Niagara Escarpment Commission

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Commission de l'escarpement du Niagara

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Niagara Escarpment Commission
An agency of the Government of Ontario

May 24, 2018

Niagara College Canada
C/O P. Robson
135 Taylor Road
Niagara-on-the-Lake, ON
L0S1J0

Dear Sir or Madam:

Re: Development Permit Application N/P/2017-2018/167
Part Lots 1 & 2, Concession 10
Town of Niagara-on-the-Lake Region of Niagara

The decision of the Niagara Escarpment Commission is confirmed, as no appeals were received during the 14 day appeal period.

Therefore, in accordance with the Commission's decision, a Development Permit may be issued when **Condition(s) 7, 8, 9, and 10,** of the Conditions of Approval is satisfied (see attached).

These Conditions must be fulfilled by **May 24, 2019** or the approval will expire (see Condition # 13).

Please contact me at (905) 877-7815 or john.stuart@ontario.ca if you have any questions.

Yours truly,

John Stuart
Senior Planner

jl

Encl:

APPENDIX

Niagara College of Applied Arts & Technology
N/P/2017-2018/167

CONDITIONS OF APPROVAL

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 and Landscape Plans, 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 except those where approved under the Development Permit. Native plant material should be sourced from local plant nurseries when available; bush dug plant material is not acceptable.

7. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, an accurate and detailed Final Site Plan shall be submitted to the Niagara Escarpment Commission for approval. The Plan shall include but not be limited to the following:

    a) All drawings submitted must be drawn to scale (bar scale shown), reference the application number and address of the proposal, be dated (revisions as well) and denote the relevant consultant;
    b) An accurate delineation of the approved development envelope with temporary fencing;
    c) The accurate location of all structures, sewage disposal system, fire hydrants, stormwater management infrastructure, Hydro One Networks infrastructure, parking facilities and driveway within the development envelope showing setbacks from the property lines, watercourse, top/bottom of slope, wooded areas, etc.;
    d) Extent of all disturbed areas;

e) Extent and amount of fill removal or placement. Grading and drainage design including the areas of excavation and temporary or permanent fill placement. The type, quantity, quality and source location of any imported fill material must be accurately identified. Any fill material approved for importation under this Permit shall conform to the definition of "inert fill" per Ontario Regulation 347 and Table 1 of the Soil, Groundwater and Sediment Standards for use per Part XV.1 of the Environmental Protection Act, dated March 9, 2004;
f) Erosion and sediment control measures;
g) Surveyed location and inventory of vegetation to be preserved and removed as well as all protection measures in accordance with Condition 8.
h) Pedestrian access design;
i) Fire access route design;
j) Final building design to be consistent with the information and drawings provided with the application and any modifications required by the Niagara Escarpment Commission. This would include, but not be limited to height to the peak of roof, area/square meters, architectural treatment, lighting and fenestration.

The approved Final Site Plan shall form the Site Plan referred to in Condition #1 and development shall proceed in accordance with the details of the approved Final Site Plan.

8. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, a **Final Vegetation Preservation Plan** shall be prepared by a qualified person, for the approval of the Niagara Escarpment Commission. The Plan shall address vegetation preservation requirements and shall include but not be limited to a detailed inventory, assessment, protection and management measures in accordance with the standard practices of the implementing authority. Stipulations:

a) Prior to commencement of any construction the protective fencing shall be installed and inspected by the consulting expert and a letter confirming the same provided to the Niagara Escarpment Commission.
b) Any vegetation noted for preservation and damaged from the construction process shall be reported and replaced; trees150mm and over DBH (diameter breast height) shall be replaced on a per caliper basis. Replacement shall be to the satisfaction of the Niagara Escarpment Commission.
c) Subsequent to the completion of the works, including mitigation and management, a letter certifying the work has been completed in accordance with the approved plan shall be provided to the implementing authority by a qualified person.

The approved **Vegetation Preservation Plan** shall form part of the Site Plan referred to in Condition # 1 and development shall proceed in accordance with the details of the Final Vegetation Preservation Plan.

CONDITIONS OF APPROVAL

9. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, the applicant shall submit for the approval of the Niagara Escarpment Commission, **final construction details** for the greenhouse, header house, and hoophouses, including exterior elevations, floor area, height above existing and proposed grades and the number of stories. Upon approval, these plans will be stamped "NEC Approved" and shall form part of the Development Permit referred to in Condition # 1.

10. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission,** the applicant shall submit for the approval of the Town of Niagara-on-the-Lake and the Niagara Escarpment Commission, **a servicing brief** demonstrating that adequate municipal water supply and sanitary sewer capacity is available.

11. **Prior to the commencement of development**, the applicant shall submit an updated stormwater management plan to the Town of Niagara-on-the-Lake. This plan shall demonstrate conformity with previous Town-approved stormwater management reports for the subject property.

12. **Prior to the commencement of development** appropriate sediment and erosion control measures be installed and maintained in good working order during the construction phase and not removed until all disturbed areas are revegetated to ensure muddy water and debris do not enter the watercourse.

13. This conditional approval expires one (1) year from the date of confirmation of the decision to approve the Development Permit application. Conditions # 7, 8, 9, & 10 of this conditional approval shall be fulfilled before the expiry date.

NOTES:

A. Should deeply buried archaeological remains/resources be found on the property during construction activities, the Heritage Operations Unit of the Ontario Ministry of Tourism, Culture and Sport shall be notified immediately. In the event that human remains are encountered during construction, the owner shall immediately notify the police or coroner, the Registrar of Cemeteries of the Ministry of Small Business and Consumer Services, and the Ministry of Tourism, Culture and Sport.

B. The applicant is advised by Hydro One Networks Incorporated (HONI) that any development in conjunction with the site plan must not block vehicular access to any HONI facilities located on the transmission corridor. During construction, there must be no storage of materials or mounding of earth, snow or other debris on the transmission corridor

CONDITIONS OF APPROVAL

C. The applicant is advised by HONI as follows: The 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.

D. 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.

E. The Niagara Escarpment Commission supports the protection of the night sky from excessive lighting and recommends that the application obtain information on shielding the night sky through the use and operation of appropriate lighting fixtures. This information is available at www.darksky.org.