

July 5, 2023

UCC FILE No. 21178

**To:** Cheryl Tansony  
Senior Planner  
Niagara Escarpment Commission

**Re: Applications for Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments  
Tawny Ridge Phase 1 & 2, Niagara-on-the-Lake**

In response to Niagara Escarpment Commission (NEC) comments provided on Phase 1 (December 6, 2022) and Phase 2 (February 8, 2023) of the proposed Tawny Ridge Estates Submission, I am pleased to provide the following planning justification with regard to applicable Niagara Escarpment Plan policies.

## 2017 NIAGARA ESCARPMENT PLAN

The subject lands within a designated Minor Urban Centre in the 2017 Niagara Escarpment Plan, as shown in **Figure 1** below. The majority of Phase 1 and 2 lands are also within the underlying Escarpment Rural Area, while a small portion of the subject lands fall within the Escarpment Protection Area.

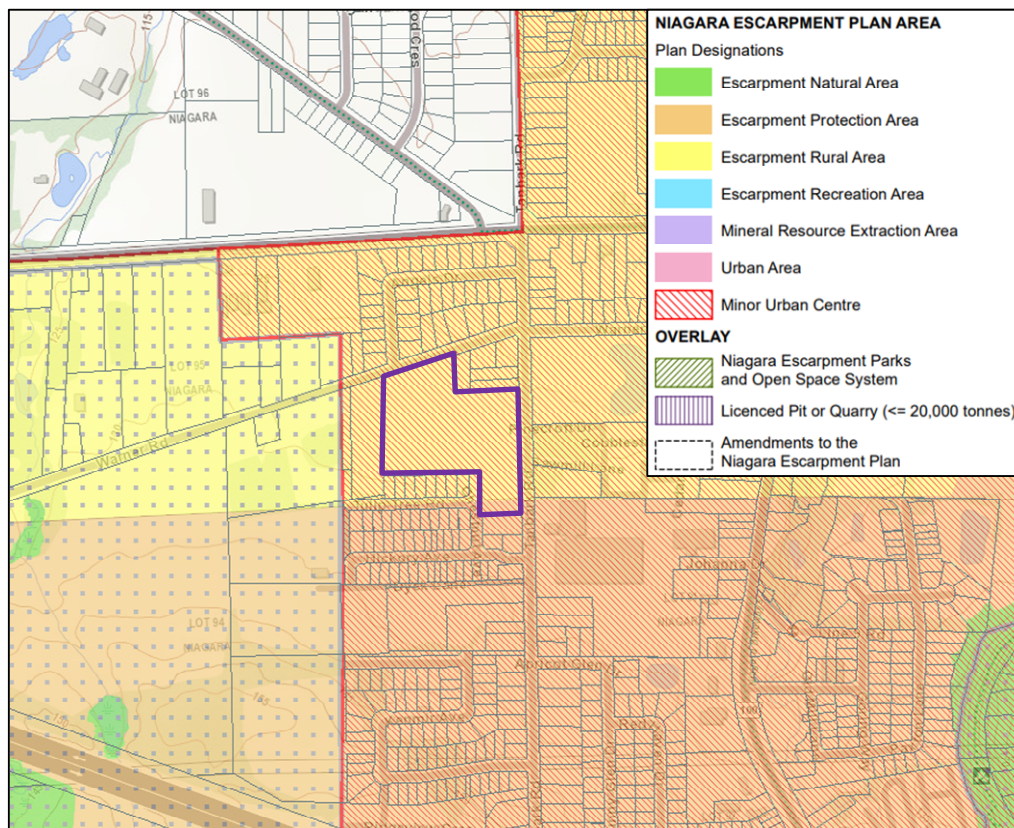


Figure 1 – Niagara Escarpment Plan (Subject Lands outlined in Purple)

Per the provided NEC comments, this letter addresses the Minor Urban Centre policies of the NEP, and more specifically, the Development and Growth Objectives of Part 1.6.8 of the NEP and the Development Criteria of Part 2 of the NEP.

#### **Escarpment Protection Area (Section 1.4)**

Lots 11-12 of Phase 1 and Lots 1-2 of Phase 2 of Tawny Ridge are located within the underlying Escarpment Protection Area designation within the St. Davids Minor Urban Centre.

#### **Escarpment Rural Area (Section 1.5)**

Lots 1-10 of Phase 1 and all Lots and Blocks except for Lots 1-2 of Phase 2 of Tawny Ridge are located within the underlying Escarpment Rural Area designation within the St. Davids Minor Urban Centre.

#### **Minor Urban Centre (Section 1.6)**

The Minor Urban Centre designation applies to several of the established rural settlements, villages and hamlets located within the NEP Area. Section 1.6.2 of the NEP identifies St. Davids as one of these Minor Urban Centres.

The objectives for Minor Urban Centres are outlined in Section 1.6.1 of the NEP, and include:

- 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.*
- 3. To promote the co-location of compatible public services to address local community needs in convenient locations that are accessible by walking, cycling and public transit, where available.*
- 4. To conserve cultural heritage resources, including features of interest to First Nation and Métis communities.*
- 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 development and applications satisfy the noted objectives of Section 1.6.1 NEP. Specifically, the applications direct new development amongst existing development and within an area that can be serviced by existing municipal services and roadways to ensure environmental sustainability for the long term. The proposed built form is compatible with the existing, recent development on adjacent lands and is also reflective of the more modern design typologies found outside of the historic village centre of St. Davids. The subject lands are also located at a lower elevation than existing developments that are adjacent to the escarpment landscape and therefore will not detract from existing viewsheds.

Section 1.6.5 of the NEP states that land uses identified in local planning documents will be those permitted in Minor Urban Centres, subject to the satisfaction of the Development Criteria in Section 2 of the NEP. Similarly, lot creation permissions are those facilitated and permitted by local documents, which may extend beyond single lot severances.

The majority of the units proposed in both Phases of Tawny Ridge are single detached dwellings. Planning applications have been provided to introduce townhouses of varying forms as permitted uses. Townhouses are permitted in Low Density areas per the Town's Official Plan, and therefore all proposed lands uses are considered to be permitted in the Minor Urban Centre. An evaluation of the satisfaction of the applicable Development Criteria of Section 2.2. of the NEP is provided further on in this letter.

Section 1.6.6. of the NEP pertains to amendments to land use designations or policies within an Official Plan or Secondary Plan. Such amendments are permitted provided that they do not pertain to lands designated in the NEP as Escarpment Natural Area and Mineral Resource Extraction Area and that they do not conflict with the Objectives and Development and Growth Objections cited in the Minor Urban Centre policies.

The proposed development form for both Phases of Tawny Ridge is in general alignment with local planning policies for the property, per Policy 1.6.6. The requested amendments seek to mildly intensify development and permit additional residential dwelling types to most efficiently utilize available urban lands.

Section 1.6.8 of the NEP contains the objectives related to development and growth within Minor urban centres. An analysis of how the Phase 1 and 2 Tawny Ridge applications satisfy these objective is provided below.

1. Development and growth, including the creation of new lots, shall not extend into the Escarpment Natural Areas.

*Both Phases of the Tawny Ridge development are located within the Minor Urban Centre designation as well as the underlying Escarpment Protection Area and Escarpment Rural*



*Area designations. Neither Phase of development will encroach into the Escarpment Natural Area.*

2. The Escarpment Natural Area designation and its policies must be incorporated into the official plan/secondary plan or development proposal.

*This policy is not applicable as the Escarpment Natural Area designation is not found on or adjacent to the subject lands.*

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.

*Both phases are located entirely within the St. Davids Minor Urban Centre. This area is also designated as a Settlement Area under the 2020 Provincial Policy Statement and 2020 Growth Plan for the Greater Golden Horseshoe, and as an Urban Area in the 2022 Niagara Official Plan. The subject lands are also located entirely within the Provincially delineated Built-up area.*

*The majority of the subject lands are located within the underlying Escarpment Rural Area, with the exception of four (4) lots in the southern end of the site. This portion of the proposed development is located immediately adjacent to existing residential development within the Escarpment Protection Area. The limited proposed development within this portion of the Escarpment Protection Area is considered acceptable.*

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 Phases of development are compatible with adjacent residential land uses on all sides. Matters pertaining to height and setbacks are regulated by the Town's Zoning By-law to assist in achieving the noted NEP objectives.*

*The existing grade of the subject lands is lower than established land uses to the south that are at a higher elevations between the subject lands and the Escarpment. The proposed development will not affect viewsheds or have a negative impact on the visual prominence of the Escarpment.*



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.

*Energy efficiency and low impact methods of development will be explored through detailed housing design. Boulevard and private realm landscaping as well as tree protection efforts will contribute to the greening of the Phases of development which should have a positive benefit from an environmental perspective.*

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 proposed scale of development is appropriate for the subject lands and consistent with that found on adjacent lands and in other parts of St. Davids. The proposed growth is anticipated and generally facilitated by the Town's Official Plan and the St. David's Secondary Plan.*

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 location of Phase 1 and 2 of Tawny Ridge is amongst recent residential subdivision/condominium developments to the north (Angels Drive), east (Pinecroft Estates) and south (Courtland Valley, St. Davids Estates).*

*The proposed development contemplates logical extensions of /connections to the existing roadways to improve circulation and accessibility throughout this portion of the community. The use and extension of existing roadways will ensure a unique development pattern that uses land efficiently and limits linear development patterns.*

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 St. Davids Minor Urban Centre is subject to the Town of Niagara-on-the-Lake Official Plan, St. Davids Secondary Plan and Town Zoning By-law. This policy is not applicable to the applications.*





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 subject lands do not contain any natural heritage features or hydro logic features.*

*The Phases of development are located within the Urban Area and do not abut any agricultural operations.*

*Cultural heritage resources were evaluated through Stage 1 & 2 Archaeological Assessments. The field works yielded no finds and the Province has approved the related reports.*

*Sustainability will be achieved through the provision of urban services and utilization of appropriate servicing methods. The proposed development will not require a reliance on groundwater or septic systems/*

*Overall, the proposed development does not conflict with matters cited above.*

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 Phases of development will be provided with full urban services (watermain, sanitary sewer, storm sewer).*

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).

*The proposed development will not impact or impair existing access to the Bruce Trail.*

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 are no adjacent or proximate 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.

*This initiative is directed at the local municipality and is not applicable to the applications.*

## **Section 2.2. General Development Criteria**

As noted, developments within Minor Urban Centres are afforded additional flexibility when compared to Escarpment Protection Areas. However, in order to benefit from these policies, development proposals must satisfy and not conflict with the General Development Criteria of the NEP. A detailed overview of conformity and alignment is provided below.

1. 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.

*The proposed development will occur on lands previously used for agricultural and residential purposes which are located amongst recently developed residential subdivisions. The applications will have no impact on the escarpment environment.*

2. 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.

*The Phase 1 and 2 lands do not contain any natural hazards such as floodplains, erosion or other water related hazards.*

3. Development is permitted only on an existing lot of record.

*Cumulatively the subject lands are now comprised of multiple lots of record that were consolidated in title. Subdivision approvals on consolidated lands are typical, appropriate and permitted by within Minor Urban Centres.*

4. 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.

*The subject lands are not listed as a Nature Preserve on Appendix 4 of the Niagara Escarpment Plan.*

5. 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, except where the impact of development on the Escarpment environment would be reduced by locating the development on a portion of the lot located in a more restrictive designation.

*The lands comprising both Phases of Tawny Ridge are located primarily within the Escarpment Rural Area, with southern portions of each phase within the Escarpment Protection Area designation. Both Phases are fully overlaid with the Minor Urban Centre designation. The Minor Urban Centre designation facilitates expanded development permissions for the property as the lands are located within an established community within the NEP.*

6. Any development permitted should be designed and located in such a manner as to promote design and orientation that:

- a) maximizes energy efficiency and conservation and considers the mitigating effects of vegetation;
- b) maximizes opportunities for the use of renewable energy systems and alternative energy systems; and
- c) 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.

*Opportunities for energy efficiency and renewable energy will be reviewed through detailed engineering and architectural design.*





7. 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; and
  - a) the existing single dwelling is a heritage attribute and is subject to a heritage conservation easement agreement; this existing single dwelling is the only single dwelling located on the lot;
  - b) the second single dwelling is located on the same existing lot of record as the existing single dwelling to be preserved;
  - c) the second single dwelling is not located within the Escarpment Natural Area unless the implementing authority has determined that there is no other less restrictive designation within which the new dwelling can be sited; and
  - d) municipal official plan policies and standards are met (e.g., lot size).

*The limitations of this policy do not apply, as the subject lands are located within a Minor Urban Centre.*

8. 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.

*The proposed development will not restrict access to the Niagara Escarpment or Bruce Trail corridor.*

#### Section 2.4 Lot Creation

Based on the application types for each Phase (Subdivision, Official Plan Amendment, Zoning By-law Amendment) and the proposed dwelling types policies 1-9 of Section 2.4 are considered relevant to the applications. An overview of conformity with each is provided below.

1. 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.

*The proposed applications are situated within the Escarpment Rural Area, Escarpment Protection Area designation within a Minor Urban Centre (St. Davids). Generally, the applications conform with the 2022 Niagara Official Plan, Town of Niagara-on-the-Lake Official Plan and St. Davids Secondary Plan.*



*The proposed Official Plan and Zoning By-law amendments are necessary to facilitate the development of the lands and are considered to conform with the policies of the NEP.*

2. New lots to meet residential needs should be created primarily in designated Urban Areas, Minor Urban Centres and Escarpment Recreation Areas.

*The proposed residential lots are proposed to be created within the St. Davids Minor Urban Centre which has an established Settlement Area Boundary. All development will be contributed towards the growth of housing supply and the satisfaction of growth and intensification targets for the Town of Niagara-on-the-Lake.*

3. Ribbon or strip development should be prevented.

*Ribbon/Strip development is not proposed. Each Phase of development will be a comprehensive subdivision design that is consistent with the Town's Official Plan and St. Davids Secondary Plan.*

4. 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.

*The lotting criteria proposed for each phase is proposed to be amended to facilitate a specific design. The proposed provisions will implement the direction of the Town's Official Plan and St. Davids Secondary Plan.*

5. New lots must:
  - a) maintain and enhance the existing community character and/or open landscape character of the Escarpment; and
  - b) protect and enhance existing natural heritage and hydrologic features and functions.

*The proposed subdivision lots will contain single detached dwellings and townhouse dwelling units of various styles on a variety of different lot sizes and configurations. These dwelling forms and subsequent lot sizes are compatible with existing development character on adjacent lands, and throughout the St. Davids community and are permitted by the Town's Official Plan.*

6. Prior to commenting upon proposals for new lots, the implementing authority shall consider:
- a) the number, distribution and density of vacant lots in the area;
  - b) the additional lots that may be created in conformity with this Plan;
  - c) the consequences of the development of the lots with regard to the objectives of the designation; and
  - d) providing for or protecting public access to the Niagara Escarpment, including the Bruce Trail corridor.

*This requirement pertains to Town review of the application.*

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.

*The proposed subdivision lots are located within the Escarpment Rural Area and Escarpment Protection Area designation and St. Davids Minor Urban Centre Designation. The more permissive Minor Urban Centre policies facilitate the proposed development.*

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.

*The proposed lots are to be created through privately initiated Plans of Subdivision. All lots will have frontage on either an existing roadway or a proposed roadway.*

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.

*To facilitate this development, the owner has consolidated the subject lands together to facilitate a comprehensive low density residential development.*

### **Planning Opinion**

Based on the analysis provided, the submitted applications conform to the policies of the 2017 Niagara Escarpment Plan and more specifically the policies pertaining to Minor Urban Centres and the Development Criteria found in Section 2.2. of the NEP.



If you require any additional materials or have any questions, please contact the undersigned.

Respectfully submitted,

Craig A. Rohe, M.Pl., MCIP, RPP  
Senior Planner  
Upper Canada Consultants

Cc: St. Davids Riverview Estates Inc.