REPORT TO: Chair and Members of the Public Works Committee

SUBJECT: Recommendation Report
Proposed Regional Policy Plan Amendment 1-2009 and
Niagara-on-the-Lake Official Plan Amendment No. 45
Queenston Quarry Reclamation Company (QQRC)
Town of Niagara-on-the-Lake

RECOMMENDATIONS

That this Committee recommend to Regional Council:

1. That the Regional Policy Plan Amendment application to permit an alteration to the Urban Area Boundary (UAB) of St. David’s and the extension of municipal services to uses outside of the UAB to facilitate the proposed development be approved in part, as detailed in this report and in the attached recommended Regional Policy Plan Amendment 1-2009.

2. That the balance of the subject lands located outside of the recommended refined UAB be redesignated in the Regional Policy Plan from Unique Agricultural Area to Rural, to permit the proposed recreational use of the property, as detailed in this report and in the attached recommended Regional Policy Plan Amendment 1-2009.

3. That Amendment No. 45 (Queenston Quarry) to the Town of Niagara-on-the-Lake Official Plan be approved as modified, as detailed in this report and in the attached recommended Official Plan Amendment No. 45.

4. That a By-law be prepared for Council adoption of Regional Policy Plan Amendment 1-2009.

5. That Notice of Council’s decision regarding Regional Policy Plan Amendment 1-2009 and Amendment No. 45 to the Town of Niagara-on-the-Lake Official Plan be given in accordance with Planning Act requirements.

6. That the Integrated Community Planning Department be directed to:
   i. Adjust the Environmental Conservation Area boundary for the Significant Woodlands in the northwest corner of the subject lands, as part of a future update of the Core Natural Heritage Map of the Regional Policy Plan to reflect the reconfigured Significant Woodlands as determined through the required environmental studies associated with this development; and
ii. Amend the Mineral Resources Map contained in the Regional Policy Plan to remove identification of the subject lands as a licensed quarry as part of a future update of the Regional Policy Plan following decommissioning and rehabilitation of the quarry in accordance with the requirements under the Environmental Protection Act and the Aggregate Resources Act and the surrender of the quarry licence.

EXECUTIVE SUMMARY

Applications have been submitted to amend the Regional Policy Plan (RPPA 1-2009) and the Town of Niagara-on-the-Lake Official Plan (Amendment No. 45) to permit the redevelopment of the former Queenston Quarry for a mix of uses including residential, service commercial, a hotel, vineyard, winery, wine storage caves, golf course, clubhouse and other recreational uses. The Regional Policy Plan Amendment application is to alter the St. David’s Urban Area Boundary east of the Bevan Heights neighbourhood and to allow the extension of municipal services outside of the urban boundary. The amendment to the Niagara-on-the-Lake Official Plan, adopted by the Town, provides more detailed policy direction for the proposed land uses and future development.

This proposal represents a unique opportunity to rehabilitate a former quarry and brownfield site with potential long term economic benefits to Niagara Region and the Town. However, it is important to balance this with Provincial, Regional and local plans intended to coordinate growth with municipal investments expected to fulfill objectives for sustainable community planning. In this regard, the location of the Urban Area, land use needs, infrastructure costs, environmental impacts and economic benefits are important matters to be considered in conjunction with the planning applications submitted to Niagara Region and the Town.

The Regional Policy Plan is the lead planning document for land use planning in Niagara Region and establishes Urban Areas for each local municipality along with growth forecasts for population, housing and employment. Regional staff has accepted that the Urban Area Boundary (UAB), approved by the Ontario Municipal Board for a previous expansion, is not clearly defined on the quarry lands (east of Bevan Heights subdivision). However, staff has consistently maintained (since pre-consultation meetings with Town staff and the applicant) that the principles to refine the boundary needed to be based on 12.14 hectares of land contiguous with the Bevan Heights subdivision and Townline Road.

The applicant’s proposal to exchange lands that are clearly in the current Urban Area for lands that are outside is not supported as this is intended to facilitate an expansion to the Urban Area. An UAB can only be undertaken through a Municipal Comprehensive Review, which were recently completed by Niagara Region (RPPA 2-2009) and the Town (OPA 43) with no changes deemed necessary to meet growth targets.

The residential uses being proposed include 750 apartment units on the quarry floor, which is substantially greater than long term housing targets established in the Regional
Policy Plan for Niagara-on-the-Lake. Regional staff do not concur with the applicant’s supporting study that there is a greater need based on market demands for second dwelling units, particularly since there are several golf resorts in Niagara Falls that have been approved for residential uses and have not been built.

Water and wastewater servicing for this area has only been planned on the basis of 46 single detached dwellings originally anticipated in the UAB. There are significant external costs of up to $10 million associated with a future wastewater treatment plant expansion for this development (hotel, residential) in terms of allocating servicing capacity at Niagara Region’s treatment plant, pumping station capacity, and downstream impacts in Niagara Falls that need to be assessed in greater detail and coordinated with development phasing and costs (e.g., direct developer costs, development charges).

The proposed extension of municipal services outside of the UAB cannot be supported as this is in conflict with the Provincial Greenbelt Plan and Niagara Escarpment Plan. Intersection improvements to the site will have to be further reviewed as part of a more detailed traffic study (e.g., signalization, land dedication, daylighting, turning lanes, costs etc.) prior to development taking place. Modifications to the Town’s Official Plan amendment are required to address Niagara Region’s interests in servicing and arterial roads. Although these matters have been discussed with the proponent, there is no agreement by the developer to assume the full costs associated the development at this time.

As a compromise to the applicant’s proposal, Regional staff is recommending a “refined” UAB that meets more appropriate planning principles for establishing settlement areas. This solution option can be supported, which utilizes part of the applicant’s development concept plan, would result in a reduction of apartments from 750 to 500 units and could reduce costs for servicing. This reduction still exceeds long term growth expected in this residential sector; however, it provides the opportunity for the developer to demonstrate the market demand for apartment dwellings. The developer was consulted on this compromise, and at the time of this report, is not in agreement with this alternative.

Economic benefits through more permanent job creation will be realized in commercial and recreational uses (hotel, golf clubhouse, and winery) that are being recommended for approval by staff. The next Municipal Comprehensive Review in 5 years will allow the Region and Town, along with input from the property owner, the opportunity to review the appropriateness of the UAB and land uses approved for these lands.

The developer still has a considerable amount of work to rehabilitate the site prior to the construction of buildings with further approvals required from the Ministry of Natural Resources, Ministry of the Environment, and Niagara Escarpment Commission (NEC). The Town also requires a further amendment to its Official Plan for design guidelines that need to be prepared by the applicant and approved by the NEC. A more detailed Environmental Impact Study to address potential Species-at-Risk is also required for approval by the Ministry of Natural Resources before the design and location of the hotel building can be approved near the northwest corner of the proposed UAB.
Regional staff is recommending approval of an amendment to the Regional Policy Plan (RPPA 1-2009) for a refined Urban Area Boundary (attached as Appendix 1), and modifications to Amendment No. 45 to the Niagara-on-the-Lake Official Plan to more appropriately meet Provincial and Regional policies and plans (attached as Appendix 2). This will provide a substantial increase in residential density and mixed uses to support the redevelopment of the quarry into a resort complex.

FINANCIAL IMPLICATIONS

The applicant will be responsible for the cost of all required on-site water/wastewater systems, including a sewage pumping station on the quarry floor. These will be privately constructed, owned, maintained and operated by the developer/future condominium owners. The applicant may need to front-end the construction costs of the new sanitary sewer forcemain to the Niagara Falls sewer, and will recover this expenditure only if the project is included in Development Charges in the future.

The applicant intends to undertake directional boring for the sewer under Highway 405. Costs of this work are unknown. The pipe should be assumed by the local municipality, which would entail future maintenance costs. The additional unanticipated flows to the treatment plant may require upgrades to the plant sooner than planned (no upgrades are planned in the next 25 years). The potential cost of such expansion is currently estimated at $10 million. A more detailed servicing report is required to be reviewed by the Region, Town of Niagara-on-the-Lake and City of Niagara Falls.

A revised traffic impact study is required to address intersection and Regional road improvements (including turning lanes) and land acquisition would likely be required. The costs of any roadway improvements due to the development of the site will be borne by the applicant. Environmental Assessments may be required for some of the above noted works. Costs related to these studies are unknown.

PURPOSE

This report provides a review and final recommendations on an application to amend the Regional Policy Plan and on an adopted amendment to the Town of Niagara-on-the-Lake Official Plan. The applications request approval to permit the development of 791 residential units, a 200-room hotel, service commercial uses, vineyard, winery, wine storage caves, golf course, clubhouse and other recreational uses. The property is in the St. David’s community of Niagara-on-the-Lake on approximately 106 hectares of land, of which 12.14 hectares is partially within the UAB. See the Location Map and the Site Plan (dated August 12, 2010) on pages 5 and 6 of this report for reference.

REPORT

The Nature and Purpose of the Applications

An application to amend the Regional Policy Plan was submitted by MHBC Planning on behalf of the Queenston Quarry Reclamation Company (QQRC) on March 9, 2009.
Following the submission of additional required information and revisions, the application was deemed complete for circulation on October 27, 2009.

The applicant proposes to amend the Regional Policy Plan to refine the St. David's UAB east of the Bevan Heights subdivision and allow the extension of municipal services to proposed winery and golf clubhouse uses outside of the adjusted urban boundary. The amendment will facilitate the redevelopment of the former Queenston Quarry for 791 residential units (750 apartments on the quarry floor, 36 townhouses along Townline Road and 5 single-detached homes along Melrose Drive), a 200-room hotel (on the quarry floor), service commercial uses, vineyard, winery, wine storage caves, golf course and clubhouse, as well as other recreational uses including an equestrian centre and trails.

The applicant has revised the development layout since the original submission. The main changes were made in response to Niagara Escarpment Commission staff and Regional staff objections to:

- A proposed urban “island” in the centre of the site for the hotel, winery and clubhouse with full municipal services (see Original Urban Boundary Request, page 8); and
- The non-contiguous nature of the proposed UAB, which was only connected to the abutting Bevan Heights urban area by a small strip of land and separated from Townline Road (see Original Urban Area Boundary Request, page 8).

A concurrent application to amend the Niagara-on-the-Lake Official Plan proposes to modify the UAB and change the Official Plan designation of the subject lands from “Extractive” to, in part, “Low Density Residential”, “Medium Density Residential”, “Service Commercial” and “Major Open Space” designations. Town Council adopted Official Plan Amendment 45 (Queenston Quarry) for the application on September 20, 2010 which essentially provides for the development and new UAB, as requested. The Official Plan Amendment eliminated the “Service Commercial” designation at the main entrance to the site at the Stanley Avenue/Townline Road/Portage Road intersection.

The amendment was forwarded to the Region for review and approval. The proponent has provided information and a series of studies to support the application, listed as follows:

- Planning analysis;
- Preliminary servicing report (and addendums);
- Preliminary stormwater management report;
- Traffic impact study;
- Market impact/demand analysis (residential);
- Market study (hotel and golf);
- Vineyard assessment;
- Archaeological assessment;
- Heritage resources report;
- Urban design and architectural narrative;
- Scoped Environmental Impact study, site assessment status letter and technical support document;
- Preliminary rock slope assessment;
- Noise measurements;
- Preliminary geotechnical comments; and
- An economic, housing market and growth management implications report.

Original Urban Area Boundary Request
Regional Policy Plan Amendment #1-2009
Queenston Quarry Reclamation Company
Town of Niagara-on-the-Lake

Site and Surrounding Area
The property is known as 5523 Townline Road, Niagara-on-the-Lake, and is located on the north side of Townline Road and Portage Road, north of Highway 405 (General Brock Parkway) and east of Melrose Drive. The total site is approximately 106 hectares (262 acres) and includes 12.14 hectares (30 acres) within the existing UAB abutting the Bevan Heights subdivision. The majority of the subject land is a former quarry in a partial state of rehabilitation with backfill material sloped along the west and southwest property lines. There are wooded areas on the site, specifically along the north and northwest areas
abutting the Niagara Escarpment. There are 2 large ponds within the central portion of the site and several areas containing imported waste from industrial operations. Some small areas of unexcavated stone remain, particularly in the northwest corner.

Adjacent land uses include:

- North: Niagara Escarpment and Bruce Trail
- West: Bevan Heights residential neighbourhood (single-detached dwellings)
- South: Townline Road, Portage Road, Highway 405, the hydro reservoir, municipal boundary between Niagara-on-the-Lake and Niagara Falls
- East: Queenston Heights Park (Niagara Parks Commission) and the Queenston-Lewiston international bridge

Summary of Public Meeting and Comments

Regional Public Meeting

The Region held the Public Meeting as required under the Planning Act for the Regional Policy Plan Amendment application on June 22, 2010. The meeting was attended by 7 members of the public, the applicant and his consultant, and one Regional Councillor. The minutes of the Regional Public Meeting are attached as Appendix 3.

A presentation was made by Regional staff, followed by a presentation from the proponent and consultant. There were 6 public delegations with 2 people speaking in support, 2 speaking in opposition and 2 people with questions regarding the proposal. Comments supporting the development noted:

- Positive attributes of the rehabilitation of the former quarry and landfill area (brownfield) to a golf course,
- Location at a gateway to Canada,
- Maintaining the treed berm abutting Bevan Heights, and
- The agricultural vineyard.

Those in opposition spoke of concern for:

- The major population increase and potential impacts on the natural surroundings,
- Building height and massing,
- Hotel location and its impact on the abutting woodlot, and
- The viability of the proposed vineyard.

Public Correspondence

The Region received 7 letters from the public and an additional 8 letters (most from the same individuals or groups) were forwarded to the Region from the NEC and Town. The public correspondence is attached as Appendix 4. In total, 6 letters have been received in support of the application with 9 letters expressing objections. These letters contained
comments similar to those made at the Public Meeting. Additional points identified in the submitted letters are summarized below:

The letters in favour supported:

- Realignment of the urban boundary to exclude the wooded berm in order to preserve the berm in its natural state,
- Protection of the natural and built heritage features (rock faces) on the site, and
- Architectural design of the proposed buildings using quarry rock.

Letters of objection or concern identified:

- Traffic from the development should be directed to the Niagara Parkway rather than through St. David's
- Trails should be aligned to protect the privacy of Bevan Heights residents
- Urban boundary, the hotel and further quarrying as proposed, should not extend into the northwest woodland,
- Negative impacts on the setting of a designated heritage property,
- Property ownership dispute with the applicant over land in the northwest corner of the site,
- The need for 750 apartment units in St. David's and the Town.

Summary of Agency Comments

The application and submitted studies were circulated to various agencies as required under the Planning Act for review with respect to their policies and programs. Comments were received from the following:

- Ministry of Municipal Affairs and Housing
- Integrated Community Planning
- Niagara Escarpment Commission
- Ministry of Natural Resources
- Niagara Peninsula Conservation Authority
- Ministry of Transportation
- Town of Niagara-on-the-Lake
- City of Niagara Falls
- Niagara Parks Commission - No objection
- Enbridge Pipelines - No concerns
- Hydro One Networks - No objection

Comments received from agencies are attached as Appendix 5 to this report and are generally outlined, as follows:
Ministry of Municipal Affairs and Housing (MMAH)

MMAH states that the applicant's proposal to realign the St. David's urban boundary through an exchange of urban and non-urban land appears to result in an urban boundary expansion that would require justification through a Municipal Comprehensive Review.

MMAH states that a decision on a minor modification or realignment rests with the Region as part of the interpretation of the Regional Policy Plan, and the Region must be satisfied that any decision meets Growth Plan policies.

Integrated Community Planning (ICP)

ICP staff recognizes that there is some merit in the redevelopment of the quarry, however, staff does not support an adjustment to the UAB that is not contiguous to Bevan Heights, nor does it support the extension of urban services outside of the UAB. Staff indicates the applicant's housing market/growth management report relies on a presumed market for secondary residences as justification for the proposal, but there is no distinction in planning policy for secondary/vacation dwellings.

It is noted that Town Council adopted OPA 43 (conformity exercise) in July 2010, which is under review by the Region. However, OPA 43 did not evaluate the implications of the Queenston Quarry application on the forecasted population growth and the allocation of servicing. On this basis, ICP staff indicates that it is premature to support the application.

Niagara Escarpment Commission (NEC)

At their meeting on March 18, 2010, the Niagara Escarpment Commission considered a report from staff commenting on the Regional and municipal amendment applications. The Commission took the position that they were "not opposed to the adjustment of the St. David's Minor Urban Centre boundary" shown on the applicant's revised plans presented at the meeting (total land area less than 12 hectares/30 acres).

Further, the NEC also advised that "The NEC has not assessed the Concept Plan for conformity with any applicable Regional and Municipal planning, growth, density, design, urban mix and servicing considerations which the Commission understands will be undertaken and forthcoming as part of the Region's and Town's review of the Official Plan Amendments". NEC staff has provided additional comments on issues and implementation matters which are included in Appendix 5.

Niagara Peninsula Conservation Authority (NPCA)

The NPCA provided review of several technical reports and studies submitted with the application. NPCA comments identify the:

- Scoped Environmental Impact Study (Golder Associates Limited - August 2009) needs to be revised to address several issues including the omission of references and
discussion of Species-at-Risk (SAR) and habitat for these species known to be associated with the subject land.

- Mapping is required of the designated “Significant Woodlands” that may be affected by tree cutting, encroachment and construction. A Tree Saving Plan may be required. NPCA staff does not agree with the report statement that tree cutting at the south edge of the northwest woodland (for a portion of the hotel) would not impact the woodland’s core. The size and ecological functions of the woodland’s core need to be identified to conduct an adequate impact assessment.

- NPCA is satisfied with the Preliminary Stormwater Management Report concept (Delcan) and notes further details will be required at later development stages.

- Preliminary Rock Slope Assessment (Golder) is satisfactory.

- The measures proposed to protect the vulnerable groundwater area through the property from the contaminated fill and methane gas generation (Golder) are accepted. NPCA staff recommends a monitoring study of water quality of the northern seeps and northern private wells before and after development, which should be included as a special policy requirement in the Regional and Town amendments.

Ministry of Natural Resources (MNR)

MNR reviewed the submitted Scoped EIS (Golder) and requires additional information and analysis with respect to the:

- Provincially Significant Area of Natural and Scientific Interest (ANSI) located along the northern boundary;

- Large woodland area extending onto the property, which has records of Species-at-Risk (SAR) flora;

- Areas where the removal of trees, clearing of natural/re-naturalizing areas or encroachment into such areas (for trails) are proposed. MNR recommends that seasonally appropriate inventories be conducted to determine if SAR flora exists;

- Proposed development’s potential impact on Snapping Turtle (SAR) and its habitat, including the impact of infilling or alteration of water bodies;

- Additional clarification regarding the vegetation surveys undertaken (further inventories may be needed to determine the presence/absence of SAR or rare vegetation communities); and

- Northwest woodland that has records of SAR. These species and their habitats would be protected under the Endangered Species Act (there is a permit and compensation process to assess potential removal of species).

Ministry of Transportation (MTO)

The MTO has advised that:

- The traffic impact study needs to be revised with respect to the projection period for full build-out, volumes and an analysis of the Townline Road/Stanley Avenue/Portage Road intersection;
• Detailed stormwater management report will be required;
• Development will require Ministry permits due to the proximity of Highway 405 and the interchange;
• Any essential features (such as structures, parking and roadways) must be setback 14 metres from the Portage Road right-of-way; and
• The developer is responsible for on-site noise mitigation.

Town of Niagara-on-the-Lake

Town Council approved staff reports on September 20, 2010 in support of the requested amendments to the Regional Policy Plan (applicant’s UAB) and the Town’s Official Plan (except for service commercial uses), subject to special policies related to land use restrictions and development requirements. Additional details are provided in the section of this report regarding NOTL OPA 45 (Queenston Quarry). Further, Town Council passed a motion on October 12, 2010 requesting the Region not to amend the approved Official Plan Amendment and to support the development.

City of Niagara Falls

The City will require the renegotiation of the servicing agreement between Niagara-on-the-Lake and Niagara Falls if sanitary sewage flows from the development entering the City’s sewer system exceed the allowable flows specified in the current agreement. This will require further consideration of servicing allocation and costs.

Background and Existing Approvals

Queenston Quarry - Licence and Waste Disposal

The original building stone quarry opened in 1837 and expanded over many years. Extraction ceased several years ago. The Queenston Quarry is still subject to a Ministry of Natural Resources operating license and rehabilitation plan. The approved end-use is a golf course with the rehabilitation plan also showing an area for potential residential use (requiring Planning Act approvals).

The quarry land has a Ministry of Environment (MOE) Certificate of Approval to receive waste material. Foundry sand and cellulose are located in various areas, but no waste disposal activity has occurred in over 25 years. Prior to redevelopment, decommissioning and rehabilitation of the quarry in accordance with the requirements under the Environmental Protection Act and the Aggregate Resources Act must occur, as well as the surrender of the quarry licence and several Certificates of Approval related to the quarry use.

1998 Ontario Municipal Board Decision - Urban Area Boundary

The Ontario Municipal Board (OMB) established the UAB for St. David’s in 1998 when considering the Town of Niagara-on-the-Lake Official Plan (on appeal). The Board
included 12.14 hectares along the western edge of the quarry lands contiguous with the existing Bevan Heights residential subdivision within the urban area. This was based on a concept sketch containing 46 large lots for single-detached dwellings. The proposed development was at the Melrose Drive/Townline Road elevation with the rear yards of lots extending down the slope into the quarry floor.

The OMB indicated that the land was a logical extension to the Bevan Heights area, the additional lots were an appropriate way to reclaim a portion of the quarry, and it was an important aspect of the overall quarry rehabilitation plans. The Board stated that further expansion to the UAB would be difficult as sufficient land was included in the Town’s urban areas to accommodate growth for many years.

**Niagara Escarpment Plan**

The property is within the Niagara Escarpment Plan (NEP) area and subject to Development Control under that Plan. The portion of the subject land within the Region’s existing urban boundary is designated in the NEP as part of a Minor Urban Centre (MUC). In 2009, the applicant received approval for an amendment to the Niagara Escarpment Plan (NEPA 171) to change the “Mineral Resource Extraction Area” designation on the site to “Escarpment Natural Area”, “Escarpment Protection Area” and “Escarpment Rural Area”.

The amendment permits the proposed rehabilitation and future redevelopment of the property. This approval contains special provisions that include the continuation of the “Mineral Resource Extraction Area” policies on the land until rehabilitation is complete and the quarry license is surrendered. In January 2010, an NEC Development Permit was issued (subject to conditions) to allow the applicant to use fill material from the Ontario Hydro Tunnel excavation in Niagara Falls for rehabilitation of the eastern portion of the quarry.

**Previous Public Works Committee and Regional Council Direction**

At the October 5, 2010 meeting of the Public Works Committee, the developer and his consultant made a presentation related to an information item on the Committee agenda respecting Regional staff comments to Niagara-on-the-Lake on the proposed Official Plan amendment for the Queenston Quarry. The applicant requested that Committee make a decision on the UAB and direct staff to complete the technical review to implement that decision. The resulting (revised) Regional Council motion stated that “the proposed development concept be supported in principle, subject to staff’s review and analysis” and that the comprehensive staff report on the Regional Policy Plan Amendment application and Town-adopted Official Plan Amendment 45 be provided at the January 11, 2011 Public Works Committee meeting.
Planning Analysis

The following evaluation of the applications is based on Provincial and Regional policies contained in the Provincial Policy Statement (PPS), the Provincial Growth Plan (Places to Grow), Niagara Escarpment Plan (NEP) and the Regional Policy Plan. Decisions on land use planning matters are required to be consistent with Provincial policies and conform to Provincial plans. These documents provide direction regarding areas of Provincial interest related to land use planning and development, and specific policy framework for settlement areas, growth management and protection of natural resources.

Urban Area Boundary

The Region is responsible for establishing the Urban Area Boundary (UAB) through the Regional Policy Plan for all local municipalities. The UAB defines the limit of urban development and full municipal services based on land use needs and complete community objectives.

The current UAB in the Regional Policy Plan and Town Official Plan, including the St. David's Secondary Plan approved in 2004, reflects the concept plan considered by the OMB in 1998 for an expansion to the Bevan Heights neighbourhood. However, the easterly limit of the UAB is irregular and not well defined or linked to any existing physical feature, property line or dimensions. Furthermore, the agreed upon statement of facts for the OMB hearing indicated that the proposed lot sizes, road layout and design were not issues when determining the urban boundary. Based on these factors, staff accepts that the easterly limit of the UAB should be more precisely defined.

Staff established a set of principles to help determine a defendable UAB. These principles relate to the 1998 OMB decision, the unique issues related to the physical characteristics of the site, and the proposed development concept. The main principles include:

- Refinement of UAB, not an expansion
- No more than 12.14 hectares in size
- Boundary is contiguous to the Bevan Heights neighbourhood and a logical continuation of urban development (no gaps)
- Berm is preserved
- Residential, hotel and wine storage cave uses completely located within the Urban Area
- Apartment and hotel development on the quarry floor tied to the golf course and other recreational facilities to create a recognizable resort community
- Removal of the fill material on southern and western slopes (unstable for building)
- Highlight the exposed rock faces (cultural significance)
- Preservation of Significant Woodlands
The analysis of these principles with respect to the existing and proposed UAB resulted in a Recommended Urban Area Boundary by Regional staff, as shown on the Urban Area Boundary Comparison (page 17).

It is staff's opinion that the applicant's request for a reconfiguration of the UAB with an exchange of designated urban land for non-urban land, goes beyond what can be considered a refinement. The applicant's consultant suggests that the exchange does not constitute an expansion because the amount of urban land would be reduced. MMAH and ICP have both raised similar concerns with the applicant's proposed UAB; neither supports the expansion of the urban area through a "swap" of land, since an expansion is only permitted as part of a Municipal Comprehensive Review.

Comprehensive reviews have recently been completed by the Region and Town, but the implications of the Queenston Quarry application on the forecasted population growth and the allocation of servicing for NOTL were not evaluated. The Regional Growth Strategy (RPPA 2-2009) and the Town's Growth Plan compliance review OPA 43 (adopted by the Town in July 2010 and submitted to the Region for approval) do not recommend expansions or changes to any of the UABs in NOTL. These reviews determined that there is sufficient urban land to meet forecast population/housing and employment growth to the year 2031, and existing urban boundaries should be maintained. The application does not conform to these policies.

The acceptance of such a principle supporting the exchange of land in this manner could set a dangerous precedent throughout the Region. This would, in effect, amount to an urban area expansion through the exchange of urban land with inherent development limitations, for developable land outside the urban area.

The proposed exchange of urban for non-urban land is also related to the preservation of the wooded berm abutting Bevan Heights, which adjacent residents want to be protected. The applicant has suggested that in order to preserve the berm it must be removed from the UAB. Staff does not accept this argument, recognizing that open space and natural areas are important assets within an urban setting.

Staff firmly believes that natural areas within urban communities perform significant environmental and social functions, and provide aesthetic value. In this instance, the berm will continue to function as a visual and physical buffer for the rear yards of several Bevan Heights properties and provide trail linkages to the north. Although the quarry rehabilitation plan currently indicates that the berm is to be removed, the existing NOTL Official Plan requires it substantial retention. The quarry rehabilitation plan should be amended to preserve the berm in conformity with the Town's Official Plan policies.

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1A Municipal Comprehensive Review is defined by the Province as "an official plan review, or an official plan amendment, initiated by a municipality that comprehensively applies the policies and schedules of this Plan [Places to Grow]."
Urban Area Boundary Comparison
Regional Policy Plan Amendment #1-2009
Queenston Quarry Reclamation Company
Town of Niagara-on-the-Lake

Existing
Urban Area Boundary
(46 Residential Units)
Servicing within the UAB only

Requested
Urban Area Boundary
(791 Residential Units & 200 Unit Hotel)
Servicing proposed outside the UAB

Recommended
Urban Area Boundary
(Approx. 525 Residential Units & 200 Unit Hotel)
Servicing within the UAB only
In addition, the Town’s OPA 43 specifies that a municipally-initiated comprehensive review is required to facilitate UAB expansions or alterations. Therefore, to permit a minor refinement to the UAB for this application, a “notwithstanding clause” will need to be added to OPA 45 as an exception to the “no alteration” policy.

Staff supports a UAB refinement but, based on compliance with Provincial, Regional and local municipal policy, cannot support an UAB expansion. The challenge is to determine how best to refine the UAB to allow for some development to occur in the short-term, but still facilitate appropriate future development in keeping with the results of a subsequent Municipal Comprehensive Review.

Regional staff’s recommended UAB accommodates the majority of the applicant’s proposal. This includes an estimated at 500 apartment units, 18 townhouses, 5 single-detached dwelling lots, a 200-room hotel and wine storage caves. The recommended UAB maintains the intent of the Ontario Municipal Board decision for 12.14 hectares of urban development contiguous with the Bevan Heights neighbourhood.

In staff’s opinion this refined UAB complies with Provincial and Regional UAB expansion policies, would promote economic development and would complement the required rehabilitation of the former quarry.

Growth Management/Residential Need

Refinement of the UAB to facilitate the proposed concept plan allows for the proposed changes in the urban form. This results in significantly more residential growth potential in this area than the anticipated 46 units. The Recommended UAB could support approximately 500 apartment units proposed by the applicant. This increased supply must be assessed to ensure any planning decision conforms to Provincial and Regional growth management objectives related to land use needs, policy conformity, infrastructure capacity and allocation.

As previously discussed, the Region’s Growth Management Strategy and the Niagara-on-the-Lake conformity review concluded that there is a sufficient supply of land to accommodate forecasted growth in the Town’s urban areas. The subject proposal and another large development application in St. David’s (Cannery) were not included in the review. The Town acknowledged that these projects may impact the overall growth projections and intensification targets. NOTL suggests that any such impact would be analyzed during the review of each application.

Through RPPA 2-2009, the Region set minimum growth targets for each local area municipality. Municipalities can exceed the population/household growth allocated by the Region, provided there is no impact on their ability to satisfy intensification targets and Greenfield densities required by planning policy. Regional policy requires that growth is to be monitored to ensure these policies are satisfied and forecast growth may require adjustment and redistribution among NOTL’s urban areas and/or local municipalities.
The applicant’s housing market/growth management report (prepared by the Altus Group) suggests that the proposed development will assist in accommodating:

- Needed growth in apartments, and
- Demand for secondary residences.

The first point conflicts with the conclusions of the Region’s Growth Management Strategy, which forecast that growth can be accommodated in the Town’s urban areas. The Altus report states that there may not be a sufficient supply of land in NOTL for the allocated growth of apartment units. Given the number of apartment units planned, but not yet built, and the low number of building permits for apartment units in recent years, staff is not convinced of this statement.

Since 2004, permits for only 25 apartment units have been issued in Niagara-on-the-Lake. A total of 746 units have been issued Region-wide, representing 7.5% of all residential permits over the 6-year time period. It is recognized that current planning policies for increased density, intensification and complete communities will likely result in more apartment development. However, there is a considerable supply of approved sites and available urban land for such development.

With respect to the second point, the applicant has indicated that the apartment component of the golf course resort is intended to be marketed and utilized, for the most part, as second, vacation-type dwelling units for residents from outside the Niagara Region and, therefore, implies that these units should be considered separate and outside of growth allocations. The applicant’s report also suggests that there is an undersupply of secondary residences, which accommodate tourists and are important to the tourism market.

Staff does not agree that this development should be supported based on complete reliance on a possible underserved market for secondary residences. Further, there is no distinction on a policy basis between principal and secondary dwellings. Notwithstanding the policy restrictions for UAB expansions, the need for this residential development is not substantiated.

The consulting report states there are no other opportunities for this type of development in the Town’s urban areas. However, staff notes that there are several combined golf course and residential/resort developments approved in Niagara Falls that may compete with this project (eg. Hawkswell, Grand Niagara, Thundering Waters). Championship-calibre golf courses have been operating at Grand Niagara and Thundering Waters for several years, but no residential development has yet proceeded. The application does not consider the impact of the proposed development on these similar existing and approved forms of development.

The applicant has indicated that the project will be phased over 20 years and, therefore, the impact of the development will occur over time. The increase in residential unit supply resulting from this development will likely impact the timing of residential development elsewhere in the municipality, as well as the broader housing market. Monitoring and
review of this development should be included in the 5-year comprehensive reviews of the Regional Policy Plan, the NOTL Official Plan and the Niagara Escarpment Plan.

The growth management analysis will consider land needs within urban boundaries and servicing requirements. The appropriateness of the UAB and impacts of any housing construction within the Queenston Quarry can then be further assessed in the context of growth and servicing investment priorities within the Region and the Town. The ongoing monitoring programs of the Region and local area municipalities will also determine the success in satisfying Greenfield and intensification targets on an overall basis.

**Urban Services**

The applicant has submitted servicing reports prepared by Burnham Engineering (dated September 15, 2009 and October 20, 2010). Meetings have recently been held with staff from the Region, Niagara-on-the-Lake, Niagara Falls, the Ministry of Transportation and the applicant to consider overall servicing and transportation issues.

The Region is currently conducting Master Water & Wastewater Servicing Plan Update for the Niagara Region based on the Growth Management Strategy completed in 2009. The development proposed through the current applications greatly exceeds the amount of urban growth allocated for the site in terms of population and employment forecasts utilized for the study. This proposal and another large scale project, as well as Greenfield density requirements, have major servicing implications for St. David’s.

Town staff is reviewing sewage allocation for properties in the urban area and will need to prioritize the servicing of land. It is known that the apartment and hotel development cannot be accommodated through the St. David’s sanitary sewage pumping station. A Master Servicing Strategy, including phasing, is required for the development of the Queenston Quarry site.

Given the number of units and required water pressure/capacity, the development will be permitted to connect to the abutting Regional watermain.

Preliminary servicing information indicates that the single-detached lots and townhouses may connect to the St. David’s system. Development on the quarry floor requires a private pumping station. There is currently, a financial agreement between Niagara-on-the-Lake and Niagara Falls to allow sewage flows from St. David’s into the City’s sewage pipe and ultimately to the Niagara Falls Wastewater Treatment Plant. The City advises that some limited capacity exists in the sewer that NOTL may utilize. However, a new forcemain would be required to connect the development to the Niagara Falls sewer on Stanley Avenue located approximately 1.2 kilometres south of Highway 405. The City of Niagara Falls will require renegotiation of this agreement, involving added compensation from NOTL. This matter is unresolved.

Under this servicing scenario, the new forcemain needs to cross Highway 405, requiring MTO review and approval. Although a municipally-owned sewer was allowed to be
attached to the Stanley Avenue bridge structure several years ago, Ministry policy does not permit pipes attached to bridges. The applicant would need special approval from the MTO Director to allow a sewer line on the bridge.

The Ministry has advised that such an application would have greater likelihood of success, if the pipe were regionally or municipally-owned. As part of the Master Servicing Strategy, an examination of alternate routes for the pipe crossing of the Highway 405 corridor must be completed. The applicant’s engineer has recently indicated that directional boring for a sewer forcemain under Highway 405 is proposed.

There will be no financial impact to the Region or local area municipalities for required on-site water/wastewater systems, including a sewage pumping station on the quarry floor. These systems will be privately constructed, owned and operated by the developer/future condominium owners. Any pipes constructed or extended along Townline Road for the townhouses and singles will be at the developer’s cost.

The applicant may be required to front-end construction costs of the new sanitary sewer forcemain to the Niagara Falls sewer, and may possibly recover this expenditure only if the project is included in Development Charges in the future. The forcemain would be located within the Regional road allowance and should be owned by the Region or City of Niagara Falls, thereby entailing future maintenance costs.

Additional unanticipated flows to the wastewater treatment plant may require upgrades to the plant sooner than planned, as no upgrades are planned in the next 25 years. The potential cost of such expansion is currently estimated at $10 million and would be linked to construction phasing and growth monitoring.

Both the Regional Policy Plan and the Niagara Escarpment Plan do not allow municipal services to be extended to uses outside of the UAB. Development outside of the UAB is expected to depend on private waste disposal systems and private water supply. Therefore, the amendment request for urban service connections to the proposed winery and golf clubhouse is not supported.

Regional and local service mains located outside of the UAB, along Townline Road/Stanley Avenue/Portage Road, can be accessed and the required services for urban development provided through non-urban areas under existing Regional and NEP policy.

Transportation

The applicant’s Traffic Impact Study (TIS) prepared by Delcan in December 2008 states that there are no roadway, traffic control improvements, or modifications required on the abutting Regional roads (Townline/Stanley/Portage) to support the development. Regional staff does not support the conclusions of the study. Intersection and road improvements, including turning lanes, would likely be required to accommodate the anticipated traffic generated by the overall development. The timing of improvements depends on the phasing and construction/occupancy of the development. Regional and MTO staff has
advised of technical requirements and traffic volumes to be utilized for a revised traffic study that will be required at a future subdivision/condominium stage for approval.

Contrary to the TIS, the developer submitted a site plan that identifies a roundabout at the Stanley/Townline/Portage intersection (which is the proposed main entrance to the development). Further analysis of a roundabout design or signalization at the intersection is required. A properly sized roundabout in this location would be larger and require a portion of the applicant's land in order to locate the roundabout outside of the Highway 405 right-of-way. Typical MTO and Regional design requirements and permits will be needed for future approvals regarding intersection, turning lanes and entrances. Any costs for roadway improvements due to the development of the site will be borne by the applicant.

The proposed main entrance to the site appears appropriate from a functional standpoint and to provide a prominent entry feature. Other entrances shown along Portage Road and the shared driveway(s) for the townhouses on Townline Road must be further reviewed as part of the revised TIS, considering such issues as the highway ramp, sightlines and improved street lighting. An evaluation of roadway noise and proposed impact mitigation will be required.

Protection of Natural Environment

An Area of Natural and Scientific Interest (ANSI) is located along the northern property limit and adjacent to the proposed golf course and equestrian facilities. In general, the ANSI will be protected through the existing NEP policies and Niagara Escarpment Commission Development Permit conditions/site plan. However, a revised Environmental Impact Study (EIS) is required to address Species-at-Risk (SAR), including protection measures for any habitat of Snapping Turtles and other SAR within the golf course area.

The northwest corner of the property is an area that also requires further study and clarification with respect to the NEP designations, SAR and the UAB. There is some quarrying proposed for the hotel site that would extend into the Escarpment Protection Area, which is not normally permitted under NEP policies. However, a previous amendment (NEPA 171) requires the precise boundary of the “Escarpment Natural Area” and “Escarpment Protection Area” to be determined through an Environmental Impact Study (EIS). The additional EIS findings may result in the “Escarpment Natural Area” and “Escarpment Protection Area” boundaries being modified. In this regard, there may be land within the recommended UAB that could not be developed for urban uses.

The Ministry of Natural Resources (MNR) has records of SAR flora in this area and recommends further environmental analysis be undertaken to determine if SAR exist on the subject land. The Provincial Policy Statement and Endangered Species Act (ESA) prohibit any development in significant habitat of endangered or threatened species.

Although an authorization may be obtained under the ESA to remove flora subject to a permit and compensation review process, NEC staff indicates that such removal within the EPA designation is inconsistent with NEP policy/objectives to protect unique ecologic and
historic areas. A revised EIS is required to address SAR issues and the limits of the Escarpment Natural Area and Escarpment Protection Area. This information will be used to determine extraction rights under the quarry license and the extent of urban development. The Region’s Core Natural Heritage mapping of Significant Woodlands should be updated by ICP to be consistent with the NEC Plan.

The Niagara Escarpment Plan requires an evaluation of the development’s potential visual impacts on surrounding natural areas (e.g. building height, design, massing, setbacks and lighting) that exceed the height of the escarpment brow. This analysis may recommend certain mitigation measures such as reduced height and increased building setbacks to ensure the natural environment is not impacted.

Cultural Heritage

Many prominent/historic buildings in Ontario were constructed using Queenston Quarry stone. The proposal to remove the backfill material along the south and west property limits will expose the culturally significant quarry rock faces. This is desirable as these rock faces provide a visual history of quarry activity on the site and offer educational benefits.

Region’s Agricultural Land Base Map & Mineral Resources Map

The portion of the subject land outside the UAB is designated “Unique Agricultural Area” (“Good Tender Fruit” and “Good Grape” areas) in the Regional Policy Plan reflecting the classification of soils in the broader area. Although the applicant proposes a small vineyard on an area within the former quarry that retained native soil, the agricultural designation is not characteristic of the existing condition of the site. The Niagara Escarpment Plan, through NEPA 171, designates the majority of the quarry land outside of the UAB as “Escarpment Rural Area”, with lands in the northwest and along the north limit of the property designated “Escarpment Natural Area” and “Escarpment Protection Area”.

The Regional Policy Plan requires an amendment for the rehabilitation of the quarry for uses other than agriculture. Therefore, it is staff’s opinion that the quarry property outside of the UAB be designated “Rural” in the Region’s Policy Plan to be in conformity with the Niagara Escarpment Plan. This designation would permit the proposed agricultural use (i.e. vineyard) and agriculturally-related use (i.e. winery), as well as the proposed recreational uses. All of the development is subject to further NEC approvals and must comply with NEP policies. The vineyard must be substantially planted and in full grape production prior to the construction of the winery.

The Regional Policy Plan identifies the Queenston Quarry site as a “Licensed Mineral Aggregate Extraction Operation (#10)” on the Mineral Resources map. As a housekeeping exercise, this map reference in the Policy Plan should be deleted when the existing quarry licence is surrendered.
Coordination of Approvals and Conditions

There are various existing, inter-related approvals with conditions that need to be satisfied and coordinated with the proposed Regional and Town amendments, as well as future approvals. These include the following:

- **Quarry Licence:** The quarry licence needs to be maintained to allow the proposed extraction in the northwest corner. The licence also requires the rehabilitation of the site to the approved golf course use and clean-up of the waste disposal material. Ministry staff advises that it may be possible to surrender the licence in stages as rehabilitation/clean-up proceeds to allow phased development (e.g., single lots, initial nine holes of golf, condominium, clubhouse). The rehabilitation plan should be amended to indicate that the existing berm abutting the Bevan Heights subdivision (except for the proposed single-detached lots) is to be maintained rather than removed.

- **Waste Disposal:** The existing waste materials on the site require further Ministry of Environment (MOE) approval for remediation. Foundry sand is found in numerous locations, primarily in the east central section of the property. According to the submitted environmental study (Golder), the backfilled slope along the west quarry boundary contains organic material. The applicant's consultant indicates that a Record of Site Condition under Ontario Regulation 153/04 will be pursued for the waste disposal areas. This MOE approval is permitted since disposal activity ceased more than 25 years ago. The change from the industrial use of the land to the more sensitive land uses (e.g., residential) also requires an MOE acknowledged Record of Site Condition.

- **NEPA 171:** The Niagara Escarpment Commission's approval of NEPA 171 redesignated the property, but maintains the Mineral Resource Extraction policies until the quarry rehabilitation is completed and the waste disposal areas are remediated. Further, NEPA 171 requires the delineation of the "Escarpment Natural Area" and "Escarpment Protection Area" boundaries in the northwest section of property. NEC staff note that any Region and local municipal approval of the proposed development for urban and rural uses would conflict with the "Mineral Resource Extraction" policies applicable to the site through the Niagara Escarpment Plan.

In order to maintain conformity with this Provincial Plan, staff recommends that the Mineral Resource and the Extractive policies of the Regional Policy Plan and NOTL Official Plan, respectively, continue in force until the provisions of NEPA 171 are satisfied. The lands can be designated to facilitate the future development, but be guided (for the proposed quarrying and required rehabilitation) by appropriate extraction policies until the licence is surrendered.

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2 Subject to satisfying environmental requirements associated with Species-at-Risk and the boundary of the Escarpment Protection Area.
• **Urban Design Guidelines:** The Town indicates that a local Official Plan Amendment is required to establish urban design guidelines for the apartment and hotel development. This process should likely also be coordinated with NEC requirements for visual impact analysis and Development Permits.

• **Other Approvals and Conditions:** The preparation of a Master Servicing Plan and revised Traffic Impact Study are necessary. An overall phasing plan to address the timing of construction and golf course development with servicing and vehicle access issues should be included. The project will also require subdivision/condominium and/or site plan approval with possible consent applications for the single-detached lots on Melrose Drive.

**Niagara-on-the-Lake Official Plan Amendment No. 45 (Queenston Quarry)**

There have been many discussions, meetings and correspondence among Regional, Town and NEC staff regarding approaches to facilitate this development, as noted below:

- Regional staff provided preliminary comments to the Town on the proposed Official Plan amendment in a letter dated August 30, 2010.
- The Region identified issues and concerns with the proposal primarily respecting the refinement of the UAB.
- In response to the draft OPA document circulated by Niagara-on-the-Lake staff, Regional staff provided comments dated September 8, 2010 objecting to the staff-recommended UAB.
- The Town held a public meeting on September 13, 2010 and Council adopted the Queenston Quarry OPA 45 on September 20, 2010.

The NOTL Official Plan Amendment is not consistent with the Regional staff position as detailed in the analysis of this report and is not supported. Staff recommends that the mapping, land use designations and policies be modified as shown in Appendix 2, and discussed as follows:

**Mapping and Designation**

Responsibility for establishing the Urban Area Boundary in Niagara lies with the Region. Schedule A-1 to OPA 45 is revised to match the Regional staff recommendation based on the principles of the 1998 Ontario Municipal Board decision from and current planning policy. This change eliminates the UAB extension to Stanley Avenue and provides an UAB that is contiguous with Bevan Heights by including the berm area.

Land outside of the refined boundary is designated “Escarpment Rural Area” (Queenston Quarry), “Escarpment Natural Area” (Queenston Quarry) and “Escarpment Protection Area” (Queenston Quarry). The protected berm area is recommended to be designated “Open Space” and “Community Facilities” with a restriction for only natural open space and trail use. The mapping in the northwest corner has been corrected to exclude the hotel designation from the Escarpment Protection Area.
Policy Modifications

There are several modifications and additions to the Town’s adopted policies required to address issues as previously identified in this report. The inclusion of a “notwithstanding” policy to allow the UAB alteration is required to address the current restriction proposed through OPA 43 (Growth Plan Conformity). The Extractive policies are to remain in force until the licence is surrendered. Additional policies (and references) are required to provide guidance for the preparation of future servicing and traffic studies, and a water quality monitoring study. Policy direction is included for the required revisions to the Environmental Impact Study respecting “Significant Woodlands”, “Species-at-Risk” and Niagara Escarpment mapping boundary. Some minor corrections to grammar, and to eliminate duplication are included.

CONCLUSION

The proposed rehabilitation of the Queenston Quarry to a major resort and recreational development has significant short and long-term economic benefits for Niagara Region in new employment and tourism opportunities. It will also provide numerous environmental benefits including the clean up of a brownfield and waste disposal site, and the protection of “Species-at-Risk”, “Significant Woodlands” and other natural areas, including the wooded berm adjacent to the Bevan Heights neighbourhood.

Considerable effort has been required to ensure that the proposed development meets Provincial and Regional policies, can be serviced, is in the public interest and represents good planning. Staff has resolved a large number of complex inter-connected issues, which are reflected in the recommended Regional Policy Plan Amendment 1-2009, and the modifications to the Town’s Official Plan Amendment No. 45. This represents support of a revised proposal that achieves recognition of the economic value of the application and limits of servicing, growth and other policy restrictions.

Submitted by:

Ken Brothers, P. Eng.
Commissioner of Public Works

Approved by:

Mike Trojan
Chief Administrative Officer

This report was prepared by Richard Wilson, MCIP, RPP, Planner, and reviewed by Marilyn Radman, MCIP, RPP, Manager of Development Planning and Peter Colosimo, MCIP, RPP, Director of Development Services.
APPENDICES

Appendix 1: Recommended Regional Policy Plan Amendment 1-2009
Appendix 2: Modifications to Niagara-on-the-Lake Official Plan Amendment No. 45
Appendix 3: Minutes of Regional Public Meeting
Appendix 4: Comments from Public
Appendix 5: Comments from Agencies
Appendix 1:

Recommended Regional Policy Plan Amendment 1-2009
A BY-LAW TO PROVIDE FOR THE ADOPTION
OF AMENDMENT 1-2009 TO THE OFFICIAL PLAN
FOR THE NIAGARA PLANNING AREA
TO PERMIT A REFINEMENT OF THE URBAN AREA BOUNDARY
AND TO PROVIDE A SITE SPECIFIC POLICY
FOR THE QUEENSTON QUARRY RECLAMATION COMPANY
IN THE TOWN OF NIAGARA-ON-THE-LAKE

WHEREAS it is deemed expedient to further amend the Official Plan heretofore adopted by Regional Council for the Niagara Planning Area,

THEREFORE the Council of the Regional Municipality of Niagara enacts as follows:

1. That the text and schedule attached hereto and so designated is hereby approved as Amendment 1-2009 to the Official Plan for the Niagara Planning Area.

2. That the Regional Clerk is hereby authorized and directed to give notice of Council’s adoption in accordance with Section 17(23) of the Planning Act.

3. That this By-law shall come into force and take effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

________________________________________
Gary Burroughs, Regional Chairman

________________________________________
Kevin Bain, Regional Clerk

Passed: __________
AMENDMENT NO. 1-2009
TO THE OFFICIAL PLAN
FOR THE NIAGARA PLANNING AREA

PART “A” – THE PREAMBLE
The Preamble provides an explanation of the amendment including the background, purpose, location, and basis of the policies, and implementation, but does not form part of this amendment.
- Title and Components
- Purpose of the Amendment
- Location of the Amendment
- Background
- Basis for the Amendment
- Implementation

PART “B” – THE AMENDMENT
The Amendment describes the additions and/or modifications to the Official Plan for the Niagara Planning Area, which constitute Official Plan Amendment Number 1-2009.
- Map Change
- Text Change

PART “C” – THE APPENDIX
The Appendix provides information regarding public participation relevant to the amendment, but does not form part of this amendment.
Part “A” — The Preamble

Title and Components

This document, when approved in accordance with Section 17 of The Planning Act, 1990 shall be known as Amendment No. 1-2009 to the Official Plan of the Niagara Planning Area.

Part “A”, the Preamble, contains background information and does not constitute part of this amendment.

Part “B”, the Amendment, consisting of text and map constitutes Amendment No. 1-2009 to the Official Plan of the Niagara Planning Area.

Part “C”, the Appendix, does not constitute part of this amendment. This Appendix contains information related to public involvement associated with this amendment.

Purpose of the Amendment

The purpose of this Amendment is to refine the St. David’s Urban Area Boundary and change the land use designation of certain lands as shown on Schedule “A”, attached hereto, and to change the policies of the Regional Official Plan to permit on a site specific basis, the redevelopment of the former Queenston quarry for a mix of uses including residential, a hotel, vineyard, winery, wine storage caves, golf course, clubhouse and other recreational uses.

Location of the Amendment

The land, which is the subject of this amendment, is generally known as 5523 Townline Road, Niagara-on-the-Lake, and is located on the north side of Townline Road and Portage Road, north of Highway 405 (General Brock Parkway) and east of Melrose Drive.

Background

A complete Regional Policy Plan Amendment application was received by Niagara Region on October 27, 2009 from the Queenston Quarry Reclamation Company to alter the Urban Area Boundary and redesignate land to permit the redevelopment of the former Queenston quarry for a mix of uses including residential, service commercial, a hotel, vineyard, winery, wine storage caves, golf course, clubhouse and other recreational uses.

The original building-stone quarry opened in 1837, and expanded over many years. Extraction ceased several years ago. The Queenston quarry is still subject to a Ministry of Natural Resources operating license and rehabilitation plan. Approved end-uses are a golf course and an area for potential residential use (requiring Planning Act approvals). The quarry land has a Ministry of Environment (MOE) Certificate of Approval to receive industrial waste material. No waste disposal activity has occurred in over 25 years.

The current Urban Area Boundary in the Regional Policy Plan for this area was subject of a 1998
OMB hearing, which resulted in a 12.14 hectare Urban Area Boundary expansion onto the quarry lands to permit 46 detached residential units as an extension of the Bevan Heights neighbourhood.

Basis for the Amendment

The basis of this amendment is as follows:

1. A complete application has been submitted to amend the Regional Policy Plan by the Queenston Quarry Reclamation Company to alter the Urban Area Boundary and redesignate land to permit the redevelopment of the former Queenston quarry for a mix of uses including residential, service commercial, a hotel, vineyard, winery, wine storage caves, golf course, clubhouse and other recreational uses.

2. Similarly, an application has also been submitted to the Town of Niagara-on-the-Lake to amend the Niagara-on-the-Lake Official Plan to permit the above noted uses. Town Council has adopted Official Plan Amendment No 45 to facilitate a modified version of the proposed development and has forwarded the Amendment to the Region for approval.

3. The proponent has provided information and a series of studies to support the application, listed as follows: planning analysis; preliminary servicing report (and addendums); preliminary stormwater management report; traffic impact study; market impact/demand analysis (residential); market study (hotel and golf); vineyard assessment; archaeological assessment; heritage resources report; urban design and architectural narrative; environmental site assessment status letter and technical support document; scoped environmental impact study; preliminary rock slope assessment; noise measurements; preliminary geotechnical comments; and an economic, housing market and growth management implications report.

4. Public input on the proposed Amendment was obtained through a Public Meeting held by the Region on June 22, 2009.

5. Public and agency comments and concerns have been addressed as part of the review of this application, as discussed in the staff report.

6. The proposal represents a unique and desirable opportunity to rehabilitate a former quarry and brownfield site with potential long term economic benefits to Niagara Region and the Town.

7. Municipal Comprehensive Reviews recently completed by the Region and Town did not evaluate the implications of this application, but determined that there is sufficient urban land in Niagara-on-the-Lake to meet forecast population/housing and employment growth to the year 2031. Therefore, an expansion to the Urban Area Boundary would be contrary to Provincial Policy.

8. The current UAB in this area reflects the concept plan considered by the OMB in 1998 for an expansion to the Bevan Heights neighbourhood. The easterly limit of the UAB is
irregular and not well defined or linked to any existing physical feature, property line or dimensions. The agreed upon statement of facts for the OMB hearing indicated that the proposed lot sizes, road layout and design were not issues when determining the urban boundary. A refinement of the UAB could generally be considered within the intent of the OMB decision. The amendment will more precisely define the easterly limit of the UAB based on certain principles, including:

- Refinement of UAB, not an expansion
- No more than 12.14 hectares in size
- Boundary is contiguous to the Bevan Heights neighbourhood and a logical continuation of urban development (no gaps)
- Berm is preserved
- Residential, hotel and wine storage cave uses completely located within Urban Area
- Apartment and hotel development on the quarry floor tied to golf course and other recreational facilities to create a recognizable resort community
- Removal of the fill material on southern and western slopes (recognizing the construction issues related to unstable slopes)
- Highlights the exposed rock faces (cultural significance)
- Preservation of Significant Woodlands

9. Details relating to certain issues have not been resolved; therefore, the Amendment requires the preparation and approval of a Master Servicing Plan, a revised Traffic Impact Study, a Phasing Plan, a revised Environmental Impact Study, a Noise Impact Study and a Water Quality Monitoring Study.

10. Direction is included in the Amendment that maintains the Mineral Resources policies on the subject lands until such time as the Ministry of Natural Resources is satisfied that the quarry rehabilitation and decommissioning in accordance with the requirements under the Aggregate Resources Act and the Environmental Protection Act are completed, and the quarry license and Ministry of Environment Certificates of Approval are surrendered. The Mineral Resources policies will provide for some limited quarrying. The extent of the quarrying, if any, is reliant on the completion of a revised Environmental Impact Study.

11. The Amendment will redesignate the remainder of the former quarry land outside the refined Urban Area Boundary from “Unique Agricultural Area” to “Rural”.

12. The Amendment requires that the Urban Area Boundary in this area be monitored and reviewed with respect to land need and servicing allocation as part of the Region’s next 5 year Municipal Comprehensive Review.

Implementation

Section 12, Implementation of the Official Plan for the Niagara Planning Area shall apply where applicable. Pursuant to Policies 12.1 and 12.2, this Amendment will be further implemented through detailed policies in the City of Niagara-on-the-Lake Official Plan.
PART “B” – THE AMENDMENT

AMENDMENT 1-2009 TO THE OFFICIAL PLAN FOR THE NIAGARA PLANNING AREA

Introductory Statement:

All of this part of the document entitled Part “B” – The Amendment consisting of map and text changes constitute Amendment 1-2009 to the Official Plan of the Niagara Planning Area. The Official Plan for the Niagara Planning Area is hereby amended by adding the map and text changes, as follows:

Map Change:

“Urban Areas Boundary Map” and the “Agricultural Land Base Map” to the Official Plan for the Niagara Planning Area are further amended by the attached Schedule “A” to Amendment 1-2009 for the Niagara Planning Area.

Text Change:

The Official Plan for the Niagara Planning Area is amended by adding the following policy to Section 12 Implementation of the Official Plan:

Policy 12.75 Notwithstanding the policies and provisions of Section 5 Urban Areas and Section 6 B Policies for Rural Areas in the Regional Policy Plan, the policies of Section 7 D Mineral Resources shall be maintained on the former Queenston quarry property, known as 5523 Townline Road, Niagara-on-the-Lake, and located on the north side of Townline Road and Portage Road, north of Highway 405 and east of Melrose Drive, until such time as the Ministry of Natural Resources is satisfied that the quarry rehabilitation and decommissioning (Record of Site Condition) are completed, and the quarry license and Ministry of Environment Certificates of Approval are surrendered. Following which, the redevelopment of the former Queenston quarry for a mix of uses including residential, a hotel, vineyard, winery, wine storage caves, golf course, clubhouse and other recreational uses is permitted, subject to the policies and provisions of the Regional Policy Plan and the preparation and approval of a Master Servicing Plan, a revised Traffic Impact Study, a Phasing Plan, a revised Environmental Impact Study, a Noise Impact Study and a Water Quality Monitoring Study. The Urban Area Boundary in this area will be monitored and reviewed with respect to land need and servicing allocation as part of the Region’s next 5 year Municipal Comprehensive Review.
Schedule “A” to Amendment #1-2009
for the Niagara Planning Area

Area Affected by the Amendment

Change from “Unique Agricultural Area” to “Rural”

Refined Urban Area Boundary
Appendix I - Public Information Process

Public Meeting

The Regional Municipality of Niagara held the Public Meeting as required under the Planning Act for the Regional Policy Plan Amendment application on June 22, 2010. The meeting was attended by 7 members of the public, the applicant and his consultant, and one Regional Councillor. The minutes of the Regional Public Meeting are attached to the staff report as Appendix 3.

Public Correspondence

The Region received 7 letters from the public and an additional 8 letters (most from the same individuals or groups) were forwarded to the Region from the NEC and Town. Letters received by the Region are attached to the staff report as Appendix 4. In total, 6 letters have been received in support of the application with 9 letters expressing objections. These letters contained comments similar to those made at the Public Meeting.
Appendix 2:

Modifications to Niagara-on-the-Lake Official Plan Amendment No. 45
Proposed Modifications
Official Plan Amendment No. 45
Town of Niagara-on-the-Lake

PART B - THE AMENDMENT

All of this part of the document entitled Part B - The Amendment, consisting of the following text and Schedule/ constitutes Amendment Number 45 to the Official Plan of the Town of Niagara-on-the-Lake.

DETAILS OF THE AMENDMENT

i) That Schedule “A” Land Use Plan is amended by Schedule “A-1” attached hereto and forming part of this Amendment.

ii) That Schedule “D” Land Use Plan, St. Davids is amended by Schedule “A-1” attached hereto and forming part of this Amendment.

iii) That Part 3, Land Use Policies, Section 12: Extractive policy (5) is deleted and replaced with a new policy (5) as follows:

URBAN RESIDENTIAL (QUEENSTON QUARRY)

1. In the Urban Residential (Queenston Quarry) designation the following uses shall be permitted:

   Main Uses:
   - Low Density Residential such as single detached dwellings
   - Medium Density Residential such as street townhouse units
   - Apartment dwelling units

   Secondary Uses:
   - Bed and breakfast establishments
   - Group homes
   - Home occupations
   - Accessory buildings and structures

   Uses Independent of a Main Use:
   - Passive recreational uses
   - Wine storage caves

2. All the land designated Urban Residential (Queenston Quarry) is subject to the Development Permit Control requirements of the Niagara Escarpment Commission for lands located in a Minor Urban Centre.

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3. All the development of the lands designated Urban Residential (Queenston Quarry) shall be subject to urban design guidelines approved through a separate Official Plan amendment. Prior to applying for building permits, all development will be reviewed for compliance with the approved urban design guidelines and will be required to meet the development requirements established through the urban design guidelines in addition to the development criteria of the Niagara Escarpment Plan.

4. The lands fronting on Melrose Drive will be developed for single detached residential uses and passive recreational uses. The policies of the Low Density Residential designation of this Plan apply to these uses.

5. The land fronting on Townline Road will be developed for townhouse residential uses. The townhouse residential uses shall be subject to the Medium Density residential policies of this Plan.

6. Prior to any townhouse units and rental residential development taking place, the existing Ministry of Natural Resources licence under the Aggregate Resources Act and the Ministry of Environment Certificate of Approval for waste disposal must be surrendered and a Record of Site Condition filed with the Ministry of Environment.

7. The townhouse units shall face Townline Road and be accessed via an internal landscaped driveway.

8. The setback of the townhouse units from the top of the rock face will be based on the findings and recommendations of a geotechnical report prepared by a qualified expert to the satisfaction of the Niagara Peninsula Conservation Authority, Niagara Escarpment Commission and the Town.

9. The maximum number of apartment dwelling units shall be 760 within apartment buildings. A maximum of 520 apartment buildings shall provide enclosed parking, and 4 storeys above grade residential apartment dwelling units.

10. The apartment buildings shall be located on the former quarry floor and be an apartment building built form that is 3 storeys in height, of which 2 storeys are enclosed parking and 4 storeys are above grade residential apartment dwelling units.
Three of the apartment buildings shall have additional building height consisting of an architectural roof element that may create a 7th storey which may contain amenity elements for the apartment building, but no dwelling units.

Notwithstanding Policy 10 and Policy 11, a proposal for an apartment building that proposes a building height, including the height of any architectural features, that exceeds the height of the brow of the Escarpment, will require a Visual Impact analysis prepared by a qualified expert that demonstrates that there is no adverse impact on Escarpment landscape qualities and adjacent and proposed residential uses. The Visual Impact Analysis will accompany the Development Permit application and shall take into consideration both daytime and nighttime conditions, maximum building height and minimum setbacks. The Analysis shall be prepared to the satisfaction of the Niagara Escarpment Commission and the Town, and shall be subject to the approval of the Niagara Escarpment Commission. Should the Visual Impact Analysis determine that there is an adverse impact on the Escarpment landscape or adjacent and proposed residential uses, the Visual Impact Analysis shall identify mitigation measures to address those impacts. Such mitigation measures may include screening, setbacks and alterations to building design including height. Prior to undertaking the work related to a Visual Impact Analysis consultation with both the Town and the Niagara Escarpment Commission shall occur to define the parameters and requirements for the Visual Impact Analysis.
residential uses, shall be prepared to the satisfaction of the Niagara Escarpment Commission and the Town, and shall be subject to the approval of the Niagara Escarpment Commission. Should the Visual Impact Analysis determine that there is an impact on the Escarpment landscape or adverse impact on the adjacent and proposed residential uses, the Visual Impact Analysis shall identify mitigation measures to address those impacts or alterations that are required to the design of the buildings, including reduction to building height to ensure there is no impact on the Escarpment landscape and no adverse impact on adjacent and proposed residential uses. Prior to undertaking the work related to a Visual Impact Analysis, consultation with both the Town and the Niagara Escarpment Commission shall occur to define the parameters and requirements for the Visual Impact Analysis.

In addition to the 2 storey parking structure associated with each apartment building, a limited amount of surface parking for visitor parking within a landscaped setting is permitted for each building.

Within each apartment building communal amenities for the residents will be provided.

The development of the apartment buildings will be phased with the first phase being one building developed in association with the development of 9 holes of golf and the golf club house.

Phasing of the complete build out of the apartment buildings and the hotel proposed in the Recreational Commercial (Queenston Quarry) designation shall be subject to the successful renegotiation of the mutual servicing agreement between the Town of Niagara-on-the-Lake and the City of Niagara Falls with respect to allotment of sanitary sewer flows from the St. Davids urban area that utilizes the Stanley Avenue sewer to convey sewer to the sewer treatment plant located in Niagara Falls. Any improvements to the sanitary sewer system that may be required to convey the increased sanitary sewer flows to the Niagara Falls treatment plant shall be borne by the developer in addition to the developer's proportionate share of the costs to acquire any additional allotment of sewage flows that may be received at the treatment plant.
Bed & Breakfast establishments within single detached dwellings may be permitted in accordance with the policies of the Niagara Escarpment Plan and the licensing requirements of the Town.

Home occupations within a single detached dwelling may be permitted in accordance with the home business policies of the Niagara Escarpment Plan.

Wine storage caves for the storage and warehousing of wine within the rock face may be developed and will be subject to detailed engineering design with respect to the size and height of the caves, construction requirements, support requirements, access and entry requirements, spacing requirements between caves. Blasting to create the wine storage caves will not be permitted.

The wine storage caves may be used for the private storage and warehousing of wine of individual wine collectors or the commercial storage and warehousing of wine from the local wineries. The retail sale of wine or other winery related uses is not permitted.

Appropriate on-site parking will be required for each winery cave.

Any public access in proximity to and along the top edge of the rock face shall provide for appropriate safety measures and protection against the hazards associated with the steep slopes.

In addition to the Development Permit Control requirements of the Niagara Escarpment Commission uses in this designation shall also be subject to site plan approval from the Town of Niagara-on-the-Lake and approvals from other agencies, i.e., Ministry of Transportation, Niagara Peninsula Conservation Authority. Single detached residential dwellings may be exempt from site plan approval.

That Part 3, Land Use Policies, Section 10: Commercial is amended by adding new policies titled "Recreational Commercial..."
RECREATIONAL COMMERCIAL (QUEENSTON QUARRY)

In the Recreational Commercial (Queenston Quarry) designation the following uses shall be permitted:

**Main Uses:**
- Hotel

**Secondary Uses:**
- Restaurant
- Banquet facilities
- Commercial recreational uses
- Accessory buildings and structures

**Uses Independent of a Main Use:**
- Passive recreational uses

Prior to any commercial or recreational development taking place, the existing Ministry of Natural Resources license under the Mineral Resources Act and the Ministry of Environment Aggregate Certificate of Approval for waste disposal must be surrendered and a Record of Site Condition filed with the Ministry of Environment. It is recognized that extraction of stone resources and associated activities may take place under the authority of the existing Aggregate Resource Act license and that this use is an interim use.

The hotel development, associated with the golf course development on lands designated Escarpment Rural Area, shall take place on the quarry floor. The built form of the resort hotel shall be a maximum of 6 stories of which 2 stories consist of enclosed parking and 4 stories of above grade resort hotel uses.

A proposal for a hotel building that proposes a building height including the height of any architectural features, that exceeds the height of the brow of the Escarpment, will require a Visual Impact Analysis prepared by a qualified expert that demonstrates that there is no adverse impact on Escarpment landscape qualities and adjacent and proposed residential uses. The Visual Impact analysis will accompany the Development Permit application and shall take into consideration both daytime and nighttime conditions.
building height and minimum setbacks. The Analysis shall be prepared to the satisfaction of the Niagara Escarpment Commission and the Town, and shall be subject to the approval of the Niagara Escarpment Commission. Should the Visual Impact Analysis determine that there is an adverse impact on the Escarpment landscape or adjacent and proposed residential uses, the Visual Impact Analysis shall identify mitigation measures to address those impacts. Such mitigation measures may include screening, setbacks and alterations to building design, including height. Prior to undertaking the work related to a Visual Impact Analysis consultation with both the Town and the Niagara Escarpment Commission shall occur to define the parameters and requirements for the Visual Impact Analysis.

The maximum number of hotel guest rooms is 200.

In addition to the 2 stories of enclosed parking associated with the hotel, only a limited amount of surface parking within a landscaped setting is permitted.

Commercial recreational uses, such as spa, tennis courts, shall complement the main hotel use.

Development of the hotel and any of the secondary uses associated with the hotel shall not encroach into the Escarpment Natural Area (Queenston Quarry) or Escarpment Protection Area (Queenston Quarry) designations. Detailed site plans illustrating the location of the hotel and all its associated uses and amenities and setbacks from the Escarpment Natural Area (Queenston Quarry) and Escarpment Protection (Queenston) will be required as part of the Development Permit and Site plan approvals.

Phasing of the development of the hotel and the complete build-out of the 7 apartment buildings proposed in the Urban Residential (Queenston Quarry) designation shall be subject to the successful renegotiation of the mutual servicing agreement between the Town of Niagara-on-the-Lake and the City of Niagara Falls with respect to allotment of sanitary sewer flows from the St. Davids urban area that is received and treated at the sanitary sewer treatment plant located in Niagara Falls. Any change, to the satisfaction of the Region, Town and City.
improvements to the sanitary sewage system that may be required to convey the increased sanitary sewer flows to the Niagara Falls treatment plant shall be borne by the developer in addition to the developer's proportionate share of the costs to acquire any additional allotment of sewage flows that may be received at the treatment plant.

In addition to the Development Permit Control requirements of the Niagara Escarpment Commission the uses in this designation shall also be subject to site plan approval from the Town of Niagara-on-the-Lake and approvals from other agencies, i.e., Ministry of Transportation, Niagara Peninsula Conservation Authority.

That Part 3, Land Use Policies, Section 17: Niagara Escarpment Plan Commercial is amended by adding new policies titled "Escarpment Natural Area (Queenston Quarry)" after "Natural Area Policies" as follows:

ESCARPMENT NATURAL AREA (QUEENSTON QUARRY)

1. In the Escarpment Natural Area (Queenston Quarry) designation the following uses shall be permitted:

   Main Uses:
   Passive recreational uses

2. The boundary of the area designated "Escarpment Natural Area (Queenston Quarry)" reflects the same area designated Escarpment Natural Area in Niagara Escarpment Plan Amendment 171 where the delineation of the designation uses the Niagara Escarpment Commission's Designation Criterion that includes forested lands 300 metres (1000 feet) back from the brow of the Escarpment slope using the most detailed up-to-date information and site inspections.

Development within the Escarpment Natural Area (Queenston Quarry) shall be in accordance with the Development Criteria policies of the Niagara Escarpment Plan.

Prior to any development taking place, the existing Ministry of Natural Resources licence under the Mineral Resources Act and the Ministry of Environment Certificate of Approval for
waste disposal must be surrendered and a Record of Site Condition filed with the Ministry of Environment.

In addition to the Development Permit Control requirements of the Niagara Escarpment Commission any new use shall also be subject to site plan approval from the Town of Niagara-on-the-Lake and approvals from other agencies, i.e., Niagara Peninsula Conservation Authority.

That Part 3, Land Use Policies, Section 17: Niagara Escarpment Plan is amended by adding new policies titled "Escarpment Protection Area (Queenston Quarry)" after "Escarpment Natural Area (Queenston Quarry)" as follows:

ESCARPMENT PROTECTION AREA (QUEENSTON QUARRY)

1. In the Escarpment Protection Area (Queenston Quarry) designation the following uses shall be permitted:
   Main Uses:
   Passive recreational uses
   Uses Independent of a Main Use:
   Incidental uses associated with a golf course

2. The boundary of the area designated "Escarpment Protection Area (Queenston Quarry)" reflects the same area designated Escarpment Protection Area in Niagara Escarpment Plan Amendment 171.

Development within the Escarpment Protection Area (Queenston Quarry) shall be in accordance with the Development Criteria policies of the Niagara Escarpment Plan.

Prior to any development taking place, the existing Ministry of Natural Resources licence under the Mineral Resources Act and the Ministry of Environment Certificate of Approval for waste disposal must be surrendered and a Record of Site Condition filed with the Ministry of Environment.
In addition to the Development Permit Control requirements of the Niagara Escarpment Commission any new use shall also be subject to site plan approval from the Town of Niagara-on-the-Lake and approvals from other agencies i.e. Niagara Peninsula Conservation Authority.

That Part 3, Land Use Policies, Section 17: Niagara Escarpment Plan is amended by adding new policies titled 'Escarpment Rural Area (Queenston Quarry)' after "Escarpment Protection Area (Queenston Quarry)" as follows:

**ESCARPMENT RURAL AREA (QUEENSTON QUARRY)**

1. In the Escarpment Rural Area (Queenston Quarry) designation the following uses shall be permitted:

   **Main Uses:**
   - Golf course
   - Winery
   - Equestrian centre

   **Secondary Uses:**
   - Golf club house and uses associated with a golf course
   - Agricultural operation
   - Uses associated with a winery

   **Uses Independent of a Main Use:**
   - Passive recreational uses

2. Prior to any development taking place, the existing Ministry of Natural Resources licence under the Mineral Resources Act and the Ministry of Environment Certificate of Approval for waste disposal must be surrendered and a Record of Site Condition filed with the Ministry of Environment. It is recognized that 200,000 m$^3$ of excavated material from the Niagara Falls–Hyde Tunnel project may be disposed of and used to rehabilitate the quarry for golf course use.

   Progressive rehabilitation of the quarry to golf course use may be phased with the first phase occurring in the western half of the quarry and tied to the development of the first apartment building proposed in the Urban Residential (Queenston Quarry) designation. The progressive rehabilitation of the eastern portion of the quarry shall take place once the non-hazardous
That portion of the Escarpment Rural Area (Queenston Quarry) designation that abuts the existing Bevan Heights community shall be used for passive recreational use only and shall be maintained in a natural condition to provide for a buffer and separation to the uses located in the Urban Residential (Queenston Quarry) designation.

Development within the Escarpment Rural (Queenston Quarry) designation shall be in accordance with the Development Criteria policies of the Niagara Escarpment Plan.

In addition to the Development Permit Control requirements of the Niagara Escarpment Commission any new use shall also be subject to site plan approval from the Town of Niagara-on-the-Lake and approvals from other agencies, i.e. Ministry of Transportation Niagara Peninsula Conservation Authority.

This amendment shall only take effect upon approval of the Regional Policy Plan amendment to confirm the adjusted urban area boundary for the Village of St. Davids. Amendment 1-2009 for the Queenston Quarry lands.
Proposed Modifications - Official Plan Amendment 45
Town of Niagara-on-the-Lake
Additional Amendment Wording and Policies

Amendment Wording/Policy “A”

“iii) That Part 1, Introduction, Section 5: Planning Period and Review, Policy (4) Urban Area Boundaries is amended by adding a new sub-policy as follows:

Notwithstanding the provisions of Amendment No. 43 to the Town of Niagara-on-the-Lake Official Plan that require a Municipal Comprehensive Review to facilitate expansions or alterations to an Urban Area Boundary, a refinement to the Urban Area Boundary of St. David’s shall be allowed for the former Queenston Quarry lands based on the review and approval of site specific applications Regional Policy Plan Amendment 1-2009 and Niagara-on-the-Lake Official Plan Amendment No. 45 (Queenston Quarry).”

Policy “B”

“Notwithstanding the land use designations applied to the former Queenston Quarry lands, the Extractive policies of this Plan shall continue to apply on the lands until such time as the Ministry of Natural Resources is satisfied that the quarry rehabilitation and decommissioning (Record of Site Condition) are completed, and the quarry license and Ministry of the Environment Certificates of Approval are surrendered.”

Policy “C”

“2. All the land designated Recreational Commercial (Queenston Quarry) is subject to the Development Permit Control requirements of the Niagara Escarpment Commission for lands located within a Minor Urban Centre.”

Policy “D”

“3. All the development of the lands designated Recreational Commercial (Queenston Quarry) shall be subject to urban design guidelines approved through a separate Official Plan amendment. Prior to applying for building permits all development will be reviewed for compliance with the approved urban design guidelines and will be required to meet the development requirements established through the urban design guidelines in addition to the development criteria of the Niagara Escarpment Plan.”

Policy “E”

“6. The hotel building may have additional building height consisting of an architectural roof element that may create a 7th storey which may contain amenity elements for the hotel building, but no hotel rooms.”
Amendment Wording/Policy “F”

“vii) That Part 3, Land Use Policies, Section 15: Open Space and Community Facilities is amended by adding a new policy under “Exceptions” titled “EX-OS-3” after “EX-OS-2” as follows:

EX-OS-3 The lands designated as OPEN SPACE and COMMUNITY FACILITIES and located between Bevan Heights and the Queenston Quarry development on Schedule D shall be used for no other purpose than natural open space and trails.”

Policy "G"

“3. The applicant shall submit and receive approval for a revised Environmental Impact Study to address Areas of Natural and Scientific Interest, Species-at-Risk and Tree Saving Plan.”

Policy “H”

“4. The development of the land requires a Water Quality Monitoring Study. This study shall be to the satisfaction of the Niagara Peninsula Conservation Authority for the protection of vulnerable groundwater area and include 1 year of background data prior to development.”

Policy “I”

“7. All development within the Escarpment Rural Area (Queenston Quarry) shall be on private waste disposal systems and private water supply.”
Proposed Modifications

1. Urban Area Boundary to match Regional staff recommendation.

2. Land along Townline Road outside of the Urban Area Boundary to be designated Escarpment Rural Area (Queenston Quarry).

3. Escarpment Protection Area (Queenston Quarry) designation to replace Recreational Commercial (Queenston Quarry) designation in accordance with NEPA 171 requirements within the Urban Area Boundary.

4. "Berm Area" for protection within the Urban Area Boundary to be designated Open Space and Community Facilities (EX-OS-3).
Appendix 3:

Minutes of Regional Public Meeting
Councillor Salci welcomed members of the public and provided introductory comments with respect to the purpose of the meeting, the proposal, declaration of quorum and required statements under the Planning Act.

R. Wilson provided an overview of the planning process to consider the application. The purpose of the meeting is to inform the public about the application and receive comments which will be considered in the review and future recommendation on the proposal. R. Wilson presented information on the process and proposal with the assistance of slides that included a location map and plans submitted for the development (master plan, concept plan, requested Urban Area Boundary).

D. Aston explained the requested refinement to the Urban Area Boundary to accommodate the development. The proposed plan includes a golf course, hotel, residential use and winery. He noted existing requirements of the quarry rehabilitation plan and the Ministry of Environment approval for waste disposal and clean-up. D. Aston advised that a related application has been submitted to the Town of Niagara-on-the-Lake for an Official Plan amendment and that significant consultation with the neighbours has already taken place. He stated that the proposed boundary considers the physical features of the site and the development meets planning objectives. D. Aston stated that the Niagara Escarpment Commission supported the concept and the application did not require an amendment to the Niagara Escarpment Plan.

F. Racioppo provided detail on the proposal and background to the development. The quarry lands currently contain 30 acres within the Urban Area Boundary and the application would change the configuration of the boundary. The concept plan proposes to expose the historical buried rock faces along Townline Road and the west property limit and allow development on the quarry floor. F. Racioppo indicated that he has met with the abutting residents to discuss the application. He stated that various studies have been completed in support of the development and that natural areas will not be
disrupted. The hotel has been relocated to within the proposed urban area based on Niagara Escarpment Commission comments.

John Bacher (134 Church Street, St. Catharines) indicated he was speaking on behalf of PALS (Preservation of Agricultural Lands Society) in support of the amendment. Such a development at the gateway to Canada is supported. He stated that the proposed concept was good and removes natural areas/berm from inappropriate urban development. The focus of development is the brownfield quarry land and he is encouraged to see the vineyard.

Michael Deinhart (79 Shoreline Drive, St. Catharines) stated concerns with the population increase to the area as a result of the development and potential impacts on the natural surroundings. The height of the buildings and their visual impact was questioned.

F. Racioppo stated the buildings will be 5 storeys in height and would not extend above the surrounding elevation or tree line. The number of units has been reduced and the development will offer a unique residential product. He stated the woodlot in the northwest corner extends into the approved quarry extraction area but will be preserved. A trail system will be created within the development.

John Morley (97 Melrose Drive, Niagara-on-the-Lake) advised that he is an abutting property owner and objects to the development. He noted concerns with the impact on the Carolinian woodlot, removal of a portion of the berm by his property, mass of the buildings and hotel location. J. Morley stated there is a property ownership dispute between himself and the applicant. He indicated that he previously supported the development before the Niagara Escarpment Commission but now has objections based on changes to the concept plan.

F. Racioppo noted that the design concept has evolved. He stated that a portion of the berm abutting the Morley property is proposed to be removed to restore the former elevation and for views as this is a strategic location for trail access. The development will not extend into the Carolinian forest. He felt there would be no views of the development from the Morley property.

Ron Riediger (1003 Line 4 Road, Niagara-on-the-Lake) stated that the rehabilitation of the quarry and landfill area for a golf course is positive. He questioned the viability of the vineyard and stated that perhaps local farmers could provide grapes for the winery.

John Klein (93 Melrose Drive, Niagara-on-the-Lake) received confirmation that the earlier proposal for 6 lots accessing a private laneway off Melrose Drive has been eliminated from the application. He also received clarification that the proposed hotel is located on the quarry floor within the revised urban boundary next to Bevan Heights.

Gabriela Ruiz (82 Rochampton Avenue, St. Catharines) expressed interest in the planning process. She questioned the impact of more families and seniors, recreational opportunities in the area, transportation to the site and protection of the environment.
F. Racioppo stated there are parks and schools in the area, the development can accommodate a range of age groups, trails are proposed, he has requested public transit to the site and the environment will be enhanced through the development. D. Aston indicated the proposed commercial area could provide personal service uses for residents.

Councillor Salci declared the Public Meeting closed and advised that those wishing to receive further notice regarding the application should sign the attendance sheet. Meeting was adjourned at 8:15 p.m.
Appendix 4:

Comments from Public
Saturday, November 28th, 2009

RE: Queenston Quarry Reclamation Company (QQRC)

Dear Sir/Madam,

Mr. Ken Whitbred, Manager, NEC.

A recent information meeting was held on October 29/30th in Niagara-on-the-Lake and hosted by a representative of QQRC, Mr. Frank Racioppo.

As spokesman, Mr. Racioppo, a practicing lawyer and principal of the corporation, advised at the meeting that a new plan for the reclamation of the quarry had been developed which would include the construction of six single family dwellings outside of the actual quarry. This sector is made up of Carolinian forest and adjacent to the Bruce Trail atop the escarpment. Ingress and egress to Melrose Drive for these dwellings would be obtained by use of the legal Right of Way (ROW) which presently serves our three residences and is a private laneway. Mr. and Mrs. John Morley are the servient tenants of this private laneway.

There has been no further communication by Mr. Frank Racioppo notwithstanding his assurance that he would be in touch with us in the near future. Since his law firm recently represented Mr. and Mrs. Morley in legal proceedings concerning the right of way, there is a concern that QQRC will seek to either gain access to the right of way or otherwise act to change the character of the right of way to the detriment of ourselves and our properties.
We respectfully request therefore that you acknowledge receipt of this letter in writing and thereafter keep us informed in regards to this ongoing situation in order that we may, if necessary, take appropriate measures to preserve status quo and our legal use of the right of way.

We would also request that you keep the undersigned fully informed of any current and future developments between the town, Niagara Escarpment Commission and the Queenston Quarry Reclamation Company.

Yours truly,

Jonathan F. Klein
William Robins
Rod Whidden

Cc: Mr. Peter Lingard
Martens Lingard LLP
195 King Street
St. Catharines, Ontario
L2R 3J6
Ms Theresa Gray, Planner
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road,
Virgil, On L0S 1T0
BY FAX ONLY (905) 468-0301

QUEENSTON QUARRY RECLAMATION COMPANY

Dear Ms. Gray:

As residents of 97 Melrose Drive, we have the following concerns:

1. The urban boundary south of our property in the northwest corner of QQRC lands has been occupied and maintained by us as well as the previous owners of our property since 1966. This is why it is part of the existing urban boundary. To push the proposed urban boundary into the woodlot is an unnatural intrusion as the woodlot that has always been separated by a berm from the quarry. The urban boundary south of our property has always been separated by the same berm that basically separates the quarry activities from the residents of Bevan Heights. The berm provides a wonderful visual barrier and a sense of enclosure. According to the Concept Plan, the berm only behind our property is now scheduled for removal. The existing berm along all other affected property owners is intended to remain intact. We do not support the removal of the berm behind our property and we do not support a new urban boundary into the woodlot.

2. The woodlot east of our property was the subject of negotiations by the residents of Bevan Heights, the Town, and the Region of Niagara several years ago. The Region’s recommendation was to preserve this unique 5 acre parcel of Carolinian woodlot and was endorsed by the Town Councillors and the Town of Niagara-on-the-Lake. The developer now wants to extend the residential component of the project into this very woodlot. We do not support this intrusion.

3. The alteration to the urban boundary is being proposed by QQRC to accommodate the creation of 6 single lots accessed by a private laneway. To date, QQRC does not have access to Melrose Drive and QQRC’s proposed access to the 6 new lots is by means of a private laneway that we own, not QQRC. Planning submissions should be based on accurate facts. No agreement exists between us and QQRC to use the laneway for access to the proposed residential component of the project. Therefore, there is no physical way that 6 lots can be accessed from Melrose Drive nor is there the ability to access municipal services to these lots from Melrose Drive. Consideration of change in the urban boundary in this area does not make any sense. Couple with the proposed removal of the berm in this area as well, the whole scheme as proposed is unrealistic and negative in its impact.

4. When the ‘condominium’ aspect was initially presented to the Niagara Escarpment
Commission and adjacent owners in Bevan Heights, there was to be one condominium unit and residential homes similar in architectural style and spatial land mass to what currently exists in Bevan Heights. Now 7 condominiums with 750 units is proposed.

2. We are a designated heritage site and a Heritage Impact Study is required by a qualified Heritage Planner. To date, this has not been done. The Municipal Heritage Committee has not had an opportunity to review this report and comment on the findings of the study.

3. Our property is the most affected by the proposed urban change. Interestingly, every property owner adjacent to QQRC land will be given a 5m strip of land with no removal of the berm or change in site lines. Since our property is fronted on two sides by the proposed development, we would like the same treatment extended to us by QQRC.

4. The configuration of the proposed urban boundary is puzzling from a planning perspective. It would be our hope that approval of the Concept Plan would be based on sound and well thought out planning principles that benefit the community as a whole. The fact that the proposed hotel is an island all by itself is unusual to say the least. It would seem to us that all of the urban boundary should be one unified piece of land and not isolated as proposed.

5. We like the idea of recreational trails but would like the proposed trail to be moved further east to primarily to maintain our privacy.

Yours truly,

John and Victoria Morley
Queenston Quarry Rehabilitation

January 25, 2010

Al Steip: St. Davids Ratepayers Executive

Lord Mayor, Town Councillors, Ladies and Gentlemen, I am here as a member of the St. Davids Ratepayers Executive. Paul Fenwick is our President, however he suggested that I present to you given my family lives in Bevan Heights and my back yard is adjacent to the west boundary of the Queenston Quarry.

Summary:

The St. Davids Ratepayers Executive represents the interests of all the tax-paying citizens in St. Davids. In general, we support the Official Plan Amendment Application as presented by Frank Racioppo, President of Queenston Quarry Reclamation Company Ltd. There are outstanding issues that we seek further input on such as signage, the use of Morley Lane and the water plan for the site; but overall the amendment of the urban boundary is in the best interest of the population of St. Davids and the whole town of Niagara-on-the-Lake.

QQRC Application:

(A) Master plan: The residents of Bevan Heights and St. Davids support the proposed Master plan and its component uses as we believe it represents the best possible rehabilitation plan for the Queenston Quarry.

(B) Urban Boundary Adjustment: An important aspect of the application is an alteration of the St. Davids Urban Boundary. A major contributing factor to the need to amend the boundary was a result of significant neighbour and community consultation respecting a significant forested berm feature adjacent to Bevan Heights. Accordingly, we are convinced that the berm and mature trees that have thrived on this berm should stay in place in its current state. For this preservation to take place then all that is required is a minor shift and realignment of the urban boundary by a mere 250 ft in a quarry that is 6,000 feet wide. We believe the urban boundary realignment should be approved and
supported by the Town as this will allow the development to move forward for the benefit of all.

(C) **Brownfield:** We are aware that this is a Brownfield property and should receive unique consideration to ensure there is an end to industrial uses. As well, the development plans will provide site clean-up of the foundry sand to Ministry of Environment approval.

(D) **Resort Location:** Mr. Racioppo has stated that for the Master plan to work practically, aesthetically and functionally then the golf course and resort buildings should be located in the centre of the Quarry lands and not adjacent or on the back yards of the Bevan Heights residents. We are in agreement with this approach as it offers a substantial buffer to Bevan Heights. As well, this design creates a better entry to the project from Stanley Avenue and Portage Road and not an entrance off Townline Road which would be too close to Melrose Drive. The entrances as set out in the Master plan avoids any problems that could occur if there was an entrance on Townline Rd (as would be necessary if the current urban boundary is mandated) due to the poor sightlines at Townline Road and Melrose Drive.

(E) **Walking Paths / Trails:** Not only do we want to ensure the berm remains in place but we are excited that QQRC plans to use the berm in conjunction with a new 5km walking trail / bike path which goes around and internal to the Quarry lands. Also, we believe the Town and Region should cause QQRC to supply a new path along its boundary (i.e. along its boundary at Townline and Portage Road) within the public road allowance and with co-operation of the Region and Niagara Parks Commission; we can connect St. Davids to Queenston Heights and the Niagara Parkway.

(F) **Traffic Considerations:** The Ratepayers wishes to point out that there is a traffic concern for St. Davids. Specifically, we believe that any traffic generated from the resort going towards Old Town should be directed towards the Parkway and not through St. Davids. Hence, signage should be directed accordingly.

(G) **Current Urban Boundary:** The current urban boundary was drawn by a previous quarry owner and does not seem to offer any material
benefits to the environment nor is it based on a dominating physical features. There seems to be no down side to St. Davids or the environment by using this Town process to have a fresh look at what is the best shape for the Quarry's 30 acres of St. Davids Urban Boundary. If any stakeholder believes the current boundary should not be altered, then we ask that specific reasons be provided to allow us a chance to offer our feedback.

**Conclusion:**

The Executive of St. Davids Ratepayers supports QQRC to alter the urban boundary as set out in its Master plan. It also supports all its intended uses. A key feature is the preservation of an existing berm and significant wooded corridor that offers a beautiful framing of both the quarry and Bevan Heights. We ask that the Town, Region and Niagara Escarpment Commission to approve QQRC’s applications.

Thank you,

Al Steip,

On behalf of the St Davids Ratepayers Executive
Dear Mr. Colosimo:

My wife and I reside at 97 Melrose Drive at the northwest corner of the proposed development. Our house and property is formally designated as a Part IV heritage site under the Ontario Heritage Act. For the past three years, we have met on numerous occasions with Frank Racioppo to discuss the project in general terms as well as to specifically discuss the possible purchase of a laneway that we own from Melrose Drive to the proposed 6 unit residential component of the project. No formal agreement exists with QQRC to use the laneway for purposes of access to the residential component of the QQRC plan.

Our concerns are as follows:

1. The 5 acre woodlot to the east of our property was the subject of negotiations with the residents of Bevan Heights as well as the Town of Niagara-on-the-Lake in the past. Residents petitioned the town and several spoke before Council to preserve this unique parcel of Carolinean woodlot. Corwin Cambray was very instrumental in providing advice as well as assisting us in retaining this area as a natural park for the community. QQRC now wants to encroach into this woodlot by formally changing the existing urban boundary and building 6 houses complete with a private 20' wide roadway and accompanying parking pads. Frank Racioppo has also indicated to us that under the Pit and Quarries Act and as the registered owner of the land, he is entitled to quarry this area. Not only would this be detrimental to the integrity of the woodlot but also to the appearance of a formally designated provincial heritage site.

2. A Heritage Impact Study is required by the Town to determine whether or not any development would impact on the heritage value of our house and property. Mr. Racioppo has retained the services of Wendy Sherar, a Landscape Architect employed by MPHC in Kitchener to conduct a heritage impact study. While she may be a very good Landscape Architect, she is not a formally trained Heritage Planner. From discussions that I have had with a well respected Niagara-on-the-Lake Realtor, our property would be adversely affected by the proposed residential component in close proximity to our property. QQRC has plenty of land elsewhere on the quarry site to alter the urban boundary should this be necessary without infringing on lands near our property. The uniqueness and mystery of our location would be lost forever.
3. Frank Racioppo would like to gain access to the 6 residential lots off our laneway that is also part of our heritage designation from Melrose Drive to the proposed lands that lie south of our property. This would be a huge cost savings for the developer with easy access to municipal services instead of a long and circuitous route through quarry lands to the same area in question. There is some discussion as to whether or not QQRC actually owns the area south of our property line that we have maintained since 1994. There is currently a cloud on the title.

4. The volume of information generated by consultants for QQRC has been overwhelming. Numerous changes to the original plan have occurred over time. The configuration of the proposed urban boundary is unusual to say the least. QQRC has done all the necessary surveying that locates potential property lines for the house lots in the woodlot. Before long, a forester and his staff will be removing European Buckthorn, a non-native, aggressive plant that is worthy of removal from this area. All of this is being done since he is the steward of the woodlot as well as presumably gain support for the project.

5. I am hopeful that the final decision will be based on sound planning principles and that the final decision will not be politically motivated. In the past, he has had considerable support from local members of Regional Council and I expect that he still does. I have spoken on behalf of QQRC in the past at a Niagara Escarpment Commission hearing when the plan was initially presented to the public when Racioppo was proposing a golfcourse resort and 1 condominium building. Today he will not guarantee a golfcourse situation and he is proposing 7 condominium buildings. I cannot support this change.

6. According to Frank Racioppo, the berm behind our property will be removed in its entirety. This will be done to facilitate a view towards the proposed golfcourse for the owners of the residential lots facing the golfcourse. I am not convinced that we will not be able to see any of the proposed condominiums from our property due to the size of the condominium units. At present, we enjoy a remarkable woodlot to the east and view to the south with no light pollution, no vehicles, and no houses. We enjoy lots of songbirds, wild turkey, and white tailed deer. Also, each of the property owners adjacent to the proposed development will be given a 6 m strip of land at the rear of their property and thereby continue to enjoy the present berm as separation from the condominium developments. Our property is adjacent to the entire woodlot in question on the east side as well as the total extent of our south property line on the second side adjacent to the proposed development. Of all the residents in Bevan Heights, we will be the most impacted by the proposed development. We are the only property owners where the existing berm is scheduled for removal. If Racioppo removes the berm behind our property, we will be negatively impacted. We believe that ultimately QQRC will simply build condominium buildings.

7. All grading and drainage patterns will be changed at the south end of our property so that none of the existing water will be discharged onto lands located at 83 Melrose Drive. Whatever is proposed from a grading perspective must not compromise the integrity of the mature White Oaks that solidly form a barrier at the south end of our property. Also of
interest are two Butternut trees that are located south of our property on lands that we have maintained for years. Lands that he would like to construct houses on. These trees are rare and provincially significant.

8. Ongoing promises must translate into site improvements that benefit the community as a whole. Comments on whether the site will be developed as a golf course or left as a natural park should be clarified.

9. I personally like his idea of trails and linkage to lands owned by The Niagara Parks Commission. His 6m width is excessive and more like a road. The location of the proposed trail next to our property could be problematic. The location of the proposed trail could easily be shifted further to the east as an act of good faith by the developer.

10. On the Concept Plan, several parking pads are located along the proposed laneway to the proposed residential component. All of these parking pads extend into the woodlot. They are apparently for guest parking. Guest parking should be confined to the respective property owners driveways and not along the extended laneway. No parking should be allowed along the laneway that is only 20' in width in order to facilitate emergency vehicle access should this ever be necessary.

11. It is my understanding that no development can take place within 400' of the brow of the Niagara Escarpment. In QORC's case, I'm not sure if they are taking this measurement from a original face of the escarpment or if they are calculating the distance from the rock face that exists today. As you may or may not know, a quarry dig occurred in the area north of the woodlot in question during the 1940's. It is now covered with Carolinean vegetation and provides a seamless link to what would have been the original face of the escarpment.

12. The original Concept Plan identified to the best of my knowledge indicated one condominium component with possibly 100 units. Now, with the exception of the 6 residential lots, all the remaining housing units are condominiums totaling over 700 units. These units bear no relationship to the residential character of Bevan Heights.

In summary, no formal agreement exists to use of the laneway as access to the residential component of the project. No Heritage Impact Study has been submitted to the Municipal Heritage Committee in Niagara-on-the-Lake. Any proposed development into the woodlot would unravel a previous agreement with town council. The condominiums are overstated and do not blend in with the existing character of Bevan Heights. The removal of the berm behind our property would alter the character of our unique landscape. Every other property owner bordering the proposed development would not be visually altered.

Yours truly,

[Signature]

John and Victoria Morley
Hello Planning,
See email below for your file.
Thank you,
Frank

-----Original Message-----
From: J Codrington [mailto:jeanne@computan.on.ca]
Sent: February 8, 2010 9:19 PM
To: ken.whitbread@ontario.ca
Cc: martin.kilian@ontario.ca; nancy.mott-allen@ontario.ca
Subject: Queenston Quarry Reclamation - Adjustments to Urban Boundary

I understand that the issue of adjustments to the urban boundary are to be considered by you, probably later this week.

My family and I have lived adjacent to the quarry and the lands of the proposed revised urban boundary since 1968. We have seen the proposed boundary revisions dated January 25, 2010, as circulated by the applicant, Frank Racioppo.

I have discussed this change with the developer on a number of occasions. I am aware that many features of the proposed boundary changes are made to ensure that the new development is minimally intrusive to myself and the existing residents of Bevan Heights.

I feel that the establishment of the corridor between the eastern boundary of Bevan Heights and the proposed development is a win - win - win situation:

- It establishes a separation between the existing residential development and the proposed new development.
- It avoids the construction of residential development on unconsolidated fill.
- It allows the new development to be constructed with a grade separation from the existing residential development on the west boundary.
- It makes the new development contiguous with the proposed golf course.
- The undisturbed existing berm has more than 30 years of tree growth, some of which is species native to the area. This would be retained by the establishment of the corridor.
- The corridor will be valuable for wildlife movements.

I urge you to consider approval of the separating corridor.

I also urge you to approve the separation between Townline Road and the southern boundary of the subject urban boundary lands. This is a narrow strip of land that cannot be used for urban development because of the buried rock face. A realistic use is to plant trees to make an attractive boundary at the side of Townline Road.
The developer also wishes to have a non-contiguous section of the urban boundary lands moved out to a more central location for a core club house / country inn. While I am not so directly affected by this change, I am supportive of it. It is essentially central to the proposed golf course and will give striking views. The developer has made an attractive landscape proposal and I would prefer to see it developed along these lines.

I urge you to consider approving the central location for the country inn.

The existing site retains much of the evidence of its industrial history. The developer is proposing a significant investment to reclaim it. This will not happen if the developer does not have some freedom to develop it along the lines he has proposed.

Thank you for your consideration of this matter.

John and Jeanne Codrington
79 Melrose Drive
Bevan Heights
February 16, 2010

Re: Proposed Niagara Escarpment Amendment # PN 17107
Queenston Quarry Reclamation Company

The Niagara-on-the-Lake Conservancy, has commented on this application before in April of 2008. Since then we have attended various open houses as the plan for rehabilitating the Queenston Quarry has evolved. As a result we would repeat our commendation of the Queenston Quarry Reclamation Company's efforts to date as they relate to the company's plans to protect natural and built heritage features and to document their history and make them more accessible to the public.

We are also most impressed with the plans for a small vineyard and winery; the on-site water and waste services; the fact that due to the topography the development is rather sheltered and hidden from the view of the road, a golf course that will be aiming for Audubon certification; the ongoing clean up of a contaminated part of the site; and, that, despite having waste dumping permits, this development will negate this use.

Most recently, the Conservancy Board has viewed the architectural plans of Julian Smith and appreciated his use of the famous Queenston sandstone into the design of the buildings. We are also aware of the current application’s realignment of the urban boundary of the Minor Urban Centre of St. Davids, to come within the Greenbelt overlay of the Niagara Escarpment, and hence the concerns of NEC staff regarding a potential precedent.
However, we feel this is a good (10 acres-into the Greenbelt/Escarpment lands) precedent to set, as the historic rock face will be uncovered so as to allow public viewing; the tall trees that provide a green buffer will remain; five acres of farmland will be created as the quarry floor is rehabilitated; the urban footprint will be slightly lessened; and the chance of other uses such as a continued storage of wood waste, as allowed by the current permit, will be negated.

We also reiterate that we doubt there are any other similar quarry sites where such a development would be possible, or any that would have such an admirable track record of heritage and environmental stewardship.

Finally we would point to the purpose of the Greenbelt Act, that of protecting farmland and natural areas. Surely this development, with its enhancement of green space, both as part of the Bruce Trail and within the minor urban centre of St. Davids, as well as its addition of a vineyard and the historic quarry features, would serve these purposes very well.

We urge the Commission to approve the Queenston Quarry Reclamation Company’s proposal and satisfy multiple environmental goals.

Gracia Janes, President
2010 03 18

NIAGARA ESCARPMENT COMMISSION PRESENTATION

HISTORY/BACKGROUND

My name is John Morley and I reside at 97 Melrose Drive in Niagara-on-the-Lake. The property that my wife Victoria and I own is located at the northwest corner of QQRC lands. It is bounded on the east by a Carolinean wood lot and by an elevated, man-made berm to the south. The wood lot was the subject of negotiations by residents of Bevan Heights, the Town, and the Region of Niagara Planning Department several years ago. The Region's recommendation was to preserve this unique 5 acre parcel of Carolinean wood lot. As a matter of interest and fact, the preservation of the wood lot was enthusiastically endorsed by Town Councillors and the Town of Niagara-on-the-Lake. An equally major defining element that surrounds our property is a berm that is found along all other properties adjacent to QQRC lands including ours. Because we are bounded on two sides by QQRC, we are singularly the most impacted property owner in this subdivision.

HERITAGE DESIGNATION

Our property is a formally designated Class IV heritage site under the provincial heritage act. Our house as well as close to 2 acres of Carolinean landscape is all included under this heritage designation. Our property is linked to Melrose Drive by means of a narrow lane way that we own. It is this same lane way that the developer, Mr. Racioppo, had hoped to purchase from us in order to provide access to 6 residential lots that he wished to establish within the southern extremity of our property. Mr. Racioppo failed to purchase our lane way and additional needed lands.

PROFESSIONAL BACKGROUND

A little about my background may be helpful to the committee to clearly understand how I came to the decision that I am about to reveal. I have both a Bachelors and Masters Degree in Park Administration/Parks Planning and I am a registered, full time, and certified OALA Landscape Architect. For 14 years, I was the Director of Horticulture for The Niagara Parks Commission and as such, I was responsible for the preservation and management of the world-famous Niagara Parkway, the Niagara Parks Botanical Garden, the moraine surrounding the Falls, the Niagara Gorge, and in short, "all things green and growing." Closer to QQRC lands, I was responsible for the preparation of a major report for the Commission that ultimately resulted in the acquisition of the 98 acre "cultural area" from Queenston Quarry by the NPC. Because of my familiarity with the site, I was the one who showed the General Manager, Mr. Don Wilson, the property. This is the very area that Mr. Racioppo now plans to cooperatively use in concert with The Niagara Parks Commission. This is commendable.

THE PLAN

In the past, I have spoken to this commission on behalf of the developer for I believe that certain components of the plan are deserving of your support. However, today, because of the numerous changes that have occurred since the original concept was presented to the residents of Bevan.
Heights, I can no longer support the number of condominiums being proposed, the removal of a portion of the berm, the proposed location of the hotel, and any infringement into the wood lot
1. There was initially to be 1 condominium comprising of 107 units. Today, according to information given at a public meeting on the 28th of October, 2009, there are now 7 condominiums with 750 units and according to my recollection, some 900,000 square feet of building space

2. Originally, there was to be a golf course/resort complex. As you all know, the location of the resort component has gone through various planning configurations to maintain the allowable 30 acre urban boundary entitlement. A 220 room hotel may now be located in the ‘north portion of the L-shaped urban boundary’. This is unacceptable to us. There is no guarantee that a golf course will ever be developed. I can not support the building of a hotel and condominium units with no golf course. The mass of 7 condominiums does not in any imaginable way fit into the existing residential character of Bevan Heights. It simply is inappropriate for the area and does not represent good planning.

THE BERM
This land form has been there at the back of our property as well as all other adjacent neighbors of QORC lands since the early 1960’s, 50 years or more. It forms a natural boundary between QORC lands and the residential component of Bevan Heights. Let me share with you how the status of the berm has changed in recent weeks. First of all, let me clarify the location of the existing berm on his plan.

A series of e-mails from the developer to myself over a couple of days commencing on February 23rd indicated that the berm would be preserved and that QORC would be moving forward on this basis. When queried about whether the berm would remain behind our property, Frank indicated that we plan to remove our quarry berm that is located to the south of you/us. We subsequently indicated that we did not want the berm removed. He then indicated that the berm immediately behind us would remain but that the west berm south of the wood lot would come out. This same e-mail indicated that the “berm along Bevan Heights extends wide (east - west) enough that it blocks most or all of the tennis court lands and QORC would have no impact on our property. I believe, correct me if I’m wrong, that Mr. Racioppo meant that the berm east of the wood lot would come out and not the west berm as indicated in his e-mail.

All of this is contrary to what originally was sent out to the adjacent neighbors on February 23rd which stated that “we do not wish to develop within the berm area”. The removal of the berm only behind our property and not behind any other property owner is misleading to the NEC and unacceptable to us. We would like final plans on his intentions and an accurate presentation of all the facts to the NEC on this subject.

Interestingly, all adjacent property owners along the north-south berm have been offered a 5 to 6 m strip of land into the berm, all except one party, if they support Concept 1. This 6 m strip extends along the total extent of their property pending approval of the plan by the NEC. As I have already said, we have been told that the berm will only be removed behind our property.
The removal of this natural feature only behind our property would in all probabilities result in a view of condominium towers, increased light pollution, increased noise, and most importantly, no separation from the proposed development to our property. We are the largest and least developed property owner adjacent to the quarry and we are the most impacted. This can partially be obviated by leaving all of the berm where it currently exists.

**URBAN BOUNDARY**

There is one area of the existing urban boundary that I would like to explain to the committee for clarification purposes.

This small, most northern area is denoted as urban. It has been fenced off from the quarry lands since 1966 and has been occupied and included as part of the property of 97 Melrose Drive from that time. This same area has been excluded from quarry lands to the south of the berm for the same period of time. It is because this particular section of land has been included in the existing residential section of Bevan Heights subdivision for over 40 years that it has been delineated as urban. This area is currently in dispute between Mr. Racioppo and ourselves.

The land directly east of this area is not described as urban or within the existing urban boundary because it has always been a wood lot, a part of the Niagara Escarpment. It makes no sense to extend the urban boundary into the wood lot for residential and commercial purposes. It has never been and should never be designated as urban use. The town Councillors, the Town of Niagara-on-the-Lake, as well as the Region of Niagara Planning Department decided this several years ago much to the delight of the residents of Bevan Heights. Mr. Racioppo’s most recent interest in removing that section of the berm is to urbanize it. We do not want the berm removed anywhere in its northern section.

**THE RESORT COMPLEX**

We are opposed to the proposed location of the 220 room hotel complex in the northwest corner of QQRC lands. To date, I have not seen a plan that specifically delineates where this unit is to be located. I have only read that it is to “be located in the north portion of the L-shaped urban boundary.” From a planning perspective, it would seem far more prudent to locate such a facility near the entrance primarily for servicing, aesthetic, and safety purposes.

**HERITAGE IMPLICATIONS**

Every individual/agency that my wife and I have contacted who is professionally and technically qualified to comment on the implications of any development next to our property have all indicated that we would be negatively impacted. The uniqueness of our property would be compromised. We are not supportive of losing the importance of our natural and man-made heritage. We value the uniqueness of our property.

**SUMMARY**

The first time I appeared before the NEC, I was in support of Frank’s proposal which included a golf course, resort center, plus 1 condominium unit. Today, I cannot support QQRC’s proposal.
because Concept 2 proposes 7 condominiums instead of 1 and no guaranteed golf course
Concept 1 indicates that the berm will be removed behind our property with a nearby hotel and 7
condominium buildings.

At this point, who knows what use the urban boundary will really include?

In essence, leave all of the berm where it currently exists. No residential development should
occur in any part of the Carolinean wood lot. The proposed hotel should be located within the
urban boundary near the entrance to the development and 7 condominium units is excessive.

I understand the political pressures that can be applied to the decision making process and trust
this committee will act independently and objectively in the best interest of the public. I also
appreciate the important work that this committee does for the long term interest for the people
of Ontario. I have confidence in your good judgement, planning expertise, and interest in doing
what is best for the community in which I reside. I am interested in preservation as well as
sustainable, long term development. By supporting what I have said this morning, we will
preserve the integrity of a Carolinean woodlot, we will maintain the natural separation of the
existing residential community from the proposed development, we'll guarantee the preservation
of a Class 4 heritage site, and we'll creatively assist in developing and maintaining the cultural
landscape of one of Canada’s most significant quarries.
Dear Martin Kilian:

I am writing to express my concern over the proposed zoning changes and development at Townline Road (former Queenston Quarry property). While I appreciate Mr. Racioppo’s efforts to revitalize the former Queenston Quarry, I do not believe his proposed development does enough to preserve the natural atmosphere of the protected escarpment region.

I am a lifetime resident of the Niagara region, and I have regularly utilized the Queenston-St David’s section of the Bruce Trail since childhood. On the Easter long weekend I was on my first hike of the season and was then alerted of the proposed development.

The Bruce Trail already runs along a paper thin area of the escarpment, and after reviewing the proposed plans I see that the development encroaches upon the wooded escarpment ridge with planned structures and golf greens precariously close to the Bruce Trail. I also see that there are plans for multiple-storey condominiums that would undermine the picturesque natural views of the area and further hamper the experience of people enjoying the trail. In addition, increased usage of the trails that would inevitably follow any population influx could threaten this sensitive ecological area. I feel that additional buffer space needs to be added to ensure the preservation of the wooded escarpment region, and structural height and density should be limited.

I urge NEC to consider the associated environmental implications of this proposed development and require the developer to amend his plans accordingly. The escarpment region in this area is one of the few remaining areas of unscathed forest in the Niagara region, and allowing it to be affected by further development would be both irresponsible and an embarrassment to our rich natural history.

Sincerely,

Michael Deinhart