



NIAGARA ESCARPMENT DEVELOPMENT PERMIT

PERMIT: 10559/N/S/2012-2013/191

FILE NUMBER: N/S/2012-2013/191

APPLICANT: Robert Daniels, Niagara Region Wind Corporation
AGENT: Al Leggett, Stantec Consulting Ltd.
OWNER: N/A

LOCATION: Kemp Road East and Mountainview Road (right of way)
Town of Lincoln, Region of Niagara

DESCRIPTION of PROPOSED DEVELOPMENT:

Niagara Region Wind Corporation has applied for a Development Permit to permit the construction of a below grade 115kV transmission line within the municipal road right of way of Mountainview Road in the Town of Lincoln. The proposed route along Mountainview and Kemp Road East within the Niagara Escarpment Plan area would be from Walkers Road down the Escarpment to King Street. The proposed transmission line would transmit power generated by the turbines in the proposed Niagara Region Wind Project (outside the Niagara Escarpment Plan Area) to the Beach Transformer Station in Hamilton (the connection point approved by the Ontario Power Authority). The proposed transmission line would be buried in a concrete conduit within a trench that would be excavated within the road right of way.

Pursuant to the authority to issue Development Permits under Section 24 of the *Niagara Escarpment Planning and Development Act*, R.S.O. 1990, Chapter N.2, delegated by the Minister of Natural Resources under Section 25 of the *Act*, the Niagara Escarpment Commission hereby issues this **DEVELOPMENT PERMIT** for the proposed development described above, **subject to the attached Conditions**.

This Development Permit is transferable, unless prohibited by a Condition of this Development Permit, provided the new Permit holder develops strictly in accordance with the Conditions of this Development Permit.

Date: September 5, 2013

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CONDITIONS

1. Non-fulfillment or breach of any of the conditions shall render the Development Permit void.
2. Site inspections of the property may be undertaken by the Niagara Escarpment Commission to ensure that the development complies with the Development Permit. Persons who possess expert or special knowledge related to the Development Permit may accompany the Commission representative on the site inspection(s).
3. No building permit or other licence, certificate, permit or other similar permission relating to development shall be issued or considered to be in force unless a Development Permit is in effect.
4. The Development Permit shall expire three years after its date of issuance unless the development has been completed.
5. The underground transmission line shall be in accordance with the site plan and Development Permit application submitted.
6. No grading of the existing contours of the roads is permitted except that which is absolutely necessary for the construction of the underground transmission line.
7. All drawings submitted to the Niagara Escarpment Commission to satisfy the Development Permit conditions must include:
 - a) a bar scale
 - b) the application number
 - c) the address or location of the development
 - d) the date and revision dates
 - e) the consultant's name and contact information.
8. **Prior to any development including site disturbance or site preparation**, the applicant shall submit for the approval of the Niagara Escarpment Commission, in consultation with the Region of Niagara, the Town of Lincoln, the Niagara Peninsula Conservation Authority, detailed design plans identifying the location and design of the proposed transmission line and the buried concrete encased duct bank including plan view and cross-section drawings confirming the design, depth and location within the municipal road right of way. Once approved, these detailed design plans shall form part of the Development Permit.

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9. **Prior to any development including site disturbance or site preparation**, the applicant shall submit for the approval of the Niagara Escarpment Commission, in consultation with the Region of Niagara, the Town of Lincoln, the Niagara Peninsula Conservation Authority, detailed construction plan drawings identifying the haul route, limits of construction, construction phasing, method of installing the buried transmission line and appropriate construction mitigation measures, including erosion and sediment control plans, construction envelope and demarcation details, cut-off collars, engineered fill requirements, temporary material storage areas, staging areas, refuelling areas and dewatering details, during in accordance with the recommendations of the tree/woodlot/significant woodlot preservation plan. The detailed design drawings shall identify installation of "Limit of Work" fencing to ensure that no material or equipment is placed outside the work area and to limit potential effects on adjacent vegetation and habitat, and incorporate buffers from any identified species at risk habitat. No grading of the existing contours of the land is permitted along the transmission line route except that which is absolutely necessary for the construction/placement of the transmission line.
10. Notwithstanding any other approval or any conflict or inconsistency with any plans or conditions relating to any other approval (including a Renewable Energy Approval), development shall only occur in accordance with the final construction plan drawings approved by the Niagara Escarpment Commission pursuant to Condition 9 of this Development Permit approval.
11. **Prior to any development including site disturbance or site preparation**, the applicant shall submit for the approval of the Niagara Escarpment Commission, a tree/woodlot inventory, impact assessment and preservation plan (including an invasive species management plan), prepared by a Landscape Architect, Arborist or other qualified consultant.
 - a) A vegetation management/monitoring plan identifying which trees and vegetation are to be preserved will be required.
 - b) Confirmation in writing by a qualified consultant that protective fencing has been installed and inspected prior to construction commencing, shall be provided to the Niagara Escarpment Commission.
 - c) Subsequent to the completion of the works, including mitigation, a letter certifying that the work has been completed in accordance with the approved plan by a qualified consultant.
 - d) Should post-construction monitoring identify additional vegetation impacts due to construction, the mitigation shall include replacement of trees lost on a per calliper basis.

Once approved, these plans shall form part of the Development Permit. No trees other than dead or diseased trees shall be cut or removed along the transmission line route, except those identified and approved by the Niagara Escarpment Commission as absolutely necessary for the construction/placement of the transmission line.

CONDITIONS

12. **Prior to any development including site disturbance or site preparation**, the applicant shall submit for the approval of the Niagara Escarpment Commission, a landscape plan prepared by a landscape architect or other qualified consultant addressing all planting requirements associated with screening and visual and environmental mitigation requirements.
- a) Species selection shall be appropriate to the local area and all trees, shrubs, groundcovers and nursery stock shall be native to Ontario.
 - b) Installation of all plant material shall be completed within the first growing season (April to October) following completion of the transmission line.
 - c) All plant material shall be guaranteed for a minimum of 18 months following installation. All plant material found during this time to be dead or dying must be replaced with a size and species satisfactory to the Niagara Escarpment Commission.
 - d) Subsequent to the completion of the works, a letter shall be submitted to the Niagara Escarpment Commission by the consulting Landscape Architect or Arborist certifying that the work has been completed in accordance with the approved plan.

Once approved, the landscape plan shall form part of the Development Permit.

13. **Prior to any development including site disturbance or site preparation**, the applicant shall submit for the approval of the Niagara Escarpment Commission, in consultation with the Niagara Peninsula Conservation Authority, design and construction details surrounding the proposed watercourse crossings, including the location of the buried transmission line relative to existing culverts and details demonstrating how flows within these watercourses will be maintained during and following construction, how runoff will be controlled and how fish habitat will be protected.
14. **Prior to any development including site disturbance or site preparation**, the applicant shall provide a letter to the Niagara Escarpment Commission describing how consultation with business and property owners was undertaken to address concerns regarding the maintenance of property access and the control of noise and dust during the construction period and including confirmation that access to all private properties along the route will be maintained throughout the construction period.
15. **Prior to any development including site disturbance or site preparation**, the applicant shall complete to the satisfaction of the Niagara Escarpment Commission, in consultation with the Region of Niagara and the Niagara Peninsula Conservation Authority, a review of groundwater quality and quantity impacts of the construction of the underground transmission line indicating how impacts are to be mitigated and outlining a pre-construction and post-construction private water well monitoring and protection program for all wells located within 120 metres of the proposed construction to identify monitoring of water quality and quantity, mitigation measures, and a notification, response and dispute resolution protocol to address potential impacts to private wells along the transmission line route.

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CONDITIONS

16. **Prior to any development including site disturbance or site preparation**, the applicant shall complete to the satisfaction of the Niagara Escarpment Commission, additional geotechnical investigations along the proposed transmission line to confirm the extent of dewatering required and to supplement existing borehole data to confirm whether bedrock will be encountered during construction and how the location of bedrock will impact the proposed method of construction so as to avoid the use of blasting.
17. **Prior to any development including site disturbance or site preparation**, the applicant shall consult with the Bruce Trail Conservancy and provide a letter to the Niagara Escarpment Commission confirming how they will address continuity of access to the Bruce Trail during construction and how safety along this section of Mountainview Road can be improved, if feasible.
18. **Prior to any development including site disturbance or site preparation**, the applicant shall submit Terms of Reference in a form acceptable to the Niagara Escarpment Commission describing the role and mandate of a Community Liaison Committee, for the portion of the transmission line which is the subject of this development permit. The committee shall include representation by the Mountainview Niagara Escarpment Community Association. The letter shall include a commitment to a time for the Committee to be established to address early and ongoing project communication and dispute resolution regarding the construction and operation of the Project as it affects development of the Project within the Town of Lincoln and subject to development control under the NEPDA. Prior to submission of the Terms of Reference to the NEC, the NRWC shall consult with the MNECA.
19. **Prior to any development including site disturbance or site preparation**, the applicant shall enter into an agreement with the Region of Niagara for the crossing of Regional Road 81 respecting the location, construction and maintenance of all Niagara Region Wind Corporation facilities on this Regional road right-of-way.
20. **Prior to the issuance of the Development Permit**, the applicant shall enter into a Road Use agreement with the Town of Lincoln.
21. **Prior to any development including site disturbance or site preparation**, the applicant shall submit to the Niagara Escarpment Commission an Emergency Response and Communications Plan that has been developed with the Town of Lincoln and other applicable emergency services.
22. No excavation, grading or other soil disturbances, or construction shall take place prior to the issuance of a letter from the Ministry of Tourism, Culture and Sport confirming that an archaeological assessment has been completed to the satisfaction of the Ministry and that all archaeological resource concerns have met licensing and resource conservation requirements. Adverse impacts to any significant archaeological resources found on the site shall be mitigated through preservation or resource removal and documentation.

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23. Should archaeological resources be discovered during construction, the applicant shall immediately cease construction and undertake an archaeological assessment and mitigation by a licensed archaeologist. Adverse impacts to any significant archaeological resources found on the site shall be mitigated through preservation or resource removal and documentation. No further excavation, grading or other soil disturbances or construction, shall take place within 50 metres of the location where the resource was found prior to the issuance of a letter from the Ministry of Tourism, Culture and Sport confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
24. That no vegetation clearing shall occur between May 1st and July 31st. In the event that vegetation clearing is required, surveys will be undertaken by a qualified biologist to identify the presence/absence of nesting birds within the areas to be cleared. If an active nest is located, a designated buffer will be established in consultation with NEC staff and marked off in the field within which no construction activity will be allowed while the nest is active.
25. The detailed design drawings shall identify that construction activities shall be avoided in all identified amphibian breeding ponds and that site disturbance shall be minimized in their vicinity. Alterations to surface and drainage patterns in the vicinity of the breeding ponds shall be avoided. Additionally construction activities adjacent to breeding ponds shall occur, to the extent reasonably practical, outside of amphibian breeding months (April – June).
26. Should any Species at Risk be identified prior to or during construction, the Ministry of Natural Resources and the Niagara Escarpment Commission shall be notified.
27. **Prior to any development including site disturbance or site preparation**, the boundaries of all wetlands within 30 m of the proposed construction area will be staked in the field by a qualified ecologist to assist with the demarcation of the construction area, to ensure construction activities avoid these sensitive areas and to assist with the proper field installation of erosion and sediment controls. These barriers shall be regularly monitored and properly maintained during and following construction until soils in the construction area are re-stabilized with vegetation.
28. All material storage or staging areas and vehicle re-fueling shall be avoided in the NEP area. If necessary, **prior to any development including site disturbance or site preparation**, these areas shall be identified and approved by the Niagara Escarpment Commission and shall be located a minimum of 30 metres from all wetlands, water bodies and wooded areas.
29. This conditional approval shall be void if a Development Permit is not issued within three (3) years of the date of confirmation of the Commission's decision.

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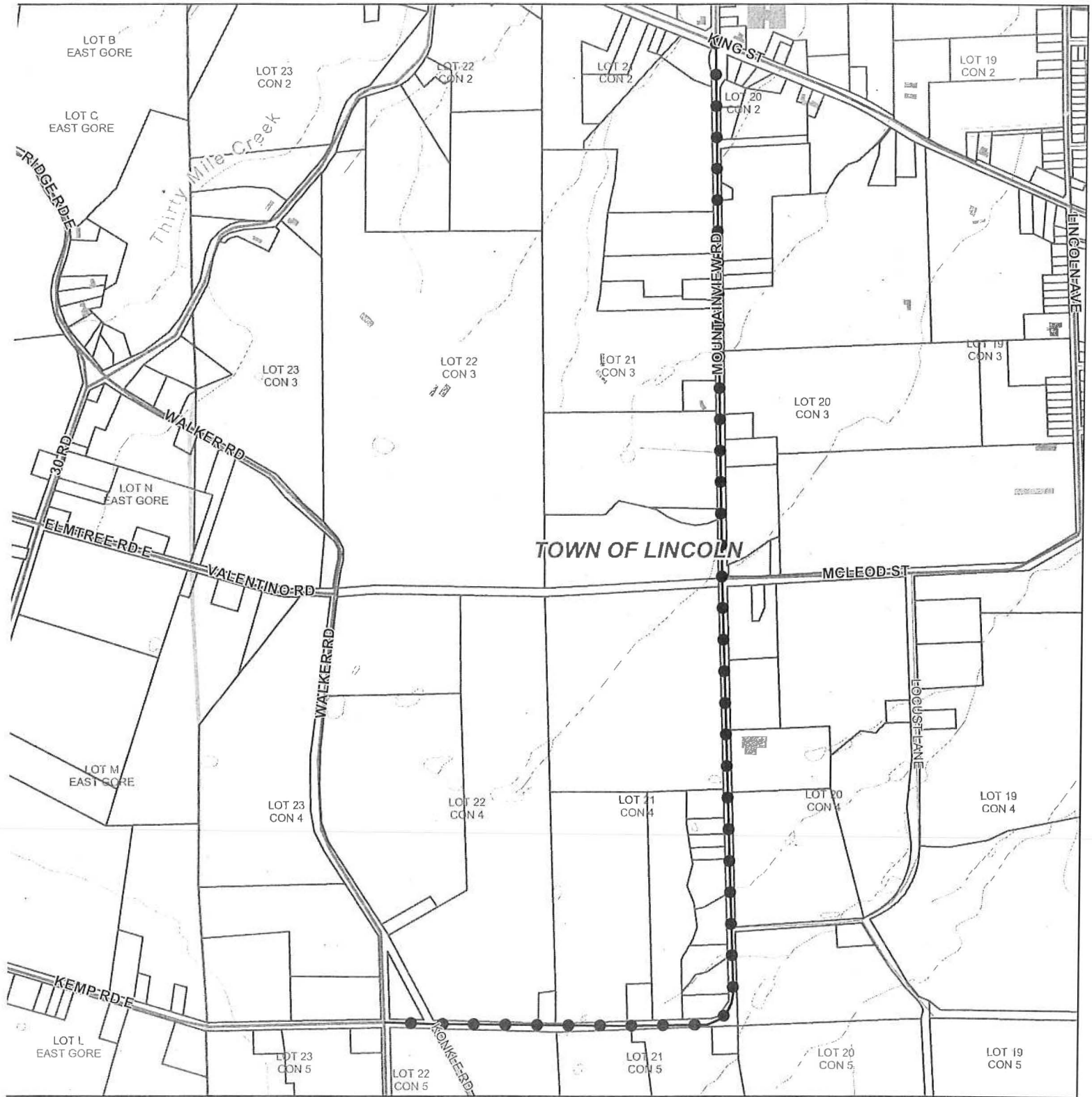
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30. **Prior to any development including site disturbance or site preparation**, the limit of private properties shall be staked by and Ontario Land Surveyor.

NOTE: This approval shall not be used as support for any proposed wind farm south of the Niagara Escarpment.

NOTE: Condition 20 deemed fulfilled on August 21, 2013 pursuant to the original Road Agreement signed August 21, 2013.



MAP 3
SITE PLAN

FILE NO. NS/2012-2013/191

APPLICANT: NIAGARA REGION WIND CORPORATION

NOTE: The Niagara Escarpment Plan Designation boundaries shown on this map are approximate and subject to confirmation through Site Inspection and the application of the 'Interpretation of Boundaries' section of the Niagara Escarpment Plan
Printed on Feb 11, 2013 by ventrescada

LEGEND

- Proposed Route
- Niagara Escarpment Plan Boundary

FINAL SITE PLAN
APPROVED
MK 13-09-05

Approximate Scale 1:12,500

0 125 250 375 500 625
Metres

NI

9. EASEMENTS, COVENANTS, AGREEMENTS

Please describe the type and terms of any easements, right-of-ways, covenants, agreements or other restrictions registered on or affecting the title of the property:

The transmission line will be constructed within an existing municipal road and corresponding right-of-way. An easement within this right-of-way will be sought from the Town of Lincoln prior to construction, in conjunction with the road use agreements to be obtained from all municipalities relevant to this Project.

10. DATE OF PURCHASE

Date the property was purchased by the current owner: N/A

Date the property will be purchased by the applicant (if purchasing from current owner): N/A

11. CONSTRUCTION DETAILS

NOTE

DEPENDING ON THE NATURE OF THE PROPOSED DEVELOPMENT AND/OR THE CHARACTERISTICS OF THE PROPERTY, SUPPORTING INFORMATION SUCH AS BUILDING PLANS, LANDSCAPING PLANS, VISUAL ASSESSMENTS, EROSION CONTROL PLANS, GRADING PLANS, OR AN ENVIRONMENTAL IMPACT ASSESSMENT MAY BE REQUIRED, IN ADDITION TO THE FOLLOWING INFORMATION:

Ground Floor Area is the total exterior measurements of the building, including attached garages and enclosed decks (as applicable). **Maximum Height** is measured from the lowest grade (e.g., walkout side), to the peak of the roof. **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.) + walkout basements + full or ½ second stories, etc.

Please fill in complete details for each proposed building, below:

	Ground Floor Area (Exterior measurements)	Total Floor Area	# of Storeys	Maximum Height (to peak)	Roof Type (peaked, flat, etc.)
☐ Dwelling	_____	_____	_____	_____	_____
☐ Accessory Building	_____	_____	_____	_____	_____
☐ Addition	_____	_____	_____	_____	_____
☐ Demolition	_____	_____	_____	_____	_____
☐ Other Building	_____	_____	_____	_____	_____

FINAL DETAILS
APPROVED

WK 13-09-05

12. ACCESSORY FACILITIES, OTHER STRUCTURES, FILLING AND GRADING

(e.g., Gazebos, decks, swimming pools, tennis courts, lighting, signs, retaining walls, filling, grading, berms, parking lots/areas, tree clearing, wind power towers, wind machines (fans), solar panels, geothermal systems, hydro services/poles & lines, etc.) (See next page for ponds)

Please describe and provide information such as: location, dimensions, size, height, etc.

A buried 115 kV transmission line is proposed along Mountainview Rd. in the Town of Lincoln, which will cross through the Niagara Escarpment Plan Area (NEP Area). The line would transmit power generated by the proposed Niagara Region Wind Project (the Project) to an existing Hydro One Networks Inc. (HONI) transmission line located along the south side of the Queen Elizabeth Way highway (QEW) through a contract with the Ontario Power Authority (OPA). The portion of the transmission line along Mountainview Road that is subject to the Development Permit is between Walkers Road and King Street, which represents the portion within the NEP Area.

Niagara Escarpment Commission

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P.O. Box 308
Thornbury, ON N0H 2P0
Tel. No. (519) 599-3340
Fax No. (519) 599-6326
www.escarpment.org

Commission de l'escarpement du Niagara

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Niagara Escarpment Commission
An agency of the Government of Ontario

September 5, 2013

Robert Daniels
Niagara Region Wind Corporation
277 Lakeshore Road East
Oakville, ON L6J 6J3

Dear Mr. Daniels:

**Re: Development Permit # 10559/N/S/2012-2013/191
Kemp Road East and Mountainview Road (right of way)
Town of Lincoln, Region of Niagara**

Enclosed please find your **Development Permit**. The information contained in this Permit constitutes the information (construction details, Site Plan, etc.) approved by the Niagara Escarpment Commission. Your development must proceed in accordance with this information, and with the **Conditions of the Development Permit**.

Please note that **Conditions 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 27 and 30** must be satisfied prior to the commencement of development.

Also please note that changes or alterations to the approved construction details or the Site Plans are not permitted (see Conditions 1 and 5).

Your contractor should be provided with a full copy of this Development Permit and all plans (Site Plans, etc.) attached to this Permit, to ensure adherence to the Conditions of the Permit throughout and to completion of the development.

If you have any questions, please contact Nancy Mott-Allen at 905-877-8363 or Nancy.Mott-Allen@ontario.ca.

Yours truly,

A handwritten signature in black ink, appearing to read "Bohdan Wynnycky".

Bohdan Wynnycky
Manager

c Circulated Agencies



RECEIVED

SEP 09 2013

Your Niagara Escarpment Development Permit



WELCOME TO THE NIAGARA ESCARPMENT

You have just received a Development Permit from the Niagara Escarpment Commission to undertake a development on your property on the Niagara Escarpment. A place on the Escarpment is something to be proud of.

The Escarpment is famous as a scenic landform, but it's not just a pretty place. The Escarpment is a unique geological and ecological feature that extends 750 kilometres from Niagara to Tobermory. Its rocky ridge is covered with the largest remaining forested corridor in southern Ontario, providing essential habitat and refuge for many species of rare and wonderful flora and fauna.

Your Development Permit has been issued with Conditions that will help ensure the ecological and scenic resources of the Niagara Escarpment are maintained into the future.

This pamphlet provides an overview of some information regarding the Niagara Escarpment, and your Development Permit, which you may find of interest or assistance.

THE NIAGARA ESCARPMENT PLAN

The Niagara Escarpment is a protected area under the Province of Ontario's Niagara Escarpment Planning and Development Act and the Niagara Escarpment Plan – Canada's first large-scale environmental land use plan.

The purpose of the Niagara Escarpment Plan is to preserve and maintain the Niagara Escarpment substantially as a continuous natural environment and to allow only developments that are compatible with that natural environment.

The Niagara Escarpment Plan outlines land use designations, development criteria and permitted uses. Your Development Permit has been reviewed on the basis of the policies of the Niagara Escarpment Plan. The Plan and the designation maps are available at www.escarpment.org.

NIAGARA ESCARPMENT PARKS AND OPEN SPACE SYSTEM

The Niagara Escarpment Plan also provides the policy framework for a string of more than 130 parks and open spaces along the length of the Escarpment. The parks system protects the most distinctive natural areas and landforms along the Escarpment, provides a variety of recreational opportunities, or interprets the Escarpment's archaeological or historic culture. A full listing of the parks is included in Section 3 of the Niagara

Escarpment Plan. Online brochures and driving tour routes are also available at www.escarpment.org



THE BRUCE TRAIL www.bruce-trail.org

From 1960, when the idea of a public footpath spanning the entire Niagara Escarpment was born, to today, Escarpment landowners have been key to the existence of the Bruce Trail.

The Bruce Trail Conservancy is a charitable organization committed to establishing a conservation corridor containing a public footpath along the Niagara Escarpment, in order to protect its natural ecosystems and to promote environmentally responsible public access to the Escarpment.

The Bruce Trail traverses both private lands and many of the parks in the Escarpment Parks System are linked by the Bruce Trail. The Bruce Trail provides a unique opportunity to explore the Escarpment from end to end.

The Bruce Trail Conservancy (BTC) owns and manages thousands of hectares of Escarpment land. The BTC Land Stewardship Program was implemented in order to effectively care for this significant land, and is the largest program of its kind run by a non-government organization in Ontario's history.

NIAGARA ESCARPMENT ACHIEVEMENT AWARD

The Niagara Escarpment Commission initiated an awards program in 1987 to give special recognition to people who develop their property in harmony with the natural environment. In 1995, the Commission expanded its program with an "Award for Individual Achievement", which honours outstanding efforts that individuals bring to the Niagara Escarpment.

Your Development Permit may make you eligible for this award if the work you are undertaking is giving special consideration and attention to design, siting, natural landscaping or other efforts to be in harmony with the Escarpment landscape.

Learn more about this program on our website under Land Use Planning or contact your NEC Planner for more information.

learn more at

www.escarpment.org

CONSERVATION LANDS TAX INCENTIVE PROGRAM (CLTIP)

Much of the Niagara Escarpment's most significant natural areas are privately owned. The Niagara Escarpment Commission knows it is important to encourage private stewardship of these privately owned natural areas.

The Conservation Land Tax Incentive Program (CLTIP) was designed to recognize, encourage and support the long-term private stewardship of Ontario's provincially significant conservation lands, including Escarpment lands, by providing property tax relief to those landowners who agree to protect the natural heritage values of their property. The current tax relief is a 100 % tax exemption on the portion of your property that is designated Escarpment Natural Area by the Niagara Escarpment Plan. Your lot must also be at least a ½ acre in size to be eligible for this property tax exemption.

If your property is eligible, you will receive an application form with your municipal tax notice annually. If you wish to take part in the program, you must apply and simply agree to maintain your property in its natural state and not to carry out activities that would degrade, destroy or result in the loss of the natural values of the site. Your Development Permit generally prohibits this and you would need a new Development Permit for these types of works in any case.

PROPERTY STEWARDSHIP INFO

LANDSCAPING

As you may have discovered during your Development Permit Application process, the siting, the retention of the natural vegetation and the landscaping of your development were essential considerations in the review of your application. You will note from the Conditions of your Development Permit that the Niagara Escarpment Commission recommends you use native species when landscaping your property. Native species have adapted to the Escarpment environment and blend harmoniously with the surrounding vegetation which serves to maintain and enhance the natural qualities of the Escarpment landscape and preserve its natural beauty.

Our staff Landscape Architect may have assisted with your Landscape Plan or provided advice to the Planner in his/her review of your application. If you have any further questions contact your Planner and we will be pleased to assist.

WOODLOTS, WILDLIFE, WETLANDS

There are many sources of information on how to manage your woodlot, live harmoniously with wildlife, maintain the health of your wetland habitat or other aspects of land stewardship and information about the natural environment of the Escarpment. The NEC website provides links to some sites. Your NEC Planner can also direct you to additional information.

THE NIGHT SKY www.darksky.org

There is a growing initiative across rural Escarpment areas to maintain the darkness of the night sky, for all species to enjoy. Just as we wish to maintain the scenic landscape qualities of the Escarpment in the daytime, we also support maintaining its night-time qualities. Over-lighting our night-time landscape can eliminate our ability to experience the beauty of star-studded skies. Half of all animal life is nocturnal and excessive light can disrupt their life cycles, their night vision, and their migration patterns.

Certain jurisdictions along the Escarpment such as the Municipality of Northern Bruce Peninsula have declared their municipality a "Dark Sky Community." The Commission supports this initiative in many other rural areas and encourages the use of efficient lighting plans using shielded, energy efficient, properly directed lighting and light sensors through conditions or notes on some Development Permits.

UNESCO BIOSPHERE RESERVE

Did you know your property is in a World Biosphere Reserve? The Niagara Escarpment was designated a World Biosphere Reserve in 1990 by the United Nations Educational, Scientific and Cultural Organization (UNESCO). This prestigious designation recognizes the Niagara Escarpment as an internationally significant landscape for its special environment and unique environmental plan.

The Biosphere Reserve designation puts Ontario's Niagara Escarpment in the company of other famous Biosphere Reserves such as the Galapagos Islands, the African Serengeti and the Florida Everglades.

We hope your Development Permit project goes smoothly and you will have many opportunities to explore the Niagara Escarpment Biosphere Reserve.