



A Message From  
Councillor Sandra O'Connor  
[sandra.oconnor@notl.com](mailto:sandra.oconnor@notl.com) 289-868-9310  
[sandraoconnor.ca](http://sandraoconnor.ca)

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Dear Frances,

The Town of Niagara-on-the-Lake's [mission statement](#) exists to provide a reference point for everything Council does. Ideally, council members and staff should regularly check whether their actions and decisions align with it, notably when they're adjusting 'a high standard' or 'dependable infrastructure'.

## Mission

To efficiently deliver a high standard of municipal services and dependable infrastructure to support the community and to take leadership in planning, decision-making and policy development to ensure a healthy and financially sustainable future.

Recently, there have been some challenges in delivering this. Together with provincial legislation changes that weakens local authority, standards of community service are slipping into practices that may create real problems for future generations.

In this email, I'm going to look at a couple of ways in which this happens.

### OFFICIAL PLAN

The third draft of the [NOTL Official Plan 2025 update](#) came before the Council's Committee of the Whole (Planning) in November and, while there's much to praise, I drew attention to some standards that are being weakened. In some cases, this has been achieved simply by changing a single word from "will" to "may", as in paragraph 1.6.1.4 (p17)

1.6.1.4 ~~2.6.1.4~~ The Town ~~may~~**will** prepare a municipal sustainability plan and develop sustainable *development* standards, in consultation with the development industry, to establish and implement the principles of environmental, social and economic sustainability, including approaches to:

This simple change relieves the Council of its responsibility to prepare for a successful future for our town. It will no longer be required to create a plan to adapt to climate change, building resilient, livable communities, reduce energy demands, support renewable energy, maximize water conservation, integrate transit into development plans, and so on. While other jurisdictions consider these actions as essential, our Town doesn't. My second example demonstrates a failure to protect our unique agricultural land. In paragraph 2.2.7.3 (p33) the proposed wording is severely weakened:

### 2.2.7.3 **3-2-10.2 Estate Wineries**

- a) ~~3-2-10.2.1~~ All estate wineries will be subject to a site specific zoning by-law amendment.
- b) ~~3-2-10.2.2~~ The minimum acreage for an *estate winery* will be established in the implementing zoning by-law and will generally be a contiguous parcel of not less than eight (8) hectares, with ~~generally a minimum of 75% of the land being~~ **predominantly** in full vineyard production ~~to be~~

Similar wording is applied to the smaller “Farm Wineries” (Section 2.2.7.4).

In this case, it's important to distinguish agricultural use (vineyards) and non-agricultural use (such as facilities for the production of wine). The previous wording ensures a specific limit to how much specialty crop land can be permanently removed, and has a limit of one-quarter of the vineyard. The term “predominantly”, which replaces the 75% limit, isn't defined, so how do we know where the limit sits? At 60%? At 51%?

The title of Section 2 (p21), where these statements are found, is “Protected Countryside – Agricultural System”, and yet these changes severely reduce the protection of land currently under agricultural production, which was previously enshrined in the 2019 Official Plan.

Niagara-on-the-Lake is a proud agricultural community with a provincial endorsement that “Specialty crop areas shall be given the highest priority for protection” ([Ontario Provincial Planning Statement 2024](#) (p.23). This statement can be found within a chapter titled “Wise Use and Management of Resources”. I cannot see that increasing the availability of agricultural land for non-agricultural use is wise, or that it places the highest priority on protecting our agricultural land.

I could say more (and at Council, I did), but these examples will have to suffice.

### VIRGIL DEVELOPMENT

At its meeting on December 2, Council was asked for exemption from two important standards that apply to the site at 1839 Four Mile Creek Road ([Agenda Item 9.2](#)).

The developers, (Bice Builders Ltd.), were asking for an Official Plan and Zoning Bylaw amendments which would allow them to triple the number of units permitted on the site, which is designated as ‘low density’. Low density permits a maximum of 15 units per hectare. Medium density allows for 30 units per hectare. The number of apartments proposed a site-specific medium density which would equal 95 units per hectare – three times the medium density level and over six times the current low density level.

Councillor Niven asked whether this would put the apartment block in the category of “high density”. The answer from staff was that NOTL doesn't have a residential high density category, and therefore this development would still be categorized as medium density, despite being triple the size permitted.

In the same discussion, I raised the issue – of course – of stormwater management. The development, as proposed, requires an output capacity of 20 litres of water per second. The infrastructure is designed to accommodate 17 litres per second, plus a safety buffer of 15%. In this case the apartments will exceed capacity by three litres per second. Doesn't this mean that the infrastructure is inadequate for normal use, let alone above average demands?

Despite the requirements of the 2019 Official Plan and the Town's Zoning Bylaw, the developer received the exemptions they requested, and the over-dense, under-serviced residence will go ahead.

## RECYCLING FOR NON-RESIDENTIAL PROPERTIES

I'm going to end with a good news story, where the Town has stepped up to fill a serious gap in service provision initiated by provincial legislation.

The concept of making packaging producers responsible for picking up and recycling packaging has been around for decades, and has previously been adopted by many jurisdictions. It seemed to be a logical solution to municipalities' recycling costs, and offered an achievable "polluter pays" solution to an important source of waste. However, the reality, as being experienced in NOTL, is that 463 commercial, institutional, industrial and other properties in NOTL will no longer have their recycling picked up, as of January 1, 2026.

The detailed reasons can be found in the [staff report to Council](#) but, basically, the provincial switch to producer responsibility for collection included the requirement that "co-collection of eligible (residential) and non-eligible (places of worship, small businesses, etc.) recycling will no longer be permitted". Niagara Region continued to collect some "non-eligible" recycling during the 2025 transition period, but to continue legally beyond 2025 would increase costs by 468%, and is therefore unachievable.

This model for separation of collections is [commonly adopted elsewhere](#) but, nevertheless, the non-eligible entities in NOTL are left with a big problem come the New Year.

At the December Council meeting, the Town committed to working with affected organizations to work out a full solution for 2027 but, in the meantime, Council approved fully funding the incremental cost of collecting cardboard in the Downtown Designated Business Area for 2026. It's only a partial solution, but it may ease the transition somewhat for those businesses. The funding will be sourced from the Municipal Accommodation Tax.



Despite my frustration with many decisions in Council, I remain optimistic. A new year is on the horizon, and I'm ready to carry on striving for the Town's mission statement's high standards and dependable infrastructure at every opportunity.

Thank you for your support during 2026, and I wish you and your families every happiness during the holiday season, and hope that 2026 brings you all good health and good fortune.

Sincerely,  
Sandra O'Connor  
Niagara-on-the-Lake Town Councillor.

