

CULTURAL HERITAGE IMPACT **ASSESSMENT**

Proposed Upper's Quarry
City of Niagara Falls

Date:

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Prepared for:

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Acknowledgement of Indigenous Communities

This Cultural Heritage Impact Assessment acknowledges that the subject property located at parts of Lots 102, 119, 120, 136 and 137 in the Township of Stamford is situated within the traditional territory of multiple Indigenous groups, including the Six Nations First Nation (Haudenosaunee Confederacy) and the Mississaugas of the Credit First Nation.

These lands and immediate surrounding area are acknowledged as being associated with the following treaties:

- Niagara Purchase – Treaty 381, 1781

This document takes into consideration the cultural heritage of Indigenous Communities, including their oral traditions and history when available and related to the scope of work.

Executive Summary

MHBC was retained by Walker Aggregates Inc. (Walker) to prepare a Heritage Impact Assessment related to the proposed Upper's Quarry, located in the City of Niagara Falls. Walker Aggregates is applying for a Class 'A' Licence (Category 2 – Quarry Below Water) under the *Aggregate Resources Act* and an Official Plan Amendment and Zoning By-law Amendment under the *Planning Act* in order to permit the establishment of the proposed aggregate extraction operation. The subject lands have an area of approximately 106.3 hectares (262.7 acres), with an area of approximately 89.1 hectares (220.2 acres) proposed for extraction.

The subject lands are not designated under any part of the *Ontario Heritage Act* or subject to a heritage conservation easement, and have not been identified by provincial, federal or UNESCO bodies. Adjacent properties are contained within the Heritage Register for the City of Niagara Falls and City of Thorold.

Based on the research and evaluation undertaken, the subject lands were found to not contain built heritage resources or significant cultural heritage landscapes. Therefore, there are no direct or indirect impacts as a result of the proposed quarry operation. Additionally, it is concluded that the proposed development will have no negative impacts on adjacent cultural heritage resources. Given the low potential for impact as a result of the proposed development, mitigation, implementation and monitoring recommendations are not required. Potential archaeological resources are addressed through separate studies.

The proposed development is in conformity with the Provincial, Regional and City policy direction that significant built heritage resources and cultural heritage landscapes be conserved. This report also addresses the requirements of the *Aggregate Resources Act* with respect to the evaluation and consideration of cultural heritage resources in the aggregate application process.

1.0 Introduction

MHBC has been retained by Walker Aggregates Inc. to prepare a Heritage Impact Assessment related to the proposed Upper's Quarry, located in the City of Niagara Falls. Walker Aggregates is applying for a Class 'A' Licence (Category 2 – Quarry Below Water) under the *Aggregate Resources Act* and an Official Plan Amendment and Zoning By-law Amendment under the *Planning Act* in order to permit the establishment of the proposed aggregate extraction operation.

The subject lands are located along the western boundary of the City of Niagara Falls, between Thorold Townline Road (Regional Road #70) and Beechwood Road. Upper's Lane bisects the subject lands and provided access for some of the properties that comprise the subject lands. The southern boundary of the subject lands is a Hydro One corridor. The City of Thorold is located west of the subject lands. **Figure 1** (below) provides the locational context.

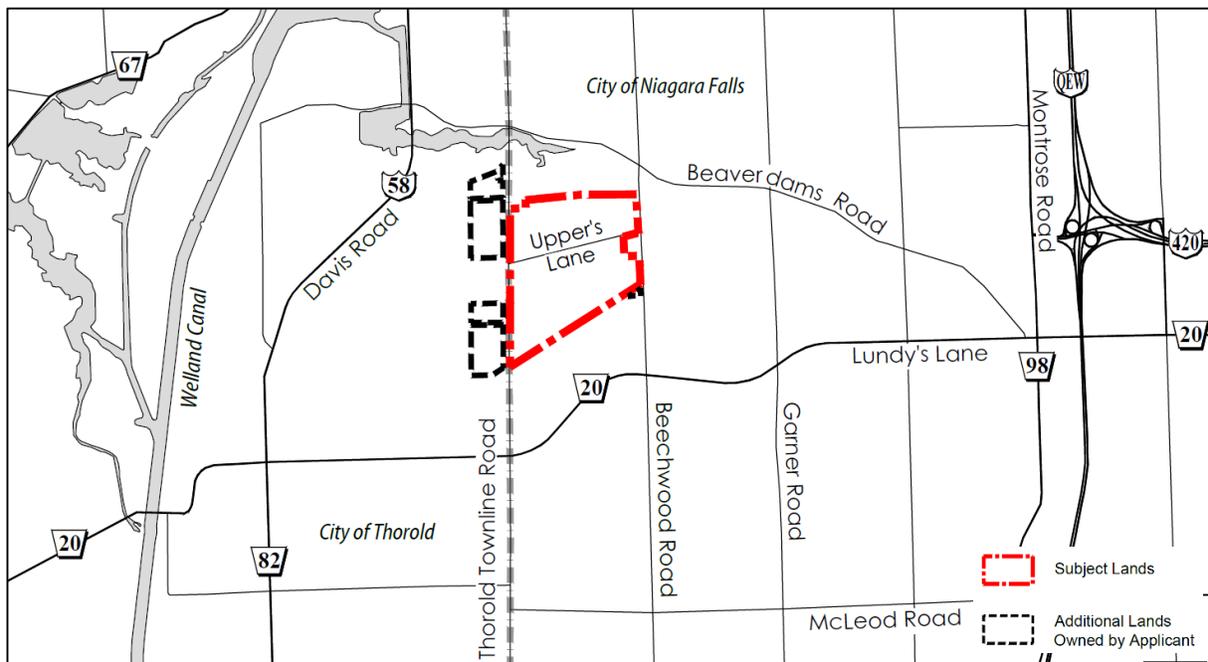


Figure 1 - Locational context

The subject lands have an area of approximately 106.3 hectares (262.7 acres), with an area of approximately 89.1 hectares (220.2 acres) proposed for extraction. The subject lands have frontage on Thorold Townline Road, Uppers Lane and Beechwood Road. An unopened road allowance also traverses the lower portion of the subject lands.

Two municipal road allowances therefore separate the proposed quarry site into three extraction areas:

- i) North Extraction Area: extraction area north of Upper's Lane;
- ii) Mid Extraction Area: extraction area south of Upper's Lane and north of the unopened road allowance between Township Lots 120 & 136 in the former Township of Stamford, now in the City of Niagara Falls ("unopened road allowance"); and
- iii) South Extraction Area: extraction area south of the unopened road allowance.

Through the pre-submission consultation process with the Region of Niagara, the City of Niagara Falls, and Ministry of Natural Resources and Forestry (now Ministry of Northern Development, Mines, Natural Resources and Forestry) it was identified that a Heritage Impact Assessment was required to be completed in support of the application. This report is also intended to satisfy the requirements of the *Aggregate Resources Act* as it relates to the evaluation and consideration of cultural heritage resources.

Accordingly, this Heritage Impact Assessment has been prepared to determine if there are any cultural heritage resources present on the subject lands, what their significance is, as well the potential for impacts as a result of the proposed site development. This Report also comments on the potential for cultural heritage landscapes on the subject lands and the potential impacts on the resources as a result of the proposed quarry site. Additionally, this report identifies known cultural heritage resources located on adjacent lands, and assesses the potential impacts as a result of the proposed aggregate extraction operation.

The preparation of the Report has been guided by the policies contained within the City of Niagara Falls Official Plan and the Niagara Region Official Plan as well as applicable guidance from the Province through the Ontario Heritage Toolkit.

2.0 Policy context

The preparation of this report has been dictated by the requirements of various legislative and policy documents, as follows.

2.1 The Planning Act

The *Planning Act* makes a number of provisions respecting cultural heritage, either directly in Section 2 of the *Act* or Section 3, respecting policy statements and provincial plans. In Section 2, the *Planning Act* outlines 18 spheres of provincial interest that must be considered by applicable authorities in the planning process. One of the intentions of the *Planning Act* is to “encourage the co-operation and co-ordination among the various interests”. Regarding cultural heritage, Subsection 2(d) of the *Act* provides that:

The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as, ...

(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;

The *Planning Act* therefore provides for the overall broad consideration of cultural heritage resources through the land use planning process.

2.2 The Provincial Policy Statement (PPS)

In support of the provincial interest identified in Subsection 2 (d) of the *Planning Act*, and as provided for in Section 3, the Province has refined policy guidance for land use planning and development matters in the *Provincial Policy Statement* (PPS). The current PPS came into effect on May 1st, 2020, and applies to all decisions made with respect to planning matters. The PPS is intended “to be read in its entirety and the relevant policy areas are to be applied to each situation”. This provides a weighting and balancing of issues within the planning process. When addressing cultural heritage planning, the PPS provides for the following:

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

The following definitions are relevant to the above-noted policies:

Significant: e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.

Built heritage resource: means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. Built heritage resources are located on property that may be designated under Parts IV or V of the Ontario Heritage Act, or that may be included on local, provincial, federal and/or international registers.

Cultural heritage landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the Ontario Heritage Act or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms.

Conserved: means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority or decision maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

The subject site or built features on the subject site are not considered to be a *protected heritage property* for the purposes of the PPS, as they are not designated under any part of the *Ontario Heritage Act* or subject to conservation easement, and have not been identified by provincial, federal or UNESCO bodies. Adjacent properties are contained within the Heritage Register for the

City of Niagara Falls and City of Thorold, and are therefore considered to be protected heritage properties.

2.3 The City of Niagara Falls Official Plan

The current City of Niagara Falls Official Plan was approved by the Ministry of Municipal Affairs and Housing in October 1993. The current consolidation of the Official Plan is dated April 2019.

Part 3, Section 4 of the Official Plan contains policies related to cultural heritage conservation. This section recognizes the rich history of the City of Niagara Falls, and notes that the City will promote the conservation of heritage resources. Criteria are provided in Section 4.5 related to the assessment of properties of cultural heritage value, which closely mirror those of the *Ontario Heritage Act*. Criteria are also provided in Section 4.9 related to the identification and assessment of cultural heritage landscapes. Both sets of criteria will be referenced when assessing value of potential built heritage resources and cultural heritage landscapes.

Section 4.19 of the Official Plan notes that development adjacent to and surrounding significant heritage resources shall be designed as to not adversely impact on the resource. It is further noted in Section 4.19.1 that the City may require the proponent of development to submit a heritage impact assessment to determine the impact of a specific development proposal on any heritage resource or area, and recommend the most appropriate method of conservation either through mitigation or alternative development. This Report serves such purpose.

The Official Plan references area of potential cultural heritage interest, and maintains a list of potential areas as Appendix VI. This list contains various potential cultural heritage resources (built heritage and cultural heritage landscapes) of interest. The subject lands are not located within such areas.

Accordingly, the purpose of a Cultural Heritage Impact Assessment is to identify the applicable policy framework, identify cultural heritage resources (including built heritage and cultural heritage landscapes) that may be impacted by the proposed quarry site, review the nature of impacts and how they may be mitigated, and conclude on the overall significance of the impacts. It should be noted that archaeological resources are being addressed through separate studies.

2.4 The Region of Niagara Official Plan

The current Region of Niagara Official Plan is dated April 2014, and contains policies related to cultural heritage resources as part of Section 10 (Creative Niagara). Section 10.C contains objectives related to cultural heritage and notes that the Region supports the identification and

conservation of significant built heritage resources, significant cultural heritage landscapes, and archaeological resources.

Section 10.C.2 provides the policy context related to built heritage resources and cultural heritage landscapes, and highlights the Regional interest in the protection and conservation of significant resources.

The policies in Section 10.C speak to the requirement to complete a heritage impact assessment where development or site alteration is proposed on or adjacent to a significant built heritage resource or cultural heritage landscape. It is noted that the findings of such studies shall include recommendations for design alternatives and satisfactory measures to mitigate any negative impacts on significant heritage resources.

2.5 The Ontario Heritage Act

The *Ontario Heritage Act*, R.S.O. 1990, c.0.18 is the guiding legislation for the conservation of significant cultural heritage resources in Ontario. This Cultural Heritage Impact Assessment has been guided by the criteria provided within Regulation 9/06 of the *Ontario Heritage Act* which outlines the mechanism for determining cultural heritage value or interest. The regulation sets forth categories of criteria and several sub-criteria and will be utilized to evaluate the subject lands and surrounding lands as appropriate.

2.6 Ontario Heritage Toolkit

The Province has published several resources containing information related to cultural heritage conservation, and compiled the information into the Ontario Heritage Toolkit. This compilation is a collection of documents authored by the Ministry of Culture (now the Ministry of Heritage, Sport, Tourism and Culture Industries, which provide guidance related to a variety of cultural heritage planning matters. The documents contained within the Heritage Resources in the Land Use Planning Process compilation have specifically been referenced in the preparation of this report, to ensure consistency with best practices.

3.0 Property background and history

This section contains an overview of the site history and development, and provides a context for the description and evaluation of potential cultural heritage resources later in this report.

3.1 Background history

The subject lands are located within the physiographic region identified as the Haldimand Clay Plain (Chapman and Putnam, 1984), which contains the area lying between the Niagara Escarpment and Lake Erie. The northern part of the area, where the subject lands are located, is characterized by more relief as compared to the southern part where the typical lake plains occur. Clay plains of low relief are typically general farming regions with an emphasis on livestock, but development within the Haldimand Clay Plain is not uniform (Chapman and Putnam, 1984). Farming is less prevalent in the eastern part of the Clay Plain, whereas the western areas are quite agricultural in nature.

The subject lands are located within the geographic Township of Stamford, which was originally known as Township Number 2 (as the second township surveyed after the Township of Niagara). The Township was later known as Mount Dorchester, named for Governor General Sir Guy Carleton (Niagara Falls Museums, 2019). In 1791, John Graves Simcoe gave the name of Stamford to Township Number 2, after the Town of Stamford in Lincolnshire, England.

The first European settlers in Township Number 2 were Philip Bender and Thomas McMicken (or McMicking), United Empire Loyalists who, along with their families, immigrated to Canada from the United States in 1782; by the census of 1783, there were ten families living in Township Number 2 (Niagara Falls Museums, 2019).

The Township of Stamford remained a self-governing municipality until 1963 when it became part of the City of Niagara Falls (Niagara Falls Heritage Portal, 2019).

3.2 Site history

The subject lands fall within parts of Lots 102, 119, 120, 136 and 137 in the Township of Stamford. According to the Illustrated Historical Atlas of the Counties of Lincoln and Welland, the subject lands are indicated as being owned by a number of parties (see **Figure 2**, below). This includes Alexander Spencer, Robert Spencer, James Pew, George Pew, and Miller Est. Three buildings

(likely farm clusters) with orchards are shown as being located near the stream in the north-central portion of the site, and there are also two buildings shown as being located along the eastern edge of the subject lands.

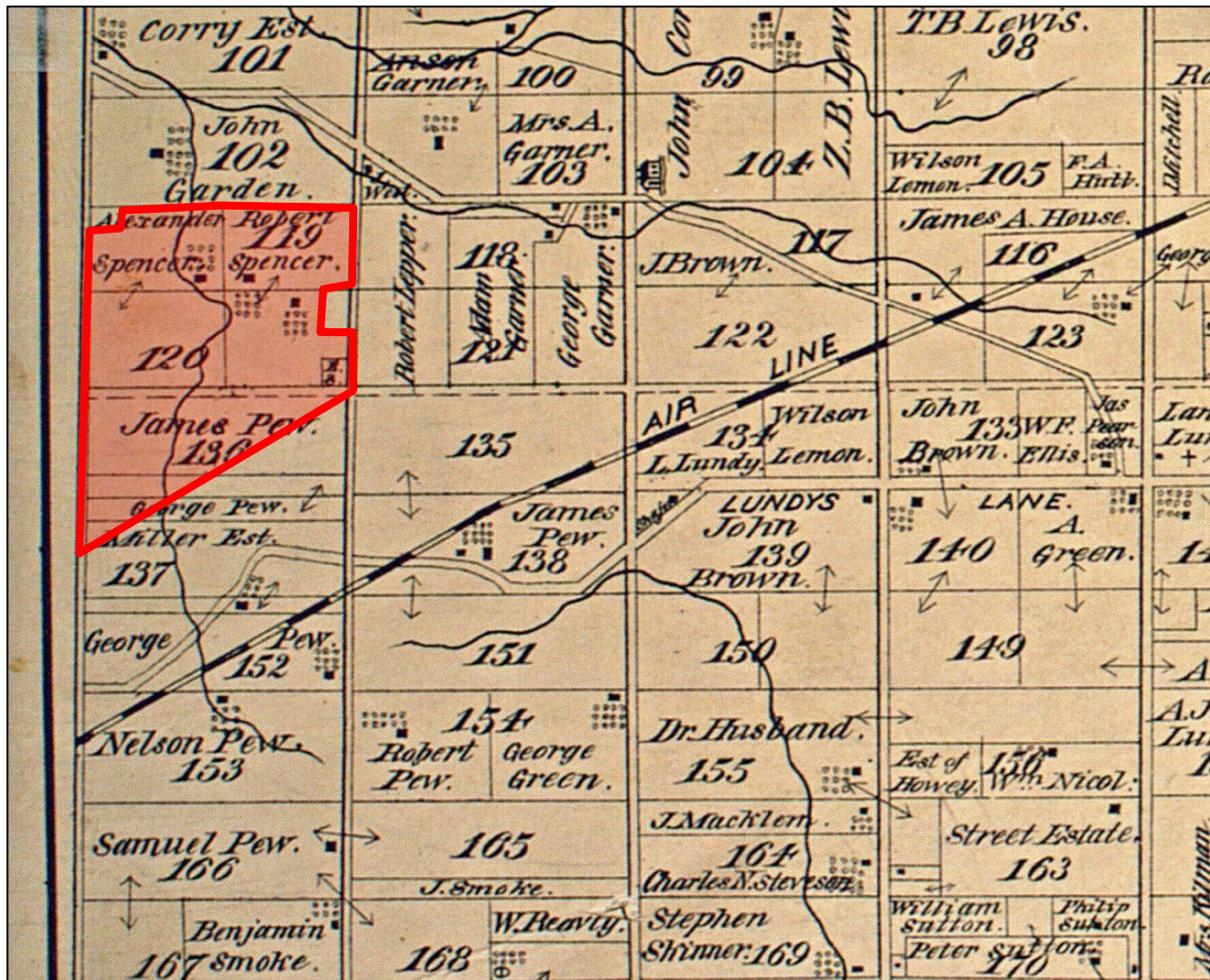


Figure 2 – Excerpt from Illustrated Historical Atlas of the Counties of Lincoln and Welland (1874)

It is important to note that the Illustrated Atlases were funded by subscriptions, giving priority to the residences of subscribers. As such, the documents may not include buildings located on all lots within a given area. Despite this, the resources are often useful in understanding how an area developed.

Early airphotos can also assist in determining how a property evolved over time, including the presence and age of buildings. A review of aerial photographs was undertaken in order to determine the site features present in the middle decades of the 20th century on the subject lands. The 1954 set of aerial photographs undertaken by Hunting Survey Corporation on behalf of the Province of Ontario are of good quality and show the site features quite well. An excerpt from the compilation covering this portion of the City of Niagara Falls is shown below as **Figure 3**.

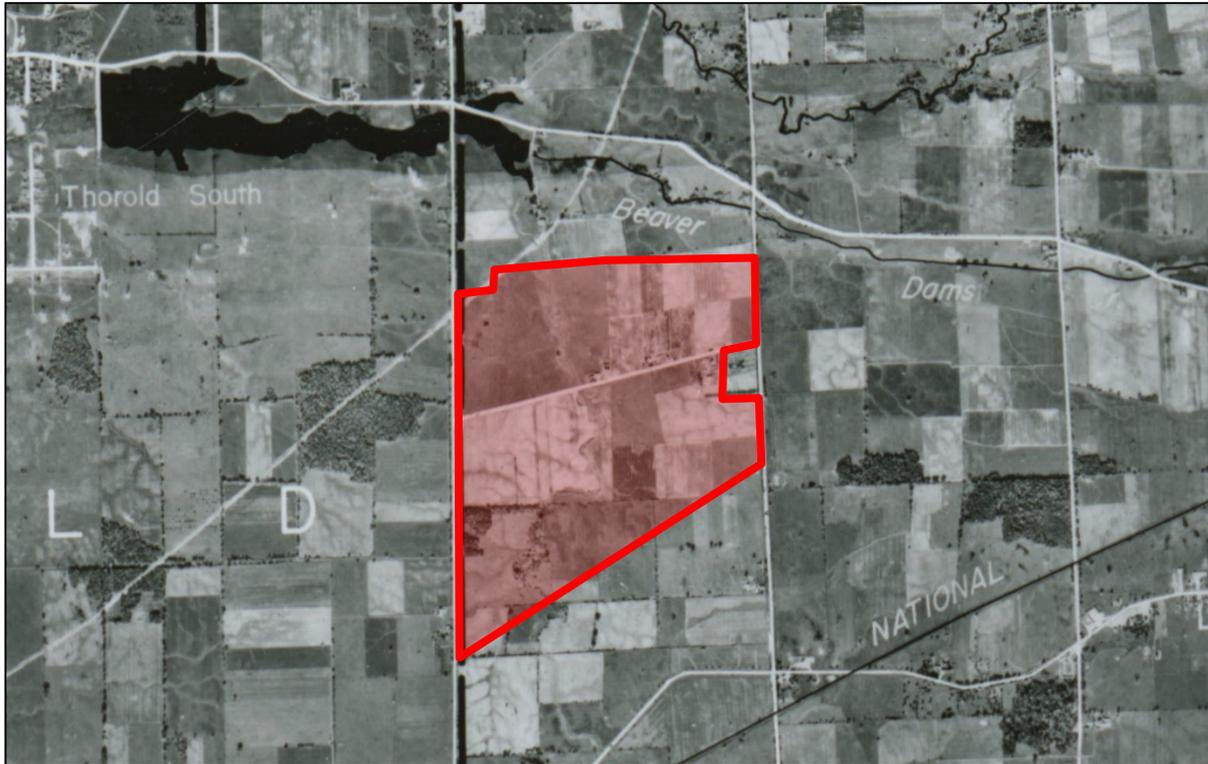


Figure 3 – Excerpt from 1954 aerial photograph (source: Huntington Survey Corporation)

In addition to the above, Niagara Region has made available 1934 aerial photographs through their online mapping tool. Excerpts covering the subject lands are shown below.

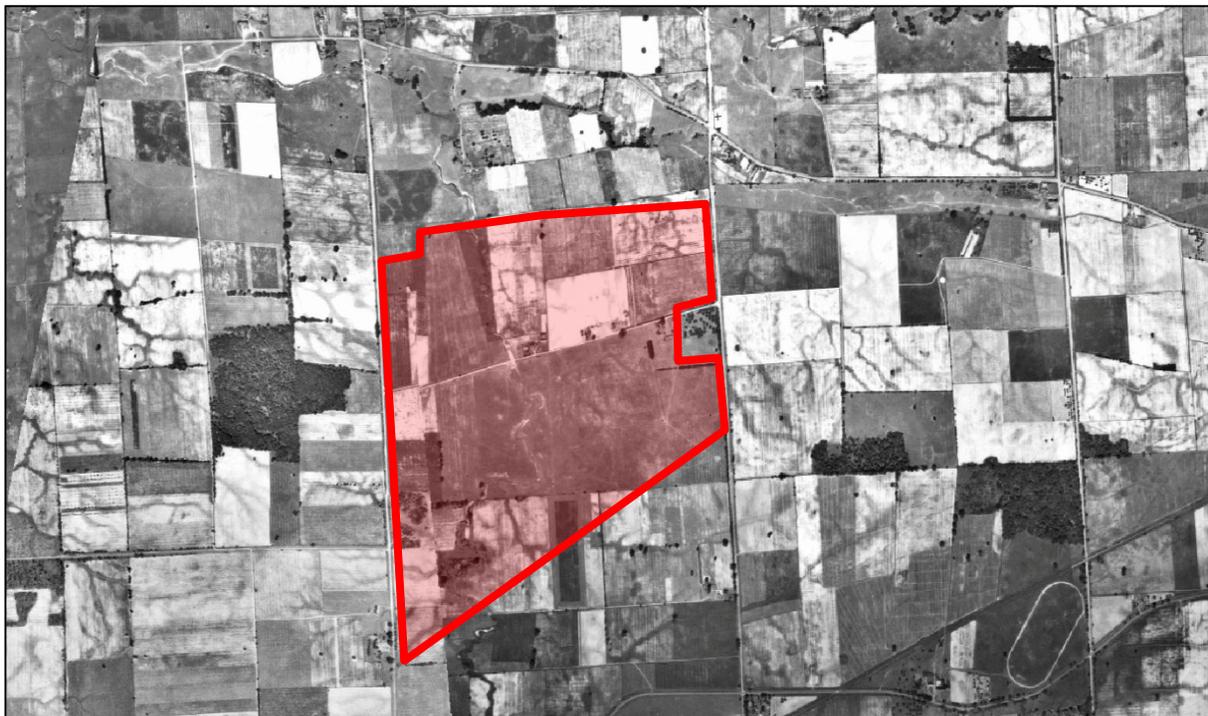


Figure 4 – Excerpt from 1934 aerial photograph (source: Niagara Region)

4.0 Site and surrounding features

4.1 Subject property overview

The subject lands contain a variety of built features and natural features. The purpose of this section is to review the onsite features and context, and describe potential built heritage and cultural heritage landscape resources.

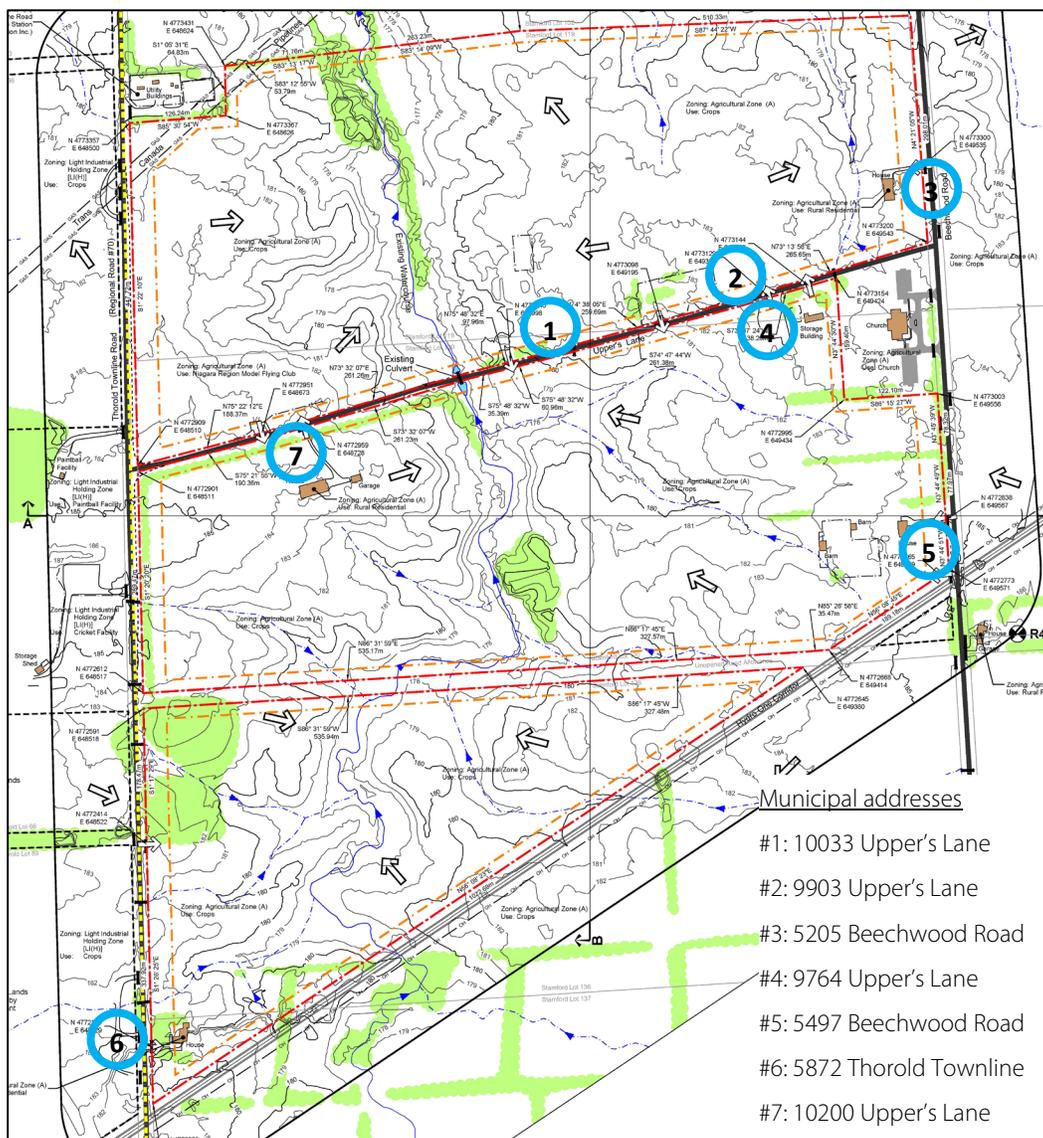


Figure 5 - Site context (source: MHBC – 2016 base mapping)

4.2 Subject property built features

4.2.1 North Upper's Lane

The area of the subject lands north of Upper's Lane contains two remnant farmsteads (fronting on Upper's Lane), agricultural fields, and a rural residential dwelling (fronting on Beechwood Road).

#1: 10033 Upper's Lane (former remnant farmstead)

This property is vacant and was the site of a former farmstead, which was removed in 2016. The area has been graded and all buildings removed. The driveway entrance from Upper's Lane remains.



Photos 1 & 2 – View of former location of farmstead (source: MHBC, 2017).

#2: 9903 Upper's Lane (former remnant farmstead)

This property contained a remnant farmstead and farmyard area, which consisted of two small outbuildings (shed and barn). The buildings were located in the eastern portion of what would have been the farm cluster. The below photos were taken prior to the buildings being removed.



Photos 3 & 4 – View of former outbuildings (source: MHBC, 2017).

The barn was located close to Upper's Lane (approximately 10 metres) and oriented in a north-south direction. The shed was located to the northeast of the barn, approximately 30 metres from the road, and oriented in an east-west direction. Both buildings were clad in steel siding and steel roof materials.



Photos 5 & 6 – View of elevations of former barn and shed (source: MHBC, 2017).

#3: 5205 Beechwood Road (single-detached dwelling)

This property contains a single-detached dwelling residential dwelling that is set back approximately 40 metres from Beechwood Road. The dwelling is accessed via a driveway on the north end of the property. The building is of recent construction, dating from the latter portion of the 20th century.



Photos 7 & 8 – View of existing single-detached dwelling (source: MHBC, 2017).

4.2.2 South of Upper's Lane

The area of the subject lands south of Upper's Lane contains a former church and related dwelling (fronting onto Upper's Lane), agricultural fields, and three rural residential dwellings (one fronting on Beechwood Road, one fronting on Upper's Lane, and one fronting on Thorold Townline Road).

#4: 9764 Upper's Lane (former church and dwelling)

This property is vacant and was the site of a former church building and residence, which were removed in 2018-2019. A new church has been constructed to the east of the property, and fronts onto Beechwood Road. The photos below were taken in October 2017 when the new church building was under construction and the existing dwelling remained.



Photos 9 & 10 – View of house and outbuildings – now removed (source: MHBC, 2017).

#5: 5497 Beechwood Road (single-detached dwelling)

This property contains a single-detached dwelling residential dwelling that is set back approximately 55 metres from Beechwood Road. The dwelling is accessed via a driveway leading to the northern portion of the home. The building is of recent construction, dating from the latter portion of the 20th century.

The property contains two small outbuildings, located to the west of the dwelling. They are both of wood construction with steel roofing materials.



Photos 11 & 12 – View of existing single-detached dwelling (source: MHBC, 2017).

#6: 5872 Thorold Townline Road (single-detached dwelling)

This property contains a single-detached dwelling residential dwelling that is set back approximately 30 metres from Thorold Townline Road. The dwelling is accessed via a driveway on the south end of the property, which leads to a garage. The building is of recent construction, dating from the latter portion of the 20th century.



Photo 13 – View of existing single-detached dwelling (source: MHBC, 2017).

#7: 10200 Upper's Lane (single-detached dwelling)

This property contains a single-detached dwelling residential dwelling that is set back approximately 40 metres from Beechwood Road. The dwelling is accessed via a curved driveway that leads to the eastern end of the home on the property. The building is of recent construction, dating from the early 21st century.

A newer outbuilding is located to the east of the dwelling, accessed via a shared driveway. The building is clad in metal siding and contains a steel roof.



Photos 14 & 15 – View of existing single-detached dwelling (source: MHBC, 2017).

4.3 Landscape setting and context

The subject lands are located within an agricultural area that has continued to evolve since this part of the Niagara Falls / Stamford Township was originally settled. The site and immediate surrounding area is characterized by farm-related and non-farm-related dwellings, agricultural buildings, and a model flying club. Beyond the immediate site area, a broader range of rural uses exist, as well as highway commercial uses and developing urban areas. The following figure provides the current landscape context.

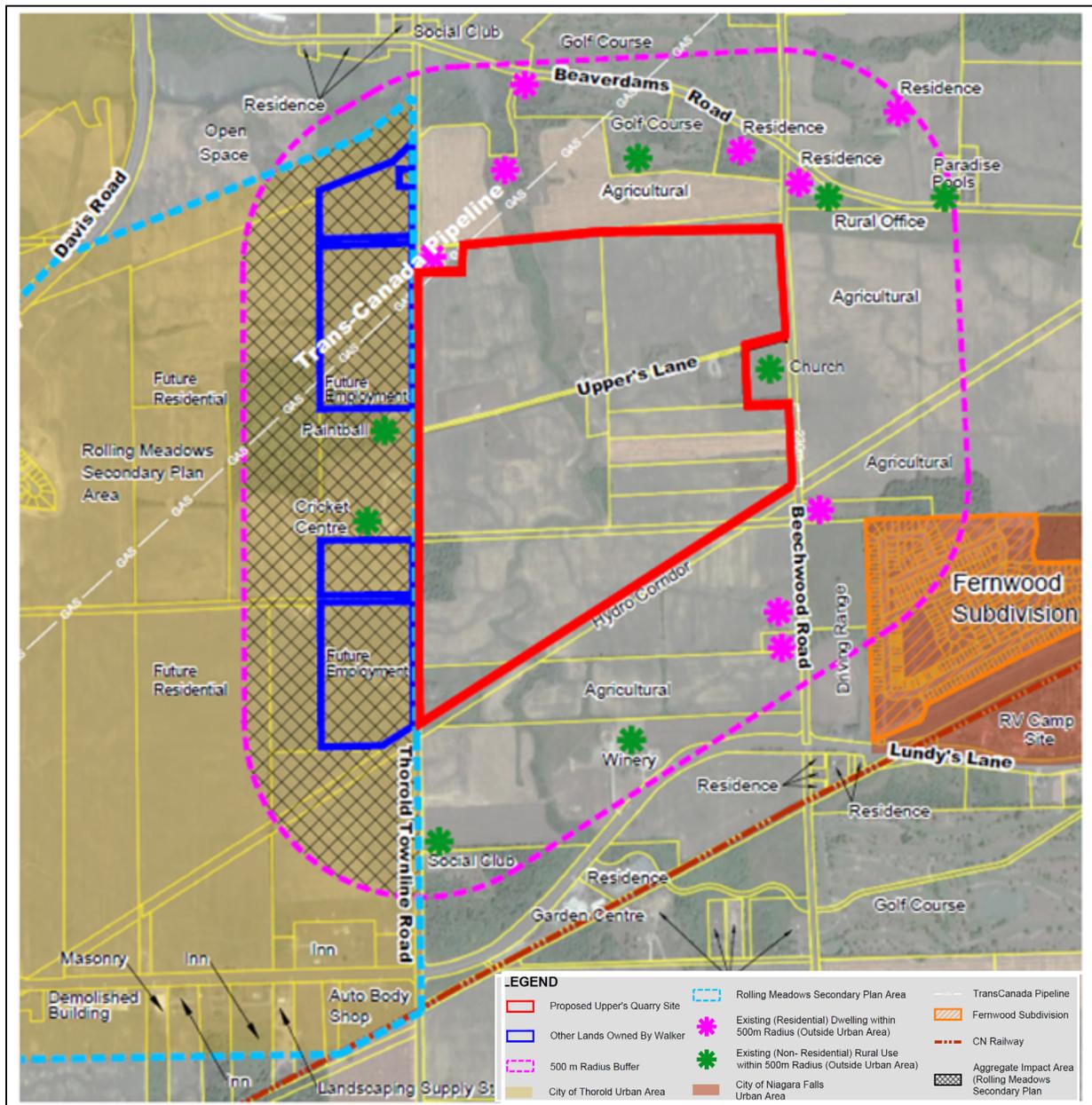


Figure 6 – 2017 aerial photograph showing site and surrounding land use context (source: MHBC)

Building clusters

Since the early 2000's, the area surrounding the subject lands has continued to evolve, and farm buildings no longer serving a functional purpose for agricultural uses have been removed. As a result, former farmyard areas have been graded and slowly merged into the adjacent field areas.

Figure 7, below) shows the current layout of the subject lands and was taken in early 2020.

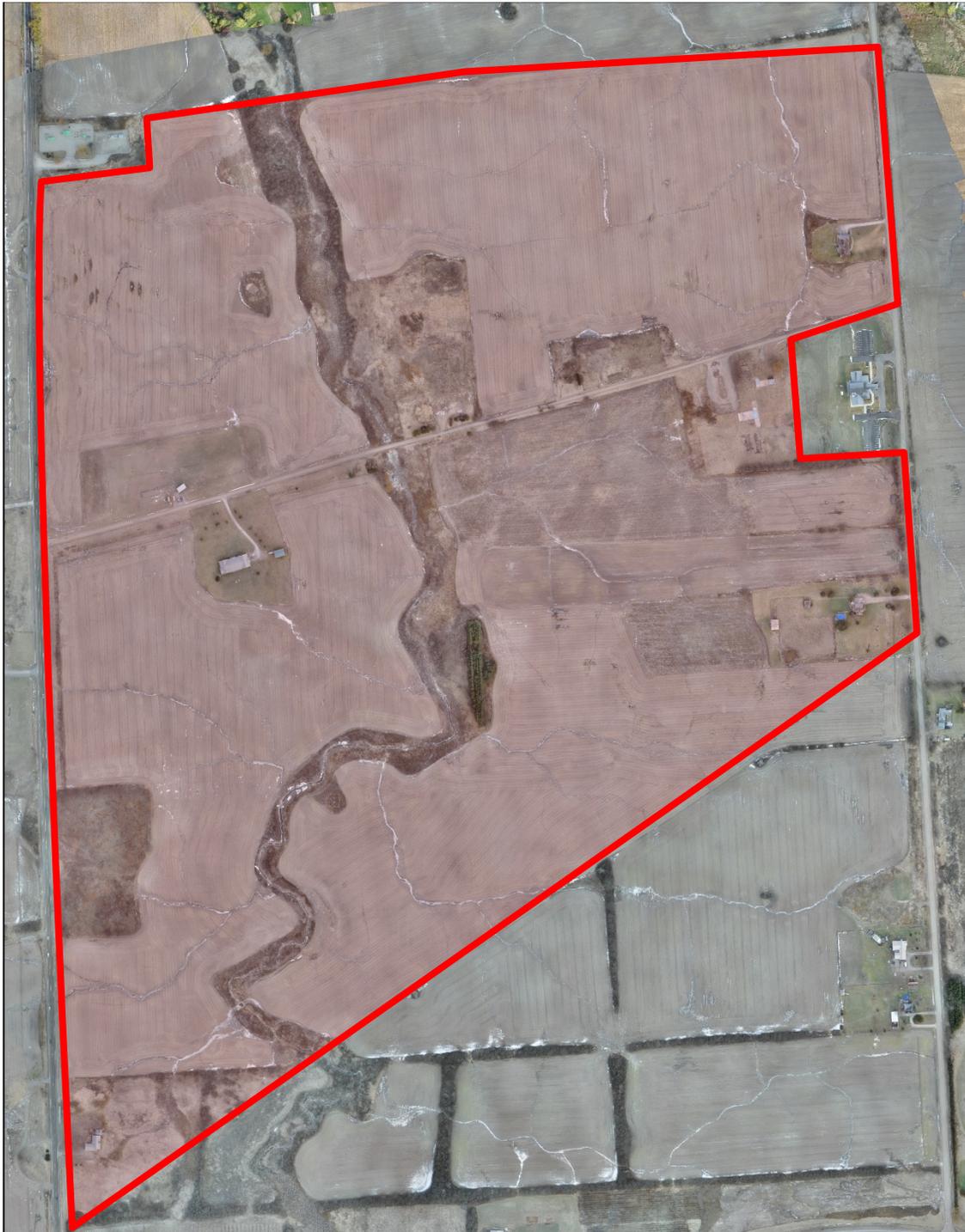


Figure 7 – 2020 aerial photograph showing site layout (source: Walker Aggregates)

The building clusters associated with the existing residential dwellings on the property are of recent construction, and yard areas and landscape features are typical of a manicured yard area.

Agricultural lands

The field pattern surrounding the farm buildings has been modified in the past, and the agricultural lands have mostly been consolidated into large field areas (see **Figure 7**, above). Field patterns continue to be shaped to some extent by minor agricultural drainage features. Some fencing surrounds the subject lands, and consists of post and wire fencing to define edges of field areas.



Photos 16 - 19 – Photos of the agricultural field pattern from Thorold Townline Road and Upper's Lane (top), and from Beechwood Road (bottom) (source: MHBC, 2017).

A portion of the agricultural fields fronting onto Upper's Lane are presently used for the Niagara Region Model Flying Club (see below). Based on a review of available aerial photos from Niagara Region, the facility dates from the early-2000's.



Photos 20 & 21 – View of flying club facility (source: MHBC, 2017).

Road segment (Upper's Lane)

Upper's Lane traverses the subject lands, and forms a link between Thorold Townline Road and Beechwood Road. The total length of the road is approximately 1,100 metres. The road is a narrow two-lane road that rises and falls with the landscape. The road dips towards a culvert crossing that is located at Beaverdams Creek. The road does not contain defined shoulders, or feature fence rows along the road. Roadside vegetation consists of small trees and scrub vegetation. The City has passed a by-law to close the road and also declare the lands surplus.



Photos 22 - 25 – Photos of Upper's Lane from Thorold Townline (top, left), Beechwood Road (top, right), and from the mid-point looking west (bottom, left) and looking east (bottom, right). (source: MHBC, 2017).

4.4 Nearby properties listed on heritage registers

As part of the background research conducted for this project, a search was undertaken of the municipal, provincial and federal heritage properties database in order to understand if any nearby properties are identified. The search consisted of Heritage Conservation Districts, *Ontario Heritage Act* property designations (Part IV and V), provincially owned heritage properties and National Historic Sites. A review of the Municipal Heritage Registers for the City of Niagara Falls and the City of Thorold was also undertaken in order to understand surrounding uses.

Adjacent designated properties

There are no properties designated under Part IV or Part V of the *Ontario Heritage Act* located adjacent or near (within 500 metres) of the subject lands. The nearest

Adjacent listed properties

There is one property located near the subject lands that is listed on the City of Niagara Falls non-designated property register. The details of the property are below:

Address	Date	Distance	Information
10148 Beaverdams Road	c. 1846	Adjacent (house is ±200 m north of extraction limit)	Known as the Berengaria Farm. The House is built in a Greek Revival style, and features triple brick walls, heavy stone lintels and sills. Part of the rear wing is a limestone rubble shed constructed circa 1803.

Other heritage properties

Although not formally listed or designated, a small cemetery is located on the west side of Thorold Townline Road, approximately 250 metres northwest of the subject lands.



Photos 26 & 27 – View of pioneer cemetery (source: MHBC, 2017).

5.0

Evaluation of the significance of onsite cultural heritage resources

This section of the report reviews the various attributes of the subject lands and includes an identification of the significance of any cultural heritage resources present.

5.1 Evaluation criteria

The evaluation of potential cultural heritage resources should be guided by the criteria outlined in *Ontario Regulation 9/06* pursuant to the *Ontario Heritage Act* in order to determine the cultural heritage value. The regulation provides that:

A property may be designated under section 29 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

- 1. The property has design value or physical value because it,
 - i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,*
 - ii. displays a high degree of craftsmanship or artistic merit, or*
 - iii. demonstrates a high degree of technical or scientific achievement.**
- 2. The property has historical value or associative value because it,
 - i. has direct associations with a theme, event, belief, person, organization or institution that is significant to a community,*
 - ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or*
 - iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.**
- 3. The property has contextual value because it,
 - i. is important in defining, maintaining or supporting the character of an area,*
 - ii. is physically, functionally, visually or historically linked to its surroundings, or*
 - iii. is a landmark.**

In addition to the above, specific guidance and information related to cultural heritage landscapes is contained within the PPS. The 2020 PPS defines cultural heritage landscapes as:

a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the Ontario Heritage Act or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms.

As described in guidance from the Province, cultural heritage landscapes may be characterised by three types:

- *Designed landscapes: those which have been intentionally designed e.g. a planned garden or in a more urban setting, a downtown square.*
- *Evolved landscapes: those which have evolved through the use by people and whose activities have directly shaped the landscape or area. This can include a 'continuing' landscape where human activities and uses are still on-going or evolving e.g. residential neighbourhood or mainstreet; or in a 'relict' landscape, where even though an evolutionary process may have come to an end, the landscape remains historically significant e.g. an abandoned mine site or settlement area.*
- *Associative landscapes: those with powerful religious, artistic or cultural associations of the natural element, as well as with material cultural evidence e.g. a sacred site within a natural environment or a historic battlefield.*

5.2 Built heritage features

The property at 9903 Upper's Lane contained a remnant farmstead that had its beginnings in the mid-late-19th century. The property contained two agricultural outbuildings: a small barn and shed. The buildings were typical rural agricultural outbuildings, in terms of their massing, scale and materials. The property does not contain any built features, and therefore no built heritage resources. The property is not of significant historical or associative value, and is not unique in terms of contextual value.

The properties at 10033 Upper's Lane and 9764 Upper's Lane do not contain any built features and therefore no built heritage resources. While associated with early settlement of the broader area, it is not considered that they have cultural heritage value.

The properties at 5205 Beechwood Road, 5497 Beechwood Road, 5872 Thorold Townline Road and 10200 Upper's Lane are of recent construction and are not considered to have cultural heritage value.

5.3 Cultural Heritage Landscape evaluation

The City of Niagara Falls Official Plan and Regional Niagara Official Plan both contain policies related to the identification of cultural heritage landscapes. These policies echo the PPS direction that significant cultural heritage landscapes be conserved.

The City of Niagara Falls has also included a list of potential cultural heritage landscapes as an appendix to the Official Plan, which stems from studies undertaken within the City and is updated from time to time. The subject lands have not been identified as being within a candidate cultural heritage landscape.

The subject lands contain features associated with a typical rural agricultural area, and can be considered an evolved cultural heritage landscape in that it has continued to be altered to suit the needs of the owners of the properties. In determining whether an area is a significant cultural heritage landscape, three additional criteria should be met: cultural heritage value or interest; community value; and historical integrity. The subject lands do not have cultural heritage value (as discussed earlier in this section), have not been demonstrated to be valued by the community, and do not have historic integrity based on changes that have occurred in recent decades.

In conclusion, the subject lands do not represent a significant cultural heritage landscape.

5.4 Summary of heritage character

Given the evaluation undertaken, it is determined that the subject lands do not have cultural heritage value or interest. The buildings on the subject lands of newer construction, or consist of remnant outbuildings associated with earlier farm building clusters. The subject lands also do not constitute a significant cultural heritage landscape.

It is not considered that the Upper's Lane road allowance has cultural heritage value, as it represents a typical rural access road that would be found in an agricultural area.

Table 1 on the following page provides a summary of the heritage evaluation and conclusions.

Cultural Heritage Impact Assessment
Proposed Upper's Quarry, City of Niagara Falls

Photograph	Location	Cultural Heritage Value?	Description
	10033 Upper's Lane	None	Former remnant farmstead, with all buildings removed.
	9903 Upper's Lane	None	Remnant farmstead, consisting of two small outbuildings (now removed)
	5205 Beechwood Road	None	Late 20 th -century single-detached dwelling.
	9764 Upper's Lane	None	Former church and dwelling (removed upon construction of new church).
	5497 Beechwood Road	None	Late 20 th -century single-detached dwelling.
	5872 Thorold Townline Road	None	Late 20 th -century single-detached dwelling.
	10200 Upper's Lane	None	Early 21 st -century single-detached dwelling.
	Upper's Lane road allowance	None	Rural 2-lane road segment.

6.0 Description of proposed development

The subject lands are proposed to be used for aggregate extraction purposes. Proposed extraction will occur first in the western portion of the site, will then occur north of Upper's Lane, proceeding in a northerly then easterly direction, followed by extraction south of Upper's Lane again as the last two phases of development (see **Figure 8**, below).

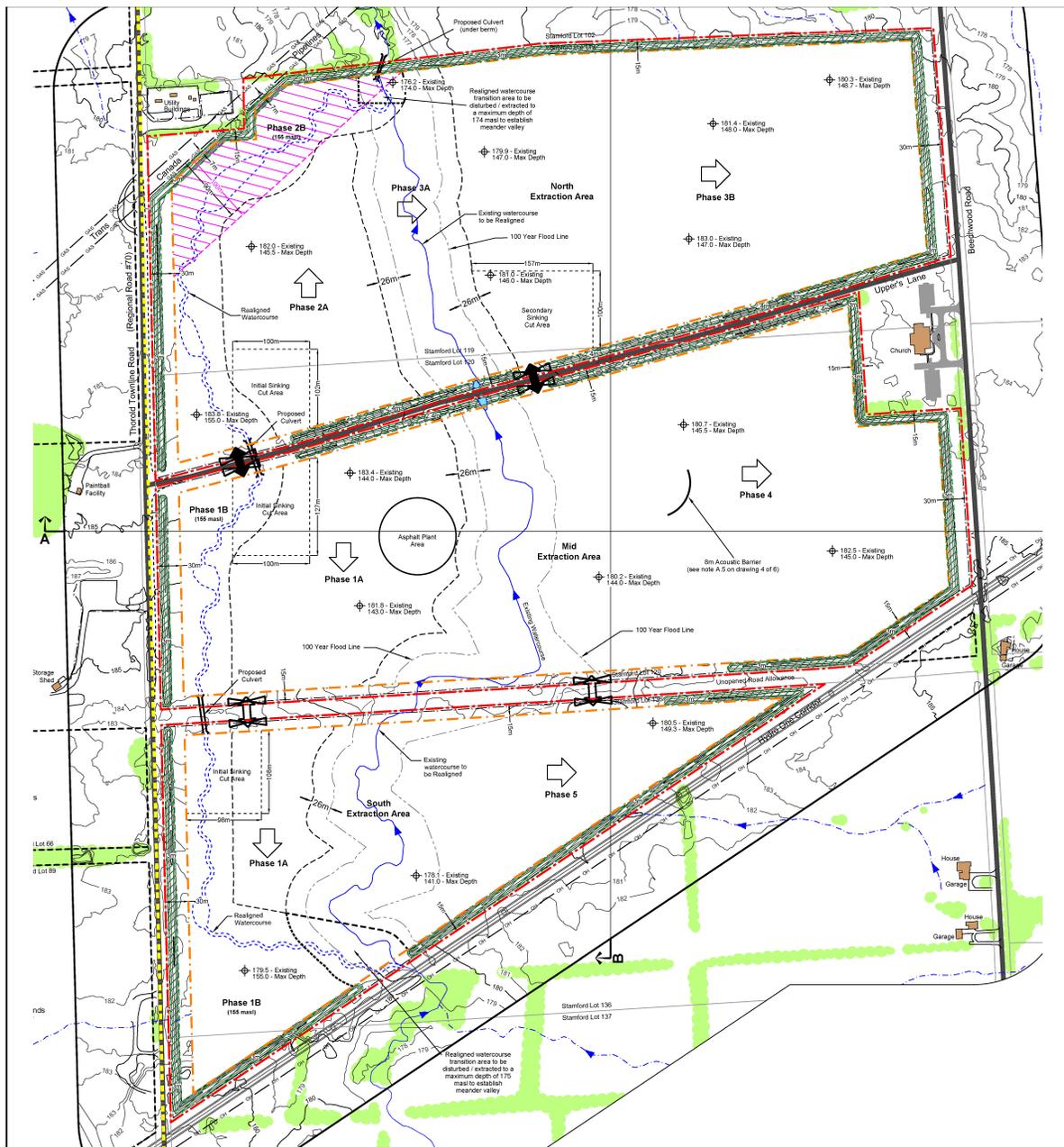


Figure 8 – Proposed sequence of extraction for subject lands (MHBC, 2021)

The site will be operated as a below-water quarry. The main entrance / exit is proposed via a new entrance at or near the intersection of Upper's Lane and Thorold Townline Road. Internal haul routes will be utilized to transport materials across the site.

Rehabilitation of the site will be to an environmental feature after-use, which will include a re-aligned creek area and naturalized lake. The haul route entrance / exit will remain as an access driveway for the property. The proposed rehabilitation concept is shown below as **Figure 9**.

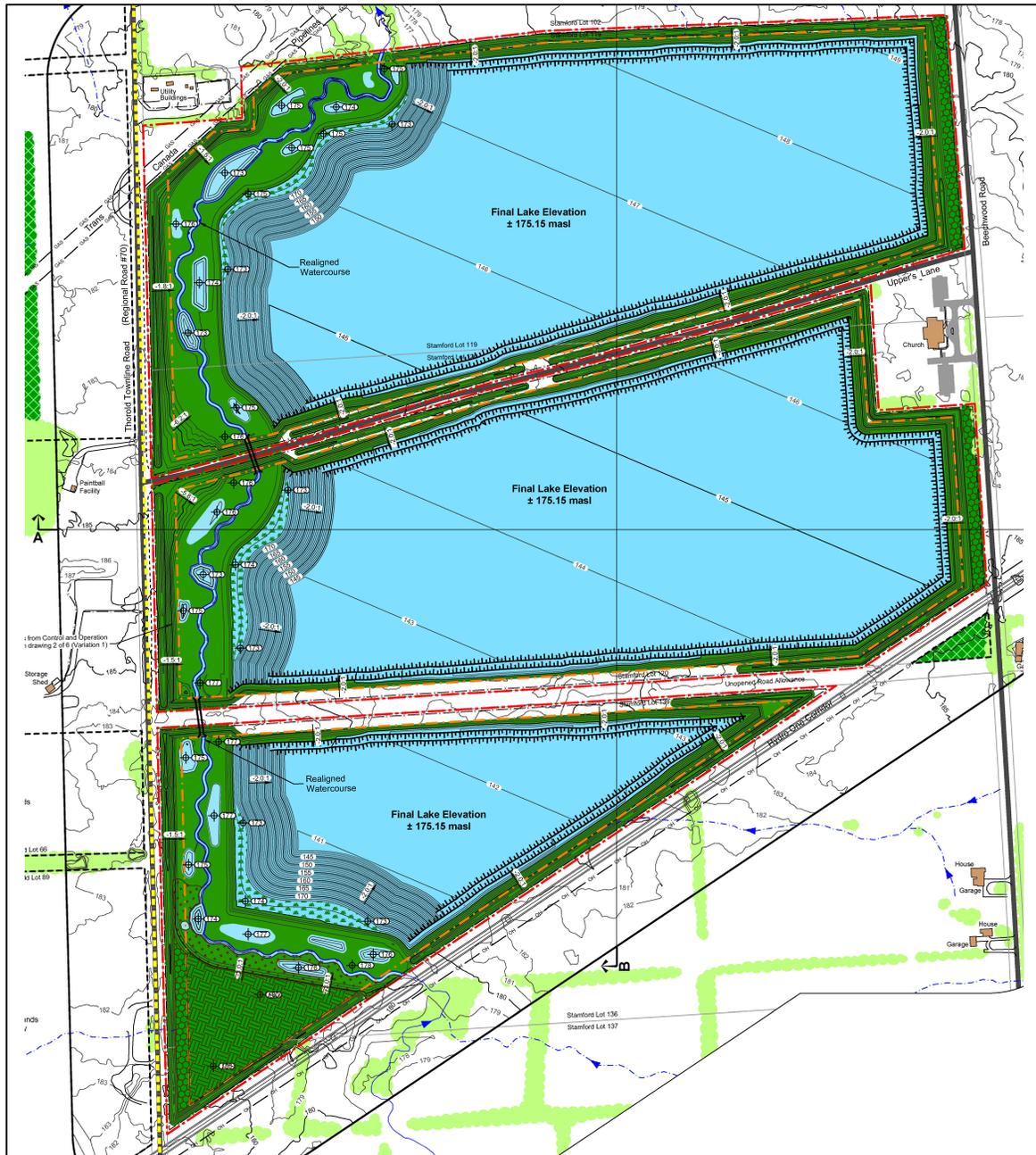


Figure 9 – Proposed rehabilitation concept for subject lands (MHBC, 2021)

6.1 Removal of Upper's Lane and Road Allowance between Township Lots 120 and 136

In the event that an agreement is reached to obtain the rights, Walker proposes to extract:

- i) Upper's Lane, between the North Extraction Area and the Mid Extraction Area; and
- ii) The unopened road allowance between Lots 120 and 136, between the Mid Extraction Area and the South Extraction Area

Should agreement with the City be reached, the rehabilitation plan would be adjusted to reflect these changes.

7.0 **Impacts of proposed development**

The purpose of this section of the report is to list potential impacts to resources and provide recommendations related to the conservation of the onsite cultural heritage resources.

7.1 **Potential impacts to onsite heritage resources**

There are three classifications of changes that the effects of a proposed development may have on an identified cultural heritage resource: beneficial, neutral or adverse. Beneficial effects may include such actions as retaining a property of cultural heritage value, protecting it from loss or removal, maintaining restoring or repairing heritage attributes, or making sympathetic additions or alterations that allow for a continued long-term use and retain heritage building fabric. Neutral effects have neither a markedly positive or negative impact on a cultural heritage resource. Adverse effects may include the loss or removal of a cultural heritage resource, unsympathetic alterations or additions that remove or obstruct heritage attributes, the isolation of a cultural heritage resource from its setting or context, or the addition of other elements that are unsympathetic to the character or heritage attributes of a cultural heritage resource. Adverse effects may require strategies to mitigate their impact on cultural heritage resources.

The impacts of a proposed development or change to a cultural heritage resource may be direct or indirect. They may occur over a short term or long term duration, and may occur during a pre-construction phase, construction phase or post-construction phase. Impacts to a cultural heritage resource may also be site specific or widespread, and may have low, moderate or high levels of physical impact.

The area of the site proposed for aggregate extraction does not contain any built heritage resources or cultural heritage landscapes, therefore there are no direct or indirect impacts anticipated.

7.2 **Potential impacts to adjacent heritage resources**

As noted in Section 4.4 of this report, there are no adjacent properties designated under the *Ontario Heritage Act*, and one adjacent property listed on the City's Non-Designated Register. There is also a small pioneer cemetery located nearby. Both adjacent resources are located 200 – 250 metres from the subject lands.

The Ontario Heritage Toolkit includes information regarding potential impacts on adjacent heritage resources that could result from development or site alteration. These types of impacts could include: destruction of a heritage resource, alteration, shadows, isolation, direct or indirect obstruction, a change in land use; and land disturbances.

Property / Address	Heritage Value?	Proximity to site	Direct Impact		Indirect Impact					Mitigation
			Destruction	Alteration	Shadows	Isolation	Obstruction	Change in Land Use	Land Disturbance	
Berengaria Farm (10148 Beaverdams Road)	Listed	Adjacent (building is ± 200 m)	N	N	N	N	N	N	N	None
Pioneer Cemetery (no address)	None	Across road (± 250 m)	N	N	N	N	N	N	N	None

The proposed development will not cause direct impacts on the adjacent heritage resources. Indirect impacts that could occur include matters such as alteration, shadows or isolation. Given the nature of the proposed development and the distance of the aggregate extraction operations, heritage resources will not be altered, and extraction will not result in shadow or isolation. As such, there is no potential for impacts on adjacent heritage resources.

7.3 Conclusion

The potential for direct and indirect impacts has been reviewed in accordance with guidance provided by the Province through the Ontario Heritage Toolkit. A range of matters were reviewed, including potential destruction or alteration to heritage resources, shadows that impact heritage resources, isolation of a heritage resource, direct or indirect obstruction of significant views, a change in land use that impacts a heritage resource, and land disturbance.

There are no onsite built heritage resources or significant cultural heritage landscapes, therefore no potential direct or indirect impacts have been identified. Given the nature of the proposed development and location of adjacent cultural heritage resources, no negative impact will occur as a result of the proposed development.

8.0 **Conservation recommendations**

The purpose of this section of the report is to list potential impacts to resources and provide recommendations related to the conservation of the onsite cultural heritage resources.

8.1 **Alternative approaches to development**

Consideration of alternative development approaches is routinely considered through heritage impact assessments as a form of mitigation related to potential impacts to cultural heritage resources. Alternatives can include 'do nothing', proceed with proposed development, or proceed with an alternate form of development.

The 'do nothing' approach would result in no aggregate extraction taking place on the subject lands. This approach is not recommended given that there is no potential for impacts to cultural heritage resources to occur as a result of the proposed quarry operation.

Alternative forms of development would include a different configuration of the area and sequencing of extraction activities proposed for the site. This could include greater separation from retained resources, or exclusion of other buildings from the proposed area of extraction. Since there are no cultural heritage resources on the subject lands, no purpose would be served by altering the proposed development (i.e. quarry design).

Proceeding with the proposed development will not result in negative impacts to cultural heritage resources. This also conforms to the PPS requirement that development and site alteration not be permitted on adjacent lands to cultural heritage resources unless it has been demonstrated that the heritage attributes will be conserved.

8.2 **Conservation recommendations, implementation and monitoring**

Since there is no potential for negative impacts (either direct or indirect), there are no further conservation recommendations, implementation or monitoring required. Should agreement with the City be reached, the site operation would be adjusted to harmonize phasing and create one large lake feature rather than three smaller lakes. Given the subject lands been determined to not have cultural heritage value, no specific mitigation measures or recommendations are required in that scenario.

9.0 Conclusions

This Heritage Impact Assessment has provided a summary of the background research and historical development of the subject lands. The report includes an identification and assessment of the cultural heritage resources present on the subject lands, an evaluation of potential impacts as a result of the proposed development, and recommendations for the conservation of the cultural heritage resources onsite.

The proposed development of the subject lands includes an aggregate resource extraction operation that is planned to occupy much of the areas located on the subject site. The aggregate operation is planned to operate as a quarry below the water table, with rehabilitation to a naturalized after-use.

The subject lands were found to not contain built heritage resources or significant cultural heritage landscapes, and therefore there are no direct or indirect impacts as a result of the operation. It is concluded that the proposed development will have no negative impacts on adjacent cultural heritage resources.

Given the low potential for impact as a result of the proposed development, mitigation, implementation and monitoring recommendations have not been provided.

There is no impact on the conclusions of this report should agreement be reached to include surplus road allowances within the proposed quarry operation.

Report prepared by:



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Associate

Reviewed by:



Dan Currie, MA, MCIP, RPP, CAHP
Partner

10.0 Bibliography

Archaeological Research Associates Ltd. *Stage 1 and 2 Archaeological Assessments – Upper's Quarry Additional Lands (City of Niagara Falls, Regional Municipality of Niagara, Part of Lots 119-120, Geographic Township of Stamford, Welland County)*, April 2020.

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Archaeological Research Associates Ltd. *Stage 4 Mitigation of Development Impacts, Final Excavation Report, Walker IX (AgGt-178), Upper's Quarry (City of Niagara Falls, Regional Municipality of Niagara, Part of Lot 119, Geographic Township of Stamford, Former Welland County)*, July 2021

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Appendix A

Curriculum vitae



CURRICULUM VITAE

Nicholas P. Bogaert, BES, MCIP, RPP, CAHP

EDUCATION

2004
Bachelor of Environmental Studies,
Honours Urban and Regional
Planning, University of Waterloo

Nicholas Bogaert joined MHBC as a Planner in 2004 after graduating from the University of Waterloo with a Bachelor of Environmental Studies Degree (Honours Planning – Co-operative Program).

Mr. Bogaert provides urban and rural planning, analysis for all aspects of the firm's activities. He has experience in providing planning consulting services to municipalities and private sector clients, aggregate site planning and licensing processes related to aggregate applications, and conducting aggregate production research for a variety of clients. He also has experience related to the approval and registration of plans of subdivision, the re-development of brownfield and greyfield sites, providing planning services to a rural municipality, and various projects related to cultural heritage planning matters.

Mr. Bogaert is a full member of the Canadian Institute of Planners and the Ontario Professional Planners Institute. He is also a Professional Member of the Canadian Association of Heritage Professionals.

Mr. Bogaert is a member of the Cultural Heritage Division of MHBC, and Chair of the Heritage Wilmot Advisory Committee.

PROFESSIONAL ASSOCIATIONS

Full Member, Canadian Institute of Planners
Full Member, Ontario Professional Planners Institute
Professional Member, Canadian Association of Heritage Professionals

PROFESSIONAL SERVICE

2012-Present Chairperson, Heritage Wilmot Advisory Committee
2011-2012 Vice-Chair, Heritage Wilmot Advisory Committee

PROFESSIONAL HISTORY

Jan. 2019 - Present Associate, MacNaughton Hermsen Britton Clarkson
Planning Limited

Jan. 2004 – Jan. 2019 Planner / Senior Planner, MacNaughton Hermsen
Britton Clarkson Planning Limited

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CURRICULUM **VITAE**

Nicholas P. Bogaert, BES, MCIP, RPP, CAHP

SELECTED PROJECT EXPERIENCE – CULTURAL HERITAGE

Involved in the preparation of Cultural Heritage Action Plan for the City of Guelph.

Involved in the preparation of an updated Heritage Conservation District Plan for the Port Credit Heritage Conservation District (City of Mississauga).

Involved in the preparation of a Heritage Impact Assessment for the redevelopment of the Queenston Quarry (Niagara-on-the-Lake).

Involved in the preparation of a Heritage Impact Assessment for the redevelopment of a portion of the Huronia Regional Centre (Orillia).

Involved in the preparation of a Cultural Heritage Survey for a proposed aggregate extraction operation in the Town of Caledon.

Involved in the preparation of a Cultural Heritage Study for a proposed aggregate extraction operation in Melancthon Township.

Involved in the preparation of a Cultural Heritage Evaluation Report for the 6th Line overpass in the Town of Innisfil.

Involved in the preparation of a Heritage Impact Assessment for the redevelopment of a vacant property in the City of London.

Involved in the preparation of a Heritage Impact Assessment for the redevelopment of a portion of Bob-lo Island in the Town of Amherstburg.

Involved in the preparation of a Heritage Conservation District Study and Plan for Rondeau Provincial Park cottages (Municipality of Chatham-Kent).

Involved in the preparation of a Heritage Master Plan and updated Heritage Conservation District Plans for the Town of Cobourg.

Involved in the preparation of an updated Heritage Conservation District Plan for the Village of Barriefield (City of Kingston).

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CURRICULUM VITAE

Nicholas P. Bogaert, BES, MCIP, RPP, CAHP

Involved in the preparation of a Heritage Impact Assessment for a rural farmhouse in the City of Kitchener.

Involved in the preparation of a Heritage Conservation District Study for the Victoria Square area (City of Markham).

Involved in the preparation of a Heritage Conservation District Study and Plan for the Village of Bala (Township of Muskoka Lakes).

Involved in a pilot project to work on integrating heritage attributes into building inspection reports for provincially significant heritage properties (Infrastructure Ontario).

Involved in the preparation of a Heritage Conservation District Study and Plan for the Garden District (City of Toronto).

Involved in the preparation of a Heritage Conservation District Study and Plan for Downtown Meaford.

Involved in the preparation of a Heritage Conservation District Plan for the Village of Port Stanley (Municipal of Central Elgin).

Involved in the preparation of a Cultural Heritage Study related to a proposed Sand and Gravel Pit (Manvers Township).

Involved in the preparation of a Background and Issues Identification Report and Management Plan for the Burlington Heights Heritage Lands (Hamilton / Burlington).

Involved in the preparation of a Heritage Conservation District Study and Plan for Downtown Oakville.

Involved in the preparation of a Heritage Conservation District Study and Plan for the Brooklyn and College Hill areas in the City of Guelph.

Involved in a Cultural Heritage Landscape Study for Rondeau Provincial Park.

Involved in the preparation of a Heritage Impact Assessment for a rural farmstead in City of Cambridge.

Involved in a Commemorative Integrity Statement Workshop for Oil Heritage District, and assisted in preparation of Commemorative Integrity Statement (Lambton County).

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CURRICULUM VITAE

Nicholas P. Bogaert, BES, MCIP, RPP, CAHP

Involved in an assessment of feasibility of acquiring Federal surplus land for development as affordable housing within a Heritage Conservation District (Kingston - Barriefield).

PROFESSIONAL DEVELOPMENT COURSES / CONFERENCES

- | | |
|------|--|
| 2004 | Course: 'Plain Language for Planners', Ontario Professional Planners Institute, Toronto. |
| 2004 | Conference: 'Leading Edge – The Working Biosphere', Niagara Escarpment Commission, Burlington. |
| 2011 | Conference: 'Ontario Heritage Conference – Creating the Will', Cobourg. |
| 2012 | Workshop: 'Heritage Conservation District Workshop', University of Waterloo Heritage Resources Centre, Stratford. |
| 2012 | Conference: 'Ontario Heritage Conference - Beyond Borders: Heritage Best Practices, Kingston. |
| 2012 | Conference: 'National Heritage Summit - Heritage Conservation in Canada: What's Working?; What's Not?; And What Needs to Change?', Heritage Canada Foundation, Montreal. |
| 2012 | Conference presentation: Heritage Conservation District Misconceptions, Heritage Canada Conference, Montreal. |
| 2013 | Course: 'Planner at the Ontario Municipal Board', Ontario Professional Planners Institute, Waterloo. |
| 2013 | Conference presentation: Ideas for Effective Community Engagement – Case Study: Downtown Oakville Heritage Conservation District, OPPI Conference, London. |
| 2013 | Conference: 'Regeneration – Heritage Leads the Way', Heritage Canada Foundation, Ottawa. |
| 2013 | Conference presentation: Rondeau Provincial Park: A Cultural Heritage Landscape?, Heritage Canada Conference, Ottawa (with Peter Stewart, George Robb Architect). |

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CURRICULUM **VITAE**

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- | | |
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| 2014 | Conference: 'Ontario Heritage Conference' – Bridging the Past, Crossing into the Future, Cornwall. |
| 2015 | Conference: 'Ontario Heritage Conference' – Ontario Heritage: An Enriching Experience, Niagara-on-the-Lake. |
| 2015 | Conference presentation: Heritage Conservation and Urban Design: Challenges, Success, Balance, OPPI Conference, Toronto (with Dan Currie and Lashia Jones, MHBC). |
| 2016 | Conference: 'Ontario Heritage Conference' – Preservation in a Changing World, Stratford-St. Marys. |
| 2019 | Conference: 'Ontario Heritage Conference', Bluewater & Goderich. |

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CURRICULUM VITAE

Dan Currie, MA, MCIP, RPP, CAHP

Dan Currie, a Partner and Managing Director of MHBC's Cultural Heritage Division, joined MHBC Planning in 2009, after having worked in various positions in the public sector since 1997 including the Director of Policy Planning for the City of Cambridge and Senior Policy Planner for the City of Waterloo.

Dan provides a variety of planning services for public and private sector clients including a wide range of cultural heritage policy and planning work including strategic planning, heritage policy, heritage conservation district studies and plans, heritage master plans, heritage impact assessments and cultural heritage landscape studies.

EDUCATION

2006

Masters of Arts (Planning)
University of Waterloo

1998

Bachelor of Environmental Studies
University of Waterloo

1998

Bachelor of Arts (Art History)
University of Saskatchewan

PROFESSIONAL ASSOCIATIONS

Full Member, Canadian Institute of Planners

Full Member, Ontario Professional Planners Institute

Professional Member, Canadian Association of Heritage Professionals

SELECTED PROJECT EXPERIENCE

HERITAGE PLANNING

City of Hamilton Heritage Impact Assessment for Pier 8

Town of Erin Designation of Main Street Presbyterian Church

City of Kitchener Homer Watson House Heritage Impact Assessment and Parking Plan

Region of Waterloo Schneider Haus Heritage Impact Assessment

Niagara Parks Commission Queen Victoria Park Cultural Heritage Evaluation Report

City of Guelph Cultural Heritage Action Plan

Town of Cobourg, Heritage Master Plan

Municipality of Chatham Kent, Rondeau Heritage Conservation District Plan

City of Kingston, Barriefield Heritage Conservation District Plan Update

Burlington Heights Heritage Lands Management Plan

City of Markham, Victoria Square Heritage Conservation District Study

City of Kitchener, Heritage Inventory Property Update

Township of Muskoka Lakes, Bala Heritage Conservation District Plan

Municipality of Meaford, Downtown Meaford Heritage Conservation District Plan

City of Guelph, Brooklyn and College Hill Heritage Conservation District Plan

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CURRICULUM VITAE

Dan Currie, MA, MCIP, RPP, CAHP

City of Toronto, Garden District Heritage Conservation District Plan
City of London, Western Counties Cultural Heritage Plan

Other heritage consulting services including:

- Preparation of Heritage Impact Assessments for both private and public sector clients
- Requests for Designations
- Alterations or new developments within Heritage Conservation Districts
- Cultural Heritage Evaluations for Environmental Assessments

MASTER PLANS, GROWTH MANAGEMENT STRATEGIES AND POLICY STUDIES

City of Vaughan Municipal Land Acquisition Strategy
Town of Frontenac Islands Marysville Secondary Plan
Niagara-on-the-Lake Corridor Design Guidelines
Cambridge West Master Environmental Servicing Plan
Township of West Lincoln Settlement Area Expansion Analysis
Ministry of Infrastructure Review of Performance Indicators for the Growth Plan
Township of Tiny Residential Land Use Study
Port Severn Settlement Area Boundary Review
City of Cambridge Green Building Policy
Township of West Lincoln Intensification Study & Employment Land Strategy
Ministry of the Environment Review of the D-Series Land Use Guidelines
Meadowlands Conservation Area Management Plan
City of Cambridge Trails Master Plan
City of Kawartha Lakes Growth Management Strategy
City of Cambridge Growth Management Strategy
City of Waterloo Height and Density Policy
City of Waterloo Student Accommodation Study
City of Waterloo Land Supply Study
City of Kitchener Inner City Housing Study

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DEVELOPMENT PLANNING

Provide consulting services and prepare planning applications for private sector clients for:

- Draft plans of subdivision
- Consent
- Official Plan Amendment
- Zoning By-law Amendment
- Minor Variance
- Site Plan

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