



Department of Community  
& Development Services  
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# The Town of Niagara-On-The-Lake

1593 Four Mile Creek Road  
P.O. Box 100  
Virgil, Ontario  
L0S 1T0

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**Report:** CDS-22-005 **Committee Date:** February 07, 2022

**Due in Council:** February 22, 2022

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**Report To:** Community & Development Advisory Committee  
**Subject:** 2001 York Road  
Official Plan Amendment (OPA-02-2021)

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## 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The application for Official Plan Amendment (File OPA-02-2021) for lands municipally known as 2011 York Road be approved; and
- 1.2 The draft Official Plan Amendment, attached as **Appendix V** to this Report, be forwarded to Council for adoption.

## 2. PURPOSE / PROPOSAL

This report provides recommendations to Council with respect to an application under the *Planning Act* seeking approval of an Official Plan Amendment. The purpose of this Official Plan Amendment (OPA) is to facilitate the creation of a total of three lots for new single-detached dwellings within Queenston. The amendment will permit a reduced lot frontage for the proposed lots and align the Official Plan designation on the rear part of the property with the Escarpment Natural Area designation within the Niagara Escarpment Plan.

The survey sketch showing the proposed lot configuration is attached as **Appendix I** to this Report.

## 3. BACKGROUND

### 3.1 Site Description and Surrounding Land Uses

The subject lands are located on the south side of York Road, in the Queenston urban area of the Town of Niagara-on-the-Lake (see **Appendix II**). The subject lands are rectangular shaped and have an area of 1.186 hectares (2.93 acres) with 96.69 metres (317.22 feet) of frontage on York Road. The lots to the north, east and west of the subject lands contain single- detached residential dwellings. The Niagara Escarpment borders the southern portion of the subject lands. There is an existing driveway access

from York Road to a parking area on the subject lands as well as a natural area along the south of the subject property. There is currently a 1.5 story home located on the subject lands with the intention of it being removed.

## **4. DISCUSSION / ANALYSIS**

### **4.1 Policy and Legislative Framework**

The Application has been evaluated for consistency and conformity with the relevant Provincial, Regional, and local planning policies and legislation, as discussed in the following report sections

#### 4.1.1 Planning Act, R.S.O. 1990, c. P.13

Section 2 of the *Planning Act* identifies matters of Provincial interest that Council shall have regard to in carrying out its responsibilities under the *Planning Act*.

Subsection 3(5) of the *Planning Act* requires that decisions of Council shall be consistent with provincial policy statements and shall conform with provincial plans that are in effect.

Section 14.7(3) of the *Planning Act* requires a municipality to prepare and adopt an official plan. Section 22 of the *Planning Act* permits persons to request a Council to amend its official plan.

Subject to the analysis provided in the following sections of this report, Staff consider the Application to comply with the provisions of the *Planning Act*.

#### 4.1.2 Provincial Policy Statement (PPS), 2020

The Provincial Policy Statement, 2020 (PPS) provides guidance for managing and directing land uses to achieve efficient and resilient development and land use patterns.

##### 4.1.2.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

The subject lands are identified as being within a "Settlement Area" in respect of the policies of the PPS.

Section 1.1.1(b) of the PPS provides that healthy, liveable and safe communities are sustained by "accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs..."

Section 1.1.1(c) of the PPS states that healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns



Section 1.1.3.1 of the PPS directs that “settlement areas will be the focus of growth and development.”

Section 1.1.3.2 of the PPS provides that land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) *efficiently use land and resources;*
- b) *are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) *minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) *prepare for the impacts of a changing climate;*
- e) *support active transportation;*
- f) *are transit-supportive, where transit is planned, exists or may be developed*

The Application would focus growth and development in the Queenston settlement area by facilitating the creation of lots that will be used for the construction of single-detached dwelling units. Staff consider the Application to be consistent with these land use policies of the PPS.

#### 4.2.2.2 Environmental Policies

The southern portion of the property overlaps with a woodland that has been identified as Environmental Conservation Area (ECA) in the Region’s Official Plan. The woodland is part of the Regionally Significant Queenston Escarpment Life Science Area of Natural and Scientific Interest (ANSI) and Provincially Significant Niagara River Bedrock Gorge Earth Science ANSI. The woodland feature and broader ANSI areas are designated Escarpment Natural Area in the Niagara Escarpment Plan.

Section 2.1.5 of the PPS provides that development and site alteration shall not be permitted in significant woodlands and significant valley lands in Ecoregions 6E and 7E unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Section 2.1.8 provides that "development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas...unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions."

Section 3.1.1 of the PPS provides that "development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of... b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards."

The applicant has included as part of the EIS Report, dated March, 2021, justification as

to why the proposed development will not adversely impact the natural heritage features and ecological functions associated with the Core Natural Heritage System. There is a 10 m buffer between the proposed new lot line and the staked woodland dripline that allows for a greater separation from woodland to property than currently exists. The authors of the EIS, Beacon Environmental, maintain that the proposed new lots should not impact the natural environment subject to specific mitigation measures.

The Niagara Peninsula Conservation Authority (NPCA), has reviewed the application and the Scoped Environmental Impact Study by Beacon Environmental. The NPCA are satisfied with the report's conclusion that there will be no negative impact to NPCA regulated features within the subject property as a result of the proposed development. The NPCA offers no objections to the proposed Official Plan Amendment with the inclusion of a 10-metre buffer between the new lots and woodlands to address environmental concerns. The NPCA recommend that the mitigation strategies recommended by the EIS are implemented prior to site development and that the Buffer Planting Plan recommended by Beacon EIS is circulated for their review.

The Region of Niagara has reviewed the application and the Scoped Environmental Impact Study by Beacon Environmental. The Region is also satisfied with the conclusions found in the EIS subject to the recommended mitigation measures. The Region offers no objections to the application subject to the completion of a Landscape Planting Plan.

Staff consider the application to be consistent with the environmental policies of the PPS.

#### 4.2.2.3 Archaeology

Section 2.6.2 of the PPS states that "Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved."

An archaeological assessment has been completed and an archaeological compliance letter has been received in 2020 from the Ministry of Tourism, Culture and Sport, indicating that there are no further archaeological concerns in regard to the property.

Staff consider the proposal to be consistent with the Archaeology policies of the PPS.

#### 4.1.3 Niagara Escarpment Plan, 2017

The property is designated as within a Minor Urban Centre (Queenston) by the Niagara Escarpment Plan, 2017 (NEP). The primary designations of the property are Escarpment Protection Area and Escarpment Natural Area.

Part 1.1.1 of the NEP indicates that the Plan is not intended to limit the ability of municipal official plans, secondary plans and by-laws to set standards and policies that are more stringent than the requirements of the Niagara Escarpment Plan, unless doing so would conflict with the Niagara Escarpment Plan.

Part 1.6 of the NEP provides the policies applied to areas within the Minor Urban Centre designation.

Part 1.6.1 includes the following relevant Objectives for Minor Urban Centres:

1. To recognize, maintain and enhance existing rural settlements or provide concentration points for development and growth in rural areas.
2. To ensure that cumulatively the existing Minor Urban Centres and any associated development and growth can be accommodated and serviced in a manner that would be environmentally sustainable over the long term.
5. To ensure that new development is compatible with the identity and traditional character of Minor Urban Centres.
6. To direct the growth of villages, hamlets, and settlement areas away from Escarpment Natural Areas and Escarpment Protection Areas into Escarpment Rural Areas in a logical manner with the least possible environmental and agricultural disruption.
7. To ensure that any growth will be in accordance with a municipal official plan and/or secondary plan that is not in conflict with the Niagara Escarpment Plan.

The proposed lot creation is within a Minor Urban Centre. The proposed lots will be outside of the natural heritage features on the property and use existing municipal services along York Road. The proposed lot sizes and configuration is consistent with the neighbouring lots, which are also used for residential purposes. The lots are within the Escarpment Protection Area, but will be directed away from the Escarpment Natural Area and will not disrupt environmental features or agricultural uses.

Part 1.6.5 of the NEP states that the permitted uses and lot creation policies within a Minor Urban Centre are those that are in an approved official plan and/or secondary plan that does not conflict with the NEP. Part 1.6.6 of the NEP provides that changes to land use policies within an approved official plan and/or secondary plan that is not in conflict with the NEP may be made provided that such changes do not involve Escarpment Natural Area, Mineral Resource Extraction Areas or conflict with the Objectives and Development and Growth Objectives of the Minor Urban Centre designation.

As noted, the proposed lotting requires an Official Plan Amendment respecting minimum lot frontage. The current Official Plan Low Density Residential designation for the entire property does not align with the Niagara Escarpment Plan (NEP) designation. The Applicant is seeking to have the rear portion of the lands containing environmental features redesignated to Escarpment Natural Area. The Applicant has proposed to design Part 2 (see **Appendix I**) in a “T” shape in order for Escarpment Natural Area lands to be retained with a residential lot, which was recommended by the Niagara Parks Commission. The redesignation would therefore be consistent with the NEP. The reduced lot frontage would not impact the Escarpment Natural Area, as the proposed lot lines would not extend into the Escarpment Natural Area. As such, Town Staff support the application as it would bring the Official Plan in alignment with the NEP.

As required by Provincial legislation, a Niagara Escarpment Commission Development Permit is required for the proposal in advance of any other *Planning Act* approvals (i.e. prior to any decision/approval by Town Council). The Niagara Escarpment Commission issued the related Development Permit (File #12248/N/R/2020-2021/702) on January 31, 2022 (attached as **Appendix III** to this Report). The Development Permit contains various conditions, including municipal approval of the requested Official Plan Amendment and future Consent applications to create the lots.

#### 4.1.4 Greenbelt Plan, 2017

The subject lands are identified as being a Town/Village in the Greenbelt Plan. Section 3.4.3(1) of the Greenbelt Plan provides that Towns/Villages are subject to the policies of the Growth Plan.

#### 4.1.5 A Place to Grow - Growth Plan for the Greater Golden Horseshoe (Growth Plan), 2020

The subject lands are within a “Settlement Area” and a “Built-up Area” with regard to the policies of the Growth Plan.

Section 2.2.1 of the Growth Plan provides policies with respect to managing growth. These policies provide direction for the achievement of complete communities as follows:

2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

- b) *growth will be limited in settlement areas that:*
  - i. *are rural settlements;*
  - ii. *are not serviced by existing or planned municipal water and wastewater systems; or*
  - iii. *are in the Greenbelt Area;*
- c) *within settlement areas, growth will be focused in:*
  - i. *delineated built-up areas;*
  - ii. *strategic growth areas;*
  - iii. *locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and*
  - iv. *areas with existing or planned public service facilities;...*

Section 2.2.2 of the Growth Plan provides policies with respect to new development within Delineated Built-up Areas, and states:

3. *All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:*

- c) *encourage intensification generally throughout the delineated built-up area...*

The proposed development contributes to intensification within the Built-up Area. Town Staff consider the Application conforming to the policies of the Growth Plan.

#### 4.1.6 Niagara Region Official Plan (ROP), 2014 Consolidation, as amended

The subject lands are within the Urban Area Boundary and are designated "Built-up Area" on Schedule A to the ROP. The following objectives apply:

*Objective 4.A.1.1 Direct the majority of growth and development to Niagara's existing Urban Areas.*

*Objective 4.A.1.10 Provide a framework for developing complete communities all across Niagara, including a diverse mix of land uses, a range of local employment opportunities and housing types, high quality public open spaces, and easy access to local stores and services via automobile, transit and active transportation.*

*Objective 4.G.1 Objective 4.A.1.12 Direct growth in a manner that promotes the efficient use of existing municipal sewage and water services.*

The ROP identifies portions of the lands as Environmental Conservation Area located in the Core Natural Heritage System and is part of the Regionally Significant Queenston Escarpment Life Science Area of Natural and Scientific Interest (ANSI) and Provincially Significant Niagara River Bedrock Gorge Earth Science ANSI. The ROP defines The Core Natural Heritage System as containing environmental features and functions of special importance to the character of the Niagara community and to its ecological health and integrity. The following objectives apply:

*Policy 7.A.4.1 Development and site alteration may be permitted within an Earth Science Area of Natural and Scientific Interest (ANSI) shown on Schedule C if it has been demonstrated that there will be no significant negative impacts on the earth science features for which the area was identified or on ecological functions related to the ANSI.*

*Policy 7.A.4.2 Where an amendment to Regional or local planning documents or a major development is proposed within an Earth Science ANSI adequate information shall be submitted with the application respecting: a) Site topography, significant geological features and stratigraphic exposures; and b) Planning and design measures recommended to avoid negative impacts on the feature and its ecological functions or, if not possible, to mitigate them.*

Policy 7.B.1.2 permits development and site alteration within the Core Natural Heritage System, where potentially permitted by policies elsewhere in this Plan, shall be subject to the Healthy Landscape Policies in Chapter 7.A as well as the Core Natural Heritage System Policies.

Policy 7.B.1.11 of the ROP provides as follows:

*Development and site alteration may be permitted without an amendment to this*

*Plan:*

- a) In Environmental Conservation Areas; and*
- b) On adjacent lands to Environmental Protection and Environmental Conservation Areas as set out in Table 7-1 except for those lands within vegetation protection zones associated with Environmental Protection Areas in the Greenbelt Natural Heritage System.*

*If it has been demonstrated that, over the long term, there will be no significant negative impact on the Core Natural Heritage System component or adjacent lands and the proposed development or site alteration is not prohibited by other Policies in this Plan. The proponent shall be required to prepare an Environmental Impact Study (EIS) in accordance with Policies 7.B.2.1 to 7.B.2.5.*

*Where it is demonstrated that all, or a portion of, an Environmental Conservation Area does not meet the criteria for designation under this Plan and thus the site of a proposed development or site alteration no longer is located within the Environmental Conservation Area or adjacent land then the restrictions on development and site alteration set out in this Policy do not apply.*

Policy 7.B.1.7 states as follows:

*The boundaries of Core Natural Areas, Potential Natural Heritage Corridors and Fish Habitat are shown on Schedule C. They may be defined more precisely through Watershed or Environmental Planning Studies, Environmental Impact Studies, or other studies prepared to the satisfaction of the Region and may be mapped in more detail in local official plans and zoning by-laws. Significant modifications, such as a change in the classification of a Core Natural Area, or a significant change in the spatial extent or boundaries of a feature, require an amendment to this Plan unless otherwise provided for in this Plan. Only minor boundary adjustments to Environmental Protection Areas will be permitted without Amendment to this Plan.*

*In considering both refinements and significant modifications to the mapping or classification of features shown on Schedule C the Region shall consult with:*

- a) the Ministry of Natural Resources respecting changes to Environmental Protection Areas other than in the Greenbelt Natural Heritage System, where consultation shall only be required respecting those Environmental Protection Areas identified as Provincially Significant Wetlands or Provincially Significant Life Science Areas of Natural and Scientific Interest; or*
- b) the Ministry of Natural Resources and the Department of Fisheries and Oceans or its designate respecting changes to Fish Habitat.*

Policy 7.B.1.13 provides that "where development or site alteration is proposed

*in or near a Potential Natural Heritage Corridor the Corridor shall be considered in the development review process. Development should be located, designed and constructed to maintain and, where possible, enhance the ecological functions of the Corridor in linking Core Natural Areas or an alternative corridor should be developed."*

The Application conforms to the general policy intent of the Official Plan by directing growth and development to Niagara's existing Urban Areas, and by contributing to intensification in the Town's Built-up Areas. Environmental review requirements have been addressed. The Region has no objection to the application.

Planning Staff consider the Application to conform to the Niagara Region Official Plan.

#### 4.1.7 Town of Niagara-on-the-Lake Official Plan (OP), 2017 Consolidation, as amended

The subject lands are within the Urban Area Boundary. The Town Official Plan, Schedule E, designates the subject lands "Low Density Residential" (see **Appendix IV**). Schedule I-4 (Growth Management) designates the property as "Built-Up Area". The following objectives and policies are applicable to the proposal:

##### 4.1.7.1 Growth Management Policies

The following policies are contained with respect to intensification in the Built-up Area:

##### *Section 6A - 4.4 Intensification Objectives*

###### *Objectives*

*The objectives of the intensification policies of this Plan are to:*

- e) Direct intensification to the Built-up Areas where development will not impact designated heritage areas, adjacent heritage resources and/or heritage resources on the property, estate lots and the residential character of the property or the surrounding area.*

##### *Built-Up Area Intensification Policies*

*The Town will support appropriate infilling and intensification within the limits of the Built-Up Area. The following policies apply:*

- a) The Town plans to accommodate 15% of its forecasted intensification development within the Built-up Area between 2015 and 2031.*
- b) The predominant built form for intensification and redevelopment within the residential areas of the Built-up Area will be single detached, semi-detached and townhomes and low-rise apartment buildings subject to the relevant development and compatibility policies of this plan.*
- h) The Town will ensure that intensification and redevelopment is consistent with the heritage and character of the Built-up Area...*

Land Use Compatibility Criteria are contained within Section 6A-4.6 of the Official Plan, as follows:

##### *Section 6A - 4.6 Land Use Compatibility Policies*

###### *Compatibility and Appropriate Infrastructure*

*Intensification and/or redevelopment should be consistent with:*

- a) The existing and/or planned built form and heritage of the property and surrounding neighbourhood;*
- b) The existing and/or planned natural heritage areas of the site and within the surrounding neighbourhood;*
- c) The existing and/or planned densities of the surrounding neighbourhood; and,*
- d) The existing and/or planned height and massing of buildings within the surrounding neighbourhood.*
- e) Development proposals will demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different development densities and scale. Transition in built form will act as a buffer between the proposed development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space.*
- f) Intensification and/or redevelopment shall be compatible and integrate with the established character and heritage of the area and shall have regard to:*
  - Street and block patterns*
  - Lot frontages, lot area, depth*
  - Building Setbacks*
  - Privacy and over view*
  - Lot grading and drainage*
  - Parking*
  - Servicing*

The proposed development is seeking a reduction to the minimum lot frontage requirement in the Official Plan. As previously noted, the proposed lot frontages are similar to and should be compatible with the surrounding lotting. Natural features will be protected with the change to the Escarpment Natural Area designation.

Regional Staff have noted that since the subject property has frontage along Regional Road 81 (York Road), future residential lots would require new access provided from the Regional road. It appears that a number of Regional boulevard trees may need to be removed in order to provide the proposed residential lots with access from Regional Road 81 (York Road). Niagara Region's Policy requires that for every tree removed, two new replacement trees must be provided. If new trees are not to be provided by the owner, the Region will require cash-in-lieu for any removed trees. The current replacement fee for boulevard trees is \$500.00 per tree. The required fee will be determined and collected through future consent applications or the Regional Construction Permit process.

Staff consider the Application to conform to the Town's Growth Management Policies.

#### 4.1.7.2 Queenston Secondary Plan

The Queenston Secondary plan highlights principles that express the fundamental



premises for development within the Secondary Plan area. They will be considered in the review of all development applications and capital projects. Relevant principles for this application are as follows:

1.2 Strengthen Existing Neighbourhoods

- a) Ensure new infill development respects and enhances the character of the neighbourhoods and Village as a whole;
- b) Encourage compatible development on vacant and under-utilized land;

2.6 Preserve Natural and Cultural Heritage

- a) Conserve and strengthen the overall character of Village neighbourhoods and streetscapes;
- c) Conserve and protect natural heritage areas in a natural state;
- e) Ensure that new development will not adversely impact the conservation of natural and cultural heritage features;

4.2 Low Density Residential - This designation is located along York Road and portions of the Niagara River Parkway, and consists of a range of housing styles with a variety of setbacks and typically generous lot widths. Development in this designation is generally newer than that within the historic core of the Village, and the majority of the properties back onto either agricultural lands or the Niagara Escarpment Natural Area. The intent of policies outlined below is to respect the existing residential pattern, varied lot sizes and generous frontages within this designation.

4.2.5 Newly created lots with direct frontage on the Niagara River Parkway and/or abutting the Niagara Escarpment shall have minimum dimension of 60m in width by 45m in depth, and should generally be similar in overall size, width and depth to adjacent and neighbouring residential lots.

The application does not conform with section 4.2.5 regarding lot size for newly created lots that abut the Niagara Escarpment. The application is proposing an Amendment to this section of the Official Plan to allow for the division of three new lots with frontages of 32.23m per lot. The average lot frontage on this residential portion of York Road is approximately 31metres. The proposal will allow for new lot creation that would be consistent with the current neighbourhood lot frontages as noted in section 4.2 of the Secondary Plan and to "respect the existing residential pattern," which the current requirement of 60m would not allow for new lot creation to do so in this instance.

4.1.7.3 Escarpment Natural Area Policy

Section 17.1 of the Official Plan states that " Within the Town of Niagara-on-the-Lake, the Niagara Escarpment Plan contains lands designated as Escarpment Natural Area, Escarpment Protection Area and Escarpment Rural Area... The Escarpment Natural Area includes Escarpment features which are in a relatively natural state and associated stream valleys, wetlands and forests which are relatively undisturbed. These contain important plant and animal habitats, geological features and cultural heritage

features and are the most significant natural and scenic areas of the Escarpment. The policy aims to maintain these natural areas.”

The Minor Urban Centre designation that applies to Queenston and St. Davids recognizes rural settlement within the area of the Niagara Escarpment Plan. The Niagara Escarpment Plan contains policies dealing with the growth and development within these areas. These policies are to be implemented by the municipality during its Official Plan and/or secondary planning process. Development and growth within these areas must be in conformity with the Niagara Escarpment Plan.

Town staff support the designation of part of the subject lands to Escarpment Natural Area to allow for the maintaining of the natural area bordering onto the subject lands and to allow for the Town Official Plan to align with the Niagara Escarpment Plan.

Staff is satisfied that the application conforms to the intent of the Official Plan. The recommended Official Plan Amendment is attached in **Appendix V** to this Report.

#### 4.1.8 Niagara-on-the-Lake Zoning By-laws

As the lands are within the Niagara Escarpment Plan "Area of Development Control", the Town's Zoning By-laws do not apply.

### **4.2 Consultation**

The Application was circulated to appropriate Town departments and external agencies. Public notice of the Application was provided as required by the *Planning Act*. An electronic Open House for the Applications was held on April 28, 2021 and a statutory Public Meeting was held on June 7, 2021.

#### 4.2.1 Town Departments

Building - No objection.

Corporate Services - No objection.

Fire and Emergency Services - No objection.

Urban Design Planner- No objection. As per the policies of the Queenston Secondary Plan, review of the proposed new dwellings by the Town's Urban Design Committee will be required. Staff will determine whether this will be a condition of consent with use of a development agreement, or implemented through the required NEC Development Permit.

Heritage Planner - No objection.

Operations - No objection.

Environmental Services – No objections regarding municipal drains.

#### 4.2.2 External Agencies

Niagara Region - No objections, subject to a Landscape Planting Plan, preferably prepared by a full member of the Ontario Association of Landscape Architects (OALA), be provided to the satisfaction of Niagara Region. The plan should identify and illustrate the location of native trees, shrubs and/or groundcover to be planted within the 10 m Significant Woodland buffer.

Niagara Peninsula Conservation Authority - No objections, recommend that the mitigation strategies noted in the EIS are implemented prior to site development and/or, and that the Buffer Planting Plan recommended by Beacon EIS is circulated for their review.

Niagara Escarpment Commission – No objections as the proposal meets the Development and Growth Objectives for Minor Urban Centres and the Development Criteria in Part 2 of the Niagara Escarpment Plan; a separate Niagara Escarpment Development Permit Application will be required for the construction of the dwellings.

Niagara Parks Commission – No objections with the recommendation that the rear lands be retained with one of the parcels which the applicant has followed

Bell Canada, Enbridge Gas and Canada Post – No objections.

Agency Comments are attached as **Appendix VI** to this Report.

#### 4.2.3 Public

Residents attended the Open House on April 28, 2021 virtually and the Public Meeting occurred on June 7, 2021 virtually. Residents also submitted written comments which are attached in this report as **Appendix VII** to this Report.

### **5. Strategic Plan**

- ☐ **Protect Distinctive Community Assets**
- ☒ **Deliver Smart Balanced Growth**
  - ☐ Update and create master and secondary plans
  - ☐ Develop smart balanced growth criteria
  - ☐ Identify smart balanced growth priorities
  - ☒ Other
- ☐ **Create a Culture of Customer Service Excellence**
- ☐ **Excel in a Positive Workplace**
- ☐ **Strengthen 2-Way Communications**
- ☐ **Not Applicable**

### **6. OPTIONS**

The Committee may approve, refuse or modify the requested Official Plan Amendment.

### **7. FINANCIAL IMPLICATIONS**

The Owner will be responsible for all costs associated with the proposed development. Cash-in-lieu of parkland dedication will be collected in accordance with the requirements of the *Planning Act*. The approval of future Consent applications is required to create the proposed lots. The Town will collect Development Charges at the time of issuance of building permits.

## **8. COMMUNICATIONS**

Once Council has made a decision on the Application, notice will be given as required in the *Planning Act*. The decision of Council is subject to a 20-day appeal period. If no appeals are received during the appeal period, the decision of Council is final.

## **9. CONCLUSION**

Community & Development Services Staff recommend approval of Official Plan Amendment Application OPA-02-2021. The Application meets *Planning Act* requirements, is consistent with the Provincial Policy Statement, and conforms with the Growth Plan, Niagara Region Official Plan, Niagara Escarpment Plan and the Town Official Plan.

**Respectfully submitted,**



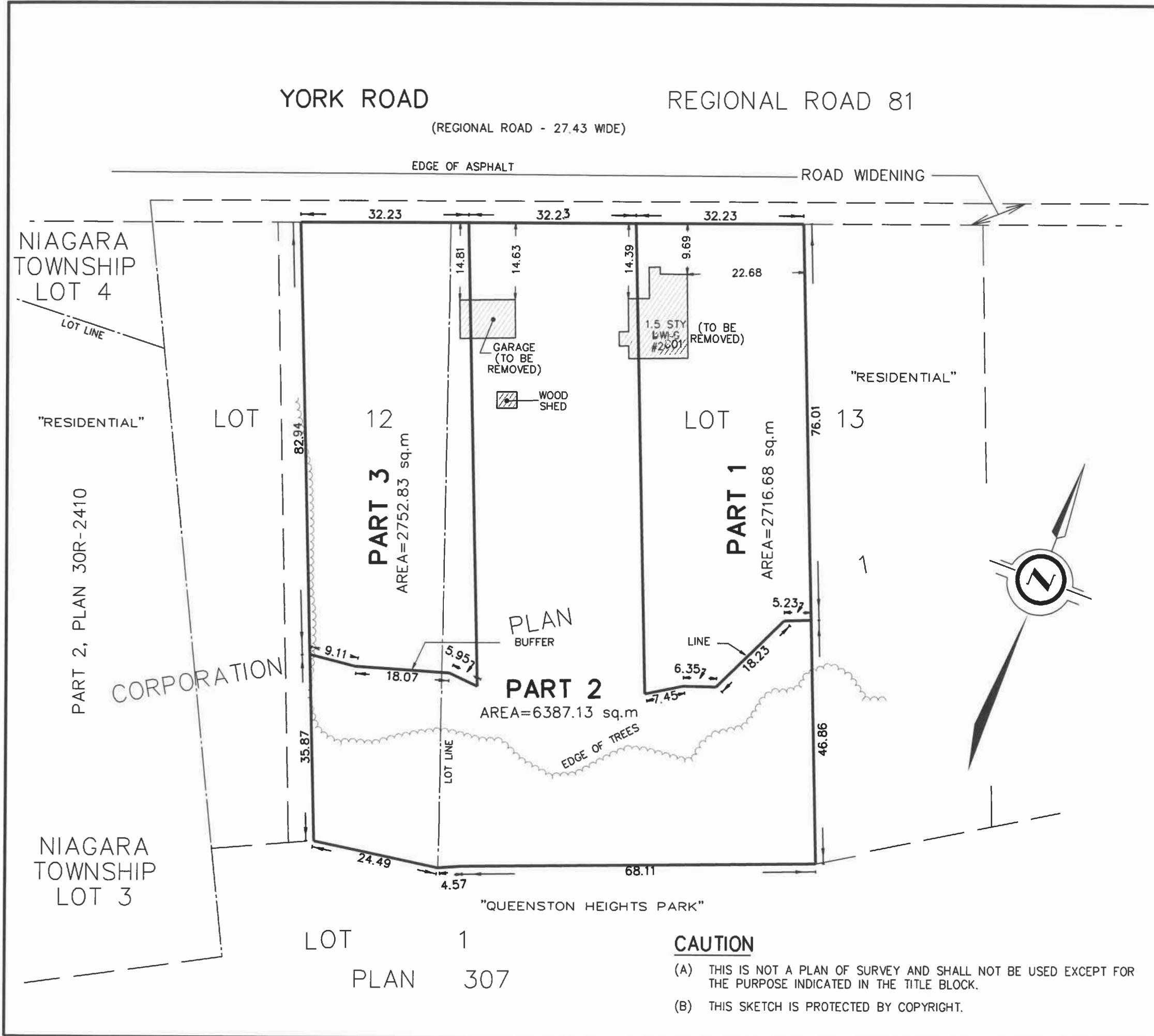
**Josh Salisbury  
Planner II**



**Rick Wilson, MCIP, RPP  
Acting Director of  
Community & Development  
Services**



**Marnie Cluckie, MS.LOD, B.ARCH, B.ES  
Chief Administrative Officer**



NOTE: THIS SKETCH IS NOT A PLAN OF SURVEY

SKETCH FOR PLANNING PURPOSES ONLY

**2001 YORK ROAD**  
**TOWN OF NIAGARA-ON-THE-LAKE**  
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 750



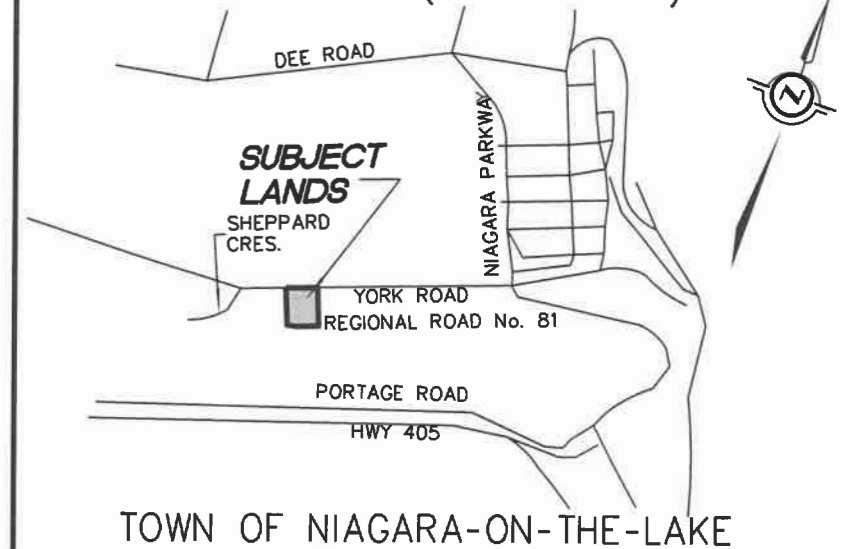
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**METRIC NOTE**

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**KEY PLAN (not to scale)**



**LEGAL DESCRIPTION**

PART OF LOTS 12 & 13, CORPORATION PLAN 1

BOUNDARY INFORMATION HAS BEEN DERIVED FROM AVAILABLE RECORDS AND/OR FIELD MEASUREMENTS. THIS IS NOT A PLAN OF SURVEY.

SOME FEATURES SHOWN ON THIS SKETCH HAVE BEEN DIGITIZED FROM AERIAL PHOTOGRAPHY - LOCATION IS APPROXIMATE.

*July 8, 2021*  
DATE  
*Alan J. Heywood*  
ALAN J. HEYWOOD  
ONTARIO LAND SURVEYOR



**J.D. BARNES**  
LIMITED

LAND INFORMATION SPECIALISTS  
4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6A4  
T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com

SURVEYING  
MAPPING  
GIS

TW DRAWN

AJGH CHECKED

DATE: SEPT 8/2020

Ref. No.

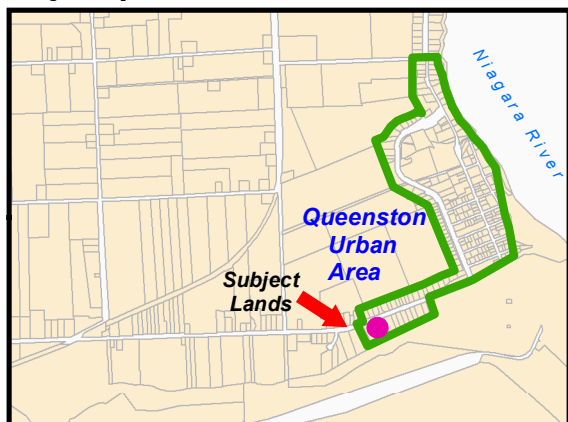
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**CAUTION**

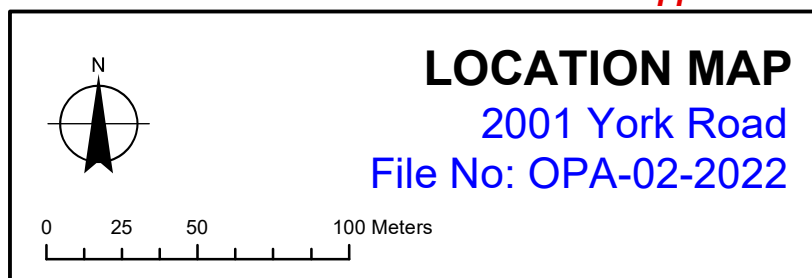
- (A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.
- (B) THIS SKETCH IS PROTECTED BY COPYRIGHT.



## Key Map



## Appendix II



1:2,500





**Niagara Escarpment Commission**

232 Guelph St.  
Georgetown, ON L7G 4B1  
Tel: 905-877-5191  
E-mail: NECGeorgetown@ontario.ca  
www.escarpment.org

**Commission de l'escarpement du Niagara**

232, rue Guelph  
Georgetown ON L7G 4B1  
No de tel. 905-877-5191  
E-mail: NECGeorgetown@ontario.ca  
www.escarpment.org



**Niagara Escarpment Commission**  
An agency of the Government of Ontario

January 31, 2022

Upper Canada Consultants  
3-30 Hannover Drive,  
St. Catharines, ON L2W 1A3  
Via email:

Dear Sir/Madam:

**Re: Development Permit #12248/N/R/2020-2021/702**  
**Upper Canada Consultants**  
**Part Lot 12 & 13, Concession 1**  
**2001 York Road, Town of Niagara-on-the-Lake, Region of Niagara**  
**ARN#262702002229200**

---

Enclosed please find your **Development Permit**. The information contained in this Permit constitutes the information (use details, demolition details, construction details, Site Plan, etc.) approved by the Niagara Escarpment Commission. Your development must proceed in accordance with this information, and with the **Conditions of the Development Permit**.

Your contractor should be provided with a full copy of this Development Permit and all plans (Site Plans, etc.) attached to this Permit, to ensure adherence to the Conditions of the Permit throughout and to completion of the development.

If you have any questions, please contact Cheryl Tansony at [cheryl.tansony@ontario.ca](mailto:cheryl.tansony@ontario.ca).

Yours truly,

A handwritten signature in black ink that reads "Kim Peters".

Kim Peters, RPP, MCIP  
Manager

c. Circulated Agencies

## Niagara Escarpment Commission

232 Guelph St.  
Georgetown, ON L7G 4B1  
Tel: 905-877-5191  
Fax: 905-873-7452  
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Niagara Escarpment Commission  
An agency of the Government of Ontario

## NIAGARA ESCARPMENT DEVELOPMENT PERMIT #12248/N/R/2020-2021/702

---

**FILE NUMBER:** N/R/2020-2021/702

**APPLICANT/AGENT:** Upper Canada Consultants  
**OWNER:** Amyn Kassan

**LOCATION:** Part Lot 12 & 13, Concession 1  
2001 York Road  
Town of Niagara-on-the-Lake, Region of Niagara  
ARN#262702002229200

**DESCRIPTION of APPROVED DEVELOPMENT:**

To create two new lots to be severed from an existing 1.24 ha (3.06 ac) lot that is municipally serviced for residential purposes. The proposed lot sizes would be  $\pm 0.272$  ha ( $\pm 0.67$  ac),  $\pm 0.275$  ha ( $\pm 0.68$  ac), and  $\pm 0.629$  ha ( $\pm 1.55$  ac).

Note: A future application will be required for the construction of dwellings on each of the proposed lots.

---

Pursuant to the authority to issue Development Permits under Section 24 of the *Niagara Escarpment Planning and Development Act, R.S.O. 1990, Chapter N.2*, delegated by the Minister of Northern Development, Mines, Natural Resources and Forestry under Section 25 of the *Act*, the Niagara Escarpment Commission hereby issues this **DEVELOPMENT PERMIT** for the proposed development described above, **subject to the attached Conditions**.

This Development Permit is transferable, unless prohibited by a Condition of this Development Permit, provided the new Permit holder develops strictly in accordance with the Conditions of Approval.

January 31, 2022



## DEVELOPMENT PERMIT

2001 York Road

**CONDITIONS****#12248/N/R/2020-2021/702**

1. Development shall occur in accordance with the Terms and Conditions of the Development Permit.
2. The Development Permit shall expire three (3) years from the date it has been issued or once the development has been completed in accordance with the Development Permit.
3. The landowner shall obtain an Official Plan Amendment under the *Planning Act* for the reduced lot frontage in accordance with this Development Permit, and, provide a copy of the approved amendment to the Niagara Escarpment Commission.
4. The landowner shall obtain a Consent to sever under the *Planning Act* for the proposed lot configuration in accordance with this Development Permit, and, provide proof of registration/establishment of the new lot to the Niagara Escarpment Commission.
5. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission, a Final Landscape Plan** shall be prepared by a qualified person, for Niagara Escarpment Commission and Region of Niagara approval. The Plan shall address all vegetation retention and planting requirements in accordance with the standard practices of the implementing authority. The following stipulations shall be included directly on the Plan:
  - a) All new tree and shrub species (including seed mixes) shall be native to Ontario except where otherwise approved by the Niagara Escarpment Commission. Plant material shall be sourced from local plant nurseries; bush dug plant material is not acceptable.
  - b) Planting and the rehabilitation of all disturbed areas shall be completed on or before the date of expiry of the Development Permit to the satisfaction of the Niagara Escarpment Commission.
  - c) All plant material shall be guaranteed for 24 months following installation. All plant material found during this time to be dead or dying must be replaced with a size and species to the satisfaction of the Niagara Escarpment Commission.
  - d) Once the development has been completed, a letter certifying the landscaping / planting work has been completed in accordance with the approved Landscape Plan shall be provided to the Niagara Escarpment Commission by a qualified person.

Development shall proceed in accordance with the details of the Final Landscape Plan

## DEVELOPMENT PERMIT

**CONDITIONS****2001 York Road  
#12248/N/R/2020-2021/702**

6. Condition #5 must be fulfilled within eighteen (18) months (1.5 years) from the date of confirmation of the Commission's decision or this conditional approval shall lapse and a Development Permit will not be issued.

**Advisory Notes**

- a) A Development Permit does not relieve the permit holder of any other permission (e.g., *Planning Act*, Ontario Building Code, *Conservation Authorities Act*, *Endangered Species Act*, etc.). A Niagara Escarpment Commission Development Permit is required prior to the issuance of any other permission.
- b) The Region of Niagara advises should deeply buried archaeological remains/resources be found on the property during construction activities, the Heritage Operations Unit of the Ontario Ministry of Tourism, Culture and Sport shall be notified immediately. In the event that human remains are encountered during construction, the owner shall immediately notify the police or coroner, the Registrar of Cemeteries of the Ministry of Small Business and Consumer Services, and the Ministry of Heritage, Tourism, Sport and Culture Industries.

**NOTE: CONDITION 5 WAS FULFILLED ON JANUARY 24, 2022.**

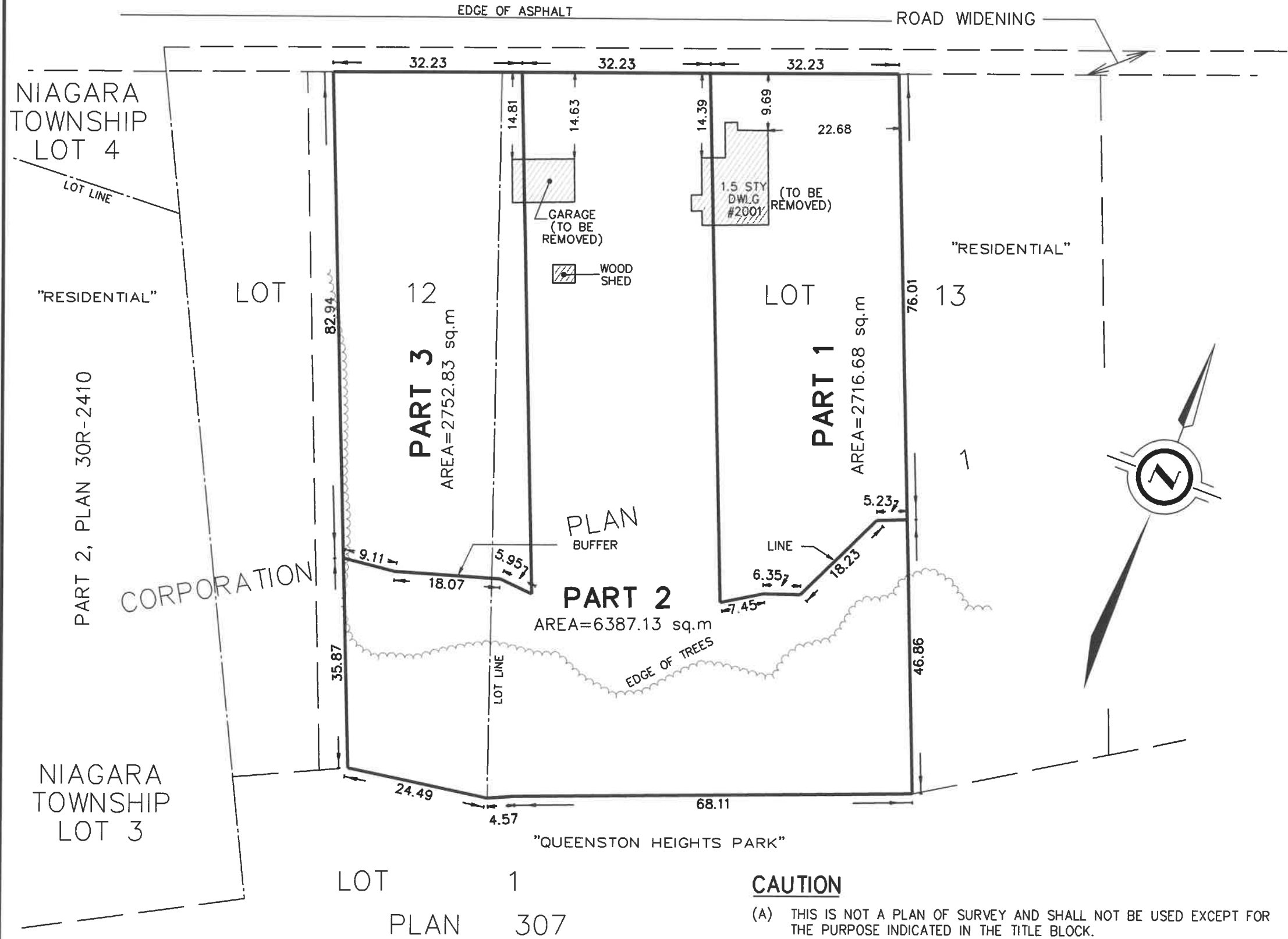
FINAL SITE PLAN  
APPROVED

2022.01.28

YORK ROAD

(REGIONAL ROAD - 27.43 WIDE)

REGIONAL ROAD 81



NOTE: THIS SKETCH IS NOT A PLAN OF SURVEY

SKETCH FOR PLANNING PURPOSES ONLY

2001 YORK ROAD  
TOWN OF NIAGARA-ON-THE-LAKE  
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 750

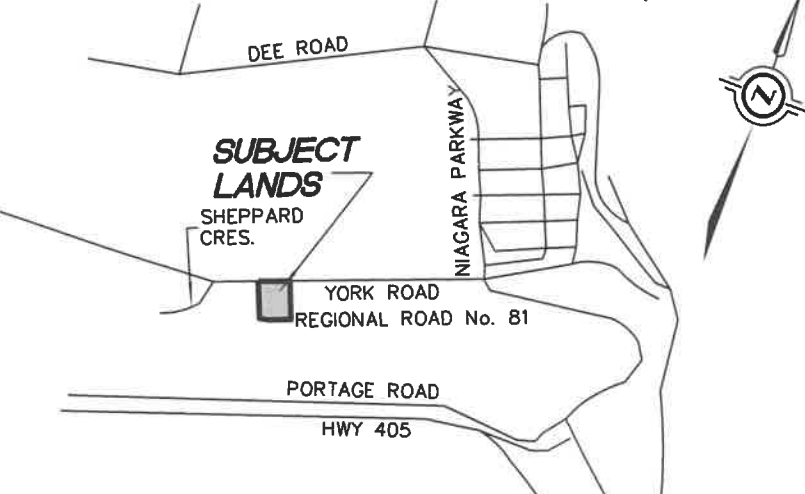


J.D. BARNES LIMITED  
© COPYRIGHT 2021

METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE  
CONVERTED TO FEET BY DIVIDING BY 0.3048

KEY PLAN (not to scale)



TOWN OF NIAGARA-ON-THE-LAKE

LEGAL DESCRIPTION

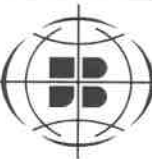
PART OF LOTS 12 & 13, CORPORATION PLAN 1

BOUNDARY INFORMATION HAS BEEN DERIVED FROM AVAILABLE  
RECORDS AND/OR FIELD MEASUREMENTS. THIS IS NOT A PLAN OF  
SURVEY.

SOME FEATURES SHOWN ON THIS SKETCH HAVE BEEN DIGITIZED FROM  
AERIAL PHOTOGRAPHY - LOCATION IS APPROXIMATE.

July 8, 2021  
DATE

ALLAN J. HEYWOOD  
ONTARIO LAND SURVEYOR



J.D. BARNES  
LIMITED

LAND INFORMATION SPECIALISTS  
4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6A4  
T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com

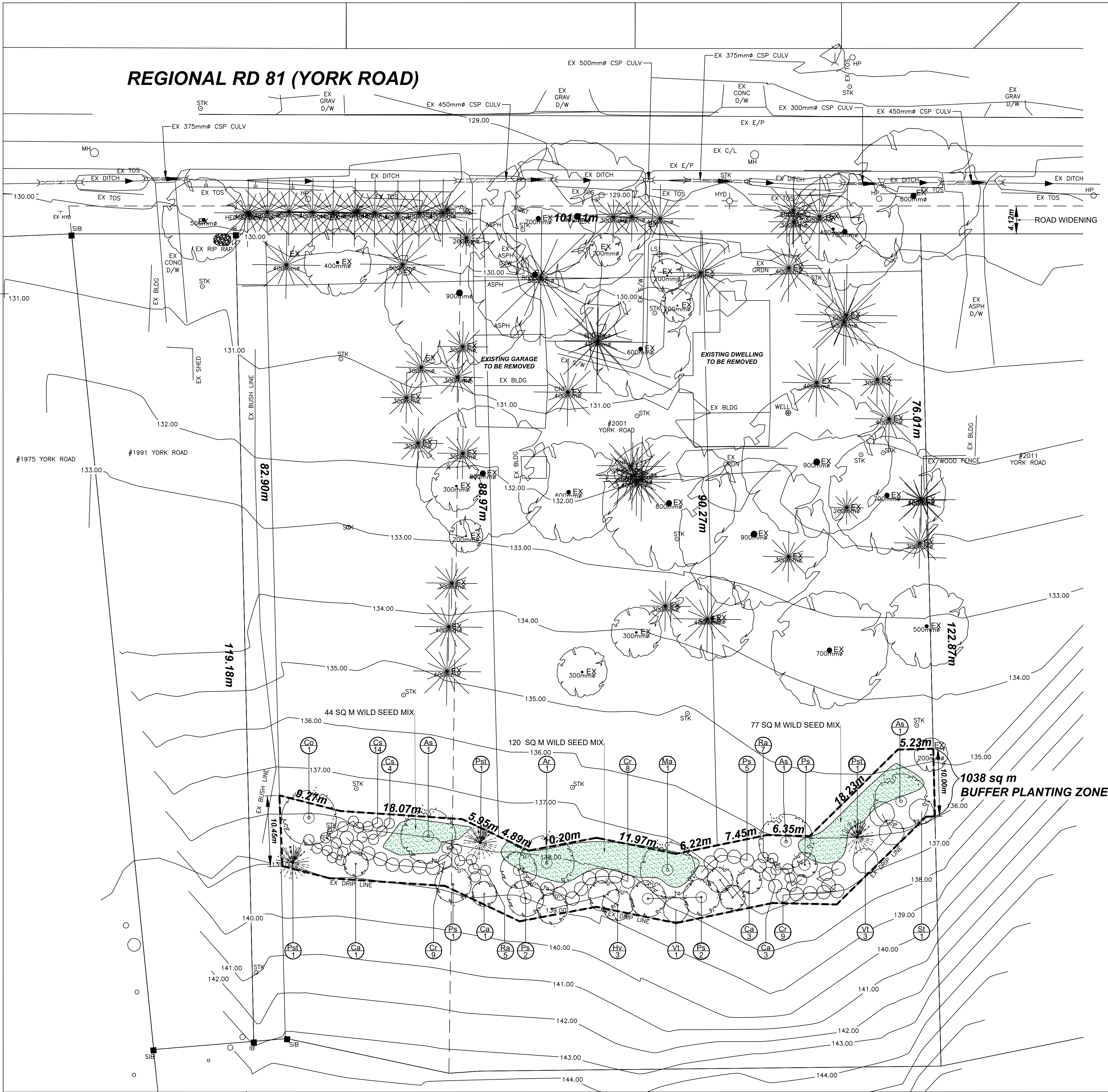
SURVEYING  
MAPPING  
GIS

TW	DRAWN
AJGH	CHECKED
SEPT 8/2020	DATED:
20-16-227-00	Ref. No.

CAUTION

- (A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR  
THE PURPOSE INDICATED IN THE TITLE BLOCK.
- (B) THIS SKETCH IS PROTECTED BY COPYRIGHT.





PLANT SCHEDULE:

NATIVE	KEY	BOTANICAL NAME	COMMON NAME	NO.	SIZE	CONDITION
--------	-----	----------------	-------------	-----	------	-----------

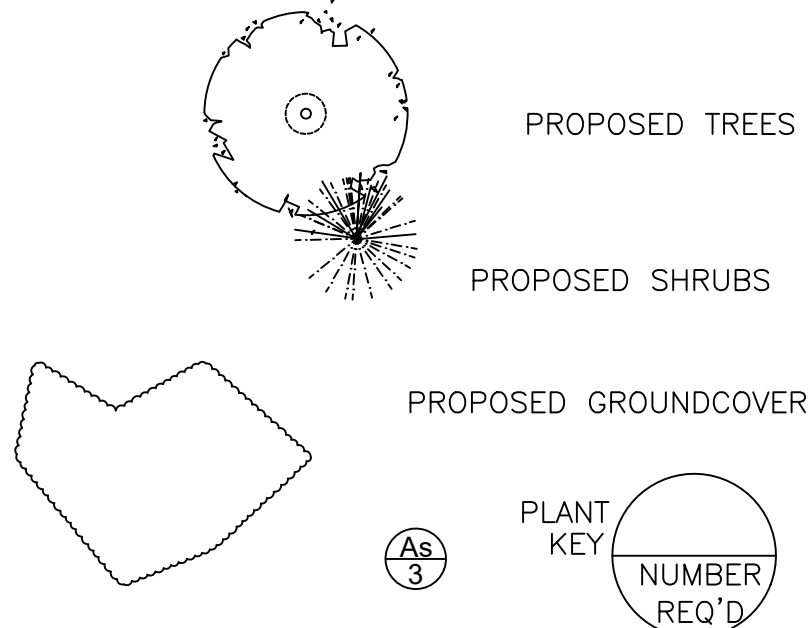
TREES CONIFEROUS:						
Pst		PINUS STROBUS	WHITE PINE	3	150CM	W.B.

TREES DECIDUOUS:						
Ar		ACER RUBRUM	RED MAPLE	1	60MM CAL	W.B.
As		ACER SACCHARUM	SUGAR MAPLE	3	50MM CAL	W.B.
Co		CARYA OVATA	SHAGBARK HICKORY	1	2 GAL	CONTAINER
Ma		MAGNOLIA ACUMINATA	CUCUMBER TREE	1	200CM 10 GAL	CONTAINER

SHRUBS DECIDUOUS:						
Ca		CORNUS ALTERNIFOLIA	PAGODA DOGWOOD	8	80CM 7 GAL	CONTAINER
Cr		CORNUS RACEMOSA	GRAY DOGWOOD	26	50CM 3 GAL	CONTAINER
Cs		CORNUS SERICEA	RED OSSIER DOGWOOD	18	50CM 3 GAL	CONTAINER
Hv		HAMAMELIS VIRGINIANA	WITCHHAZEL	3	50CM 3 GAL	CONTAINER
Ra		RUBUS ALLEGHENIENSIS	ALLEGHENY BLACKBERRY	12	50CM 3 GAL	CONTAINER
St		STAPHYLEA TRIFOLIA	BLADDERNUT	1	50CM 3 GAL	CONTAINER
Vl		VIBURNUM TRILOBUM	HIGHBUSH CRANBERRY	4	60CM 3 GAL	CONTAINER

GROUND COVER:						
		WILD SEED MIX	NATIVE GRASSES MIXTURE	241 sq m	HYDROSEED	

LEGEND:

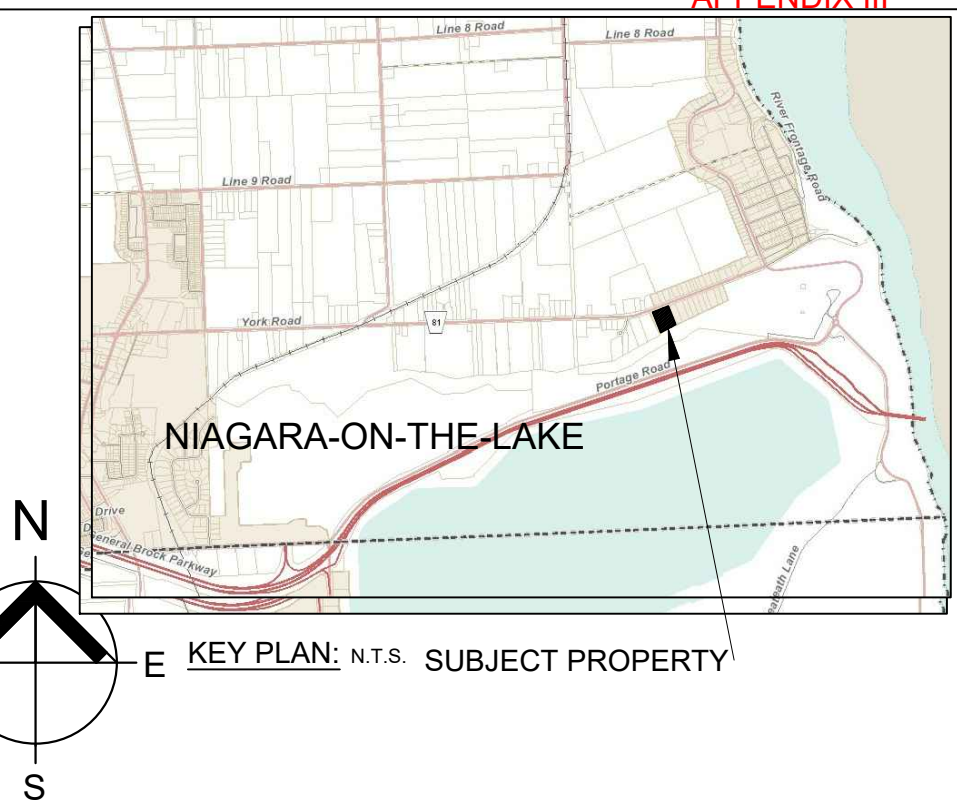


NOTES:

- REFER TO D-1.0 FOR PLANTING DETAILS.
- ALL PLANT MATERIAL AND MULCHES MUST BE SOURCED LOCALLY.

FINAL SITE PLAN  
APPROVED

2022.01.28



OWNER'S NAME \_\_\_\_\_

SIGNATURE \_\_\_\_\_

THE TOWN OF NIAGARA-ON-THE-LAKE

CLERK \_\_\_\_\_ MAYOR \_\_\_\_\_

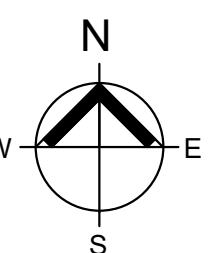
DATE: \_\_\_\_\_ 20\_\_

NOTE: THE DIMENSIONS, AREAS AND LOCATIONS SHOWN ON THIS PLAN ARE APPROXIMATE AND MAY BE SLIGHTLY ALTERED IN THE FINAL DESIGN, PROVIDING THE INTENT AND PURPOSE OF THE ORIGINAL PLAN IS MAINTAINED AND ALL RELEVANT ZONING PROVISIONS COMPLIED WITH. FURTHER AND NOTWITHSTANDING ANYTHING SHOWN ON THIS PLAN TO THE CONTRARY, ALL SITE SERVICING, GRADING AND DRAINAGE SHALL BE IN ACCORDANCE WITH PLANS APPROVED BY THE ENGINEER.

No.	REVISIONS	DATE	BY
0	ISSUED FOR DISCUSSION	11.30.21	DM

AND BE RESPONSIBLE FOR THE SAME.  
REPORT ANY DISCREPANCIES TO LANDSCAPE ARCH  
BEFORE COMMENCING THE WORK.  
DO NOT SCALE THE DRAWINGS.

-BUFFER -  
CONCEPT LANDSCAPE PLAN



DONALD MARTIN  
LANDSCAPE  
ARCHITECT

4655 Fifth Avenue . Niagara Falls . Ontario  
donmartin@cogeco.ca



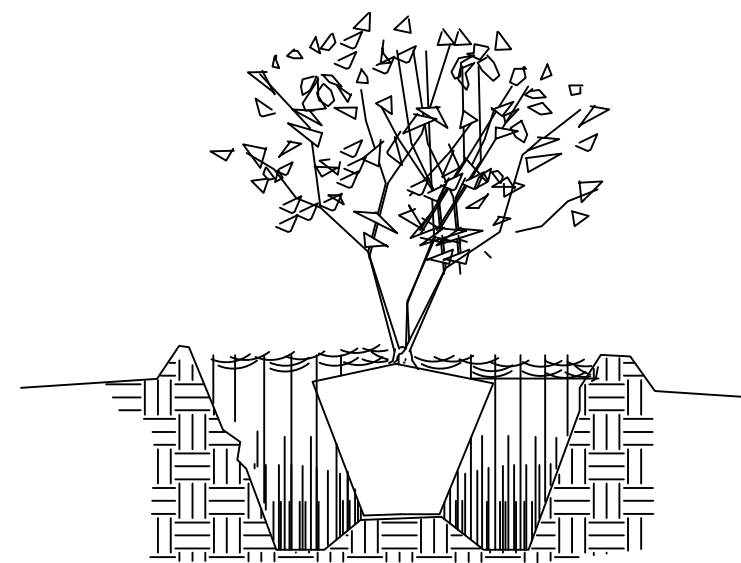
OWNER:

2001 YORK ROAD.  
Niagara-On-The-Lake

-BUFFER-  
CONCEPT  
LANDSCAPE PLAN

DESIGN: D.M.	DRAFTING: D.M.
DATE: 11.30.21	SCALE: 1 : 300
DRAWING No: 113021-LP	SHEET No. REV. L-1 .0





PLANTING PIT  
TO BE THREE  
TIMES THE  
DIAMETER OF  
THE ROOT  
BALL

## SHRUB PLANTING DETAIL

NTS

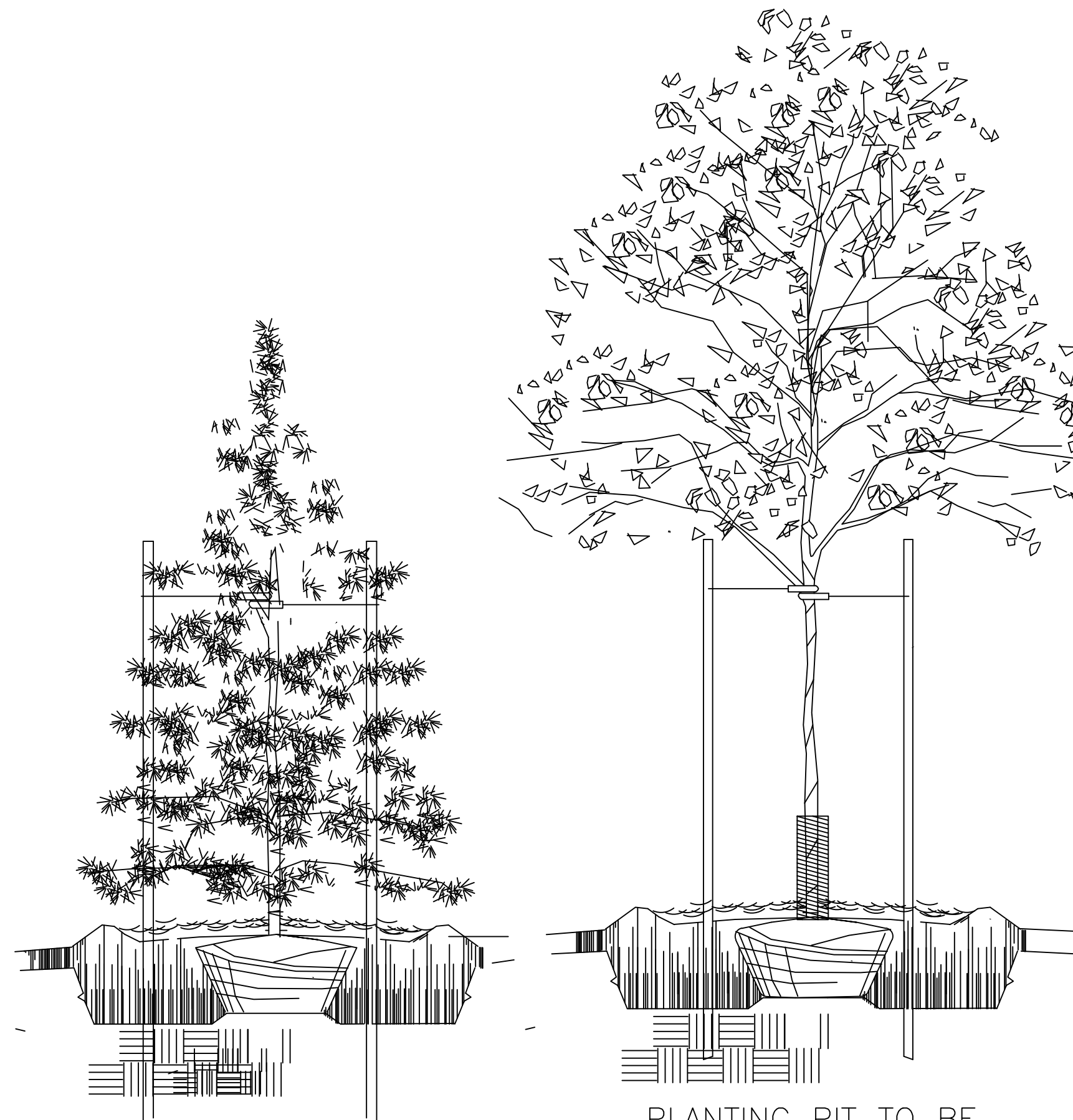
PRUNE ONLY DAMAGED, BROKEN OR DEAD BRANCHES, USING ACCEPTED HORTICULTURAL PRACTICES.

80MM DEPTH OF CLEAN 50MM  
WOOD CHIP MULCH  
CREATE A TOPSOIL SAUCER AROUND  
PLANTING PIT

REMOVE ALL CONTAINERS TAKING CARE  
NOT TO BREAK ROOT BALL

COMPACT SOIL MIX FIRMLY EVERY 150MM AND THOROUGHLY SOAK PLANTING.

NOTES:  
DO NOT DROP PLANTS INTO PLANTING  
PITS!  
MAINTAIN TOP OF ROOT BALL AT  
FINISHED GRADE  
SPRAY ALL PLANT MATERIAL WITH  
ANTIDESSICANT PRIOR TO SHIPPING.  
SOIL MIX: 4 PARTS INDIGENOUS SOIL  
TO ONE PART WELL ROTTED COW  
MANURE.



PLANTING PIT TO BE  
THREE TIMES THE  
DIAMETER OF THE  
ROOT BALL

## DECIDUOUS & CONIFEROUS TREE PLANTING DETAIL

DO NOT PRUNE LEADER  
PRUNE ONLY DAMAGED, BROKEN OR DEAD  
BRANCHES, USING ACCEPTED HORTICULTURAL  
PRACTICES.

TREE TIE TO BE FASTENED AROUND TRUNK IN  
FIGURE EIGHT  
WITH NO.9 GALV. WIRE ENCASED IN 13MMØ  
RUBBER HOSE OR APPROVED EQUAL.  
TO BE REMOVED AFTER SECOND GROWING SEASON.

STEEL 'T' BAR (40x40x5x2400) OR WOODEN  
SUBSTITUTE. PLACE STAKE ON WINDWARD SIDE  
OF PLANTING PIT. DRIVE STAKE INTO UNDISTURBED SOIL.  
NOTE: USE 2 STAKES WHEN TREE IS OVER 2.5M  
IN HEIGHT. TREES UNDER 70MM IN CALIPER REQUIRE 2 STAKES  
TREES OVER 70MM REQUIRE 3 STAKES. REMOVE STAKES AFTER SECOND SEASON.

CORRUGATED 'PVC' PIPE, RODENT GUARD 5CM  
BELOW GRADE TO 60CM ABOVE FINISHED GRADE

80MM DEPTH OF CLEAN 50MM WOOD CHIP MULCH

CREATE A TOPSOIL SAUCER AROUND PLANTING PIT

CUT AND REMOVE TOP 1/3 OF BURLAP AND CUT WIRE BASKET VERTICALLY AND FOLD DOWN

COMPACT SOIL MIX FIRMLY EVERY 150MM AND THOROUGHLY SOAK PLANTING.

NOTES:  
DO NOT DROP PLANTS INTO PLANTING PITS !  
MAINTAIN TOP OF ROOT BALL AT FINISHED GRADE  
SPRAY ALL PLANT MATERIAL WITH ANTIDESSICANT PRIOR TO SHIPPING.  
SOIL MIX: 4 PARTS INDIGENOUS SOIL TO 2 PARTS WELL ROTTED COW MANURE.  
THOROUGHLY MIX.



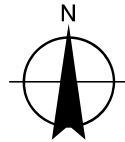
OWNER'S NAME <hr/>	SIGNATURE <hr/>
<b>THE TOWN OF NIAGARA-ON-THE-LAKE</b>	
CLERK <hr/>	MAYOR <hr/>
DATE: _____ 20__	
NOTE: THE DIMENSIONS, AREAS AND LOCATIONS SHOWN ON THIS PLAN ARE APPROXIMATE AND MAY BE SLIGHTLY ALTERED IN THE FINAL DESIGN, PROVIDING THE INTENT AND PURPOSE OF THE ORIGINAL PLAN IS MAINTAINED AND ALL RELEVANT ZONING PROVISIONS COMPLIED WITH. FURTHER AND NOTWITHSTANDING ANYTHING SHOWN ON THIS PLAN TO THE CONTRARY, ALL SITE SERVICING, GRADING AND DRAINAGE APPROVED BY THE ENGINEER.	

[illegible]





0 30 60 120 Meters



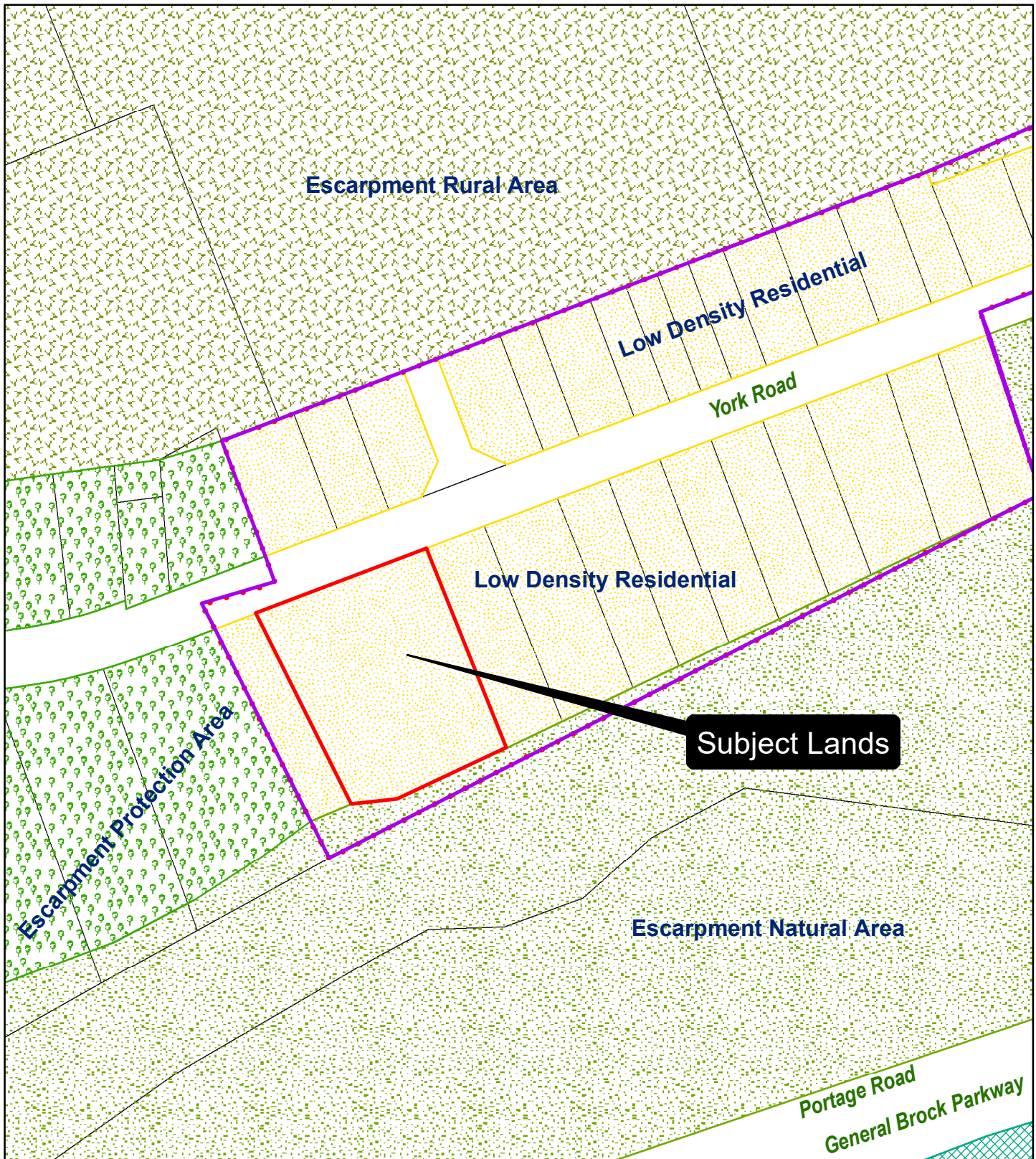
1:3,000

# OFFICIAL PLAN

Land Use Designations

2001 York Road

File No: OPA-02-2021



THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE  
BY-LAW NO. XXXX-22

Official Plan Amendment No. 80 - 2001 York Road

A BY-LAW PURSUANT TO SECTION 17 OF THE ONTARIO PLANNING ACT TO AMEND THE TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL PLAN

WHEREAS the Town of Niagara-on-the-Lake Council is empowered to enact this By-law by virtue of the provisions of Section 17 of the *Planning Act, R.S.O. 1990, c.P.13, as amended*;

The Council of The Corporation of the Town of Niagara-on-the-Lake, in accordance with the provisions of Section 17 of the *Planning Act* hereby enacts as follows:

- 1. Amendment No. 80 to the Official Plan for the Town of Niagara-on-the-Lake consisting of the attached explanatory text and schedule is hereby adopted.
- 2. Amendment No. 80 to the Official Plan for the Town of Niagara-on-the-Lake is exempt from the approval of the Regional Municipality of Niagara and will come into force and take effect on the day of the final passing thereof.

Enacted and passed this XXth day of XXX, 2022.

LORD MAYOR BETTY DISERO

ACTING TOWN CLERK COLLEEN HUTT

**Amendment No. 80 to the Official Plan  
for the Town of Niagara-on-the-Lake**

PART A – THE PREAMBLE	Part A does not constitute part of this amendment. Part A describes the purpose and basis for this amendment.
PART B – THE AMENDMENT	Part B constitutes Amendment No. 80 to the Official Plan for the Town of Niagara-on-the-Lake.
PART C – ADDITIONAL INFORMATION	Part C does not constitute part of this amendment, but outlines additional information available upon request.



## **PART A - THE PREAMBLE**

The preamble does not constitute part of this amendment.

### **PURPOSE**

The purpose of this amendment is to provide a site-specific exemption from the Special Policy Area A-1 (Queenston). This amendment is required to facilitate the proposed creation of three new lots and construction of future single-detached dwellings. The amendment would permit a minimum lot frontage of 32 metres for the proposed lots and also designate the rear/south portion of the subject lands containing environmental features as “Escarpment Natural Area”.

### **BASIS**

The basis of the amendment is as follows:

1. The subject lands are located in the Urban Area of Queenston and are municipally known as 2001 York Road.
2. The proposed new lots should be compatible with existing and planned development in the Queenston area and are consistent with the dimensions of the surrounding residential properties on York Road.
3. The redesignation of the south portion of the lands within the Town’s Official Plan from “Low Density Residential” to “Escarpment Natural Area” aligns with the designation in the Niagara Escarpment Plan.
4. The amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan (2020), the Niagara Escarpment Plan (2017), the Niagara Regional Official Plan (2014 Consolidation, as amended) and the general intent of the Town’s Official Plan (2017 Consolidation, as amended).
5. Applications for consent would be required to create the proposed new lots.

## **PART B - THE AMENDMENT**

Part B – The Amendment, consisting of the following text and Schedule, constitutes Amendment No. 80 to the Official Plan for the Town of Niagara-on-the-Lake.

### **DETAILS OF THE AMENDMENT**

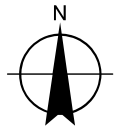
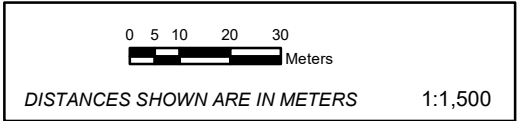
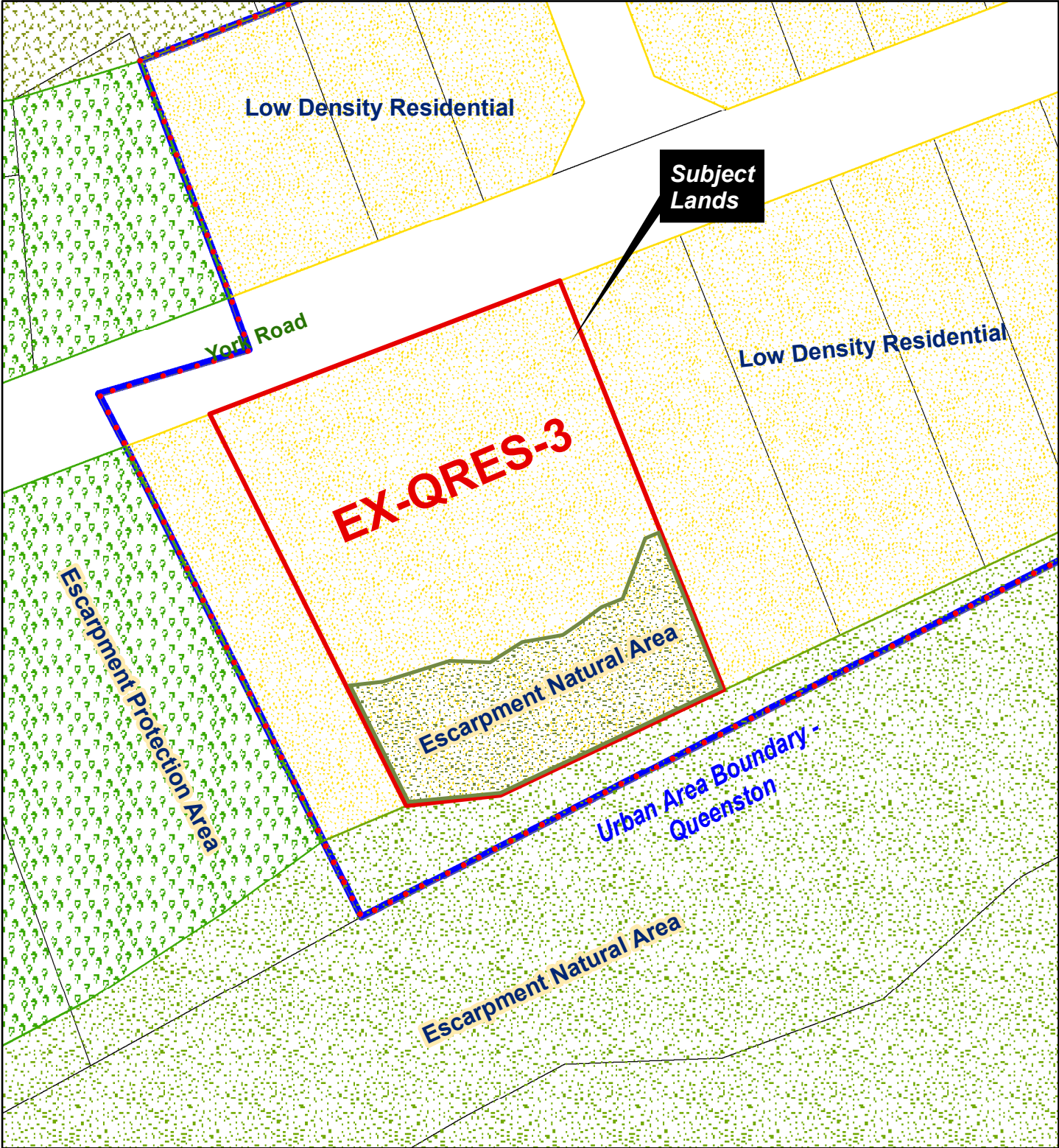
1. Schedule E to the Official Plan and Figure 4 under Section 6.32.1(3.0) be amended by redesignating the lands on ‘Schedule 1’ attached hereto from “Low Density Residential” to “Low Density Residential - EX-QRES-3”, in part, and “Escarpment Natural Area”, in part.
2. Section 6.32.1(16) be further amended by adding the following:

**EX-QRES-2** The lands shown as “EX-QRES-3” on Figure 4 under Section 6.32.1(3.0) are subject to all requirements of the “Low Density Residential” designation and other general requirements under Section 6.32.1, except that the minimum lot frontage for new lots may be 32 metres.

## **PART C – ADDITIONAL INFORMATION**

The following additional information is available upon request:

1. Community and Development Services Report CDS-22-XXX
2. Committee of the Whole Meeting Minutes dated February 7, 2022
3. Council Meeting Minutes dated February 28, 2022



**SCHEDULE 1 ATTACHED TO OFFICIAL PLAN AMENDMENT #80  
BEING AN AMENDMENT TO SCHEDULE "E" OF THE OFFICIAL  
PLAN OF THE TOWN OF NIAGARA-ON-THE-LAKE.**

LORD MAYOR  
BETTY DISERO

ACTING TOWN CLERK  
COLLEEN HUTT



**ELLEN SAVOIA**  
T 905.295.4396 x 3258  
M 289.241.8375  
emsavoia@niagaraparks.com

June 14, 2021

Town of Niagara-on-the-Lake  
Department of Community and Development Services  
1593 Four Mile Creek Road  
P.O. Box 100  
Virgil ON L0S 1T0  
Attention: Jesse Auspitz

Dear Mr. Auspitz:

Re: 2001 York Road  
OPA -02-2021

The Niagara Parks Commission has reviewed the proposed Official Plan amendment to redesignate the rear portion of the property to Escarpment Natural Area and to permit a lot frontage of 32 metres. The subject lands directly abut Niagara Parks lands to the south. Niagara Parks would advise that there are no concerns with the proposed Official Plan amendment.

We understand that the requested Official Plan amendment is associated with a proposal to divide the parcel into 3 lots for residential use. The rear of the lands, being re-designated to Escarpment Natural Area, would either be retained with one of the parcels or dedicated to The Niagara Parks Commission. Niagara Parks preference is for the Niagara Escarpment Natural lands to be retained with one of the three residential lots. Should the applicant wish to proceed with a proposal that includes dedication of the feature to Niagara Parks to facilitate the creation of regular shaped lots, please be advised that Commission approval is required. An Order in Council is also required prior to NPC acquiring lands. This process can take a considerable amount of time usually greater than 18 months. The applicant should submit a request to Niagara Parks as soon as possible to avoid delays and possible lapsing of other approvals. There may be alternative approaches such as deeding the lands to the Town to allow the consent to proceed. The Town could then transfer to NPC upon approval of an Order in Council. Additional discussions on this issue with the Town, Niagara Escarpment Commission and applicant may be advisable.



Please let me know if there are any questions regarding the above comments. Please keep Niagara Parks informed in regard with this application.

Yours truly,

A handwritten signature in black ink, appearing to read "E. Savoia".

Ellen Savoia, MCIP, RPP.

Senior Manager, Environmental Planning

cc. Cheryl Tansony, MNRF,

William Heikoop, UCC

**Niagara Escarpment Commission**

232 Guelph St.  
Georgetown, ON L7G 4B1  
Tel: 905-877-5191  
Fax: 905-873-7452  
www.escarpment.org

**Commission de l'escarpement du Niagara**

232, rue Guelph  
Georgetown ON L7G 4B1  
No de tel. 905-877-5191  
Télécopieur 905-873-7452  
www.escarpment.org



Niagara Escarpment Commission  
An agency of the Government of Ontario

May 27, 2021

Jesse Auspitz  
Planner II  
Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road  
Virgil, ON L0S 1T0

Dear Mr. Auspitz:

**RE: Proposed Official Plan Amendment  
2001 York Road  
Part of Lots 12 and 13, Concession 1  
Town of Niagara-on-the-Lake, Region of Niagara**

This is in response to the Request for Comments for a proposed Official Plan Amendment at the above-captioned lands.

The subject lands are located completely within the Niagara Escarpment Development Control Area as established by *O.Reg. 826/90 – 'Designation of Area of Development Control'*. Lands within Development Control are not regulated by zoning administered under the *Planning Act* but instead are subject to a development permit system administered under the *Niagara Escarpment Planning and Development Act (NEPDA)*. Under this system the definition of 'development' includes a change in use of any land, building or structure, and lot creation. As such, development on the lands requires a Niagara Escarpment Development Permit.

Section 24(3) of the *NEPDA* provides the following:

*No building permit, work order, certificate or licence that relates to development shall be issued, and no approval, consent, permission or other decision that is authorized or required by an Act and that relates to development shall be made, in respect of any land, building or structure within an area of development control, unless the development is exempt under the regulations or,*  
     *(a) a development permit relating to the land, building or structure has been issued under this Act; and*  
     *(b) the building permit, work order, certificate, licence, approval, consent, permission or decision is consistent with the development permit.*

NEC staff have received a Development Permit Application (N/R/2020-2021/702) for the proposed lot creation, which is currently under review. A Development Permit from the NEC will be required prior to the issuance of any other approvals.



NEC staff understand the applicant is proposing to amend the following provisions under the Official Plan:

- To redesignate the rear portion of the property from Low Density Residential to Escarpment Natural Area; and
- To permit a lot frontage of 32 metres, whereas the Village of Queenston Secondary Plan requires lots abutting the Escarpment to have 60 metres of frontage.

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

- *Planning Justification Report 2001 York Road Queenston, ON*, prepared by Upper Canada Consultants, dated March 2021;
- *Slope Stability Consideration Proposed Residential Dwellings 2001 York Road, Niagara on the Lake Ontario*, prepared by Soil-Mat Engineers & Consultants Ltd., dated November 2020;
- *Scoped Environmental Impact Study 2001 York Road Town of Niagara-on-the-Lake*, prepared by Beacon Environmental, dated March 2021; and
- *Stage 1-2 Archaeological Assessment 2001 York Street, Niagara-on-the-Lake*, prepared by Detritus Consulting Ltd, dated October 2020, and an acknowledgement letter from the Ministry of Heritage, Sport, Tourism, and Culture Industries, dated November 2020.

### **Niagara Escarpment Plan Part 1 – Minor Urban Centre**

The property is designated as within a Minor Urban Centre (Queenston) by the Niagara Escarpment Plan, 2017 (NEP). The underlying designations of the property are Escarpment Protection Area and Escarpment Natural Area.

Part 1.6 of the NEP provides the policies applied to areas within the Minor Urban Centre designation.

Part 1.6.5 of the NEP refers permitted uses and the creation of lots to those that are in an approved *official plan* and/or *secondary plan* not in conflict with the Niagara Escarpment Plan. Part 1.6.6 of the NEP states that *amendments to designations and/or land use policies within the boundaries of an approved official plan and/or secondary plan that is not in conflict with the Niagara Escarpment Plan may be made without requiring an amendment to the Niagara Escarpment Plan provided such an amendment does not involve Escarpment Natural Areas, Mineral Resource Extraction Areas or conflict with the Objectives and Development and Growth Objectives of this designation.*

NEC staff note that the Town of NOTL Official Plan currently designates the entire property as Low Density Residential, however part of the property is designated as Escarpment Natural Area by the NEP. The Town's Official Plan therefore conflicts with the NEP and the proposal to re-designate the rear part of the property to Escarpment Natural Area under the Town's Official Plan would be consistent with the policies of the NEP. The proposal to permit a reduced lot frontage would not impact the Escarpment



Natural Area. The proposed lot lines would not extend into the Escarpment Natural Area and this part of the property is proposed to be dedicated to the Niagara Parks Commission. If the lands are not conveyed to the Niagara parks Commission, further evaluation of the proposed lot lines and their conformity with the policies of the NEP would be required.

Part 1.6.7 of the NEP provides that land use control within a Minor Urban Centre may be exercised through by-laws passed under the *Planning Act* or through Development Control as authorized by the *NEPDA*. As noted above, the subject property is subject to Development Control.

Part 1.6.8 of the NEP contains the Development and Growth Objectives for Minor Urban Centres:

1. *Development and growth, including the creation of new lots, shall not extend into the Escarpment Natural Areas.*
  - The proposed lot lines are not within the Escarpment Natural Area. The part of the property designated as Escarpment Natural Area will be dedicated to the Niagara Parks Commission. As noted, any changes to the lot configuration would require further review.
2. *The Escarpment Natural Area designation and its policies must be incorporated into the official plan/secondary plan or development proposal.*
  - The proposed amendment would re-designate the part of the property designated as Escarpment Natural Area under the NEP from Low Density Residential to Escarpment Natural Area in the Town's Official Plan. This part of the property would then be subject to the policies of the Escarpment Natural Area within the Official Plan.
3. *Development and growth should avoid Escarpment Protection Areas and be directed to Escarpment Rural Areas in a manner consistent with Escarpment Rural Area Objectives and Part 2, the Development Criteria of this Plan.*
  - The proposed development is located within the underlying Escarpment Protection Area. Further justification for the lot creation on the subject lands should be provided due to the underlying designation.
4. *Development and growth should be limited to minimize land use conflicts (e.g., with agriculture) and all development should be of a design compatible with the scenic resources of the Escarpment. Where appropriate, provision for adequate setbacks, and maximum heights for buildings, structures and screening shall be required to minimize the visual impact of development, consistent with any applicable provincial guidance.*
  - The proposed lots are surrounded by similarly sized residential lots and are separated from agricultural uses. Further information will be required when reviewing an application for the construction of the dwellings to ensure that the design is compatible with the scenic resources of the Escarpment. NEC

staff also understand the proposed development will be subject to the Town's Urban Design Guidelines.

5. *Development within Minor Urban Centres should encourage reduced energy consumption, improved air quality, reduced greenhouse gas emissions (consistent with provincial reduction targets to 2030 and 2050) and work towards the long-term goals of low carbon communities, net-zero communities and increased resilience to climate change, through maximizing opportunities for the use of green infrastructure and appropriate low impact development.*
  - Additional information is required on any proposed opportunities for green infrastructure and low impact development. NEC staff note that low impact development refers to an approach to stormwater management that seeks to manage rain and other precipitation as close as possible to where it falls in order to mitigate the impacts of increased runoff and stormwater pollution.
6. *Development and growth should be minor only, relative to the size and capacity of the settlement to absorb new growth, so that the community character is maintained.*
  - The application proposes two additional lots with two additional single dwellings. According to the streetscape analysis, the existing lot is oversized and the proposed lots would be comparable to the size of neighbouring lots. NEC staff understand that the proposal is also generally consistent with the density provisions of the Official Plan. The proposed development will be connected to existing municipal services. Town staff should be satisfied that the proposal is minor and maintains the character of the community.
7. *Development and growth should take place as a logical extension of existing development in the form of planned groups, rather than linear or scattered development. Expansion in depth, rather than extension along existing roads, is favoured.*
  - The proposed development represents linear development. However, expansion in depth cannot be achieved on this property due to the natural heritage features at the rear of the property.
8. *Limited infilling may be permitted in the built-up portions of Minor Urban Centres that do not have an approved official plan and/or secondary plan.*
  - The Niagara-on-the-Lake Official Plan and Queenston Secondary Plan apply to the property.
9. *Growth and development in Minor Urban Centres shall be compatible with and provide for:*
  - a) *the protection of natural heritage features and functions;*
  - b) *the protection of hydrologic features and functions;*
  - c) *the protection of agricultural lands, including prime agricultural areas;*
  - d) *the conservation of cultural heritage resources, including features of interest to First Nation and Métis communities;*

- e) *considerations for reductions in greenhouse gas emissions and improved resilience to the impacts of a changing climate;*
- f) *sustainable use of water resources for ecological and servicing needs; and*
- g) *compliance with the targets, criteria and recommendations of applicable water, wastewater and stormwater master plans, approved watershed planning and/or subwatershed plan in land use planning.*
- The submitted Environmental Impact Study (EIS) determines an appropriate setback (10 metres) to the natural heritage features at the rear of the property. The proposed lots do not encroach into these features or the associated buffers and mitigation measures are proposed.
- The property is separated from nearby agricultural properties.
- The submitted Stage 1-2 Archaeological Assessment did not result in the discovery of any archaeological resources.
- Further information is required on considerations of greenhouse gas emissions and climate change.
- The property is municipally serviced.
- Further information will be required regarding site grading and drainage when an application for dwelling are submitted to ensure that stormwater requirements are met.

*10. Municipal sewage and water services will be the preferred form of servicing. Where municipal sewage services and municipal water services are not provided, the use of private communal sewage services and private communal water services may be permitted. Individual on-site sewage services and individual on-site water services may only be permitted where municipal or private communal services are not available.*

- The proposed development will use the existing municipal sewage and water services along York Road.

*11. Adequate public access to the Escarpment should be provided by such means as parking areas, walkways or pedestrian trails (e.g., the Bruce Trail).*

- No public access is proposed as part of the proposal, however NEC staff note that Part 4 is proposed to be dedicated to the Niagara Parks Commission.

*12. Development and growth should be compatible with adjacent existing Mineral Resource Extraction Area designations and, where appropriate, incorporate methods of minimizing land use conflicts (e.g., staging, site design, berming).*

- There is no adjacent Mineral Resource Extraction Area.

*13. Municipalities are encouraged to pass sign by-laws to ensure that the cultural heritage resources, attractive streetscapes and scenic resources of Minor Urban Centres are conserved.*

- No signs are proposed.

## Niagara Escarpment Plan Part 2 – Development Criteria

The proposal must be consistent with the Development Criteria contained within Part 2 of the NEP.

Part 2.2: General Development Criteria	NEC Comment
1. <i>The Escarpment environment shall be protected, restored and where possible enhanced for the long term having regard to single, multiple or successive development that have occurred or are likely to occur.</i>	The proposed lot lines and subsequent development will not encroach into natural heritage features at the rear of the property. The EIS proposes mitigation measures to protect these features. Opportunities for enhancement should be explored.
2. <i>The site shall not be prone to natural hazards, and the development will not impact the control of these natural hazards including flooding hazards, erosion hazards, or other water-related hazards and hazard events associated with unstable soil or unstable bedrock.</i>	The development is sufficiently set back from the hazard lands at the rear of the property. The proposed lot lines will not impact long-term slope stability, as determined by the Slope Stability Assessment.
3. <i>Development is permitted only on an existing lot of record.</i>	The subject property is considered an existing lot of record. A future consent application will be required to ensure that each proposed lot meets the definition of an existing lot of record under the NEP.
4. <i>A property listed as a nature preserve in Appendix 4 of this Plan, acquired by an approved conservation organization, shall not be used as a building lot or for any other purpose inconsistent with the maintenance and protection of the natural features and values for which the nature preserve was established.</i>	A nature preserve is not proposed.
5. <i>Where a lot is located in more than one designation, development shall be located on that portion of the lot located in the least restrictive designation.</i>	All development is confined to the underlying Escarpment Protection Area, which is the least restrictive designation on the property.
6. <i>Any development permitted should be designed and located in such a manner as to promote design and orientation that:</i> a) <i>maximizes energy efficiency and conservation and considers the mitigating effects of vegetation;</i> b) <i>maximizes opportunities for the use of renewable energy systems and alternative energy systems; and</i>	Further information should be provided on opportunities to mitigate the impacts of climate change.

c) <i>reduces greenhouse gas emissions so that the development is contributing to the goal of low-carbon communities and net-zero communities in Minor Urban Centres, Urban Areas, and Escarpment Recreation Areas.</i>	
7. <i>Only one single dwelling is permitted on each existing lot of record in the Escarpment Natural, Escarpment Protection and Escarpment Rural Area designations, unless a second single dwelling is, in the opinion of the implementing authority, the only viable way to conserve the heritage attributes of an existing single dwelling.</i>	The property is located within a Minor Urban Centre. A future consent application will be required to support the development of one single dwelling per lot.
8. <i>Development permitted should be designed and located in such a manner as to provide for or protect access to the Niagara Escarpment, including the Bruce Trail corridor.</i>	The proposal will not impact access to the Niagara Escarpment. Part 4 will be dedicated to the Niagara Parks Commission. The Bruce Trail runs through the Queenston Heights Park to the rear of the subject property.
<b>Part 2.4: Lot Creation</b>	<b>NEC Comment</b>
1. <i>Lot creation, including lots created within Urban Areas, Minor Urban Centres and Escarpment Recreation Areas, shall be subject to conformity with official plans and/or secondary plans and, where applicable, zoning by-laws that are not in conflict with the Niagara Escarpment Plan, and the criteria set out under Part 2, Development Criteria.</i>	The proposed lots are within a Minor Urban Centre and an Official Plan Amendment is required to support the lot creation. The OPA must be supportable under Town policies to ensure that this criterion is met.
2. <i>New lots to meet residential needs should be created primarily in designated Urban Areas, Minor Urban Centres and Escarpment Recreation Areas.</i>	The proposed lots are within a Minor Urban Centre.
3. <i>Ribbon or strip development should be prevented.</i>	The proposed lots represent ribbon or strip development. Further information should be provided as to why this cannot be prevented.
4. <i>The size and configuration of new lots shall be subject to the requirements of official plans and/or secondary plans, and where applicable, zoning by-laws and the objectives of the designation.</i>	The frontage of the lot does not conform to the Queenston Secondary Plan and as such requires an OPA. Town staff should be satisfied that the proposed lot size and configuration generally satisfies Town policy.
5. <i>New lots must:</i> a) <i>maintain and enhance the existing</i>	The proposed lots are generally consistent with the size of nearby lots. The lot lines do not



<p><i>community character and/or open landscape character of the Escarpment; and</i></p> <p><i>b) protect and enhance existing natural heritage and hydrologic features and functions.</i></p>	<p>further fragment natural heritage and hydrologic features. The part of the property that contains key natural heritage features will be dedicated to the Niagara Parks Commission.</p>
<p><i>6. Prior to commenting upon proposals for new lots, the implementing authority shall consider:</i></p> <p><i>a) the number, distribution and density of vacant lots in the area;</i></p> <p><i>b) the additional lots that may be created in conformity with this Plan;</i></p> <p><i>c) the consequences of the development of the lots with regard to the objectives of the designation; and</i></p> <p><i>d) providing for or protecting public access to the Niagara Escarpment, including the Bruce Trail corridor.</i></p>	<p>There are few vacant lots within the Minor Urban Centre. Lot creation in Minor Urban Centres is referred to the municipal official plan, however NEC staff note that there are no additional lots with a frontage of more than 60 metres along York Road. Part of the land will be dedicated to the Niagara Parks Commission and is adjacent to lands containing the Bruce Trail corridor.</p>
<p><i>7. Where a lot is proposed in more than one designation, the severance policy of the least restrictive designation shall apply. There should be sufficient area in the least restrictive designation to accommodate the development.</i></p>	<p>The proposed lot creation is within a Minor Urban Centre. The proposed lot line is within the underlying Escarpment Protection Area and does not extend into the Escarpment Natural Area. No development is proposed within the Escarpment Natural Area.</p>
<p><i>8. Except for new lots permitted under Part 2.4.12, new lots created by consent shall front onto an existing public road that is of a reasonable standard of construction and generally maintained all year round.</i></p>	<p>Parts 1-3 will front onto an existing public road. Part 4 will be dedicated to the Niagara Parks Commission and as such does not require road frontage.</p>
<p><i>9. Public bodies and private persons are encouraged to consolidate existing vacant lots to establish lots of such a size as to permit uses consistent with the objectives of the designation in which they are located.</i></p>	<p>The existing lot is not vacant, as it contains a single dwelling. The objectives for Minor Urban Centres include recognizing, maintaining and enhancing existing rural settlements or providing concentration points for development and growth in rural areas.</p>
<p><i>10. Where a portion of an original township lot or original township half lot includes a Minor Urban Centre, Urban Area or Escarpment Recreation Area, the Lot Creation policies of the applicable designations will apply only to the area outside the Minor Urban Centre, Urban Area and Escarpment Recreation Area boundary...</i></p>	<p>The property is entirely within a Minor Urban Centre.</p>

11. <i>Where a portion of an original township lot or original township half lot lies outside the Niagara Escarpment Plan area, the lots created outside the Niagara Escarpment Plan area will be considered previous existing lots of record under the Lot Creation policies of the applicable designations.</i>	The property is entirely within the Niagara Escarpment Plan area.
12. <i>Notwithstanding 10 above, new lots may be created by a public body or an approved conservation organization, subject to the following:</i> a) <i>new lots may be created by a public body through acquisition, disposal or exchange, provided such a lot does not conflict with the Lot Creation policies and severance limits contained within Parts 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, and 1.9, and the provisions of Part 3 of this Plan...</i>	Part 4 is proposed to be dedicated to the Niagara Parks Commission (public body). See above for comments on Part 1 of the NEP. See below for comments on Part 3 of the NEP.
Part 2.5: Development Affecting Steep Slopes and Ravines	NEC Comment
<i>The objective is to ensure that development affecting steep slopes and ravines is compatible with the Escarpment environment and does not result in unsafe conditions.</i>	A Slope Stability Assessment was completed and concluded that the proposed southern lot line would not negatively impact the stability of the slope, provided the grading within the rear portion of the lot is not altered.
Part 2.7: Development Affecting Natural Heritage	NEC Comment
<i>The objective is to protect and where possible enhance natural heritage features and functions in order to maintain the diversity and connectivity of the continuous natural environment.</i>	The rear of the property contains key natural heritage features, including a Life Science ANSI, Earth Science ANSI, significant woodlands, and significant wildlife habitat. A natural heritage evaluation was completed to establish the vegetation protection zone. The proposed lot line does not encroach into key natural heritage features or the established 10 metre buffer. Mitigation measures are proposed to protect and enhance these features, including confining development to the established limits of development, a vegetation removal timing window, and planting the woodland buffer with native trees and shrubs.
Part 2.10: Cultural Heritage	NEC Comment
<i>The objective is to conserve the</i>	The Stage 1-2 Archaeological Assessment did

<i>Escarpment's cultural heritage resources.</i>	not result in the discovery of any archaeological resources.
Part 2.13: Scenic Resources and Landform Conservation	NEC Comment
<i>The objective is to ensure that development preserves the natural scenery and maintains Escarpment Related Landforms and the open landscape character of the Escarpment.</i>	The proposed lot creation is consistent with surrounding properties. The proposed development will be located on the front part of the property, setback from the Escarpment brow and related slopes. Further evaluation of the impacts on the scenic resources of the Escarpment will be required when reviewing a proposal for the proposed dwellings. It is noted that removal of trees that are contributing to the scenic quality of the area will likely be required to accommodate the development and as such mitigation measures may be required.

### Niagara Escarpment Plan Part 3 – NEPOSS

Part 3 of the NEP contains the policies relating to the Niagara Escarpment Parks and Open Space System (NEPOSS).

The property is adjacent to the Queenston Heights NEPOSS Park. Part 4 on the proposed severance sketch is proposed to be dedicated to the Niagara Parks Commission.

The objectives for NEPOSS are within Part 3.1.1 of the NEP. The objectives include protecting the Escarpment's natural heritage resources and conserving its cultural heritage resources, providing opportunities for education, recreation, and public access, and completing a public system of major parks and open spaces through land acquisition. The proposal to dedicate Part 4 of the property is consistent with these objectives. NEC staff note that the part of the proposal to dedicate the land to the Niagara Parks Commission is important for satisfying the policies and objectives of the NEP.

Part 3.4 and Part 3.5 of the NEP contains the policies relating to land acquisition and the addition of parks or open space. Land acquired to be managed as part of an existing park or open space in the system and new parks or open space areas may be added on Niagara Escarpment Plan maps without an amendment to the Niagara Escarpment Plan, provided that the Objectives of Part 3.1.1 are satisfied. The managing agency must agree to the addition and be prepared to manage the land in accordance with Part 3.



## Conclusion

As an NEC Development Permit is required prior to Official Plan Amendment approval, the NEPDA requires that a decision on OPA-02-2021 is deferred until a decision is made on the Niagara Escarpment Development Permit Application.

NEC staff will require the outstanding matters noted above relating to the underlying Escarpment Protection Area designation, ribbon or strip development, and opportunities to mitigate climate change and use green infrastructure and appropriate low impact development, be addressed by updating or providing an addendum to the Planning Justification Report. It is also noted that additional plans (i.e., Landscape Plan) may be required as part of the Development Permit Application process.

I trust the above is of assistance. Should you have any questions or concerns please do not hesitate to contact the undersigned at your earliest convenience.

Sincerely,



Cheryl Tansony  
Senior Planner  
Niagara Escarpment Commission

## Planning and Development Services

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

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### Via Email Only

May 18, 2021

File No.: D.09.05.NEC-21-0016

Ms. Cheryl Tansony, MES (PI)  
Senior Planner  
Niagara Escarpment Commission  
232 Guelph Street  
Georgetown, ON L7G 4B1

Dear Ms. Tansony:

**Re: Regional and Provincial Comments  
Development Permit Application N/R/2020-2021/702  
Agent: Upper Canada Consultants  
Owner: Aryn Kassan  
2001 York Road  
Town of Niagara-on-the-Lake**

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Regional Planning and Development Services staff has reviewed the information circulated with the above noted Development Permit application, which proposes facilitate the creation of a  $\pm 0.29$  ha ( $\pm 0.7$  ac) lot and a  $\pm 0.27$  ha ( $\pm 0.66$  ac) lot to be severed from an existing 1.24 ha (3.06 ac) lot that that is municipally serviced and to establish a building envelope on each of the proposed lots for residential purposes. It is noted the Part 4 on the site plan is proposed to be dedicated to the Niagara Parks Commission.

A pre-consultation meeting regarding this proposal was held on August 6, 2020. The application was received on April 30, 2021 and the associated review fees were received May 10, 2021. The following comments are provided from a Regional and Provincial perspective to assist the Town in considering the application.

### Provincial and Regional Policies

The Provincial Policy Statement (PPS) designates the subject land as within a Settlement area, where development is generally concentrated and an appropriate range and mix of land uses is to be provided. A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) identifies the land as within the Delineated Built-up Area. The Regional Official Plan (ROP) designates the property as within the

Urban Area Boundary for Queenston in the Town of Niagara-on-the-Lake, and specifically within the Built-up Area. The Niagara Escarpment Plan identifies the property as located within a Minor Urban Centre and designated as Escarpment Protection Area and Escarpment Natural Area. Niagara Escarpment Commission (NEC) staff should confirm alignment with the NEP policies.

These planning documents together direct development to urban areas and support intensification of land uses where appropriate servicing and infrastructure exist. Both Provincial and Regional policy place emphasis on intensification and infill that support complete communities through a mix of uses that are both active transportation and transit supportive and include high quality public open spaces. It is noted that the Planning Justification Report (PJR) does not speak to the ROP growth management policies for areas within the urban boundary. The Village of Queenston is identified in the ROP as an urban area and as such, the Hamlet policies referred to in the PJR do not apply.

The Development Permit will facilitate future consent applications that will contribute to the Town's annual residential intensification target of 15% and more efficient use of existing municipal services. Regional staff is satisfied that the proposed Development Permit aligns with the intent of Provincial and Regional policies for intensification within the settlement area.

## **Archaeology**

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. The subject land is identified as having high archaeological potential based on the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) Criteria for Evaluating Archaeological Potential and the Town of Niagara-on-the-Lake's Archaeological Master Plan.

A Stage 1-2 Archaeological Assessment prepared by Detritus Consulting Ltd., dated October 21, 2020, was submitted with the application. The Stage 2 field assessment was conducted on September 2, 2020 and October 16, 2020 and involved typical test pit survey at 5-metre intervals. Based on the results of the Stage 2 Assessment and the identification of no archaeological resources, the licensed archaeologist recommends no further archaeological assessment of the Study Area.

A copy of the acknowledgment letter from the Ministry, dated November 10, 2020, confirming that report has been entered into the Ontario Public Register of Archaeological Reports in accordance with licensing requirements.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff also recommends

the inclusion of a standard warning clause relating to deeply buried archaeological materials that may be encountered during grading and construction activities.

## **Core Natural Heritage**

The subject property, located at 2001 York Road, Niagara-on-the-Lake, is impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Queenston Escarpment Regionally Significant Life Science Area of Natural and Scientific Interest (ANSI) and Significant Woodland. The property is also part of the Niagara River Bedrock Gorge Provincially Significant Earth Science ANSI. The EIS submitted in support of the development application confirms this assessment.

The EIS suggests that the proposed lot severance to create two new lots (three lots total), for the purpose of building a single detached dwelling and accessory uses on each lot, will not negatively impact any natural heritage features or functions. A 10 m buffer will be applied to the staked Significant Woodland dripline, which represents the limits of the new lots. The buffer and adjacent natural heritage features will be conveyed to public ownership as Escarpment Natural Area.

Given that no environmental concerns were identified that cannot be mitigated, staff are satisfied with the conclusion of the EIS that the development should be permitted, subject to implementation of the mitigation measures recommended in the EIS.

If you have any questions or wish to discuss these comments, please feel free to contact Lori Karlewicz, Planning Ecologist at 905-980-6000 ext. 3396 or [lori.karlewicz@niagararegion.ca](mailto:lori.karlewicz@niagararegion.ca), or Cara Lampman, Manager, Environmental Planning at 905-980-6000 ext. 3430 or [cara.lampman@niagararegion.ca](mailto:cara.lampman@niagararegion.ca)

## **Regional Permit Requirements**

The subject property has frontage along Regional Road 81 (York Road). Region staff acknowledge that the future residential lots would require new access provided from the Regional road. It appears that a number of Regional boulevard trees may need to be removed in order to provide the proposed residential lots with access from Regional Road 81 (York Road). Niagara Region's Policy requires that for every tree removed, two new replacement trees must be provided. If new trees are not to be provided by the owner, the Region will require cash-in-lieu for any removed trees. The current replacement fee for boulevard trees is \$500.00 per tree. The required fee will be determined and collected through future consent applications or the Regional Construction Permit process.

Please note that prior to tree plantings within the regional boulevard, the locations of the proposed trees would need to be staked and identified with the type of tree proposed. The plantings are to be completed by the developer at their expense; however, they will be required to contact Jeff Hill, Supervisor Forestry & Road Operations, at 905-227-

4633 ext. 2208 or by email: [Jeff.Hill@niagararegion.ca](mailto:Jeff.Hill@niagararegion.ca) to assess the location of the stakes and give final approval prior to planting.

Detailed drawings identifying the location of the proposed driveway accesses and any existing trees that will be impacted or removed because of the construction as well as the location of new boulevard trees will be required at future planning applications. The applicant should be advised that prior to any construction works or entrance alteration taking place within the Regional road allowance, a Regional Construction Encroachment and Entrance Permit would be required. The required Regional Road Permits must be obtained from Niagara Region's Transportation Services Division, Public Works Department. Applications can be made online through the Region's website using the following link.

<http://niagararegion.ca/living/roads/permits/default.aspx>

## **Waste Collection**

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

- No limit blue/grey boxes - weekly collection;
- No limit green bins - weekly collection; and,
- 2 garbage bags/cans - every-other-week collection.

## **Conclusion**

Regional Development Services staff offer no objection to the proposed Development Permit application to facilitate future consent applications to create new residential lots, subject to:

1. That a Landscape Planting Plan, preferably prepared by a full member of the Ontario Association of Landscape Architects (OALA), be provided to the satisfaction of Niagara Region. The plan should identify and illustrate the location of native trees, shrubs and/or groundcover to be planted within the 10 m Significant Woodland buffer.

The following archaeological resources Advisory Note should also be included for the NEC Development Permit application:

*"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the*

NEC-21-0016

May 18, 2021

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*Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

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

Should you have any questions concerning the above noted comments please do not hesitate to contact me at 905-980-6000 extension 3518. Please also send a copy of the NEC staff report and notice of the Commission’s decision on this application when available.

Respectfully,



Lola Emberson, MCIP, RPP  
Senior Planner, Development Services

cc: Mr. Robert Alguire, Development Technician, Niagara Region  
Ms. Lori Karlewicz, Planning Ecologist, Niagara Region

**From:** [Emberson, Lola](#)  
**To:** [Jesse Auspitz](#)  
**Subject:** RE: OPA-02-2021 - 2001 York Road  
**Date:** Thursday, May 13, 2021 12:52:30 PM

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**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 know that the content is safe. If unsure, forward the email to IT to validate.

Hi Jesse

The proposed lot lines appear to be consistent with extent 10 m buffer beyond the feature (ie. Part 2 identified on the draft schedule appears to be consistent with the EIS, including the feature and buffer), which ultimately is to be transferred to the NPC. Does that answer your question?

Respectfully,

**Lola Emberson, MCIP, RPP**

***Senior Development Planner***

Planning and Development Services

Regional Municipality of Niagara

1815 Sir Isaac Brock Way, PO Box 1042

Thorold, ON L2V 4T7

Phone: 905-980-6000 ext. 3518

Toll-free: 1-800-263-7215

Fax: 905-687-8056

[www.niagararegion.ca](http://www.niagararegion.ca)

---

**From:** Jesse Auspitz <Jesse.Auspitz@notl.com>  
**Sent:** Thursday, May 13, 2021 12:03 PM  
**To:** Emberson, Lola <Lola.Emberson@niagararegion.ca>  
**Subject:** OPA-02-2021 - 2001 York Road

**CAUTION:** This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Hey Lola,

I was wondering, would the 10 metre buffer apply only to the construction of new dwellings, or lot lines as well?

Thank you,



Jesse Auspitz, MCIP, RPP

Planner II

Phone: 905-468-6451 Fax: 905-468-0301

1593 Four Mile Creek Road, PO Box 100, Virgil ON L0S 1T0

The Town of Niagara-on-the-Lake remains under a state of emergency. For more information about what this means, as well as additional updates and resources, please visit [notl.com/covid-19](https://notl.com/covid-19).

Given the high volume of communications coming in, your patience and understanding are greatly appreciated during this time.

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**From:** [Rick Wilson](#)  
**To:** [Darka Jensen](#)  
**Cc:** [Jesse Auspitz](#)  
**Subject:** FW: Niagara Escarpment Commission request for comments for file N/R/2020-2021/702, Niagara-on-the-Lake  
**Date:** Sunday, May 2, 2021 11:39:09 PM  
**Attachments:** [21-702 RFC all attachments rs.pdf](#)

---

FYI and response/review - 2001 York Road

**Richard Wilson, MCIP, RPP**  
 Manager of Planning  
 Town of Niagara-on-the-Lake  
 1593 Four Mile Creek Road  
 P.O. Box 100, Virgil, Ontario L0S 1T0  
 Telephone 905-468-3061 ext. 313

---

**From:** Olah, Jennifer (MNRF) <Jennifer.Olah@ontario.ca>  
**Sent:** Friday, April 30, 2021 4:11 PM  
**To:** Rick Wilson <Rick.Wilson@notl.com>  
**Cc:** Tansony, Cheryl (MNRF) <Cheryl.Tansony@ontario.ca>  
**Subject:** FW: Niagara Escarpment Commission request for comments for file N/R/2020-2021/702, Niagara-on-the-Lake

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In Craig' Larmour's absence, please see the request below.

Kind regards,

Jennifer

---

**From:** Olah, Jennifer (MNRF)  
**Sent:** Friday, April 30, 2021 4:08 PM  
**To:** [darka.jensen@notl.com](mailto:darka.jensen@notl.com); [craig.larmour@notl.com](mailto:craig.larmour@notl.com); Busnello, Pat <[pat.busnello@niagararegion.ca](mailto:pat.busnello@niagararegion.ca)>; 'devtplanningapplications@niagararegion.ca' <[devtplanningapplications@niagararegion.ca](mailto:devtplanningapplications@niagararegion.ca)>; Nicholas Godfrey <[ngodfrey@npca.ca](mailto:ngodfrey@npca.ca)>; [pbunnin@niagaraparks.ca](mailto:pbunnin@niagaraparks.ca); [esavoia@niagaraparks.ca](mailto:esavoia@niagaraparks.ca)  
**Cc:** Tansony, Cheryl (MNRF) <[Cheryl.Tansony@ontario.ca](mailto:Cheryl.Tansony@ontario.ca)>; Obradovic, Andrej (MNRF) <[Andrej.Obradovic@ontario.ca](mailto:Andrej.Obradovic@ontario.ca)>  
**Subject:** Niagara Escarpment Commission request for comments for file N/R/2020-2021/702, Niagara-on-the-Lake

Hi, all.

Please see attached request for comments regarding the above noted file. Please send your comments to Cheryl Tansony at [Cheryl.Tansony@ontario.ca](mailto:Cheryl.Tansony@ontario.ca) with a cc to [Andrej.Obradovic@ontario.ca](mailto:Andrej.Obradovic@ontario.ca) and to me by May 30, 2021.

Thank you.

Jennifer

**Jennifer Olah**

*Commission Secretary (A)/Administrative Support Coordinator*



Niagara Escarpment Commission

An agency of the Government of Ontario

232 Guelph Street | Georgetown, ON | L7G 4B1

**Tel:** 226-668-8639 | **Main Line:** 905-877-5191

**Website:** [www.escarpment.org](http://www.escarpment.org)

**-In order to ensure a safe and secure environment for staff and clients and in response to recommendations by health professionals, the NEC offices are closed to the public until further notice. The NEC is continuing to provide services via email and telephone. Updates can be found on our website: <https://www.escarpment.org/Commission/COVID19>**

Please let me know if you require communication supports or alternate formats.

**From:** [Nicholas Godfrey](#)  
**To:** [Jesse Auspitz](#)  
**Subject:** RE: OPA-02-2021 - 2001 York Road (Application for Official Plan Amendment)  
**Date:** Tuesday, April 27, 2021 9:10:31 AM

---

**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 know that the content is safe. If unsure, forward the email to IT to validate.

Hi Jesse,

I had a think about this one last night, and I don't want to hold up the OPA with our comments as conditions. Please accept these as re-worded comments:

NPCA staffed have reviewed the "Slope Stability Considerations - 2001 York Road, NOTL" (dated Nov. 30, 2020) by Soil-Mat. NPCA have no objection to the report's conclusion that the construction of residential dwellings on the property will not have a negative impact on the adjacent slope, provided that the grades are maintained close to what presently exists.

NPCA staff have reviewed the Scoped Environmental Impact Study by Beacon Environmental (March, 2021) and are satisfied with the report's conclusion that there will be no negative impact to NPCA regulated features within the subject property as a result of the proposed development.

The NPCA have no objections to OPA-02-2021 and the proposed Official Plan designations to Part 1 & Part 2 on the draft plan at this time. The NPCA recommend that the mitigation strategies recommended by the EIS are implemented prior to site development and/or, and that the Buffer Planting Plan recommended by Beacon EIS is circulated for our review.

Finally, please circulate our office of the Town's staff report of OPA-02-2021 for our files, as well as the upcoming consent applications at 2001 York Road. Finally, please note that depending on the scope, nature, and location of the finalized plans for the proposed development and/or site alteration, the NPCA may require a work permit.

Best,

**Nicholas Godfrey, M.A.**  
**Watershed Planner**  
Niagara Peninsula Conservation Authority (NPCA)  
250 Thorold Road West, 3<sup>rd</sup> Floor, Welland, ON, L3C 3W2  
905-788-3135, ext. 278  
[ngodfrey@npca.ca](mailto:ngodfrey@npca.ca)  
[www.npca.ca](http://www.npca.ca)

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only

with limited staff, please refer to the [Staff Directory](#) and reach out to the staff member you wish to speak or meet with directly.

Updates regarding NPCA operations and activities can be found at [Get Involved NPCA Portal](#), or on social media at [facebook.com/NPCAOntario](https://facebook.com/NPCAOntario) & [twitter.com/NPCA\\_Ontario](https://twitter.com/NPCA_Ontario).

For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>.

---

**From:** Jesse Auspitz <Jesse.Auspitz@notl.com>

**Sent:** April 27, 2021 8:50 AM

**To:** Nicholas Godfrey <ngodfrey@npca.ca>

**Subject:** RE: OPA-02-2021 - 2001 York Road (Application for Official Plan Amendment)

I guess these would be conditions of consent? Correct?

---

**From:** Nicholas Godfrey <[ngodfrey@npca.ca](mailto:ngodfrey@npca.ca)>

**Sent:** Monday, April 26, 2021 4:33 PM

**To:** Jesse Auspitz <[Jesse.Auspitz@notl.com](mailto:Jesse.Auspitz@notl.com)>

**Subject:** RE: OPA-02-2021 - 2001 York Road (Application for Official Plan Amendment)

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Good afternoon Jesse,

NPCA staff have reviewed the "Slope Stability Considerations - 2001 York Road, NOTL" (dated Nov. 30, 2020) by Soil-Mat. NPCA have no objection to the report's conclusion that the construction of residential dwellings on the property will not have a negative impact on the adjacent slope, provided that the grades are maintained close to what presently exists.

NPCA staff have reviewed the Scoped Environmental Impact Study by Beacon Environmental (March, 2021) and are satisfied with the report's conclusion that there will be no negative impact to NPCA

regulated features within the subject property as a result of the proposed development, provided the mitigation strategies recommended by the EIS are implemented.

The NPCA have no objections to OPA-02-2021 and the proposed Official Plan designations to Part 1 & Part 2 on the draft plan at this time, provided the mitigation strategies recommended by the EIS are implemented, and the Buffer Planting Plan recommended by Beacon EIS is circulated for our review.

Please circulate our office of the Town's staff report of OPA-02-2021 for our files, as well as the upcoming consent applications at 2001 York Road. Finally, please note that depending on the scope, nature, and location of the finalized plans for the proposed development and/or site alteration, the NPCA may require a work permit.

Please let me know if you have any questions.

Best,

**Nicholas Godfrey, M.A.**

**Watershed Planner**

Niagara Peninsula Conservation Authority (NPCA)

250 Thorold Road West, 3<sup>rd</sup> Floor, Welland, ON, L3C 3W2

905-788-3135, ext. 278

[ngodfrey@npca.ca](mailto:ngodfrey@npca.ca)

[www.npca.ca](http://www.npca.ca)

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To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>.

---

**From:** Nicholas Godfrey

**Sent:** April 26, 2021 8:38 AM

**To:** Jesse Auspitz <[Jesse.Auspitz@notl.com](mailto:Jesse.Auspitz@notl.com)>

**Subject:** RE: OPA-02-2021 - 2001 York Road (Application for Official Plan Amendment)

Good morning Jesse,

I'll have my comments for you by the end of the day.

Best,

---

**From:** Jesse Auspitz <[Jesse.Auspitz@notl.com](mailto:Jesse.Auspitz@notl.com)>

**Sent:** March 30, 2021 2:03 PM

**Subject:** OPA-02-2021 - 2001 York Road (Application for Official Plan Amendment)

Good morning,

The Town of Niagara-on-the-Lake's Department of Community & Development Services has received an application for Official Plan Amendment for lands municipally addressed as 2001 York Road, as per the attached letter.

The application information is available via the following links:

Internal Link:

Z:\0-Planning\1 - OPA\2021\OPA-02-2021 - 2001 York Road\2.0 Application Docs

External Link:

[https://niagaraonthelake-my.sharepoint.com/:f/g/personal/jesse\\_auspitz\\_notl\\_com/E5SQit3vdkFFDukROVOWIg80BrDLsrN2mi8Yp8VKKJYzPWw?e=0qoYJ5](https://niagaraonthelake-my.sharepoint.com/:f/g/personal/jesse_auspitz_notl_com/E5SQit3vdkFFDukROVOWIg80BrDLsrN2mi8Yp8VKKJYzPWw?e=0qoYJ5)

Please review this material with regard to the applicable plans, policies, legislation and activities of your agency and provide us with your comments by **April 26, 2021**. If you need additional information or reports please let us know and we will advise the applicant of the requests for further information.

Thank you,

**Jesse Auspitz, MCIP, RPP**

Planner II

Phone: 905-468-6451 Fax: 905-468-0301

1593 Four Mile Creek Road, PO Box 100, Virgil ON L0S 1T0

The Town of Niagara-on-the-Lake remains under a state of emergency. For more information about what this means, as well as additional updates and resources, please visit [notl.com/covid-19](https://notl.com/covid-19).



Given the high volume of communications coming in, your patience and understanding are greatly appreciated during this time.

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**From:** Tansony, Cheryl (MNRFP)  
**To:** Jesse Auspitz  
**Subject:** RE: OPA-02-2021 - 2001 York Road (Application for Official Plan Amendment)  
**Date:** Monday, April 26, 2021 4:53:45 PM  
**Attachments:** image001.png

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Good afternoon Jesse,

As we had discussed, I am requesting an extension to the deadline for comments on this application. We are currently reviewing NEC Development Permit Application N/R/2020-2021/702 related to the proposal. We will be circulating the application for Town comments shortly.

The subject lands are located entirely within the Niagara Escarpment Development Control Area and as such are subject to a development permit system administered under the Niagara Escarpment Planning and Development Act (NEPDA). Section 24(3) of the NEPDA provides the following:

*No building permit, work order, certificate or licence that relates to development shall be issued, and no approval, consent, permission or other decision that is authorized or required by an Act and that relates to development shall be made, in respect of any land, building or structure within an area of development control, unless the development is exempt under the regulations or, (a) a development permit relating to the land, building or structure has been issued under this Act; and (b) the building permit, work order, certificate, licence, approval, consent, permission or decision is consistent with the development permit.*

As such, a decision on the OPA cannot be made until an NEC Development Permit has been issued.

Please let me know if you have any questions about the above.

Kind regards,

**Cheryl Tansony**, MES (PI)  
 Senior Planner  
 Niagara Escarpment Commission

232 Guelph Street | Georgetown, ON | L7G 4B1

**Tel:** \*NEW\* 905-703-5354 **Website:** [www.escarpment.org](http://www.escarpment.org)

Please let me know if you require communication supports or alternate formats.



**In order to ensure a safe and secure environment for staff and clients and in response to recommendations by health professionals, the NEC offices are closed to the public until further notice. The NEC is continuing to provide services via email and telephone. Updates can be found on our website:** <https://www.escarpment.org/Commission/COVID19>

**From:** Jesse Auspitz <Jesse.Auspitz@notl.com>  
**Sent:** March 30, 2021 2:03 PM  
**Subject:** OPA-02-2021 - 2001 York Road (Application for Official Plan Amendment)

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Good morning,

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The application information is available via the following links:

Internal Link:  
 Z:\0-Planning\1 - OPA\2021\OPA-02-2021 - 2001 York Road\2.0 Application Docs

External Link:  
<https://niagaraonthelake->

[my.sharepoint.com/:f/g/personal/jesse\\_auspitz\\_notl\\_com/E5SQ3vdKFFDukROVOWlg80BrDLsrN2mi8Yp8VKKJYzPWw?e=0qpYJ5](https://my.sharepoint.com/:f/g/personal/jesse_auspitz_notl_com/E5SQ3vdKFFDukROVOWlg80BrDLsrN2mi8Yp8VKKJYzPWw?e=0qpYJ5)

Please review this material with regard to the applicable plans, policies, legislation and activities of your agency and provide us with your comments by **April 26, 2021**. If you need additional information or reports please let us know and we will advise the applicant of the requests for further information.

Thank you,

Jesse Auspitz, MCIP, RPP

Planner II

Phone: 905-468-6451 Fax: 905-468-0301

1593 Four Mile Creek Road, PO Box 100, Virgil ON L0S 1T0

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**Planning and Development Services**

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

---

**Via Email Only**

April 19, 2021

File No.: D.10.05.OPA-21-0018

Mr. Jesse Auspitz, MCIP, RPP  
Planner II  
Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road, PO Box 100  
Virgil, ON L0S 1T0

Dear Mr. Auspitz:

**Re: Regional and Provincial Comments  
Official Plan Amendment  
Town File: OPA-02-2021  
Agent: William Heikoop, Upper Canada Consultants  
Owner: Aryn Kassa, David Ceglie, Joseph Candeloro  
2001 York Road  
Town of Niagara-on-the-Lake**

---

Regional Development Planning staff has reviewed the information circulated with the application for Official Plan amendment at the above noted address. The subject lands are located within the Queenston Secondary Plan area and are identified as Low Density Residential. The Official Plan amendment proposes to add site-specific provisions to reduce the minimum required lot frontage to 32 metres in order to facilitate future consent applications.

A pre-consultation meeting regarding this proposal was held on August 6, 2020. The application was received on March 30, 2021 and the associated review fees were received April 12, 2021. The following comments are provided from a Regional and Provincial perspective to assist the Town in considering the application.

**Provincial and Regional Policies**

The Provincial Policy Statement (PPS) designates the subject land as within a settlement area, where development is generally concentrated and an appropriate range and mix of land uses is to be provided. A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) identifies the land as within the Delineated Built-up Area. The Regional Official Plan (ROP) designates the property as within the

Urban Area Boundary for Queenston in the Town of Niagara-on-the-Lake, and specifically within the Built Boundary. The Niagara Escarpment Plan identifies the property as located within a Minor Urban Centre and designated as Escarpment Protection Area and Escarpment Natural Area. Regional staff note Town staff should rely on detailed comments from the Niagara Escarpment Commission with respect to Niagara Escarpment Plan policy.

These planning documents together direct development to urban areas and support intensification of land uses where appropriate servicing and infrastructure exist. Both Provincial and Regional policy place emphasis on intensification and infill that support complete communities through a mix of uses that are both active transportation and transit supportive and include high quality public open spaces. The Official Plan amendment facilitate future consent applications that will contribute to the Town's annual residential intensification target of 15% and more efficient use of existing municipal services. Regional staff is satisfied that the proposed amendment aligns with the intent of Provincial and Regional policies for intensification within the settlement area.

## **Archaeology**

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. The subject land is identified as having high archaeological potential based on the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) Criteria for Evaluating Archaeological Potential and the Town of Niagara-on-the-Lake's Archaeological Master Plan.

A Stage 1-2 Archaeological Assessment prepared by Detritus Consulting Ltd., dated October 21, 2020, was submitted with the application. The Stage 2 field assessment was conducted on September 2, 2020 and October 16, 2020 and involved typical test pit survey at 5 metre intervals. Based on the results of the Stage 2 Assessment and the identification of no archaeological resources, the licensed archaeologist recommends no further archaeological assessment of the Study Area.

A copy of the acknowledgment letter from the Ministry, dated November 10, 2020, confirming that report has been entered into the Ontario Public Register of Archaeological Reports in accordance with licensing requirements.

## **Core Natural Heritage**

The subject property is impacted by portions of the Region's Core Natural Heritage System (CNHS), consisting of the Regionally Significant Queenston Escarpment Life Science Area of Natural and Scientific Interest (ANSI), and Significant Woodland. Additionally, the property contains portions of the Provincially Significant Niagara River

Bedrock Gorge Earth Science ANSI. As such, an Environmental Impact Study (EIS) was requested in support of development and/or site alteration proposed on the subject lands.

Regional Environmental Planning staff have reviewed the EIS prepared by Beacon Environmental Limited, dated March 2021, which indicates that a 10 m setback from the woodland edge is appropriate to mitigate potential indirect impacts related to the redevelopment of the property. The EIS recommends that Erosion and Sediment Control (ESC) fencing be established around the construction area and that the woodland buffer be planted with a variety of native plants that are compatible with the adjacent woodland. Staff support the conclusions of the EIS.

The current application is an Official Plan Amendment (OPA) to permit a reduction to the minimum required lot frontage. Staff offer no objection to the application provided the feature and a 10 m buffer are placed into an appropriate environmental designation and/or as part of future consent applications are transferred to a public authority. Staff note that this can be accomplished through required future planning applications (i.e., consent and NEC Development Application) to facilitate the development. As such, more fulsome comments associated with the implementation of EIS recommendations will be provided in Regional comments for those applications.

## **Regional Permit Requirements**

Please be advised that the subject property has frontage along Regional Road 81 (York Road). Region staff acknowledge that the future residential lots would require new access provided from the Regional road. It appears that a number of Regional boulevard trees may need to be removed in order to provide the proposed residential lots with access from Regional Road 81 (York Road). Niagara Region's Policy requires that for every tree removed, two new replacement trees must be provided. If new trees are not to be provided by the owner, the Region will require cash-in-lieu for any removed trees. The current replacement fee for boulevard trees is \$500.00 per tree. The required fee will be determined as part of future development applications and the fee collected through future planning application or the Regional Construction Permit process.

Please note that prior to tree plantings within the Regional Boulevard, the locations of the proposed trees would need to be staked and identified with the type of tree proposed. The plantings are to be completed by the developer at their expense; however, they will be required to contact Jeff Hill, Supervisor Forestry & Road Operations, at 905-227-4633 ext. 2208 or by email: [Jeff.Hill@niagararegion.ca](mailto:Jeff.Hill@niagararegion.ca) to assess the location of the stakes and give final approval prior to planting.

The future Consent applications will need to include drawings identifying the location of the proposed driveway accesses, any existing trees that will be impacted or removed because of the construction as well as the location of new boulevard trees. The applicant should be advised that prior to any construction works or entrance alteration



OPA-21-0018  
April 19, 2021

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taking place within the Regional road allowance, a Regional Construction Encroachment and Entrance Permit would be required. The required Regional Road Permits must be obtained from Niagara Region's Transportation Services Division, Public Works Department. Applications can be made online through the Region's website using the following link.

<http://niagararegion.ca/living/roads/permits/default.aspx>

## Waste Collection

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

- No limit blue/grey boxes- weekly collection;
- No limit green bins- weekly collection; and,
- 2 garbage bags/cans- every-other-week collection.

## Conclusion

Regional Development Services staff offer no objection to the proposed Official Plan amendment to facilitate future consent applications to create new residential lots. The amendment is consistent with the PPS and conforms with Provincial and Regional Plans.

The proposed Official Plan Amendment is exempt from Regional Council approval, in accordance with policies 14.E.6 and 14.E.7 of the ROP and the Memorandum of Understanding.

Should you have any questions concerning the above noted comments please do not hesitate to contact me at 905-980-6000 extension 3518. Please also send notice of Council's decision on this application.

Respectfully,



Lola Emberson, MCIP, RPP  
Senior Planner, Development Services

cc: Mr. Robert Alguire, Development Technician, Niagara Region  
Mr. Adam Boudens, Senior Environmental Planner/Ecologist, Niagara Region

**From:** [Colleen Hutt](#)  
**To:** [Jesse Auspitz](#)  
**Cc:** [Rick Wilson](#)  
**Subject:** FW: Town of Niagara-on-the-Lake - Public Notice  
**Date:** Monday, April 12, 2021 11:36:11 AM  
**Attachments:** [image001.png](#)  
[OPA-02-2021 Notice of Complete Application Electronic OH and PM.pdf](#)

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**Colleen Hutt, Deputy Clerk**

Corporate Services

Town of Niagara-on-the-Lake

905-468-6448 or 905-468-3061 ext 248 Fax: 905-468-2959

1593 Four Mile Creek Road, PO Box 100, Virgil, ON L0S 1T0

Website: [www.notl.org](http://www.notl.org) Facebook: @Town.of.NOTL

Twitter: @Town\_of\_NOTL & @NOTLfiredept



---

**From:** THOMPSON Barbara -CORP RE <barb.thompson@opg.com>

**Sent:** April 12, 2021 11:28 AM

**To:** Colleen Hutt <Colleen.Hutt@notl.com>

**Subject:** FW: Town of Niagara-on-the-Lake - Public Notice

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OPG has no concerns.

---

**From:** Colleen Hutt <[Colleen.Hutt@notl.com](mailto:Colleen.Hutt@notl.com)>

**Sent:** Thursday, April 8, 2021 4:47 PM

**Subject:** Town of Niagara-on-the-Lake - Public Notice

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Please see attached. Thank you.

**Colleen Hutt, Deputy Clerk**

Corporate Services

Town of Niagara-on-the-Lake  
905-468-6448 or 905-468-3061 ext 248 Fax: 905-468-2959  
1593 Four Mile Creek Road, PO Box 100, Virgil, ON L0S 1T0  
Website: [www.notl.org](http://www.notl.org) Facebook: @Town.of.NOTL  
Twitter: @Town\_of\_NOTL & @NOTLfiredept



The Town of Niagara-on-the-Lake remains under a state of emergency. For more information about what this means, as well as additional updates and resources, please visit [notl.com/covid-19](http://notl.com/covid-19).

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**From:** [Tansony, Cheryl \(MNRF\)](#)  
**To:** [Jesse Auspitz](#)  
**Cc:** [Denise Horne](#)  
**Subject:** RE: OPA-02-2021 - 2001 York Road (Application for Official Plan Amendment)  
**Date:** Monday, April 12, 2021 4:50:04 PM  
**Attachments:** [image001.png](#)

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Good afternoon Jesse,

My suggestion would be that the Town provide comments regarding urban design through the NEC Development Permit process when providing comments on the NEC application. We have received the application for the proposed lot creation, which I will be circulating for agency comment shortly. For this application I have asked the applications to include maximum dwelling sizes to establish a building envelope. The Town could provide urban design comments based on the current proposal.

However, recognizing that this application is for the lot creation, a subsequent application would likely be required for the actual construction of the dwellings. At this stage the Town could again provide comments based on the urban design guidelines to ensure that these are considered when reviewing an application for the dwellings.

Let me know if you would like to discuss this further or think a phone call would be beneficial.

Kind regards,

**Cheryl Tansony**, MES (PI)  
 Senior Planner  
 Niagara Escarpment Commission

232 Guelph Street | Georgetown, ON | L7G 4B1

**Tel:** \*NEW\* 905-703-5354 **Website:** [www.escarpment.org](http://www.escarpment.org)

Please let me know if you require communication supports or alternate formats.



**In order to ensure a safe and secure environment for staff and clients and in response to recommendations by health professionals, the NEC offices are closed to the public until further notice. The NEC is continuing to provide services via email and telephone. Updates can be found on our website:** <https://www.escarpment.org/Commission/COVID19>

**From:** Jesse Auspitz <Jesse.Auspitz@notl.com>  
**Sent:** April 8, 2021 10:48 AM  
**To:** Tansony, Cheryl (MNRF) <Cheryl.Tansony@ontario.ca>  
**Cc:** Denise Horne <Denise.Horne@notl.com>  
**Subject:** OPA-02-2021 - 2001 York Road (Application for Official Plan Amendment)

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Good morning,

With respect to the above noted application, one of the policies of the Official Plan is as follows:

*6.32.1 SPECIAL POLICY AREA A-1 (QUEENSTON) - 15.2 Design Review Process The Town already has a design review process in place. This should continue in its current form. All development, building additions and accessory buildings visible from the street should be subject to the Town's Urban Design Committee. The Design Guidelines developed in conjunction with the Secondary Plan for Queenston provide guiding principles that the Town and the Urban Design Committee should follow in their consideration of development proposals, using it as a tool toward preserving and enhancing the quality of built form elements in the Village.*

I was wondering what your thought were with implementing this requirements through the NEC Development Permit process for the new dwellings. The alternative, would be to have a separate development agreement, as a condition of consent.

Thank you,

**From:** Jesse Auspitz

**Sent:** Tuesday, March 30, 2021 2:03 PM

**Subject:** OPA-02-2021 - 2001 York Road (Application for Official Plan Amendment)

Good morning,

The Town of Niagara-on-the-Lake's Department of Community & Development Services has received an application for Official Plan Amendment for lands municipally addressed as 2001 York Road, as per the attached letter.

The application information is available via the following links:

Internal Link:

Z:\0-Planning\1 - OPA\2021\OPA-02-2021 - 2001 York Road\2.0 Application Docs

External Link:

[https://niagaraonthe-lake-my.sharepoint.com/:f/g/personal/jesse\\_auspitz\\_notl\\_com/EsSQ3vdKFFDukROVOWlg80BrDLsrN2mi8Yp8VKKJYzPWw?e=0qpYJ5](https://niagaraonthe-lake-my.sharepoint.com/:f/g/personal/jesse_auspitz_notl_com/EsSQ3vdKFFDukROVOWlg80BrDLsrN2mi8Yp8VKKJYzPWw?e=0qpYJ5)

Please review this material with regard to the applicable plans, policies, legislation and activities of your agency and provide us with your comments by **April 26, 2021**. If you need additional information or reports please let us know and we will advise the applicant of the requests for further information.

Thank you,

**Jesse Auspitz, MCIP, RPP**

Planner II

Phone: 905-468-6451 Fax: 905-468-0301

1593 Four Mile Creek Road, PO Box 100, Virgil ON L0S 1T0

The Town of Niagara-on-the-Lake remains under a state of emergency. For more information about what this means, as well as additional updates and resources, please visit [notl.com/covid-19](https://notl.com/covid-19).

Given the high volume of communications coming in, your patience and understanding are greatly appreciated during this time.

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**From:** [Gordon, Carrie](#)  
**To:** [Jesse Auspitz](#)  
**Subject:** RE: OPA-02-2021 - 2001 York Road (Application for Official Plan Amendment) - 905-21-140  
**Date:** Monday, April 12, 2021 8:52:15 AM

---

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Dear Jesse,

Re: OPA

Subsequent to review of the application at 2001 York Road, Bell Canada's engineering department have determined that there are no concerns or issues.

If you have any questions regarding this response, please do not hesitate to contact me.

Best regards,

*Carrie Gordon*



Associate, External Liaison  
Right of Way Control Centre  
140 Bayfield St, Fl 2  
Barrie ON, L4M 3B1  
T: 705-722-2244/844-857-7942  
F :705-726-4600

---

**From:** Jesse Auspitz <Jesse.Auspitz@notl.com>  
**Sent:** Tuesday, March 30, 2021 2:03 PM  
**Subject:** [EXT]OPA-02-2021 - 2001 York Road (Application for Official Plan Amendment)

Good morning,

The Town of Niagara-on-the-Lake's Department of Community & Development Services has received an application for Official Plan Amendment for lands municipally addressed as 2001 York Road, as per the attached letter.

The application information is available via the following links:

Internal Link:

Z:\0-Planning\1 - OPA\2021\OPA-02-2021 - 2001 York Road\2.0 Application Docs

External Link:

[https://niagaraonthelake-my.sharepoint.com/:f/g/personal/jesse\\_auspitz\\_notl\\_com/EsSQt3vdkFFDukROVOWlg80BrDLsrN2mi8Yp8VKKJYzPWw?e=0qoYJ5](https://niagaraonthelake-my.sharepoint.com/:f/g/personal/jesse_auspitz_notl_com/EsSQt3vdkFFDukROVOWlg80BrDLsrN2mi8Yp8VKKJYzPWw?e=0qoYJ5)

Please review this material with regard to the applicable plans, policies, legislation and activities of your agency and

provide us with your comments by **April 26, 2021**. If you need additional information or reports please let us know and we will advise the applicant of the requests for further information.

Thank you,

Jesse Auspitz, MCIP, RPP

Planner II

Phone: 905-468-6451 Fax: 905-468-0301

1593 Four Mile Creek Road, PO Box 100, Virgil ON L0S 1T0

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**External Email:** Please use caution when opening links and attachments / **Courriel externe:** Soyez prudent avec les liens et documents joints



**From:** [donna@theherringtongroup.ca](mailto:donna@theherringtongroup.ca)  
**To:** [Jesse Auspitz](#)  
**Subject:** RE: OPA-02-2021 - 2001 York Road (Application for Official Plan Amendment)  
**Date:** Wednesday, April 7, 2021 10:46:35 AM  
**Attachments:** [image001.png](#)

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Hi Jesse I have no comments on this application.

Donna Herrington  
 The Herrington Group Ltd  
 53 Greenmeadow Court  
 St. Catharines, ON Canada L2N 6Y7  
 P: (905) 380-4782  
 E: [donna@theherringtongroup.ca](mailto:donna@theherringtongroup.ca)




---

**From:** Jesse Auspitz <[Jesse.Auspitz@notl.com](mailto:Jesse.Auspitz@notl.com)>  
**Sent:** Tuesday, March 30, 2021 2:03 PM  
**Subject:** OPA-02-2021 - 2001 York Road (Application for Official Plan Amendment)

Good morning,

The Town of Niagara-on-the-Lake's Department of Community & Development Services has received an application for Official Plan Amendment for lands municipally addressed as 2001 York Road, as per the attached letter.

The application information is available via the following links:

Internal Link:

Z:\0-Planning\1 - OPA\2021\OPA-02-2021 - 2001 York Road\2.0 Application Docs

External Link:

[https://niagaraonthelake-my.sharepoint.com/:f/g/personal/jesse\\_auspitz\\_notl\\_com/E5SQit3vdkFFDukROVOWIg80BrDLsrN2mi8Yp8VKKJYzPWw?e=0qoYJ5](https://niagaraonthelake-my.sharepoint.com/:f/g/personal/jesse_auspitz_notl_com/E5SQit3vdkFFDukROVOWIg80BrDLsrN2mi8Yp8VKKJYzPWw?e=0qoYJ5)

Please review this material with regard to the applicable plans, policies, legislation and activities of your agency and provide us with your comments by **April 26, 2021**. If

you need additional information or reports please let us know and we will advise the applicant of the requests for further information.

Thank you,

**Jesse Auspitz, MCIP, RPP**

Planner II

Phone: 905-468-6451 Fax: 905-468-0301

1593 Four Mile Creek Road, PO Box 100, Virgil ON L0S 1T0

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**From:** [Municipal Planning](#)  
**To:** [Jesse Auspitz](#)  
**Subject:** RE: OPA-02-2021 - 2001 York Road (Application for Official Plan Amendment)  
**Date:** Wednesday, March 31, 2021 10:35:42 AM

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Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

Please continue to forward all municipal circulations and clearance letter requests electronically to [MunicipalPlanning@Enbridge.com](mailto:MunicipalPlanning@Enbridge.com).

Regards,

**Alice Coleman**  
Municipal Planning Analyst  
**Long Range Distribution Planning**

**ENBRIDGE**

TEL: 416-495-5386 | [MunicipalPlanning@Enbridge.com](mailto:MunicipalPlanning@Enbridge.com)  
500 Consumers Road, North York, Ontario M2J 1P8

[enbridge.com](http://enbridge.com)

**Safety. Integrity. Respect.**

---

**From:** Jesse Auspitz <[Jesse.Auspitz@notl.com](mailto:Jesse.Auspitz@notl.com)>  
**Sent:** Tuesday, March 30, 2021 2:03 PM  
**Subject:** [External] OPA-02-2021 - 2001 York Road (Application for Official Plan Amendment)

**EXTERNAL: PLEASE PROCEED WITH CAUTION.**

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Good morning,

The Town of Niagara-on-the-Lake's Department of Community & Development Services has received an application for Official Plan Amendment for lands municipally addressed as 2001 York Road, as per the attached letter.

The application information is available via the following links:

Internal Link:

Z:\0-Planning\1 - OPA\2021\OPA-02-2021 - 2001 York Road\2.0 Application Docs

External Link:

[https://niagaraonthelake-my.sharepoint.com/:f/g/personal/jesse\\_auspitz\\_notl\\_com/E5SQ3vdkFFDukROVOWIg80BrDLsrN2mi8Yp8VKKJYzPWw?e=0qoYJ5](https://niagaraonthelake-my.sharepoint.com/:f/g/personal/jesse_auspitz_notl_com/E5SQ3vdkFFDukROVOWIg80BrDLsrN2mi8Yp8VKKJYzPWw?e=0qoYJ5)

Please review this material with regard to the applicable plans, policies, legislation and activities of your agency and provide us with your comments by **April 26, 2021**. If you need additional information or reports please let us know and we will advise the applicant of the requests for further information.

Thank you,

**Jesse Auspitz, MCIP, RPP**

Planner II

Phone: 905-468-6451 Fax: 905-468-0301

1593 Four Mile Creek Road, PO Box 100, Virgil ON L0S 1T0

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**From:** [Jesse Auspitz](#)  
**To:** ["jcalver@cogeco.ca"](mailto:jcalver@cogeco.ca)  
**Bcc:** ["Cheryl.Tansony@ontario.ca"](#); ["William Heikoop"](#)  
**Subject:** 2021-04-09 - Jane Calver (OPA-02-2021 - 2001 York Road)  
**Date:** Friday, April 9, 2021 10:50:43 AM  
**Attachments:** [image001.png](#)

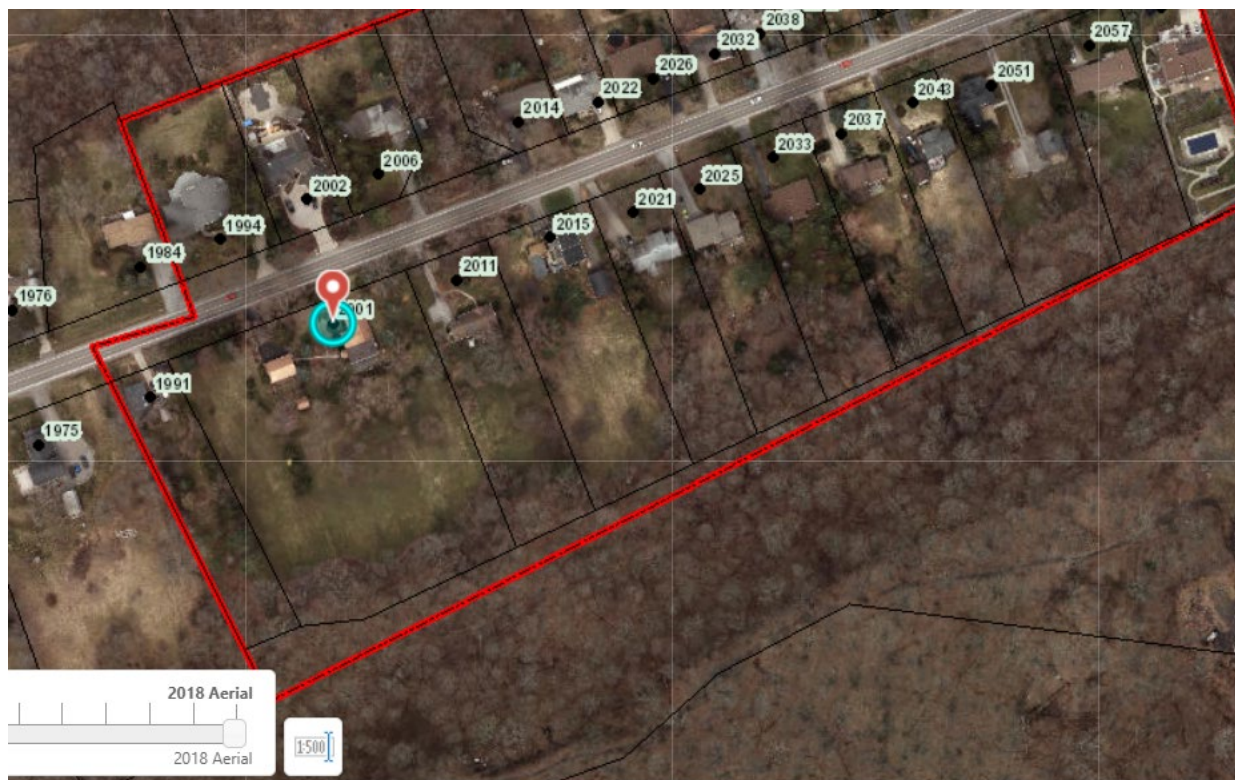
Good morning,

Thank you for your comments. I will forward them to the applicant. As noted by Craig, the application and public notice are available on the following website: <https://www.notl.org/content/public-notice-under-planning-act>

While a decision or recommendation has not yet been made on the application, 2001 York Road, does appear to be over-sized when considering the surrounding context (see map below).

The Niagara Escarpment Commission would be responsible for issuing a development permit for any new dwellings on the lot. I will forward your comments to them as well, perhaps they can comment on the setback from York Road.

Please let me know if you have further questions.



Ni

-----Original Message-----

**From:** Craig Larmour <[Craig.Larmour@notl.com](mailto:Craig.Larmour@notl.com)>  
**Sent:** Friday, April 9, 2021 10:28 AM  
**To:** Jane Calver <[jcalver@cogeco.ca](mailto:jcalver@cogeco.ca)>  
**Cc:** Jesse Auspitz <[Jesse.Auspitz@notl.com](mailto:Jesse.Auspitz@notl.com)>  
**Subject:** RE: Regarding Property at 2001 York Road ...corrected draft!

Hello Ms Calver,

Thank you for the taking the time to submit your comments.

I have included Jesse Auspitz in cc to this message as he is the planner responsible for this matter.

If you wish to gain access to the Public Notice and additional details, you may find more information on the Town's website at, <https://www.notl.org/content/public-notice-under-planning-act>

Regards,

Craig Larmour, BA, MCIP, RPP  
 Director of Community & Development Services Town of Niagara-on-the-Lake  
 1593 Four Mile Creek Road  
 P.O. Box 100, Virgil, Ontario L0S 1T0  
 905-468-3061 ext. 243 Fax: 905-468-0301  
 Website: [www.notl.org](http://www.notl.org) Facebook: @Town.of.NOTL  
 Twitter: @Town.of.NOTL & @NOTLfiredept

-----Original Message-----

From: Jane Calver <[jcalver@cogeco.ca](mailto:jcalver@cogeco.ca)>  
 Sent: Thursday, April 8, 2021 5:58 PM  
 To: Craig Larmour <[Craig.Larmour@notl.com](mailto:Craig.Larmour@notl.com)>  
 Subject: Regarding Property at 2001 York Road ...corrected draft!

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Department of Community and Development:

A notice was posted today regarding an online Open House addressing a variance to allow the building of three detached homes on the large lot. The applied for frontage of the lots would be 32 meters or approximately 105 feet. Most homes along the road are on wider lots excluding the adjacent home to be built on the western side of the property. I would like to address this before the online meeting.

About 10 years ago, the former owner, Mr. Ted Dimitroff, applied to sever a one acre lot to gift to his son. The idea was so that family could be closer and supportive as the Dimitroffs aged. The Escarpment Commission, in their infinite wisdom, refused the severance. The reason being that they were afraid the senior Dimitroff would opt to subdivide the remaining lot.

I understand the zeal to build more and more homes in our significantly ever changing town. Certainly these will not be the affordable homes, mandated to be built in Niagara-on-the-Lake by the Ontario Government. Are there any? They will have to be large homes, costing well over a million dollars, to justify the expense of the property, the demolition of the current residence, the servicing and the construction. The new regulations for setback from the road will place these homes further back from the neighbouring residences, destroying the privacy these residents have enjoyed for years. My home, which is east of the said property, has had a side setback from the adjacent homes of over fifty feet, including in part, my lot. I am especially concerned regarding these two aspects of the build.

Then, there will be the effect of the increased hardscape and the size of the footprint of the new homes on the drainage for the water coming over the escarpment. It is an ever evolving force of nature and the new build cannot be allowed to have an adverse affect on any neighbouring properties. The property at 2001 York has wet spots that exist even in the driest seasons. The issue needs a lot of forethought. The soil is considered ravine till and does not drain well. So, this needs to be addressed. I have, in the past, used my tractor to pull Ted and his tractor and the young man currently cutting the property with his tractor, out of the ooze.

I do support the natural concern for the property close to the escarpment. At one time, both my property and the Dimitroff's were farmed to some extent. Both properties extend several metres into the wooded area on the escarpment, as determined by the property stakes. The Niagara Parks own the rest.

I have no objection to the three new homes as long as they are built with consideration for the continuing privacy and the ability of the neighbours to enjoy the natural surroundings that led them to invest in their properties. I have enjoyed my home for 38 years and hope to do so as long as I am able to care for it. I feel privileged to be its steward.

Not so enamoured with the town of Niagara on the Lake anymore though. It is losing its charm! It is not expanding judiciously.

Sincerely, Jane Calver  
 2011 York Road, RR#1 NOTL.

Sent from my iPad

**From:** [Jesse Auspitz](#)  
**To:** ["Lou Fedorkow"](#)  
**Subject:** OPA-02-2021 - 2001 York Rd  
**Date:** Monday, April 12, 2021 2:22:18 PM

---

Good afternoon,

Please refer to Section 1.2 of the Planning Impact Analysis. Are these intended to be comments for Council's consideration of the application as well?

<https://notl.civicweb.net/document/19301>

Best regards,

---

**From:** Lou Fedorkow <lfedorkow@gmail.com>  
**Sent:** Monday, April 12, 2021 1:17 PM  
**To:** jauspitz@notl.org  
**Subject:** 2001 York Rd

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Very disappointed this is to be chopped up into 3 lots. The previous owner applied to divide off one, one-acre lot for his son many years ago, and was denied, but it seems objections don't go anywhere on York Rd. anymore!

If I understood the notice, I saw something to like in the mention that a portion of the rear of each property was to be returned to the escarpment (and appropriately planted?). Whether I am right about that, I would greatly appreciate more information about the wording that seemed to allude to that.

Thank you for considering my comment and request.

Lou Fedorkow



**From:** [Tansony, Cheryl \(MNRF\)](#)  
**To:** [jcalver@cogeco.ca](mailto:jcalver@cogeco.ca)  
**Cc:** [Jesse Auspitz](#)  
**Subject:** RE: 2021-04-09 - Jane Calver (OPA-02-2021 - 2001 York Road)  
**Date:** Monday, April 12, 2021 5:05:22 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Good afternoon Ms. Calver,

The proposed lot creation and construction of the new dwellings will require Development Permits from the Niagara Escarpment Commission. We have received an application for the proposed lots, which is under review and no decision has been made.

Through this application, we will be assessing whether there is a suitable building envelope on each property and working with the Town to ensure that the proposed dwellings maintain adequate setbacks to the lot lines and that all policies are satisfied.

Kind regards,

**Cheryl Tansony**, MES (PI)  
*Senior Planner*  
 Niagara Escarpment Commission

232 Guelph Street | Georgetown, ON | L7G 4B1

**Tel:** \*NEW\* 905-703-5354 **Website:** [www.escarpment.org](http://www.escarpment.org)

Please let me know if you require communication supports or alternate formats.



**In order to ensure a safe and secure environment for staff and clients and in response to recommendations by health professionals, the NEC offices are closed to the public until further notice. The NEC is continuing to provide services via email and telephone. Updates can be found on our website: <https://www.escarpment.org/Commission/COVID19>**

**From:** Jesse Auspitz <[Jesse.Auspitz@notl.com](mailto:Jesse.Auspitz@notl.com)>  
**Sent:** April 9, 2021 10:51 AM  
**To:** 'jcalver@cogeco.ca' <[jcalver@cogeco.ca](mailto:jcalver@cogeco.ca)>  
**Subject:** 2021-04-09 - Jane Calver (OPA-02-2021 - 2001 York Road)

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Good morning,

Thank you for your comments. I will forward them to the applicant. As noted by Craig, the application and public notice are available on the following website: <https://www.notl.org/content/public-notice-under-planning-act>

While a decision or recommendation has not yet been made on the application, 2001 York Road, does appear to be over-sized when considering the surrounding context (see map below).

The Niagara Escarpment Commission would be responsible for issuing a development permit for any new dwellings on the lot. I will forward your comments to them as well, perhaps they can comment on the setback from York Road.

Please let me know if you have further questions.



Ni

-----Original Message-----

From: Craig Larmour <[Craig.Larmour@notl.com](mailto:Craig.Larmour@notl.com)>

Sent: Friday, April 9, 2021 10:28 AM

To: Jane Calver <[jcalver@cogeco.ca](mailto:jcalver@cogeco.ca)>

Cc: Jesse Auspitz <[Jesse.Auspitz@notl.com](mailto:Jesse.Auspitz@notl.com)>

Subject: RE: Regarding Property at 2001 York Road ...corrected draft!

Hello Ms Calver,

Thank you for the taking the time to submit your comments.

I have included Jesse Auspitz in cc to this message as he is the planner responsible for this matter.

If you wish to gain access to the Public Notice and additional details, you may find more information on the Town's website at, <https://www.notl.org/content/public-notice-under-planning-act>

Regards,

Craig Larmour, BA, MCIP, RPP  
 Director of Community & Development Services Town of Niagara-on-the-Lake  
 1593 Four Mile Creek Road  
 P.O. Box 100, Virgil, Ontario L0S 1T0  
 905-468-3061 ext. 243 Fax: 905-468-0301  
 Website: [www.notl.org](http://www.notl.org) Facebook: @Town.of.NOTL  
 Twitter: @Town.of.NOTL & @NOTLfiredept

-----Original Message-----

From: Jane Calver <[jcalver@cogeco.ca](mailto:jcalver@cogeco.ca)>

Sent: Thursday, April 8, 2021 5:58 PM

To: Craig Larmour <[Craig.Larmour@notl.com](mailto:Craig.Larmour@notl.com)>

Subject: Regarding Property at 2001 York Road ...corrected draft!

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 know that the content is safe. If unsure, forward the email to IT to validate.

Department of Community and Development:

A notice was posted today regarding an online Open House addressing a variance to allow the building of three detached homes on the large lot. The applied for frontage of the lots would be 32 meters or approximately 105 feet. Most homes along the road are on wider lots excluding the adjacent home to be built on the western side of the property. I would like to address this before the online meeting.

About 10 years ago, the former owner, Mr. Ted Dimitroff, applied to sever a one acre lot to gift to his son. The idea was so that family could be closer and supportive as the Dimitroffs aged. The Escarpment Commission, in their infinite wisdom, refused the severance. The reason being that they were afraid the senior Dimitroff would opt to subdivide the remaining lot.

I understand the zeal to build more and more homes in our significantly ever changing town. Certainly these will not be the affordable homes, mandated to be built in Niagara-on-the-Lake by the Ontario Government. Are there any? They will have to be large homes, costing well over a million dollars, to justify the expense of the property, the demolition of the current residence, the servicing and the construction. The new regulations for setback from the road will place these homes further back from the neighbouring residences, destroying the privacy these residents have enjoyed for years. My home, which is east of the said property, has had a side setback from the adjacent homes of over fifty feet, including in part, my lot. I am especially concerned regarding these two aspects of the build.

Then, there will be the effect of the increased hardscape and the size of the footprint of the new homes on the drainage for the water coming over the escarpment. It is an ever evolving force of nature and the new build cannot be allowed to have an adverse affect on any neighbouring properties. The property at 2001 York has wet spots that exist even in the driest seasons. The issue needs a lot of forethought. The soil is considered ravine till and does not drain well. So, this needs to be addressed. I have, in the past, used my tractor to pull Ted and his tractor and the young man currently cutting the property with his tractor, out of the ooze.

I do support the natural concern for the property close to the escarpment. At one time, both my property and the Dimitroff's were farmed to some extent. Both properties extend several metres into the wooded area on the escarpment, as determined by the property stakes. The Niagara Parks own the rest.

I have no objection to the three new homes as long as they are built with consideration for the continuing privacy and the ability of the neighbours to enjoy the natural surroundings that led them to invest in their properties. I have enjoyed my home for 38 years and hope to do so as long as I am able to care for it. I feel privileged to be its steward.

Not so enamoured with the town of Niagara on the Lake anymore though. It is losing its charm! It is not expanding judiciously.

Sincerely, Jane Calver  
2011 York Road, RR#1 NOTL

Sent from my iPad

The Town of Niagara-on-the-Lake remains under a state of emergency. For more information about what this means, as well as additional updates and resources, please visit [notl.com/covid-19](https://notl.com/covid-19).

Given the high volume of communications coming in, your patience and understanding are greatly appreciated during this time.

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**From:** [Jesse Auspitz](#)  
**To:** ["Jane Calver"](#)  
**Bcc:** ["William Heikoop"](#); ["Ethan Laman"](#)  
**Subject:** RE: Thank you !  
**Date:** Tuesday, April 13, 2021 8:44:46 AM

---

Thank you,

I will hold onto your comments. As comments received on applications are public, I have also forwarded them to the applicant.

Best regards,

-----Original Message-----

From: Jane Calver <jcalver@cogeco.ca>  
Sent: Monday, April 12, 2021 5:58 PM  
To: Jesse Auspitz <Jesse.Auspitz@notl.com>  
Subject: Thank you !

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 know that the content is safe. If unsure, forward the email to IT to validate.

I received your email to say that an application for development has been received for 2001 York Road, Niagara-on-the-Lake. I have seen the footprints for the lots.

My concern is basically regarding the setbacks. That would be the side setback from my property for the house built on the east side, adjacent to mine and the footprint of the house as regards to its depth, compared to the current homes. This is most certainly a privacy issue.

Also, there has always been a drainage problem with several significant wet spots on the property that never seem to dry up. I want to ensure that any drainage work does not impact adversely on my property.

I am interested to see how you view this application after the decision the NEC made several years ago. The owner, at that time, asked to sever off an acre for his son. His application was denied for fear of further development possibilities.

Keep me informed please. Jane Calver

2011 York Road, RR#1 NOTL Sent from my iPad









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Thank you for your comments. For your information, the application with regard to the property is available on the Town website.

Included with the application is an Environmental Impact Study. Ecological matters, including trees, will be considered as part of the review process.

Best regards,

**From:** Mike Allen <mr\_alen007@hotmail.com>  
**Sent:** Thursday, April 15, 2021 7:47 AM  
**To:** Jason Bumpitt <jason.bumpitt@nail.com>; Peter Tiedt <peter.tiedt@nail.com>  
**Subject:** File No. CPA-02-2021

We recently received a letter informing us of the development of the current 2000 York road property. We live on 2006 York road and have several concerns.

During the last construction end door to us experienced several issues.

1. Construction workers parking to front of our mail box and adjacent to our driveway. Mail was not able to be delivered.
2. Construction workers did not follow property health and safety protocols, in dirty cutting carcinogenic







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Hi!s again Gentlemen,  
Today I noticed that the house down from the property we were discussing, that was a large amount of dirty water running down the ditch straight into our catch basin.  
Now this is only one property currently under construction, I wonder how another 3 developments will be like.  
Thank you.







**From:** [Walter Klassen](mailto:Walter.Klassen@ind8.com)  
**To:** [Steve Auspieth](mailto:Steve.Auspieth@ind8.com)  
**Subject:** Re: 1903 Four Mile Creek Road  
**Date:** Monday, April 23, 2012 10:28 AM

Steve,

I'll have an inspector go out to the construction site to see what is going on there and to see what can be done to mitigate to amount of runoff from the site.

With regards to the future development of the three new lots, I'm not sure that would be for Building department to comment on. Perhaps all fencing could be implemented through the approval process, but that is not something typically required by CBC nor requested by the Building department.

Thank you,

**Walter Klassen, CET, CBCO**  
**Deputy Chief Building Official**  
**Phone: Office – (908) 488-3265 ext. 283, Direct – (908) 488-6478**  
**1903 Four Mile Creek Road, PO Box 108, Virgil, OH 43081-1108**  
**[Walter.Klassen@ind8.com](mailto:Walter.Klassen@ind8.com)**

---

**From:** Steve Auspieth [Steve.Auspieth@ind8.com](mailto:Steve.Auspieth@ind8.com)  
**Sent:** April 23, 2012 8:45 AM  
**To:** Walter Klassen <[Walter.Klassen@ind8.com](mailto:Walter.Klassen@ind8.com)>; Brett Buck <[buckb@ind8.com](mailto:buckb@ind8.com)>  
**Subject:** RE: 1903 Four Mile, CPA-02-2012

Wey,

We received this, with respect to a Planning Application. Could you please comment on the residents concern.

Thank you,

---

**From:** Mike Allen <[mikeallen@ind8.com](mailto:mikeallen@ind8.com)>  
**Sent:** Monday, April 19, 2012 2:56 PM  
**To:** Walter Klassen <[Walter.Klassen@ind8.com](mailto:Walter.Klassen@ind8.com)>  
**Cc:** Steve Auspieth <[Steve.Auspieth@ind8.com](mailto:Steve.Auspieth@ind8.com)>  
**Subject:** Re: 1903 Four Mile, CPA-02-2012

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Hello again Gentlemen,

Today I noticed that the house down from the property we were discussing, that was a large amount of dirty water running down the ditch straight into our catch basin.

Now this is only one property currently under construction, I wonder how another 3 developments will be like.

Thank you,









sent from my iPad

On Apr 15, 2023, at 10:23 AM, Peter Todd <[petertodd@cityofva.org](mailto:petertodd@cityofva.org)> wrote:

Hello Mr. Allen,

Thank you for your comments. I saw you have signed the planner on the file and he will consider your comments in preparation of a staff report. Would you like me to include these comments in Council's public information package next week?

**Peter Todd**  
Town Clerk  
950-486-3011 ext 228 Fax 950-486-3009  
1553 Four Mile Creek Road, PO Box 900, Virgil, ON L0B 1T0  
Website: [www.cityofva.org](http://www.cityofva.org) Facebook: @CityofVA7L

From: Mike Allen <[mike.allen@cityofva.org](mailto:mike.allen@cityofva.org)>

Sent: April 15, 2023 7:40 AM

To: Peter Todd <[petertodd@cityofva.org](mailto:petertodd@cityofva.org)>; Peter Todd <[petertodd@cityofva.org](mailto:petertodd@cityofva.org)>

Subject: File No. CFA-02-2023



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Hi! My Name is  
We recently received a letter informing us of the development of the current 2025 York road property.  
We live on 2025 York road and have several concerns.  
During the last construction road closure to us we experienced several issues.  
1. Construction workers parking in front of our mail box and adjacent to our driveway. Mail was not able to be delivered and when exiting our driveway, visibility was limited in such a way that it was extremely dangerous to exit our  
2. Construction workers did not follow property health and safety protocols, ie. dry cutting earthenware materials.  
3. There are some large growth trees that we should not be cut down as in the next three days. When we cannot live and will have to be replaced when cut?  
4. There is currently an abundant wild life living in this area, deer, turkeys etc. What is the plan to reduce the impact on local wildlife?  
5. What will the impact on drainage as we currently experience issues with our water run off from the road/patch basin constantly needs to be cleared out by road even though it's on town property.  
conrad@niagara.on.ca  
conrad@niagara.on.ca  
conrad@niagara.on.ca  
conrad@niagara.on.ca

Thank you for your consideration in this matter.  
Sincerely,  
Michael and Elizabeth Allen  
2025 York road.

Sent from my iPad

The Town of Niagara-on-the-Lake remains under a state of emergency. For more information about what this means, as well as additional updates and resources, please visit [www.niagara.on.ca](http://www.niagara.on.ca)

Given the high volume of communications coming in, your patience and understanding are greatly appreciated during this time.

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**From:** [Jane Calver](#)  
**To:** [Jesse Auspitz](#)  
**Subject:** Re: OPA-02-2021 - 2001 York Road  
**Date:** Tuesday, April 27, 2021 4:20:18 PM

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Thanks Jesse,

Unless one lives on the escarpment, it is hard to envision the problems that water run off creates. A berm on our property, used to divert the flow to ditches along the sides, totally disappeared over time. Needless to say, it is still a pleasure to live on a property along the escarpment. J.

Sent from my iPad

On Apr 27, 2021, at 3:10 PM, Jesse Auspitz <[Jesse.Auspitz@notl.com](mailto:Jesse.Auspitz@notl.com)> wrote:

I am not an expert on Drainage; however, I have asked the Town's Environmental Services Department.

---

**From:** Jane Calver <[jcalver@cogeco.ca](mailto:jcalver@cogeco.ca)>  
**Sent:** Tuesday, April 27, 2021 3:08 PM  
**To:** Jesse Auspitz <[Jesse.Auspitz@notl.com](mailto:Jesse.Auspitz@notl.com)>  
**Subject:** Re: OPA-02-2021 - 2001 York Road

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Thanks again for reminding me about the meeting. As you had passed my concerns to the applicant, it may not be necessary for me to speak. I will certainly be watching.

My concern regarding drainage has come to be enhanced. At the property to the west of 2001....possibly 1991, they were digging and installing a drainage system and suddenly there was a deluge, a slurry of muddy water from the property to the ditches of the adjacent properties and those across the road. They created straw berms to control it and dispatched a huge tank truck that seemed for at least two or three days to be vacuuming the sludge from the ditches and the culverts. They are still working on the drainage on this 70 foot property.

Are the properties along York allowed to discharge their tile drains into the ditches? I was informed by the Region, when I had to do a repair to mine, that we are not allowed to drain into the ditches. The ditches according to the foreman are only for surface run off. Evidently my property was grandfathered as it was built prior to the Region. So, do new builds have to incorporate their own catchment system?

Perhaps you could approach this issue for me. It would be nice to encourage the Region to maintain these ditches as well.

Sincerely, Jane Calver

Sent from my iPad

On Apr 27, 2021, at 11:09 AM, Jesse Auspitz <[Jesse.Auspitz@notl.com](mailto:Jesse.Auspitz@notl.com)> wrote:

Good morning,

I am sending this email because you have expressed an interest in the Planning Application for OPA-02-2021 for 2001 York Road. As you are aware, there is an Open House tomorrow with respect to the application at 5:00 pm.

The following is information to participate in the Open House meeting tomorrow.

The following link would allow you to participate online via Microsoft Teams:

[Click here to join the meeting](#)

You may also call into the meeting as follows:

[+1 647-749-7500](tel:+16477497500), 548201115# Canada, Toronto  
Phone Conference ID: 548 201 115#

Contact me if you have any questions.

**Jesse Auspitz, MCIP, RPP**

Planner II

Phone: 905-468-6451 Fax: 905-468-0301

1593 Four Mile Creek Road, PO Box 100, Virgil ON L0S 1T0

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**From:** [Jesse Auspitz](#)  
**To:** ["Barbara Crivellerpingue"](#)  
**Subject:** RE: Open house registration for 2001 York rd  
**Date:** Wednesday, April 28, 2021 11:27:24 AM

---

Good morning,

As requested, the following is information to participate in the Open House for 2001 York Road today at 5:00 pm.

The following link would allow you to participate online via Microsoft Teams:

[Click here to join the meeting](#)

You may also call into the meeting as follows:

[+1 647-749-7500,,548201115#](#) Canada, Toronto  
Phone Conference ID: 548 201 115#

Contact me if you have any questions.

Best regards,

Jesse

-----Original Message-----

From: Barbara Crivellerpingue <barbaracriveller@gmail.com>  
Sent: Wednesday, April 28, 2021 10:45 AM  
To: Jesse Auspitz <Jesse.Auspitz@notl.com>  
Subject: Open house registration for 2001 York rd

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Hi there

I would like to be able to participate/ listen in at the 2001 York rd open house this evening at 5. Please forward me the necessary link. Thank you in advance.

Barbara Criveller  
1975 York rd  
NOTL. ON

Sent from my iPhone