

RECEIVED OCT 28 1998
PL971407
PL980643

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

At the request of the Niagara-on-the-Lake Conservancy, the Minister of Municipal Affairs and Housing has referred to the Ontario Municipal Board under subsection 17(11) of the *Planning Act*, R.S.O. 1990, c. P.13, certain parts of the Official Plan for the Town of Niagara-on-the-Lake Minister's File No. 26-OP-0831
OMB File No. O970236, Case PL971407

At the request of Jim Alexander and others, the Minister of Municipal Affairs and Housing has referred to the Ontario Municipal Board under subsection 17(11) of the *Planning Act*, R.S.O. 1990, c. P.13, that part of the Official Plan for the Town of Niagara-on-the-Lake, as it applies to the King Charlotte Neighbourhood
OMB File No. O970237, Case PL971407

At the request of V. Desimone, the Minister of Municipal Affairs and Housing has referred to the Ontario Municipal Board under subsection 17(11) of the *Planning Act*, R.S.O. 1990, c. P.13, that part of the Official Plan for the Town of Niagara-on-the-Lake, as it applies to the referror's lands designated "Conservation"
OMB File No. O970238, Case PL971407

At the request of Harold Pohorly and others, the Minister of Municipal Affairs and Housing has referred to the Ontario Municipal Board under subsection 17(11) of the *Planning Act*, R.S.O. 1990, c. P.13, that part of the Official Plan for the Town of Niagara-on-the-Lake, as it applies to the referrors' lands designated "Agricultural"
OMB File No. O970239, Case PL971407

At the request of Redland Quarries Inc., the Minister of Municipal Affairs and Housing has referred to the Ontario Municipal Board under subsection 17(11) of the *Planning Act*, R.S.O. 1990, c. P.13, that part of the Official Plan for the Town of Niagara-on-the-Lake, the following:

1. Referral of Part 3 - Land Use Policies, Extractive, Section 11.1.4
2. Deferral of Schedule "D, land use plan, St. David's area

OMB File No. O970240, Case PL971407

At the request of Judy Rylands, the Minister of Municipal Affairs and Housing has referred to the Ontario Municipal Board under subsection 17(11) of the *Planning Act*, R.S.O. 1990, c. P.13, that part of the Official Plan for the Town of Niagara-on-the-Lake, as it applies to the referror's lands that are designated "Conservation"
OMB File No. O970241, Case PL971407

At the request of David Turineck, the Minister of Municipal Affairs and Housing, has referred to the Ontario Municipal Board under subsection 17(11) of the *Planning Act*, R.S.O. 1990, c. P.13, that part of the Official Plan for the Town of Niagara-on-the-Lake, as it applies to the Town's lands that are designated "Open Space and Community Facilities"
OMB File No. O970242, Case PL971407

At the request of Robert Woodley, the Minister of Municipal Affairs and Housing, has referred to the Ontario Municipal Board under subsection 17(11) of the *Planning Act*, R.S.O. 1990, c. P.13, that part of the Official Plan for the Town of Niagara-on-the-Lake, as it applies to the lands leased by the referror from the Seaway Authority
OMB file No. O970243, Case PL971407

At the request of Helma Moehl, the Minister of Municipal Affairs and Housing, has referred to the Ontario Municipal Board under subsection 17(11) of the *Planning Act*, R.S.O. 1990, c. P.13, that part of the Official Plan for the Town of Niagara-on-the-Lake, as it applies to the referror's lands that are designated "Open Space and Community Facilities"
OMB File No. O970244, Case PL971407

At the request of Mario Iafrate, the Minister of Municipal Affairs and Housing, has referred to the Ontario Municipal Board under subsection 17(11) of the *Planning Act*, R.S.O. 1990, c. P.13, that part of the Official Plan for the Town of Niagara-on-the-Lake, as it applies to the referror's lands that are designated "Prestige Industrial"
OMB File No. O970245, Case PL971407

At the request of John Brigs, the Minister of Municipal Affairs and Housing, has referred to the Ontario Municipal Board under subsection 17(11) of the *Planning Act*, R.S.O. 1990, c. P.13, that part of the Official Plan for the Town of Niagara-on-the-Lake, as it applies to the referror's lands that are designated "Service Commercial"
OMB File No. O970246, Case PL971407

At the request of the Preservation of Agricultural Lands Society, the Minister of Municipal Affairs and Housing has referred to the Ontario Municipal Board under subsection 17(11) of the *Planning Act*, R.S.O. 1990, c. P.13, that part of the Official Plan for the Town of Niagara-on-the-Lake, as it applies to the lands that are located outside to Urban Area designated "Low Density Residential"
OMB File No. O970247, Case PL971407

The Regional Municipality of Niagara has appealed to the Ontario Municipal Board under subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the Ministry of Municipal Affairs and Housing to approve Regional Policy Plan Amendment No. 117 for the Town of Niagara-on-the-Lake, as it relates to the modification in Schedule "A" to the Amendment

Ministry's File No. 26-OP-0034-117

OMB File No. O980140, Case PL980643

COUNSEL:

J.A. Crossingham

for The Corporation of the Town of
Niagara-on-the-Lake

T.A. Richardson

for Lafarge Canada Inc.

A. Mackenzie	for	Niagara Escarpment Commission
S. Snider	for	St. David's Community Association
W.T. Barlow	for	King's Point

AGENTS:

G. Janes	for	Niagara-on-the-Lake Conservancy
D. Semple and L. Yip	for	Regional Municipality of Niagara

**MEMORANDUM OF ORAL DECISION DELIVERED BY J.R. BOXMA
ON AUGUST 18, 1998 WITH WRITTEN REASONS TO FOLLOW
AND ORDER OF THE BOARD**

The Board had before it referrals relating to the Town of Niagara-on-the-Lake (the Town) Official Plan.

As a result of concerted efforts by everyone involved in the various referrals, most of the referrals were settled without requiring the holding of a hearing to hear contested evidence to decide the referrals. As well, an appeal by the Regional Municipality of Niagara of the Regional Road section was settled and that section, only as it relates to width, is deferred pending a Regional Official Plan Amendment. The Board did hear evidence from Mr. John Perry, the Planning Director of the Town, who outlined the changes that had been agreed upon and the Board agrees with Mr. Perry's opinion that all represent good planning and should be approved. The way in which certain matters were settled is set out in the Board's Order, which is attached as Appendix "A".

SECTIONS 6.25, 6.30 and 9.1.4

These matters had been referred by the Niagara-on-the-Lake Conservancy (the Conservancy) and the Board commenced a hearing on August 14, 1998. Section 6.25 relates to Building Height restrictions. Section 6.30 relates to Public Access to the Shoreline and Section 9.1.4 relates to Residential Density. The Board heard two days of evidence and was able to give some direction as the evidence unfolded. As a result of protracted negotiation on August 18, 1998, and again with the Board's assistance, the parties were able to agree on modifications to the three policies that met everyone's satisfaction. The Board agrees that the Sections, as modified, represent good planning and are in the public interest. The Board will therefore modify those sections of the Official Plan, and they are included in the Board's Order, as Schedules 1, 2 and 3, respectively, to that order.

ST. DAVID'S URBAN AREA BOUNDARY

The only referral which required a decision by the Board based on competing opinion evidence, related to the question of the appropriate boundary to be drawn for the St. David's Minor Urban Centre. There were two issues involved: first, whether the Bevan Heights subdivision, an existing subdivision, built in the 1950's, and consisting of 61 lots, all of which have been developed, except 4 and one of these has recently been sold, should be within the boundaries of the St. David's Urban Area Boundary; second, whether 30 acres now owned by Lafarge Canada Inc. (Redlands), which are part of a much larger quarry and which are adjacent to Bevan Heights should also be included within the Urban Area Boundary of St. David's. The Niagara Escarpment Commission (NEC) was opposed to the inclusion of both areas. The Board heard three days of evidence, at the end of which it delivered an oral decision approving their inclusion and these are the reasons for it doing so.

The Board had filed with it an Agreed Statement of Facts (Exhibit 37), which it appends to this decision as Appendix "B" and it sets out adequately the facts and issues involved in the hearing. The Board does not intend to repeat the evidence it heard, but makes the following findings based upon that evidence:

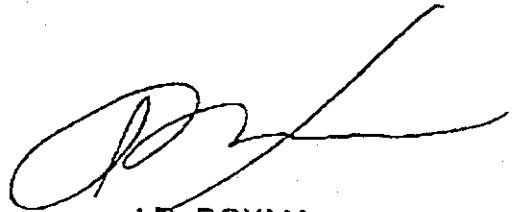
1. The NEC's request that these areas be excluded and that Redlands only proceed after obtaining an amendment to the Niagara Escarpment Plan, The Regional Official Plan and the Town's Official Plan, is an unnecessary exercise when all the matters needing to be decided are presently before the Board. If the Redlands lands were not included now within the urban boundary then amendments would be necessary. The evidence was clear that once the boundary is set, as it has now been set for every other area in the Town, amendments to expand those areas will not likely succeed as sufficient land has been included in each urban area to accommodate growth for many years to come. This is the best way to protect the tender fruit lands that lie adjacent to the urban areas. The ability to justify an expansion, anywhere, will prove to be very difficult in the coming years. By requiring that Bevan Heights and Redlands remain areas subject to development control by the NEC, the NEC has the control necessary to protect the Escarpment. As well, a Community Plan will be required to be carried out as a result of the Policy that the Board has approved.
2. Bevan Heights, already developed, lies in the Escarpment Natural Area, and the Escarpment Protection Area, but it has developed without discernible harm to the Escarpment and is virtually built out. Redlands is a logical extension of the area and is not designated as Escarpment Protection, and the addition of approximately 45 lots on 30 acres, is an appropriate way to reclaim a portion of the quarry and is an important aspect of the overall plans

for rehabilitation of the lands. Need is not an issue that requires it to be rejected. Servicing of St. David's is required. It has been a goal of the Town since 1970 and is close to realization. It is not certain, at this time, that it is required for "health" reasons, such that the Medical Officer of Health would say it must be done, but it is an appropriate step to be taken in order to avoid serious problems in the future and the Town has carried out the necessary study and has applied for provincial funding. The work is imminent. The Board, by its Order, will ensure that servicing of Redlands only proceeds in a logical manner and there can be no leap frogging of the provision of services.

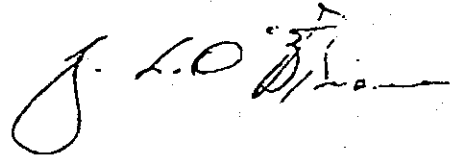
3. The Board finds that there is no policy of the Niagara Escarpment Plan that overrides the provisions of either the Regional Official Plan or that of the Town and that they must be read together and the various policies weighed as to the results to be achieved, and finds that it is in the public interest to establish the urban area boundary of St. David's to include the two areas. The Board finds that Bevan Heights has, historically, formed a part of St. David's. The village is below the Escarpment and Bevan Heights is above, but they both share the facilities and public infrastructure that exists and will continue to do so. Both the Town and the Region support the inclusion of both areas and the Board agrees that they should be.
4. The Board notes that there is a difference of opinion amongst staff of the NEC as to whether an amendment to the Niagara Escarpment Plan is required. The Commission was specifically asked this question by Tom Smart on behalf of Redlands. Staff declined to offer an opinion and neither did the Commission. When the Board asked counsel for the Commission her opinion as to whether or not one was required, she declined to do so, saying she had no instructions. The Board does not find this helpful and finds that

an Amendment is not required in order to approve the inclusion of Bevan Heights and Redlands within the Urban Area Boundary of St. David's.

As a result, Board approval is given as reflected in the attached Order.

A handwritten signature in black ink, appearing to be 'J.R. Boxma', written in a cursive style.

J.R. BOXMA
MEMBER

A handwritten signature in black ink, appearing to be 'J.L. O'Brien', written in a cursive style.

J.L. O'BRIEN
MEMBER

APPENDIX "A"

ORDER

The Board having heard from Counsel for the Town and Counsel for the parties or the parties in person or having read Minutes of Settlement filed, ORDERS:

Note: All changes referred to in this Order are shown on the revised text to the Plan filed with the Board as Exhibit 12 to this Hearing. The location of the map changes are identified on the maps attached to this Order. The designations for those locations are shown on the map schedules in Exhibit 12.

1. Board Case PL971198 - Rainer Hummel et al. disposition is contained in the Order of the Board dated June 16, 1998. ✓
2. Board File O970238, V. Desimone. The lands shown as S-2 on Schedule A are hereby designated "Agriculture" and the map schedule showing the change is hereby approved. ✓
3. Board File O970244, Helma Moehl, the lands shown as S-3 on Schedule B are hereby designated "Low Density Residential" and the map schedule showing the change is hereby approved. ✓
4. Board File O970241, Judy Rylands, the lands shown as S-4 on Schedule D are hereby designated "Low Density Residential" and the map schedule showing the change is hereby approved. ✓
5. The Official Plan is modified by renumbering Section 3 as Sec.1; Sec. 1 as Sec. 2; Sec. 2 as Sec. 3. Section 7 is modified by changing the word "invest" in Line 7 of the first paragraph of the "Background" to "infest". ✓
6. The Lands of the Federal government shown on Schedule B as D-X, D-Y, and D-Z are excluded from the Urban Area Boundaries of the Old Town of Niagara and the map schedule showing the change is hereby approved. The Town has the right at any time to commence the planning processes necessary to bring these lands ✓

within the Urban Area Boundary in accordance with the provisions of the Planning Act.

7. The urban boundary for the Village of St. David's is hereby amended to include Bevan Heights and part of the lands identified as D6-1 on Schedule D, O970240 which part is shown on Map X.

The lands shown on Schedule D, O970240, including Bevan Heights and the lands identified as D6-1, are hereby approved as to their designations, shown on Schedule D. In particular, Bevan Heights is designated Low Density Residential and Escarpment Natural: D6-1 is designated as Extractive.

Special Study Area A-3, as agreed to by the parties attached hereto as Schedule 5 shall apply to the lands shown on Schedule D.

The text of paragraph 12.1.4 is modified to read as shown on Schedule 4 attached hereto.

8. The lands, OMB File O970236, in Queenston and vicinity shown on Schedule E are deferred to a pre-hearing to be set once the hearing on the Phase I lands in Queenston is decided.
9. The lands shown on Schedule F as R-7, O970245, fronting on the North Service Road are approved as Prestige Industrial with service commercial uses and the map schedule showing the change is hereby approved.
10. The text changes, O970236, that have been agreed to as a result of mediation, being modifications 1, 2, 3, 4, 5, 6, 10, 12, 13, 14, 18, 19, 20, 21, 22, 23, 24, 25 and 26 are hereby approved and the Official Plan is modified accordingly. Modifications 7, 11, 15, 16 and 17 are to be heard by the Ontario Municipal Board at a hearing commencing August 14th, 1998. Modifications 8 and 9 are deferred pending the outcome of the Queenston Phase I hearing.
11. The lands, O970237, marked R-3 on Schedule B are hereby approved as "medium density residential" and the map schedule showing the change is hereby approved.
12. The Referral of Pohorly, O970239, Schedule C, R-2 is hereby designated industrial (Ex-Ind-1) as set out in Section 11.17 of the Exhibit 12 and the map schedule showing the change is hereby approved.
13. The Referral of Turineck, O970242, Schedule B, D-W is hereby dismissed. The lands are hereby designated as open space community facilities on Schedule B.

14. The designation of the lands of Woodley, O970243, Schedule F, R-10 is hereby designated Ex-Com-1 as set out in Sec. 10.19, Exhibit 12 and the map schedule showing the change is hereby approved. ✓
15. The Referral and appeals of Perez and Ryder, O970224 and PL970313, were separately ordered by the Board dated June 18, 1998.
16. The Referral of the lands of the Blythwood Group Inc., PL971407 and 1372 Schedule B, R-12, was separately ordered by the Board dated June 18, 1998.
17. The Appeals of the Regional Municipality of Niagara shown on Schedules A, B, C, D and F with the exception of the appeal of the Regional Road Section are hereby dismissed. The appeal of the Regional Road Section is deferred as to right of way width only. The designation of the following lands referred to on the maps attached are hereby approved as follows: ✓

Map	Location	Designation
A	D-1	Airport ✓
	D-2 (4 locations)	Non-farm Rural ✓
	D-2 (1 location Reg. Rd. 55)	Also includes service Commercial ✓
B	D-W	Open Space Community Facilities ✓
	D-R-1	Low Density Residential ✓
Map	Location	Designation
B	D-R-2	Low Density Residential ✓
C	D-3	Service Commercial ✓
	D-4	General Industrial ✓
D	D-4-1	Non-farm Rural ✓
	D-7	Non-farm Rural ✓
	D-3-1	Service Commercial ✓
F	D-9	Non-farm Rural ✓
	D-10	Prestige Industrial ✓
	D-12	Service Commercial ✓

18. The lands, O970247, referred on Schedule C shown as D-13 are hereby designated low density residential and included in the Urban Area Boundary of Virgil, in both the Town and Regional Plans and the map schedule C to the Town's Plan and map schedule A to the Regional Amendment 117, showing the change are hereby approved. ✓
19. The lands shown on Schedule F as D-11 are hereby designated Conservation and ✓

the map schedule showing the change is hereby approved.

20. The Official Plan is modified as shown on Schedules 1, 2, 3, 4 and 5 and is approved. ✓
21. The following items are deferred:
 1. Regional Road section is deferred as to width only pending Regional Official Plan Amendment.
 2. Lands of John Brigris are deferred to a pre-hearing conference call set for November 30, 1998 at 9:15 a.m.
22. The Official Plan, except for the deferrals, and as modified, is hereby approved.

Town of Niagara-on-the-Lake Official Plan**Part 2 - General Policies**

- Consideration of the scale, design, orientation, massing of development and landscaping guidelines utilizing native species.
- Examine ways that development can be orientated to maintain views to and from the Escarpment including, but not limited to, views from Hwy 405 and Tanbark Road. Setbacks may be preferable to noise attenuation fences.
- A program for public participation including the participation of the Niagara Escarpment Commission, the Region and other interested agencies. The Community Plan will include an implementing zoning by-law which conforms to the Niagara Escarpment Plan. Upon approval of the Community Plan and review of the implementing zoning by-law, the Town if so requested by the residents may request the Niagara Escarpment Commission to commence the necessary procedure to remove development control from the St. David's urban area.
- The Community Plan, on those lands within the Urban Boundary adjacent to Bevan Heights and forming part of the rehabilitated Queenston Quarry, shall mirror the Bevan Heights development, with similar lot sizes, a tree preservation plan and the substantial retention of the existing berm to the east of the development in the Bevan Heights development. Residential development will occur after any quarrying and disposal activities are at least 500 metres east of the approved urban boundary and rehabilitation is underway within this 500 metre area. The Town shall require land dedication for Park purposes at the end of Melrose Drive as this is an area of more mature trees, topographical features and close proximity to the brow of the Escarpment and the Bruce Trail. New residential development on lands above the Niagara Escarpment in this area is limited to existing lots within Bevan Heights and development of a Plan of Subdivision on the quarry lands. The subdivision design shall avoid any road or servicing connections to the north end of Melrose Drive.

Until a Community Plan is approved and a communal sewer system is available, lot creation shall be limited to infilling between or beside existing residences along existing roads.

The following maximum standards shall also form a basis for preparation of the Community Plan:

- a) Within the Low Density Residential designation, the following overall standards will be met:
 - i) maximum density: 4 units per acre
 - ii) maximum building height: 28 feet
 - iii) maximum building coverage: 33 %
 - iv) residential uses shall be restricted to single detached units
- b) Within the Medium Density designation, no apartments are permitted.

- c) The Escarpment Natural designation as shown in the Niagara Escarpment Plan will remain in effect.
- d) Development Control will remain in place for the Bevan Heights development and the adjoining 30 acre expansion to the east
- e) The adjoining 30 acre residential expansion to the east of the Bevan Heights subdivision shall not be permitted to receive final approval or register any plan of subdivision until such time as the community plan is approved and municipal sanitary sewer services are in place along Four Mile Creek Road and Townline Road.

SPECIAL STUDY AREA A-4 (NIAGARA PARKWAY) - The Niagara Parkway is located along the east boundary of the municipality and is a main connecting link for business and tourism between the Old Town of Niagara and the City of Niagara Falls. The Niagara Parkway is a controlled access highway requiring the approval of the Niagara Parks Commission for any direct access to, or in the vicinity of, the Parkway from any property. The land uses along the Parkway consist of a variety of agricultural, residential and tourist commercial uses. It is important that these uses be arranged in a mutually compatible fashion and that future land uses have special regard to the visual impression of the Parkway.

In 1988 the municipalities along the Niagara Parkway, in a "Memorandum of Understanding", agreed to include in their planning documents specific policies with regard to the value and uniqueness of the Parkway. The Town of Niagara-on-the-Lake's Official Plan includes the required policies however given the variety of land uses along the parkway a detailed plan of the parkway is needed. Such detailed plans are not normally part of the general Official Plan but are prepared as part of a separate study. The purpose of Special Study Area A-4 is to give direction for the preparation of a detailed plan for the Niagara Parkway for those areas outside of the defined urban areas of Queenston and the Old Town.

SPECIAL STUDY AREA A-5 (VIRGIL COMMERCIAL EXPANSION AREA) - The lands shown on Schedule "C", Land Use Plan, Virgil Area designated for commercial purposes reflect mostly existing commercial uses at the time of the preparation of this Plan. It is anticipated that increased commercial space may be required. Special Study Area A-5 identifies one possible location for commercial expansion. The detailed amount of additional commercial space will be determined through the preparation of the community plans as provided for in Section 19 of this Plan. Individual applications for commercial development within the Special Study Area on lands not designated for commercial use will be given consideration subject to an amendment to this Plan.

SPECIAL STUDY AREA A-6 (FIRST CAPITAL BUSINESS PARK) The subject lands are within an urban boundary as shown in the Region Policy Plan and are located on the south side of Queenston Road, north of the First Capital Business Park. The lands are designated low density residential and the predominate land use is single family dwellings. A sanitary sewer exists along Queenston road the capacity of the sanitary sewer system has been assigned on the basis of primarily serving the industrial park. On this basis, requests to connect to the sanitary sewer for properties in the special study area will be on the basis of permitting connections on a case by case basis for existing dwellings. For new lots created connection to the sanitary sewer will be based on any surplus capacity as a result of less than anticipated development in the business park.

6.27 ESTATE LOTS

Estate lots are those properties in an urban area containing a dwelling of historical or architectural

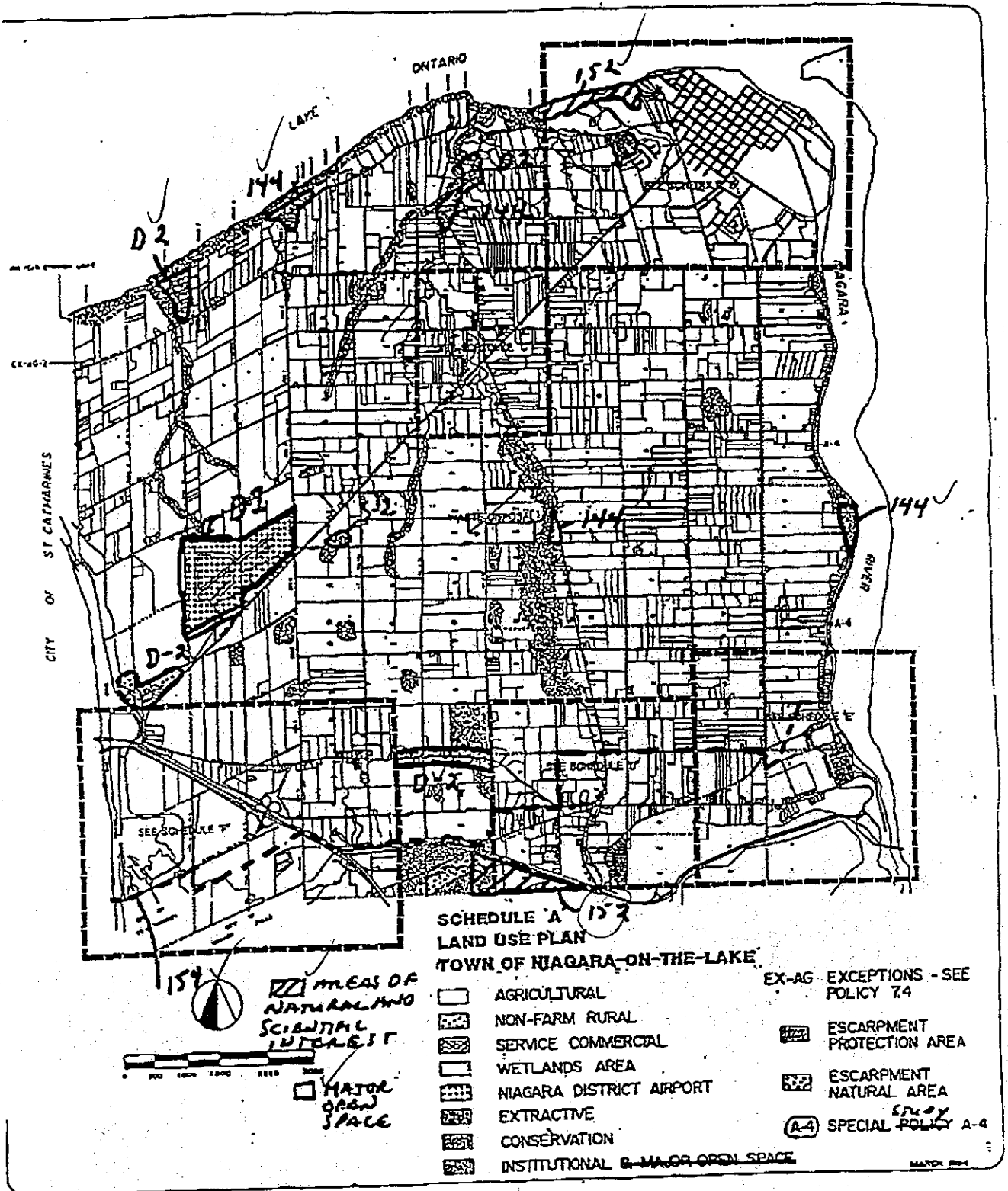
SPECIAL STUDY AREA A-2 (HOMER) - These lands are located on the north and south side of Regional Road No. 81 (York Road) just east of the Homer Bridge as shown on Schedule F. The existing land uses include: a service station, two single family homes, a small historic cemetery and the Garden City Skyway. Residential development is unlikely given the presence of the Skyway. Development should be sensitive to the historic cemetery, the banks of the Welland Canal, the Welland Canal Turning Basin (a provincially significant wetland) and other natural open space.

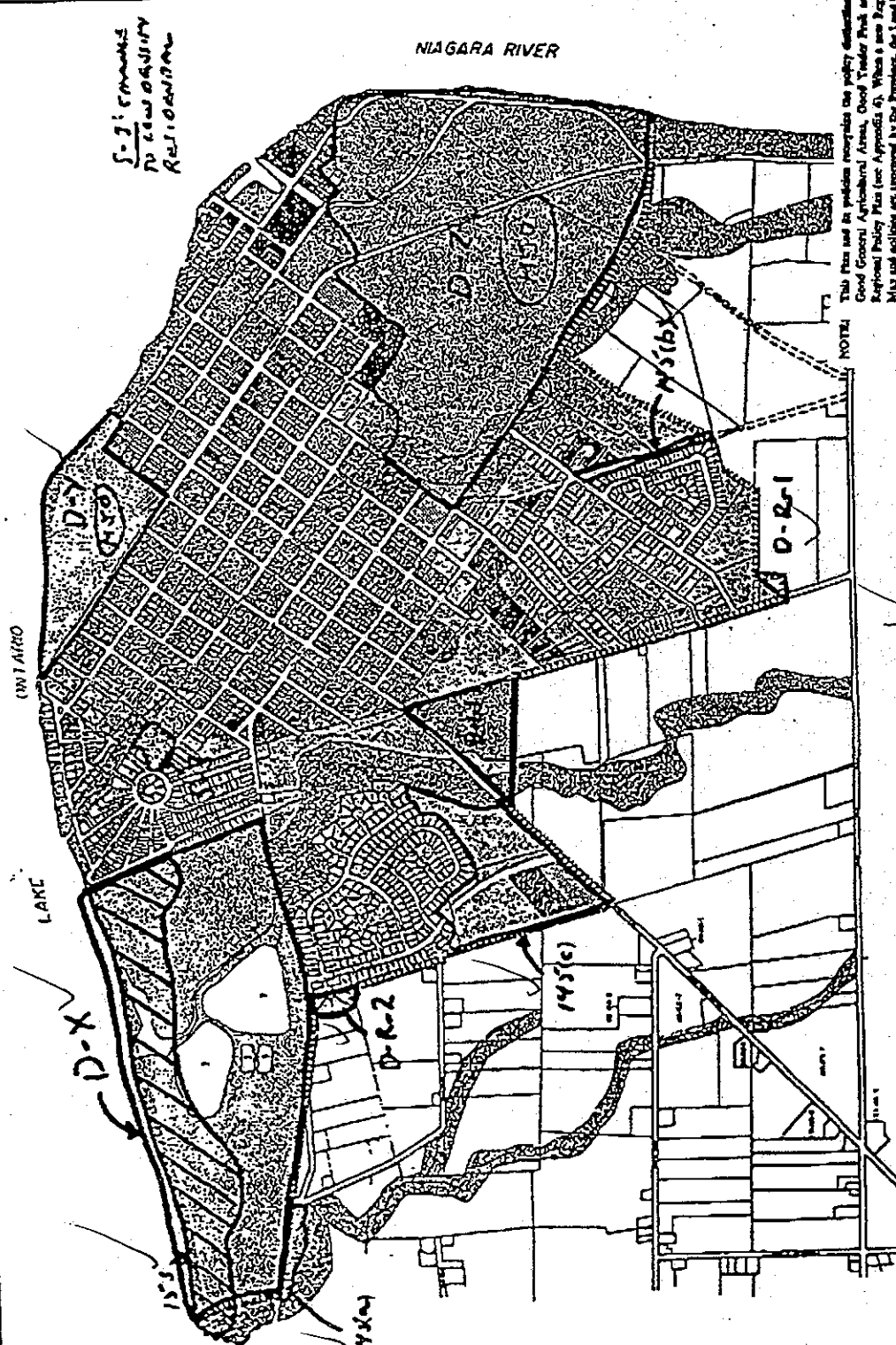
SPECIAL STUDY AREA A-3 (ST. DAVIDS) - These lands are all within the urban boundary of the St. David's community as shown on Schedule D. The community is currently not serviced with municipal sanitary sewers. Private sanitary sewage disposal systems typically septic tanks are the predominate method of sewage disposal in the community. Concern has been expressed with regard to the amount of additional development that can be permitted on private sanitary systems within the urban boundary without risk of contaminating soils and ground water and the resultant health problems that can occur. The municipality will investigate the alternatives in providing municipal sanitary sewers to the St. David's community as well as the potential of allowing full development within the urban boundary on private sanitary systems.

St. David's is designated as a Minor Urban Centre in the Niagara Escarpment Plan. All development, growth and land uses must be in accordance with the policies of the Niagara Escarpment Plan.

In recognition of the importance and prominence of the Niagara Escarpment in the St. David's Community, the Town of Niagara-on-the-Lake will upon approval of this Official Plan commence the preparation of a community plan for the urban area of St. David's as provided for under SECTION 19 COMMUNITY PLANS AND IMPROVEMENT AREAS of the this Plan. The community plan for St. David's will be an amendment to this Official Plan and will address the following:

- A Visual and Landscape Assessment of the St. David's urban area.
- Design Guidelines to address the means of minimizing the impact of development on views to and from the Escarpment and maintenance of the community character.





145a) : CHANGE FROM CONSERVATION TO AGRICULTURE EX-16-10

145b) : CHANGE TO LOW DENSITY RESIDENTIAL

145c) : CHANGE TO RESIDENTIAL AND COMMERCIAL IN ACCORDANCE WITH O.P.A. 73

145d) : CHANGE FROM WILDERNESS AREA

DISAPPEARANCE: URBAN BOUNDARY EXPANSION: PLAN AND USE DISTRICT TO APPLY: D-X, D-Y, D-1, D-2, D-3, D-4, D-5, D-6, D-7, D-8, D-9, D-10, D-11, D-12, D-13, D-14, D-15, D-16, D-17, D-18, D-19, D-20, D-21, D-22, D-23, D-24, D-25, D-26, D-27, D-28, D-29, D-30, D-31, D-32, D-33, D-34, D-35, D-36, D-37, D-38, D-39, D-40, D-41, D-42, D-43, D-44, D-45, D-46, D-47, D-48, D-49, D-50, D-51, D-52, D-53, D-54, D-55, D-56, D-57, D-58, D-59, D-60, D-61, D-62, D-63, D-64, D-65, D-66, D-67, D-68, D-69, D-70, D-71, D-72, D-73, D-74, D-75, D-76, D-77, D-78, D-79, D-80, D-81, D-82, D-83, D-84, D-85, D-86, D-87, D-88, D-89, D-90, D-91, D-92, D-93, D-94, D-95, D-96, D-97, D-98, D-99, D-100

NOTE: This Plan and its policies recognize the policy distinction that are made between the Good General Agricultural Areas, Good Timber and Good Open Areas in the Regional Policy Plan (see Appendix 4). Within a new Regional Agricultural Land Use Policy and policies are approved by the Province, the Land Use Schedules and policies in this Plan will be amended to conform with the Regional Policy Plan.

SCHEDULE "B" Land Use Plan NIAGARA / OLD TOWN AREA

AREA OF NATURAL AND SCIENTIFIC INTEREST

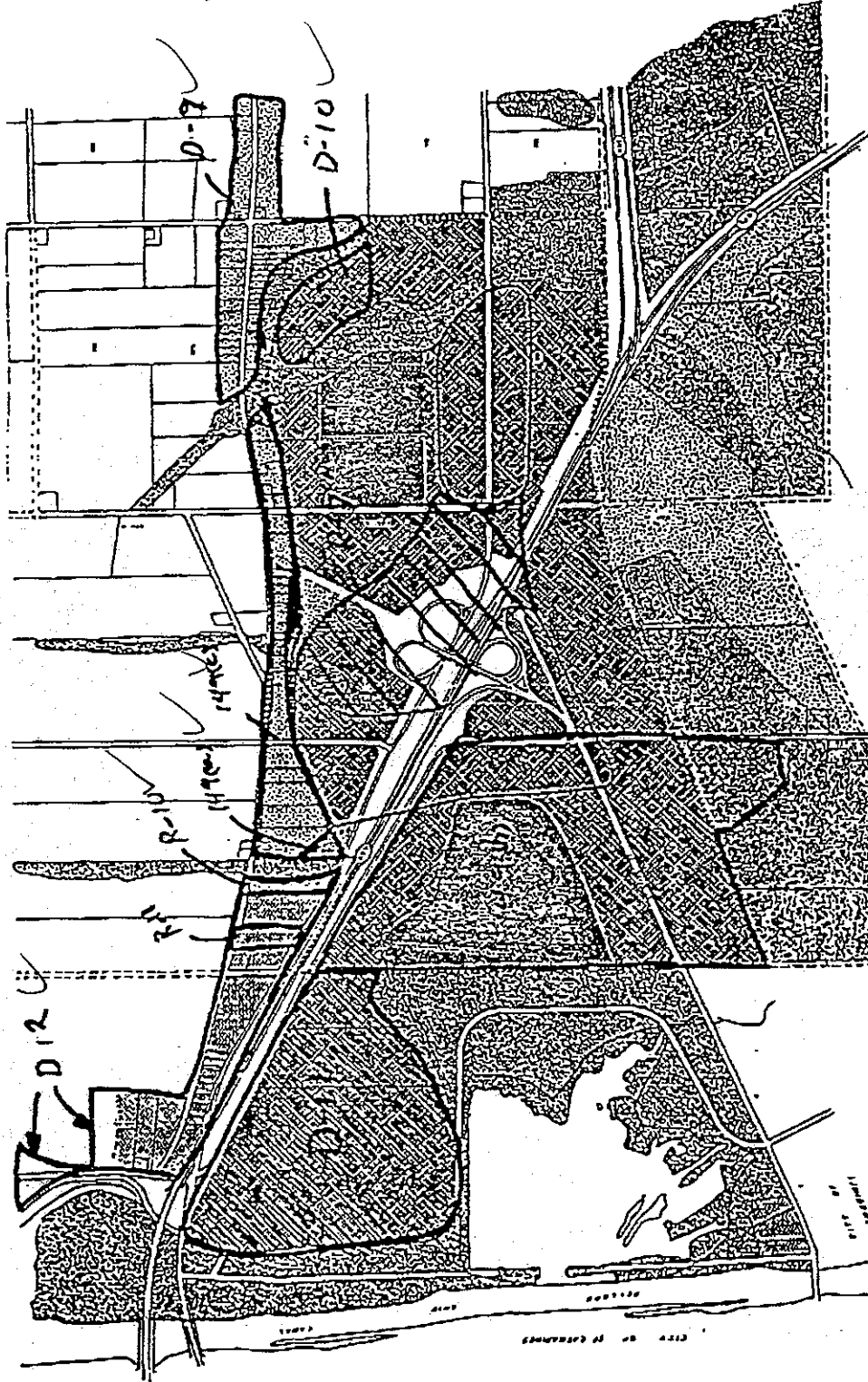
- AGRICULTURAL
- NON-FARM RURAL
- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- ESTABLISHED RESIDENTIAL
- GENERAL COMMERCIAL
- RETAIL COMMERCIAL
- GENERAL INDUSTRIAL
- LOW INDUSTRIAL
- PRESTIGE INDUSTRIAL
- EXTRACTIVE
- OPEN SPACE & COMMUNITY FACILITIES
- CONSERVATION
- INSTITUTIONAL
- MAJOR
- MAJOR COMMERCIAL
- MAJOR OPEN SPACE

- URBAN BOUNDARY
- COMMUNITY IMPROVEMENT AREA BOUNDARY
- EX-10 EXISTING - SEE POLICY 14
- EX-11 EXISTING - SEE POLICY 14
- EX-12 EXISTING - SEE POLICY 14
- EX-13 EXISTING - SEE POLICY 14
- EX-14 EXISTING - SEE POLICY 14
- EX-15 EXISTING - SEE POLICY 14
- EX-16 EXISTING - SEE POLICY 14
- EX-17 EXISTING - SEE POLICY 14
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- EX-99 EXISTING - SEE POLICY 14
- EX-100 EXISTING - SEE POLICY 14



Map Changes
 1990: Area
 Urban Boundary
 to Urban Area
 Urban Boundary
 1990: Residential
 Low Density
 Residential
 1990: Residential
 in accordance
 with O.P.A. 72

Notes:
 D-9, D-10, D-12
 Awarded Reciprocity
 from Puerto
 Rico
 D-18: Delivered
 to Puerto Rico
 R-7: Delivered
 to Puerto Rico
 R-10: Delivered
 to Puerto Rico
 R-11: Delivered
 to Puerto Rico



SCHEDULE "P" Land Use Plan GLENDALE AREA

- LEGEND
- URBAN BOUNDARY
- EDCARPMENT NATURAL AREA
- EDCARPMENT PROTECTION AREA
- COMMUNITY IMPROVEMENT AREA BOUNDARY
- WETLANDS AREA INCLUDING ADJACENT LANDS
- SPECIAL FLOOD AREA 1-2
- SPECIAL FLOOD AREA 2-5
- SPACE COMMERCIAL WITH MULTIPLE INDUSTRIAL

- LEGEND
- INDUSTRIAL
- PRESTIGE INDUSTRIAL
- EXTRACTIVE
- OPEN SPACE & COMMUNITY FACILITIES
- CONSERVATION
- INSTITUTIONAL
- NATURAL
- MULTIPLE COMMERCIAL
- MAJOR OPEN SPACE

- LEGEND
- AGRICULTURAL
- NON-FARM RURAL
- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- ESTABLISHED RESIDENTIAL
- GENERAL COMMERCIAL
- SERVICE COMMERCIAL
- GENERAL INDUSTRIAL

NOTE: This Plan and its policies recognize the policy guidelines that are set forth in the
 General Comprehensive Zoning Ordinance, Ordinance No. 1000, as amended, and the
 Regional Policy Plan (see Appendix 1). When a new Regional Comprehensive Zoning Ordinance
 is adopted, the policies in this Plan shall be amended to conform with the Regional Policy Plan.

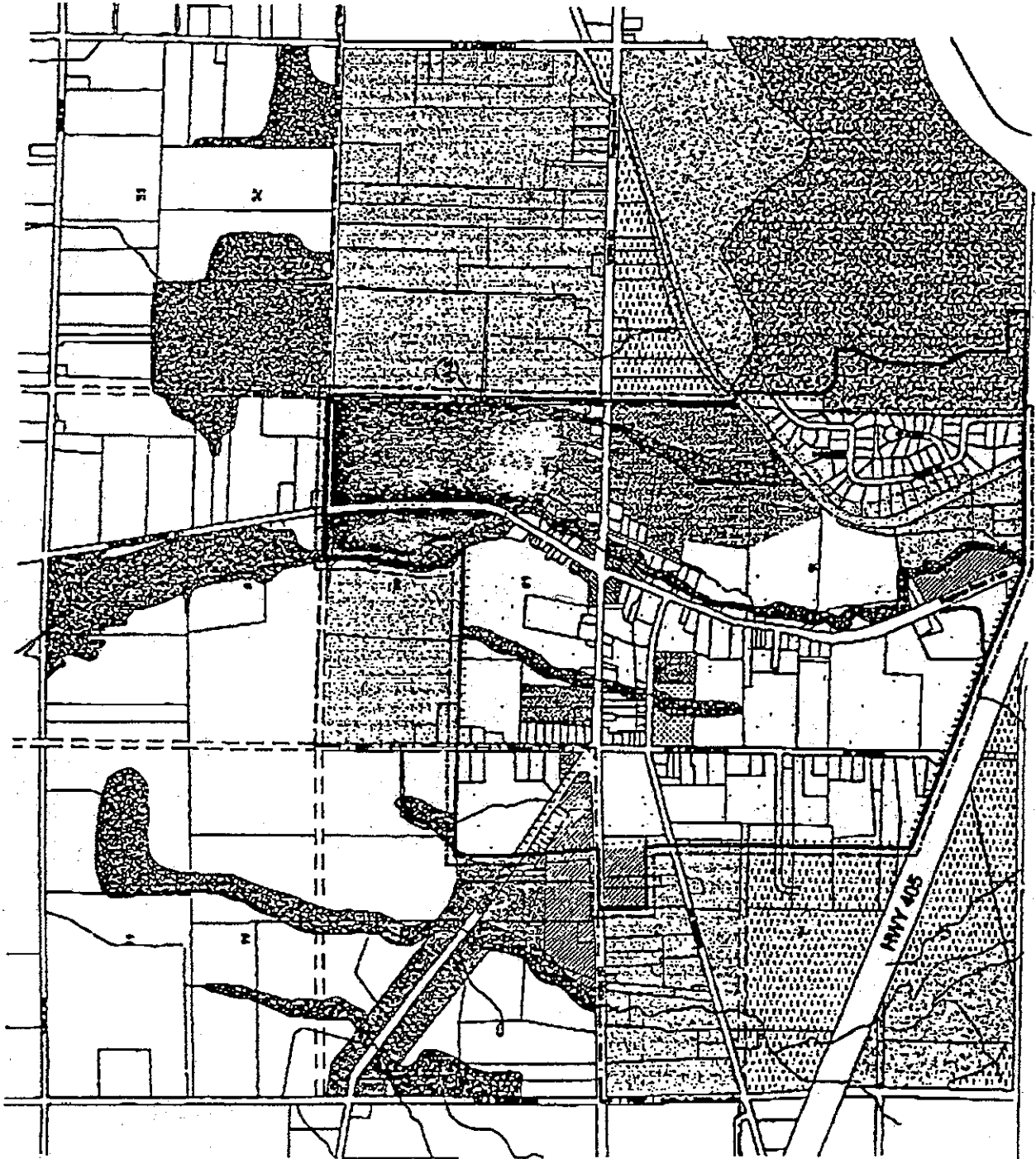


Scale 1:50,000

SCHEDULE 'X' Land Use Plan

ST. DAVIDS

- | | | | |
|--|-----------------------------------|--|--|
| | Agricultural | | Urban Area Boundary |
| | Non-Farm Rural | | Community Improvement Area Boundary |
| | Low Density Residential | | Wetlands Area (including adjacent lands) |
| | Medium Density Residential | | Special Study Area |
| | Established Residential | | Exception - See Policy 7.4 |
| | General Commercial | | Niagara Escarpment Commission Boundary |
| | Service Commercial | | |
| | General Industrial | | |
| | Light Industrial | | |
| | Prestige Industrial | | |
| | Extractive | | |
| | Institutional | | |
| | Marine | | |
| | Marine Commercial | | |
| | Open Space & Community Facilities | | |
| | Conservation | | |
| | Major Open Space | | |
| | Escarpment Protection Area | | |
| | Escarpment Natural Area | | |
| | Escarpment Rural Area | | |
| | Niagara District Airport | | |



Scale 1:50,000



This plan is to provide information for the public and is not to be used for legal purposes. It is not a legal document and does not create any legal rights or obligations. It is subject to change without notice and is not to be used for any purpose other than that for which it was prepared. The information contained herein is for general information only and is not to be used for any purpose other than that for which it was prepared. The information contained herein is for general information only and is not to be used for any purpose other than that for which it was prepared.

ONTARIO MUNICIPAL BOARD HEARING

OMB FILE PL971407

IN THE MATTER OF Lafarge Canada Inc. (formerly Redland Quarry Products Inc., Queenston Quarry) and others referral to the Ontario Municipal Board, related to the establishment of the proposed urban boundary for St. David's in the Town of Niagara-On-The-Lake Official Plan and in accordance with an order of the Board, the following constitutes the relevant facts agreed to as a result of discussions amongst the expert planning witnesses.

AGREED UPON STATEMENT OF FACTS

1. *The referral of Redland/Lafarge, Queenston Quarry, as identified on the attached Map 1 as "Redland Quarries Proposed Expansion Area", proposes to include approximately 30 acres (12.2 ha) of land within the Urban Area, and Community Improvement Area boundaries of the Village of St. David's identified as Schedule "D" in the Town of Niagara-on-the-Lake Official Plan. The proposed designation would be "Extractive", and an amendment to Schedule "D" in conjunction with an amendment to the Community Plan would be required prior to approval of any proposed residential development.*
2. That Redland has proposed residential development on the western portion of the Queenston Quarry through the rehabilitation plans filed under the Pits and Quarries Control Act and under the Aggregate Resources Act since approximately 1985.
3. That the historic boundary of St. David's (1970) in the Town of Niagara-on-the-Lake Official Plan and the proposed boundary as set out in the current Official Plan is not recognized as an approved boundary and the Ontario Municipal Board is being requested to establish and approve a boundary for St. David's that does not conflict with the Niagara Escarpment Plan and the Region of Niagara Official Plan.
4. St. David's is identified as a Minor Urban Centre in the Niagara Escarpment Plan (1985 & 1994) by a "red dot" symbol. Boundaries for St. David's are not recognized in the Niagara Escarpment Plan. Instead, the Niagara Escarpment Plan requires that clearly defined boundaries be established in an official plan that do not conflict with the Niagara Escarpment Plan. The Niagara Escarpment Plan establishes objectives and development and growth objectives that must be applied to the consideration of the boundaries.
5. The Regional Plan identifies St. David's as a Minor Urban Centre in Section 7 H.1.6 and by symbol as an Urban Study Area in Section 5. The Regional Plan does not recognize the historic boundaries and requires that the boundaries be established in the local plan based upon the provisions of the Regional Plan and the Niagara Escarpment Plan as incorporated into the Regional Plan.

6. Once the boundaries are approved in compliance with the Niagara Escarpment Plan and the Region of Niagara Plan, the boundary would be added to the Niagara Escarpment Plan and the Regional Plan without an amendment to either Plans.
7. Where the Niagara Escarpment Plan is in effect and there is a conflict between the Niagara Escarpment Plan and any provision of a local plan (which includes both upper and lower tier plans approved by the Minister of Municipal Affairs or the OMB) then the provisions of the Niagara Escarpment Plan prevails.
8. Both the local and Regional Plans are required to conform to the provisions of the Niagara Escarpment Plan.
9. The Niagara Escarpment Plan contains detailed policies for determining the establishment of boundaries for Minor Urban Centres. The Regional Plan policies incorporate the Niagara Escarpment Plan policies for Minor Urban Centres from the Niagara Escarpment Plan approved in 1985.
10. The applicable Provincial Policy Statement to be utilized in evidence by all the planners is the Provincial Policy Statement dated February 1, 1997.
11. When providing opinion evidence all planning experts will apply the provisions of the 1994 Niagara Escarpment Plan. The 1985 Niagara Escarpment Plan may be referred to for historical or background purposes.
12. That within the 30 acre area proposed by Redland to be included in the St. David's Urban Area boundary, there is no issue with regard to: agricultural capability or MDS calculations, wetlands, flood and fill lines, hazard lands, significant natural features, ANSI's or ESA's petroleum or aggregate resources.
13. The proposed lot sizes, road layout and design are not issues when determining the urban boundary.
14. Bevan Heights is currently serviced with municipal water supply.
15. That all lands within the proposed boundary for St. David's, the Escarpment Natural Area, the Bevan Height subdivision and the Mineral Resource Extraction Area are within the Niagara Escarpment Development Control Area defined pursuant to the Niagara Escarpment Planning and Development Act.
16. That Development Control is an implementation tool and does not determine the principle of a proposed use. The principle of uses permitted are established by the designations and Permitted Uses set out in the Niagara Escarpment Plan.
17. That the possible deposition of material from the Ontario Hydro Electric Development proposal in the east end of the Queenston Quarry, is not an issue related to the establishment of the St. David's Urban Area boundary.

18. The proposed rehabilitation plan for the Queenston Quarry, filed pursuant to the Aggregate Resources Act, does not represent any approvals of the proposed after-uses identified in those site plans. The necessary planning approvals are required under the applicable legislation e.g., the Niagara Escarpment Planning and Development Act and the Planning Act.

19. The Regional Niagara Policy Plan was brought into conformity with the 1985 Niagara Escarpment Plan in 1988 and was deemed to conform to the Plan. The Regional Plan has not been brought into conformity with the Niagara Escarpment Plan (1994), therefore, the Niagara Escarpment Plan (1994) prevails where there may be a conflict between the Regional Plan and the Niagara Escarpment Plan, except where the policies of the Regional Plan are more restrictive than the policies of the Niagara Escarpment Plan.

Statement of Agreement

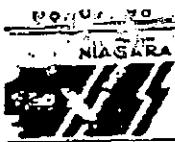
This Agreed Statement of Facts was finalized on August ____, 1998.

Marion Plaunt, Niagara Escarpment Commission

Drew Semple, Regional Municipality of Niagara

John Perry, Town of Niagara On-The-Lake

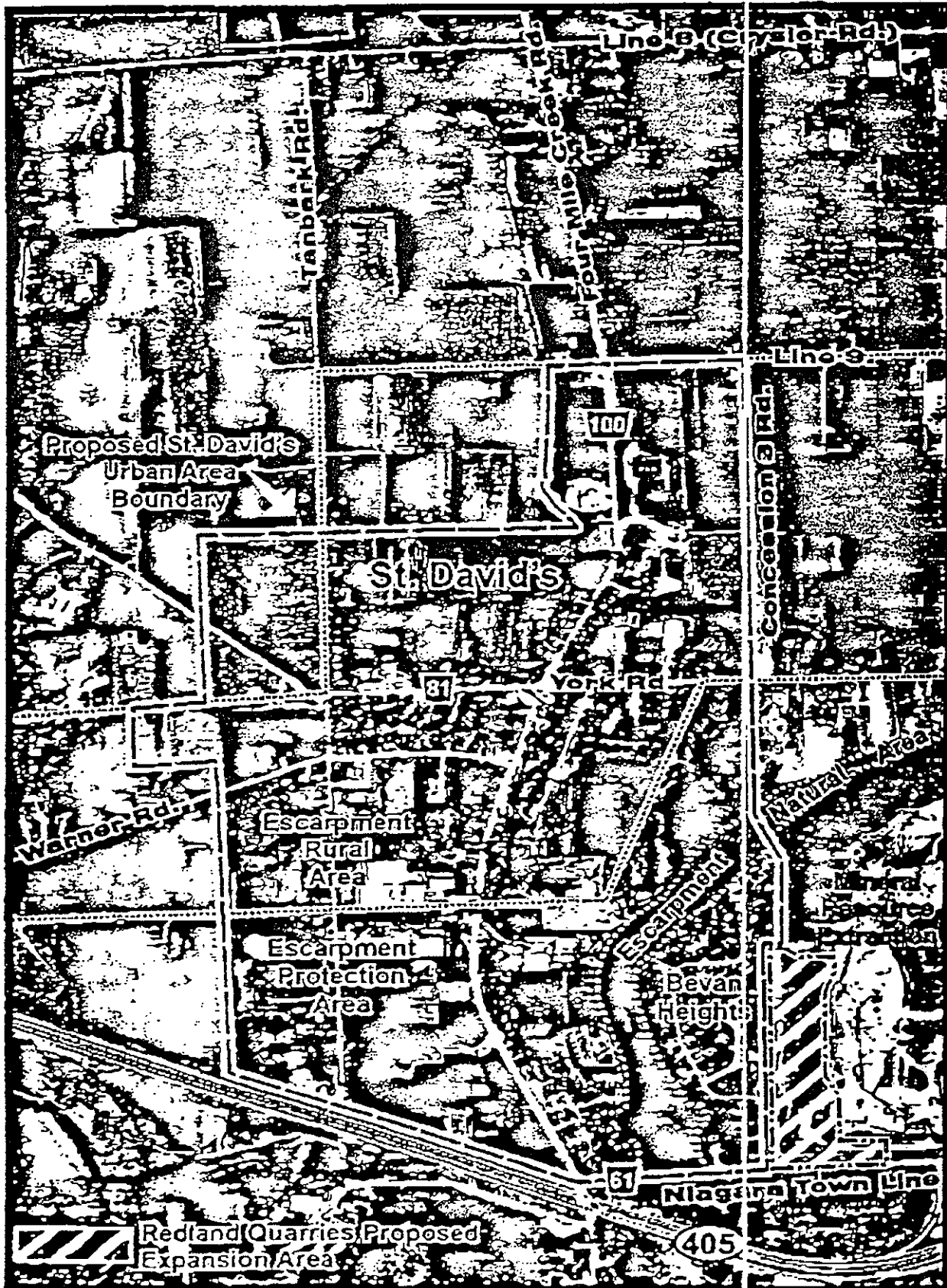
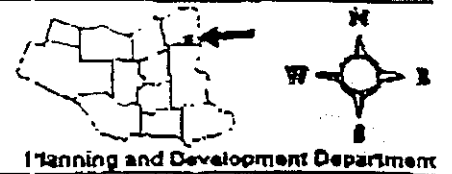
Tom Smart, Lafarge Canada Inc. - Queenston Quarries



Ontario Municipal Board Hearing on The Niagara on-the-Lake Official Plan

Appendix I

Map 1 Proposed St. David's Urban Area Boundary Expansion



SCHEDULE 1 ✓

6.25 BUILDING HEIGHT RESTRICTIONS

The Town of Niagara-on-the-Lake consists of low-rise structures in a small town setting with a large number of historic buildings. Generally the building height has not exceeded 11 metres (36 feet). For the most part this low-rise character should be maintained and the implementing by-law should limit building height accordingly. Special provisions may also be included in the implementing zoning by-law limiting building height to less than 11 metres (36 feet) in low density residential, and established residential areas where the majority of the buildings are one or one and one-half storeys in height.

In the Dock Area: bounded by the Niagara River, Ricardo Street, King Street and Fort George; special care will be taken to preserve the important and historic views between Fort George and Fort Niagara, and the view from the bluffs on Byron and North Ricardo Street. In this regard, heights of new developments will be subject to a detailed view analysis demonstrating that the view of Fort Niagara will not be disrupted. Both the Kings Point Niagara Ltd. and the Walker Ricardo Townhouses (1238918 Ontario Inc.) developments have satisfied the height requirements and are not affected by this policy. Existing buildings and their replacement at the same height are not affected by this policy.

In the Dock Area, for the purposes of this section of the Plan, the term 'Grade' in the Flood Constraint Area means existing grade.

SCHEDULE 2 ✓

6.30 PUBLIC ACCESS TO THE SHORELINE

The Lake Ontario and Niagara River Shoreline represent an important public resource. The development and use of these areas should be in a manner consistent with the maximizing public access to this resource. It is therefore a policy of this Plan that when reviewing development applications in shoreline areas public access will be an important consideration. Access to the shoreline may be by way of land dedication or easement agreement. This policy does not imply that shorefront lands will necessarily be accepted as fulfillment of any required park dedication nor does it commit the municipality to purchase or maintain shorefront properties.

The objective is to establish a continuous trail system, approximately 5 metres in width, along the length of the waterfront, although in some areas, (such as the marina, as long as it remains a marina, where this is not possible for security and use reasons); the trail may not be directly on the shoreline. The Kings Point Niagara Ltd. development has provided the necessary access to the shoreline and is not affected by this policy. The trail system will not be located on lands associated with the marina and will be located on the Ricardo, Nelson and Melville road allowances.

The Town of Niagara-on-the-Lake also supports the efforts of the WATERFRONT REGENERATION TRUST in the pursuit of public access to the shoreline. In respect of property rights, where the permission of the property owner has been obtained to permit public access to the shoreline an amendment to this Plan is not required.

SCHEDULE 3

9.1.4 RESIDENTIAL DENSITY

The maximum number of dwelling units per acre is a function of the capacity to provide municipal services and the topography of the site. The visual impression of density is expressed in the mass and arrangement of the buildings on site. In Niagara-on-the-Lake the visual impression is that of a low rise, low density small-town community. While that impression should be maintained it is possible to consider a variety of housing forms that will complement this image. Generally low density residential developments will not exceed 6 units per acre (14 units per hectare) residential net density and medium density residential developments will not exceed 12 units per acre (30 units per hectare) residential net density unless accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods and development and which will be subject to a public review process. The Council reserves the right to establish in an implementing zoning by-law the maximum number of units to be permitted on any property subject to the relevant policies of this Plan and applicable Provincial Policy.

Special care will be taken in the Old Town of Niagara and Established Residential designationsto maintain the low-density character. Therefore new residential development in these areas consisting of more than two units will be accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods and development.

SCHEDULE 4

12.1.4

Stone resources are being extracted from Queenston Quarries. Over the next 25 years, the site will be progressively rehabilitated. A portion of the quarry may be used to dispose of material from the Ontario Hydro Niagara Region Electric Development. A golf course and/or recreational uses and passive recreation are permitted end uses. Uses other than a golf course or passive recreational activities outside the lands included within the urban boundary require review and an amendment to the Regional Policy Plan, to this Plan and the Niagara Escarpment Plan. ✓