June 15, 2020

TO: Applicant/Agent/Owner; Assessed owners of land within 120 m of the subject property; Consulted Agencies, parties who requested Notice or are considered to have an interest in the Decision.

RE: NOTICE OF DECISION
Development Permit Application: N/D/2019-2020/272
Regional Municipality of Niagara c/o Jamie Anderson

Attached is a Notice of Decision from the Niagara Escarpment Commission regarding an application for a Niagara Escarpment Development Permit.

You have the right to appeal this decision. If you have reason to appeal, you must submit a completed Appeal Form or a written letter, specifying your reasons for appeal, within 14 days of the date of this letter.

An Appeal Form can be downloaded from www.escarpment.org. If you submit a written letter of appeal, please include your name, address, daytime phone number, e-mail address and your fax number. The completed Appeal Form or the letter of appeal must be mailed or faxed to this office (address and fax # above) or sent by email to necgeorgetown@ontario.ca.

Please note that the last day that appeals may be received is: June 29, 2020 (midnight).

The Commission’s decision is confirmed if no appeal is received within the 14 days.

If the Commission’s decision is appealed, a Hearing Officer will be appointed by the Minister of Natural Resources and Forestry to conduct a Hearing. The Hearing Office may contact you for additional information regarding your appeal, and all parties will be notified by mail of the time and location of the Hearing. If you appealed you are expected to attend the Hearing to present your reasons for appeal. If the appeal is withdrawn or the appellant fails to appear at the Hearing, the Commission’s decision is confirmed.

If you have questions about this process, or about the details of the Development Permit application, please contact me at dmitry.kurylovich@ontario.ca.

Yours truly,

ORIGINAL SIGNED BY

Dmitry Kurylovich, (A) Senior Planner
NOTICE OF DECISION
OF THE NIAGARA ESCARPMENT COMMISSION
REGARDING
AN APPLICATION FOR A DEVELOPMENT PERMIT UNDER SECTION 25
OF THE NIAGARA ESCARPMENT PLANNING AND DEVELOPMENT ACT,
R.S.O. 1990, CHAPTER N.2

FILE NUMBER: N/D/2019-2020/272
APPLICANT: Regional Municipality of Niagara c/o Jamie Anderson
AGENT: Mark Belanger Associated Engineering (Ont.) Ltd
OWNER: Same as applicant
LOCATION: Part Lot STMFD TWP LOTS 4, 5, 17, Concession
City of Niagara Falls, Region of Niagara

PROPOSED DEVELOPMENT:
To decommission and to remove the following development associated with an
infrastructure use (water supply standpipe) on a 9.4 ha (23 ac) regionally owned
property:
• An existing ± 66 sq m (216.5 sq ft) water standpipe and to leave its foundation in
  place;
• The internal components of water chamber ‘A’ and to leave the chamber in place;
• The internal components of water chamber ‘B’ and to leave the chamber in place;
• 2 (two) buried gate valves;
• 1 (one) overhead hydro wire; and,
• A 500 mm x 200 m tee pipe fitting from Regional Road 100 (St. Paul Avenue).

DECISION of the NIAGARA ESCARPMENT COMMISSION:
The application for a Development Permit, as described above, has been
CONDITIONALLY APPROVED.

The Conditions of Approval are listed on the attached APPENDIX.

DATE: June 15, 2020

SIGNED: ORIGINAL SIGNED BY
Kim Peters, RPP, MCIP
(A) Manager

THIS IS NOT A DEVELOPMENT PERMIT
DEVELOPMENT IS NOT TO COMMENCE UNTIL THE DEVELOPMENT PERMIT HAS BEEN ISSUED
1. Development shall occur in accordance with the Site Plan, Development Permit Application and Conditions as approved.

2. The Development Permit shall expire three years from its date of issuance unless the development has been completed in accordance with the Development Permit.

3. The landowner shall advise the Niagara Escarpment Commission in writing of the start and the completion date of the development. This notice shall be provided to the NEC 48 hours prior to the commencement of development, and within 14 days upon completion.

4. No site alteration of the existing contours of the property including the placement or stockpiling of fill on the property is permitted with the exception of that identified within the development envelope in accordance with the approved Site Plan.

5. No vegetation shall be cut or removed from the development envelope except for that identified within the development envelope in accordance with the approved Site Plan.

6. All disturbed areas shall be re-vegetated and stabilized, in accordance with the approved Site Plan, by the end of the first growing season following the completion of site grading and building construction. All trees, shrubs and nursery stock shall be native to Ontario. Only in extenuating circumstances will non-native species be considered. Native plan: material should be sourced from local plant nurseries when available; bush dug plant material is not acceptable.

7. Prior to the commencement of any development, heavy duty silt fencing (OPSD 219.130) and/or other equivalent erosion and sediment control (ESC) measures shall be implemented and maintained as shown on the approved Site Plan (Condition #1) until all disturbed areas are stabilized. The landowner shall confirm the installation of the erosion/sediment control measures through the submission of photographs to the Niagara Escarpment Commission. It is the responsibility of the landowner to implement, monitor and maintain all erosion/sedimentation control structures until vegetative cover has been successfully established. Any deficiencies shall be addressed immediately.

8. All waste materials generated from the demolition shall be completely removed from the property (e.g., taken to an approved landfill site, salvage/reclamation facility, reused/recycled elsewhere) and not otherwise stored or buried on-site. All disturbed areas shall be immediately stabilized / rehabilitated as per the approved Site Plan (Condition #1).

9. Any tree crown/prach pruning required to facilitate standpipe demolition or ancillary works be completed by a Certified Arborist to ensure that trees are not damaged by demolition activities. Any tree roots exposed during excavation shall similarly be pruned in accordance with accepted arboricultural practice by a Certified Arborist.

10. Standard best management construction practices be used to mitigate construction dust, noise and/or exhaust fumes and prevent spills.
NOTES:

A. This Development Permit does not limit the need for or the requirements of any other applicable approval licence or certificate under any statute (e.g., Ontario Building Code, Conservation Authorities Act, Endangered Species Act, etc.). The Niagara Escarpment Commission Development Permit is required prior to the issuance of any other applicable approval, licence or certificate.

B. The Hydro One Network Inc. (HONI) transmission lines abutting the subject lands operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the Occupational Health and Safety Act, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The safe vertical distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the developer’s responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the safe vertical distance specified in the Act. All parties should also be aware that the conductors can raise and lower without warning, depending on the electrical load placed on the line.

C. The development should follow conditions attached to the technical approval provided by Hydro One Network Inc. (HONI) on April 1, 2020.

D. Should deeply buried archaeological remains/resources be found on the property during demolition activities, all activities impacting archaeological resources must cease immediately, notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) (416-212-8886) and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists. In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.
Note regarding Sections 11, 12, 13, 14, 15, 16:
Depending on the type or nature of the proposed development and/or the characteristics of the property, supporting information such as Environmental Impact Studies, Landscape Plans, Lighting Plans, Visual Assessments, Grading Plans, Erosion Control Plans, Slope Stability Studies, etc., may be required in support of the following information.

11. CONSTRUCTION DETAILS

PLEASE NOTE

Ground Floor Area is the total exterior measurements of any building, including attached garages and enclosed decks (as applicable).

Total Floor Area (i.e., total mass) is based on the exterior measurements of the building and includes the total of the ground floor area (including attached garages, etc.), plus walkout basements, plus full or half second storeys, etc.

Maximum Height is measured from the lowest grade (e.g., walkout side), to the peak of the roof.

<table>
<thead>
<tr>
<th>Ground Floor Area</th>
<th>Total Floor Area</th>
<th># of Storeys</th>
<th>Maximum Height to peak</th>
<th>Use of structure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling</td>
<td></td>
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</tr>
<tr>
<td>Dwelling Addition</td>
<td></td>
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<tr>
<td>Accessory Building 1</td>
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<tr>
<td>Accessory Building 2</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Accessory Building Addition</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Other Building</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Demolition (specify what structure)</td>
<td>66 m2</td>
<td>N/A</td>
<td>N/A</td>
<td>11m</td>
</tr>
</tbody>
</table>

*If fill is required for any of the developments proposed above please provide details in Section 12 below.

12. ACCESSORY FACILITIES, STRUCTURES, FILLING, GRADING, etc.

(e.g.: Driveways, Decks, Gazebos, Swimming Pools, Tennis Courts, Lighting, Signs, Wind Turbines, free-standing Solar Panels, Hydro Feasibility, Retaining Walls, Placement of Fill, Grading, Berns, Parking Areas, Tree/site Clearing, etc.) (See next page for Ponds)

Describe and provide information such as: dimensions, size, height, amount of fill etc.

Water Standpipe demolition. Standpipe and water chambers will be demolished with their foundation abandoned in place. Water gate valves will be removed. Each excavated work area is to be backfilled with native material, or approved fill and restored to match surrounding areas. The standpipe is located towards the centre of the property and has Hydro poles and underground water infrastructure leading towards it (two water chambers, gate valves, water piping).

There are two gravel access roads off of St. Paul Avenue. There is a chlorination chamber on the North end of the property which will remain untouched.
13. HOME BUSINESS, CHANGE OF USE, NEW USE

(e.g.: Establishing a Home Business, Home Occupation, Home Industry or Bed and Breakfast business.
Converting or changing the use or establishing a new use on a property or within any dwelling building or structure on a property.)

Describe the proposed business or new use and provide information such as:
Type of business or use, size or area of building &/or land to be occupied or altered by the use, construction or alteration
details, number of employees, access, parking, storage details, sales, hours of operation, signage, etc.
Note: A separate, detailed, business overview or plan should be provided.

There will be no change in use. Water chlorination chamber to remain in operation on site. Standpipe area to remain empty after demolition.

14. PONDS – New pond/Existing pond work – dredging, maintenance, repair, etc.)

The following information is the minimum information that is required for pond construction or alteration/maintenance. Generally, a
hydrology/hydrogeology report and/or an environmental impact assessment is also required.

Pond is: □ Proposed □ Existing □ Other (e.g., on-stream, by-pass)

Type of Pond: □ Dug □ Spring-fed □ Irrigation □ Other

Use of Pond: □ Recreation □ Livestock/farm □ Well □ Other

Water Source: □ Precipitation/run-off □ Springs

Size of Pond: Water Area ___________ Depth of Water ________

Height of Banks ___________ Width of Banks ________

Setbacks: Distance to nearest watercourse, wetland and/or roadside ditch: ________

Distance to nearest existing or proposed septic system: ________

Construction Details/Inflow/Outflow Details, Emergency Outflow/Spillway Details: (describe type of construction, water
supply, receiving area or watercourse, etc.)

Erosion/sediment control measures: ________

Placement of excavated material: ________

Finish grading and landscaping: ________
15. AGRICULTURAL DEVELOPMENT

If your proposal involves agricultural land or uses, indicate and briefly describe here; and complete other sections of this application form as applicable. *Note: Additional detailed information may be required.*

- Small Scale Commercial Use Accessory to Agriculture:
- Mobile Dwelling Accessory to Agriculture:
- Dwelling in Agricultural Area (near barns – MDS I):
- Livestock Facility (MDS I):
- Equestrian Facility (e.g., arenas, riding rings, events):
- Farm Pond:
- Winery:
- Winery Event:
- Farm Vacation Home:
- ‘Agricultural Purposes Only’ (APO) Lot Creation:

16. LOT CREATION

If this application involves the creation / severance of a new lot, please provide the following information:

i) **Existing Lot:**
   - Frontage:
   - Depth:
   - Size:

ii) **Proposed Lot:**
    - Frontage:
    - Depth:
    - Size:

iii) **Retained Lot:**
    - Frontage:
    - Depth:
    - Size:

iv) **Use of New Lot**
   - Residential
   - Agricultural/APO
   - Conservation
   - Lot Addition
   - Commercial
   - Industrial

17. OTHER INFORMATION

Additional information to clarify your proposal may be submitted here or on a separate attachment:

The land ownership and use is not planned to change, it is expected to remain as an empty plot of land owned by the Region afterwards. The existing water chlorination chamber is not scheduled to have works. Abandoned water pipe will remain underground and will have their ends filled with grout and capped. Trees on site are not expected to be impacted or removed as they have been pre-disturbed in previous site works and construction. The standpipe and associated water chambers will be demolished, and have their contents disposed of. The foundations will have holes drilled in them, backfilled and restored to match the surrounding area. The hydro poles will remain in place with all wires removed. Silt fencing will be installed around the excavation sites.