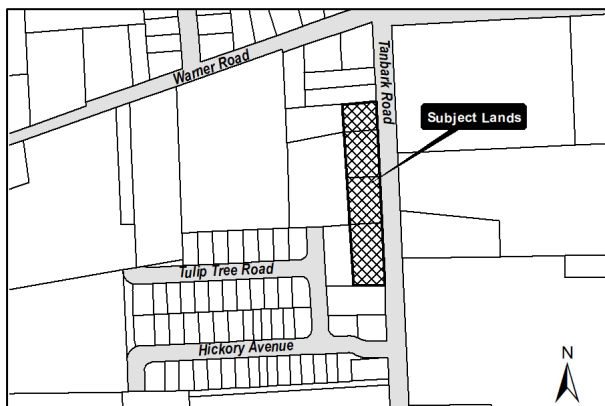


NOTICE OF DECISION



What:	Notice of Decision for an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision (under Section 22, Section 34 and Section 51, respectively, of the <i>Planning Act, R.S.O. 1990, c. P.13</i> , as amended).
When:	Approved at the January 30, 2024 Council Meeting
Regarding:	Tawny Ridge Estates (Phase 1) Draft Plan of Subdivision (File 26T-18-22-02) Official Plan Amendment 87 - By-law 2024-006 (File OPA-03-2022) Zoning By-law Amendment - By-law 4316FC-24 (File ZBA-12-2022) 170-192 Tanbark Road, Niagara-on-the-Lake

What is this?



Town Council for Niagara-on-the-Lake has considered written and oral submissions and made the following decisions on applications for an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision on the subject lands (see the location map):

Official Plan Amendment 87 - Approved
The Amendment provides a site-specific “Low Density Residential (EX-RES-11)” designation to permit a maximum net residential density of 7.64 units/acre (18.87 units/hectare) for the subdivision development.

Zoning By-law 4316FC-24 - Approved

The By-law provides a “Residential (R2-39) Site-Specific Zone” to facilitate the subdivision development with provisions for lot coverage, building setbacks, building height and projection of porches, decks and patios.

Tawny Ridge Estates (Phase 1) Draft Plan of Subdivision 26T-18-22-02 - Approved

The Draft Plan of Subdivision proposes 12 lots for single-detached dwellings with access onto Tanbark Road. A pedestrian walkway is also proposed in the plan. The Draft Plan and Conditions of Approval are attached to this Notice.



The last date for filing a notice of appeal is February 28, 2024.

A notice of appeal:

- i. must be filed with the Town Clerk;
- ii. must set out the reasons for the appeal; and
- iii. must be accompanied by the fee required by the Ontario Land Tribunal.

Please refer to the Ontario Land Tribunal website at olt.gov.on.ca for more information.

**Further notice and appeal eligibility:**

Only individuals, corporations or public bodies may appeal decisions in respect of a proposed Official Plan Amendment, Zoning By-law Amendment and/or Draft Plan of Subdivision to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

Any of the Conditions of Approval may be appealed at any time before final approval of the plan of subdivision by the applicant, public body, the Minister and the Town by filing a notice of appeal with the Town Clerk.

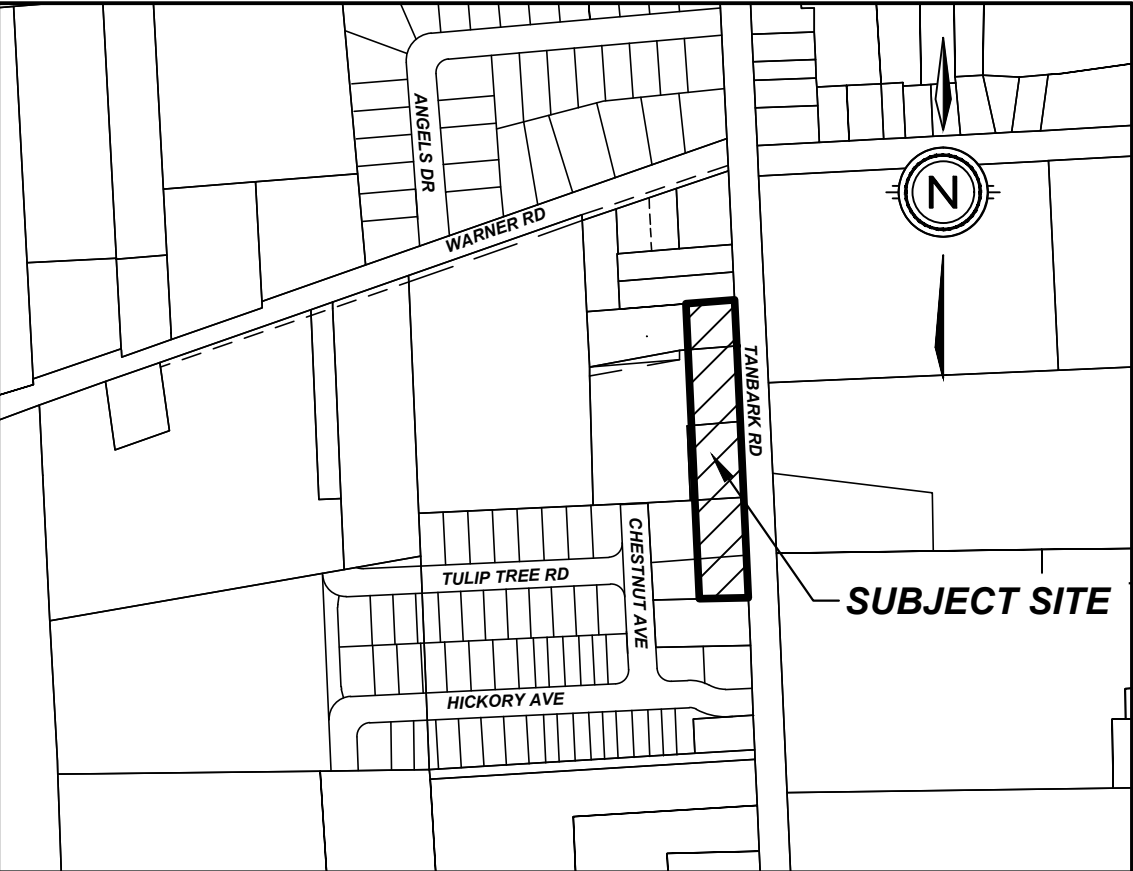
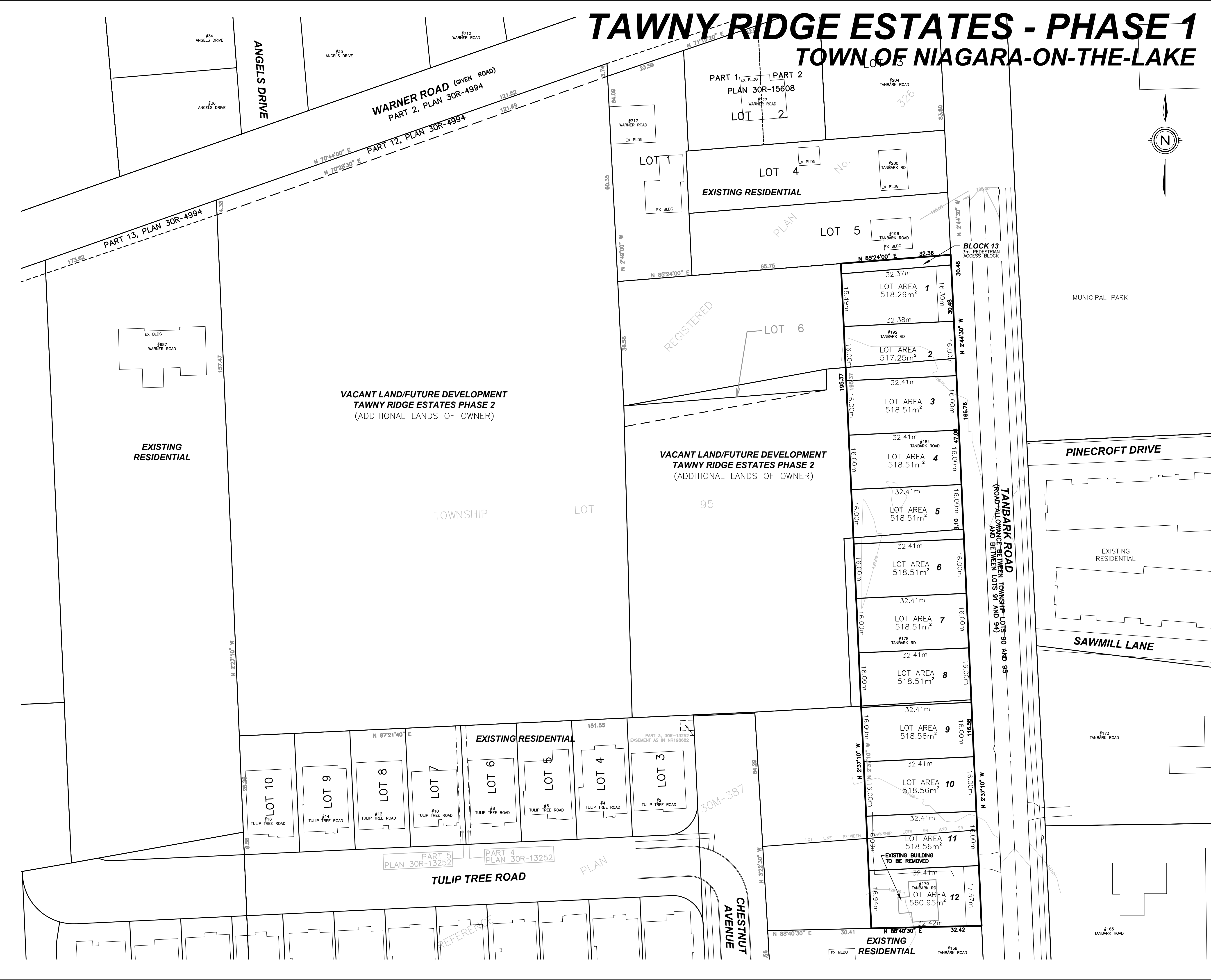
You will be entitled to receive notice of any changes to the conditions of approval of the proposed plan of subdivision if you have made a written request to be notified of changes.

No person or public body shall be added as a party to the hearing of the appeal of the decision of Town Council, including conditions and any changed conditions, unless the person or public body, before Town Council made its decision, made oral submissions at a public meeting or written submissions to Town Council, or made a written request to be notified of changes to conditions, or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

Dated at the Town of Niagara-on-the-Lake, **February 8, 2024**

Grant Bivol, Town Clerk (clerks@notl.com or 905-468-3266)

Town Hall, 1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON L0S 1T0



KEY PLAN
N.T.S.

DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION
PART OF LOTS 94 AND 95
GEOGRAPHIC TOWNSHIP OF NIAGARA
AND PART OF LOT 6, PLAN 326
IN THE TOWN OF NIAGARA-ON-THE-LAKE
REGIONAL MUNICIPALITY OF NIAGARA

OWNER'S CERTIFICATE
BEING THE REGISTERED OWNER, I HEREBY AUTHORIZE UPPER CANADA CONSULTANTS TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE TOWN OF NIAGARA-ON-THE-LAKE FOR APPROVAL.
FEBRUARY 4, 2022
VAUGHN GIBBONS (ST. DAVIDS RIVERVIEW ESTATES INC.) DATE


SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED ARE CORRECTLY SHOWN.
J.D. BARNES LTD.
FILE 21-16-2612
DATE July 11, 2023

REQUIREMENTS OF SECTION 51(17)
OF THE PLANNING ACT

- a) SEE PLAN
- b) SEE PLAN
- c) SEE PLAN
- d) SEE PLAN
- e) SEE PLAN
- f) SEE PLAN
- g) SEE PLAN
- h) MUNICIPAL WATER
- i) SILTY SAND
- j) SEE PLAN
- k) FULL SERVICE
- l) SEE PLAN

LAND USE		LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
SINGLE FAMILY RESIDENTIAL		LOT 1-12	12	0.626	98.43
3m PEDESTRIAN ACCESS		BLOCK 13		0.010	1.57
TOTAL			12	0.636	100.00
NET DEVELOPABLE AREA = 0.63ha (TOTAL LESS PEDESTRIAN ACCESS) NET DEVELOPABLE DENSITY = 19.05 units/ha					

#	REVISION	DATE	INIT
1	REVISED PER TOWN'S COMMENTS	2023-07-07	M.K
0	ISSUED FOR APPROVAL	2022-05-24	M.K
#	REVISION	DATE	INIT

**UPPER CANADA CONSULTANTS**
ENGINEERS / PLANNERS

DRAWING TITLE
DRAFT PLAN OF SUBDIVISION (PHASE 1)

DRAFTING MK
DATE NOVEMBER 19, 2021
PRINTED JULY 11, 2023
SCALE 1:500
DWG No. **21178-DP** REV **1**

File: 26T-18-22-02
Draft Approval Date: _____
Lapse Date: _____

Town of Niagara-on-the-Lake
Conditions of Draft Plan Approval

The conditions of draft plan approval and registration of “Tawny Ridge Estates Phase 1” Subdivision, File 26T-18-22-02 are as follows:

1. That approval applies to the “Tawny Ridge Estates Phase 1” Draft Plan of Subdivision, being Part of Township Lots 94 & 95 Niagara, and Part of Lot 6, Plan 326, Town of Niagara-on-the-Lake, Regional Municipality of Niagara, prepared by Upper Canada Consultants, dated July 11, 2023, showing 12 lots for single-detached dwellings and Block 13 for pedestrian access.
2. That the owner enters into one or more agreements with the Town of Niagara-on-the-Lake (the “Town”) agreeing to satisfy all requirements, financial and otherwise, of the Town including the provision of services, roads, signage, grading, drainage, trees, sediment and erosion control, streetlighting, and sidewalks. The agreement shall also specifically prohibit development on the lands, save and except for model homes (as permitted by Town policy), until such time as grading and services are adequately provided, to the satisfaction of the Town.
3. That if final approval is not given to this plan within three (3) years of the draft approval date and an extension has not been granted, draft approval shall lapse. If the owner wishes to extend the draft approval, a complete application form and written explanation of the request must be received by the Town prior to the lapsing date.
4. That the subdivision agreement between the owner and the Town with regard to the subject lands be registered by the Town against the lands to which it applies, pursuant to the provisions of the *Planning Act*.
5. That the owner provides an undertaking to the Town agreeing that a properly executed copy of the transfer of the lands to the municipality will be deposited to the Clerk concurrently with the registration of the final plan of subdivision.
6. That the owner agrees in the subdivision agreement that any outstanding taxes will be paid prior to the registration of the final plan of subdivision.
7. That the owner receives final approval to an Official Plan Amendment and a Zoning By-law Amendment to provide land use regulations for the development of the land in accordance with the Draft Plan of Subdivision.
8. That the owner agrees in the subdivision agreement that, prior to the issuance of a building permit, each dwelling within the subdivision will be subject to the review and

approval of the Director of Community and Development Services respecting urban design considerations in accordance with the St. Davids Urban Design Guidelines.

9. That the owner provides a preliminary 30M plan and a letter to the Director of Community and Development Services stating how all conditions of draft plan approval have been satisfied at the time of request for condition clearance.
10. That the owner pays 5% cash-in-lieu of parkland dedication to the Town pursuant to the provisions of the *Planning Act* based on the total value of the subject lands as determined by an appraisal prepared by a qualified person and approved by the Town. All costs associated with obtaining an appraisal are the responsibility of the owner.
11. That the owner transfer Block 13 (pedestrian access) to the Town, construct a 1.5-metre-wide sidewalk within the block and install 1.8 metre high black vinyl-coated chain-link fencing along the north and south limits of the block (reduced to 1.2 metre high fencing within the 6 metre front yard setback to Tanbark Road). Block 13 may be shifted to the south, if necessary, to align with the required Tanbark Road crosswalk location to be approved by Town Staff.
12. That the detailed design drawings with calculations for the watermain system, the sanitary sewer system and the stormwater drainage system required to service this proposal be submitted to the Town's Operations Department and the Fire and Emergency Services Department for review and approval.
13. That the owner provides the cost estimates of all on-site and off-site works, as well as the number of working days required to complete the proposed works, to establish the appropriate security deposits to be identified in the subdivision agreement.
14. That the owner provides a cash payment contribution to the Town for the oversized stormwater management infrastructure previously installed as part of the Vineyard Creek Estates subdivision (30M-355). The cost sharing contribution for these works will be based on area runoff (AR) calculations outlined in Schedule 'G' of the subdivision agreement for that plan (By-law 3979-05) and the actual cost of the works and land values.
15. That the owner decommission all existing services, laterals and any other components associated with current and past structures on the subject lands that are connected to Town infrastructure and that all connections be capped at the respective main/sewer.
16. That the owner agrees that prior to the assumption of the subdivision by the Town, that the storm sewers, including catch basins, will be flushed and TV inspected. This requirement shall also be included as a clause in the subdivision agreement.
17. That the owner resurface the full width of Tanbark Road to the Town's satisfaction along the entire frontage of the subdivision (approximately 197 metres) after the servicing work for the subdivision within the Tanbark Road allowance has been

completed. The owner shall be responsible for 100% of the costs associated with the resurfacing.

18. That the owner constructs a 1.5-metre-wide sidewalk along the west side of Tanbark Road from Hickory Avenue to Warner Road. Sidewalks are to be installed as per the Town's Sidewalk Installation Policy for new developments (Policy CDS-PLG-004).
19. That the owner submit a tree inventory and tree savings plan for all trees located along the Tanbark Road frontage within the road allowance and provide an overall plan identifying additional tree species to replace such trees required to be removed to facilitate the development to the Town's Operations Department for review and approval.
20. That the owner agrees to the following requirements in the subdivision agreement:
 - a) That all infrastructure works will be constructed to current Town specifications.
 - b) That the owner agrees to grant to the Town any required easements for services or utilities.
 - c) That sanitary and storm drainage area plans be submitted to the Town's Operations Department for approval.
 - d) That the owner submits an overall lot grading plan to be approved by the Town's Operations Department noting both existing and proposed grades including apron and top and foundation elevations and the means whereby overland flows will be accommodated across the site.
 - e) That an overall lot grading plan, street lighting plan, sediment control plan, servicing plans and drainage plan be submitted to the Town's Operations Department for review and approval.
 - f) That a streetscape plan illustrating the location of on-street parking, boulevard trees, pavement markings, community mailbox locations, hydrants, regulatory and no parking signs and street lighting is submitted to the Town's Operations Department for review and approval.
 - g) That all submitted plans and supporting reports will be subject to a peer review at the owner's cost.
 - h) That the owner provides boulevard trees in the subdivision in accordance with Town policy respecting the number, location, species, and size.
 - i) That the owner provides the Town with calculations indicating the existing water supply pressure and proposed fire flows. The approval of the servicing plans will be subject to the delivery of adequate water system pressure and fire flows and

approval by the Town's Fire and Emergency Services Department. Upon completion of primary services and before any financial releases, the fire hydrants must be pressure and flow tested as per Fire Code requirements.

- j) That the owner provides the appropriate securities and cash deposits prior to commencing the installation of infrastructure.
 - k) That all the proposed infrastructure will be subject to the Town's inspection at the owner's expense including qualitative and quantitative tests made of any materials used in the construction of any works.
 - l) That all offers and agreements of purchase and sale shall contain a clause that the purchaser will be responsible to maintain the grassed boulevard between their property line and the Town roadway directly in front of and adjacent to their lot where they exist.
 - m) That during the construction the site will be kept in a reasonably tidy condition so that the raising of dirt and dust is kept to a minimum and further that all roads adjacent to and in the vicinity of the development are kept clean of mud and debris as per Town's Street Cleaning Policy for new developments (Policy CDS-PLG-005).
21. That the owner submit the Stage 2 Archaeological Assessment, 184, 178 and 170 Tanbark Road, prepared by Detritus Consulting Ltd. (dated March 25, 2019) to Niagara Region.
22. That the following clause be included in the subdivision agreement:
- Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting the archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the 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 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, Ministry of Heritage, Sport, Tourism, and Culture 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.*
23. That a Phase One Environmental Assessment (ESA) with soil sampling (at minimum) prepared by a Qualified Professional (QP) in accordance with the Environmental

Protection Act and associated regulations as amended, describing the current conditions of the development lands, be submitted to the satisfaction of Niagara Region. A Letter of Reliance from a QP shall be submitted to Niagara Region, to indicate that, despite any limitations or qualifications included in the above submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted, in order to clear this condition.

24. That the owner submit landscape plans providing for the restoration and enhancement of tree cover across the site and grading and drainage plans to the Niagara Escarpment Commission.
25. That the owner enters into a separate agreement with Niagara-on-the-Lake Hydro for the provision of hydro services for the development.
26. The owner shall complete to the satisfaction of the Director of Operations of the Town of Niagara-on-the-Lake and Canada Post:
 - a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i) that the home/business mail delivery will be from a designated Centralized Mail Box; and
 - ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
 - b) The owner further agrees to:
 - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision;
 - ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes;
 - iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision; and
 - iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

27. That the subdivision agreement between the owner and the Town include the following clauses:

- a) *"The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing CustomerConnectionsContactCentre@Enbridge.com to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving."*
- b) *"If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for the temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant."*
- c) *"If easement(s) are required to service this development, and any future adjacent developments, the owner will provide all easement(s) to Enbridge Gas Inc. at no cost."*

28. That the subdivision agreement between the owner and the Town include the following clauses:

- a) *The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.*
- b) *The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.*

29. That the owner constructs a pedestrian crosswalk on Tanbark Road (generally aligned with Sparky's Park on the east side of Tanbark Road) in a location and to the specifications approved by Town Staff.

Clearance of Conditions

Prior to granting final approval for the subdivision plan, the Town of Niagara-on-the-Lake Community and Development Services Department requires **written notification** from the following departments and agencies that their respective conditions have been met satisfactorily.

Department or Agency	Conditions
Town Community & Development Services	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11
Town Corporate Services	5, 6, 10
Town Operations	10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 29
Town Fire & Emergency Services	12, 20(i)
Niagara Region	21, 22, 23
Niagara Escarpment Commission	24
Niagara-on-the-Lake Hydro	25
Canada Post	26
Enbridge Gas	27
Bell Canada	28

Clearance of the conditions of final approval should be coordinated with the following contacts:

Department or Agency	Contact Name	Address	Phone	Email
Town Community and Development Services	Kirsten McCauley, Director of Community & Development Services	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	905-468-3266	kirsten.mccauley@notl.com
Town Operations Department	Darren MacKenzie, Manager of Public Works	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	905-468-3266	darren.mackenzie@notl.com
Town Fire and Emergency Services	Jay Plato, Fire Chief	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	905-468-3266	jay.plato@notl.com
Town Corporate Services Department	Grant Bivol, Town Clerk	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	905-468-3266	clerks@notl.com
Niagara Region	Amy Shanks, Senior Planner	1815 Sir Isaac Brock Way, P.O. Box 1042, Thorold, ON, L2V 4T7	905-980-6000	amy.shanks@niagararegion.ca
Niagara Escarpment Commission	Cheryl Tansony, Senior Planner	232 Guelph Street, Georgetown, ON L7G 4B1	905-877-5191	cheryl.tansony@ontario.ca

Niagara-on-the-Lake Hydro	Kevin Sidey, Senior Engineering Technologist	8 Henegan Road, P.O. Box 460, Virgil, ON, L0S 1T0	905- 468- 4235	ksidey@notlhydro.com
Canada Post	Andrew Carrigan, Delivery Planning Officer	955 Highbury Ave. N. London, ON N5Y 1A3	226- 268- 5914	andrew.carrigan@ canadapost.ca
Enbridge Gas	Jasleen Kaur, Municipal Planning Coordinator	500 Consumers Road, North York, ON M2J 1P8	437- 929- 8083	municipalplanning@ enbridge.com
Bell Canada	Juan Corvalan, Senior Manager, Municipal Liaison			planninganddevelopment@ bell.ca

Review of Conditions

Should any of the conditions appear unjustified or their resolution appear onerous, requests to revise or remove conditions may be presented by the owner to the Committee of the Whole. The Committee will consider requests to revise or delete conditions, subject to ratification by Town Council.