partner
NPG Planning Solutions Inc.

**B5**

November 18, 2025

Via Email

Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100
Virgil, ON
L0S 1T0

Attention: Mayor and Members of Council

Dear Lord Mayor Zalepa and Members of Council:

**RE: SUBMISSION ON DRAFT TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL PLAN
95 JOHNSON STREET (THE SCOTSMAN), TOWN OF NIAGARA-ON-THE-LAKE
OUR FILE: 24209B**

The Scotsman Hotel Inc., (the "Landowner") are the registered owner of the lands located at 95 Johnson Street in the Town of Niagara-on-the-Lake (hereinafter referred to as the "Subject Lands"). The Subject Lands are occupied by the Scotsman, an existing six-room Country Inn.

This letter is submitted on behalf of the Landowner to outline comments and concerns regarding the Town's Draft Official Plan ("Draft OP"), released for public consultation in October 2025. These comments are provided in the context of the active Official Plan Amendment ("OPA") and Zoning By-law Amendment ("ZBA") Application submitted on behalf of the Landowner on May 8, 2025, to allow for a Hospitality Area within the existing Country Inn on the Subject Lands.

BACKGROUND

As per the In-force Town of NOTL Official Plan ("In-force OP") the Subject Lands are designated "Established Residential (ER)," which permits low-density residential uses such as single-detached, semi-detached, and duplex dwellings, along with select **secondary uses** including bed and breakfasts, accessory apartments, group homes, home occupations, and accessory buildings and structures. Within the In-force OP, a Country Inn is defined as follows:

Country Inn: *"means a residential use which is in the principal residence of the owner/operator and host, having more than three rented rooms in an urban area but six or less rented rooms outside an urban area and providing lodging and only breakfast to overnight guests. It may include the use of accessory buildings, where appropriate, in urban areas."*

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A Country Inn is considered a secondary use in a single detached dwelling and does not include hotels or motels. Any additional activity (e.g. a restaurant, spa, shop, etc.) will only be permitted by way of an amendment to this Plan.

The Municipality will regulate the number of rooms and other matters regarding Country Inns through the implementing Zoning By-law, site plan approval process, licensing by-law, and/or by commenting to the Niagara Escarpment Commission on development permit applications."

As per the In-force OP definition, Country Inns are permitted as secondary uses within a single detached dwelling. An OPA was submitted to redesignate the Subject Lands to a site-specific "Established Residential" designation that would allow for a Hospitality Area as an "additional activity," consistent with the second paragraph of the Country Inn definition.

COMMENTS ON DRAFT OP

It is our understanding that the Town of NOTL is updating the OP to align with recent provincial policy changes, the Niagara Official Plan, and local priorities. As per the Draft OP released by the Town of NOTL in October 2025, the Subject Lands remain designated as "Established Residential" (Schedule B2, Land Use Plan- Old Town). The site also remains within the Queen Picton HCD (OHA Part V).

Established Residential Designation

The Established Residential area represents older, stable neighbourhoods in the Town. Permitted uses within this designation include single-detached dwellings, semi-detached, townhouses, and duplex dwellings. **Secondary uses** permitted in conjunction with a principal use include rooming and boarding houses, Bed and Breakfast Establishments, additional dwelling units, home occupations, existing cottage rentals, and accessory structures. Other uses permitted include open space uses, parks, trails, specialized housing (ex retirement homes or nursing homes), additional needs housing, and community facilities.

The list of permitted uses within the Established Residential designation has not changed from the current In-Force Official Plan and continues to include Secondary Uses.

Defining a Country Inn

In the Draft OP, a Country Inn is defined as follows:

Country Inn: *A residential use which is in the principal residence of the owner/operator and host, having more than three (3) rented rooms in a settlement area but six (6) or less*

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rented rooms outside a settlement area and providing lodging and only breakfast to overnight guests. It may include the use of accessory buildings, where appropriate.

This definition represents a notable departure from the definition in the In-force OP, which explicitly identifies Country Inns as a secondary use permitted within single-detached dwellings and provides for additional uses that support the operation of Country Inns, subject to an OPA. The removal of this policy language creates ambiguity regarding where Country Inns are permitted in the Town and eliminates the ability to provide complementary uses that are often essential to the function, viability, and long-term success of the Inns. Country Inns have historically contributed to the Town's economic development and cultural identity. As currently drafted, the revised definition does not provide the clarity or flexibility needed to permit Country Inns within the Established Residential Area. We ask that the Town carry forward the current definition of a Country Inn within the In-force OP into the Draft OP.

Short-Term Rentals, Country Inns

The Draft OP introduces general policies for Short-Term Rentals ("STRs"), including Country Inns. STRs are recognized as an important component of the Town's cultural landscape, tourism infrastructure, and local economy. The Draft OP identifies several forms of STRs—such as Bed and Breakfast Establishments, Country Inns, Vacation Rentals (Villas), Vacation Cottage Rentals, and Vacation Apartments. STRs will be regulated through the implementing Zoning By-law, Site Plan Approval, and/or a Licensing By-law. Any zoning amendment application proposing an STR must be supported by a Planning Justification Report and, where applicable, a Heritage Impact Assessment for any built heritage resources.

Specific provisions are included within the Draft OP for Country Inns, which are identified as a form of tourist accommodation suitable in locations where the increased level of activity can be accommodated on-site without negatively impacting surrounding residential uses. Country Inns generally contain between four and ten rooms or suites. The Town will consider supporting Country Inns located outside of the Niagara Escarpment Plan ("NEP") area where heritage attributes are conserved, lot sizes are sufficient, and neighbourhood character is maintained. Approval will only be considered through an amendment to the Zoning By-law and where the level of activity can be accommodated without disruption to adjacent properties.

While the Draft OP encourages Country Inns and requires a Zoning By-law Amendment for their establishment, it once again does not explicitly identify the land use designations in which Country Inns are permitted or clarify whether additional supportive activities are permitted. By contrast, the Draft OP clearly states for Vacation Cottage Rentals that "a cottage rental may be permitted in all areas of the

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Town where bed and breakfast homes are currently permitted,” providing certainty regarding where that use may locate.

To ensure consistency and reduce ambiguity, the General Policies for Country Inns and the permitted uses within the “Established Residential” designation should be revised to explicitly permit Country Inns as secondary uses within the designation and to allow additional supportive activities where appropriate. As currently written, the policies lack specificity, which may lead to confusion when determining where Country Inns may be permitted, despite the Town’s stated commitment to supporting Inns as part of its cultural and economic landscape.

CONCLUSION

To support the Town’s ongoing efforts to strengthen its cultural character and local economy, the policies in the Draft OP related to Country Inns should be revised to clearly identify where Country Inns are permitted and to allow for associated uses. Updates to the policy language are required to the definition of “Country Inn,” the General Provisions for Country Inns, and the permitted uses within the “Established Residential” designation to explicitly permit Country Inns and related activities within the Established Residential designation. For the definition of a “Country Inn”, this would mean simply reinstating the current definition, as found in the In-force OP. These changes will eliminate ambiguity regarding the location and operation of Country Inns and ensure alignment with the Town’s Official Plan direction, that encourages Country Inns as economic and cultural assets.

Proposed modifications to the Draft OP is attached in **Appendix A** for staff and Council’s consideration.

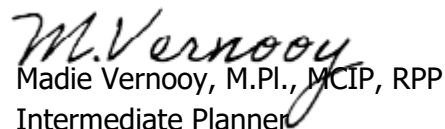
Should you have any questions, please feel free to contact the undersigned.

Yours Truly,

MHBC



Dana Anderson, MA, FCIP, RPP
Partner



Madie Vernooy, M.Pl., MCIP, RPP
Intermediate Planner

**Appendix A- Proposed Amendments to the Draft Town of Niagara-on-the-Lake
Official Plan (October 2025)**

Table A below outlines the modifications to the policies of the Draft OP for staff and Councils consideration.

Legend

red = Text to be added

Strikethrough = Text to be removed

TABLE A: PROPOSED AMENDMENTS TO TOWN OF NOTL DRAFT OP		
Policy #	Draft Official Plan	Proposed Amendments
3.11.4.2b, Established Residential Designation	<p>Secondary uses permitted in conjunction with a principal use that are appropriate in the Established Residential designation include:</p> <ul style="list-style-type: none"> • rooming and boarding houses, • Bed and Breakfast Establishments, • Additional dwelling units subject to the requirements of Section 9.13.1, • home occupations, • existing cottage rentals, and • accessory structures. 	<p>Secondary uses permitted in conjunction with a principal use that are appropriate in the Established Residential designation include:</p> <ul style="list-style-type: none"> • rooming and boarding houses, • Bed and Breakfast Establishments, • Country Inns, • Additional dwelling units subject to the requirements of Section 9.13.1, • home occupations, • existing cottage rentals, and • accessory structures.
9.13.2.6, Provision Applicable to Country Inns	-	<i>A Country Inn may be permitted in all areas of the Town where bed and breakfast homes are currently permitted including, within the Established Residential designation.</i>
11.4.2, Definitions and Criteria	<p>Country Inn: A residential use which is in the principal residence of the owner/operator and host, having more than three (3) rented rooms in a settlement area but six (6) or less rented rooms outside a settlement area and providing lodging and only breakfast to overnight guests. It may include the use of accessory buildings, where appropriate.</p>	<p>Country Inn: A residential use which is in the principal residence of the owner/operator and host, having more than three (3) rented rooms in a settlement area but six (6) or less rented rooms outside a settlement area and providing lodging and only breakfast to overnight guests. It may include the use of accessory buildings, where appropriate.</p> <p><i>A Country Inn is considered a secondary use in a single detached dwelling and does not include hotels or</i></p>

		<p>motels. Any additional activity (e.g. a restaurant, spa, shop, etc.) will only be permitted by way of a Zoning By-law Amendment.</p> <p>The Municipality will regulate the number of rooms and other matters regarding Country Inns through the implementing Zoning By-law, site plan approval process, licensing by-law, and/or by commenting to the Niagara Escarpment Commission on development permit applications</p>
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October 28, 2025

File No.: 596274-1

Sent Via E-mail to: kirsten.mccauley@notl.com and fiona.main@notl.com

Kirsten McCauley
Director of Community & Development
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100
Virgil, ON L0S 1T0

-and-

Fiona Main
Senior Policy Planner
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100
Virgil, ON L0S 1T0

Dear Ms. McCauley and Ms. Main:

**Re: Town of Niagara-on-the-Lake
October 1, 2025 Second Draft Official Plan
Comments from Niagara-on-the-Green Properties Inc. and 1120048 Ontario Limited**

As you know, we are the lawyers for Niagara-on-the-Green Properties Inc. and 1120048 Ontario Limited (together, "NOTG"). NOTG owns a significant amount of lands in and around the Glendale area.

On September 24, 2025, we wrote to provide our client's comments on the Town's July 2025 version of its draft Official Plan. A copy of these comments is attached to this letter for ease of reference. Since then, the Town released a revised draft Official Plan, dated October 1, 2025. This letter provides additional comments for the Town's consideration.

We understand NOTG's September comments remain under review by the Town and the Town is considering how they may be incorporated in the Draft Official Plan. We ask that you consider the suggestions that follow in this letter, in addition to our September comments. We look forward to discussing these items further at our upcoming scheduled meeting.

Upon review of the October 1, 2025 version of the Official Plan, we noticed that NOTG's concern relating to the relationship between the Glendale Secondary Plan and the draft Official Plan remains unaddressed. In our September letter, we commented that there should be policies that clarify that the Secondary Plan will have priority over the balance of the new Official Plan, to the extent of any conflict.

Further details are provided in our September letter. New placeholder language was included in the October Draft Official Plan, but no policies were revised to address the specific issue of the relationship between the two Plans.

We hope this matter will be addressed in future drafts of the Official Plan. Doing so would resolve a number of related policy issues from NOTG that are not itemized in this letter or its September letter.

In our September letter, we noted a concern with the way in which guidelines were referenced in section 3.7.1.6 (as it then was, now section 3.8.1.6). We suggested that this policy, relating to community design standards, should be revisited to “take guidance from” the guidelines, rather than including mandatory language. NOTG remains concerned about this policy for this reason. Additionally, the Town should consider updating other guideline-related policies elsewhere in the draft Official Plan, to remove the mandatory language similar to our suggestion at section 3.8.1.6.

Further, we noticed the draft Official Plan contains an ambiguous Airport-related policy, which may be the result of a language error rather than intentional drafting terms. Specifically, section 5.3.3 currently reads as follows:

Zoning of the airport area will reflect existing and proposed land uses and location, and prescribe regulations, restricted uses, storage and height in accordance with the Airport Master Plan.

We are unsure what is meant by “Zoning of the airport area.” The Town may have intended to use the term “Zoning of the Niagara District Airport designation...” which is the phrase used in the prior policies 5.2.1 and 5.2.2. If the language were revised in this way, NOTG would not have a concern as its issues do not relate to the Niagara District Airport designation.

However, if the phrase “Zoning of the airport area...” is intentional, NOTG is concerned, as the policy suggests an undefined “airport area” which could include NOTG’s lands, and the policy could subject NOTG to restricted uses, storage and height in accordance with the Airport Master Plan. Landowners should not be subject to development restrictions in accordance with an Airport Master Plan, which is not a *Planning Act* document that is subject to a public process, Council approvals, or statutory rights.

For these reasons, we suggest section 5.3.3 be revised as shown in underline:

Zoning in the Niagara District Airport designation will reflect existing and proposed land uses and location, and prescribe regulations, restricted uses, storage and height in accordance with the Airport Master Plan.

In NOTG’s September letter, we make additional comments relating to policies associated with settlement area boundaries, housing, protected countryside and natural heritage system, edge planting, and cash in lieu of parkland. These comments remain of concern to NOTG, and we ask that you continue to consider those comments in the preparation of the new Official Plan.

We appreciate the opportunity to provide these comments. We look forward to discussing them further at our upcoming meeting. Prior to that meeting, we would be pleased to provide any further information to support or clarify our recommendations.

Best regards,

Dentons Canada LLP

A handwritten signature in blue ink, appearing to read "Isaiah Banach", followed by a period.

Isaiah Banach
Counsel

IB/ai

Encl.

Attachment 1

Letter to Town of Niagara-on-the-Lake, dated September 24, 2025

September 24, 2025

File No.: 596274-1

Sent Via E-mail to: kirsten.mccauley@notl.com and fiona.main@notl.comKirsten McCauley
Director of Community & Development
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100
Virgil, ON L0S 1T0

-and-

Fiona Main
Senior Policy Planner
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100
Virgil, ON L0S 1T0

Dear Ms. McCauley and Ms. Main:

**Re: Town of Niagara-on-the-Lake July 2025 Draft Official Plan
Comments from Niagara-on-the-Green Properties Inc. and 1120048 Ontario Limited**

We are counsel to Niagara-on-the-Green Properties Inc. and 1120048 Ontario Limited (together, "NOTG").

We are writing to provide our client's comments on the Town's July 2025 Draft Official Plan. We appreciate the Town's ongoing work and its consideration of NOTG's comments at this stage of the process.

NOTG is the registered owner of a significant amount of land in and around the Glendale area, including the undeveloped lands south of the Outlet Collection, between Homer Road and Taylor Road. NOTG also owns lands outside Glendale, west of Homer Road and, separately, lands south of Glendale Ave.

NOTG is a Niagara-based company, which seeks to continue its investment in this area over the long-term. NOTG has a proud history in the Town, including developing the original Niagara-on-the-Green community south of Glendale Ave and its involvement in land sales which became the Outlet Collection of Niagara, Leon's Furniture, and Royal Niagara Golf Club.

Most of NOTG's lands are within the area covered by the Glendale Secondary Plan. We previously communicated with you and Town Council about NOTG's interests in the new Secondary Plan, which is now before the Ontario Land Tribunal for resolution.

We understand the Town initially prepared a new Official Plan in 2019. Approval of that version of the Official Plan was delayed because of outside actions. Recently, the Town shared, for public input, the July 16, 2025 version of the Draft Official Plan, shown as a redline comparison to the August 2019 version.

The following are NOTG's initial comments on the July 2025 version of the Official Plan. NOTG continues to review the Official Plan and will provide additional comments as further drafts are released.

Relationship to Glendale Secondary Plan

Of critical importance to NOTG is the relationship between the new Official Plan and the Glendale Secondary Plan.

The draft Official Plan contains "placeholders" to include the Glendale Secondary Plan at a later time. We support the approach of including the Secondary Plan once that plan is finalized and approved by the Ontario Land Tribunal.

In our view, policies are required to clarify that the Glendale Secondary Plan will have priority over the balance of the new Official Plan, to the extent of any conflict. We appreciate this may be the intention of the new Official Plan, however, we are unable to find language to this effect.

For example, section 1.1.10 (page 6), sets out that "Glendale is subject to the direction of the Glendale Plan Secondary Plan..." This could be improved by clarifying the *priority* of the Glendale Secondary Plan over the Official Plan in the event of a conflict.

Another example is section 1.4 relating to the Town's Growth Management Strategy. The new Official Plan should be clear that the growth management policies of the Glendale Secondary Plan apply in the event of any conflict between the sections.

Settlement Area Boundaries

NOTG acknowledges this section of the Plan generally reflects provincial policy and good land use planning principles.

At section 1.2.6 (page 15), we noticed an error that impacts lands outside settlement area boundaries. To be consistent with and confirm to the Provincial Planning Statement and Greenbelt Plan, this policy should be clarified to recognize the limited development permitted in these areas. We recommend updating this policy to include the following underlined language:

...Development will occur within the existing settlement area boundaries except as permitted by the PPS or Greenbelt Plan outside settlement areas.

Housing

We appreciate the need for Official Plan housing policies, and particularly those that provide direction relating to affordability. As you are aware, affordability results from many factors, including those in and outside the control of the Town.

In our view, certain housing policies are too restrictive. Official Plans are to contain “goals, objectives and policies” and not specific numerical targets unless explicitly set out by legislation or provincial policy. This arises as it relates to section 1.6.3.5 (page 30) which provides a specific standard for affordability. We suggest the Town reconsider this section to adhere to the Planning Act, as shown in the following underline and strikethrough:

To encourage the development of affordable housing, the Town shall encourage at least 20% all new rental housing ~~is to be affordable along with~~ and at least 10% of new ownership housing to be affordable.

Protected Countryside Policies and Natural Heritage System

Section 2 addresses Protected Countryside (Specialty Crop Area) policies. NOTG understands and supports the agricultural-focus of this section.

In our view, this section is missing key policies that address lands *which will not be used for agricultural production*. This includes NOTG’s lands west of Homer Road. In our view, policies should be included to recognize and support non-agricultural uses in the Protected Countryside area, consistent with provincial policy.

We likewise have concerns with the detail and accuracy of the Natural Heritage Section 7. In our view, these policies are overly prescriptive and are not consistent with the PPS. We will share additional comments at a later time.

Similar to comments provided elsewhere in this letter, we seek to clarify the relationship between these policies and those in the Glendale Secondary Plan. As one example, we note that section 7.1.1.1 (page 148) speaks to “...Conservation, maintenance and stabilization of existing natural heritage resources shall be considered for all properties on or adjacent to natural heritage resources.” This and other policies should be clarified for how they apply to lands adjacent to lands in the Glendale Secondary Plan.

Edge planting

Section 3.6.4 (page 65) relates to edge planting, including policies that speak to the relationship between settlements and adjacent areas. These policies could be improved in how they describe the relationship between the Glendale Secondary Plan area (inside the settlement area) and adjacent areas (outside the settlement area), such as NOTG’s lands west of Homer Road. NOTG’s lands inside the Glendale Secondary Plan should not be subject to these edge planting policies.

Similar to prior comments, this issue could be address through clear language in this policy, or elsewhere in the Official Plan, that speaks to prioritization of the Glendale Secondary Plan, and the Secondary Plan prevailing in the event of any conflict.

Cash in Lieu of Parkland

Section 9.8.11 (page 243) contains a parkland dedication policy which *requires* the developer to provide cash in lieu of parkland at the Town's discretion. This is inconsistent with prevailing standards that allow an Applicant to decide if they seek to grant parkland or cash in lieu of parkland. The Town does not have discretion to make this decision. This policy should be revisited on this basis.

Guidelines

In our view, the draft Official Plan should use specific language when referencing *Guidelines* to clarify that these are for "guidance" and are not policy. Guidelines are not prescribed by the *Planning Act* and can be changed at any time without public input or a legislated approvals process. For this reason, Section 3.7.1.6 should be revised to include the following underlined phrase:

The design and development of all public and private lands within Glendale, Queenston and St. Davids will be in accordance with approved Secondary plan and take guidance from Community Design Standards and Guidelines.

Closing

NOTG appreciates the ongoing dialogue with respect to its lands and the new Official Plan.

We would be pleased to meet with you to discuss our comments. We look forward to working with you further as the Town completes its Official Plan.

Best regards,

Dentons Canada LLP



Isaiah Banach
Counsel

IB/ai

**Ministry of
Municipal Affairs
and Housing**

Municipal Services Office - Central
Region – Planning Branch
Municipal and Housing Operations
Division
777 Bay Street, 16th Floor
Toronto ON M7A 2J3
Tel.: 416 585-6226

**Ministère des
Affaires municipales
et du Logement**

Direction de la planification pour le Bureau
des services aux municipalités du Centre
Division des services aux municipalités et
du logement
777, rue Bay, 16e étage
Toronto (Ontario) M7A 2J3
Tél.: 416 585-6226



by email only

October 27, 2025

Kirsten McCauley
Director, Community and Development Services
Town of Niagara-on-the-Lake
kirsten.mccauley@notl.com

Dear Kirsten McCauley,

**Re: MMAH One Window Comments
Draft Town of Niagara-on-the-Lake Official Plan
MMAH File: 26-OP-259166**

Thank you for providing the Ministry of Municipal Affairs and Housing (MMAH) with the opportunity to review and provide comments on the July 2025 draft Town of Niagara-on-the-Lake Official Plan (draft NOTL OP).

As part of the One Window Provincial Planning Service, the draft NOTL OP was circulated to the Ministry of Transportation (MTO), Ministry of Infrastructure (MOI), Ministry of Economic Development, Job Creation and Trade (MEDJCT), Ministry of Citizenship and Multiculturalism (MCM), Ministry of Environment, Conservation and Parks (MECP), Ministry of Energy and Mines (MEM), Ministry of Natural Resources (MNR), Ministry of Tourism, Culture and Gaming (MTCG), and Ministry of Agriculture, Food and Agribusiness (OMAFRA). Additionally, the draft NOTL OP was circulated to the Region of Niagara.

The comments contained in the appended table are based on a review of the draft NOTL OP in the context of consistency with the Provincial Planning Statement, 2024 (PPS, 2024), conformity with provincial plans, and legislative requirements under the *Planning Act*.

MMAH staff also note the following high-level comments on the draft NOTL OP below.

Provincial Considerations

Region of Niagara Official Plan

As of March 31, 2025 and pursuant to the *Planning Act*, the applicable parts of the Region of Niagara Official Plan are now deemed to be part of the Town of Niagara-on-the-Lake's Official Plan. The Town now has charge of those parts of the Region of Niagara Official Plan, in addition to the existing Niagara-on-the-Lake Official Plan. In light of this deeming, the Town has the authority, and is encouraged to amend or revoke those policies from the Region of Niagara Official Plan, in the same manner they would amend or revoke the policies in their existing official plan. The Town may also carry forward applicable regional policies that are directly relevant to its local context.

Please note, comments from Niagara Region on the Town's draft Official Plan are attached as "Appendix 1".

Provincial Planning Statement, 2024 (PPS, 2024)

The PPS, 2024 has been in effect since October 20, 2024, and all decisions on planning matters must be consistent with its policies in accordance with s. 3(5) of the *Planning Act*. The Ministry understands that the draft NOTL OP is proposed to be consistent with the PPS, 2024, and the Town is expecting to bring forward an updated draft to Council for future consideration of adoption.

Secondary Plans

The Town has indicated that all Secondary Plans will be integrated into Section 10 of the NOTL OP through a subsequent draft and that no updates are proposed to the Secondary Plans.

On October 23, 2025, Bill 60, the *Fighting Delays, Building Faster Act, 2025* was introduced. As part of the proposed legislative and regulatory changes announced, a proposal was posted on the Environmental Registry of Ontario seeking feedback on simplifying and standardizing official plan structure and content, including a proposal to require official plans to be a singular, comprehensive document for the entire municipality. Details on the proposal can be found [here](#).

The Ministry expects that all Secondary Plans that are to be included as part of the draft NOTL OP be consistent with the PPS, 2024, as per s. 3(5) of the *Planning Act* and requests that all Secondary Plans be updated to align with all applicable provincial policy, legislation and regulatory requirements.

Complete Application Study Requirements (Bill 17)

On June 5, 2025, the *Protect Ontario by Building Faster and Smarter Act, 2025* (Bill 17) received Royal Assent. Bill 17 proposes to amend the *Planning Act* to limit complete application requirements to what is currently identified in municipal official plans. Bill 17 also includes regulation-making authority that would enable the Minister of Municipal Affairs and Housing to further regulate the reports or studies required as part of a complete application. The Town is required to outline all required supporting studies or reports that may be requested as part of a complete application submission.

Additionally, please refer to the proposed legislative and regulatory changes to complete application requirements ([Proposed Regulations– Complete Application | Environmental Registry of Ontario](#)) recommending certain topics be removed from the requirements of a complete application. The following topics may not be permitted to be required as part of a complete application: Sun/Shadow, Wind, Urban Design, Lighting. Should the proposed regulations come into effect prior to the adoption of the draft NOTL OP, the Town may need to consider updates to the policies of the draft NOTL OP, where applicable.

Building Code Act and Ontario Building Code

A recent amendment to the *Building Code Act, 1992*, in Schedule 1 of Bill 17 provides greater clarification that municipalities do not have, and have never had, the authority to pass by-laws that establish construction or demolition standards. Municipalities cannot use provisions in the *Municipal Act* and *Planning Act*, including site plan control, to create and require construction or demolition standards for buildings. This includes, but is not limited to, local green building standards, including any energy efficiency requirements for buildings.

Please review the content in the draft NOTL OP to ensure that it is in compliance with the *Building Code Act, 1992*, working with your Chief Building Official and legal counsel as needed.

Bill 23, More Homes Built Faster Act, 2022

As you are aware, there were many changes made through Bill 23 to streamline the site plan control process, including exempting site plan control for residential development on a lot with 10 units or fewer (except for land lease communities), and removing a municipality's ability to regulate building materials and exterior architectural design and limiting their ability to regulate aesthetic aspects of landscape design. Please review and ensure the draft NOTL OP is consistent with

these changes, particularly as it relates to building materials and architectural or building design. Please note that municipalities do not have any authority under the *Building Code Act* or Building Code to make requirements for buildings as it relates to materials, architectural design, etc.

Conservation Authorities

As required by the *Planning Act* and Ontario Regulation 543/06, please ensure to consult with applicable conservation authorities and that comments provided are adequately addressed prior to adoption of the draft NOTL OP.

Indigenous Engagement

The PPS, 2024 includes policy direction requiring municipalities to engage with Indigenous communities on planning matters. However, it is important to note, new policy direction emphasizes early engagement and language that requires municipalities to ensure Indigenous community interests are considered. As such, the Town should ensure Indigenous communities are engaged on the draft NOTL OP. MMAH can provide assistance in this regard with respect to identifying Indigenous communities that MMAH would engage as part of our review.

Conclusion

Thank you again for providing the Ministry with the opportunity to review the draft NOTL OP. Please note that the comments provided are staff level and are not considered final.

We look forward to continuing to work with the Town of Niagara-on-the-Lake as it moves forward with the public consultation and adoption of the draft NOTL OP. Should you have any questions or wish to discuss the comments in more detail, please contact me directly at Heather.Watt@Ontario.ca.

Sincerely,



Heather Watt
Manager, Community Planning & Development (Central-West) Unit

cc. Fiona Main, Senior Policy Planner (Fiona.Main@notl.com)
Anna Henriques, Team Lead (Anna.Henriques@ontario.ca)

Provincial One-Window Comment Table DRAFT MATTER
 Draft Town of Niagara-on-the-Lake Official Plan
 MMAH File: 26-OP-259166
 Date: 2025/10/27

Revisions Suggested to Implement the Planning Act, Provincial Planning Statement 2024 and Provincial Plans					
Item	OP Policy Number Or Schedule Reference	Comments/Concerns	Related Provincial Ministries	Policy Basis/Rationale Reference to Planning Act, PPS or Provincial Plan Section or Policy	Proposed Revision
Preamble – Toward a Sustainable Future for Niagara-on-the-Lake					
1	General Comment	<p>The NOTL OP does not appear to contain a policy consistent with PPS policy 5.3.1, which provides policy direction on development on, abutting or adjacent to human-made hazards. The official plan lacks direction regarding petroleum resource potential or hazards, and there is no evidence that an assessment was conducted to justify this omission.</p> <p>Provincial data identifies several abandoned and suspended petroleum wells and active mineral aggregate operations. Municipalities are encouraged to use the most up to date information from The Oil, Gas and Salt Resources Library to identify petroleum pools and wells. Municipalities can download shapefiles here. Data on petroleum wells are available on Geohub.</p>	MNR	PPS 5.3	Please add policies to the NOTL OP that address the requirements of PPS policy 5.3.1 for petroleum resource protection and human-made hazards associated with petroleum resource operations.
2	General Comment	Section 4.4 of the PPS provides direction on petroleum resources, which is not reflected in the official plan. The NOTL OP does not include policies relating to petroleum resources as required in PPS section 4.4 and does not include definitions for 'petroleum resources' or 'petroleum resource	MNR	PPS 4.4	Please ensure that the policies of PPS section 4.4 be reflected in the appropriate section of the NOTL OP as they relate to petroleum resources and operations.

		<p>operations.’ Further, petroleum resources and operations are not currently identified in the NOTL OP mapping.</p> <p>While there are currently no petroleum pools identified within the municipality, provincial data indicates that there are several petroleum wells in the municipality. Several policies that relate to petroleum resources and operations in the PPS are ‘shall’ policies, meaning they should be reflected in the NOTL OP to ensure future applicability, even if the resources are not currently active.</p>			
Section 1: A Framework for a Sustainable Community					
3	<p>1.1.3 (4) 1.6.1.4 (l) 3.5.3.6 3.7.3.7 (c) 6.2.3.8 (d), (e), (f), (g), and (h)</p>	<p>Section 4.6 of the PPS, 2024 references the Ontario Heritage Act. Terminology in the NOTL OP should align with the PPS and Ontario Heritage Act and be used consistently.</p> <p>While the PPS, 2024 does not include a definition of the term “cultural heritage resources”, the term is defined in the Niagara Escarpment Plan (2017) and Greenbelt Plan (2017). Cultural heritage resources include archaeological resources, built heritage resources and cultural heritage landscapes. For consistency, please use the correct terminology when referring to each, and the term “cultural heritage resources” when referring to all three.</p> <p>The term ‘conserved’ defined in the PPS, 2024 means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. Comparatively, “preservation’ is</p>	MCM	<p>PPS 4.6 and Section 8 – Definitions</p> <p>Definitions of “built heritage resource”, “cultural heritage landscape”, “conserved”, “significant”, “Heritage attributes”]</p> <p>Niagara Escarpment Plan and Greenbelt Plan [definition of “cultural heritage resource”,</p>	<p>Please ensure the following changes to the appropriate sections of the NOTL OP:</p> <p>Section 1.1.3 (4)</p> <p>“(4) A centre for culture and recreation, founded on the conservation of cultural and built-heritage <u>resources</u>;</p> <p>Section 1.6.1.4 (l)</p> <p>“l) integrate green technology and approaches with <u>preservation-conservation</u> of cultural heritage resources.”</p> <p>Section 3.5.3.6</p> <p>“The Town will prepare an <i>intensification</i> strategy the that provides direction on <i>intensification</i> within the Old Town and Virgil. [...] Factors to consider in the <i>intensification</i> strategy will be the nature of the existing land uses, the nature and permanency of adjacent land uses, cultural heritage</p>

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		not defined in the PPS or Ontario Heritage Act. Throughout the NOTL OP, the term “preservation” should be replaced with the term “conservation” to align with the PPS and Ontario Heritage Act.		“cultural heritage value or interest”]	resource preservation conservation , the ability of the surrounding road network to accommodate growth [...]” Section 3.7.3.7 (c) “c) the integration of views of built heritage resources and cultural heritage landscapes features , landmarks, and significant natural heritage features to enhance a sense of place; and”. Section 6.2.3.8, policies (d) through (h) Please replace references to “cultural heritage features” with “cultural heritage resources.” For example, 6.2.3.8 [f (ii)] (page 136): “New streets, driveways and pathways in the area should be aligned to conserve and provide public exposure to cultural heritage resources features where feasible.”
4	1.2.9 and Preamble – Provincial Planning Context – Greenbelt Plan (2017)	There is a discrepancy between these two policies regarding the application of the Greenbelt Plan. The preamble section states “Niagara-on-the-Lake, with the exception of the five (5) settlement areas previously identified, is entirely located within the Greenbelt, and is part of the Protected Countryside [...]”. Policy 1.2.9 states “The Ontario Power Generation Policy Area contains a large constructed reservoir and additional lands owned by Ontario Power Generation, Bridge Commission and Niagara Parks, and are located outside of the Niagara Escarpment	MMAH	No policy reference	Please ensure the discrepancies between the Preamble, Policy 1.2.9, and throughout the NOTL OP as applicable are rectified, and that the associated schedules showing the Ontario Power Generation Policy Area are accurate.

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		Plan Area and the Greenbelt Plan area.” The schedules of the NOTL OP and additional available mapping show the Ontario Power Generation lands to be outside of the Niagara Escarpment Plan and Greenbelt Plan area.			
5	1.5.1.1	<p>We understand that the Town has updated their draft OP policies to be consistent with the updated definition of Employment Area and permitted uses in the <i>Planning Act</i> and PPS.</p> <p>Section 1.5.1.1 states that Employment Areas are identified on the land use schedules of the draft OP. Please label the two employment designations to reflect the distinct differences between Employment Areas and Business Areas. Currently, they are both designated as “Employment” in the schedules; however, they have different permitted uses.</p> <p>In addition, please delineate the Employment Area in Schedule B3.</p>	MMAH	PPS 2.8	Please modify Schedule B3 to delineate the Area of Employment located in Virgil, as well as update legend to reflect distinct differences in the two employment designations.
6	1.6.1.3	Clarification of terminology: “agricultural infrastructure” with references to Agricultural System.	OMAF	PPS 4.3.1	<p>Please ensure the following changes:</p> <p>“Sustainability is achieved through a variety of initiatives that can include:</p> <p>a) protecting specialty crop lands, supporting agricultural production, and agricultural <i>infrastructure</i>, and the Agricultural System, as required to meet the needs of the sector;”</p>
Section 2: Protected Countryside: The Unique Specialty Crop Area					
7	General Comment	Reference to Agricultural Impact Assessments.	OMAF	PPS 4.3.5.2	Please ensure PPS policy 4.3.5.2, which discusses agricultural impact assessments for non-agricultural uses, is

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					appropriately incorporated in the relevant sections of the draft OP.
8	2.1.3 2.3	<p>The Major Open Space designation is utilized in the NOTL OP to recognize a controlled number of pre-existing uses within the specialty crop area, including significant open space such as federal and provincial parks, museums, major sport complexes and historic sites.</p> <p>Section 3.1.2 of the Greenbelt Plan states that non-agricultural uses are discouraged in specialty crop areas, but permitted subject to sections 4.2 to 4.6 and may only be permitted after an Agricultural Impact Assessment is completed. It is understood that no other uses that are not pre-existing are envisioned for these lands within the planning period of the NOTL OP.</p>	MMAH	Greenbelt Plan 3.1.2	Please ensure the policies of the Major Open Space designation conform to the applicable policies of the Greenbelt Plan.
9	2.2.3.1 9.13.1.3	Please correct the reference in draft OP policy 2.2.3.1 h) from 9.13.3 to 9.13.1.3 so that it refers to additional residential unit policies for lands in the Protected Countryside.	MMAH	Greenbelt Plan 4.5	Please ensure that the section is consistent with Greenbelt Plan Policy 4.5.3 as it relates to additional residential units policies.
10	General Comment	Please note that “additional dwelling units” are now being referred to as “additional residential units”	MMAH	PPS 4.3 O. Reg. 299/19: ADDITIONAL RESIDENTIAL UNITS	Update all additional dwelling unit policies so that they are referred to as additional residential units for consistent terminology with the <i>Planning Act</i> and PPS, 2024.

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11	2.2.8.1	On-farm diversified uses	OMAFA	PPS 4.3.2.1	Additional wording to address PPS 4.3.2.1 regarding on-farm diversified uses is required: 2.2.8.1 <i>On-farm diversified uses</i> which include <i>agri-tourism uses</i> , home industries and home occupations, must be secondary to the principal agricultural use on a property, limited in area and complement and contribute to the sustainability and viability of the farming operation. <u>Proposed on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on provincial guidance or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.</u>
12	2.2.14 2.2.14.3	Lot Creation	OMAFA	PPS 4.3.3, 4.3.2.5	Ensure draft OP policies address lot creation and lot adjustment policies in prime agricultural areas as per the PPS 4.3.2.5 and 4.3.3.
13	2.4.3.4, Schedule B1	Draft OP policy 2.4.3.4 does not appear to recognize that new pits and quarries are not permitted in the OP area. The draft OP should clarify that no 'new' operations are permitted. This clarification could be incorporated into draft OP policy 2.4.3.5 which in part, reflects Greenbelt Plan policy 4.3.2.9 a).	MNR	PPS 4.5.2.4 Greenbelt Plan 4.3.2.9	Please revise policy 2.4.3.4 be revised to conform with Greenbelt Plan policy 4.3.2.9 a) as follows: "Prior to the opening of a new pit or quarry or the expansion of existing pits and quarries the developer will comply with the requirements of the Aggregate Resources Act and its regulations."
Section 3: Settlement Areas					
14	3.9.2.1 c)	Municipalities do not have any authority under the <i>Building Code Act</i> or Building Code to make requirements for buildings as it relates to materials, architectural design, etc.	MMAH	Building Code Act 35(1)	Revise policy to encourage rather than create a requirement as follows: "To ensure new housing is appropriately located, is compatible with surrounding land uses, incorporates

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					encourages energy efficient aspects in its design, retains important <i>natural heritage features</i> and uses land efficiently”.
15	3.10.5.6	The PPS definition of conserved specifies three methods to retain a cultural heritage resource’s value or interest: heritage impact assessments, archaeological assessments, and conservation plans. The OP should be revised to include the preparation of conservation plans as an optional study requirement available to the Town.	MCM	PPS Section 8 - Definitions	Revise policy as follows: “ <i>Cultural heritage resources will be conserved, where they may be affected by an application for commercial development or redevelopment. A heritage impact assessment, conservation plan and/or an archaeological assessment will be required, and appropriate mitigation measures will be taken to the satisfaction of the Town.</i> ”
16	3.12.2.4 c)	In the draft OP Policy 1.5.1.1, it is stated that the only employment area in the Town is located in Virgil and applies to lands that are designated ‘Employment’ on Schedule B3. Policy 3.12.2 establishes policies related to Business Areas which permit various employment-generating uses, however, are different from Employment Areas. Policy 3.12.2.4 c) states that the detailed policies in S4-19 apply to the Cannery Employment Area. Please clarify if the Cannery Employment Area in St. Davids is intended to be a Business Area or Employment Area, as the permitted uses are different.	MMAH	PPS 2.8	Clarify reference to Cannery Employment Area, confirming whether it is a Business Area or Employment Area.
17	3.13.1.4	Policy states that “Community facilities may be permitted in Commercial and Employment designations”.	MMAH	Planning Act 1(1); PPS 2.8.2	Clarify policy to note that Community facilities are not a permitted use in an <i>Area of Employment</i> .
Section 6: Heritage, Archaeology and Culture					
18	6.1.3.12	It is recommended that this policy be revised for consistency with PPS 4.6.5	MCM	PPS 4.6.5	It is recommended to include the following revisions:

					"Local Indigenous communities <u>shall be engaged early in the planning process and</u> consulted on any work that <u>could potentially may</u> impact <i>cultural heritage resources</i> within the <i>traditional territories</i> , <u>ensuring their interests are considered. of which they are located.</u> "
Section 7: Natural Heritage					
19	Section 7	<p>Section 7 of the NOTL OP outlines the natural environment system policies. The PPS, Greenbelt Plan and Niagara Escarpment Plan policies apply to various areas of the municipality. The NOTL OP identifies a 'Natural Environment System' in section 7.1, but section 7.2 provides policies for a 'Natural Heritage System.' Throughout section 7, it is not always clear what areas of the municipality the policies apply to, or which features are included in the policy direction (e.g., PPS natural heritage features or Greenbelt Plan key natural heritage features).</p> <p>The PPS protects significant 'natural heritage features' while the Greenbelt Plan protects 'key natural heritage features' and 'key hydrologic features'. Differentiation must be clear when policies are referring to Greenbelt Plan features versus PPS features.</p> <p>The NOTL OP uses inconsistent terms to identify features such as 'natural heritage features and areas,' 'hydrological features,' 'hydrologic features,' 'key natural heritage features and areas' and 'key hydrologic features.' This makes it difficult to determine which policies in the OP apply to which features, and whether the OP policies are consistent with PPS and Greenbelt Plan policies.</p>	MNR	<p>PPS 4.1</p> <p>Greenbelt Plan 3.2</p> <p>Niagara Escarpment Plan 1.4, 1.5</p>	<p>To effectively implement the policies of PPS 4.1, Greenbelt Plan 3.2.2 and 3.2.5, and Niagara Escarpment Plan 1.4 and 1.5, revise Section 7 of the NOTL OP to ensure that it is clear what policies are being applied to which features and in what areas of the municipality.</p> <p>This includes incorporating all of the following into the NOTL OP:</p> <ul style="list-style-type: none"> • Appropriate headings for sections and policies (for example, clarifying if the heading in section 7.2 is referring to the Natural Environment System); • All applicable policies of the PPS, Greenbelt Plan and Niagara Escarpment Plan; • All definitions (ensuring definitions are consistently italicised where intended), identification criteria (for example significant woodlands in Greenbelt Plan area vs PPS area), and consistent use of the defined terms for natural heritage to ensure policies are consistent with PPS, Greenbelt Plan and Niagara Escarpment Plan; • Schedules which identify the Natural Heritage System and required natural heritage features in accordance with PPS and key natural heritage and key hydrologic features in accordance with the Greenbelt Plan. <p>Consideration should be given to changing Section 7.2 as appropriate to either the 'Natural Environment System' or to the 'Protected Countryside' for the general policies for</p>

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		<p>It is understood that the Protected Countryside policies of the Greenbelt Plan apply to most of the municipality. As such, it can be interpreted that section 7.2 should be implementing policies of the Greenbelt Plan related to natural heritage in the Protected Countryside, outside of the Greenbelt Plan Natural Heritage System. Outside of the Greenbelt Plan Natural Heritage System, certain features continue to be protected in accordance with the Greenbelt Plan Natural Heritage System policies (i.e., key hydrologic features), or in accordance with the PPS 4.1 policies (i.e., key natural heritage features as directed in Greenbelt Plan policy 3.2.5.3). Due to the terminology inconsistencies, it is interpreted that this section may be protecting natural heritage features beyond what is required in Greenbelt Plan 3.2.5.3 and PPS 4.1 (e.g., significant woodlands as defined by the Greenbelt Plan rather than as defined by the PPS, all life science ANSIs as defined by the Greenbelt Plan rather than only significant earth and life science ANSIs under PPS direction).</p> <p>Policies from the Niagara Escarpment Plan as they relate to natural heritage are missing and/or incomplete. It is understood that draft OP policy 7.5.1.1 directs readers to the Niagara Escarpment Plan, however, not incorporating any of these policies directly into the draft OP may impact conformity with the Niagara Escarpment Plan.</p>			<p>natural heritage which apply outside of the Greenbelt Plan Natural Heritage System.</p> <p>It is further recommended that section 7.4 be reviewed and revised as required to ensure it includes all appropriate Greenbelt Plan Natural Heritage System policies.</p>
20	Section 7, Schedule C	It is not clear in Section 7 of the NOTL OP whether the Natural Environment System policies apply to all natural heritage features, key natural heritage and	MNR	PPS 4.1	It is recommended that the draft OP be reviewed and revised to clarify what policies apply to which natural

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		<p>key hydrologic features across the municipality or if policies are specific to the identified 'natural heritage system' on Schedule C. This makes it difficult to assess consistency with provincial policy frameworks.</p> <p>The policies of PPS 4.1 apply to all areas of a municipality, unless specified otherwise (e.g., within the Greenbelt Plan Protected Countryside or Natural Heritage System in accordance with Greenbelt Plan policies 3.2.5.2 and 3.2.5.3).</p> <p>While there are no concerns with policies for individual features being included under the Natural Environment System section, the municipality should clarify that features beyond the system are protected in accordance with provincial policy. This direction is included, in part, in section 7.1.3, but could be further clarified.</p>		Greenbelt Plan 3.2	<p>heritage features, as they relate to the Natural Environment System.</p> <p>Consideration could be given to the text of policies in 7.1.3 of the NOTL OP to ensure it's clear where the policies of the Natural Environment System apply. An option could be:</p> <p><u>“X) the Natural Environment System policies of section 7 apply to all features and components listed in policy 7.1.3.2-7.1.3.3 across the municipality, unless specified otherwise by a provincial plan. Where a provincial plan applies, the policies of that plan shall be implemented through the relevant sections in this Plan.”</u></p>
21	7.2.1.7	<p>Draft OP policy 7.2.1.7 states that new or expanding infrastructure within Protected Countryside shall avoid Core Natural Areas and key hydrologic features unless need has been demonstrated and it has been established that there is no reasonable alternative.</p> <p>Greenbelt Plan 4.2.1.2. requires that negative impacts be minimized regarding the location and construction of infrastructure and expansions, extensions, operations and maintenance of infrastructure in the Protected Countryside.</p>	MNR	Greenbelt Plan 4.2.1.2	<p>It is recommended that the NOTL OP policy 7.2.1.7 be revised to conform with Greenbelt Plan 4.2.1.2 as follows:</p> <p>“New or expanding infrastructure within the Protected Countryside shall avoid Core Natural Areas and key hydrologic features unless need has been demonstrated and it has been established that there is no reasonable alternative.</p> <p><u>Where infrastructure does cross the Greenbelt Plan Natural Heritage System or intrude into or result in the loss of a key natural heritage feature, key hydrologic feature or key hydrologic areas, including related landform features, planning, design and construction practices shall minimize negative impacts on and</u></p>

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					<u>disturbance of the features or their related functions and, where reasonable, maintain or improve connectivity.”</u>
22	7.2.1.7, 8.8.6	The draft OP references the term ‘core natural areas’ throughout but it appears that core natural areas is no longer part of this Plan.	MNR	PPS 4.1, 6.1.5 Greenbelt Plan 3.2.2, 3.2.5	It is recommended that references to the term ‘core natural areas’ be removed and/or replaced with appropriate language that is relevant to the policy direction of this current draft OP.
23	7.2.5.1, 7.6.3.1	<p>Draft OP policy 7.2.5.1 states that a proposal for new development or site alteration which is adjacent to a natural heritage feature or area shall require an Environmental Impact Study and/or hydrological evaluation to determine that there will be no negative impacts on the feature, ecological function, or hydrologic function in accordance with the adjacent lands distances outlined in Table 8-1. It is understood that these distances are applied to features outside of the Greenbelt Plan Natural Heritage System.</p> <p>The Natural Heritage Reference Manual provides the province’s recommended distances for adjacent lands to appropriately protect features in accordance with PPS policy 4.1.8. The adjacent lands distances provided in the Table are less than those provided in the Natural Heritage Reference Manual, for several natural heritage features.</p> <p>For more information, the NHRM is available for review and consideration when developing natural heritage policies: <u>Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005 • Ontario • Ministry of Natural Resources</u></p>	MNR	PPS Chapter 1, 4.1.8 Natural Heritage Reference Manual 8.4, 9.4	<p>Please ensure that Policy 4.1.8 of the PPS, 2024 is adequately addressed through Table 8-1 of the NOTL OP. For added guidance, you may consult the Natural Heritage System Reference Manual as it relates to adjacent lands distances.</p> <p>To ensure consistency with Chapter 1 of the PPS, consider whether protecting regionally significant earth science ANSIs will conflict with any other provincial interests and revise the draft OP.</p>

		<p>Further, PPS 4.1.8, also applies to earth science ANSIs; however, earth science ANSIs have not been included in Table 8-1. It is understood that policy direction including adjacent lands distances for earth science ANSIs is included in section 7.6.3; however, it may read more clearly if the adjacent lands were also included in Table 8-1.</p> <p>Lastly, it appears that regionally significant earth science ANSIs are being protected beyond the minimum PPS 4.1 standards. In accordance with PPS Chapter 1, municipalities may include policies in their OP that protect features beyond the minimum provincial standards so long as the policy direction does not conflict with a provincial interest. It is encouraged that the municipality review their draft OP to ensure the earth science ANSIs are protected as intended by the municipality, and that the policies which protect them will not conflict with another provincial interest.</p>			
24	7.4.1.5	<p>Draft OP Policy 7.4.1.5 states that a 30-metre wide vegetation protection zone is required adjacent to significant woodlands, wetlands as well as permanent streams and intermittent streams and inland lakes within the Greenbelt Natural Heritage System.</p> <p>This policy, in part, reflects Greenbelt Plan policy 3.2.5.4; however, the policy does not include fish habitat, seepage areas or springs as required by Greenbelt Plan 3.2.5.4. Further, Greenbelt Plan policy 3.2.5.4 applies to all lakes, not just inland lakes.</p>	MNR	Greenbelt Plan 3.2.5.4	Revise policy 7.4.1 to include all features reflected in Greenbelt Plan policy 3.2.5.4.

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25	7.4.1.12	<p>Draft OP policy 7.4.1.12 reflects in part Greenbelt Plan policy 3.2.5.5.</p> <p>Greenbelt Plan 3.2.5.5 a) states that a proposal for new development or site alteration within 120 metres of a key natural heritage feature within the Natural Heritage System or a key hydrologic feature anywhere within the Protected Countryside requires a natural heritage evaluation or a hydrological evaluation which identifies a vegetation protection zone which: a) Is of sufficient width to protect the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change and associated activities that may occur before, during and after construction and, where possible, restore or enhance the feature and/or its function.</p> <p>Draft OP 7.4.1.12 does not include policies to protect features from associated activities that may occur before, during and after construction and, where possible, restore or enhance the feature and/or its function.</p>	MNR	Greenbelt Plan 3.2.5.4, 3.2.5.5	<p>Please revise policy 7.4.1.12 to conform with Greenbelt Plan policy 3.2.5.5 to ensure they are appropriately implemented as follows:</p> <p>“A proposal for new <i>development</i> or <i>site alteration</i> within 120 metres of any key natural heritage feature or key hydrologic feature within the Greenbelt <i>Natural Heritage System</i> will require an EIS and/or hydrological evaluation that identifies a <i>vegetation protection zone</i>, which: a) Protects the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change <u>and associated activities that may occur before, during and after construction and, where possible, restore or enhance the feature and/or its function;</u>”</p>
26	7.7.1.9, 7.7.1.10, 7.7.1.11	<p>Policies 7.7.1.9, 7.7.1.10, and 7.7.1.11 reflect the policy direction for hazardous forest types for wildland fire in section 5 of the PPS. However, the NOTL OP does not contain mapping that addresses areas that are unsafe due to the presence of hazardous forest types for wildland fire. It is recommended that an appendix be developed to indicate the areas with hazardous forest types for wildland fire for Niagara-on-the-Lake.</p>	MNR	PPS 5.2.9	<p>Add a schedule to the NOTL OP that maps areas with hazardous forest types for wildland fire to support implementation of section 5 of the PPS.</p>

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		Data to support identifying potential hazardous forest types for wildland fire can be downloaded from Ontario Geohub. The data class is called “Fire – Potential Hazardous Forest Types for Wildland Fire” (https://geohub.lio.gov.on.ca/).			
Section 8: Infrastructure					
27	General Comment	MECP Certificate of Approvals (C of A) have been replaced by Environmental Compliance Approvals (ECA).	MECP	Technical clean up	Ensure the term certificate of approval is updated through the OP. More information on Environmental Compliance Approvals can be found here: Environmental Compliance Approval ontario.ca
28	General Comment	The Official Plan does not include policies to plan for and protect planned corridors, as required under the Provincial Planning Statement (PPS), s. 3.3.	MEM	PPS 3.3	<p>Suggest including language as follows:</p> <p><u>“The Town shall plan for and protect corridors and rights-or-way for infrastructure, including transportation, transit, and electricity generation facilities and transmission systems to meet current and projected needs.</u></p> <p><u>The Town shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.</u></p> <p><u>New development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should not be designed to avoid, or where avoidance is not possible, minimize and mitigate negative impacts on and adverse effects from the corridor and transportation facilities.”</u></p>

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29	8.1.13	There should be explicit acknowledgement and planning for local segments of the Strategic Goods Movement Network (SGMN) as identified in Connecting the GGH: A Transportation Plan for the Greater Golden Horseshoe.	MTO	PPS 3.2.1, 3.3.2 Connecting the GGH: A Transportation Plan for the Greater Golden Horseshoe, Map 6: Current, planned and conceptual Strategic Goods Movement Network elements	The Town supports the expeditious and efficient movement of goods through its priority routes, being the arterial road system, as well as alignment with the Strategic Goods Movement Network (SGMN) as identified in Connecting the GGH: A Transportation Plan for the Greater Golden Horseshoe.
30	8.4.3	Reference to Agricultural System	OMAFA	PPS 4.3.5.2	Please ensure the following changes: “In the Protected Countryside or Conservation designation only, the essential operations of public utilities will be permitted where no other reasonable location is available. The impact of these facilities on <u>the Agricultural System</u> , and the environment will be minimized. Public utilities will only be permitted if it can be demonstrated that the advantages of any project outweigh its disadvantages.”
31	8.5.4	Reference to Agricultural System	OMAFA	PPS 4.3.5.2	“The Town encourages <i>development</i> and land use patterns that promote design and building orientation which will maximize energy efficiency and considerations, considers the mitigating effects of vegetation, maximizes opportunities for the use of renewable energy systems and alternative energy systems, and maximizes vegetation within the settlement areas, where feasible. Potential negative impacts on <u>the Agricultural System</u> due to any of these measures must be considered and avoided.”

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Section 9: Implementation and Administration					
32	General	Outdated references to Partner Ministry names included in the draft OP (i.e. Ministry of Environment and Climate Change, Ministry of Natural Resources and Forestry).	MMAH	No policy reference	Ensure appropriate ministry names are properly referenced throughout draft OP.
33	Table 6	<p>Bill 17 proposes to amend the <i>Planning Act</i> to limit complete application requirements to what is currently identified in municipal official plans. Bill 17 also includes regulation-making authority that would enable the Minister of Municipal Affairs and Housing to further regulate the reports or studies required as part of a complete application. The Town is required to outline all required supporting studies or reports that may be requested as part of a complete application submission.</p> <p>Please refer to the proposed legislative and regulatory changes to complete application requirements (Proposed Regulations– Complete Application Environmental Registry of Ontario) recommending certain topics be removed from the requirements of a complete application. The following topics may not be permitted to be required as part of a complete application: Sun/Shadow, Wind, Urban Design, Lighting. Should the proposed regulations come into effect prior to the adoption of the NOTL OP, the Town may need to consider updates the official plan policies, where applicable.</p>	MMAH	Bill 17, the proposed Protect Ontario by Building Faster and Smarter Act, 2025	Should the proposed regulations come into effect prior to the adoption of the NOTL OP, the Town may need to consider updates to the official plan policies, where applicable.
34	Table 6	Air Quality, Noise & Studies will be prepared for any development for 4.18 (k) (S4- Vibration Studies)	MECP	PPS 3.5	Please incorporate reference to these studies being prepared in accordance with provincial guidelines, standards and procedures and per the PPS policy 3.5.1.

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		Any required noise studies should be completed in accordance with the MECP’s “Environmental Noise Guideline, NPC-300”.			
35	9.7.3.2	The Building Code does not regulate the design, width, construction standards, or materials of roads or private roadways. Road design and construction standards fall under the jurisdiction of the municipality, typically through its engineering standards, site plan control, or subdivision agreements.	MMAH	Ontario’s Building Code	Please revise the policy as follows: “Individual units in a condominium <i>development</i> may be permitted to have common element private road access. Condominium road standards may vary from public road standards, as appropriate to the development, and provided they continue to meet applicable Ontario Building Code (OBC) regulations. ”
36	9.13.1.2 j)	PPS policies 4.6.3 refer to <i>protected heritage property</i> , which includes properties designated on the Municipal Heritage Register, but also property included in an area designated as a heritage conservation district; property subject to a heritage conservation easement or covenant under Part II or IV of the Ontario Heritage Act; property identified by a provincial ministry or a prescribed public; property protected under federal heritage legislation; and UNESCO World Heritage Sites. It is recommended that the policy be revised to for greater consistency with language used and defined in the PPS. We note other ADU policies in the OP refer to “protected heritage property”.	MCM	PPS 4.6.3; Section 8 - Definitions [Definition of “protected heritage property”]	Revise policy 9.13.1.2 j) as follows: “ADUs located on or adjacent to lands identified on the Municipal Heritage Register or protected heritage property designated under the Ontario Heritage Act must not detract from the cultural heritage value and heritage attributes of the property and may be subject to obtaining a Heritage Permit.”
37	9.12.3.6	It is recommended that this policy be revised to more clearly refer to the language set out in O. Reg. 9/06 – <i>Criteria for Determining Cultural Heritage Value or Interest</i> .	MCM	PPS Section 8 - Definitions [Definitions of “conserved” and	Revise policy 9.13.2.6 d) as follows: “Country inns are not permitted by the Niagara Escarpment Plan (NEP), except in single dwellings with local-cultural heritage value or interest. (...)”

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				<p>“heritage attributes”]</p> <p>OHA, O. Reg. 9/06 Criteria for Determining Cultural Heritage Value or Interest</p>	
Section 10: Secondary Plans					
38	All Secondary Plans	<p>The secondary plans that will be integrated into the adopted Official Plan do not appear to be consistent with PPS, 2024 (i.e. reference to Municipal Comprehensive Review in Glendale Secondary Plan, Bill 51 in the Village of Queenston Secondary Plan, etc.).</p> <p>Additionally, on October 23, 2025, Bill 60, the <i>Fighting Delays, Building Faster Act, 2025</i> was introduced. As part of the proposed legislative and regulatory changes announced, a proposal was posted on the Environmental Registry of Ontario seeking feedback on simplifying and standardizing official plan structure and content, including a proposal to require official plans to be a singular, comprehensive document for the entire municipality. Details on the proposal can be found here: <u>Consultation on simplifying and standardizing official plans Environmental Registry of Ontario.</u></p>	MMAH	PPS 3(5)	It is required that the Town update all Secondary Plans to align with applicable provincial policy, legislation and regulatory requirements.

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Section 11: Interpretation					
39	General Comment	Please review the definitions in the NOTL OP to ensure they are consistent with the terminology and definitions of the PPS, 2024.	MMAH	PPS Section 8 - Definitions	<p>It is recommended to revise and update this section to align with the terminology and definitions of the PPS, 2024.</p> <p>For example: <i>areas of archaeological potential, built heritage resource, conserved, cultural heritage landscape, cultural heritage landscape, habitat of endangered species and threatened species, archaeological resources, significant, complete communities, development, natural heritage features and areas, natural heritage system, on-farm diversified uses, site alteration, sensitive, agricultural system, agri-food network, etc.</i></p>
40	General Comment	Please review the definitions in the draft official plan to ensure appropriate terms are defined, adding definitions as applicable to be consistent with the PPS, 2024.	MMAH	PPS Section 8 - Definitions	<p>Incorporate additional definitions to this section to align with the terminology and definitions of the PPS, 2024, where applicable.</p> <p>For example: <i>additional needs housing, ground water feature, planned corridors, hazardous forest types for wildland fire, wildland fire assessment and mitigation, etc.</i></p>
41	11.4 Definitions – Cultural Heritage Resources	The definition for “Cultural Heritage Resources” should be revised for conformity with the Niagara Escarpment Plan, Greenbelt Plan, and the OHA.	MCM	PPS Section 8 - Definitions Niagara Escarpment Plan Greenbelt Plan OHA, Definitions	<p>Revise as follows:</p> <p>“Cultural Heritage Resources: Property that includes built heritage resources, protected heritage properties, cultural heritage landscapes, historic sites, paleontological resources, monuments, archaeological resources and/or areas of archaeological potential that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people.”</p>
42	11.4 Definitions -	Habitat of Endangered Species and Threatened Species definition should be updated to align with	MECP	PPS Section 8 - Definitions	Definition should be updated, and ministry lead should be corrected.

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	Habitat of Endangered Species and Threatened Species	PPS, 2024. As of 2024, MECP is the lead ministry responsible for species at risk in Ontario.			
43	11.4 Definitions - Highly Vulnerable Aquifers	Significant Groundwater Recharge Areas as a designated vulnerable area is defined in the Official Plan, but Highly Vulnerable Aquifers, which is also a designated vulnerable area, is not.	MECP	Greenbelt Plan 3.2.4 Niagara Source Protection Plan and assessment report required under the Clean Water Act, 2006 which specifies the designated vulnerable areas	Please include a definition for Highly Vulnerable Aquifers.
44	11.4 Definitions – Municipal Comprehensive Review	The definition for Municipal Comprehensive Review should be removed from the official plan to align with the PPS, 2024.	MMAH	PPS Section 8 - Definitions	Recommended that the definition for Municipal Comprehensive Review be removed from the official plan definitions.
45	11.4 Definitions – Protected Heritage Property	The definition for “Protected Heritage Property” should be revised for conformity with the PPS, Niagara Escarpment Plan, Greenbelt Plan, and the OHA.	MCM	PPS Section 8 - Definitions Niagara Escarpment Plan Greenbelt Plan OHA, Definitions	Revise as follows: “Protected Heritage Property: means property designated under Parts IV, V or VI of the Ontario Heritage Act; <u>property included in an area designated as a heritage conservation district under Part V of the Ontario Heritage Act</u> ; property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act; property identified by <u>a provincial ministry or the Province and</u> prescribed public bodies as <u>a property having cultural</u>

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					heritage value or interest provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal heritage legislation, and UNESCO World Heritage Sites.”
46	11.4 Definitions – Significant Archaeological Resources	Section 11.4 of the OP includes a definition of “significant archaeological resources.” The term is also used in policy 6.3.3. “significant archaeological resources” is not defined in the PPS, OHA, or Standards and Guidelines for Consultant Archaeologists (2011). NOTL’s purpose in employing the term is unclear. It is recommended that the definition be deleted from the Official Plan and the policy 6.3.3 be revised accordingly.	MCM	PPS 4.6.2	Please remove the term “significant archaeological resources” from the OP definitions section.
47	11.4 Definitions – Bedroom	Ontario’s Building Code does not apply to existing buildings. If the definition is referring to new construction or major renovations, then mentioning the Ontario Building Code is redundant since all new construction must meet the requirements set out in the Code.	MMAH	Ontario’s Building Code	If this definition is referring to <i>existing buildings</i> then the following change is suggested: “ <i>Bedroom</i> - For the purposes of determining the number of bedrooms in a Bed and Breakfast Establishment, cottage rental, country inn, vacation apartment or villa, a habitable room larger than seven square metres, including a den, study or other similar area, but does not include a living room, dining room or kitchen. and which meets the requirements of the Ontario Building Code for a bedroom ”.
Schedules					
48	Schedules	Designated vulnerable areas including Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas are missing from the OP.	MECP	PPS 4.2.1(e) the Niagara Source Protection Plan and assessment report required	Develop and include a new schedule or add Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas mapping to an existing schedule to show these designated vulnerable areas.

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				under the Clean Water Act, 2006 which specifies the designated vulnerable areas	
49	Schedule A	Schedule A – Community Structure, as included in the list of schedules, was not included in the draft NOTL OP submitted to the province for review.	MMAH	Technical clean up	Please ensure Schedule A – Community Structure is included in subsequent versions of the NOTL OP.
50	Schedule B1	Schedule B1 of the draft OP has incorrectly identified the location of the two licensed aggregate operations. It is important to correctly identify these locations as they are protected from development and activities that would preclude or hinder their expansion or continued use as required by PPS 4.5.2.4.	MNR MEM	PPS 4.4 and 4.5	Please update Schedule B1 to correctly identify the location of the two existing licensed aggregate operations.
51	Schedule C	<p>Schedule C of the draft OP identifies the municipality’s Natural Heritage System. If it is the intent of the draft OP to identify the full Natural Heritage System for the municipality, it is understood that this system should be named the ‘Natural Environment System.’</p> <p>The system as identified on Schedule C (labelled Provincial Natural Heritage System) reflects the Greenbelt Plan and Niagara Escarpment Natural Heritage System. It is appreciated that the Natural Heritage System is identified as an overlay; however, greater clarity could be achieved if the individual features of the Natural Heritage System are identified.</p>	MNR	<p>PPS 4.1, 6.1.5</p> <p>Greenbelt Plan 3.2, 5.3, 5.4.2</p>	<p>Schedule C should be updated to confirm it is the Natural Environment System (i.e. to meet PPS 4.1.3 which requires that a Natural Heritage System be identified).</p> <p>It is recommended that Schedule C distinguish between the Greenbelt Plan Natural Heritage System and the Niagara Escarpment Plan area. If there is additional Natural Heritage System specific to the municipality (local Natural Heritage System), this should also be identified on the schedule. Further, it is recommended that the applicable provincial plans for the municipality, and the land use designations, and systems associated with those plans be identified on a schedule as an overlay to be in conformity with the Greenbelt Plan policy 5.3. For example, identifying the Protected Countryside.</p>

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		<p>For instance, PPS policy 6.1.5 requires that official plans shall identify provincial interests and set out appropriate land use designations and policies. This includes interests relating to natural heritage. Further, Greenbelt Plan 5.3 requires that official plans shall contain policies that reflect the requirements of this Plan together with a map(s) showing the boundaries of the Greenbelt Area, the Protected Countryside, the Natural Heritage System and the agricultural land base.</p> <p>Further, draft OP policy 7.2.1.1 states that individual natural heritage features and areas, hydrological features, and other individual components that are considered mapped features of the town's Natural Heritage System are shown on Schedule C. However, these features do not appear to be identified individually on the schedule.</p> <p>Greenbelt Plan policy 5.3 states that municipalities shall provide a map showing known key natural heritage features and key hydrologic features and any associated minimum vegetation protection zones identified in this Plan. The identification of the Natural Heritage System boundary will form the basis for applying the policies of section 3.2.</p> <p>The most effective form of identification is in the schedule mapping. Identification supports the requirements for official plans to provide clear, reasonable and attainable policies to protect provincial interests and facilitate development in suitable areas in accordance with PPS 6.1.5.</p>			<p>It is recommended that features be identified individually (i.e., ANSIs, PSWs, etc.) for optimal implementation of natural heritage protective policies consistent with PPS 4.1, and Greenbelt Plan policy 3.2.5.</p>
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		Understanding that this schedule is pending further review, updating the schedules to clearly identify the provincial interests will support effective policy implementation.			
52	Schedule E1	The QEW, Hwy 405 and Niagara Stone Road are part of the Strategic Goods Movement Network (SGMN). This should be denoted this on Schedule E1 since the road and highway network is included in the map.	MTO	PPS 3.2.1, 3.3.2 Connecting the GGH: A Transportation Plan for the Greater Golden Horseshoe, Map 6: Current, planned and conceptual Strategic Goods Movement Network elements	Please identify on Schedule E1 the QEW, Hwy 405 and Niagara Stone Road as part of the SGMN, including a legend entry for SGMN.

Notes for use:

- In the Reference to Planning Act, Provincial Plan and PPS column, please be as specific as possible when referencing policy, legislation etc.
- In the “Proposed Revision” column, recommended updates should be *italicized*, text additions should be **boldface** and deletions should be a ~~striketrough~~.
- In instances where the “Proposed Revision” is based on missing official plan policies or it is a general comment without a specific suggested revision, the “Comments/Concerns” column can include a “See Proposed Revision” note. This is intended to prevent the same information being duplicated between both columns.

Town OP Policy	NOP Policies	Regional Comments
1.1.4		Policy 1.1.4 states that the Official Plan will help to implement the Provincial vision for growth in the Greater Golden Horseshoe to 2041. It is recommended that the Town review and revise this policy to ensure it aligns with the horizon of the Plan to 2051 and the current structure of Provincial land use policy.
1.2.2		Policy 1.2.2 identifies the Town’s agricultural infrastructure system as a component of its natural heritage system. It is recommended that the Town remove or revise this policy to better align with the structure and components of the natural environment system outlined in Section 7 of the Plan.
1.4	2.2.4.1	<p>It is recommended that the following policy be added to Section 1.4 (Growth Management Strategy), which similar to Policy 2.2.4.1 of the Niagara Region Official Plan (NOP), which would support planning for infrastructure and public services that consider the full life-cycle costs of these assets and aligns with the growth forecasts of the Plan:</p> <p><i>“Land use planning will be supported by infrastructure and community facilities that:</i></p> <ul style="list-style-type: none"> <i>a) consider the full life-cycle costs of these assets and options to pay for these costs over the long-term;</i> <i>b) meet the requirements of forecasted growth within settlement areas; and</i> <i>c) is planned, built, and maintained in accordance with the applicable policies in Section 8.”</i>
1.6.1	5.2.1.5	<p>Policy 1.6.1.3 g) encourages the efficient use of public infrastructure for the achievement of a sustainable community. Further to this policy direction, the Town may wish to also add the following policy to Section 1.6.1 (Sustainability):</p> <p><i>“Before consideration is given to developing new infrastructure, the Town shall optimize the use of existing infrastructure, and plan and direct growth, in a manner that promotes efficient use of existing services.”</i></p>

Town OP Policy	NOP Policies	Regional Comments
1.6.1.4	5.2.1.11	<p>The Town may wish to revise Policy 1.6.1.4 f) as follows in order to expand areas in which the sustainability plan will consider integration of green infrastructure:</p> <p><i>“The Town will prepare a municipal sustainability plan and develop sustainable development standards, in consultation with the development industry, to establish and implement the principles of environmental, social and economic sustainability, including approaches to: [...]</i></p> <p><i>f) integrate green infrastructure into energy and water conservation strategies, as part of the review of development applications, and within public works projects, where feasible; [...]”</i></p>
1.6.3		<p>In May 2025, Niagara Regional Council approved a motion requesting local municipalities help facilitate affordable housing development by adding public use provisions into their Official Plans recognizing both Niagara Regional Housing (NRH) and non-profit and co-operative housing providers that are under agreements with Niagara Region as eligible entities.</p> <p><u>COM14-2025: Consolidated Housing Master Plan: Implementation Plan</u></p> <p><u>Recommendation 6:</u></p> <p><i>That local area municipalities <u>BE REQUESTED</u> to consider amending or creating public use exemption provisions within local official plans and comprehensive zoning by-laws to establish Niagara Regional Housing affordable housing units, as well as non-profit and co-operative housing providers that are under Service Manager agreements with Niagara Region’s Housing Services Department as eligible uses.</i></p> <p>Similar to Policy 8.4.2, the Town should consider the addition of a public use exemption policy that allows for general land use permissions for Niagara Regional Housing units and other affordable housing units whose providers are under agreements with Niagara Regional Housing.</p> <p>Further, Regional staff request that any associated definition of ‘public use’ reference “... <i>the Regional Municipality of Niagara, including Niagara Regional Housing, as well as non-profit and</i></p>

Town OP Policy	NOP Policies	Regional Comments
		<p><i>co-operative housing providers that are under Service Manager agreements with Niagara Region’s Housing Services Department...” to avoid confusion with their interpretation.</i></p>
2.2.14.5	4.1.6.1	<p>It is recommended that Policy 2.2.14.5 be revised to reflect the full scope of requirements outlined in NOP Policy 4.1.6.1 for residential severances in the agricultural area:</p> <p><i>“Lot creation may be permitted for infrastructure, where the facility or corridor cannot be accommodated by easements or rights-of-way, provided that:</i></p> <ul style="list-style-type: none"> <i>a) the need has been demonstrated and it has been established that there is no reasonable alternative; and</i> <i>b) an agricultural impact assessment has been completed by a qualified professional.”</i>
2.2.15.1	4.1.4.2	<p>It is recommended that Policy 2.2.15.1 be revised to reflect the full scope of requirements outlined in NOP Policy 4.1.4.2 for residential severances in the agricultural area:</p> <p><i>“Where a habitable dwelling existed prior to December 16, 2004, a consent to sever a lot containing the dwelling may be granted if that residence becomes surplus to a farming operation as a result of a farm consolidation, as defined in the Greenbelt Plan, provided that:</i></p> <ul style="list-style-type: none"> <i>a) The zoning prohibits in perpetuity any new residential use on the retained parcel of farmland created by the severance, and that the zoning ensures the parcel will continue to be used for agricultural purposes;</i> <i>b) The size of any new lot does not exceed an area of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary by the appropriate authority to support a well and private sewage disposal system;</i> <i>c) The farms are both located within the Town of Niagara-on-the-Lake;</i> <i>d) The new lot is located to minimize the impact on the remaining farm operation; and</i> <i>e) The new lot complies with the Minimum Distance Separation (MDS) Formula;</i>

Town OP Policy	NOP Policies	Regional Comments
		<p><i>f) any new lot has sufficient frontage on an existing publicly-maintained road; and</i></p> <p><i>g) where possible, joint use should be made of the existing road access to the farm operation.”</i></p>
3.13.4	2.2.4.3	<p>The Town may wish to add the following policy to Section 3.13 (Community Facilities), which similar to Policy 2.2.4.3 of the NOP, would support planning of infrastructure and public services for the delivery of emergency management services:</p> <p>“Notwithstanding this policy, <i>infrastructure and public service facilities should be strategically located to support the effective and efficient delivery of emergency management services and to ensure the protection of public health and safety.</i>”</p>
3.16.1	2.2.4.6	<p>The Town may wish to revise Policy 3.16.1 as follows in order to prioritize the creation of community hubs within the Town’s strategic growth area in line with NOP Policy 2.2.4.6:</p> <p><i>“The Town supports the creation of community hubs that:</i></p> <ul style="list-style-type: none"> <i>a) enable the co-location of public services to promote cost-effectiveness and service integration;</i> <i>b) facilitate access through locations served by a range of transportation options, including active transportation and transit;</i> <i>d) give priority to existing public service facilities as the preferred location, where appropriate or alternatively, for locations within or near the Glendale strategic growth area; and</i> <i>e) enable the adaptive reuse of existing facilities and spaces, where appropriate.”</i>
7		<p>The Town may wish to restructure the policies of Section 7 (Natural Environment System) in the following manner to improve the readability of the Plan:</p> <ul style="list-style-type: none"> • Move Section 7.2.6 (Other Woodlands) and Section 7.2.7 (Linkages) and their associated policies to Section 7.6 (Other Natural Environment System Policies)

Town OP Policy	NOP Policies	Regional Comments
		<ul style="list-style-type: none"> Place Section 7.3.1 (Watershed Planning) within a standalone section and group Sections 7.3.2 to 7.3.6 under a new subsection 7.4 (Water Resource System).
7.1.1.2		<p>It is recommended that Policy 7.1.1.2 a) be revised to replace “Natural Environment System” (NES) with the term “Natural Heritage System” in order to clarify the components of the NES:</p> <p><i>“The Town’s natural environment will be protected and enhanced through the identification of a Natural Environment System, which is comprised of:</i></p> <p><i>a) the Town’s Natural Environment System Natural Heritage System, which includes features such as wetlands, woodlands, valleylands and wildlife habitat, as well as components such as linkages, buffers, supporting features and areas, and enhancement areas;”</i></p>
7.1.4.1		<p>It is recommended that Policy 7.1.4.1 be revised to remove duplicated language with Policy 7.1.4.3, which already outlines the process and study requirement to assess unmapped features.</p> <p><i>“The components of the Town’s Natural Heritage Environment System Town of Niagara-on-the-Lake are identified on Schedule C. Where features or components of the Natural Environment System are not mapped, they may be defined more precisely through subwatershed or environmental planning studies, environmental impact studies, hydrologic evaluations, or other studies prepared to the satisfaction of the Region and the Town.”</i></p>
7.2.1.7		<p>It is recommended that Policy 7.2.1.7 be revised to replace “Natural Heritage System” with the term “Natural Environment System” to reflect the Town’s system approach to environmental protection.</p> <p><i>“Essential public uses of a linear nature including utilities, communication facilities and transportation routes may be permitted within the Natural Heritage Environment System or adjacent lands where an EIS, hydrologic study, or equivalent assessment for the proposed use has been approved under Provincial or Federal legislation.”</i></p>

Town OP Policy	NOP Policies	Regional Comments
7.2.1.9	3.1.18.2	<p>It is recommended that Policy 7.2.1.9 be revised to reflect the terminology of the Greenbelt Plan. Specifically, to replace “Key Hydrologic Area” with “Key Natural Heritage Feature”</p> <p><i>“Where a natural heritage feature and area, key hydrologic feature, or key hydrologic area key natural heritage feature has been removed without authorization in advance of making, or prior to approval of, an application for development or site alteration, Town and/or Conservation Area staff shall use all available information to determine the limit and classification of the feature that existed, and restoration of the feature shall be required through the approval of the application for development or site alteration.”</i></p>
Table 8-1 (Buffers)	Table 3-2	<p>It is recommended that the fish habitat buffer be removed from Table 8-1. As directed in Policy 7.3.5, these features are typically determined by Federal agencies.</p>
Table 8-1 (Buffers)	Table 3-2	<p>It is recommended that “Inland Lakes” and “Seepage Areas and Springs”, along with their associated buffers, be removed from Table 8-1. These features are defined as key hydrologic features under the Greenbelt Plan, and are, therefore, already subject to applicable vegetation protection zone requirements.</p> <p>The Town may wish to instead list these features within the definition for “natural heritage features and areas” and/or as components within Policy 7.2.1.1, which would ensure that they could be identified and/or evaluated, where applicable, as part of the undertaking of an environmental impact study and/or hydrogeological assessment as outlined within the Plan.</p>
Table 8-1 (Adjacent Lands)	Table 3-1	<p>The Town should renumber Table 8-1 (Adjacent Lands for Natural Heritage System Features) to Table 8-2.</p>
7.2.6.7		<p>It is recommended that Policy 7.2.6.7, which provides direction for the categorization of formerly identified significant and other woodlands features, be moved to Section 7.2.1 (General Policies) to recognize the broader application of the policy.</p>

Town OP Policy	NOP Policies	Regional Comments
7.3.3		<p>It is recommended that Policy 7.3.3 be removed, and that the policies within this section be revised as follows:</p> <ul style="list-style-type: none"> • Policies 7.3.3.1, 7.3.3.5, 7.3.3.6, 7.3.3.7, and 7.3.3.8 are duplicated in other more relevant sections of the Plan and can be removed; • Policies 7.3.3.2 and 7.3.3.3 should be moved to Section 7.2.2 (Development and Site Alteration in the Natural Heritage System) to recognize the broader application of the policy; and • Policy 7.3.3.4 should be included in the previous Policy 7.3.3.3 as subsection c) rather than remain a standalone policy.
7.3.6.3 c)		<p>Policy 7.3.6.1 (a) states that the vegetated shoreline should span the entire water frontage and be at least 15 metres in depth from the normal high-water mark. As such, the Town may wish to remove Policy 7.3.6.3 c) as follows to avoid a conflict in policy direction:</p> <p><i>“Where major development is proposed along shorelines:</i></p> <ul style="list-style-type: none"> <i>a) Public access to the shoreline shall be integrated into site planning in a manner that supports ecological integrity and climate resilience;</i> <i>b) Efforts shall be made to maintain a view of the shoreline from beyond the development;</i> <i>c) Development shall be designed to protect and enhance natural shoreline viewsheds, minimizing visual disruption of the natural landscape;</i> <i>c) Where feasible, the shoreline should should be maintained in, or restored to, a naturally vegetated state;”</i>
7.4.1.3		<p>It is recommended that Policy 7.4.1.3 be removed from the Plan. Individual water features (such as other wetlands, permanent and intermittent streams, etc.) have been accounted for in</p>

Town OP Policy	NOP Policies	Regional Comments
		<p>other policies of Section 7 (Natural Environment System), which already provide protection for these features outside of the Greenbelt Plan Area.</p> <p><i>“Notwithstanding Policy 7.4.1.2, the policies of Sections 7.4.1 to 7.4.4 that apply to key hydrological features apply in all areas of the Town outside of settlement areas whether or not they are in the mapped Greenbelt Natural Heritage System.”</i></p>
7.4.1.4		<p>It is recommended that the references in Policy 7.4.1.4 be revised to replace Policy 7.4.1.6 with Policies 7.4.1.7 and 7.4.1.11, which both expand upon permitted uses within a vegetation protection zone. Further, it is recommended that the policy be revised to clarify infrastructure permissions as outlined within the Greenbelt Plan.</p> <p><i>“A vegetation protection zone (VPZ) is a vegetated buffer area surrounding a key natural heritage feature or key hydrologic feature. Uses within the VPZ vegetation protection zone are limited to those permitted within the feature itself the exceptions described in Section 7.4.1.16 7.4.1.7 and 7.4.1.11 and shoreline development as permitted in accordance with Section 7.3.6. Agricultural infrastructure, including components of the Niagara-on-the-Lake Agricultural Infrastructure System, may also be part of the vegetation protection zone. Infrastructure serving the agricultural sector, such as agricultural irrigation systems, may need certain elements to be located within the vegetation protection zone of a key natural heritage feature or key hydrologic feature. In such instances, these elements of the infrastructure may be established within the feature itself or its associated vegetation protection zone, but all reasonable efforts shall be made to keep such infrastructure out of key natural heritage features, key hydrologic features and their associated vegetation protection zones.”</i></p>
7.4.1.7		<p>It is recommended that Policy 7.4.1.7 be revised to state within the Protected Countryside rather than outside of settlement areas in order to recognize the Town’s position within the Greenbelt Plan Area:</p>

Town OP Policy	NOP Policies	Regional Comments
		<p><i>“Development or site alteration shall not be permitted in key natural heritage features that are within the Greenbelt Natural Heritage System or in any key hydrologic features within the Protected Countryside outside of settlement areas except for: [...]”</i></p>
7.4.1.11	3.1.5.7.7	<p>It is recommended that Policy 7.4.1.11 be revised to clarify that the permissions for minor construction are to apply to vegetation protection areas, not the Greenbelt Natural Heritage System as a whole. Further, similar to NOP Policy 3.1.5.7.7, the Town may wish to include additional agricultural exemptions as follows:</p> <p><i>“Notwithstanding Policy 7.4.1.8, the following types of minor construction is permitted within the Greenbelt Natural Heritage System a vegetation protection zone provided there is no alternative, outside of a key natural heritage feature or key hydrologic feature, without an EIS and/or hydrological evaluation:</i></p> <ul style="list-style-type: none"> <i>a) New accessory buildings to a residential use (garage, workshop, etc.) below 50 square metres;</i> <i>b) Expansions to existing accessory buildings to a residential use below 50 percent of the size of the original building;</i> <i>c) Expansions to existing residential buildings below 50 percent of the size of the original building; and</i> <i>d) Reconstruction of an existing residential dwelling of the same size in the same location;</i> <i>e) New buildings and structures for agricultural uses, agriculture-related uses, or on-farm diversified uses below 200 square metres; and</i> <i>f) Expansions to existing buildings and structures for agricultural uses, agriculture-related uses, or on-farm diversified uses below 50 percent of the size of the original building, provided the expansion is less than 200 square metres.”</i>

Town OP Policy	NOP Policies	Regional Comments
7.4.1.12		<p>Policy 7.4.1.12 is meant to apply to key hydrologic features anywhere within the Protected Countryside as per Policy 3.2.5.5 of the Greenbelt Plan. It is recommended that the Town revise Policy 7.4.1.12 a) as follows to conform to Provincial requirements:</p> <p><i>“A proposal for new development or site alteration within 120 metres of any key natural heritage feature or key hydrologic feature within the Greenbelt Natural Heritage System or key hydrologic feature anywhere within the Protected Countryside will require an EIS and/or hydrological evaluation that identifies a vegetation protection zone, which:</i></p> <p><i>a) Is of sufficient width to protect Protects the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change and associated activities that may occur before, during and after construction and, where possible, restore or enhance the feature and/or its function; and [...]”</i></p>
8	5.2.1.2	<p>It is recommended that the following policy be added to Section 8 (Infrastructure), which similar to NOP Policy 5.2.1.2 and 5.2.1.4, directs infrastructure and public services to be planned in an integrated manner that considers the growth management strategy of the Plan:</p> <p><i>“A coordinated, integrated, and comprehensive approach using the minimum intensification and density targets of this Plan, should be used for the planning, development, and management of infrastructure within the Town, and with other orders of government, agencies, and boards.”</i></p>
8	5.2.1.6	<p>It is recommended that the following policy be added to Section 8 (Infrastructure), which in addition to Policies 8.1.7.1 and 8.2.2.1, acknowledges the responsibilities of the Niagara Region in planning for infrastructure within the Town, including the relationship to the Region’s infrastructure strategies:</p> <p><i>“The Niagara Region shall provide infrastructure and services within its jurisdiction and financial capability in order to accommodate existing development and anticipated growth in alignment with the Region’s Transportation Master Plan and Master Servicing Plan.”</i></p>

Town OP Policy	NOP Policies	Regional Comments
8		<p>Further to the comment above, it is recommended that the following policy be added to Section 8 (Infrastructure) in order clarify the manner in which infrastructure planning will be coordinated between the Town and Niagara Region for development approvals:</p> <p><i>“The Town will circulate the Niagara Region on planning projects and applications where applicable for the engineering review of Regional water, wastewater, stormwater, and transportation infrastructure.”</i></p>
8.1	5.1.4.2	<p>It is recommended that the following policy be added to Section 8.1 (Transportation), which directs the Town to adopt a complete streets approach for the planning and construction of transportation infrastructure:</p> <p><i>“The Town will adopt a complete streets approach in the design or reconstruction of the planned or existing local street network.”</i></p>
8.1.13	4.2.9.3	<p>The Town may wish to add the following policy to Section 8.1.13 (Goods Movement), which similar to NOP Policy 4.2.9.3, supports coordination between the Town and other levels of government in planning for and improving major goods movement facilities and corridors to employment lands:</p> <p><i>“The Town will work with the Niagara Region and the Province to plan for and expedite improvements to major goods movement facilities and corridors to support freight-supportive employment development and redevelopment.”</i></p>
8.1.5		<p>Section 8.1.5 (“Transit”), and in particular Policy 8.1.5.2, should be updated to recognize the role of the Niagara Region Transit Commission in the provision of public transit to and from the Town of Niagara-on-the-Lake.</p>
8.1.5	5.1.2.1 5.1.2.2	<p>Further to the comment above, the Town may wish to supplement policies within Section 8.1.5 (Transit) with the policies and principles for transit planning outlined in NOP Policies 5.1.2.1 and 5.1.2.2.</p>

Town OP Policy	NOP Policies	Regional Comments
8.1.7	5.1.3.7	<p>It is recommended that a policy regarding wayfinding along Regional rights-of-way be added to Section 8.1.7 (Regional Roads) as follows:</p> <p><i>“The Town will coordinate with the Niagara Region to ensure that consistent wayfinding signage is implemented along Regional roads.”</i></p>
8.1.7		<p>It is requested that Section 8.1.7 (Regional Roads) be revised to include the following Regional policies and practices for road conveyances:</p> <p><i>“8.1.7.2 As conditions of the approval of a development application under the Planning Act:</i></p> <ul style="list-style-type: none"> <i>a) the Region may acquire land from the landowner required for the road allowance as identified in Schedule M, at no cost to the Region and free of all encumbrance, encroachments, and improvements unless otherwise agreed to by the Region; and</i> <i>b) the Region shall be provided with a certificate of an Ontario Land Surveyor noting that all legal survey documentation on the widened road allowance is in place.</i> <p><i>8.1.7.2 The conveyance of land shall be required at no cost to the Region as a condition of the approval of a development application, beyond the designated road allowance widths identified in Schedule E1, to accommodate items such as sight triangles, turning lanes, channelization, grade separations, traffic control devices, rapid transit, public transit facilities and rights-of-way, active transportation, cuts, fills and storm drainage requirements, as required to meet accepted engineering design standards. These do not require an amendment to this Plan.</i></p> <p><i>8.1.7.3 Further to Policy 8.7.1.3, the City may, without an amendment to this Plan, update the designated road allowance widths in Schedule E1 where an alternate width has been approved through a completed Municipal Class Environmental Assessment or by Regional Council.</i></p>

Town OP Policy	NOP Policies	Regional Comments
		<p>8.1.7.4 Additional land that exceeds the road allowance widths identified in Schedule E2 (ii) or Policy 8.1.7.3 may be acquired by the Region at its own expense, without an amendment to this Plan.</p> <p>8.1.7.5 As part of the development application process, a road allowance not yet owned by the Region and identified in the Region’s Transportation Master Plan should be protected in the following cases:</p> <ul style="list-style-type: none"> a) local street that could be ultimately assumed by the Region; and b) plans for the extension of an existing road allowance.”
8.1.13	5.1.6.3 5.1.6.4	Further to the comment above, the Town may wish to supplement policies within Section 8.1.13 (Goods Movement) with the policies and principles for the planning and protection of goods movement facilities and corridors outlined in NOP Policies 5.1.6.3 and 5.1.6.4.
8.2	5.2.1.13	<p>It is recommended that the following policy be added to Section 8.2 (Urban Growth on Full Municipal Services), which similar to NOP Policy 5.2.1.13, outlines the conditions in which new infrastructure and infrastructure extensions should be considered:</p> <p>“Construction of new, or expansion of existing municipal water, wastewater and stormwater infrastructure should only be considered where the following conditions are met:</p> <ul style="list-style-type: none"> a) strategies for water conservation and other water demand management initiatives are being implemented in the existing service area; b) plans for expansion or for new services shall serve growth that achieves the growth management targets and policies for intensification and density in this Plan; and c) plans have been considered in the context of applicable inter-provincial, national, bi-national, or state-provincial Great Lakes Basin agreements and are in compliance with the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement.”

Town OP Policy	NOP Policies	Regional Comments
8.2	5.2.2.5 5.2.3.1	<p>It is recommended that the following policies be added to Section 8.2 (Urban Growth on Full Municipal Services), which similar to NOP Policies 5.2.2.5 and 5.2.3.1, restricts private and lateral connections to Regional water and wastewater infrastructure:</p> <p><i>“Private lateral connections to Regional water or wastewater mains are discouraged.”</i></p> <p><i>“Lateral connections to Regional water or wastewater mains are not permitted outside the urban area boundaries.”</i></p>
8.2	5.2.2.6	<p>It is recommended that the following policy be added to Section 8.2 (Urban Growth on Full Municipal Services), which similar to NOP Policy 5.2.2.6, supports the resiliency of the Town and Region’s water and wastewater infrastructure:</p> <p><i>“The Region and Town will endeavour to:</i></p> <p><i>a) ensure new development will not put the Region or Town out of compliance with regulations and will consider opportunities to maintain or reduce wet weather overflow occurrence; and</i></p> <p><i>b) provide reliability, redundancy and security in its water and wastewater systems with attention to high risk and critical areas.”</i></p>
8.2	5.2.2.14	<p>Further to Policy 8.2.2.2, which notes that expansions to existing sewage treatment plants are subject to an environmental assessment, and Policy 8.4.4, which requires new public sewage treatment plants to be subject to an amendment to the Plan, it is requested that the following policy be added to Section 8.2 (Urban Growth on Full Municipal Services) to ensure new development mitigates impacts to existing or proposed sewage treatment plant:</p> <p><i>“Where development is proposed on lands adjacent to an existing or proposed sewage treatment facility, the location of development shall be determined by appropriate noise and odour studies that identify suitable separation distances and mitigation measures.”</i></p>

Town OP Policy	NOP Policies	Regional Comments
8.2.1.1	5.2.2.4	<p>It is recommended that Policy 8.2.1.1 be revised to clarify that the Niagara Region would be consulted to confirm available service capacity:</p> <p><i>“New development will be limited by the available capacities of services as determined in consultation with the Niagara Region. Where, within any settlement area boundary, full municipal services are not available, development will be restricted.”</i></p>
8.2.1.4	5.2.2.3	<p>It is recommended that Policy 8.2.1.4 be revised as follows to allow for consideration of service capacity prior to directing adjacent land-owners, including those peripheral to settlement area boundaries, to connect to local municipal services:</p> <p><i>“As local municipal services become available along property frontage, adjacent owners will be required to connect to them where service capacity is available and will be subject to service area charges even if peripheral to a settlement boundary area. Where farm property is peripheral to a settlement area boundary, and is located outside the NEP, the Town may enter into agreements with the property owner so that the cost of servicing recognizes the farm use.”</i></p>
8.2.2.1	5.2.2.1	<p>It is recommended that Policy 8.2.2.1 be revised as follows to emphasize the distinct responsibilities between the Town and Niagara Region in the provision of water and wastewater infrastructure:</p> <p><i>“The provision of water and wastewater services is a shared responsibility with the Region. The Region is responsible for providing a supply of municipal sanitary sewer and water services within the Town, while however, the Town is responsible for local water and wastewater services in the municipality. Municipal sewage services and water services are required for the servicing of development in the Town’s settlement areas. The Town will work closely with the Region to ensure there is a sufficient planned supply of sanitary and water services to meet long-term growth projections outlined in this Plan, and to ensure that such services are optimized, feasible and financially viable over the long term. The Town recognizes the Region’s Water and Wastewater Master Servicing Plan. Stormwater</i></p>

Town OP Policy	NOP Policies	Regional Comments
		<p><i>management strategies will be based on current, innovative, best practices and are subject to the approval of the Operations and Community & Development Services Departments.”</i></p>
<p>8.2.2.2 8.2.2.3</p>		<p>Policy 8.2.2.3 (renumbered to remove duplication) allows for “interim services” to be provided for development subject to specific criteria. It is requested that the Town clarify the circumstances wherein “interim services” would be permitted and how this may differ from the partial services regulated by Policy 8.2.2.5. Staff note that the Niagara Region would not typically permit private septic systems within the urban settlement area.</p> <p>Additionally, if the policy is retained as written, references to the “Niagara Health Services Department” in Policy 8.2.2.3 c) should be updated to state “Niagara Region”.</p>
<p>8.2.2.4</p>	<p>5.2.3.2</p>	<p>Policy 8.2.2.4, which permits the extension of watermains outside of the settlement area for agricultural purposes, has been revised to remove reference to the “Regional Official Plan” as it relates to waterline extension requirements; however, there does not yet appear to be any equivalent requirements outlined in the policies of Section 8.2.2 (Urban Growth on Full Municipal Services). It is, therefore, recommended that the Town consider including the water extension requirements listed in NOP Policy 5.2.3.2, as listed below. Alternatively, the Town should clarify that any such extensions for agricultural purposes will not include Regional water infrastructure.</p> <p><i>“Municipal water supply mains or municipal sewers shall not be extended outside the urban areas except:</i></p> <ul style="list-style-type: none"> <i>a) where necessary to correct an existing health problem as determined by the Medical Officer of Health or where there is a clean-up order from the Ministry of the Environment, Conservation and Parks, and provided all alternatives to municipal mains for resolving health concerns have been considered; and</i> <i>b) where extensions of the water supply system are for necessary operating purposes, such as the looping of existing mains, the replacement of existing mains, and the interconnection of urban areas.”</i>

Town OP Policy	NOP Policies	Regional Comments
8.2.3.1		<p>The Niagara Region currently provides review and approval support for private septic systems in the Town of Niagara-on-the-Lake. It is recommended that Policy 8.2.3.2 be revised as follows to refer to an approval authority more generally:</p> <p style="padding-left: 40px;">“Each OSSDS will require approval by the appropriate approval authority Town. Generally, the use of an OSSDS will be restricted to <i>residential development</i>. If, in the opinion of the Town any area appears questionable for the proper operation of an OSSDS, an evaluation of the lands by a qualified authority, will be required before <i>development</i> is allowed to proceed.”</p>
8.3	5.2.2.7 5.2.2.8	<p>If the Town contains combined sewer and storm drainage systems, it is recommended that the following policies be added to Section 8.3 (Stormwater Management), which similar to NOP Policy 5.2.2.7 and 5.2.2.8, support their separation where technically and financially feasible:</p> <p style="padding-left: 40px;"><i>“Existing municipal combined sewer and storm drainage systems shall be separated, where technically and financially feasible.”</i></p> <p style="padding-left: 40px;"><i>“All new development which is proposed to be connected to existing combined sewer facilities shall be served with separated systems within the property limits of the development. The connection to the combined sewer will only be considered once a new separated storm outlet has been determined to be unachievable and the available capacity within the existing combined sewer services has been confirmed.”</i></p>
8.3.1	5.2.1.19	<p>Policy 8.3.1 g) directs the Town to develop stormwater master plans for serviced settlement areas. As such, the Town may wish to also add an equivalent policy to NOP Policy 5.2.1.19, which is intended to guide the components of municipal stormwater master plans.</p>
8.3.11		<p>It is recommended that Policy 8.3.11 be revised to more generally refer to sewage bypasses follows:</p>

Town OP Policy	NOP Policies	Regional Comments
		<p><i>“Combined sewer overflows and sewage treatment plant bypasses have significant environmental impacts. The elimination of sewer overflows and bypasses are a Town priority.”</i></p>
8.4	5.2.6.3	<p>The Town may wish to add the following policy to Section 8.4 (Utilities) to align with the natural environment system policies in Section 7:</p> <p><i>“The construction of utilities shall comply with the Natural Environment System policies of this Plan.”</i></p>
8.4	5.2.6.7	<p>It is recommended that the Town add the following policy to Section 8.4 (Utilities) to clarify the approvals and standards needed for utilities with the Regional right-of-way:</p> <p><i>“Utility providers proposing to locate, relocate, or replace a facility within a Regional Road allowance will require Regional approval and be subject to the provisions of all applicable Regional policies, by-laws, standards, and guidelines.”</i></p>
8.5	5.2.7.6 to 5.2.7.11	<p>In addition to the existing policies in Section 8.5 (Green Energy Planning), the Town may wish to consider the addition of policies to address the review of siting, design, and construction of new or expanding renewable energy generation facilities, including consideration of compatibility, adverse impacts and ensuring compliance with provincial and federal requirements as indicated in NOP policies 5.2.7.4 to 5.2.7.11.</p>
8.6	5.2.4.1	<p>It is requested that the following policy be added to Section 8.6 (Waste Management) to clarify the Region’s role in the provision of waste management services:</p> <p><i>“The Region will provide for the disposal and treatment of solid wastes to the Town, and in alignment with the Region’s Long Term Waste Management Strategic Plan.”</i></p>
8.6	5.2.4.4	<p>It is recommended that the following policy be added to Section 8.6 (Waste Management) to support resource recovery of food and organic waste:</p>

Town OP Policy	NOP Policies	Regional Comments
		<p><i>“In collaboration with the Region, Local Area Municipalities should ensure that their official plan, zoning by-law, plan of subdivision approvals and site plan approvals for new development comply with the Region’s requirements for waste collection to ensure safe and efficient waste collection and diversion and includes support for the resource recovery of food and organic waste for their residents.”</i></p>
8.6	5.2.4.6	<p>It is recommended that the following policy be added to Section 8.6 (Waste Management) to reflect restrictions in the Niagara Escarpment Area:</p> <p><i>“The establishment of a new waste disposal site is not permitted in the Niagara Escarpment Plan Area.”</i></p>
8.6.6	5.2.4.9	<p>It is recommended that Policy 8.6.6 be replaced with the following language from NOP Policy 5.2.4.9:</p> <p><i>“Where development is proposed within 500 metres of land used for waste disposal purposes the proponent will provide documentation satisfactory to the Town and the MECP regarding actions necessary to identify and mitigate any potential adverse effects. Proposed development within the influence area, as determined by Provincial Land Use Compatibility Guidelines or through site specific study, of all waste management facilities shall demonstrate that the solid waste disposal site will not have any unacceptable adverse effects on the proposed development and will not pose any risks to human health and safety.”</i></p>
8.6.9	5.4.2.3	<p>It is recommended that Policy 8.6.9 be revised as follows in order to outline how waste management services are delivered:</p> <p><i>“The Town The Region shall provide waste management systems that are an appropriate size and type to accommodate present and future requirements, and facilitate, encourages and promotes reduction, reuse and waste diversion programs-recycling objectives for waste management.”</i></p>

Town OP Policy	NOP Policies	Regional Comments
8.6.10	5.2.4.5	<p>It is recommended that Policy 8.6.10 be revised as follows to include consideration of waste management initiatives as part of the development review process:</p> <p><i>“The implications of development on waste generation, management and diversion will be assessed as part of the review of development applications. Enhanced waste reduction, composting and recycling initiatives, and the identification of new opportunities for energy generation from waste, source reduction, reuse, and diversion, will be promoted where appropriate. Consideration shall be given to increased convenience and access for waste diversion collection programs to promote participation.”</i></p>
8.8.6		<p>It is recommended that the Town revise Policy 8.8.6 as follows to ensure alignment with the natural environment system policies of Section 7:</p> <p><i>“Within the Protected Countryside, drainage and irrigation infrastructure serving the agricultural sector, may need certain elements to be located within a Core Natural Area, fish habitat or a key hydrologic feature natural feature or area or within the vegetation protection zone of such a feature. In such instances, these elements of the drainage and irrigation infrastructure may be established within the feature itself or its associated vegetation protection zone subject to the policies in Section 7.”</i></p>
9.5.6		<p>Further to the requested additions to Section 8.1.7 (Regional Roads), it is recommended that Policy 9.5.6 be updated to clarify that the road widening measures of the policy are to apply to local roads:</p> <p><i>“Site plan approval will be used to secure property for proposed road widening without compensation to the landowner and also to provide for the general improvement of intersections through the acquisition of daylight triangles. Schedule E2 indicates the proposed right-of-way dimensions which may be required for the roads. All lands adjacent to the roads listed on Schedule E2 and requiring road widening will be covered by site plan control. Any road widening for local roads required to meet the standards set out in the table will be accomplished by taking land equally from both sides of the highway, measured from</i></p>

Town OP Policy	NOP Policies	Regional Comments
		<i>the centre of the right-of-way, unless topographical features dictate otherwise. In cases where existing uses or topographical features do not allow for equal widening of both sides of a roadway, then only one-half of the total widening will be taken under site plan control and the remainder will be obtained by other means."</i>
9.9.2 and 9.9.4		Policies 9.9.2 and 9.9.4 have been revised to remove references to the Region as an agency that would be involved in pre-consultation meetings or that could request additional information as part of the development approvals process. It is requested that these references be retained given the Region's role as a commenting agency for infrastructure and related services, as well as other areas of land use planning identified in the Service Level Agreement between the Town and Region.
11.4	Schedule L	It is requested that the Town include the definitions and criteria for the natural environment system components listed in NOP Schedule L (Natural Environment System - Components, Definitions and Criteria) within either Section 11.4 or as a separate schedule or appendix to the Plan.
Table 6		The Environmental Impact Study description listed in Table 6 (Reports in Support of Complete Applications) should be updated to replace reference to the "Region's Core Natural Heritage Mapping" with the appropriate schedule reference(s) in the Draft Official Plan.
Schedule C	Schedule C2	It is requested that the Town ensure that Schedule C (Natural Heritage System) is updated to reflect the updated natural environment systems mapping used as part of Schedule C2 (Natural Environment System - Individual Components and Features) of the NOP.

Town OP Policy	NOP Policies	Regional Comments								
Schedule E2 (ii)	Schedule M	<p>The Town should ensure that the following changes are made to Schedule E2 (ii), which lists Regional Road right-of-way widths, in order to align with Schedule M of the NOP:</p> <ul style="list-style-type: none"> • Revise the road segment for Regional Road 58 to state “Glendale Avenue – Taylor Road”. • Add Regional Road 88 (Seaway Haulage Road), which includes road segment “Carlton Street – Read Road” with a road with of 26.2 metres and road segment “Glendale Avenue – Carlton Street” with a road with of 26.2 metres. • Add the road segment “York Road – Queenston Road” with a road width of 36.6 metres to Regional Road 89 (Glendale Avenue). • Add the “Minimum Site Triangle Requirements” table, as included below in order to clarify the daylight triangle requirements for Regional Roads: <table border="1" data-bbox="749 755 1892 1042"> <thead> <tr> <th data-bbox="749 755 1318 824">Regional Intersection Type</th> <th data-bbox="1318 755 1892 824">Minimum Sight Triangle Requirements</th> </tr> </thead> <tbody> <tr> <td data-bbox="749 824 1318 899">Urban (signalized)</td> <td data-bbox="1318 824 1892 899">10 metres x 10 metres</td> </tr> <tr> <td data-bbox="749 899 1318 974">Urban (non-signalized)</td> <td data-bbox="1318 899 1892 974">6 metres x 6 metres</td> </tr> <tr> <td data-bbox="749 974 1318 1042">Rural</td> <td data-bbox="1318 974 1892 1042">15 metres x 15 metres</td> </tr> </tbody> </table>	Regional Intersection Type	Minimum Sight Triangle Requirements	Urban (signalized)	10 metres x 10 metres	Urban (non-signalized)	6 metres x 6 metres	Rural	15 metres x 15 metres
Regional Intersection Type	Minimum Sight Triangle Requirements									
Urban (signalized)	10 metres x 10 metres									
Urban (non-signalized)	6 metres x 6 metres									
Rural	15 metres x 15 metres									
	3.7.1	It is recommended that the Town review the policies of NOP Section 3.7.1 (Recognize and Manage Excess Soil) and incorporate applicable policies into the Draft Official Plan.								
	7.7.1.2 and 7.7.1.3	The phasing policies of former Section 4.6 have been removed from the Draft OP. There does not appear to be equivalent direction that would address phasing for water and wastewater services in the Draft Official Plan. The Town may wish to incorporate the applicable direction from NOP Policies 7.7.1.2 and 7.7.1.3, which provide direction for the creation of local municipal phasing policies.								

Town OP Policy	NOP Policies	Regional Comments
	8.6.1 to 8.6.7	The Town should ensure that all site-specific policies and approvals listed in NOP Section 8.6 are included in the Draft Official Plan.



Ontario
Tender Fruit
Growers

October 6, 2025

Fiona Main
Senior Policy Planner, NOTL
Fiona.Main@notl.com

Dear Fiona,

We appreciate the opportunity to provide input on the updated October 1, 2025, draft Niagara-on-the-Lake Official Plan. We are very pleased that many of our initial concerns have been addressed, and we thank you for your support.

There are a few remaining concerns that we would like addressed in this updated version of the plan.

1. Intermittent stream- this should be removed from the Fish Habitat definition, as by definition, an intermittent stream can be dry at times and therefore cannot consistently support fish life.
2. Pg 247 Section 9.13.1- We ask that the plan include a similar statement from the PPS pg. 24 Clause 6 excerpted as per below.
For greater certainty, the two additional residential units that are permitted on a lot in a prime agricultural area are in addition to farm worker housing permitted as an agricultural use.
3. Pg 163- A 200 square metre maximum for an exemption to EIS and/or hydrological evaluation on new or expansion of agricultural structures within the 30-metre buffer zone. We seek clarity that this maximum does not apply to the Specialty Crop area as outlined in its policies section 2.2.4.

Thank you for your flexibility in ensuring growers remain successful in the future.

Best Regards,

Phil Tregunno
Chair, Ontario Tender Fruit Growers
ptregun@gmail.com

C. NOTL Agricultural Committee kaiwiens@gmail.com

NOTL RESIDENTS' ASSOCIATION POSITION PAPER **RE: JULY 16,2025 DRAFT OFFICIAL PLAN**

NOTE: Generally throughout **text in green is change** and **red is strike out**

The Niagara-on-the-Lake Residents' Association believes the new Official Plan must be a workable effective plan designed to comply with regional and provincial planning initiatives while protecting the agriculture lands and economy, the unique charm and heritage culture which contribute to the tourism economy and recognising and supporting the liveability of its towns and communities for the residents of Niagara-on-the-Lake.

We believe in order to meet the goals established in this plan the Town will need to adopt an entirely different approach from previous plans and modus operandi. We believe the Town should be able to proactively map out precisely where new development and redevelopment should occur and concurrently what neighbourhoods and areas should be protected as cultural heritage assets or environmentally sensitive.

For too long development has been reactive; occurring by exception to the rules instead of according to our plans. We have established land zones with parameters as to uses; Agricultural, Commercial, Institutional, Residential with rules to determine what could be built where and to what end, but the current system allows for owners, investors, speculators and developers to create value by simply playing the system to obtain Official Plan Amendments and Rezoning as opposed to actually improving the land by installing infrastructure and building our communities as are planned by the Town's Official Plan.

We are suggesting that we move the entire Town to the Community Planning Permit System in line with the objectives of the new Official Plan and all of the Special Studies and Secondary Plans presently completed and those planned for in the future.

It utilizes significant community engagement undertaken as part of the Area Specific Plans, requires the community to be involved whenever a change is needed to the planning vision (e.g. CPP By-law amendment), prevents third-party appeals of applications that meet the rules established in the community planning permit by-law but also avoids amendments for first 5 years after CPP By-law is passed.

The Community Planning Permit System combines zoning by-law amendments, site plan approvals and minor variances into a single application and approval process. A CPPS is implemented through a Community Planning Permit By-law, which replaces a municipality's zoning by-law(s) The community planning permit by-law(s) would contain a list of permitted uses and development standards, such as height and density specifications. It could also contain other elements not found in a traditional zoning by-law, such as: land uses that are allowed, subject to certain conditions, classes of development or uses of land exempt from requiring a permit (for example, garages, pools, sheds).

As an alternative to the framework of a community planning permit system (CPPS), municipalities can embrace more flexible and inclusive methods of engagement, such as design charrettes and visioning sessions. A CPPS tends to consolidate planning approvals and streamline permissions, but it may reduce opportunities for broad, iterative community input. By contrast, charrettes and visioning sessions actively invite residents to shape development proposals before formal planning instruments are amended.

A design charrette is an intensive, hands-on workshop where residents, planners, architects, and stakeholders collaborate to create and refine design solutions for a neighbourhood or development site. Because charrettes use maps, sketches, and real-time revisions, participants can see how their feedback translates directly into land use layouts, building forms, and streetscapes. This process fosters trust and helps achieve consensus on complex issues before council considers zoning or policy changes.

Visioning sessions, while less technical, are equally valuable. They allow the community to articulate long-term priorities — heritage preservation, growth management, mobility, or environmental protection — in a structured but accessible setting. Through facilitated discussions, surveys, and participatory exercises, visioning sessions establish a shared framework of values that can guide subsequent planning decisions.

Perhaps the best use of design charrettes and visioning sessions is to provide an alternative pathway to community planning permit systems by emphasizing collaboration, transparency, and responsiveness planning in formulating individual Community Planning Permit areas and foci. They allow municipalities to test ideas, build consensus, and reduce opposition, all while preserving the development of a functional Community Planning Permit System for the entire town.

The Community Planning Permit System (CPPS) enables the Town to streamline development approvals by combining multiple application processes into a single process and shortening the timeframe for approvals i.e., a 45-day timeframe in contrast to the cumulative longer timeframes for current application processes.

A CPP bylaw additionally provides the Town with the ability to impose conditions of approval on the issuance of a Planning Permit. Being able to apply conditions of approval helps to process and move development applications forward to proceed with a building permit and limits amendments for speculation purposes.

One condition could be a use it or lose it specification to ensure the development moves forward within a timely manner and actually builds the project out instead of shelving for years on end. Further, a CPP bylaw enables the Town to consider increased height and density in exchange for Community benefits like, affordable housing, accessible housing for people with disabilities, green building design, parks, facilities, etc.

The Community Planning Permit System allows the Town to apply a broader scope of development review; to implement the Town's new Urban Design Guidelines; support local objectives such as increased affordable housing supply/senior's housing, promoting and preserving the Agriculture sector and preserving cultural heritage.

We understand the provision exists for implementation of a Community Planning Permit bylaw in section 9.4 of the draft Official Plan, but we suggest that this is so important that it be considered to be stated as the new planning system for the Town at the outset of the document..

Additionally, as per section 9.3.3 Interim Control By-law

9.3.3.1 An interim control by-law may be passed under Section 38 of the Planning Act prohibiting the use of land, buildings, or structures for, or except for, such purposes as are set out in the by-law. We suggest such an Interim control By-law would enable the adoption and implementation of the Community Planning Permit bylaw.

Further to the **JULY, 2025 DRAFT OFFICIAL PLAN**

The overview:

When making plans or establishing goals one must be very careful to clearly and concisely delineate precisely the why, what and intended result of one's actions. If the intention is to accomplish specific goals, words like *may*, *might* or *intend* to simply allow one to project a possible outcome without the real measurable commitment signified by "will" or "shall" to accomplish a specific action or goal. In too many instances throughout the new 2025 draft official plan the word "may" is used to suggest a possible course of action which leads to a suggestion of an intended action with no measurable result. Our first suggestion is to purge the word may and similar qualifiers from the entire draft Official Plan and either abandon the suggestion of a goal or state what it is the town will do and how accomplishment of the goal will be determined.

The new Official Plan must be a "blueprint" for the future of the Town of Niagara-on-the-Lake and contain specifications and guardrails to protect the plan from continual demands for Official Plan Amendments. If it is not a well enough written plan for the future to be strictly followed, what is the purpose of going through this exercise? It is simply time to end the process of development by exception to the rules. Amendments to the Official Plan must be made by the Town pro-actively in the context of improving the Official Plan instead of responding to an individual or Corporations' wish to improve the value of their property without regard to the goals and aspirations of the Town and its citizenry.

Issues within the Draft Plan

GROWTH MANAGEMENT, HOUSING AND EMPLOYMENT

There are contradictions and mistakes throughout this section:

* 1.1.4 it speaks to "growth and development should occur between now and 2041 in the GGH"
- The planning horizon is 2051 and what exactly is the GGH? Short forms and acronyms are simply confusing, preventing the public from understanding and participating in their civic duties.

*1.2.1 The Town contains several distinct structural elements, planning features, which have evolved over time and contribute to its character and community structure. Schedule A identifies the components- there is no Schedule A

*1.3.3 Given the demonstrated need due to demographics, particularly in the older settlement areas -ADD

j) recognizing the preponderance of Senior Citizens, particularly in Old Town, fostering independent and assisted living housing alternatives

*1.4.1 The population of the Town is forecasted to increase to 28,900 by 2051. In this table. Given the population was 19,088 in the 2021 Census(believed to be 20,451 today) and that Glendale alone is projected to add 12,600 people by 2051- the numbers simply do not add up! *Why are the Greenfield areas in Virgil and Glendale slated for roughly ¾ of new development showing predominantly Singles and Semis with only 65 apartments while infill housing in Built up areas are predominantly apartments (565 of 1,150 total) especially since Glendale and Virgil have better transit options.

The housing forecasting seems somewhat amiss. Given the majority of employment growth is expected to occur in Glendale and the relatively compact nature of that community one would expect the preponderant housing to be built will be apartments and row housing; based partly on the simple need for maximization of land use, proximity to transit, jobs and affordability. To project roughly ¾ of new housing will be detached or semi-detached seems to fly in the face of Provincial mandates and likely will be unrealistic as affordable for young families.

*1.4.6 The updated population and employment forecasts will be based on the Ontario Population Projections published by the Ministry of Finance, modified as appropriate. The population, household and employment forecasts contained within Section 2.4.1 to 2.4.5 are as per the Niagara Region Official Plan- My copy has section 2.4.1 referring to Licenced Aggregate Operations

*Kudos for inclusion of these three points 1.6.3.4 The Town will maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands Suitably zoned, including units in draft approved or registered plans. Where are the present record of the lands available identified? How will these records be kept and made available? Is this the basis for A Community Planning Permit System

1.6.3.4 The Town shall also maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are designated and available for residential development. Ditto;where kept & CPP system

1.6.3.5 To encourage the development of affordable housing, at least 20% all new rental housing is to be affordable along with at least 10% of new ownership housing parameters and definition of affordable necessary; suggest affordable being 30% or less than the average family earnings in the given community

AGRICULTURE AND OPEN SPACE

2.2.3.1 The following uses may be permitted in the Protected Countryside in accordance with the applicable provisions of this Plan:

- g) residential uses on lots created in accordance with Section 2.2.15 does not exist
- h) one (1) additional dwelling unit subject to the requirements of Section 9.13.3 ditto

2.2.4.11 Expansions to existing buildings and structures, accessory structures and existing uses, as well as conversions or redevelopment of legally existing uses that bring the use more into conformity with this Plan, are permitted subject to demonstration of the following:

- a) new municipal services are not required;
- e) the proposal does not expand into key natural heritage features and key hydrologic features. delete: unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure

2.2.7.4 Lot creation for agriculture-related uses is not allowed (instead of discouraged)

SETTLEMENT AREAS FRAMEWORK FOR DEVELOPMENT

3.2.2 Schedule B7 outlines the Built-Up Areas and Greenfield Areas and Intensification Areas within Old Town, Virgil and Glendale There are no Greenfield Areas shown in Old Town On B-7

3.4.2.1

- f) An attractive built form of appropriate building heights, massing, setbacks, streetscapes, gateways and architectural treatments;(per Community Design Guidelines as specified in the Community Planning Permit system)
- h) Practical and cost effective innovations to support the development of a sustainable community that encourages where possible, the application of low impact development, alternative energy sources and energy conservation, water conservation, maximizes forest canopy and the restoration, linkage and enhancement of natural heritage features. and areas where appropriate.

3.4.3.1

A minimum of 95% of all new dwelling units constructed annually in the Town will occur within the Settlement Areas Areas identified on Schedule B1.

3.4.3.3

Further development within the Greenfield area of Virgil shall only be permitted following the completion of a comprehensive planning exercise for contiguous blocks of land that reviews the limits of environmental and hazard limits of development, considers the need for an integrated road and open space systems and reviews the location of various land uses and densities in a comprehensive [Community Planning Permit system](#).

3.5.3.6

The Town will prepare an intensification strategy that provides direction on intensification within the [Old Town and Virgil. The Settlement Areas identified on Schedule B1 in advance of instituting the Community Planning Permit System](#). The purpose of the intensification strategy is to identify where intensification will be directed and to then determine the desired built form within these intensification areas. Factors to consider in the intensification strategy will be the nature of the existing land uses, the nature and permanency of adjacent land uses, cultural heritage resource preservation, the ability of the surrounding road network to accommodate growth, the availability of services and how the intensification of the lands can support the continuing evolution of the Town into a complete community. The recommendations of the Council-approved Intensification Strategy will be implemented through the [Community Planning Permit System](#)

HOUSING AFFORDABILITY

3.8.1 The Town will explore with the Region and Province the provision of assisted rental housing which shall be sensitive to the characteristics of the surrounding existing development and may include co-operative or nonprofit housing for seniors and disabled individuals

POLICIES

3.9.3.1 Low-rise structures are the predominant built form throughout the residential areas. Medium-rise structures (e.g. multi-floor apartment buildings) may be recognized in specific locations within specific secondary plans, and subject to a [Community Planning Permit by-law](#) . Lowrise structures are generally one (1) or two (2) storeys in height ([10 Meters or less](#)) Medium-rise structures are generally three (3) or four (4) storeys in ([15 Meters or less](#)) height, may not require elevators for access to units., and are subject to the restrictions on building height in [Section 4.8.2. \(there is no section 4.8.2\)](#)

3.9.3.2 High rise development is defined as buildings that have a height [over 15 Meters](#) or five or more storeys [are not permitted](#) within Old Town, Queenston, Virgil, and St. Davids, with the exception of the lands in St. Davids that are subject to the provisions of S4-17.

[3.9.4.3 b\) Until a Secondary plan is approved and Community Planning Permit bylaw passed, within the Established Residential designation new medium-rise development shall NOT be considered by amendment to this Plan. Any area subject to a secondary plan or deemed a cultural heritage area will not be approved for new medium rise development unless it is subject to a Community Planning Permit Bylaw.](#)

SECONDARY PLANS

3.15.10 Being perfectly clear at the outset, all existing Secondary Plans will remain as part of the new official plan and only be replaced once a proper publicly engaged new or updated Secondary Plan is completed:

It is recognized that the Dock Area Secondary Plan is outdated and will be updated as soon as a new Dock Area Secondary Plan is completed.

The Town will prepare new Secondary Plans and review and update existing Secondary Plans as follows:

- 1) Queen-Picton Corridor (Old Town)
- 2) Virgil
- 3) Dock Area
- 4) St. Davids
- 5) Queenston
- 6) Glendale
- 7) Chautauqua

3.15.11 Another area that will be considered for a Secondary plan or policy statement is the wartime homes in Old Town.

4. NIAGARA ESCARPMENT PLAN AREA

-no comment

5. NIAGARA DISTRICT AIRPORT

5.1.3 The long-term potential for employment growth will be assessed within the context of an updated master plan for the future growth and expansion of the Airport. We believe it imperative the Town initiate planning for expansion of the Niagara District Airport in the near future. Moving from a District Airport to International, like Hamilton and Waterloo would attract commercial and industrial development to the area for local employment and provide a substantial boost to tourism in Niagara-on-the-Lake specifically and Niagara Region in general. Additionally, some provisions may be necessary in planning for structures within the flight radius which might preclude expansion.

6.1 CULTURAL HERITAGE RESOURCES

6.1.3.2 c) Use secondary plans, zoning by-laws, subdivision agreements, site plan control agreements, a community planning permit bylaw, the sign by-law and other municipal controls, to ensure that development on and/or within cultural heritage resources or adjacent to cultural heritage resources is designed, sited or regulated to protect and mitigate any impact or potential impact on the heritage attributes of the resource.

6.1.4.1 j). Prohibit (was the right word) the placement of cell towers on properties containing or adjacent to cultural heritage resources. Delete unless...

Sections 7 & 8 NOTL RA endorses the attached SENIORS FOR CLIMATE IN NIAGARA COMMENTS

SECTION 9 IMPLEMENTATION AND ADMINISTRATION

9.1.1 This Plan will be implemented in accordance with the Town's authority under the Planning Act, Municipal Act, Niagara-on-the-Lake Act, and any other applicable statutes. The Town will implement provisions of this Plan using the full range of planning tools permitted under the Planning Act and other Legislation but primarily relying upon the Community Planning Permit system.

9.7.2.3 Only one extension to a lapsing draft plan of subdivision shall be approved, for a period of up to one year unless the draft plan meets the growth management and environmental policies of this Plan and the Regional Plan. The lapsing date in the Planning Act as amended by bill 185 specifies that “, where giving approval to a draft plan of subdivision, “shall provide” that the approval lapses at the expiration of a specified time period.” ...subject to Land Tribunal Hearing decisions and a number of other provisions. We believe the town needs to firmly establish straightforward time periods in which new draft plans of subdivision are either used or expire. This section needs clear USE IT OR LOSE IT provisions such that when the town goes through the process and expense of considering an application by a developer any approval of zoning changes and subdivision agreements are expeditiously acted upon by the developer, or else the property reverts back to the previous state. Said provisions must have explicit time frames and consequences.

9.7.3.3 c) The Town will consider the condominium conversion of any rental project provided that the rental vacancy rate in the Town is at least ten(10) percent - the severe lack of rental housing should preclude any rental to condominium conversion.

.7.6.1 10.7.6.1 If a plan of subdivision or part thereof has been registered for Two (2) years or more and no installation of infrastructure or construction has occurred, and the subdivision does not meet the growth management policies of this Plan, the Town shall use its authority under Section 50(4) of the Planning Act to deem it not be a registered plan of Subdivision. As above USE IT OR LOSE IT; one must tighten up the time frames-time is of the essence

9.13 SPECIAL PROVISIONS FOR SPECIFIC LAND USES

9.13.1.7 The Town may consider a licensing program for ADUssecond residential units to monitor and track the number and location of ADUssecond units will require an application and building permit for the installation of all Secondary Dwelling Units to ensure compliance with applicable municipal regulations.

9.13.2.1 Short-term tourist accommodations (STAs) are **an important** part of the **cultural landscape**, tourism infrastructure and the economy of the Town.

The Town has identified various types of STAs that are **appropriately** located in various areas of the Town. These include Bed and Breakfast Establishments, Country Inns, Vacation Rentals (Villas), Vacation Cottage rentals and Vacation Apartments.

9.13.2.2 STA short-term tourist accommodations will be regulated through **the Community Planning Permit bylaw and licensing bylaw**. Any application for a Community Planning Permit for a STA short-term tourist accommodation shall be accompanied by a planning justification report and heritage impact assessment for any cultural heritage resource

9.13.2.8 10.13.2.8 Provisions applicable to Vacation Cottage Rentals a) A cottage rental may be permitted in all areas of the Town where b) bed and breakfast homes are currently permitted. c) Cottage rentals will integrate compatibly into the residential communities of the Town. They are **an important** part of the local economy and provide overnight accommodation through the use of existing housing stock. **As such they deplete the available housing stock and no new licences will be issued for additional Vacation Cottage Rentals**. They are **only** permitted in settlement areas that are fully serviced with water and sewage disposal services approved by the Town and outside settlement areas with water and sewage disposal services approved by the Niagara Regional Public Health Department. Cottage rentals are occasional or seasonal uses that allow the travelling public

Via Email Only

September 18, 2025

Fiona Main
Senior Policy Planner
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0

Dear Ms. Main,

Re: Niagara Region Comments
Town of Niagara-on-the-Lake Draft Official Plan (June 2025)

Thank you for the opportunity to review the Town of Niagara-on-the-Lake Draft Official Plan, received by on July 25, 2025.

Section 6.2 of the 2024 Provincial Planning Statement emphasizes the importance of coordinating planning across municipal boundaries and between different levels of government, especially on matters related to growth, infrastructure, and public services.

In keeping with this direction, the Niagara Region has entered into an Engineering Services Memorandum of Understanding (MOU) with the Town of Niagara-on-the-Lake to ensure continued consistency and collaboration in the planning and delivery of infrastructure and related services. In accordance with the MOU, Regional infrastructure policies and mapping from the Niagara Region Official Plan should be incorporated into the Town's Draft Official Plan.

Regional staff understand that Section 8 (Infrastructure) of the Draft Official Plan is pending further review; however, in keeping with the direction above, a comment table has been provided in **Appendix 1**, which identifies comments, requests and recommendations related to the provision of Regional water, wastewater, transportation, stormwater, and waste management infrastructure and services for consideration by Town staff.

In addition, the Town has entered into an agreement with the Niagara Region to continue certain planning services, including the review of the natural environment system. As such, **Appendix 1** also contains comments and proposed refinements to the natural environment system policies of the Draft Official Plan, which were drafted in collaboration between Regional and Town staff.

If you have any questions regarding the above or the comments attached within **Appendix 1**, please do not hesitate to contact the undersigned at alexandria.tikky@niagararegion.ca

or 905-980-6000 ext. 3593, or Angela Stea, Director of Strategic Initiatives, at angela.stea@niagararegion.ca or ext. 3518.

Respectfully,



Alexandria Tikky, MCIP, RPP
Senior Planner
Office of the Deputy CAO
Niagara Region

Attachment:

Appendix 1 – Comment Table, Niagara Region Comments, Niagara-on-the-Lake Draft OP

cc: Kirsten McCauley, Director, Community and Development, Town of Niagara-on-the-Lake
Angela Stea, Director, Strategic Initiatives, Niagara Region
Diana Morreale, Director, Growth Management and Planning, Niagara Region

Town OP Policy	NOP Policies	Regional Comments
1.1.4		Policy 1.1.4 states that the Official Plan will help to implement the Provincial vision for growth in the Greater Golden Horseshoe to 2041. It is recommended that the Town review and revise this policy to ensure it aligns with the horizon of the Plan to 2051 and the current structure of Provincial land use policy.
1.2.2		Policy 1.2.2 identifies the Town’s agricultural infrastructure system as a component of its natural heritage system. It is recommended that the Town remove or revise this policy to better align with the structure and components of the natural environment system outlined in Section 7 of the Plan.
1.4	2.2.4.1	<p>It is recommended that the following policy be added to Section 1.4 (Growth Management Strategy), which similar to Policy 2.2.4.1 of the Niagara Region Official Plan (NOP), which would support planning for infrastructure and public services that consider the full life-cycle costs of these assets and aligns with the growth forecasts of the Plan:</p> <p><i>“Land use planning will be supported by infrastructure and community facilities that:</i></p> <ul style="list-style-type: none"> <i>a) consider the full life-cycle costs of these assets and options to pay for these costs over the long-term;</i> <i>b) meet the requirements of forecasted growth within settlement areas; and</i> <i>c) is planned, built, and maintained in accordance with the applicable policies in Section 8.”</i>
1.6.1	5.2.1.5	<p>Policy 1.6.1.3 g) encourages the efficient use of public infrastructure for the achievement of a sustainable community. Further to this policy direction, the Town may wish to also add the following policy to Section 1.6.1 (Sustainability):</p> <p><i>“Before consideration is given to developing new infrastructure, the Town shall optimize the use of existing infrastructure, and plan and direct growth, in a manner that promotes efficient use of existing services.”</i></p>

Town OP Policy	NOP Policies	Regional Comments
1.6.1.4	5.2.1.11	<p>The Town may wish to revise Policy 1.6.1.4 f) as follows in order to expand areas in which the sustainability plan will consider integration of green infrastructure:</p> <p><i>“The Town will prepare a municipal sustainability plan and develop sustainable development standards, in consultation with the development industry, to establish and implement the principles of environmental, social and economic sustainability, including approaches to: [...]</i></p> <p><i>f) integrate green infrastructure into energy and water conservation strategies, as part of the review of development applications, and within public works projects, where feasible; [...]”</i></p>
1.6.3		<p>In May 2025, Niagara Regional Council approved a motion requesting local municipalities help facilitate affordable housing development by adding public use provisions into their Official Plans recognizing both Niagara Regional Housing (NRH) and non-profit and co-operative housing providers that are under agreements with Niagara Region as eligible entities.</p> <p><u>COM14-2025: Consolidated Housing Master Plan: Implementation Plan</u></p> <p><u>Recommendation 6:</u></p> <p><i>That local area municipalities <u>BE REQUESTED</u> to consider amending or creating public use exemption provisions within local official plans and comprehensive zoning by-laws to establish Niagara Regional Housing affordable housing units, as well as non-profit and co-operative housing providers that are under Service Manager agreements with Niagara Region’s Housing Services Department as eligible uses.</i></p> <p>Similar to Policy 8.4.2, the Town should consider the addition of a public use exemption policy that allows for general land use permissions for Niagara Regional Housing units and other affordable housing units whose providers are under agreements with Niagara Regional Housing.</p> <p>Further, Regional staff request that any associated definition of ‘public use’ reference “... <i>the Regional Municipality of Niagara, including Niagara Regional Housing, as well as non-profit and</i></p>

Town OP Policy	NOP Policies	Regional Comments
		<p><i>co-operative housing providers that are under Service Manager agreements with Niagara Region’s Housing Services Department...” to avoid confusion with their interpretation.</i></p>
2.2.14.5	4.1.6.1	<p>It is recommended that Policy 2.2.14.5 be revised to reflect the full scope of requirements outlined in NOP Policy 4.1.6.1 for residential severances in the agricultural area:</p> <p><i>“Lot creation may be permitted for infrastructure, where the facility or corridor cannot be accommodated by easements or rights-of-way, provided that:</i></p> <ul style="list-style-type: none"> <i>a) the need has been demonstrated and it has been established that there is no reasonable alternative; and</i> <i>b) an agricultural impact assessment has been completed by a qualified professional.”</i>
2.2.15.1	4.1.4.2	<p>It is recommended that Policy 2.2.15.1 be revised to reflect the full scope of requirements outlined in NOP Policy 4.1.4.2 for residential severances in the agricultural area:</p> <p><i>“Where a habitable dwelling existed prior to December 16, 2004, a consent to sever a lot containing the dwelling may be granted if that residence becomes surplus to a farming operation as a result of a farm consolidation, as defined in the Greenbelt Plan, provided that:</i></p> <ul style="list-style-type: none"> <i>a) The zoning prohibits in perpetuity any new residential use on the retained parcel of farmland created by the severance, and that the zoning ensures the parcel will continue to be used for agricultural purposes;</i> <i>b) The size of any new lot does not exceed an area of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary by the appropriate authority to support a well and private sewage disposal system;</i> <i>c) The farms are both located within the Town of Niagara-on-the-Lake;</i> <i>d) The new lot is located to minimize the impact on the remaining farm operation; and</i> <i>e) The new lot complies with the Minimum Distance Separation (MDS) Formula;</i>

Town OP Policy	NOP Policies	Regional Comments
		<p><i>f) any new lot has sufficient frontage on an existing publicly-maintained road; and</i></p> <p><i>g) where possible, joint use should be made of the existing road access to the farm operation.”</i></p>
3.13.4	2.2.4.3	<p>The Town may wish to add the following policy to Section 3.13 (Community Facilities), which similar to Policy 2.2.4.3 of the NOP, would support planning of infrastructure and public services for the delivery of emergency management services:</p> <p>“Notwithstanding this policy, <i>infrastructure and public service facilities should be strategically located to support the effective and efficient delivery of emergency management services and to ensure the protection of public health and safety.</i>”</p>
3.16.1	2.2.4.6	<p>The Town may wish to revise Policy 3.16.1 as follows in order to prioritize the creation of community hubs within the Town’s strategic growth area in line with NOP Policy 2.2.4.6:</p> <p><i>“The Town supports the creation of community hubs that:</i></p> <ul style="list-style-type: none"> <i>a) enable the co-location of public services to promote cost-effectiveness and service integration;</i> <i>b) facilitate access through locations served by a range of transportation options, including active transportation and transit;</i> <i>d) give priority to existing public service facilities as the preferred location, where appropriate or alternatively, for locations within or near the Glendale strategic growth area; and</i> <i>e) enable the adaptive reuse of existing facilities and spaces, where appropriate.”</i>
7		<p>The Town may wish to restructure the policies of Section 7 (Natural Environment System) in the following manner to improve the readability of the Plan:</p> <ul style="list-style-type: none"> • Move Section 7.2.6 (Other Woodlands) and Section 7.2.7 (Linkages) and their associated policies to Section 7.6 (Other Natural Environment System Policies)

Town OP Policy	NOP Policies	Regional Comments
		<ul style="list-style-type: none"> Place Section 7.3.1 (Watershed Planning) within a standalone section and group Sections 7.3.2 to 7.3.6 under a new subsection 7.4 (Water Resource System).
7.1.1.2		<p>It is recommended that Policy 7.1.1.2 a) be revised to replace “Natural Environment System” (NES) with the term “Natural Heritage System” in order to clarify the components of the NES:</p> <p><i>“The Town’s natural environment will be protected and enhanced through the identification of a Natural Environment System, which is comprised of:</i></p> <p><i>a) the Town’s Natural Environment System Natural Heritage System, which includes features such as wetlands, woodlands, valleylands and wildlife habitat, as well as components such as linkages, buffers, supporting features and areas, and enhancement areas;”</i></p>
7.1.4.1		<p>It is recommended that Policy 7.1.4.1 be revised to remove duplicated language with Policy 7.1.4.3, which already outlines the process and study requirement to assess unmapped features.</p> <p><i>“The components of the Town’s Natural Heritage Environment System Town of Niagara-on-the-Lake are identified on Schedule C. Where features or components of the Natural Environment System are not mapped, they may be defined more precisely through subwatershed or environmental planning studies, environmental impact studies, hydrologic evaluations, or other studies prepared to the satisfaction of the Region and the Town.”</i></p>
7.2.1.7		<p>It is recommended that Policy 7.2.1.7 be revised to replace “Natural Heritage System” with the term “Natural Environment System” to reflect the Town’s system approach to environmental protection.</p> <p><i>“Essential public uses of a linear nature including utilities, communication facilities and transportation routes may be permitted within the Natural Heritage Environment System or adjacent lands where an EIS, hydrologic study, or equivalent assessment for the proposed use has been approved under Provincial or Federal legislation.”</i></p>

Town OP Policy	NOP Policies	Regional Comments
7.2.1.9	3.1.18.2	<p>It is recommended that Policy 7.2.1.9 be revised to reflect the terminology of the Greenbelt Plan. Specifically, to replace “Key Hydrologic Area” with “Key Natural Heritage Feature”</p> <p><i>“Where a natural heritage feature and area, key hydrologic feature, or key hydrologic area key natural heritage feature has been removed without authorization in advance of making, or prior to approval of, an application for development or site alteration, Town and/or Conservation Area staff shall use all available information to determine the limit and classification of the feature that existed, and restoration of the feature shall be required through the approval of the application for development or site alteration.”</i></p>
Table 8-1 (Buffers)	Table 3-2	<p>It is recommended that the fish habitat buffer be removed from Table 8-1. As directed in Policy 7.3.5, these features are typically determined by Federal agencies.</p>
Table 8-1 (Buffers)	Table 3-2	<p>It is recommended that “Inland Lakes” and “Seepage Areas and Springs”, along with their associated buffers, be removed from Table 8-1. These features are defined as key hydrologic features under the Greenbelt Plan, and are, therefore, already subject to applicable vegetation protection zone requirements.</p> <p>The Town may wish to instead list these features within the definition for “natural heritage features and areas” and/or as components within Policy 7.2.1.1, which would ensure that they could be identified and/or evaluated, where applicable, as part of the undertaking of an environmental impact study and/or hydrogeological assessment as outlined within the Plan.</p>
Table 8-1 (Adjacent Lands)	Table 3-1	<p>The Town should renumber Table 8-1 (Adjacent Lands for Natural Heritage System Features) to Table 8-2.</p>
7.2.6.7		<p>It is recommended that Policy 7.2.6.7, which provides direction for the categorization of formerly identified significant and other woodlands features, be moved to Section 7.2.1 (General Policies) to recognize the broader application of the policy.</p>

Town OP Policy	NOP Policies	Regional Comments
7.3.3		<p>It is recommended that Policy 7.3.3 be removed, and that the policies within this section be revised as follows:</p> <ul style="list-style-type: none"> • Policies 7.3.3.1, 7.3.3.5, 7.3.3.6, 7.3.3.7, and 7.3.3.8 are duplicated in other more relevant sections of the Plan and can be removed; • Policies 7.3.3.2 and 7.3.3.3 should be moved to Section 7.2.2 (Development and Site Alteration in the Natural Heritage System) to recognize the broader application of the policy; and • Policy 7.3.3.4 should be included in the previous Policy 7.3.3.3 as subsection c) rather than remain a standalone policy.
7.3.6.3 c)		<p>Policy 7.3.6.1 (a) states that the vegetated shoreline should span the entire water frontage and be at least 15 metres in depth from the normal high-water mark. As such, the Town may wish to remove Policy 7.3.6.3 c) as follows to avoid a conflict in policy direction:</p> <p><i>“Where major development is proposed along shorelines:</i></p> <ul style="list-style-type: none"> <i>a) Public access to the shoreline shall be integrated into site planning in a manner that supports ecological integrity and climate resilience;</i> <i>b) Efforts shall be made to maintain a view of the shoreline from beyond the development;</i> <i>c) Development shall be designed to protect and enhance natural shoreline viewsheds, minimizing visual disruption of the natural landscape;</i> <i>c) Where feasible, the shoreline should should be maintained in, or restored to, a naturally vegetated state;”</i>
7.4.1.3		<p>It is recommended that Policy 7.4.1.3 be removed from the Plan. Individual water features (such as other wetlands, permanent and intermittent streams, etc.) have been accounted for in</p>

Town OP Policy	NOP Policies	Regional Comments
		<p>other policies of Section 7 (Natural Environment System), which already provide protection for these features outside of the Greenbelt Plan Area.</p> <p><i>“Notwithstanding Policy 7.4.1.2, the policies of Sections 7.4.1 to 7.4.4 that apply to key hydrological features apply in all areas of the Town outside of settlement areas whether or not they are in the mapped Greenbelt Natural Heritage System.”</i></p>
7.4.1.4		<p>It is recommended that the references in Policy 7.4.1.4 be revised to replace Policy 7.4.1.6 with Policies 7.4.1.7 and 7.4.1.11, which both expand upon permitted uses within a vegetation protection zone. Further, it is recommended that the policy be revised to clarify infrastructure permissions as outlined within the Greenbelt Plan.</p> <p><i>“A vegetation protection zone (VPZ) is a vegetated buffer area surrounding a key natural heritage feature or key hydrologic feature. Uses within the VPZ vegetation protection zone are limited to those permitted within the feature itself the exceptions described in Section 7.4.1.16 7.4.1.7 and 7.4.1.11 and shoreline development as permitted in accordance with Section 7.3.6. Agricultural infrastructure, including components of the Niagara-on-the-Lake Agricultural Infrastructure System, may also be part of the vegetation protection zone. Infrastructure serving the agricultural sector, such as agricultural irrigation systems, may need certain elements to be located within the vegetation protection zone of a key natural heritage feature or key hydrologic feature. In such instances, these elements of the infrastructure may be established within the feature itself or its associated vegetation protection zone, but all reasonable efforts shall be made to keep such infrastructure out of key natural heritage features, key hydrologic features and their associated vegetation protection zones.”</i></p>
7.4.1.7		<p>It is recommended that Policy 7.4.1.7 be revised to state within the Protected Countryside rather than outside of settlement areas in order to recognize the Town’s position within the Greenbelt Plan Area:</p>

Town OP Policy	NOP Policies	Regional Comments
		<p><i>“Development or site alteration shall not be permitted in key natural heritage features that are within the Greenbelt Natural Heritage System or in any key hydrologic features within the Protected Countryside outside of settlement areas except for: [...]”</i></p>
7.4.1.11	3.1.5.7.7	<p>It is recommended that Policy 7.4.1.11 be revised to clarify that the permissions for minor construction are to apply to vegetation protection areas, not the Greenbelt Natural Heritage System as a whole. Further, similar to NOP Policy 3.1.5.7.7, the Town may wish to include additional agricultural exemptions as follows:</p> <p><i>“Notwithstanding Policy 7.4.1.8, the following types of minor construction is permitted within the Greenbelt Natural Heritage System a vegetation protection zone provided there is no alternative, outside of a key natural heritage feature or key hydrologic feature, without an EIS and/or hydrological evaluation:</i></p> <ul style="list-style-type: none"> <i>a) New accessory buildings to a residential use (garage, workshop, etc.) below 50 square metres;</i> <i>b) Expansions to existing accessory buildings to a residential use below 50 percent of the size of the original building;</i> <i>c) Expansions to existing residential buildings below 50 percent of the size of the original building; and</i> <i>d) Reconstruction of an existing residential dwelling of the same size in the same location;</i> <i>e) New buildings and structures for agricultural uses, agriculture-related uses, or on-farm diversified uses below 200 square metres; and</i> <i>f) Expansions to existing buildings and structures for agricultural uses, agriculture-related uses, or on-farm diversified uses below 50 percent of the size of the original building, provided the expansion is less than 200 square metres.”</i>

Town OP Policy	NOP Policies	Regional Comments
7.4.1.12		<p>Policy 7.4.1.12 is meant to apply to key hydrologic features anywhere within the Protected Countryside as per Policy 3.2.5.5 of the Greenbelt Plan. It is recommended that the Town revise Policy 7.4.1.12 a) as follows to conform to Provincial requirements:</p> <p><i>“A proposal for new development or site alteration within 120 metres of any key natural heritage feature or key hydrologic feature within the Greenbelt Natural Heritage System or key hydrologic feature anywhere within the Protected Countryside will require an EIS and/or hydrological evaluation that identifies a vegetation protection zone, which:</i></p> <p><i>a) Is of sufficient width to protect Protects the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change and associated activities that may occur before, during and after construction and, where possible, restore or enhance the feature and/or its function; and [...]”</i></p>
8	5.2.1.2	<p>It is recommended that the following policy be added to Section 8 (Infrastructure), which similar to NOP Policy 5.2.1.2 and 5.2.1.4, directs infrastructure and public services to be planned in an integrated manner that considers the growth management strategy of the Plan:</p> <p><i>“A coordinated, integrated, and comprehensive approach using the minimum intensification and density targets of this Plan, should be used for the planning, development, and management of infrastructure within the Town, and with other orders of government, agencies, and boards.”</i></p>
8	5.2.1.6	<p>It is recommended that the following policy be added to Section 8 (Infrastructure), which in addition to Policies 8.1.7.1 and 8.2.2.1, acknowledges the responsibilities of the Niagara Region in planning for infrastructure within the Town, including the relationship to the Region’s infrastructure strategies:</p> <p><i>“The Niagara Region shall provide infrastructure and services within its jurisdiction and financial capability in order to accommodate existing development and anticipated growth in alignment with the Region’s Transportation Master Plan and Master Servicing Plan.”</i></p>

Town OP Policy	NOP Policies	Regional Comments
8		<p>Further to the comment above, it is recommended that the following policy be added to Section 8 (Infrastructure) in order clarify the manner in which infrastructure planning will be coordinated between the Town and Niagara Region for development approvals:</p> <p><i>“The Town will circulate the Niagara Region on planning projects and applications where applicable for the engineering review of Regional water, wastewater, stormwater, and transportation infrastructure.”</i></p>
8.1	5.1.4.2	<p>It is recommended that the following policy be added to Section 8.1 (Transportation), which directs the Town to adopt a complete streets approach for the planning and construction of transportation infrastructure:</p> <p><i>“The Town will adopt a complete streets approach in the design or reconstruction of the planned or existing local street network.”</i></p>
8.1.13	4.2.9.3	<p>The Town may wish to add the following policy to Section 8.1.13 (Goods Movement), which similar to NOP Policy 4.2.9.3, supports coordination between the Town and other levels of government in planning for and improving major goods movement facilities and corridors to employment lands:</p> <p><i>“The Town will work with the Niagara Region and the Province to plan for and expedite improvements to major goods movement facilities and corridors to support freight-supportive employment development and redevelopment.”</i></p>
8.1.5		<p>Section 8.1.5 (“Transit”), and in particular Policy 8.1.5.2, should be updated to recognize the role of the Niagara Region Transit Commission in the provision of public transit to and from the Town of Niagara-on-the-Lake.</p>
8.1.5	5.1.2.1 5.1.2.2	<p>Further to the comment above, the Town may wish to supplement policies within Section 8.1.5 (Transit) with the policies and principles for transit planning outlined in NOP Policies 5.1.2.1 and 5.1.2.2.</p>

Town OP Policy	NOP Policies	Regional Comments
8.1.7	5.1.3.7	<p>It is recommended that a policy regarding wayfinding along Regional rights-of-way be added to Section 8.1.7 (Regional Roads) as follows:</p> <p><i>“The Town will coordinate with the Niagara Region to ensure that consistent wayfinding signage is implemented along Regional roads.”</i></p>
8.1.7		<p>It is requested that Section 8.1.7 (Regional Roads) be revised to include the following Regional policies and practices for road conveyances:</p> <p><i>“8.1.7.2 As conditions of the approval of a development application under the Planning Act:</i></p> <ul style="list-style-type: none"> <i>a) the Region may acquire land from the landowner required for the road allowance as identified in Schedule M, at no cost to the Region and free of all encumbrance, encroachments, and improvements unless otherwise agreed to by the Region; and</i> <i>b) the Region shall be provided with a certificate of an Ontario Land Surveyor noting that all legal survey documentation on the widened road allowance is in place.</i> <p><i>8.1.7.2 The conveyance of land shall be required at no cost to the Region as a condition of the approval of a development application, beyond the designated road allowance widths identified in Schedule E1, to accommodate items such as sight triangles, turning lanes, channelization, grade separations, traffic control devices, rapid transit, public transit facilities and rights-of-way, active transportation, cuts, fills and storm drainage requirements, as required to meet accepted engineering design standards. These do not require an amendment to this Plan.</i></p> <p><i>8.1.7.3 Further to Policy 8.7.1.3, the City may, without an amendment to this Plan, update the designated road allowance widths in Schedule E1 where an alternate width has been approved through a completed Municipal Class Environmental Assessment or by Regional Council.</i></p>

Town OP Policy	NOP Policies	Regional Comments
		<p>8.1.7.4 Additional land that exceeds the road allowance widths identified in Schedule E2 (ii) or Policy 8.1.7.3 may be acquired by the Region at its own expense, without an amendment to this Plan.</p> <p>8.1.7.5 As part of the development application process, a road allowance not yet owned by the Region and identified in the Region’s Transportation Master Plan should be protected in the following cases:</p> <ul style="list-style-type: none"> a) local street that could be ultimately assumed by the Region; and b) plans for the extension of an existing road allowance.”
8.1.13	5.1.6.3 5.1.6.4	Further to the comment above, the Town may wish to supplement policies within Section 8.1.13 (Goods Movement) with the policies and principles for the planning and protection of goods movement facilities and corridors outlined in NOP Policies 5.1.6.3 and 5.1.6.4.
8.2	5.2.1.13	<p>It is recommended that the following policy be added to Section 8.2 (Urban Growth on Full Municipal Services), which similar to NOP Policy 5.2.1.13, outlines the conditions in which new infrastructure and infrastructure extensions should be considered:</p> <p>“Construction of new, or expansion of existing municipal water, wastewater and stormwater infrastructure should only be considered where the following conditions are met:</p> <ul style="list-style-type: none"> a) strategies for water conservation and other water demand management initiatives are being implemented in the existing service area; b) plans for expansion or for new services shall serve growth that achieves the growth management targets and policies for intensification and density in this Plan; and c) plans have been considered in the context of applicable inter-provincial, national, bi-national, or state-provincial Great Lakes Basin agreements and are in compliance with the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement.”

Town OP Policy	NOP Policies	Regional Comments
8.2	5.2.2.5 5.2.3.1	<p>It is recommended that the following policies be added to Section 8.2 (Urban Growth on Full Municipal Services), which similar to NOP Policies 5.2.2.5 and 5.2.3.1, restricts private and lateral connections to Regional water and wastewater infrastructure:</p> <p><i>“Private lateral connections to Regional water or wastewater mains are discouraged.”</i></p> <p><i>“Lateral connections to Regional water or wastewater mains are not permitted outside the urban area boundaries.”</i></p>
8.2	5.2.2.6	<p>It is recommended that the following policy be added to Section 8.2 (Urban Growth on Full Municipal Services), which similar to NOP Policy 5.2.2.6, supports the resiliency of the Town and Region’s water and wastewater infrastructure:</p> <p><i>“The Region and Town will endeavour to:</i></p> <p><i>a) ensure new development will not put the Region or Town out of compliance with regulations and will consider opportunities to maintain or reduce wet weather overflow occurrence; and</i></p> <p><i>b) provide reliability, redundancy and security in its water and wastewater systems with attention to high risk and critical areas.”</i></p>
8.2	5.2.2.14	<p>Further to Policy 8.2.2.2, which notes that expansions to existing sewage treatment plants are subject to an environmental assessment, and Policy 8.4.4, which requires new public sewage treatment plants to be subject to an amendment to the Plan, it is requested that the following policy be added to Section 8.2 (Urban Growth on Full Municipal Services) to ensure new development mitigates impacts to existing or proposed sewage treatment plant:</p> <p><i>“Where development is proposed on lands adjacent to an existing or proposed sewage treatment facility, the location of development shall be determined by appropriate noise and odour studies that identify suitable separation distances and mitigation measures.”</i></p>

Town OP Policy	NOP Policies	Regional Comments
8.2.1.1	5.2.2.4	<p>It is recommended that Policy 8.2.1.1 be revised to clarify that the Niagara Region would be consulted to confirm available service capacity:</p> <p><i>“New development will be limited by the available capacities of services as determined in consultation with the Niagara Region. Where, within any settlement area boundary, full municipal services are not available, development will be restricted.”</i></p>
8.2.1.4	5.2.2.3	<p>It is recommended that Policy 8.2.1.4 be revised as follows to allow for consideration of service capacity prior to directing adjacent land-owners, including those peripheral to settlement area boundaries, to connect to local municipal services:</p> <p><i>“As local municipal services become available along property frontage, adjacent owners will be required to connect to them where service capacity is available and will be subject to service area charges even if peripheral to a settlement boundary area. Where farm property is peripheral to a settlement area boundary, and is located outside the NEP, the Town may enter into agreements with the property owner so that the cost of servicing recognizes the farm use.”</i></p>
8.2.2.1	5.2.2.1	<p>It is recommended that Policy 8.2.2.1 be revised as follows to emphasize the distinct responsibilities between the Town and Niagara Region in the provision of water and wastewater infrastructure:</p> <p><i>“The provision of water and wastewater services is a shared responsibility with the Region. The Region is responsible for providing a supply of municipal sanitary sewer and water services within the Town, while however, the Town is responsible for local water and wastewater services in the municipality. Municipal sewage services and water services are required for the servicing of development in the Town’s settlement areas. The Town will work closely with the Region to ensure there is a sufficient planned supply of sanitary and water services to meet long-term growth projections outlined in this Plan, and to ensure that such services are optimized, feasible and financially viable over the long term. The Town recognizes the Region’s Water and Wastewater Master Servicing Plan. Stormwater</i></p>

Town OP Policy	NOP Policies	Regional Comments
		<p><i>management strategies will be based on current, innovative, best practices and are subject to the approval of the Operations and Community & Development Services Departments.”</i></p>
<p>8.2.2.2 8.2.2.3</p>		<p>Policy 8.2.2.3 (renumbered to remove duplication) allows for “interim services” to be provided for development subject to specific criteria. It is requested that the Town clarify the circumstances wherein “interim services” would be permitted and how this may differ from the partial services regulated by Policy 8.2.2.5. Staff note that the Niagara Region would not typically permit private septic systems within the urban settlement area.</p> <p>Additionally, if the policy is retained as written, references to the “Niagara Health Services Department” in Policy 8.2.2.3 c) should be updated to state “Niagara Region”.</p>
<p>8.2.2.4</p>	<p>5.2.3.2</p>	<p>Policy 8.2.2.4, which permits the extension of watermains outside of the settlement area for agricultural purposes, has been revised to remove reference to the “Regional Official Plan” as it relates to waterline extension requirements; however, there does not yet appear to be any equivalent requirements outlined in the policies of Section 8.2.2 (Urban Growth on Full Municipal Services). It is, therefore, recommended that the Town consider including the water extension requirements listed in NOP Policy 5.2.3.2, as listed below. Alternatively, the Town should clarify that any such extensions for agricultural purposes will not include Regional water infrastructure.</p> <p><i>“Municipal water supply mains or municipal sewers shall not be extended outside the urban areas except:</i></p> <ul style="list-style-type: none"> <i>a) where necessary to correct an existing health problem as determined by the Medical Officer of Health or where there is a clean-up order from the Ministry of the Environment, Conservation and Parks, and provided all alternatives to municipal mains for resolving health concerns have been considered; and</i> <i>b) where extensions of the water supply system are for necessary operating purposes, such as the looping of existing mains, the replacement of existing mains, and the interconnection of urban areas.”</i>

Town OP Policy	NOP Policies	Regional Comments
8.2.3.1		<p>The Niagara Region currently provides review and approval support for private septic systems in the Town of Niagara-on-the-Lake. It is recommended that Policy 8.2.3.2 be revised as follows to refer to an approval authority more generally:</p> <p style="padding-left: 40px;">“Each OSSDS will require approval by the appropriate approval authority Town. Generally, the use of an OSSDS will be restricted to <i>residential development</i>. If, in the opinion of the Town any area appears questionable for the proper operation of an OSSDS, an evaluation of the lands by a qualified authority, will be required before <i>development</i> is allowed to proceed.”</p>
8.3	5.2.2.7 5.2.2.8	<p>If the Town contains combined sewer and storm drainage systems, it is recommended that the following policies be added to Section 8.3 (Stormwater Management), which similar to NOP Policy 5.2.2.7 and 5.2.2.8, support their separation where technically and financially feasible:</p> <p style="padding-left: 40px;"><i>“Existing municipal combined sewer and storm drainage systems shall be separated, where technically and financially feasible.”</i></p> <p style="padding-left: 40px;"><i>“All new development which is proposed to be connected to existing combined sewer facilities shall be served with separated systems within the property limits of the development. The connection to the combined sewer will only be considered once a new separated storm outlet has been determined to be unachievable and the available capacity within the existing combined sewer services has been confirmed.”</i></p>
8.3.1	5.2.1.19	<p>Policy 8.3.1 g) directs the Town to develop stormwater master plans for serviced settlement areas. As such, the Town may wish to also add an equivalent policy to NOP Policy 5.2.1.19, which is intended to guide the components of municipal stormwater master plans.</p>
8.3.11		<p>It is recommended that Policy 8.3.11 be revised to more generally refer to sewage bypasses follows:</p>

Town OP Policy	NOP Policies	Regional Comments
		<p><i>“Combined sewer overflows and sewage treatment plant bypasses have significant environmental impacts. The elimination of sewer overflows and bypasses are a Town priority.”</i></p>
8.4	5.2.6.3	<p>The Town may wish to add the following policy to Section 8.4 (Utilities) to align with the natural environment system policies in Section 7:</p> <p><i>“The construction of utilities shall comply with the Natural Environment System policies of this Plan.”</i></p>
8.4	5.2.6.7	<p>It is recommended that the Town add the following policy to Section 8.4 (Utilities) to clarify the approvals and standards needed for utilities with the Regional right-of-way:</p> <p><i>“Utility providers proposing to locate, relocate, or replace a facility within a Regional Road allowance will require Regional approval and be subject to the provisions of all applicable Regional policies, by-laws, standards, and guidelines.”</i></p>
8.5	5.2.7.6 to 5.2.7.11	<p>In addition to the existing policies in Section 8.5 (Green Energy Planning), the Town may wish to consider the addition of policies to address the review of siting, design, and construction of new or expanding renewable energy generation facilities, including consideration of compatibility, adverse impacts and ensuring compliance with provincial and federal requirements as indicated in NOP policies 5.2.7.4 to 5.2.7.11.</p>
8.6	5.2.4.1	<p>It is requested that the following policy be added to Section 8.6 (Waste Management) to clarify the Region’s role in the provision of waste management services:</p> <p><i>“The Region will provide for the disposal and treatment of solid wastes to the Town, and in alignment with the Region’s Long Term Waste Management Strategic Plan.”</i></p>
8.6	5.2.4.4	<p>It is recommended that the following policy be added to Section 8.6 (Waste Management) to support resource recovery of food and organic waste:</p>

Town OP Policy	NOP Policies	Regional Comments
		<p><i>“In collaboration with the Region, Local Area Municipalities should ensure that their official plan, zoning by-law, plan of subdivision approvals and site plan approvals for new development comply with the Region’s requirements for waste collection to ensure safe and efficient waste collection and diversion and includes support for the resource recovery of food and organic waste for their residents.”</i></p>
8.6	5.2.4.6	<p>It is recommended that the following policy be added to Section 8.6 (Waste Management) to reflect restrictions in the Niagara Escarpment Area:</p> <p><i>“The establishment of a new waste disposal site is not permitted in the Niagara Escarpment Plan Area.”</i></p>
8.6.6	5.2.4.9	<p>It is recommended that Policy 8.6.6 be replaced with the following language from NOP Policy 5.2.4.9:</p> <p><i>“Where development is proposed within 500 metres of land used for waste disposal purposes the proponent will provide documentation satisfactory to the Town and the MECP regarding actions necessary to identify and mitigate any potential adverse effects. Proposed development within the influence area, as determined by Provincial Land Use Compatibility Guidelines or through site specific study, of all waste management facilities shall demonstrate that the solid waste disposal site will not have any unacceptable adverse effects on the proposed development and will not pose any risks to human health and safety.”</i></p>
8.6.9	5.4.2.3	<p>It is recommended that Policy 8.6.9 be revised as follows in order to outline how waste management services are delivered:</p> <p><i>“The Town The Region shall provide waste management systems that are an appropriate size and type to accommodate present and future requirements, and facilitate, encourages and promotes reduction, reuse and waste diversion programs-recycling objectives for waste management.”</i></p>

Town OP Policy	NOP Policies	Regional Comments
8.6.10	5.2.4.5	<p>It is recommended that Policy 8.6.10 be revised as follows to include consideration of waste management initiatives as part of the development review process:</p> <p><i>“The implications of development on waste generation, management and diversion will be assessed as part of the review of development applications. Enhanced waste reduction, composting and recycling initiatives, and the identification of new opportunities for energy generation from waste, source reduction, reuse, and diversion, will be promoted where appropriate. Consideration shall be given to increased convenience and access for waste diversion collection programs to promote participation.”</i></p>
8.8.6		<p>It is recommended that the Town revise Policy 8.8.6 as follows to ensure alignment with the natural environment system policies of Section 7:</p> <p><i>“Within the Protected Countryside, drainage and irrigation infrastructure serving the agricultural sector, may need certain elements to be located within a Core Natural Area, fish habitat or a key hydrologic feature natural feature or area or within the vegetation protection zone of such a feature. In such instances, these elements of the drainage and irrigation infrastructure may be established within the feature itself or its associated vegetation protection zone subject to the policies in Section 7.”</i></p>
9.5.6		<p>Further to the requested additions to Section 8.1.7 (Regional Roads), it is recommended that Policy 9.5.6 be updated to clarify that the road widening measures of the policy are to apply to local roads:</p> <p><i>“Site plan approval will be used to secure property for proposed road widening without compensation to the landowner and also to provide for the general improvement of intersections through the acquisition of daylight triangles. Schedule E2 indicates the proposed right-of-way dimensions which may be required for the roads. All lands adjacent to the roads listed on Schedule E2 and requiring road widening will be covered by site plan control. Any road widening for local roads required to meet the standards set out in the table will be accomplished by taking land equally from both sides of the highway, measured from</i></p>

Town OP Policy	NOP Policies	Regional Comments
		<p><i>the centre of the right-of-way, unless topographical features dictate otherwise. In cases where existing uses or topographical features do not allow for equal widening of both sides of a roadway, then only one-half of the total widening will be taken under site plan control and the remainder will be obtained by other means."</i></p>
9.9.2 and 9.9.4		<p>Policies 9.9.2 and 9.9.4 have been revised to remove references to the Region as an agency that would be involved in pre-consultation meetings or that could request additional information as part of the development approvals process. It is requested that these references be retained given the Region's role as a commenting agency for infrastructure and related services, as well as other areas of land use planning identified in the Service Level Agreement between the Town and Region.</p>
11.4	Schedule L	<p>It is requested that the Town include the definitions and criteria for the natural environment system components listed in NOP Schedule L (Natural Environment System - Components, Definitions and Criteria) within either Section 11.4 or as a separate schedule or appendix to the Plan.</p>
Table 6		<p>The Environmental Impact Study description listed in Table 6 (Reports in Support of Complete Applications) should be updated to replace reference to the "Region's Core Natural Heritage Mapping" with the appropriate schedule reference(s) in the Draft Official Plan.</p>
Schedule C	Schedule C2	<p>It is requested that the Town ensure that Schedule C (Natural Heritage System) is updated to reflect the updated natural environment systems mapping used as part of Schedule C2 (Natural Environment System - Individual Components and Features) of the NOP.</p>

Town OP Policy	NOP Policies	Regional Comments								
Schedule E2 (ii)	Schedule M	<p>The Town should ensure that the following changes are made to Schedule E2 (ii), which lists Regional Road right-of-way widths, in order to align with Schedule M of the NOP:</p> <ul style="list-style-type: none"> • Revise the road segment for Regional Road 58 to state “Glendale Avenue – Taylor Road”. • Add Regional Road 88 (Seaway Haulage Road), which includes road segment “Carlton Street – Read Road” with a road with of 26.2 metres and road segment “Glendale Avenue – Carlton Street” with a road with of 26.2 metres. • Add the road segment “York Road – Queenston Road” with a road width of 36.6 metres to Regional Road 89 (Glendale Avenue). • Add the “Minimum Site Triangle Requirements” table, as included below in order to clarify the daylight triangle requirements for Regional Roads: <table border="1" data-bbox="749 755 1892 1042"> <thead> <tr> <th data-bbox="749 755 1318 824">Regional Intersection Type</th> <th data-bbox="1318 755 1892 824">Minimum Sight Triangle Requirements</th> </tr> </thead> <tbody> <tr> <td data-bbox="749 824 1318 899">Urban (signalized)</td> <td data-bbox="1318 824 1892 899">10 metres x 10 metres</td> </tr> <tr> <td data-bbox="749 899 1318 974">Urban (non-signalized)</td> <td data-bbox="1318 899 1892 974">6 metres x 6 metres</td> </tr> <tr> <td data-bbox="749 974 1318 1042">Rural</td> <td data-bbox="1318 974 1892 1042">15 metres x 15 metres</td> </tr> </tbody> </table>	Regional Intersection Type	Minimum Sight Triangle Requirements	Urban (signalized)	10 metres x 10 metres	Urban (non-signalized)	6 metres x 6 metres	Rural	15 metres x 15 metres
Regional Intersection Type	Minimum Sight Triangle Requirements									
Urban (signalized)	10 metres x 10 metres									
Urban (non-signalized)	6 metres x 6 metres									
Rural	15 metres x 15 metres									
	3.7.1	It is recommended that the Town review the policies of NOP Section 3.7.1 (Recognize and Manage Excess Soil) and incorporate applicable policies into the Draft Official Plan.								
	7.7.1.2 and 7.7.1.3	The phasing policies of former Section 4.6 have been removed from the Draft OP. There does not appear to be equivalent direction that would address phasing for water and wastewater services in the Draft Official Plan. The Town may wish to incorporate the applicable direction from NOP Policies 7.7.1.2 and 7.7.1.3, which provide direction for the creation of local municipal phasing policies.								

Town OP Policy	NOP Policies	Regional Comments
	8.6.1 to 8.6.7	The Town should ensure that all site-specific policies and approvals listed in NOP Section 8.6 are included in the Draft Official Plan.

Proposed Town of Niagara-on-the-Lake Official Plan Comments – HPI – September 16th 2025

Town of Niagara on the Lake Draft Official Plan, July 16th, 2025

Section 1.2 Provincial Planning Context

The public always complains that the official plan is a static document that should be upheld at all cost. It would be helpful to the general public to provide some background on the Planning Act authority for the town to create an official plan and the rights of individual property owners to request amendments.

1.1.4 – growth to 2041, hasn't this been changed to 2051?

1.4.2, 1.4.3 & 1.4.4 – where did these numbers come from?

1.4.6 – how often will these numbers be updated? Should a timeline be included in this section?

1.4.7 – clauses c) and d) are conflicting. Should be clarified.

1.5.2 – The Reservoir has addressed all of these policies for conversion. What is the status of this conversion?

1.6.1.4 b) what does this mean?

1.6.1.5 – what is a sustainability plan and when and where is this additional requirement going to be mandated?

1.6.3.2 – how is low rise defined?

1.6.3.3 – may be required to incorporate a mix of unit sizes? Under what discretion?

1.6.3.4 – what is the current status?

1.6.3.4 – Does this currently exist?

1.6.3.5 – how will this be applied and achieved? Is this attainable and under what mechanisms?

3.4.3 – d) is this the same definition from the Growth plan? Doesn't it exclude land for roads and parks etc...?

3.5.3.1 – what are these numbers based on?

3.5.3.6 – what is the timing of this intensification strategy?

3.5.3.8 – these policies are not consistent with provincial policies.

a) the lot frontage(s) and lot area(s) of the proposed new lot(s) shall be generally *consistent (change to compatible)* with the sizes of existing lots on both sides of the street on which the property is located;

b) the proposed new building(s) shall have heights, massing and scale appropriate for the site and generally *consistent (change to compatible)* with that

- permitted by the zoning for adjacent properties and properties on the same street;
- c) front and rear yard setbacks for the new building(s) are generally shall be **consistent (change to compatible)** with the front and rear yards that exist on the same side of the street;
 - d) the setback between new building(s) and the interior side lot line shall increase as the lot frontage increases; **based on what planning science?**
 - e) the new building(s) shall have a **complementary (change to compatible) relationship** with existing buildings, while accommodating a diversity of building styles, materials and colours;
 - f) existing trees and vegetation shall be retained and enhanced through new street tree planting and additional on-site landscaping;
 - g) the width of the garage(s) and driveway(s) at the front of new building(s) shall be limited to ensure that the streetscape is not dominated by garages and driveways;
 - h) new driveways and service connections shall be sited to minimize tree loss;
 - i) impacts on adjacent properties shall be minimized in relation to grading, drainage, access and circulation, privacy and microclimatic conditions such as shadowing;
 - j) the orientation and sizing of new lots shall not have a negative impact on significant public views and vistas that help define a residential neighbourhood; **based on what planning principles?**
 - k) proposals to extend the public street network should be designed to improve neighbourhood connectivity, improve local traffic circulation and enhance conditions for pedestrians and cyclists;
- and

3.6.2 - *compatibility is not the same as...these policies should be removed or generalized so as not to be so prescriptive and allow for creativity.*

Conflicts between Built Form and Intensification

3.6.3.1 4.7.3.1 In circumstances where a proposed development satisfies the Town's intensification target but does not support the compatibility policies of the Plan, the compatibility policies shall prevail. *Compatibility is not a measure in provincial policy but intensification and growth is a provincial interest. This policy is not consistent with provincial policy and should be removed.*

3.7.1.5 – *will this be a stakeholder engaged process?*

3.7.1.7 – *a) what is this based on ? h) clarify what this means? I) should be garage doors, not garage face to be consistent with recent approvals. This is difficult to achieve with stacked townhouse and more modern housing forms. This should not be an O.P. policy but a guideline that can be applied where it is appropriate instead of a broad application through policy.*

3.7.1.8 – *why are guidelines being galvanized into policy in the o.p?*

3.7.1.8 4.8.1.9 In addition to meeting other design related policies of this Plan, the

following design guidelines apply to intensification proposals in Virgil and Old Town until more detailed intensification strategies and Community Design Guidelines are approved by the Town:

- a) Infill and intensification sites should **match (be compatible with)** the average preestablished building setback of adjacent buildings within the block face;
- b) Parking for commercial, mixed use and apartment buildings shall be located at the rear of the buildings, with a secondary entrance at the side or back of the building. The main entrance to the building will front onto the street; **this is not always practical. It should now say 'shall'**
- c) Where appropriate, the design of the commercial, mixed use and multi-unit residential development should provide linkages and connections to existing and proposed pedestrian and bicycle networks;
- d) Height, mass and scale of new development will fit the context within which it is located; and
- e) Garages for single, semi and townhouse units will not exceed 50% of the building facade and will be setback from the front face of these units; and **should be a guideline, not a policy.**
- e) f) The design of infill and intensification development will be consistent with the Land Use Compatibility criteria of this Plan.

3.7.2.1 – not consistent with provincial policy. Restricting building height to 10 metres is a status quo move and eliminates opportunities for intensification to meet growth targets, especially in a municipality that has no opportunity for future urban boundary expansions. It stifles creative architectural design and changing roof pitch trends.

' this low-rise character will be maintained, and the implementing zoning by-law will limit building height accordingly. Special provisions may be included in the zoning by-law limiting the building height to less than ten (10) metres in residential areas where the majority of buildings are 1 or 1.5 storeys in height.' This is too restrictive and does not allow communities to evolve over time.

3.7.2.2 – 4 storeys of 14 metres for medium density. 7 storeys in Glendale?

3.8.3 – where did this policy come from? Inclusionary zoning will not fly and cannot be achieved in any free market scenario. Eliminate this policy all together if the Town wants to see growth.

3.9.2.1 – c) what does 'retains important natural heritage features', mean? Who determines what is 'important'?

3.9.3.2 – why? How will the town use their limited urban lands efficiently with such restrictions?

3.9.4.2 – a) not townhouses? Too restrictive

3.9.4.3b) visual analysis? I would also change the last words to not negatively impacted instead of maintained.

c) same policies carried over – zbla for any change to lot frontage or lot depth??? We need intensification and housing. How is this to be achieved efficiently is every change to a lot requires and ZBLA, at least a 90-day process?

Streetscape study?

e) what does development will respect and reinforce mean?

3.14.2 – are these provincially designated features or regionally? What features will be mapped in the schedules?

3.15.2 – who decides what an important or prominent view or vista is?

3.15 – general – it should be recognized that development can proceed in advance of completion of the secondary plan. Secondary plans in the Town historically takes several years. We have a housing crisis and waiting for a high-level plan to be complete prior to a development application moving forward is not good for the Town.

3.1.3.2c) iv – a garden?

H) how can the town impose requirements or conditions to assess an adjacent property or to update a statement for another property?

3.1.3.4 Severances and minor variances will not be permitted if such permissions would negatively impact the identified heritage attributes of cultural heritage resources.

Define negatively impact?

Any mention of heritage restoration incentives???

6.3.3 – site alteration? Any exemptions? Ie, driveway expansions to existing uses etc..?

7.1.1.2

a) how are these features going to be identified? Based on what info and criteria or is it adopting the regions mapping?

7.1.2.2 e) encourage acquisition of significant natural features and areas – is the Town going to be acquiring environmental lands as part of development applications?

7.1.4.1 ‘to the satisfaction of the Town’ great wording

7.1.4.8 – can these areas be modified through studies with a development application ?

7.1.5 Enhancement Areas – is this sort of like offsetting? If not, what does this mean?

7.1.7.4 – does this include donation to the municipality through a development application?

7.2.1.1 – what mapping source is being used for this?

What constitutes ‘other woodlands’

7.2.1.4 – clarification required

7.2.1.7 – should critical infrastructure be included?

7.2.3 – *Where did these buffer sizes come from? Is there no mechanism to reduce these buffers through the completion of an EIS?*

Other wetland buffer should not be 30 buffer. 30m to fish habitat? That is an extreme waste of limited urban lands to very little benefit.

Table 8.1 Adjacent lands for Natural Heritage Systems Features – *other woodlands, valley lands 50 meters is excessive. Where is this coming from?*

7.2.6 – *where are the other woodlands*

7.2.6.7 – *this sounds counter intuitive*

Where a feature was identified as a significant woodland or other woodland as of the date of approval of this Plan, and no longer meets the definition of significant woodland or other woodland because of either a natural or anthropogenic disturbance, the feature shall retain its status as either a significant woodland or other woodland and the policies of this Plan shall continue to apply. *Why does the Town want to retain damaged features?*

7.2.7.3 *I thought the province got rid of linkage requirements?*

7.3.3 Other wetlands

Notwithstanding Policy 7.15.5, while the NPCA may permit offsetting of wetlands under its policies and in accordance with its regulatory role, the use of offsetting for any natural heritage feature and areas, key natural heritage features, or key hydrologic features is not supported by the policies of this Plan.

Why? Sometimes this makes a larger more significant feature more viable instead of saving a weak feature that may never thrive.

7.8.1.1 – *environmental advisory committee???? Do we need more lay folks dictating how science should be applied? Leave it to the scientists.*

7.8.2.1 *'other commenting bodies; the region?*

7.8.2.3 – *region's EIS guidelines? Why doesn't the Town develop their own guidelines? An O.P. update is the perfect time for the Town to develop their own independent guidelines or they might as well just adopt the region's official plan as their own.*

9.2.4 *land owners have a right to amend the town's official plan as per the planning act at any time. The wording of this needs to be strengthened to notify residents that this plan can and will be amended in the future. This isn't a static document.*

9.10.7 *remove reference to Haudenosaunee as HDI is not a recognized treaty holder in the Niagara Region.*

Remove all of this section and rely on the province to direct

9.13.1 10.13.1 Additional Dwelling Second Residential Units

9.13.1.1 10.7.1.1 The development of second residential units ADUs provides opportunities to increase the supply of affordable rental accommodation in the Town. In accordance with the provisions of the Planning Act, the Town supports the potential for the establishment of ADUs second residential units in single-detached, semi-detached and townhouse dwellings, or in accessory buildings and structures on lots containing single- detached, semi-detached and townhouse dwellings if the single- detached, semi-detached or townhouse dwelling contains one (1) residential unit, throughout the Town provided the development:

- a) is consistent with the applicable residential policies of this Plan;
- b) Meets the requirements of the Ontario Building Code and Fire Code;
- c) Provides sufficient parking in accordance with the Zoning Bylaw. and private amenity space in appropriate locations, and in compliance with the Town's design standards;
- d) Maintains the overall character and stability of the surrounding neighbourhood, including streetscapes and landscaping; and – *should be removed. It is permitted across all urban areas, should not be subject to someone's opinion on streetscape and landscape.*

g) ADUs will be regulated by the provisions of the implementing Zoning By-law with respect to setbacks, encroachments, heights, and/or accessory building provisions. The maximum total lot coverage permitted on residential lots with ADUs is 45%.

Most developments are asking for 45% coverage for covered decks. This needs to be increased or too many minor variances will be triggered.

h) ADUs shall be compatible with and not pose adverse impacts to the residential nature of the property and surrounding neighbourhood. *Who determines this?*

i) ADUs may be subject to any applicable urban design guidelines prescribed for specific neighbourhoods. *Most ADU's are located inside the existing dwelling or behind the existing dwelling. Let's not get into urban design requirements to slow down the process of getting affordable housing built.*

j) ADUs located on or adjacent to lands identified on the Municipal Heritage Register or designated under the Ontario Heritage Act must not detract from the cultural heritage value and attributes of

9.13.6 10.13.6 Flag Lots

9.13.6.1 10.13.6.1 While flag lots provide opportunities for intensification, they are generally incompatible with the established neighbourhood and are out of character with

may want to re-visit this re: recent St. Catharines OLT decision. This does not conform with provincial policy to promote creative development patterns and use urban land efficiently.

General:

Will Staff be recommending the conversion of The Reservoir Lands on the proposed land use schedules?



Mississaugas of the Credit First Nation (“MCFN”)
Municipal Official Plan Input Document
 January 17, 2025

The purpose of this document is to streamline MCFN’s participation in the review of municipal Official Plans, Official Plan reviews, Official Plan amendments, and other related municipal policy undertakings. It does this by providing language that can be inserted into policy to help guide municipal planning and better inform planners and developers about our rights and interests.

Similar to the *Provincial Planning Statement*, which sets the minimum standards that Municipal Official Plans must align with to comply with provincial planning requirements, these key elements represent our minimum standards for inclusion in all municipal Official Plans within our Territory.

1. Recognition of MCFN and MCFN’s Territory as an Integral Component of the Planning Context

MCFN have Aboriginal and treaty rights over our Territory which spans much of southern Ontario and the area now known as the Greater Golden Horseshoe region. We are the original owners and stewards of the land to which your Official Plan will apply. Our community and our rights form an integral component of the regional context within which land use planning and planning decisions will occur.

The following language can be included in any introductory section in your Official Plan that describes the geographic and historical background within which municipal planning takes place:

MCFN is an Indigenous community and Aboriginal people within the meaning of section 35 of the Constitution Act, 1982, with inherent, Aboriginal, and treaty rights throughout their Territory. As further outlined below, MCFN has treaty rights over some areas of their Territory and these areas are occasionally referred to as MCFN’s Treaty Territory. Other areas (such as the Rouge River Valley, and the waters, beds of water, and floodplains) have never been subject to a treaty between MCFN and the Crown and so MCFN has Aboriginal title to these areas, which may be referred to as their Territory or Traditional Territory. For the purposes of this document, all of these areas are included within the definition of MCFN’s Territory.

MCFN’s Territory commences at Long Point on Lake Erie and extends eastward along the shore of the Lake to the Niagara River and down the River to Lake Ontario. It further extends northward along the shore of Lake Ontario to the Rouge River east of Toronto, then up the Rouge River to the dividing ridge. From the dividing ridge, it extends to the



headwaters of the River Thames, then southward to Long Point, where it began. MCFN's Territory encompasses, among other places, present-day Waterloo, Kitchener, Guelph, Brantford, Niagara Falls, Fort Erie, Hamilton, Mississauga, Oakville, Milton, Brampton, Vaughan, and Toronto, as well as the lands and waters between and surrounding these places. Moreover, MCFN are the original owners and stewards of the lands and waters that make up what is now known as the Greater Golden Horseshoe region. Their Territory has defined and sustained MCFN for countless generations and must continue to do so for generations to come.

Between 1781 and 1820, MCFN entered into various treaties with the Crown, establishing treaty rights throughout their Territory. In addition to treaty rights, MCFN has Aboriginal rights and title to the waters, beds of water, and floodplains in their Territory, including the lakebeds of Lake Erie and Lake Ontario, as well as Aboriginal title to their lands in the Rouge River Valley. In 2015 and 2016, MCFN requested to enter into negotiations with the governments of Canada and Ontario aimed at reconciling their Aboriginal title with the present-day use and occupation of their title land and waters by the Crown and the public. MCFN is currently engaged in negotiations with Canada to explore new approaches to understanding and implementing their rights and title.

Please see the attached map of MCFN's Territory.

2. Recognition of MCFN Rights and Interests

MCFN's rights and interests with respect to the lands, waters, and resources in our Territory should be explicitly acknowledged and accounted for in Municipal Official Plans and planning decisions.

a. Recognition of MCFN Stewardship and Protection of the Land and Water

MCFN has a responsibility to be stewards of our Territory, and to sustain and protect our lands and waters for generations to come.

Where a Municipal Official Plan deals with the natural environment, MCFN's stewardship responsibilities and our rights to actively protect land and water in our Territory for future generations should be recognized.

A description of MCFN's stewardship responsibilities for the lands, waters, and resources of our Territory, and MCFN's rights to protect the same for future generations, can be inserted into your Official Plan as follows:

Corresponding to and arising from MCFN's Aboriginal and treaty rights, MCFN has a responsibility to act as stewards of their Territory, including to sustain the lands, waters, and resources for the benefit of generations to come. MCFN's responsibility to act as stewards of the lands, waters, and resources must be considered in all development proposals.



Moreover, where your Official Plan addresses the management and protection of water, MCFN's title to waters, beds of waters, and floodplains should be recognized. A description of MCFN's title to waters, beds of water, and floodplains can be inserted in any such section as follows:

Aboriginal title refers to the inherent Aboriginal right to land or a territory, including water. The Canadian legal system recognizes Aboriginal title as a sui generis, or unique collective right to the use of and jurisdiction over a group's ancestral territories. MCFN has Aboriginal title to the Rouge River Valley, and to the waters, beds of water, and floodplains within their Territory. These lands and waters have been used by MCFN for generations and were never surrendered by their ancestors to the Crown.

The rights that flow from MCFN's Aboriginal title are similar to those associated with fee simple title and include: the right to decide how the land or waters will be used; the right of enjoyment and occupancy of the lands and waters; the right to possess the land or waters; the right to the economic benefits of the lands and waters; and the right to protectively use and manage the land and waters for the future.

These rights must be considered and respected as a part of planning decisions that could affect MCFN's Aboriginal title to the waters and lands under water in the future.

b. Protection of MCFN Cultural Heritage Resources

MCFN's cultural heritage and archeological resources must be protected for the benefit of our future generations. As much of MCFN's Territory has been—and continues to be—subject to heavy urbanization and development, all of MCFN's cultural heritage resources are of utmost importance and require special care and consideration to protect and preserve for future generations.

Where your Official Plan addresses cultural heritage and/or archaeology, or if you consider developing a separate archaeological plan or strategy to support your planning activities, it should recognize the critical importance of our cultural heritage resources and refer to our *Archaeological Standards and Guidelines* which we developed specifically to help ensure that our rights and interests are protected. The following language can be used:

The Mississaugas of the Credit First Nation (MCFN) must be consulted on any work to that could potentially impact cultural heritage or archaeological resources within MCFN's Territory and to develop policies for the management of these resources following any identification. The extensive urbanization and development of MCFN's Territory that has occurred over the last several decades has resulted in the loss of countless archaeological and other cultural heritage resources. Considering this, any remaining resource or artifact is of the utmost significance to MCFN.



Proponents of development or redevelopment proposals throughout the Municipality shall engage with the MCFN Department of Consultation and Accommodation (DOCA) prior to submission of an application for development. Proof of engagement shall be provided as part of a complete application.

Every planning application that has the effect of soil disturbance will be circulated to DOCA for review. As part of this review, it may be identified by the MCFN-DOCA that an archaeological assessment and/or study be required as part of the requirement for an application. Should this occur, the application will be put on hold until such time as an archaeological assessment and/or study is completed. Where appropriate, as determined by municipal staff in consultation with the MCFN-DOCA, a condition of approval may be utilized in lieu of placing the application on hold.

Additionally, archeologists, proponents, and others who are conducting archaeological assessment activities within MCFN Territory must refer to and follow MCFN's Standards and Guidelines for Archaeology.

These Standards and Guidelines guide engagement and involvement of MCFN in archaeological activities, including that by MCFN's Field Liaison Representatives. Adherence to MCFN's Standards and Guidelines facilitate the identification of MCFN cultural heritage resources and areas of particular significance, and will help ensure that MCFN history, culture, rights, and interests are properly protected.

c. Protection of MCFN's Right to be Sustained by Our Territory

MCFN's Aboriginal and treaty rights fundamentally entitle us to share in the wealth and other benefits generated from our Territory. While the ways in which we are sustained by our Territory have changed over time and evolved to reflect more modern economies and realities, the importance of our Territory to our community and our right to be sustained by it—even while we work to sustain it—must continue into the future.¹

Where your Official Plan deals with economic growth and sustainability, MCFN's right to be sustained—economically, culturally, and spiritually—by our Territory should be acknowledged and incorporated. The following language can be used:

¹ The Supreme Court of Canada has recognized how this broader context—which for MCFN includes the intense urbanization and development of your Territory—must inform the scope of the duty to consult (and also therefore whether accommodation is required): “it may be impossible to understand the seriousness of the impact of a project on s. 35 rights without considering the large context. Cumulative effects of an ongoing project, and historical context, may therefore inform the scope of the duty to consult. This is not “to attempt the redress of past wrong. Rather, it is simply to recognize an existing state of affairs, and to address the consequences of what may result from” the project.” (See *Chippewas of the Thames First Nation v. Enbridge Pipelines Inc.*, 2017 SCC 41, at para 42)



MCFN's Territory has defined and sustained the MCFN community for countless generations and must continue to be able to do so for generations to come in new and evolving ways. MCFN have Aboriginal and treaty rights over their Territory that include the rights to be sustained by their Territory—economically, culturally, and spiritually. These rights and responsibilities to be sustained by their Territory must be distinctly considered as a part of land-use management and planning decisions, including economic growth planning and opportunities for involving and providing benefits to the MCFN community.

3. Clear Triggers for MCFN Consultation and Engagement

MCFN's Aboriginal and treaty rights entitle us to be consulted on planning decisions—such as development proposals—made under an Official Plan that could adversely impact our Territory or our rights and interests. Official Plans should therefore contain an explicit requirement to that effect.

Where your Official Plan deals with consultation and engagement, a requirement that MCFN be consulted on planning decisions that may affect our rights and interests should be included. This will help to foster the constructive and co-operative relationship encouraged by the *Provincial Planning Statement*, and to ensure that we are properly consulted.² The following language can be used (with yellow highlighted sections updated as appropriate):

[Municipality] will engage and consult with MCFN, and engage with MCFN as appropriate, when considering planning matters, planning applications, and when making planning decisions that may affect MCFN's rights and interests, including but not limited to under:

- *Section [insert reference to section of Official Plan that speaks to MCFN stewardship] and MCFN's responsibility as stewards of their Territory;*
- *Section [insert reference to section of Official Plan that deals with MCFN's title to waters] and MCFN's Aboriginal title to waters, beds of water, and floodplains in their Territory; and*
- *Section [insert reference to section of Official Plan that speaks to cultural heritage and archeology, or to other archeology plan or policy] and cultural heritage and archeological resources within MCFN's Territory.*

More specifically, public and private developers are required to give notice to MCFN's Department of Consultation and Accommodation via email to abby.laforme@mncfn.ca or by Canada Post to 2789 Mississauga Road, Hagersville, ON, N0A1H0, whenever a development proposal may impact MCFN's rights and interests, including but not limited

² The Provincial Planning Statement (PPS), 2024 is a streamlined province-wide land use planning policy framework that replaces both the [Provincial Policy Statement, 2020](#) and [A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019](#). It came into effect October 20, 2024.



to their rights and interests with respect to stewardship, lands, waters, and archaeological or heritage resources.

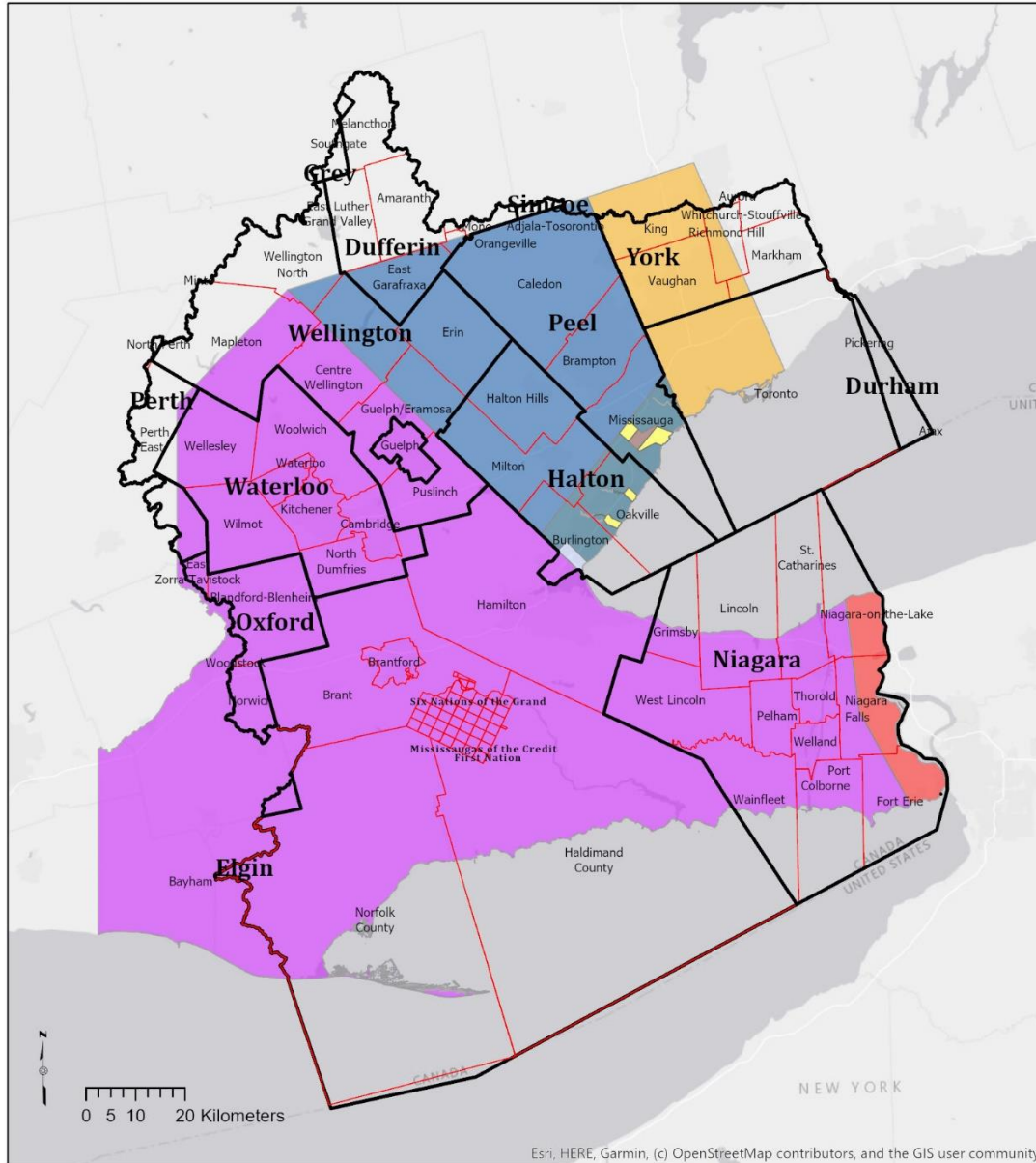
4. Summary of MCFN Consultation Process

In addition to the proposed language above, the following basic process can be inserted into your Official Plan, which describes how MCFN will respond to development proposals that may impact our rights and interests.

Once MCFN has been notified of a development proposal, MCFN will conduct an initial assessment to determine if the proposal is of particular concern or interest and notify the developer as to its determination. If the proposal is of particular concern or interest to MCFN, MCFN will further specify a process to be followed for more fulsome consultation. MCFN may also specify a process for consultation on proposals of less concern. In most cases a consultation process for proposals of particular concern will involve, at a minimum, a meeting between MCFN and the developer to discuss project-specific processes, information and capacity needs, and how to proceed in a manner that will respect MCFN's rights and interests.



Mississaugas of the Credit First Nation (“MCFN”)
MCFN Treaty Lands and Territory
 January 17, 2025



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

**UPPER AND LOWER TIER MUNICIPALITIES
 WITHIN
 MCFN TREATY LANDS AND TERRITORY**



- UPPER TIER MUNICIPALITIES
- LOWER TIER MUNICIPALITIES
- MCFN TERRITORY
- MISSISSAUGAS TREATY AT NIAGARA NO. 381 (1781)
- BETWEEN THE LAKES TREATY, NO. 3 (1792)
- BRANT TRACT TREATY, NO. 8 (1797)
- TORONTO PURCHASE TREATY, NO. 13 (1805)
- HEAD OF THE LAKE TREATY, NO. 14 (1806)
- AJETANCE TREATY, NO. 19 (1818)
- TREATY 22 (1820)
- TREATY 23 (1820)



Mississaugas of the Credit First Nation
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January 12, 2026

Megan DeVries
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Mississaugas of the Credit First Nation
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www.mncfn.ca
226-934-8640

BY EMAIL ONLY: Megan.DeVries@mcfn.ca

RE: MCFN DOCA Comment Response

Dear Megan DeVries

This letter is to provide you with a response to MCFN comments submitted for consideration and incorporation in the Draft Official Plan.

Please refer to Appendix I for the DOCA Document Comment Response Table.

Let me know if you have any questions or would like to schedule a time to discuss the response.

Thank you,

Fiona Main
Senior Policy Planner

General Comments

Town staff reviewed and considered the comments and suggested policy language provided in the DOCA document submitted by MCFN. The proposed policy language in the Draft Official Plan generally aligns with the following:

- Provincial Plans and Regulations (e.g. Planning Act, the PPS, 2024, Greenbelt Plan)
- Niagara Region Official Plan (NOP), 2022 which the Town intends to incorporate into the Draft Official Plan and repeal the NOP once the Draft Official Plan is approved.
- Proposed policies from the Town’s 2019 Adopted Draft Official Plan.

DOCA Document Comment Response Table

DOCA Document	Consideration in Official Plan	Relevant Official Plan Update Section Reference for Proposed Policy Language
1. Recognition of MCFN and MCFN’s Territory as an Integral Component of the Planning Context	Please refer to the Preamble policy language proposed in the Draft Official Plan.	Preamble
2. Recognition of MCFN Rights and Interests a. Recognition of MCFN Stewardship and Protection of the Land and Water	Please refer to Sections 6.4.1 and 9.10.8 policy language proposed in the Draft Official Plan.	Section 6.4 – Archaeological Resources <ul style="list-style-type: none"> • Section 6.4.1 Section 9.10 – Procedures for Public Engagement & First Nations and Indigenous Communities Engagement <ul style="list-style-type: none"> • Section 9.10.8
2. Recognition of MCFN Rights and Interests b. Protection of MCFN Cultural Heritage Resources	Please refer to Section 6.1.2.10, Section 6.1.2.11, Section 9.10.8, Section 9.10.9, Section 9.10.10 policy language proposed in the Draft Official Plan. Please also refer to Section 11.4 for Built Heritage Resource and Cultural Heritage Landscape definitions which reference First Nations or Indigenous communities.	Section 6.1.2 – Protection of Built Heritage Resources <ul style="list-style-type: none"> • Section 6.1.2.10 • Section 6.1.2.11 Section 9.10 – Procedures for Public Engagement & First Nations and Indigenous Communities Engagement <ul style="list-style-type: none"> • Section 9.10.8 • Section 9.10.9 • Section 9.10.10 Section 11.4 – Definition
2. Recognition of MCFN Rights and Interests c. Protection of MCFN’s Right to be Sustained by Our Territory	Please refer to Section 6.1.2.10, Section 6.1.2.11, Section 6.4.2 vi., Section 9.10.8, Section 9.10.9, and Section 9.10.10 policy	Section 6.1.2 – Protection of Built Heritage Resources <ul style="list-style-type: none"> • Section 6.1.2.10 • Section 6.1.2.11

Appendix I
DOCA Document Comment Response Table
Town of Niagara-on-the-Lake Official Plan Update

	language proposed in the Draft Official Plan.	<p>Section 6.4 – Archaeological Resources</p> <ul style="list-style-type: none"> • Section 6.4.2 vi. <p>Section 9.10 – Procedures for Public Engagement & First Nations and Indigenous Communities Engagement</p> <ul style="list-style-type: none"> • Section 9.10.8 • Section 9.10.9 • Section 9.10.10
3. Clear Triggers for MCFN Consultation and Engagement	Please refer to Section 6.1.2.10, Section 6.1.2.11, Section 6.4.2 vi., Section 6.4.2 ix., Section 6.4.4, Section 7.1.2.1 x), Section 9.10.8, Section 9.10.9, and Section 9.10.10 policy language proposed in the Draft Official Plan.	<p>Section 6.1.2 – Protection of Built Heritage Resources</p> <ul style="list-style-type: none"> • Section 6.1.2.10 • Section 6.1.2.11 <p>Section 6.4 – Archaeological Resources</p> <ul style="list-style-type: none"> • Section 6.4.2 vi. • Section 6.4.2 ix. • Section 6.4.4 <p>Section 7.1 – A Unique Local Natural Environment System Section 7.1.2 - Objectives</p> <ul style="list-style-type: none"> • Section 7.1.2.1 x) <p>Section 9.10 – Procedures for Public Engagement & First Nations and Indigenous Communities Engagement</p> <ul style="list-style-type: none"> • Section 9.10.8 • Section 9.10.9 • Section 9.10.10
4. Summary of MCFN Consultation Process	Please refer to Section 9.10.8 and Section 9.10.10 policy language proposed in the Draft Official Plan.	<p>Section 9.10 – Procedures for Public Engagement & First Nations and Indigenous Communities Engagement</p> <ul style="list-style-type: none"> • Section 9.10.8 • Section 9.10.10
Upper and Lower Tier Municipalities within MCFN Treaty Lands and Territory Map	The map is not incorporated in the Draft Official Plan. The Town recognizes all relevant First Nations and Indigenous communities in the Town of Niagara-on-the-Lake.	n/a



Tom Halinski
Direct: 416.865.7767
E-mail: thalinski@airdberlis.com

January 20, 2026

Matter No. 333623

By E-Mail

Aimee Alderman
Director of Planning, Building and Development Services
Town of Niagara on the Lake
1593 Four Mile Creek Road
PO Box 100
Virgil, ON L0S 1T0

Dear Ms. Alderman:

**Re: Short Term Rental By-law and Draft Official Plan
Submissions on behalf of Scotsman Hotel Inc. (95 Johnson St.)**

Aird & Berlis LLP acts on behalf of the Scotsman Hotel Inc., (our “Client”), owner of 95 Johnson Street (“The Scotsman” or the “property”). On behalf of our Client, we have been monitoring Staff’s review of short term rentals in the Town and the progress of potential amendments to the Short Term Rental By-law 2025-032 (“STR By-law”) as presented to Council on October 28, 2025 (Report FES-25-013). Simultaneously, we have been monitoring the comprehensive review of the Town’s Official Plan Update and the release of the various drafts in July and October 2025.

We are writing to express our Client’s concerns and comments regarding the draft Short Term Rental By-law and the draft Official Plan as it relates to the operations at The Scotsman Hotel and the ongoing planning applications.

Planning Applications

In May 2025, our Client’s planning consultant, McNaughton Hermsen Britton Clarkson Planning Limited (“MHBC”), submitted an application for an Official Plan Amendment and a Zoning By-law Amendment (the “Applications”, bearing numbers OPA-04-2025 and ZBA-06-2025) to support the addition of a new use within The Scotsman. The Applications are to facilitate the addition of a “Hospitality Area” use within the existing Country Inn, to be located on portions of the ground floor and outdoor courtyard area. The proposed changes will allow patrons, who are registered, to attend the Inn and enjoy beverages and food prepared without the use of a commercial kitchen. No physical changes to the existing Country Inn are proposed.

The Applications were deemed complete on June 6, 2025, and an open house and statutory public meeting were held regarding the Applications on June 23, 2025, and July 8, 2025, respectively.

Short Term Rental By-law

We have reviewed the proposed amendments to the STR By-law and wish to provide our Client’s feedback regarding the draft amendments proposed by Staff. Specifically, our Client has a concern with an ostensible inconsistency between the definition of a Country Inn in the STR By-law and the interpretation of the permitted additional activities for this use.

The current in-force Official Plan (as amended to July 17, 2017) defines a Country Inn as: “a residential use which is in the principal residence of the owner/operator and host, having more than three rented rooms in an urban area but six or less rented rooms outside an urban area and providing lodging and only breakfast to overnight guests. It may include the use of accessory buildings, where appropriate, in urban areas. A Country Inn is considered a secondary use in a single detached dwelling and does not include hotels or motels. *Any additional activity (e.g. a restaurant, spa, shop, etc.) will only be permitted by way of an amendment to this Plan.* The Municipality will regulate the number of rooms and other matters regarding Country Inns through the implementing Zoning By-law, site plan approval process, licensing by-law, and/or by commenting to the Niagara Escarpment Commission on development permit applications.” (Section 2.3 – Definitions) [Emphasis added]

The STR By-law defines a Country Inn as: “a residential use which is in the principal residence of the owner/operator and host, having more than three (3) rented rooms and providing lodging and only breakfast to overnight guests. Country Inns located in the Agricultural Zone District are restricted to a maximum of six (6) rented rooms. (A Country Inn shall only be permitted by way of a site-specific zoning By-law amendment and shall be subject to the same licencing requirements as Bed and Breakfast Establishments.)” (Section 3). Section 17 of the STR By-law limits Country Inns to providing and serving breakfast only, a limitation which is not made in the Official Plan definition of the use.

As noted above, part of the purpose of the Applications is to facilitate the addition of a “Hospitality Area” use to the existing Country Inn at the Scotsman, to be located within portions of the ground floor and outdoor courtyard area. The proposed changes will allow patrons, who are registered, and members to attend small-scale gatherings which are hosted at the Inn. In response to comments from Planning Staff, MHBC provided additional information that the Hospitality Area will be used only for small groups similar to hosting friends or family in a single detached dwelling.

In discussions with Town Staff, MHBC was informed that under section 72 of the STR By-law, Short Term Rentals may not be used “...for the hosting of events or any other commercial activity”. We understand the broader context of why this apparent prohibition was included but have substantial concerns with its general application to all forms of STRs. Specifically, it would be incongruous and not viable for a Country Inn to be prohibited from holding any form of special gathering or engaging in any scale of commercial activity, such as the Hospitality Area proposed by our client.

In our view, the proposed Hospitality Area in the existing Country Inn is in keeping with the actual intent of the STR: ensuring that short-term rentals are not used for predominantly commercial purposes. Further, we understand that the intent of section 17 of the STR By-law is to ensure Country Inns do not operate as restaurants or substantial event spaces. As outlined above, this is not the intent of our client’s proposal, as is evident in the Application materials which do not propose the establishment of a commercial kitchen or any large food preparation space.

These discrepancies could be resolved through an amendment to the definition of a Country Inn in the STR By-law to bring it into consistency with the Official Plan, as well as potential clarification to the provisions regarding gatherings and ancillary commercial activity.

We also note that the current Draft Official Plan (November 19, 2025) proposes to remove the expanded explanation in the Country Inn definition, which we submit would create material complications for the interpretation of the additional activities that routinely accompany the

residential uses in Country Inns throughout the Town, including as part of our Client's ongoing Applications.

Conclusion

We look forward to continuing to work with Staff to advance the Applications and provide input to the amendments to the Short Term Rental By-law and Official Plan Review, as both evolve.

To this end, we would request to meet with Staff to discuss the concerns herein. Thank you in advance for your consideration.

Yours truly,

AIRD & BERLIS LLP



Tom Halinski
Partner

TH/nh

Cc: Client
D. Anderson and M. Vernooy, MHBC
Town Clerk

66703788.7



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Toronto, Ontario M6P 1A5
☎ (416) 923-6630
✉ info@sglplanning.ca

January 9, 2026

Grant Bivol
Town Clerk
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100
Virgil, ON. L0S 1T0

Dear Mr. Bivol:

**Re: Comments on Final Draft Official Plan (November 19, 2025)
144, 176, 200 John Street East and 588 Charlotte Street
Two Sisters Resorts Corp. and Solmar (Niagara 2) Inc.**

On behalf of Two Sisters Resorts Corp. and Solmar (Niagara 2) Inc., we are pleased to submit our comments on the Town's Draft Official Plan, dated November 19, 2025.

We have reviewed the proposed policies and associated Schedules and offer the comments as set out below.

Land Use Designations:

We have reviewed Schedule B2 of the Draft Official Plan, which shows the land use designations within the Old Town Settlement Area, as well as the associated policies in the Draft Official Plan. On Schedule B2, we have reviewed the proposed land use designations for the properties known municipally as 588 Charlotte Street as well as 144, 176 and 200 John Street East. Our comments are as follows:

- The land use designations on proposed Schedule B2 do not correspond with the land use designations approved and implemented through Official Plan Amendment No. 51 for 144 and 176 John Street East. Specifically, Official Plan Amendment No. 51 identifies "Open Space – Randwood Estate", "General Commercial – Randwood Estate" and "Conservation" designations on these lands. These land use designations are only partly reflected on proposed Schedule B2 of the Draft Official Plan (which designates the lands as Residential, Commercial and Conservation), where the "Open Space – Randwood Estate" designation appears to have been replaced with the "Residential" designation. However, we have reviewed also the site-specific policy, and all of the permitted uses and applicable policies that apply to the "Open Space – Randwood Estate" designation have been appropriately carried forward to the "Residential" designation in the Draft Official Plan. Therefore, we have no concerns with this.
- In relation to 588 Charlotte Street and 200 John Street East, the Conservation Designation shown on proposed Schedule B2 of the Draft Official Plan is not consistent

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with the Conservation Designation as depicted on Schedule B of the Town's existing Official Plan. Further, through work completed as part of former applications for development of these properties, it has been determined that certain features that are mapped on Schedule B2 are not actually present on the lands, particularly in respect of a large portion of the proposed Conservation Designation at the south end of the lands. This is a small wooded area adjacent to the Heritage Trail that is comprised of a significant number of dead ash trees and is a fraction of the size depicted on Schedule B2. Further, a previous environmental impact study undertaken on behalf of Solmar (Niagara 2) Inc. determined that this feature is not a significant woodland. It is also relevant to note that Schedule C2 of the Draft Official Plan does not identify the wooded area as a Significant Woodland or Other Woodland, and as such, it is not clear why this feature is identified on Schedule B2. As such, there is no basis for these lands to be designated as Conservation.

- Section 3.11 of the Draft Official Plan applies to lands within Residential Areas. Policy 3.11.3.1 permits low-rise and medium-rise structures within Residential Areas, however it states that *“Medium-rise structures (e.g. multi-floor apartment buildings) may be recognized in specific locations within specific secondary plans, and subject to a zoning by-law amendment”*. There is only one secondary plan area within Old Town (the Dock Area). We believe that the intent of this policy is not to limit medium-rise structures to lands within Secondary Plans, particularly since medium-rise apartments are specifically listed as a permitted use within the Residential designation (policy 3.11.5.2). Rather, we believe the intent of the policy is to ensure that where medium-rise development is proposed, that it be assessed and analyzed to conform to the compatibility criteria contained in Section 3.11. As such, we recommend that this part of policy 3.11.3.1 be revised as follows:

*“Medium-rise structures (e.g. multi-floor apartment buildings) may be ~~recognized in specific locations within specific secondary plans, and~~ **permitted** subject to a zoning by-law amendment”*.

- Section 3.11.5 contains policies for the Residential Designation, which applies to the 588 Charlotte Street and 200 John Street East lands. Policy 3.11.5.2 lists the permitted uses, which includes “medium rise or multiple unit residential uses”, as well as “medium rise apartments up to 4 storeys”. There is one additional stand-alone bullet that says, “may be permitted in specific locations shown in secondary plans”. It is unclear whether this bullet is intended to be a continuation of the previous bullet point above it, or if it is meant to be separate. If it is meant to be part of the previous bullet point above it, then there is a conflict with the bullet below it listing “medium rise apartments up to 4 storeys” as a permitted use. Either way, we recommend that the “may be permitted in specific locations shown in secondary plans” bullet be deleted, as per the comments noted above.

John Street East Summer Homes Character Area

Schedule D4 of the Draft Official Plan identifies the lands at 144, 176, 200 John Street East, and 588 Charlotte Street as being located within the “John Street East Summer Homes Character Area”.

Section 3.19 of the Draft Official Plan includes site-specific policies for properties identified on Schedules B2 to B6, and policy S3-24 appears to apply to the lands noted above, with reference

to Schedule B9. However, there is no Schedule B-9 in the Draft Official Plan, and there appears to be no other map that identifies the properties noted above as being subject to site-specific policy S3-24. Despite this lack of mapping, we have reviewed site-specific policy S3-24. Importantly, site-specific policy S3-24 appears to be almost identical to the policies of Official Plan Amendment (OPA) No. 92, which was adopted by Town Council on March 26, 2024, and subsequently appealed by Solmar (Niagara 2) Inc. The matter is still at the Ontario Land Tribunal and has not yet advanced to a case management conference or a hearing. As such, it is our request that this site-specific policy be removed entirely from the Official Plan for the primary reason that the policies have not yet been tested at the Tribunal. Approving them through the Town's updated Official Plan is not appropriate, and could potentially result in duplicating appeal proceedings.

Notwithstanding our position as set out above, we have reviewed proposed site-specific policy S3-24 and our comments are provided below. Overall, it is our opinion that site-specific policy S3-24 contains policies that are meant to be guidelines, and conversely, the policy also contains policies that are inappropriately prescriptive, similar to regulations typically contained in a zoning by-law. Further, the site-specific policy attempts to control heritage-related matters that are otherwise already regulated by the Ontario Heritage Act.

We offer the following specific comments:

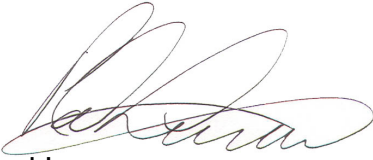
- Principle 1 of the site-specific policy deals with cultural heritage resources. The policies listed under this principle require the submission of a heritage impact assessment and conservation plan in support of any proposed development on the lands. As these are properties that are already designated under Part IV of the Ontario Heritage Act, any development on the lands requires the submission of heritage permit applications, which would be accompanied by the appropriate reports and plans, and as such, it is our submission that this policy is redundant. Another policy under Principle 1 strongly encourages the adaptive re-use of heritage buildings and structures. In our opinion, this policy is not appropriate, as some of the designated buildings may not be appropriate for adaptive reuse, for various reasons, and such an assessment should be left to evaluation through a heritage permit application process on a case by case basis.
- Principle 2 includes policies related to the protection, maintenance and enhancement of significant natural features and functions. Policies i, ii and iii under Principle 2 are not in our opinion, required and should be removed, as they speak to study requirements that are already dealt with in other policies of the Official Plan, and would need to be addressed regardless of whether these site-specific policies exist. Policies iv and v relate to requirements for landscape management and design plans, and are matters that should be addressed and dealt with at the detailed stage of development. Further, policy vi is not appropriate in our opinion, as it requires stormwater management facilities to be "integrated with the larger network of open spaces, and designed as a naturalized landscape". This policy should also be removed, as it may not be achievable and is highly dependent on detailed design.
- Principle 3 includes policies related to views of cultural and natural heritage features, and the policies describe specific features of the site and establish requirements related to site circulation and site design. In our opinion, these policies are inappropriate and should not be included in the Official Plan. Site-specific matters related to circulation and site design

should be addressed at the detailed stage of development and will vary depending on the details of any proposed development in the future. Certain policies in particular, including policy vii that is setting out requirements for minimum separation distances between heritage structures and new structures, are much too prescriptive for an official plan, and should be removed and dealt with at the zoning stage.

- Principle 4 includes policies related to active transportation, including requirements for “a continuous public connection for pedestrians and cyclists from the Heritage Trail to John Street East, via the whistle stop, to be built by the developer”. The next policy requires “public access for pedestrians and cyclists” to 588 Charlotte Street. These policies get into a level of detail that goes far beyond what an official plan is intended to guide, and further, stipulates a requirement for public access over private lands, which is not appropriate.
- Principle 5 includes policies related to compatibility of development and again includes policies that get into a level of detail that should only be addressed at a detailed stage of development, and not in an official plan, such as requirements for maintenance of existing mature trees and hedges in specific locations (which would be addressed through any future heritage permit application in any event). Further, the policies establish built form requirements related to the future development of 144/176 John Street, a portion of the lands have existing zoning permissions for a hotel and associated commercial uses. This level of detail is akin to regulations within a zoning by-law, and should not be included within an official plan.
- Principle 6 includes policies related to housing types and sizes and commercial uses. Despite permissions within the Residential Designation of the OP for a broader range of housing types, including medium-rise residential uses, this site-specific policy limits residential uses only to detached, semi-detached, townhouses, duplexes and triplexes, or multi-unit residential units only within conserved heritage buildings. These policies under Principle 6 are not consistent with other policies in the official plan, and in our opinion do not conform to the Region of Niagara Official Plan and are not consistent with the Provincial Planning Statement in permitting a broad range of housing options within settlement areas. As such, these policies should also be removed.
- Principle 7 includes policies that deal with compatibility of scale and character of new development with adjacent neighbourhoods. The policies limit new development to three storeys only, which is inconsistent with the policies of the Official Plan, which propose to permit development of up to four storeys within the Residential Designation. The policies are also very prescriptive, including requirements for maximum number of attached townhouse units, maximum heights of buildings containing accessory residential units, minimum front yard setbacks and minimum soft landscaping requirements. All of these matters should not be addressed in the official plan and should be removed and dealt with in the zoning by-law. Further, these policies also deal with architectural styles of development, which goes beyond what municipalities can control at the site plan approval process.

We thank the Town for the opportunity to provide comments on the Draft Official Plan. We would be pleased to discuss these comments with Town at your convenience.

Yours very truly,
SGL PLANNING & DESIGN INC.



Paul Lowes, RPP, MCIP
Principal



David Riley, RPP, MCIP
Principal

cc: *Aimee Alderman, Manager of Development Planning, Town of NOTL*
Blake Lyon, Two Sisters Resorts Corp. and Solmar (Niagara 2) Inc. (via e-mail)
Luis Correia, Two Sisters Resorts Corp. and Solmar (Niagara 2) Inc. (via e-mail)

February 2, 2026

Town of Niagara-on-the-Lake

Planning, Building & Development Services
1593 Four Mile Creek Road, P.O. Box 100
Virgil, Ontario L0S 1T0

Attention: Ms. Taya Devlin, Senior Policy Planner

Dear Ms. Devlin,

Re: Town of Niagara-on-the-Lake Official Plan Update
TBG Project Number 24217

The Biglieri Group (“TBG”) represents the Queenston Quarry Reclamation Company Ltd. (“Client” or “Owners”) of the property known as the Queenston Quarry lands (“Subject Lands”) in the Town of Niagara-on-the-Lake. The lands have previously been approved for a range of residential, commercial, and recreational uses in the Niagara-on-the-Lake Official Plan, as well as the Niagara Escarpment Plan.

We are encouraged by the policies in the draft Official Plan which supports growth being directed away from Old Town and towards the other settlement areas. This will ensure the protection of the heritage nature of the community while allowing for additional growth. Our Client’s lands will provide opportunity for residential growth of the community, providing housing options for current and future residents. The proposed development on the subject lands will add attainable housing units, which are currently in limited supply within the Town. We are also interested in participating in the

We have reviewed the site specific policies regarding the Queenston Quarry lands in Section 4.2.4 and Section 4.3. We note that a number of the references to permitted uses do not have the corresponding policies or notations on the map (references to S4-17 and S5-2). We assume that these will be provided in the final document so that we can confirm no concerns with these notations.

We support the policy direction of the Town to remove the Development Control Area within the St. Davids area in Section 10.2.3.1, but we would encourage the Town to extend the same request to both the Bevan Heights area and the Queenston Quarry lands. We are of the opinion that the Town is better able to deal with the more complex applications which are required to implement the development design for these lands. We would encourage the Town to extend the policy to include the Bevan Heights and Queenston Quarry lands.

We look forward to any opportunity to further discuss our comments.

Sincerely,

The Biglieri Group Ltd.



Rachelle Larocque, M.Sc., BES, RPP, MCIP
Partner



Consultation Letter

From NRMCPresident <NRMCPresident@metisnation.org>

Date Tue 3/17/2026 1:39 PM

To Fiona Main <Fiona.Main@notl.com>

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment, unless you were expecting it or know that the content is safe. Forward the email to IT to validate.

Dear Fiona Main,

I write in response to your Updates to the final draft Official Plan as the President, Niagara Region Metis Council, within the South West Region of the Métis Nation of Ontario (MNO). I appreciate you taking the time to connect with us and to consider Métis interests in your Official Plan in Niagara on the Lake. I am writing to clarify the MNO's role and function in southwestern Ontario.

The MNO is the federally and provincially recognized Métis government in Ontario^[1] representing Métis citizens and Métis communities in Ontario recognized as holding Aboriginal rights protected by section 35 of the *Constitution Act, 1982* (“**Section 35**”). These rights-bearing Métis communities include, but are not limited to, the modern-day Section 35 rights-holding Métis community in and around Sault Ste. Marie that was recognized by the Supreme Court of Canada (“**SCC**”) in *R v. Powley* (“**Powley**”).^[2]

While the South West Region is one of the MNO's nine administrative regions, and many MNO citizens have relocated from their home Métis communities to what is now southwestern Ontario, no historic rights-bearing Métis communities existed in what is now southwestern Ontario. As such, there is no modern-day rights-bearing Métis community in this region with any inherent rights or rights, interests, or claims protected by section 35 of the *Constitution Act, 1982*. This means the South West Region does not engage in rights-related consultation or accommodation regarding Crown decisions concerning lands in southern Ontario, which are the traditional territories of other Indigenous peoples.

The South West Region does however engage and participate in non-rights related projects, initiatives, and policy related developments that may impact MNO citizens living within the South West Region, including public school education initiatives, Indigenous reconciliation events, or other non-rights-based initiatives that attempt to support all Indigenous peoples in various regions or urban centres, similar to how other Indigenous people participate in these initiatives outside of their traditional territories.

We value maintaining positive and respectful relationships with governments and proponents working here. We welcome opportunities to stay connected and to engage in dialogue that supports respectful relationships, shared understanding, and matters of mutual interest.

In our experience, staying in touch early and often helps build understanding and positive working relationships. Thank you again for reaching out, and for your interest in engaging respectfully with the MNO. We appreciate the opportunity to stay connected.

Sincerely,

Derrick Pont
President
Niagara Region Metis Council
Métis Nation of Ontario
Email: NRMCPresident@metisnation.org

[1] For more information, see a copy of our legally binding self-government agreement with the Government of Canada *MNO-Canada Métis Self-Government Recognition and Implementation Agreement* (23 February 2023), ss. 6.04-6.07, 6.09-6.11 [**2023 Self-Government Agreement**]; Bill C-53, *An Act respecting the recognition of certain Métis governments in Alberta, Ontario and Saskatchewan, to give effect to treaties with those governments and to make consequential amendments to other Acts*, first reading on June 21, 2023, ss.8–9 [**Bill C-53**]; [Métis Nation of Ontario Secretariat Act](#), 2015, S.O. 2015, c. 39 - Bill 153.

[1] [R. v. Powley](#), [2003] 2 S.C.R. 207, 2003 SCC 43.

[1] For more information, see a copy of our legally binding self-government agreement with the Government of Canada *MNO-Canada Métis Self-Government Recognition and Implementation Agreement* (23 February 2023), ss. 6.04-6.07, 6.09-6.11 [**2023 Self-Government Agreement**]; Bill C-53, *An Act respecting the recognition of certain Métis governments in Alberta, Ontario and Saskatchewan, to give effect to treaties with those governments and to make consequential amendments to other Acts*, first reading on June 21, 2023, ss.8–9 [**Bill C-53**]; [Métis Nation of Ontario Secretariat Act](#), 2015, S.O. 2015, c. 39 - Bill 153.

[2] [R. v. Powley](#), [2003] 2 S.C.R. 207, 2003 SCC 43.

**B17**

March 17, 2026

Fiona Main
Senior Policy Planner
Town of Niagara on the Lake
1593 Four Mile Creek Road
P.O.Box 100
Virgil, ON
L0S 1T0

Email: Fiona.Main@notl.com

Dear Ms. Main:

**RE: COMMENTS ON FINAL DRAFT OFFICIAL PLAN (MARCH 13, 2026)
OUR FILE NO. 18208A**

Thank you for your email dated March 16, 2026, which provided a copy of the final draft Official Plan and comment matrix, and for the opportunity to review and comment on the comment matrix and the revised draft Official Plan dated March 13, 2026. We understand this draft will be proceeding to Committee of the Whole on April 14, 2026.

We have serious concerns regarding staff's current proposal to remove policies that were previously noted as S4-S24 regarding the Former Rand Estate and John Street East Character Study Area from the Official Plan. These policies were included in the November 2025 draft Official Plan prepared by staff and considered at the public meeting held on November 25, 2025. Staff's Response Matrix indicates that this removal responds to written submissions by Solmar requesting the removal.

These policies are based on Official Plan Amendment (OPA) 92, which was adopted by Town Council on March 26, 2024. OPA 92 was in turn based on a Special Study conducted at significant expense to the Town by Urban Strategies on the character area of which the Rand Estate forms a central part. OPA 92 was appealed by Solmar to the Ontario Land Tribunal, which has not yet scheduled a hearing. Solmar requested that they be fully removed from the Town's new Official Plan noting "that the policies have not yet been tested at the Tribunal". Solmar indicates that including these adopted policies "could potentially result in duplicating appeal proceedings".

This is entirely incorrect. As you know, the Province is the approval authority for the new Official Plan. In accordance with the *Planning Act* and as set out in staff's presentation at the November 25, 2025 public meeting, the "the decision of the Minister may not be appealed." As a result, there cannot be "duplicating appeal proceedings."

From a planning perspective, there is no reason that a policy should be excluded from the new Official Plan when it has been already recently adopted by Council, following a rigorous public consultation process

led by a team of experts retained by the Town. The Town's consultants produced a detailed report which was provided to Council together with proposed Official Plan language to implement the report recommendations. The report and the recommended Official Plan policies were accepted and adopted by Council on the recommendation of Town staff.

We would also note that the new Official Plan "replaces" the Town's current Official Plan which was adopted in 1994. If the adopted language of OPA 92 is omitted from the new Official Plan, there will be considerable uncertainty as to the appeal by Solmar of OPA 92 as it amends the 1994 Plan which will effectively disappear once the new Official Plan is approved by the Minister. If the 1994 Plan disappears, how can OPA 92, which amends it, be approved? The result will be that the OPA adopted by the Town will be prevented from coming into effect on the basis of an incorrect procedural issue relating to "duplicating appeal proceedings". This is not an appropriate planning outcome and is surely not the Town's intention.

The inclusion of the OPA 92 policies is consistent with the PPS 2024 which encourages proactive strategies to conserve heritage resources and provides comprehensive planning direction for this important area of the Town.

We request on behalf of SORE that the policies as provided in the last draft of the Official Plan be reinstated as S3-XX (to be renumbered as required), essentially reflecting the mapping and policies for S4-24, with the revisions as proposed in MHBC's letter dated Dec 12, 2025. We expect that our clients will also be raising this issue directly with Council.

Thank you for your consideration of this request. We would be happy to meet to discuss our request further. Please advise us of the outcome of your consideration sufficiently in advance of the new Official Plan lan being considered by Council.

Yours truly,

MHBC



Dana Anderson MA, FCIP, RPP
Partner

*Cc: Aimee Alderman, Director of Planning, Building and Development Services
Nick Ruller, CAO*



March 24, 2026

Via Email

Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100
Virgil, ON
L0S 1T0

Attention: Mayor and Members of Council

Dear Lord Mayor Zalepa and Members of Council:

**RE: SUBMISSION ON DRAFT TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL PLAN
(MARCH 13, 2026 VERSION)
95 JOHNSON STREET (THE SCOTSMAN), TOWN OF NIAGARA-ON-THE-LAKE
OUR FILE: 24209B**

The Scotsman Hotel Inc., (the "Landowner") are the registered owner of the lands located at 95 Johnson Street in the Town of Niagara-on-the-Lake (hereinafter referred to as the "Subject Lands"). The Subject Lands are occupied by the Scotsman, an existing six-room Country Inn.

This letter is submitted on behalf of the Landowner and provides our comments and concerns regarding the Town's Draft Official Plan ("March Draft OP"), released for final comment in March 2026 and scheduled to be considered by the Committee of the Whole on April 14, 2026. This submission builds upon and should be read in conjunction with the Landowner's previous correspondence provided in response to the earlier Draft OP released in October 2025 (included in **Appendix B**). These comments are also provided in the context of the active Official Plan Amendment ("OPA") and Zoning By-law Amendment ("ZBA") applications submitted on behalf of the Landowner on May 8, 2025, to allow for a Hospitality Area within the existing Country Inn on the Subject Lands.

BACKGROUND

As per the In-force Town of NOTL Official Plan ("In-force OP"), the Subject Lands are designated "Established Residential (ER)," which permits low-density residential uses such as single-detached, semi-detached, and duplex dwellings, along with select **secondary uses** including bed and breakfasts, accessory apartments, group homes, home occupations, and accessory buildings and structures. Within the In-force OP, a Country Inn is defined as follows:

Country Inn: *"means a residential use which is in the principal residence of the owner/operator and host, having more than three rented rooms in an urban area but six or less rented rooms outside an urban area and providing lodging and only breakfast to overnight guests. It may include the use of accessory buildings, where appropriate, in urban areas.*

A Country Inn is considered a secondary use in a single detached dwelling and does not include hotels or motels. Any additional activity (e.g. a restaurant, spa, shop, etc.) will only be permitted by way of an amendment to this Plan.

The Municipality will regulate the number of rooms and other matters regarding Country Inns through the implementing Zoning By-law, site plan approval process, licensing by-law, and/or by commenting to the Niagara Escarpment Commission on development permit applications."

As per the In-force OP definition, Country Inns are permitted as secondary uses within a single detached dwelling. An OPA was submitted to redesignate the Subject Lands to a site-specific "Established Residential" designation that would allow for a Hospitality Area as an "additional activity," consistent with the second paragraph of the Country Inn definition.

COMMENTS ON FINAL DRAFT OP

It is our understanding that the Town of NOTL is updating the OP to align with recent provincial policy changes, the Niagara Official Plan, and local priorities. As per the Draft OP released by the Town of NOTL in October 2025 and March 2026, the Subject Lands remain designated as "Established Residential" (Schedule B2, Land Use Plan- Old Town). The site also remains within the Queen Picton HCD (OHA Part V).

In our previous comment letter dated November 18, 2025, submitted on behalf of the Applicant in response to the previous Draft of the OP, we requested that a "Country Inn" be explicitly identified as a permitted secondary use within the Established Residential designation (**Appendix B**). We appreciate that Town staff have since addressed this request in the Final Draft Official Plan by incorporating a "Country Inn" as a permitted secondary use in the Established Residential designation through Policy 3.11.4.2.

However, Town staff have not incorporated our request to carry forward the definition of "Country Inn" from the current, in-force OP into the Final Draft OP. This omission introduces uncertainty regarding if and how ancillary uses are permitted in Country Inns. The details of this request are reiterated below and continue to be emphasized for the Town's consideration.

Defining a Country Inn

In the March Draft OP, a Country Inn is defined as follows:

Country Inn: *A residential use which is in the principal residence of the owner/operator and host, having more than three (3) rented rooms in a settlement area but six (6) or less rented rooms outside a settlement area and providing lodging and only breakfast to overnight guests. It may include the use of accessory buildings, where appropriate.*

This definition represents a notable departure from the definition in the In-force OP, which explicitly identifies Country Inns as a secondary use permitted within single-detached dwellings and provides for additional uses that support the operation of Country Inns, subject to an OPA. The removal of this policy language eliminates the ability to provide complementary uses that are often essential to the function, viability, and long-term success of the Inns. Country Inns have historically contributed to the Town's economic development and cultural identity. As currently drafted, the revised definition does not provide the clarity or flexibility needed to permit ancillary activities in Country Inns within the Established Residential Area. We ask that the Town carry forward the current definition of a Country Inn within the In-force OP into the March Draft OP.

The Use of Ancillary Hospitality Uses in the Draft OP

The permission of ancillary hospitality uses associated with other uses is not uncommon in the Town. The March Draft OP includes both general and site-specific policies that permit ancillary hospitality rooms and areas within defined uses including wineries and agri-tourism uses throughout the Town of NOTL. Policy 2.2.7.3, Estate Wineries permits ancillary uses, including hospitality rooms/areas where food and wine are prepared and served, subject to the floor area being limited through the Zoning By-law to ensure that such uses remain clearly subordinate to the winery. These areas may also accommodate limited events, regulated through applicable municipal by-laws, with the intent of ensuring that such activities remain ancillary to the primary use and do not adversely impact surrounding uses. Similarly, site-specific policies S2-12 and S2-13 for Kuntz Orchard permit the "hosting of weddings and dinner and lunch (hospitality) events on the property," provided that these activities remain ancillary and operate at an appropriate scale.

While the context of a winery or agri-tourism use differs from the proposed ancillary use in a Country Inn, the underlying policy approach is consistent. The policies permit ancillary hospitality uses while carefully controlling their scale and operation through regulatory mechanisms. This approach recognizes the important role that ancillary uses play in supporting the long-term viability and financial sustainability of tourism-related operations, while maintaining compatibility with surrounding land uses and the intended scale of development in non-commercial designations.

B18

More broadly, the general and site-specific policies applicable to wineries/agri-tourism uses demonstrate that ancillary uses can be appropriately permitted outside of commercial designations—such as within the Established Residential designation (as proposed), or within Specialty Crop Areas (in the case of wineries or agri-tourism uses). In these contexts, potential impacts are effectively managed through existing municipal tools, including regulatory by-laws (e.g., noise by-laws), as well as site-specific mechanisms such as zoning provisions and agreements.

Special Events Policy

In the Comment Response Matrix provided by the Town with the March Draft OP, the Town's response to comment Letter 8, prepared by NPG, states that "Section 2.2.6.5 b), Town staff are preparing Special Events Policy that is separate from the Official Plan process which will further clarify permissions and direction for special events". The Final Draft OP does not include a Section 2.2.6.5 b). **We are seeking clarification from the Town on what the "Special Events Policy" will be, what types of uses it will be applicable to, and how it will function given that it is separate from the Official Plan process.**

CONCLUSION

We respectfully request that the definition of a "Country Inn" in the Final Draft OP be modified to reinstate the current definition of a Country Inn found in the In-force OP. The current definition allows for Country Inns to include ancillary activities that support the financial feasibility and long-term success of Country Inns. This approach also aligns with the existing general and site-specific policies that apply to other uses such as estate wineries and agri-tourism uses which, allow for ancillary activities outside of a commercial designation that remain subordinate to the primary use.

Our proposed modifications to the March Draft OP are attached in **Appendix A** for staff and Council's consideration.

Should you have any questions, please feel free to contact the undersigned.

Yours Truly,

MHBC



Dana Anderson, MA, FCIP, RPP
Partner



Madie Vernooy, M.PI. MCIP, RPP
Intermediate Planner

**Appendix A- Proposed Amendment to the Final Draft Town of Niagara-on-the-Lake
Official Plan (March 2026)**

Table A below outlines the modifications to the policies of the Draft OP for staff and Councils consideration.

Legend

red = Text to be added

~~Strikethrough~~ = Text to be removed

TABLE A: PROPOSED AMENDMENTS TO TOWN OF NOTL FINAL DRAFT OP		
Policy #	Final Draft Official Plan	Proposed Amendments
11.4.2, Definitions and Criteria	Country Inn: A residential use which is in the principal residence of the owner/operator and host, having more than three (3) rented rooms in a settlement area but six (6) or less rented rooms outside a settlement area and providing lodging and only breakfast to overnight guests. It may include the use of accessory buildings, where appropriate.	<p>Country Inn: A residential use which is in the principal residence of the owner/operator and host, having more than three (3) rented rooms in a settlement area but six (6) or less rented rooms outside a settlement area and providing lodging and only breakfast to overnight guests. It may include the use of accessory buildings, where appropriate.</p> <p>A Country Inn is considered a secondary use in a single detached dwelling and does not include hotels or motels. Any additional activity (e.g. a restaurant, spa, shop, etc.) will only be permitted by way of a Zoning By-law Amendment.</p> <p>The Municipality will regulate the number of rooms and other matters regarding Country Inns through the implementing Zoning By-law, site plan approval process, licensing by-law, and/or by commenting to the Niagara Escarpment Commission on development permit applications</p>



Appendix B

November 18, 2025

Via Email

Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100
Virgil, ON
L0S 1T0

Attention: Mayor and Members of Council

Dear Lord Mayor Zalepa and Members of Council:

**RE: SUBMISSION ON DRAFT TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL PLAN
95 JOHNSON STREET (THE SCOTSMAN), TOWN OF NIAGARA-ON-THE-LAKE
OUR FILE: 24209B**

The Scotsman Hotel Inc., (the "Landowner") are the registered owner of the lands located at 95 Johnson Street in the Town of Niagara-on-the-Lake (hereinafter referred to as the "Subject Lands"). The Subject Lands are occupied by the Scotsman, an existing six-room Country Inn.

This letter is submitted on behalf of the Landowner to outline comments and concerns regarding the Town's Draft Official Plan ("Draft OP"), released for public consultation in October 2025. These comments are provided in the context of the active Official Plan Amendment ("OPA") and Zoning By-law Amendment ("ZBA") Application submitted on behalf of the Landowner on May 8, 2025, to allow for a Hospitality Area within the existing Country Inn on the Subject Lands.

BACKGROUND

As per the In-force Town of NOTL Official Plan ("In-force OP") the Subject Lands are designated "Established Residential (ER)," which permits low-density residential uses such as single-detached, semi-detached, and duplex dwellings, along with select **secondary uses** including bed and breakfasts, accessory apartments, group homes, home occupations, and accessory buildings and structures. Within the In-force OP, a Country Inn is defined as follows:

Country Inn: *"means a residential use which is in the principal residence of the owner/operator and host, having more than three rented rooms in an urban area but six or less rented rooms outside an urban area and providing lodging and only breakfast to overnight guests. It may include the use of accessory buildings, where appropriate, in urban areas."*

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A Country Inn is considered a secondary use in a single detached dwelling and does not include hotels or motels. Any additional activity (e.g. a restaurant, spa, shop, etc.) will only be permitted by way of an amendment to this Plan.

The Municipality will regulate the number of rooms and other matters regarding Country Inns through the implementing Zoning By-law, site plan approval process, licensing by-law, and/or by commenting to the Niagara Escarpment Commission on development permit applications."

As per the In-force OP definition, Country Inns are permitted as secondary uses within a single detached dwelling. An OPA was submitted to redesignate the Subject Lands to a site-specific "Established Residential" designation that would allow for a Hospitality Area as an "additional activity," consistent with the second paragraph of the Country Inn definition.

COMMENTS ON DRAFT OP

It is our understanding that the Town of NOTL is updating the OP to align with recent provincial policy changes, the Niagara Official Plan, and local priorities. As per the Draft OP released by the Town of NOTL in October 2025, the Subject Lands remain designated as "Established Residential" (Schedule B2, Land Use Plan- Old Town). The site also remains within the Queen Picton HCD (OHA Part V).

Established Residential Designation

The Established Residential area represents older, stable neighbourhoods in the Town. Permitted uses within this designation include single-detached dwellings, semi-detached, townhouses, and duplex dwellings. **Secondary uses** permitted in conjunction with a principal use include rooming and boarding houses, Bed and Breakfast Establishments, additional dwelling units, home occupations, existing cottage rentals, and accessory structures. Other uses permitted include open space uses, parks, trails, specialized housing (ex retirement homes or nursing homes), additional needs housing, and community facilities.

The list of permitted uses within the Established Residential designation has not changed from the current In-Force Official Plan and continues to include Secondary Uses.

Defining a Country Inn

In the Draft OP, a Country Inn is defined as follows:

Country Inn: *A residential use which is in the principal residence of the owner/operator and host, having more than three (3) rented rooms in a settlement area but six (6) or less*

rented rooms outside a settlement area and providing lodging and only breakfast to overnight guests. It may include the use of accessory buildings, where appropriate.

This definition represents a notable departure from the definition in the In-force OP, which explicitly identifies Country Inns as a secondary use permitted within single-detached dwellings and provides for additional uses that support the operation of Country Inns, subject to an OPA. The removal of this policy language creates ambiguity regarding where Country Inns are permitted in the Town and eliminates the ability to provide complementary uses that are often essential to the function, viability, and long-term success of the Inns. Country Inns have historically contributed to the Town's economic development and cultural identity. As currently drafted, the revised definition does not provide the clarity or flexibility needed to permit Country Inns within the Established Residential Area. We ask that the Town carry forward the current definition of a Country Inn within the In-force OP into the Draft OP.

Short-Term Rentals, Country Inns

The Draft OP introduces general policies for Short-Term Rentals ("STRs"), including Country Inns. STRs are recognized as an important component of the Town's cultural landscape, tourism infrastructure, and local economy. The Draft OP identifies several forms of STRs—such as Bed and Breakfast Establishments, Country Inns, Vacation Rentals (Villas), Vacation Cottage Rentals, and Vacation Apartments. STRs will be regulated through the implementing Zoning By-law, Site Plan Approval, and/or a Licensing By-law. Any zoning amendment application proposing an STR must be supported by a Planning Justification Report and, where applicable, a Heritage Impact Assessment for any built heritage resources.

Specific provisions are included within the Draft OP for Country Inns, which are identified as a form of tourist accommodation suitable in locations where the increased level of activity can be accommodated on-site without negatively impacting surrounding residential uses. Country Inns generally contain between four and ten rooms or suites. The Town will consider supporting Country Inns located outside of the Niagara Escarpment Plan ("NEP") area where heritage attributes are conserved, lot sizes are sufficient, and neighbourhood character is maintained. Approval will only be considered through an amendment to the Zoning By-law and where the level of activity can be accommodated without disruption to adjacent properties.

While the Draft OP encourages Country Inns and requires a Zoning By-law Amendment for their establishment, it once again does not explicitly identify the land use designations in which Country Inns are permitted or clarify whether additional supportive activities are permitted. By contrast, the Draft OP clearly states for Vacation Cottage Rentals that "*a cottage rental may be permitted in all areas of the*

Town where bed and breakfast homes are currently permitted,” providing certainty regarding where that use may locate.

To ensure consistency and reduce ambiguity, the General Policies for Country Inns and the permitted uses within the “Established Residential” designation should be revised to explicitly permit Country Inns as secondary uses within the designation and to allow additional supportive activities where appropriate. As currently written, the policies lack specificity, which may lead to confusion when determining where Country Inns may be permitted, despite the Town’s stated commitment to supporting Inns as part of its cultural and economic landscape.

CONCLUSION

To support the Town’s ongoing efforts to strengthen its cultural character and local economy, the policies in the Draft OP related to Country Inns should be revised to clearly identify where Country Inns are permitted and to allow for associated uses. Updates to the policy language are required to the definition of “Country Inn,” the General Provisions for Country Inns, and the permitted uses within the “Established Residential” designation to explicitly permit Country Inns and related activities within the Established Residential designation. For the definition of a “Country Inn”, this would mean simply reinstating the current definition, as found in the In-force OP. These changes will eliminate ambiguity regarding the location and operation of Country Inns and ensure alignment with the Town’s Official Plan direction, that encourages Country Inns as economic and cultural assets.

Proposed modifications to the Draft OP is attached in **Appendix A** for staff and Council’s consideration.

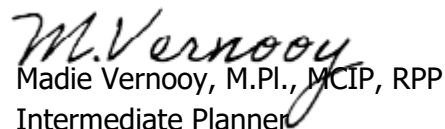
Should you have any questions, please feel free to contact the undersigned.

Yours Truly,

MHBC



Dana Anderson, MA, FCIP, RPP
Partner



Madie Vernooy, M.Pl., MCIP, RPP
Intermediate Planner

**Appendix A- Proposed Amendments to the Draft Town of Niagara-on-the-Lake
Official Plan (October 2025)**

Table A below outlines the modifications to the policies of the Draft OP for staff and Councils consideration.

Legend

red = Text to be added

Strikethrough = Text to be removed

TABLE A: PROPOSED AMENDMENTS TO TOWN OF NOTL DRAFT OP		
Policy #	Draft Official Plan	Proposed Amendments
3.11.4.2b, Established Residential Designation	<p>Secondary uses permitted in conjunction with a principal use that are appropriate in the Established Residential designation include:</p> <ul style="list-style-type: none"> • rooming and boarding houses, • Bed and Breakfast Establishments, • Additional dwelling units subject to the requirements of Section 9.13.1, • home occupations, • existing cottage rentals, and • accessory structures. 	<p>Secondary uses permitted in conjunction with a principal use that are appropriate in the Established Residential designation include:</p> <ul style="list-style-type: none"> • rooming and boarding houses, • Bed and Breakfast Establishments, • Country Inns, • Additional dwelling units subject to the requirements of Section 9.13.1, • home occupations, • existing cottage rentals, and • accessory structures.
9.13.2.6, Provision Applicable to Country Inns	-	<i>A Country Inn may be permitted in all areas of the Town where bed and breakfast homes are currently permitted including, within the Established Residential designation.</i>
11.4.2, Definitions and Criteria	<p>Country Inn: A residential use which is in the principal residence of the owner/operator and host, having more than three (3) rented rooms in a settlement area but six (6) or less rented rooms outside a settlement area and providing lodging and only breakfast to overnight guests. It may include the use of accessory buildings, where appropriate.</p>	<p>Country Inn: A residential use which is in the principal residence of the owner/operator and host, having more than three (3) rented rooms in a settlement area but six (6) or less rented rooms outside a settlement area and providing lodging and only breakfast to overnight guests. It may include the use of accessory buildings, where appropriate.</p> <p><i>A Country Inn is considered a secondary use in a single detached dwelling and does not include hotels or</i></p>

B18

		<p>motels. Any additional activity (e.g. a restaurant, spa, shop, etc.) will only be permitted by way of a Zoning By-law Amendment.</p> <p>The Municipality will regulate the number of rooms and other matters regarding Country Inns through the implementing Zoning By-law, site plan approval process, licensing by-law, and/or by commenting to the Niagara Escarpment Commission on development permit applications</p>
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November 24, 2025

Fiona Main
Senior Policy Planner
Community and Development Services
Town of Niagara on the Lake
1593 Four Mile Creek Road
P.O. Box 100
Virgil, Ontario
L0S 1T0

Dear Fiona;

**RE: TOWN OF NIAGARA ON THE LAKE OFFICIAL PLAN REVIEW
PATEL LAND DEVELOPMENTS
OUR FILE: 09144U**

On behalf of our client, Patel Land Developments (hereinafter referred to as the "Client"), we are pleased to submit comments on the draft Town of Niagara on the Lake Official Plan ("Draft Town OP"), dated October 1, 2025. Our client has multiple landholdings in the Town of Niagara on the Lake ("Town"), which are located within the specialty crop designation of the Town, and are therefore interested in the proposed Agricultural System policies within the Draft Town OP.

We acknowledge that the Town has considered and incorporated our previous recommendations provided in our correspondence dated August 22, 2025. Notwithstanding, the proposed revisions made in the Draft Town OP, we recommend further revisions as follows:

Section 2 Protected Countryside: The Unique Specialty Crop Area

Proposed Policy 2.1.1

We are supportive of the intent to protect lands designated as *specialty crop area*, however the addition of the last sentence should be revised to permit *agricultural-related uses* and *on-farm diversified uses*, as these uses are permitted within a *specialty crop area* and would not meet the definition of an *agricultural use*, thereby making them a "non-agricultural use".

Request: Therefore, we suggest proposed policy 2.1.1 be revised as follows (**green** text is to indicate proposed changes):

The Town's location south of Lake Ontario within the shadow of the Niagara Escarpment, creates a unique micro-climate which supports productive agricultural lands that produce crops that cannot

be grown in other parts of Ontario. Because of this unique and finite resource, the **BTW** has a deeply rooted agricultural heritage and history of supporting agriculture. Agriculture is an integral part of the character of the Town, a key component of the local economy and occupies the majority of the land base. The majority of the Town's agricultural land is in active and intense production. Agriculture and *specialty crop lands* are a finite natural resource in Niagara-on-the-Lake. The Town will work diligently to protect it and, in that regard, will give first priority to agricultural land uses. Lands within the *specialty crop area* shall not be redesignated for non-agricultural uses, **except for agricultural-related uses and on-farm diversified uses as permitted by this Plan.**

Policy 2.2 Agricultural System

Overall, we remain generally supportive of the policy updates to the Agricultural System, as they expand the existing permissions within the Agricultural System, as directed by the PPS, 2024 and the Greenbelt Plan. Notwithstanding, we do have concerns with the proposed revision to policy 2.2.6.1.a), which requires a "Farm Business Plan" which is introduced as a new study under Section - 9.9 Complete Application and Pre-Consultation Requirements. Table 6 describes a Farm Business Plan as follows:

Demonstrate the viability and sustainability of an agricultural operation, alignment with provincial and local planning policies, and provide justification for the proposed use.

We note that *agricultural-related uses* are the only land use which requires this study, and based on the definitions of an *agricultural-related use* in the PPS and the Draft Town OP, an agricultural operation is not required to be on a property with a proposed *agricultural-related use*. An *agricultural-related use* may be an appropriate use of land within smaller lots or within lots that are largely constrained by environmental features and where an agricultural use may not be viable. Therefore, demonstrating the viability and sustainability of an agricultural operation is not a reasonable request to permit the development of an *agricultural-related use*, as an *agricultural use* does not need to occur on the site of an *agricultural-related use*.

Furthermore, the requirements described in the description of a Farm Business Plan do not differ from the requirements described for a Planning Justification Report, which is also described in Table 6 as follows:

Any proposal for development or site alteration should demonstrate that it meets goals, objectives and policies of Provincial Plans and Policy statements, this Plan and provide an indication of whether it conforms to applicable Provincial plans and policies.

A Planning Justification report is also required to address sustainability issues (Section 1.6.1).

Based on the descriptions above both documents are required to demonstrate alignment with applicable Provincial and local policies, therefore the request for a Farm Business Plan is redundant if a Planning Justification Report is required for an application for a proposed *agricultural-related use*.

Therefore, if a separate Farm Business Plan document is required, we recommend that a Terms of Reference for such a document be prepared by the Town, which provides direction on the required contents of a Farm Business Plan, as this is not a standard supporting study for a development application.

The Terms of Reference should also outline the qualified persons to prepare and review ~~B19~~ Plan so expectations are clear on what is required to deem an application complete.

Conclusion

In summary, we are generally supportive of the policies for the Agricultural System, in the Draft Town OP, and request that the requested revisions to proposed policies 2.1.1 be revised to reflect the recommend revisions in green text, within this correspondence.

Furthermore, we request that the Town prepare a Terms of Reference for a Farm Business Plan, which is made publicly available for comment prior to approval and adoption.

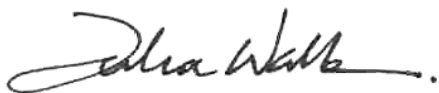
We understand that the Town is proceeding with its Official Plan update, with the intention of targeting January/February 2025 for Council adoption.

We kindly request to receive notification regarding any future public meetings, staff reports or decisions made by Town Council pertaining to this matter.

If you have any questions, please do not hesitate to contact the undersigned.

Yours truly,

MHBC



Debra Walker, BES, MBA, MCIP, RPP
Partner



Eric Brathwaite, BA, CPT
Senior Planner

cc. *Client*

**B20**

April 02, 2026

Mayor and Members of Council
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O Box 100
Virgil, ON
L0S 1T0

Via email

Dear Lord Mayor Zalepa and Members of Council:

**RE: SUBMISSION ON TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL PLAN (MARCH 13, 2026, VERSION)
TIMES GROUP CORP. (THE RESERVE) – 1544 & 1546 FOUR MILE CREEK ROAD
OUR FILE 22221E**

MacNaughton Hermsen Britton Clarkson (“MHBC”) represents Times Group Corp. (“the Owner”) for land use planning matters regarding their property, municipally addressed as 1544 & 1546 Four Mile Creek Road, Virgil, in the Town of Niagara-on-the-Lake (the ‘Subject Lands’). The Subject Lands are comprised of two parcels totalling approximately 1.07 hectares in area and are located at the northwest corner of Four Mile Creek Road and Line Two Road. The Subject Lands are currently subject to a Zoning By-law Amendment Application (File No. ZBA-05-25) recently appealed to the Ontario Land Tribunal (“OLT”) and an Official Plan Amendment Application (File No. OPA-01-2026) that is in circulation with the Town.

This letter is submitted on behalf of the Owner regarding the Town’s new Official Plan (“Final Draft OP”), released for comment in March 2026 and scheduled to be considered by the Committee of the Whole on April 14, 2026.

COMMENTS ON FINAL DRAFT OFFICIAL PLAN

In the Final Draft OP, the Town has made the following modifications to the definitions pertaining to density:

1. Revision to Density, Net Definition:

The Town is proposing to delete the definition for “Density, Gross” in its entirety:

Density, Gross: The total number of residents and jobs per hectare of land area excluding the following features within the Environmental Protection Areas and Environmental Conservation Areas in the Region's Core *Natural Heritage System* and any non-developable features designated in this plan:

- a) *Wetlands;*
- b) *Coastal wetlands;*
- c) *Significant woodlands;*
- d) *Significant valley lands;*
- e) *Areas of Natural and Scientific Interest;*
- f) *Habitat of endangered species and threatened species;*
- g) Publicly-owned conservation lands;
- h) *Significant wildlife habitat;*
- i) *Fish habitat;* and,
- j) Floodplain areas.

However, the definition for "Density, Net" still references "Density, Gross" after its deletion in the Final Draft OP.

Density, Net: The total number of residents and jobs per hectare of land intended for *development* excluding public and private roads or lands dedicated or acquired by the municipality for parkland purposes and excluding undevelopable lands identified in the "*Density, Gross*" above.

Further, the Town is proposing an addition of the definition for "Total Developable Area":

Total Developable Area: The total area of the property less the area occupied by *key natural heritage features, key hydrologic features* and any *related vegetation protection zone*.

We assume that the added definition of "Total Developable Area" is intended to replace the deleted definition for "Density, Gross" as both definitions pertain to areas subject to development with exclusions to the Natural Heritage System for the purposes of calculating Net Density. We recommend that the Town revise the definition for "Density, Net" to remove the reference of "Density, Gross" and replace it with "Total Developable Area".

2. Addition of Definitions of Private Lane and Private Road:

We recommend the additional definitions for a "Public Lane" and "Public Road" be incorporated into the Final Draft OP consistent with the definitions in the Town's Zoning By-law.

PRIVATE LANE means a private access which affords access within a property and is not maintained by a public body and shall not include a lane, private road or a street.

PRIVATE ROAD means a private right-of-way over private property which affords access to abutting lots or dwellings and is not maintained by a public body and shall not include a lane, private lane or a street.

Net Density in the Final Draft OP is calculated by excluding the areas of a **Private Road** from the Total Developable Area however, the Final Draft OP does not define what constitutes a "Private Road". This recommendation establishes definitions in the Town's Final Draft OP that are consistent with the definitions in the Zoning By-law for the purposes of calculating Net Density.

Should you have any questions, please feel free to contact the undersigned.

Yours Truly,

MHBC

A handwritten signature in black ink, appearing to read 'Dana Anderson', written over the MHBC logo.

Dana Anderson, MA, FCIP, RPP

Partner

Cc: Stephen Aghaei, The Times Group Corp.