

Planning Justification Report

Niagara Village - Former Thundering Waters Golf Course Lands

5600 Marineland Parkway, Niagara
Falls

2592693 Ontario Inc.

City of Niagara Falls

Official Plan Amendment, Zoning By-law
Amendment and Draft Plan of
Subdivision Applications

March 2020



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1.0 INTRODUCTION

This report has been prepared by GSP Group on behalf of the Owner, 2592693 Ontario Inc., in support of an Official Plan Amendment (OPA) application, Zoning By-law Amendment (ZBA) application, and Draft Plan of Subdivision application (collectively identified as the “Subject Applications”) to permit the redevelopment of part of the lands currently known as the Thundering Waters Golf Club (the “Site”). In addition, the purpose of the Subject Applications is to request that part of the Site be reclassified as a Class 4 Receptor Area pursuant to the Ministry of Environment’s Noise Guideline NPC-300. The location of the Site within the City of Niagara Falls as well as the overall site context is shown in **Figure 1**.

The purpose of this report is to describe the proposed development and Subject Applications; review the applicable planning policies and regulations; and to provide justification to support the Subject Applications.

1.1 Summary of Pre-Application History

The Site was acquired by the owner in September 2017. Additional lands were subsequently acquired from CP Railway as remnant parcels on either side of the existing railway were severed and sold. The owner assembled a team of professional consultations to inform the development of a preliminary high-level concept.

An initial pre-consultation meeting was held on August 2nd, 2018 with City and Region staff members. The Pre-Consultation Meeting Form is included as **Appendix A**. Pre-consultation comments identified several development constraints and recommended that the concept be further refined and brought back in for a second pre-consultation meeting.

Following this initial pre-consultation, the project team reached-out and consulted with the local community through a Community Open House and Workshop, as well as stakeholders through a Business/Industry Open House Meeting—both of which were held on November 11th, 2018 (see **Appendix C—Public Consultation & Stakeholder Outreach** for complete details). The Business/Industry Open House Meeting was held in the afternoon and included an overview presentation by GSP Group and provided an opportunity for feedback. The Community Open House was held in the evening and consisted of an overview presentation by GSP Group and provided attendees with an opportunity to provide comments on the proposed development.



The following concerns/issues were identified from the local community and the stakeholders:

- Loss of golf course/open space and privacy;
- Proximity of proposed residential uses to heavy industry;
- Need for unobstructed continued use of CP Rail by industries;
- Increase in traffic, access over private roads;
- Environmental impact – wildlife, wetlands, etc.; and
- Impacts on the municipally-owned open sewer (i.e. ConRail drainage ditch).

The conceptual plan for the Site and constraint mapping were both revised based on the feedback received from the public, stakeholders, the initial pre-consultation meeting, and subsequent meetings with City, Region, and Provincial staff. A second Pre-Consultation Meeting was held of July 19th, 2019. The second Pre-Consultation Meeting Form is included as **Appendix B**. Following the second Pre-Consultation meeting the developer engaged in the necessary studies and reports in support of the Subject Applications.

1.2 Project Team

The project team consists of the following professional consultants:

- **GSP Group Inc.** is a land use planning, urban design and landscape architecture firm. GSP Group is responsible for the preparation of the subject the Planning Justification Report, draft Official Plan Amendment, draft Zoning By-law Amendment, Draft Plan of Subdivision as well as leading and coordinating the public consultation process.
- **RJ Burnside and Associates** is an established engineering and environmental consulting firm responsible for the civil engineering, transportation, and environmental components of the Subject Applications; including the preparation of the Environmental Impact Study, Stormwater Management Study, Municipal Servicing Study, and Transportation Impact Study/Parking Impact Analysis
- **Golder Associates Inc** is a global organization providing consulting, design, and construction services in the areas of earth, environment, and energy. Golder Associates Inc. is responsible for the preparation of the Air Quality Assessment, Archaeologic Assessment, Environmental Site Assessment, and Noise and Vibration Study.

2.0 SITE DESCRIPTION & SURROUNDING USES

2.1 Site

The “Site” is shown in **Figure 2** and consists of six (6) irregularly shaped parcels of land known collectively as 5600 Marineland Parkway. The Site is approximately 64 hectares (158 acres) in area. The majority of the Site is currently occupied by the Thundering Waters Golf Course and associated parking area. A Canadian Pacific (CP) railway line runs diagonally northeast to southwest through the Site together with municipally-owned open sewer known as the ConRail Drainage Ditch (the “ConRail Drain”).

Railway and Marshalling Yard

The Site has evolved significantly over time, as shown in the aerial photographs displayed in **Figure 3** from 1934 to 2019. A portion of the Site was used as a marshaling yard as part of the Michigan Central Railway, which appears on maps as early as 1904. The railway and marshalling yard changed ownership multiple times in the twentieth century, and at times were owned by New York Central Railroad, the Pennsylvania Railroad, Penn Central, and later ConRail. In the mid-1990s CP Rail acquired the railway line and the marshaling yard which became known as the CPR Montrose Yard and continued to operate until the mid-1990s. The aerial photographs show that the yard tracks were pulled-up and removed by 2002—after approximately a century of continuous operation. CP Rail continues to operate the railway as an “Industrial Spur Line” that serves local industrial uses as part of the Montrose Subdivision.

Following the removal of the yard tracks, the Site was redeveloped in 2006 into the Thundering Waters Golf Club, which opened in 2005. This private 18-hole course was largely created by clearing pathways and open areas through the woodlands on either side of the railway tracks. The golf course is currently still in operation and includes a two-storey clubhouse situated at the southwest corner of two private roads: Lionshead Avenue and John Daly Way. The structures on the Site are limited to small sheds and outbuildings that are used for maintenance and equipment storage. The golf course is linked together by a paved network of pathways, interspersed with natural and human-made hazards such as ponds, sandpits, and the remaining wooded areas. As part of the proposed development the golf course and club house will be removed in its entirety in order to facilitate the proposed development.

Since opening in 2005, the golf course itself has evolved and developed, shrinking in size as parcels along the northern edge have been carved-off and approved by the City/Region for residential redevelopment. Between 2006 and 2018, the lands located south of the hydro corridor and east of Drummond Road were removed from the golf course and developed into townhouses and detached dwellings. A 10-storey, 150-unit residential apartment was recently constructed at

7711 Green Vista Gate, which is interior to the Site. Municipal approval of this apartment building included a Class 4 designation to permit for this residential development in proximity to Salit Steel – an approved noise source – to the east. The Class 4 designation allows higher limits for noise, with the intent that indoor noise levels will be controlled. The City’s approval of this Class 4 designation maximized the residential development potential of this property subject to the implementation of approved noise controls and appropriate warning clauses.

Figure 3 illustrates the lands that were removed from the Thundering Waters Golf Course between 2005 and 2013.

The Site currently has two (2) means of access/egress. The principal access/egress is by way of Thundering Waters Boulevard, a shared private road. This second access/egress point is facilitated by an easement over two residential condo roads, namely John Daly Way and Lionshead Avenue – both of these roads provide access/egrees to Drummond Road.

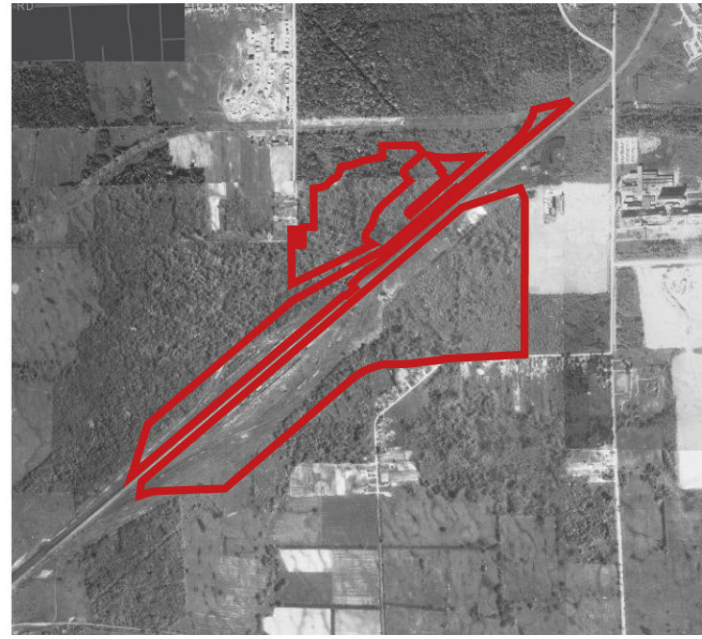


Site Context
Source: Google Aerial Imagery (2017)

Figure
2



1934



1954-1955



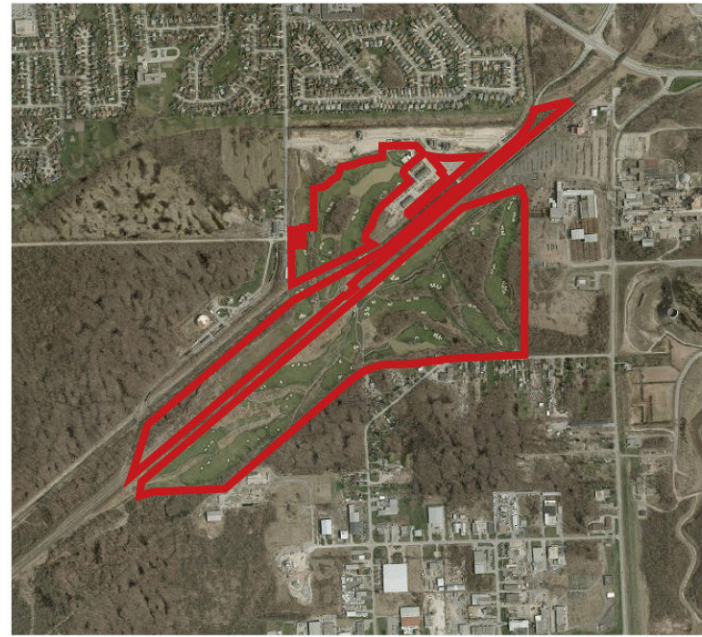
1995



2002



2006



2013



2015



2019

Surrounding Land Uses & Community Context

The Site is located approximately 1.5km southwest of the world-renown Horseshoe Falls and accompanying tourist area. The Site is adjacent to the following residential, industrial, and environmental uses as illustrated in **Figure 4**:

North: Residential uses situated in a private condominium development including detached dwellings, townhouses, and a 10-storey apartment building that are located to the north, and extend into the interior of the Site. The Drummond Heights neighbourhood, consisting of detached dwellings is located north-west of the Site. Further north of the Drummond Heights neighbourhood, similar low-rise residential areas prevail interspersed with community facilities.

East: Several industrial operations can be found immediately to the east of the Site, including Salit Steel and Washington Mills Electro Minerals. Further to the east, beyond the industrial uses, is Marineland, a seasonal amusement park and tourist attraction, featuring an aquarium and zoo.

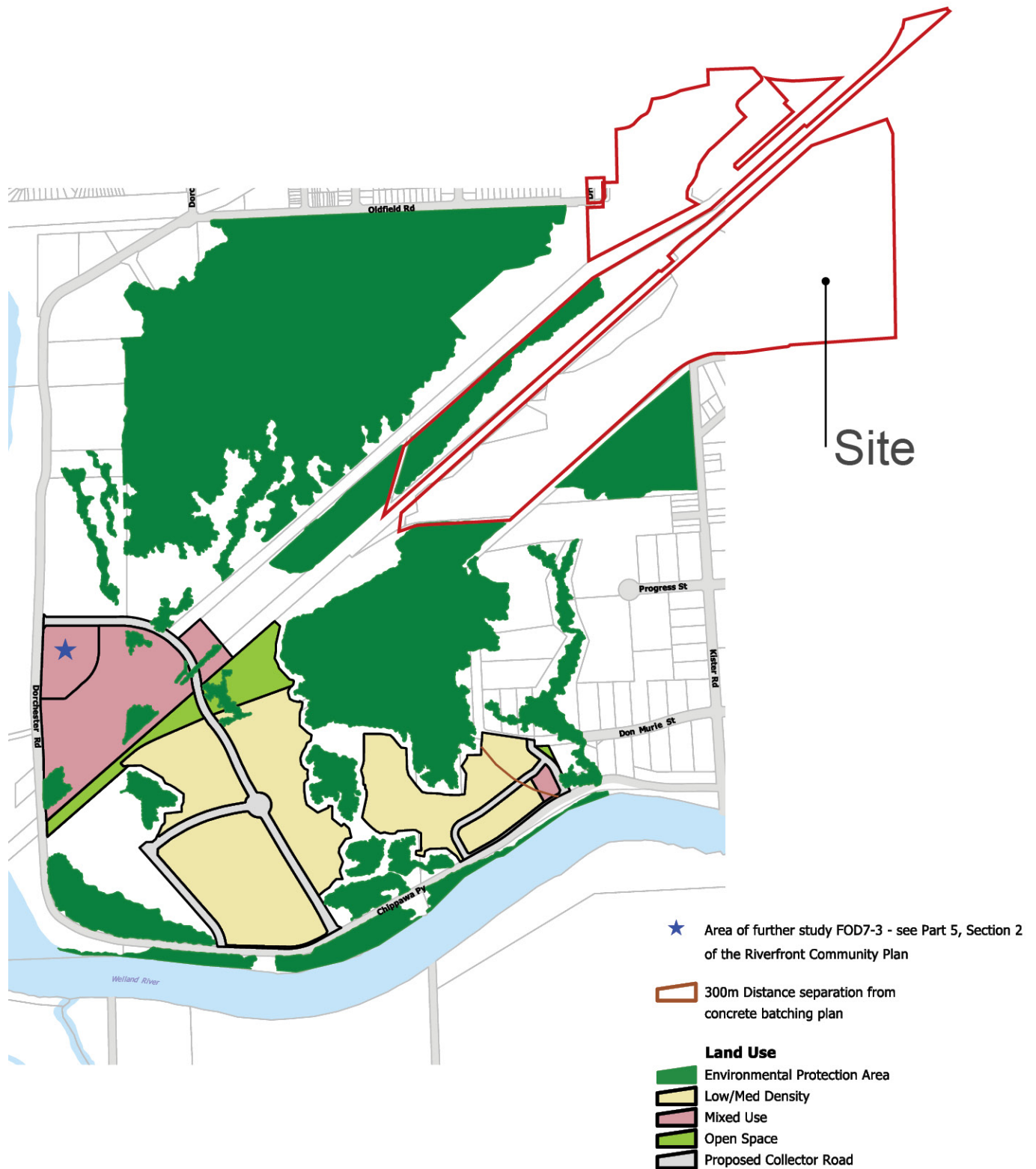
South: The Stanley Avenue Business Park is located to the south of the Site, and contains numerous industrial uses including: Centennial Concrete Niagara Inc., Dufferin Concrete, and Mancuso Chemicals Ltd. Detached residential dwellings on deep lots are located on the south side of Ramsey Road, many of these lots also appear to contain private industrial uses/businesses. The Stanley Avenue Business Park extends as far south as the Chippawa Parkway, which generally follows the north side of the Welland River.

Southwest: The proposed Riverfront Community is located to the southwest separated by a large wooded area. This large mixed use development includes a regional commercial district and a mix of residential densities and forms.

West: Chemtrade Logistics is located immediately to the west, followed by woodlands and environmental areas that stretch to the Hydro Canal. Further west, a small cluster of industrial uses, including Palfinger Inc., are located on the east side of Dorchester Road. In addition, an application was made in 2017 to amend the City's Official Plan (OPA 128) for the area located southwest of the Site to permit a mixed-use development (the "Riverfront Community".) City Council's decision to approve OPA 128 was appealed to the Local Planning Appeal Tribunal (LPAT) by a local environmentalist (Case No. PL180727). This appeal has since been dismissed and OPA 128 is now in force and effect.

A description of the industrial uses identified above are outlined in more detail in the next section.





2.2 Neighbouring Industrial Operations

There are several industrial operations located to the east, south, and west of the Site. The Ministry of Environment¹'s D-6 guidelines, entitled "Compatibility between Industrial Facilities and Sensitive Land Uses" establishes three industrial classes to be considered based on the following criteria: outputs, scale, process, and operation/intensity: Class I, Class II and Class III industries. The D-6 Guidelines recommend that incompatible land uses within the specified range include the minimum separation distance or mitigation measures be implemented.

According to the Air Quality Assessment prepared by Golder Associates Ltd., dated November 2019 ("Golder Report"), twenty (20) industrial facilities were evaluated. Five (5) industrial facilities were identified as Class I, thirteen (13) industrial facilities were identified as Class II, and two (2) industrial facilities were identified as Class III. The chart below illustrates the Ministry of Environment, Conservation and Parks ("MECP") Potential Influence Areas and recommended Minimum Separation Distances:

Designation	Potential Influence Areas Separation Distance (m)	Minimum Separation Distance (m)
Class I	70	20
Class II	300	70
Class III	1000	300

According to the D-6 Guideline, when a change in land use is proposed within an actual or potential influence area, a sensitive land use should not be permitted unless mitigation measures can be implemented to mitigate any possible adverse effects. Based on the D-6 Guidelines, the Site is within the *potential influence area separation distance* of five industrial facilities: Mancuso Chemicals Limited, Washington Mills, Chemtrade Logistics Inc., Quality Ready Mix, and Salit Steel. The Site is also within the recommended *minimum separation distance* of three of these five facilities: Washington Mills, Chemtrade Logistics Inc. and Salit Steel. The Golder Report sets out the mitigation measures appropriate for Site.

Figure 6 identifies the location of these 5 facilities.

¹ Now Ministry of Environment, Conservation and Parks.

a) Mancuso Chemicals Limited (Class III)

Mancuso Chemicals Limited is located at 5725 Progress Street, approximately 450 metres from the Site. Mancuso manufactures furan resin, acid catalyst and alkyd resin and is classified as a Class III industry.

b) Washington Mills Electro Minerals Corporation (Class III)

Washington Mills Electro Minerals Corporation is also a Class III industry and is located approximately 290m from the Site. Washington Mills manufactures abrasive grain and fused mineral products. This facility is located at 7780 Stanley Avenue and is approximately 19.65 ha in area and produces grains, powders, and fused mineral crude created through the furnacing process.

c) Salit Steel (Class II)

Salit Steel Niagara Falls is located south of the CP railway and is known municipally as 7771 Stanley Avenue. This site functions as the company's headquarters as well as service centre producing reinforced rebar products. Salit Steel provides saw cutting, plate and plasma burning, rebar fabrication, delivery, and installation services. Based on aerial photography, the facility includes significant outdoor storage of metals and products as well as truck transportation.

d) Chemtrade Logistics Inc. (Class II)

Chemtrade Logistics is located on the south side of Oldfield Road (6300 Oldfield Road) and is approximately 16 ha in area. Chemtrade Logistics is a chemical transfer and storage facility processing sulfur products (i.e. sulfuric acid, molten sulfur, and liquid sulfur dioxide). Chemical transfers are performed between storage tanks, railway tankers and transport trucks. The facility is located within 40m of the Site and is therefore located in the potential influence area and recommended minimum separation distance for a Class II facility.

e) LaFarge Quality Ready Mix (Class II)

Quality Ready-Mix is a concrete batching plant located at 6224 Progress Street and is approximately 295 metres for the Site boundary. This facility produces and supplies ready-mix concrete and aggregates and generates emissions related to the delivery, storage and transfer of materials.

INDUSTRIAL OPERATIONS

- 1 SALIT STEEL
- 2 WASHINGTON MILLS ELECTRO MINERALS CORPORATION
- 3 CHEMTRADE LOGISTICS
- 4 QUALITY READY MIX
- 5 CENTENNIAL CONCRETE NIAGARA INC.
- 6 MANCUSO CHEMICALS LIMITED
- 7 PALFINGER INC.



Neighbouring Industrial Operations

Source: Google Aerial Imagery (2017)

Figure
6

2.3 Community Services and Amenities

In general, residential land uses predominant to the north of the Site and includes a wide variety of existing community services and amenities as shown on **Figure 7**. It is anticipated that future residents of the Site would be able to utilize the following existing community services and amenities:

Schools

There are four (4) schools within ± 1.3 km of the Site, including:

1. Elementary School Catholic Notre Dame-De-La-Jeunesse (approximately 600m to the northwest)
2. Father Hennepin Catholic Elementary School (approximately 875m to the north)
3. James Morden Public School (approximately 1.3 km to the northwest)
4. Heximer Avenue Public School (approximately 1.3 km to the northwest)

Parks and Open Space:

There are at least six (6) parks within the vicinity of the Site, including:

5. Crimson Park (approximately 200 m to the north)
6. Fern Park (approximately 650 m to the west)
7. Prince Charles Park (approximately 800m to the north)
8. CB Wright Park (approximately 950m to the north)
9. Dufferin Islands Nature Area (approximately 1.3 km to the east)
10. FJ Miller Park (approximately 1.3 km to the west)

Community Centres:

11. MacBain Community Centre/Niagara Falls YMCA (approximately 2.4 km to the northwest)

Childcare Facilities:

Nearby childcare facilities include:

12. La Petite Etoile de Niagara Inc. (approximately 600 m to the northwest)
13. Father Hennepin YMCA Child Care Centre (approximately 950m to the north)

Grocery Stores:

Nearby grocery stores include:

14. Food Basics (approximately 1.0 km to the northwest)

15. Walmart Supercentre (approximately 1.8 km to the west)

Libraries:

A local library branch can be found at the following location:

16. Niagara Falls Public Library—Community Centre location approximately 2.4 km to the northwest)

Summary of Community Services and Amenities

There is a wide variety of existing community services and amenities in proximity to the Site for future residents to utilize. All of these facilities are located to the north of the Site and securing vehicular and pedestrian access to these areas will be a planning consideration for the proposed development.



- SCHOOLS**
- 1 Elementary School Catholic Notre Dame-De-La-Jeunesse
 - 2 Father Hennepin Catholic Elementary School
 - 3 James Morden Public School
 - 4 Heximer Avenue Public School
- PARKS AND OPEN SPACE**
- 5 Crimson Park
 - 6 Fern Park
 - 7 Prince Charles Park
 - 8 CB Wright Park
 - 9 Dufferin Islands Nature Area
 - 10 FJ Miller Park
 - 11 Charnwood Park/John N Allan Park
- COMMUNITY CENTRES**
- 12 MacBain Community Centre/Niagara Falls YMCA
- CHILD CARE FACILITIES**
- 13 La Petite Etoile de Niagara Inc.
 - 14 Father Hennepin YMCA Child Care Centre
- GROCERY STORES**
- 15 Food Basics
 - 16 Walmart Supercentre
 - 17 Jim's No Frills
- LIBRARIES**
- 18 Niagara Falls Public Library (Community Centre location)
 - 19 Niagara Falls Public Library (Chippawa location)

2.4 Transportation Network

Vehicle Access & Road Network

The Site currently has frontage on Drummond Road, Ramsey Road and Oldfield Road, and existing vehicular access/egress to the Thundering Waters Golf course is obtained from the northeast via Thundering Waters Boulevard. Thundering Waters Boulevard is a private road that connects to the intersection of Stanley Avenue and Marineland Parkway and is shared by way of registered easements in favour of both the Site and the adjacent condominium corporation. The second access/egress point is located to the northwest and facilitated by an easement over the adjacent condominium roads, namely John Daley Way to Lionshead Avenue both of which provide access to Drummond Road.

Marineland Parkway and Stanley Avenue are designated as “Arterial Roads” and Drummond Road is designated as a “Local Road” on Schedule C of the City of Niagara Fall’s Official Plan as shown in **Figure 8**. Oldfield Road to the northwest of the Site is designated as an “Arterial Road”. To the southeast, Ramsey Road and Kister Road, used to serve the Stanley Avenue Business Park, are designed as “Collector Roads”.

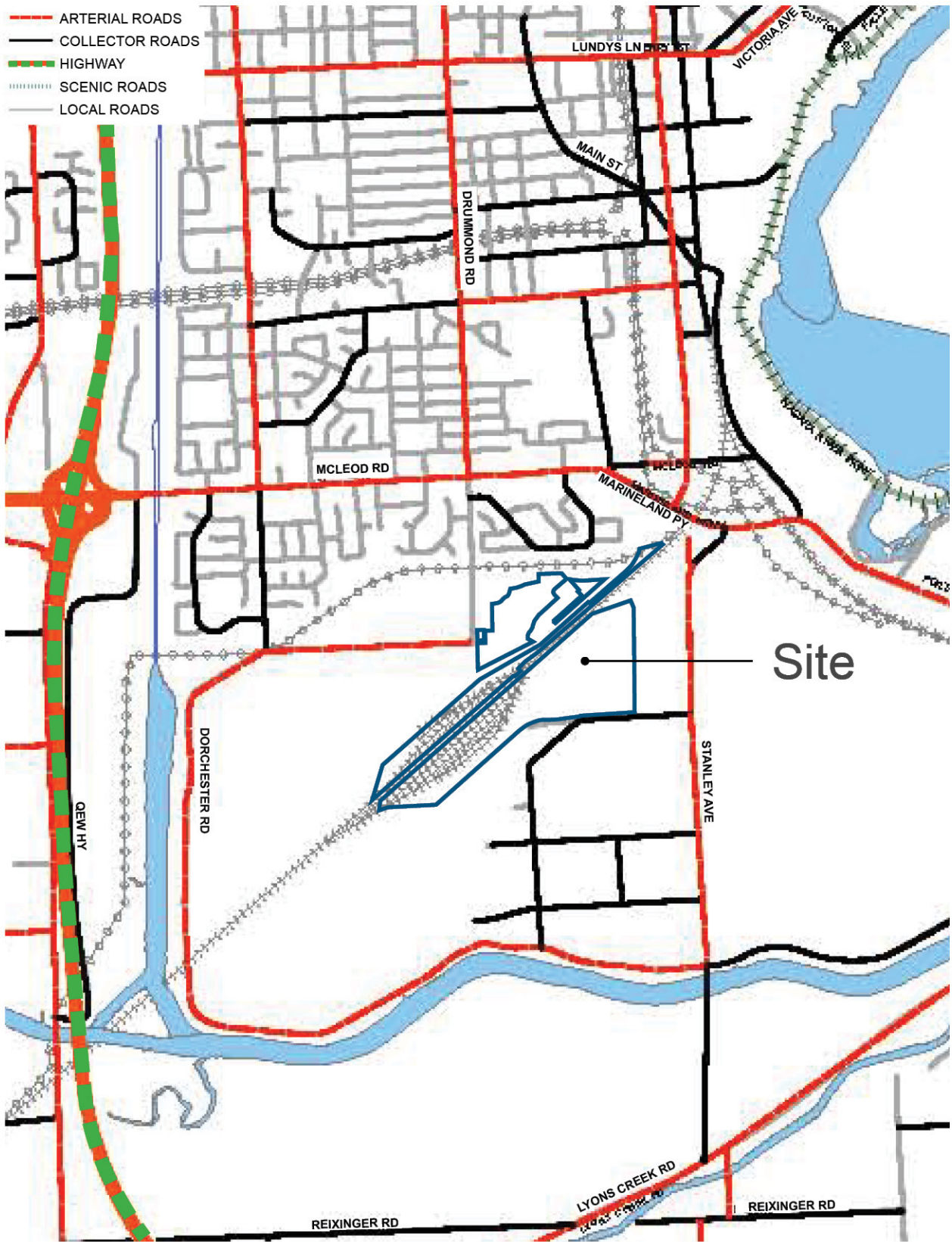
The Site has access/egress to the provincial highway system via the Queen Elizabeth Way (QEW), which is located 1.5km to the west. The QEW is a major transportation route linking Toronto, Hamilton, and Niagara Falls to the Peace Bridge crossing into Buffalo, New York. Two (2) interchanges are located within the vicinity of the Site, the first is located approximately 2.1 km to the northwest at McLeod Road, and the second is located approximately 2.75 km to the southwest at Lyon’s Creek Road.

As part of the proposed development, the Site will need to be integrated into the existing surrounding road network.

Public Transportation

Niagara Falls Transit operates numerous bus routes throughout the city, connecting major transit hubs, tourist destinations, shopping areas, and places of employment. The Site is located within 500m of two (2) bus routes:

Route #106 / #206: provides service seven (7) days a week, every 30-minutes, between Chippawa (an historical neighbourhood located to the east) and the transit terminal located at Main Street and Ferry Street. Bus stops are located at the intersections of Marineland Parkway/Stanley Avenue and McLeod Road/Ailanthus Avenue. These bus stops can be accessed by a 15-minute walk from the centre of the Site.



City of Niagara Falls Official Plan -
Major Roads Plan

Source: City of Niagara Falls Official Plan Schedule C (January 2015)

Figure
8

Route #112: provides service Monday-to-Saturday, every 60-minutes between Chippawa and the Niagara Square Shopping Centre at McLeod Road and the QEW. Bus stops are located along McLeod Road at the intersections of Marineland Parkway/Stanley Avenue, McLeod Road/Alex Avenue, and McLeod Road/Drummond Road. These bus stops can be reached within a 20-minute walk from the centre of the Site.

Route #103/#203: provides daily service every 60 minutes between Niagara Square Shopping Centre and to Main and Ferry Streets.

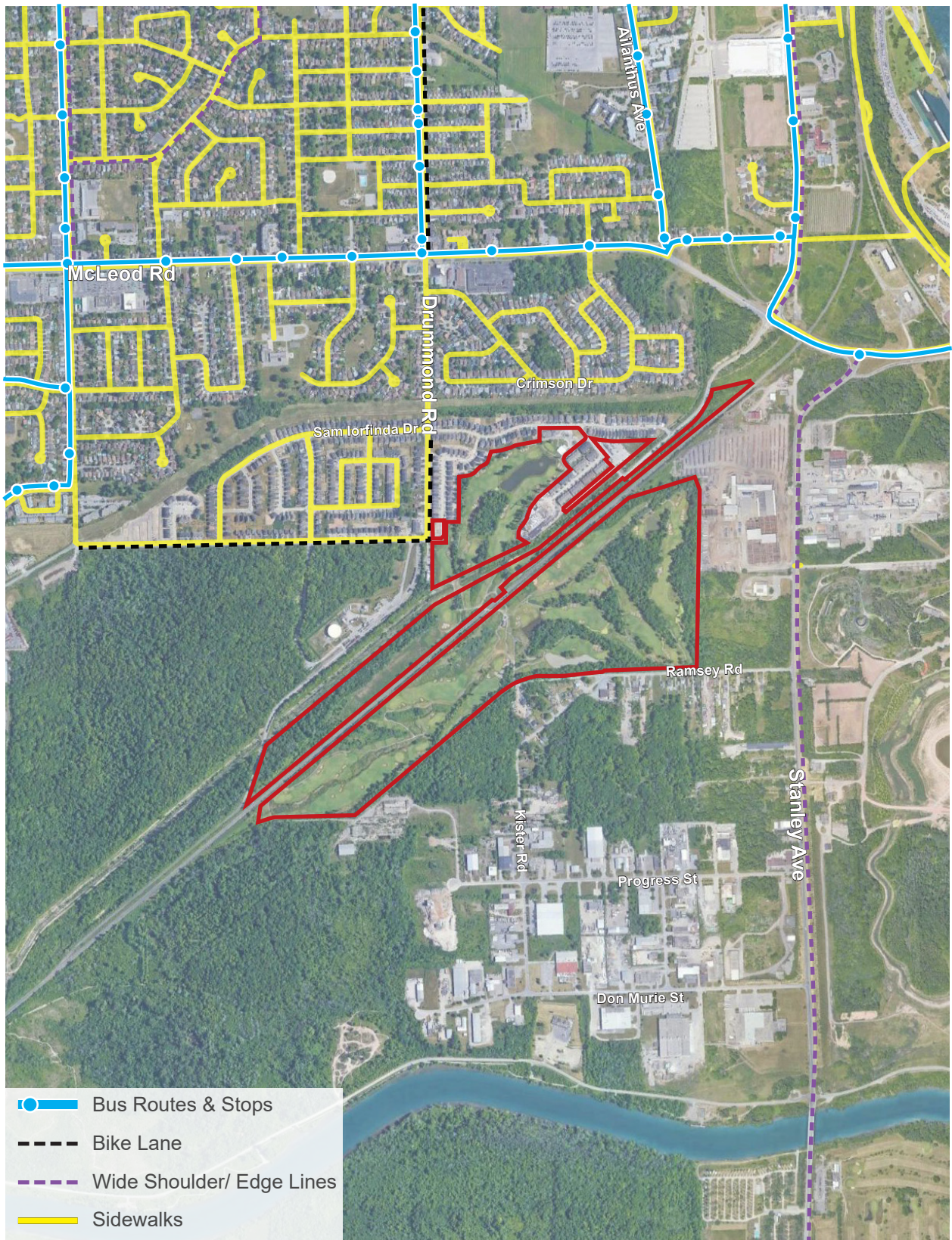
The area immediate to the south of the Site, including the Stanley Business Park, is serviced by Niagara TransCab which provides services for areas of the City not served by regular Niagara Transit. The TransCab operates Monday to Saturday from 6:00 a.m. to 6:30 p.m. and will pick up the user at a previously booked time and connect them with a regular Niagara Transit bus route.

Active Transportation

Although the area is largely car-orientated, there are several multi-use trails and on-street Bicycle lanes and paved shoulders in the vicinity of the Site, including:

- To the north there are bike lanes Drummond Road north of McLeod Road;
- To the east, there are paved shoulders and/or bike lanes along Stanley Avenue; and
- Further to the east (± 1 km), there is the significant Niagara River Recreational Trail.

Pedestrian mobility is facilitated in the local area by sidewalks along Oldfield Road, Drummond Road, and portions of Stanley Avenue, Marineland Parkway, and McLeod Road. The existing active and public transportation network are shown in **Figure 9**.



Existing Active & Public Transportation Network

Source: Google Aerial Imagery (2017)

Figure
9

2.6 Key Planning Issues

Based on the comments received during the Pre-Consultation Meetings, Open House, Stakeholder Meeting, as well as the proceeding review of the Site and surrounding land uses, the proposed development of the Site addresses the following:

2.6.1 Environmental Considerations

There is one (1) Provincially Significant Wetland (“PSW”) located in the southwest corner of the Site. In February 2019, R.J. Burnside submitted an assessment of the natural features on the Site to the Ministry of Natural Resources and Forestry (“MNR”). The R. J. Burnside assessment included a request to revise the boundary of the PSW to reflect the site-specific conditions and features. A letter from the MNR dated June 28, 2019 (attached as **Appendix D**) confirmed that the MNR updated their mapping to exclude the eastern half of the former wetland “...*due to the small size, which is estimated as 0.38 hectares, and lack of connectivity to the wetland complex.*”

The PSW shown in **Figure 10** reflects the adjusted boundary by the MNR.

There are two (2) woodlots located on the Site. The larger woodlot is located on the eastern half of the Site while the second smaller woodlot is located toward the western edge of the Site.

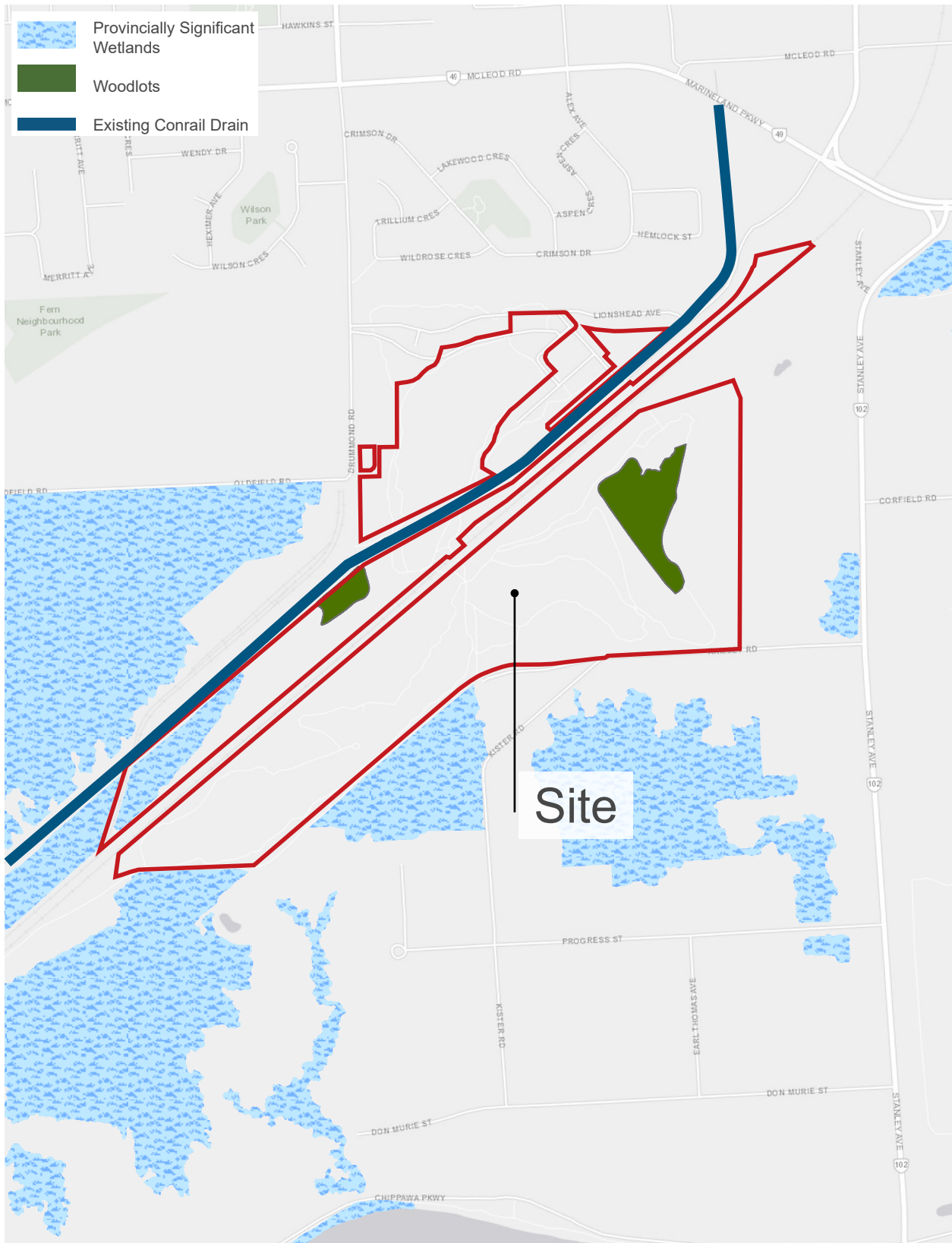
The layout of the proposed subdivision takes into consideration the location and function of these environmental features to ensure they meet all applicable Ministry and municipal standards.

2.6.2 ConRail Drain

The drainage feature known as the ConRail Drainage Ditch traverses the Site diagonally from the northeast to the southwest where it drains into the Welling River (Hydro Canal). As part of the Subject Applications, a portion of the ConRail Drainage Ditch is proposed to be realigned approximately 80m to the south to run parallel to the CP Rail line before returning to the original route. The realignment of the ConRail Drainage Ditch will require the approval and acquisition of lands currently owned by the City.

2.6.3 CP Railway

The existing CP Rail line currently runs through the Site diagonally, see **Figure 3**. Based on information provided in a letter from CP Rail on November 6th, 2018, (**Appendix E**) the line is in the vicinity of mile 4.0 of CP’s “Montrose Subdivision” and is classified as an Industrial Spur line. The spur line serves the industrial facilities in the immediate area through spur tracks that lead into individual industrial facilities. The spur line does not serve the broader community.



The average speed for trains moving through the Site is 25 km/h (15 mph) with a maximum permitted speed of 40 km/hour (25 mph). Based on rail traffic data from November 2018, approximately two (2) freight trains travel through the Site between 11:00 PM and 7:00 AM with no trains travelling between 7:00 AM and 11:00 PM. A maximum of 20 cars per freight train is permitted. The Golder Report proposes mitigation measures to be implemented for the proposed development to address any noise concerns.

2.6.4 Traffic, Transportation, and Access

The Site is currently accessed through two private roads and to ensure vehicular movement throughout the Site it needs to be connected to the existing road network. The proposed development recommends the extension of the existing roads in and through the Site to better integrate the surrounding road network. The proposed development also generates additional traffic that will be addressed by the appropriate development requirements to ensure that existing and proposed roads have the capacity to accommodate the increase in traffic.

2.6.5 Proximity of Existing Industry

The Stanley Avenue business park is located directly to the southeast of the Site. This Business Park contains a range of industrial facilities including Class I, II and III uses. The proposed development will not interfere with the continued use and operation of these existing facilities. Air quality and noise and vibration have been taken into consideration and assessed as part of the reports submitted in accordance with MECP standards to ensure that the redevelopment of the Site for residential purposes appropriately addresses any existing and potential impacts from the permitted industrial uses.

2.6.6 Public Open Space

The existing Thundering Waters golf course represents a large private amenity space in the community. During the public consultation the existing residents expected that the privately owned and operated golf course would continue in perpetuity.

The existing residential areas is located on a portion of the former golf course (see **Figure 3**). The proposed development to offset the green space provided by the private golf course proposes to integrate public open space areas and multi-use trails throughout the development that would be publicly accessible and provide a benefit to the broader community.

3.0 PROPOSED DEVELOPMENT

3.1 Overview of Proposed Development

The Subject Applications propose to the redevelopment of the Thundering Waters Golf Club into a new residential neighbourhood that will transform the existing golf course into a mixed use neighbourhood with a new street fabric interwoven with existing streets, provide a variety of residential types and forms, and allow for a connected system of public multi-use trails, parks, parkettes and open spaces. The overall structure and layout of the proposed development includes natural areas, streets, stormwater management ponds, parks, trails, mixed use areas, multiple residential development and low-density residential uses.

The proposed draft plan of subdivision shown in **Figure 11** and includes the following:

A total of between 902-1134 residential units in the form of:

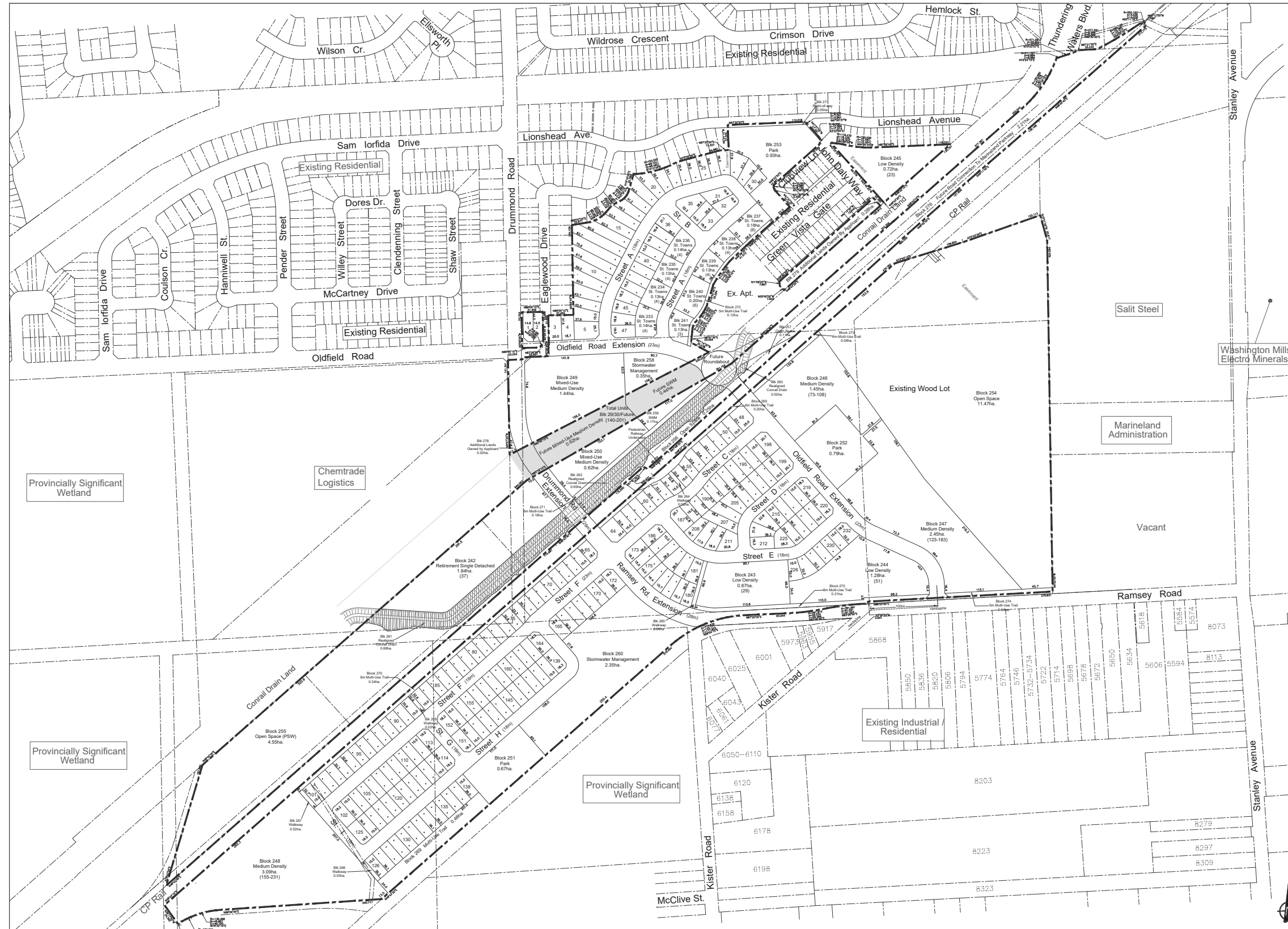
- 232 single-detached dwellings across 13.66 ha;
- 39 street townhouse units on 1.31 ha;
- 37 retirement single-detached dwellings (as part of a condominium) on 1.84 ha;
- 351-522 medium-density units in the form of townhouses and/or low-rise apartments on 6.99 ha; and
- 140-201 residential units in a 2.06 ha mixed-use block.

In addition, the proposed development includes significant environmental areas and open spaces, all of which are to be connected by a series of multi-use trails and walkways, specifically:

- 2.39 ha of parks/parkettes across three (3) blocks;
- 16.38 ha of open space across four (4) blocks; containing the existing woodlands and Provincially Significant Wetland;
- 2.87 ha for storm water management areas on three (3) blocks;
- Five (5) walkway blocks totaling .13 ha;
- Seven (7) multi-use trail blocks totaling 1.52 ha; and
- 1.55 ha to accommodate a re-aligned ConRail Drainage Ditch across three (3) blocks.

The notable transportation features integrating the Site with the surrounding areas include:

- Proposed extensions of Drummond Road, Oldfield Road, and Ramsey Road; and
- Two (2) at-grade CP Rail crossings.



CONTRACTOR SHALL CHECK ALL DIMENSIONS ON THE WORK AND REPORT ANY DISCREPANCY TO THE CONSULTANT BEFORE PROCEEDING. THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS AUTHORIZED IN WRITING BY CONSULTANT.

KEY PLAN

NO.	DATE	DESCRIPTION
01	23/05/2019	DRAFT SUBDIVISION PLAN
02	28/05/2019	DRAFT SUBDIVISION PLAN
03	29/05/2019	DRAFT SUBDIVISION PLAN
04	19/08/2019	DRAFT SUBDIVISION PLAN (GSP)
05	05/09/2019	DRAFT SUBDIVISION PLAN (GSP)
06	08/18/2019	DRAFT SUBDIVISION PLAN (GSP)
07	12/12/2019	DRAFT SUBDIVISION PLAN (GSP)
08	28/01/2020	DRAFT SUBDIVISION PLAN (GSP)
08	10/02/2020	DRAFT SUBDIVISION PLAN (GSP)

LEGEND

- Property Line
- City Owned Land to be Acquired
- Realigned Conrail Drain

USE	LOTS / BLOCKS	UNITS	AREA (ha.)
Single Detached Residential	1-232	232	13.66
Street Townhouses	233-241	39	1.31
Retirement Singles	242	37	1.84
Low Density Residential	243-245	103	2.87
Medium Density Residential	246-248	351-522	8.99
Mixed-Use Medium Density Residential	249-250	140-201	2.06
Park / Parkette	251-253		2.39
Open Space	254-257		16.38
Stormwater Management	258-260		2.87
Realigned Conrail Drain	261-263		1.55
Walkway	264-268		0.13
Multi-Use Trail	269-275		1.52
Future Road Connection	276		2.21
Right-of-way	277		0.05
Additional Lands	278-279		0.30
Roads			7.93
TOTAL			902-1134 64.06

UNIT BREAKDOWN	UNITS
Singles	232
Retirement Singles Condo	37
Street Townhouses	39
Low Density Residential (towns, back-to-back town)	103
Medium Density Residential (towns, back-to-back town, or low rise apartments)	351-522
Total	762-933

ADDITIONAL INFORMATION (UNDER SECTION 51(17) OF THE PLANNING ACT)
 INFORMATION REQUIRED BY CLAUSES a,b,c,d,e,f,g,j AND I ARE AS SHOWN ON THE DRAFT PLAN.
 i) Municipal water supply
 j) Fill clay and minor sand
 k) All sanitary and storm sewers as required

OWNER'S CERTIFICATE
 I AUTHORIZE THE GSP GROUP INC. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE CITY OF NIAGARA FALLS.

2592893 ONTARIO INC. DATE

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE CORRECTLY SHOWN.

MATTHEWS, CAMERON, HEYWOOD
 KERRY T. HOWE SURVEYING LTD. DATE

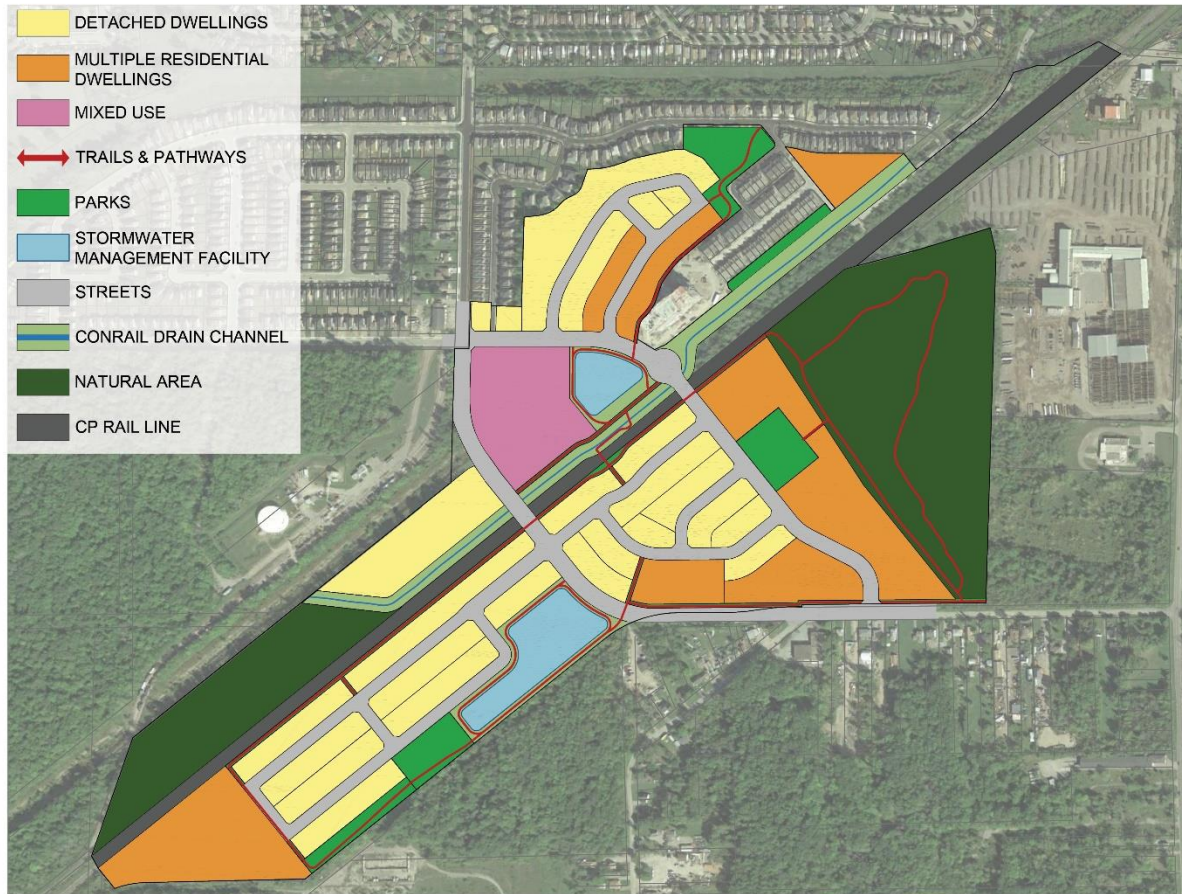
Client Information:
INVEST GROUP LTD
 INVEST GROUP 4308 Village Center Court, Mississauga
 T: 905.277.0086 | F: 905.277.0086 | S: 905.277.0086 | Skype: Sattaj

PROJECT:
NIAGARA VILLAGE
DRAFT PLAN OF SUBDIVISION
 Part of Lots 1 and 3, Plan 4
 Part of Blocks 'A', 'B', 'C' and 'F', Plan 8
 Part of Lots 189, 195, 215, 216 and 217
 And Part of the Road Allowance Between Lots 195 and 196 (CLOSED BY BY-LAW NO. 4, 2019, 20190404)
 And Part of the Road Allowance Between Lots 195 and 216, 217 (CLOSED BY BY-LAW NO. 4, 2019, 20190404)
 And Part of the Road Allowance Between Lots 216 and 217 (CLOSED BY BY-LAW NO. 10, 2019, 20190520)
 Geographic Township of Stamford
 City of Niagara Falls

DRAWING SCALE:
 1:2500
 DATE:
 2019-05-29



The Structure Plan included in the Neighbourhood Structure Plan & Design Guidelines prepared by GSP Group (February 2020) establishes the overall neighbourhood design as set out below:



The proposed development includes natural areas, streets, stormwater management ponds, parks, trails, mixed use areas, multiple residential development and detached residential dwelling. No development is proposed in the natural areas and includes a wetland and wooded area, and the open portion of the ConRail drain.

The street pattern through the neighborhood has been integrated with the existing street fabric to better connect the area with existing development, employment uses, public facilities and resources situated to the north and south. Local streets are connected to these principal streets wherever possible.

There are two stormwater management facilities proposed: one north of the CP Rail, the second to the south. Both stormwater management ponds are designed as attractive features internal to the proposed development and connected to the larger green space network by the trails.

Three neighbourhood parks are proposed to complement the natural areas and stormwater management ponds. The Design Guidelines note that each park is located as a focus of one of three sub-neighbourhoods within an approximate 250m walking distance. The North Park (Block 253) is meant to “*assist with managing the interface between the existing fabric and the new development*”. The South Park (Block 260) is located west of the south Stormwater management pond as an extension of this green space. Finally, the Central Park (Block 252) is centrally located at the centre of the neighbourhood’s higher density focus and next to the woodlot and its proposed trail system.

The Design Guidelines (page 20) describe the trail system as “A connected and continuous trail network [that] winds through the neighbourhood and its parks, open spaces and streets.” This network provides for walking and cycling recreational opportunities to both new residents and adjacent residential communities. The trail system also connects to existing or potential future cycling and walking routes in the surrounding area and has been organized as a continuous circuit. South of the rail corridor the 6 metres multi-use trails run through dedicated corridors parallel to the rail corridor and along the perimeter of the Site and through parks and the natural retained woodlot open space (Block 254) to the northeast. The trails north of the rail line connect into the principal trail circuit, particularly those surrounding the mixed-use centre and the northerly stormwater management pond (Block 258). These off-road trails all interconnect with intended cycling and pedestrian facilities on the main connector streets through the neighbourhood.

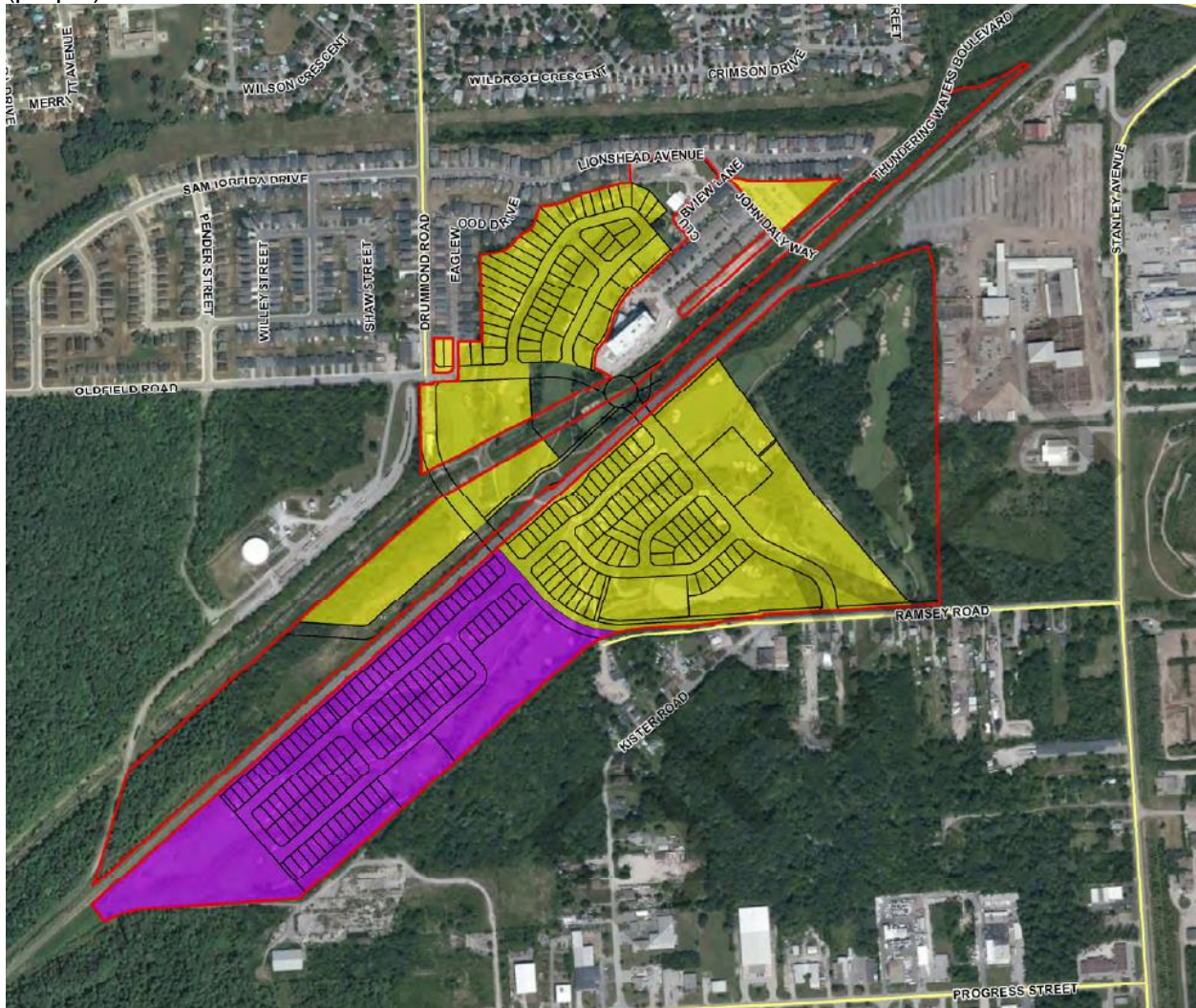
The large mixed use block (Block 249) is a neighbourhood focal point that includes multiple residential buildings and mixed use buildings and small scale commercial uses that serve the neighbourhood and surrounding area. Situated in the centre of the Site at the intersection of the extension of Oldfield and Drummond Roads – the two principal collector roads in the development - this Block is premised on the realignment of the ConRail drain further south along the CP Rail corridor. The mixed-use block is physically prominent due to its location at the intersection of two collection roads, as well as the uses that frame it; including a stormwater management pond to the east and the realigned open ConRail drain to the south.

Several multiple residential blocks are distributed throughout the neighbourhood and provide opportunities for a range of multiple housing forms including street townhouse, block or cluster townhouses, back to back townhouses, and low-rise apartments. To the east, the blocks have been organized to frame the park and focus medium density development along routes that could accommodate future public transit.

In addition, medium density Blocks 246 and 247 screen the noise from the industrial development (Salit Steel) to the east in excess of 200 metres away. Noise barriers, combined with the orientation and design/construction of buildings, will ensure that noise is appropriately mitigated from the inhabitants of these multiple dwellings as well as development further to the west.

The remainder of the neighbourhood consists of low density single detached dwellings that are in keeping with the surrounding residential uses including 15metre frontages. A small “adult lifestyle” development is proposed on a private road on Block 242 located north of the CP Rail.

The development is premised on the City’s approval of a Class 4 noise designation of the lands identified in yellow below as deemed appropriate by the Golder Noise and Vibration feasibility study (Source: Figure 6 of Golder’s Noise and Vibration feasibility Study), with remaining lands (purple) identified as Class 2.



Other noise mitigation measures proposed to be implemented associated with Salit Steel, Chemtrade and Quality Ready Mix that form a part of the proposed draft plan for the Site include:

- 5-metre-high noise barriers along the western limits of Block 254 and the southern limits of block 247 to mitigate noise from Salit Steel;

- 5 metre high noise barriers along the rear lot line of Lots 126 to 138, Lots 165 to 172, the to mitigate noise from Quality Ready Mix;
- A 3-metre-high noise barrier along the south limits of Block 248 to mitigate noise from Ready Mix; and
- 3-metre-high noise barriers along the northern limit of Block 242, the north limits of Lots 65 to 101 and along the west side of the Drummond Road Extension where it abuts Chemtrade to mitigate noise from Chemtrade to mitigate noise from Chemtrade;

3.2 Appropriateness of the Proposed Development

The proposed subdivision has been arranged and laid out in consideration of the planning issues identified in Section 2.6 of this report. Specifically, each of the planning issues is addressed as follows:

3.2.1 Environmental Considerations

The natural areas contained within and adjacent to the Site have been appropriately integrated into the proposed development. The Site contains two (2) key environmental features that were considered in the layout of the subdivision, including a Provincially Significant Wetland (PSW), and a woodlot as described above. The EIS prepared by R.J. Burnside recommends minimum buffers surrounding the woodlot and wetland features. A 15-metre buffer is recommended surrounding the wetland feature (Block 255 in Figure 12) and a 10-metre buffer is recommended surrounding the woodlot feature (Block 254 in Figure 12) and have been incorporated into the proposed redevelopment.

The PSW is a linear wetland feature located in the southwest corner of the Site that is bounded by the CP Rail line to the south, the existing ConRail Drainage Ditch to the north, and spur rail line to Chemtrade Logistics to the north and west. This wetland feature is proposed to be included in a 4.55 ha open space block (Block 255 in Figure 12) in order to protect its ecological wetland function. No development is proposed within this area.

The woodlot has been included in a significant 11.47ha open space area (Block 254 in Figure 12). This represents the largest single block proposed in the subdivision and will ensure the protection of the woodlot as well as serve as a buffer between the proposed development and existing industrial operations to the east. A number of smaller woodlots are found within the proposed development area and while these smaller woodlots are proposed to be redeveloped the loss of these wooded areas will be compensated by tree plantings in Block 254 to the satisfaction of the MNRF and Conservation Authority.

The Environmental Impact Study confirms that these smaller tree covered areas through the landscape can be removed with compensation efforts elsewhere on the Site. A comprehensive naturalization program is proposed through and surrounding the woodland and wetland features.

3.2.2 ConRail Drainage Ditch

The existing ConRail Drainage Ditch (the “ConRail Drain”) is a municipally-owned open sewer that runs diagonally to the north of the CP railway line. The ConRail Drain conveys upstream flows throughout the area and leads to the Welland River located southwest of the Site. The ConRail Drain is a municipal drain that is owned by the City of Niagara Falls and has a varying cross section that is generally flat bottomed with depths ranging between 3 and 6 metre and a bottom width upwards of 2.6 metres.

While the CP Rail bisects the Site into two parcels – one to the north and one to the south; the ConRail Drain further separates the land into a third parcel resembling a long east-west corridor running parallel to the CP railway.

As part of the development of the Site, the ConRail Drain is proposed to be realigned so that it runs parallel and adjacent to the CP railway to provide for a more efficient and effective layout of the subdivision and its associated servicing requirements. The re-alignment of the ConRail Drain will require the agreement of the City along with the acquisition of City-owned land as illustrated on **Figure 12**.

The proposed realignment of the ConRail drain provides a servicing solution that also results in a more efficient use of the land for urban development. Approximately 1 hectare of the existing ConRail Drain (City owned land) is proposed to be added to the developable area of the site – while approximately 1.55 ha of the developer’s land (Blocks 261 to 263 in Figure 12) will be used for the realignment of the ConRail drain.

3.2.3 CP Railway

The CP Railway traverses the Site and at this location, this CP Railway is classified as an Industrial Spur Line that services only the industrial facilities in the immediate area. CP’s standard Industrial Spur Line Requirements are as follows:

1. *Setback of dwellings from the railway right-of-way to be a minimum of 15 metres. While no dwelling should be closer to the right-of-way than the specified setback, an unoccupied building, such as a garage, may be built closer.*
2. *A clause should be inserted in all offers of purchase and sale or lease and in the title deed or lease of each dwelling within 300 m of the railway right-of-way, warning prospective purchaser or tenants of the existence of the Railway’s operating right-of-way; the possibility of alterations including the possibility that the Railway may expand its operations, which expansion may affect the living environment of the residents notwithstanding the inclusion of noise and vibration attenuating measures in the design of the subdivision and individual*

units, and that the Railway will not be responsible for claims arising from the use of its facilities and/or operations.

3. *Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to be reviewed by the Railway.*
4. *A 1.83 metre high chain link security fence be constructed and maintained along the common property line of the Railway and the development by the developer at his expense, and the developer is made aware of the necessity of including a covenant running with the lands, in all deeds, obliging the purchasers of the land to maintain the fence in a satisfactory condition at their expense.*
5. *Any proposed utilities under or over railway property to serve the development must be approved prior to their installation and be covered by the Railway's standard agreement.*

In addition to the standard CP requirements listed above, the Railway Association of Canada in association with the Federation of Canadian Municipalities have developed “Guidelines for New Development in Proximity to Railway Operations” (May 2013). As outlined in Section 3.3.1—Guidelines, the standard recommended building setbacks for new residential development in proximity to railway operations is 15m for a Spur Line. This is consistent with the minimum setback established in CP’s standard requirements. The proposed development of the Site incorporates a 15m setback and no portion of any building is proposed within this setback.

In addition, the two (2) proposed at-grade crossing will require approval from CP Rail. These proposed crossings correspond with the extension of existing roads (i.e., Drummond and Oldfield) and are discussed in greater detail in the next section.

3.2.4 Traffic, Transportation, and Access

One of the key planning issues addressed by the subdivision layout is the limited amount of access/egress and integration with the surrounding road network. The proposed development resolves this issue through the connection of Drummond Road with Ramsey Road by extending these two roads, and by doing so, connecting the Drummond Heights neighbourhood with the employment uses located in the Stanley Park Business Park. In addition, Oldfield Road is proposed to be extended east to connect with Ramsey Road. Also, the Oldfield Road extension could ultimately connect to Thundering Waters Boulevard in a future round-a-bout configuration, prior to continuing to the southeast to linkup with Ramsey Road. The extension of these two collector roads are intended to act as the main active transportation corridors with on-street bicycle facilities and sidewalks.

From these principal streets, a series of local streets (18 metres wide) are arranged in and inter-connected to provide for the ease of movement throughout the Site for drivers, pedestrians and cyclists. The local streets are intended to have sidewalks on both sides of the street.

Finally, the existing pedestrian (golf cart) underpass crossing the existing rail corridor will stay in place and incorporated into the proposed development as a multi-use trail system.

3.2.5 Private Open Space vs Public Open Space

The existing golf course is a privately owned and operated facility. It is enjoyed by members of the golf course including the private condominium development built in the northeast corner of the former golf course. The loss of this private amenity will be offset by providing *publicly accessible* parkettes, parks, open spaces, multi use trails and walkways. The golf course is not open space provided to the public, it is in a private space restricted to paying patrons. The proposed parkette and three (3) proposed park blocks as part of the proposed development will be publicly accessible to all members of the neighbourhood and the wider community.

Existing residents along Clubview Lane will have access to a 0.93 ha park (Block 253) along the northern portion of Clubview Lane. A 5m wide multi-use trail (Block 272) is proposed to run parallel to the rear of the existing residential area as well as the 10-storey apartment building, ultimately connecting to a sidewalk along the Oldfield Road Extension.

To the south of the existing residential area, another park (block 252) is situated south of the CP Railway that provides a connection to an open space area (Block 254) containing the existing woodlands. Those portions of the golf course currently situated within Block 254 will be able to naturalize over time.

Located to the southwest of the existing residential condominium development, are two (2) storm water management blocks (Blocks 268 & 260). These stormwater management blocks provide more open space from a visual perspective as they will be designed in a naturalized state and provide pedestrian connections around the perimeter and connections to the trail.

Overall, a network of walkways and multi-use trails have been incorporated into the layout of the subdivision to increase recreational opportunities for existing and future residents.

The existing residential areas located toward the north and centre of the Site were once part of the golf course, as shown in **Figure 3**. The proposed development represents a continuation of this evolution of the Subject Land over time towards residential use. The proposed development will introduce a network of public sidewalks, public multi-use trails, public parks, public parkettes, and public open spaces that will increase opportunities for recreation and active transportation and result in more green space being available to the public.

3.2.6 Proximity to Heavy Industry – Application of D-Series Guidelines

As identified in Section 2.3—Neighbouring Industrial Operations and **Figure 6**, there are many industrial facilities in proximity to the Site. Any impacts associated with the noise from these facilities will be mitigated through the implementation of the measures set out below. With the implementation of the mitigation measures there are no impacts on the proposed development from the existing industrial operations. The Site is within the potential area of influence of five industrial facilities and within the recommended minimum separation distance of three of these five industrial facilities namely Salit Steel, Chemtrade Logistics and Quality Ready Mix.

Golder completed an air quality and noise and vibration assessment. Golder also verified the required separation distances between the proposed development and the adjacent industrial uses, as set out in the MOECC D-6 Land Use Compatibility Guidelines (“D-6 Guidelines”).

The neighbouring industrial use were classified as Class I, II, or III to determine the influence area and minimum separation distance for each operation, assuming the ‘worst case scenario’ for vacant lots. The D-6 Guidelines defines the classification of the land uses as follows:

Class 1 (light industrial) industries include small scale business that are self-contained which produce a product contained to a package with a low probability of emissions. These uses have no outside storage and only operate during the daytime. (20 metre minimum separation distance)

Class II (medium industrial) industries include medium scale processing and manufacturing with occasional outputs of either point of fugitive emissions. Frequent movement of products and/or heavy trucks during the daytime hours. Outside storage of wastes or materials exists. The facility is permitted to have shift operations. (70 metre separation distance)

Class III (Heavy industrial) industries include large scale processing or manufacturing. Frequent outputs of major annoyance with a high probability of fugitive emissions. Continuous movement of products. Outside storage of raw and finished product exists. The facility is permitted to have shift operations. (300 metre separation distance)

The D6 Guidelines recommend that sensitive land uses should not be within the minimum separation distance *unless a detailed study that focuses on the actual influence area is carried out*. Golder has carried the first phase of these detailed noise studies to determine the separation distances applied to the Site.

Golder concluded that the Site can be developed provided the following mitigation measures are implemented:

- a) Separation distance from Salit Steel to ensure no development occurs within 200 metres of the western limits of Salit Steel.
- b) Noise walls/berms constructed prior to development occurring within the areas identified in the Golder report.
- c) Implementation of a Holding “H” provision in the areas identified pending the completion of acceptable noise studies at the site plan stage and prior to development when detailed grading information and specific building designs are better known.
- d) Acoustical building design/construction restrictions in noise sensitive areas; and,
- e) Class 4 Noise designation to ensure that the subject development is treated consistent with other development in the vicinity where Class 4 designations have already been granted by the City.

3.2.7 Appropriateness of Class 4 Area Noise Receptor

It is anticipated that some concerns may be expressed by the adjoining industrial operators relating to the development of sensitive land uses in proximity to the existing industrial operations that could potentially limit the continued operation and expansion opportunities of industrial uses. These issues are addressed through the implementation of a Holding “H” provision in the appropriate areas and the implementation of the appropriate mitigation measures.

The intent of the MECP’s Guidelines is to assist in resolving conflicts between stationary industrial sources and noise sensitive land uses (i.e., residential). One of the substantial changes in the MECP requirements in 2013 was the introduction of a Class 4 Area. A Class 4 Area is intended to be used as a tool to allow municipalities to approve noise sensitive land uses with more relaxed noise limit levels in an area of existing stationary noise sources to promote intensification where the appropriate mitigation measures are implemented.

NPC-300 defines a Class 4 Noise Receptor Area as an area or specific site that would otherwise be defined as Class 1 and 2 and meets the following criteria:

- Is an area intended for development with new noise sensitive land use(s) that are not yet built;
- Is in proximity to existing, lawfully established stationary source(s); and,
- Has formal confirmation from the land use planning authority with the Class 4 Area classification which has been determined during the land use planning process.

The Golder Noise and Vibration Assessment confirms that under the existing Class 1 and 2 designations, the application of the D-6 Guidelines regarding setbacks and separation distances would not be satisfied within the Site. Classification of the area as a Class 4 Noise Receptor Area

would, alternatively, allow for the proposed development through the implementation of mitigation methods including setbacks, building design (e.g. buildings designed such that the affected facades do not have any noise sensitive windows at locations where excesses are predicted, or in the case of multi storey buildings, a site specific design could mean the use of a single loaded corridor) and noise barriers, .

The existing sensitive land uses that currently surround the industrial uses would not be adversely affected by deeming all or part of the Site as a Class 4 Area.

As set out in detail in the Golder Report the NPC-300 identifies several considerations to apply to a proposed Class 4 Area designation and associated new noise sensitive land use(s) including but not limited to:

- Submission of a satisfactory noise impact assessment which includes noise measures are required by NPC-300;
- Appropriate notification to prospective purchasers that the dwelling is in a Class 4 Area, which may include, but is not limited to, agreement for noise mitigation (registered on title) and appropriate warning clauses in future agreements of purchase and sale;
- Providing a copy of the approved noise impact assessment and Class 4 Area designation confirmation to the surrounding owners of the stationary sources;
- Once a site is designated Class 4 area, it would remain as such, subject to the continuing presence of the stationary sources;
- Adjacent Class 1 or Class 2 Areas would not be reclassified until they are redeveloped and meet the requirements of a Class 4 Area; and
- Where a municipality designates a site as Class 4 Area the relaxed noise levels would also apply to the Ministry's Environmental compliance Approval (ECA) of the stationary source.

The Class 4 Area designation is implemented through Official Plan and/or zoning By-law amendments, by Council Resolution or through Site Plan approvals.

The Class 4 Area designation for the Site is being addressed through the recommendation of the Official Plan and Zoning By-law amendment applications. The lands are to be placed within a holding provision to ensure a detailed review of the mitigation strategy, based on the proposed building design and methods of construction, is prepare and supported through subsequent noise/odour and dust study.

The proposed Zoning By-law Amendment, supported through the submission of Air Quality and Noise and Vibration Assessments, and additional work required through the proposed holding

provisions and subdivision approval, will meet the objectives of a Class 4 Area designation and appropriately mitigation any impacts from the industrial area on the Site.

Proposed Development Suitable for the Site

All of the planning issues have been identified and addressed through the proposed design and layout of the Site. All the required technical studies have been completed in support of the proposed development including the support for the Class 4 designation.

The next section provides a summary of the supporting technical studies.

3.3 Supporting Studies

Below is a summary of the findings for the technical studies and reports prepared in support of the Subject Applications:

3.3.1 Air Quality Assessment

An Air Quality Assessment was completed by Golder Associates Ltd. (November 2019) to address impact of neighbouring properties and their uses, roads, rail lines, air traffic etc., on development proposals involving residential uses and other similar sensitive uses. The Golder Report meets the requirement of an air quality study for a land use compatibility assessment as required by the City of Niagara Falls.

The air quality assessment focuses on the suitability of introducing sensitive land uses (residential) to the Site based on the existing air emission sources; land use compatibility assessment; and an air quality assessment. The Golder Report conducts an assessment of land use compatibility through the application of the Ministry of Environment, Conservation and Parks (MECP) D -Series Guidelines to determine whether further air quality assessments are required for industrial sources as well as potential air quality impacts from industrial sources.

Based on the D-6 Guidelines, the Site is within the *potential influence area separation distance* of five industrial facilities: Mancuso Chemicals Limited, Washington Mills, Chemtrade Logistics Inc., Quality Ready Mix, and Salit Steel. The Site is also within the recommended *minimum separation distance* of three of these five facilities: Washington Mills, Chemtrade Logistics Inc. and Salit Steel.

The Golder air quality assessment addresses the land use compatibility between the five existing industrial facilities previously noted and the proposed residential use of the Site and confirms the suitability of the development of the Site for residential purposes.

a) Mancuso Chemicals Limited (Class III)

As noted, Mancuso Chemicals Limited manufactures furan resin, acid catalyst and alkyd resin and is classified as a Class III industry. The Golder Report confirms that there are existing residences closer to the facility than those proposed within the Site, including residences that are in the same wind direction but approximately 50m closer than the Site. The Golder Report concludes that the proposed development of the Site is not anticipated to impact the ability of the Mancuso Chemicals facility to continue their operations from an air quality perspective.

b) Washington Mills Electro Minerals Corporation (Class III)

The existing approvals for Washington Mills allow for the production of up to 90,718 tonnes of fused material per year. Golder's conservative screening assessment concludes (see page 18)

that the proposed development of the Site is not anticipated to impact the ability of the Washington Mills facility to continue their operations from an air quality perspective.

c) Salit Steel (Class II)

The Golder Report notes that Salit Steel primarily stores solid, inert finished products and as a result there are no significant sources of air quality emission. The Golder Air Quality assessment concludes that the development of the Site is not anticipated to impact the ability of Salit to continue their operations from an air quality perspective (page 21).

d) Chemtrade Logistics Inc. (Class II)

Golder's air quality assessment concludes at page 20 that the Chemtrade facility is unlikely to exceed the applicable MECP air quality standards for the Site, and as a result, *"the proposed development of the Site is not anticipated to impact the ability of the Chemtrade facility to maintain compliance with their ECA"* from an air quality perspective.

e) LaFarge Quality Ready Mix (Class II)

The Golder Air Quality Report completed a simplified emission estimate and dispersion modeling assessment and concluded that the predicted concentration for the Quality Ready-Mix facility are unlikely to exceed MECP Air Quality Standards at the Site. As a result, the Study concludes that the proposed development is not anticipated to impact the ability of the Lafarge Quality Ready-Mix facility to continue their operations from an air quality perspective.

Summary

The Golder Report's air quality land use compatibility assessment confirms that there are twenty industrial facilities, one railway line and two arterial roads located within the Study Area. Five industrial facilities were identified that could potentially have an impact on air quality at the Site. Golder completed an air quality assessment for each facility to ensure that air quality concentrations at the Site do not go below the applicable MECP air quality criteria for each of the facilities identified.

The Golder Report concludes on page 22 that *"the Site is not anticipated to introduce additional environmental burden on the existing industrial facilities surrounding the Site and the use of mid-rise residential land use at the Site would be considered compatible with current surrounding land uses. In addition, the proposed new sensitive land use is not anticipated to be significantly impacted by emissions from existing nearby sources."*

Based on the Golder Report there are no air quality considerations from the presence of these nearby industrial operations limiting the residential development of the Site.

3.3.2 Noise and Vibration Study

A Noise & Vibration Study was completed by Golder Associates Ltd. dated February 2020 to assess any noise and vibration impacts on the proposed residential development on the Site, subject to the mitigation measures noted below. The Golder Report states at page 52:

“Using the information currently provided by the project team and nearby industrial facilities and assumptions described in this Study, the following describes the on-site recommendations such that predicted noise levels in the north and east section of the Project Site (i.e., adjacent to Salit Steel and the Green vista Gate development) and the areas directly adjacent to Chemtrade (i.e., north of the rail line) comply with Class 4 sound level limits and the predicted noise levels in the southwestern section of the project site comply with Class 2 south level limits.”:

The mitigation measures proposed by the Golder Report include:

- *in the north and east sections of the Site*
 - *a 5m high noise barrier (or berm/barrier combination) along the eastern edge of the Project Site, directly west of the existing woodlot will be needed;*
 - *design of certain buildings so that there are no Points of Reception (“POR”) i.e., balcony/terrace that is more than 4m deep, or windows or doors to noise sensitive spaces) along facades in certain areas. Enclosed noise buffers can be considered at location provided the Class 4 designation is approved;*
- *in the areas of the Site directly adjacent to Chemtrade*
 - *two 3 m high noise barriers (or berm/barrier combinations) facing Chemtrade will be needed;*
 - *certain buildings will need to be designed to that there are no POSs (i.e., balcony/terrace that is more than 4m deep, or windows or doors to noise sensitive spaces) along facades in certain areas. Enclosed noise buffers can be considered at locations provided the Class 4 designation is approved.*
- *In the southwest section of the Site (south of the rail line)*
 - *3 m high noise barrier (or berm/barrier combination) facing Chemtrade and the rail line will be needed;*
 - *3 to 5 m high noise barriers (or berm/barrier combination) facing the ready mix facilities will be needed;*
 - *The first row of low-density homes facing Chemtrade will need to be designed to that there are not PORs (i.e., balcony/terrace that is more than 4m deep, or*

windows or doors to noise sensitive spaces) on the second storey of the façade facing Chemtrade;

- *In medium density area in the southwest corner of the Site, certain buildings will need to be designed to that there are no POSs (i.e., balcony/terrace that is more than 4m deep , or windows or doors to noise sensitive spaces0 along facades in certain areas where the Class 2 sound level limit area exceeded;*
- *The assessment of transportation sources indicate that some building components will need to be designed such that indoor sound levels comply with the sound level limits due to rail traffic the installation of air-conditioning should be considered, and warning clauses may be required. With the Site not having a built form for finalized for multiple dwelling blocks, Golder recommends that further investigation be completed during detailed design.*
- *Warning clauses for stationary sources may identify a potential concern due to the proximity of a facility. Golder recommends warning clauses be included in the sale/rental/lease agreement as they are an important factor of the overall noise mitigation plan for any proposed development, but it does not ensure that noise complains will not occur.*
- *Warning clauses to notify a Class 4 area are recommenced if a Class 4 area designation is approved for certain areas of the Site. In addition, industrial facilities should be notified and provided formal documentation of the Class 4 area approved to supplement their ECA/EASR.*
- *Once the built form in the multiple blocks is finalized, the above on-site mitigation and design of building components may be further refined.*

The Assessment also notes that source-based mitigation measure that are implemented as part of the overall design of the Site can further reduce the need for on-site mitigation measures and will be further invested.

The designation and location of the Class 2 and Class 4 areas by the City will then determine the appropriate mitigation measures required for the Site.

3.3.3 Stage 1 and 2 Archaeological Assessment

A Stage 1 Archeological Assessment was prepared by Golder Associates Ltd. in April 2018 and based on the findings recommended that a Stage 2 assessment be conducted. Golder Associates Ltd. prepared the Stage 2 Archaeological Assessment in January 2019 and concluded that:

“...the Stage 2 assessment did not result in the identification of any archaeological resources of cultural heritage value or interest. This is likely the result of disturbances to the Project Area with its use as part of the Michigan Central Railway yard through much of the 20th century and subsequent development as a golf course. Since no archaeological resources of cultural heritage value or interest were recovered, none of the criteria in Section 2.2 of the ‘Standards and Guidelines for Consultant Archaeologists’ (MTCS 2011) were met and no Stage 3 archaeological assessment of the Project Area is required.” (pg. 16)

Based on the results of the Stage 2 archaeological assessment, it was recommended that the Site be *“considered free from further archeological concern.”* (page 17)

3.3.4 Environmental Impact Study

An Environmental Impact Study (“EIS”) was completed by R.J. Burnside on February 6, 2020. The Study notes that many of the natural heritage features and functions of the Study Area have been heavily modified due to the use of the property as a golf course. Specifically, large areas of existing fairways and greens are comprised of manicured turf. An EIS is required because the proposed development is in proximity to the Niagara Falls Slough Forest Complex Provincially Significant Wetland (PSW).

The EIS provides a comprehensive analysis and discussion of the natural features located within the Study Area and provides the following summary and conclusions (page 83):

One section of the Niagara Falls Slough Forest Complex PSW exists within the southwest portion of the golf course. None of the woodlands were assessed meet the regional or municipal size definition for significant features, though it was determined that Ecological Land Classification (ELC) Polygon #26 may meet the ecological functionality of a Significant Woodland.

R.J. Burnside confirmed that there are four candidate and two confirmed significant wildlife habitats (SWHs) within the Study area including:

- a) waterfowl stopover and staging areas
- b) aquatic,
- c) bat maternity colonies (confirmed),
- d) turtle wintering areas,
- e) reptile hibernacula, and,
- f) colonially-nesting bird breeding habitat.

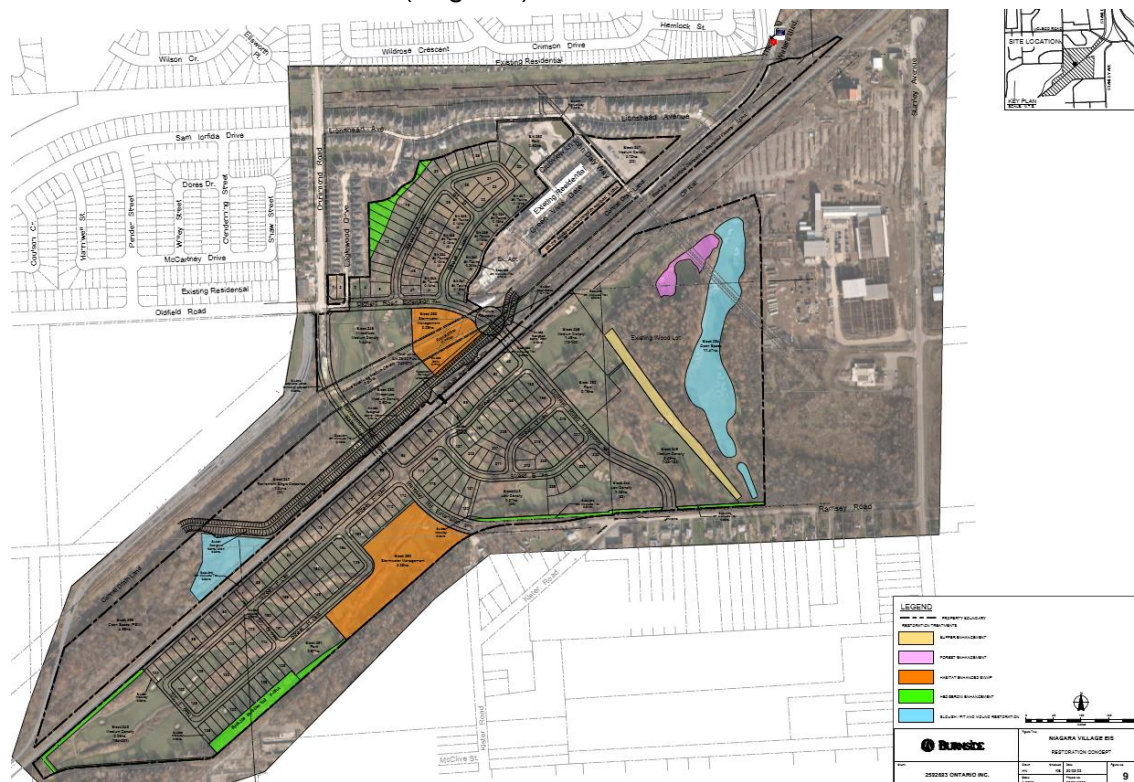
Species of conservation concern include the black-crowned night heron, eastern wood-pewee, great egret, wood thrush, snapping turtle, and the monarch butterfly.

Three species at risk (SAR) were identified as present during surveys including the barn swallow, wood thrush, and monarch.

Aquatic surveys determined that Type 1 and Type 2 fish habitat are not present within the Study Habitat. Type 3 (marginal) habitat is present within the ponds, the ConRail Drainage Channel, and the unnamed intermittent watercourse within the Golf Course. It was confirmed by the Department of Fisheries and Oceans (DFO) that SAR mussel habitat is not present in the Conrail Drainage Channel.

In order to ensure that there are no significant or net impacts to the PSW, potentially significant woodland and wildlife, extensive mitigation and restorage measures are recommended that will provide significant improvements to wildlife habitat, connected vegetation communities and to offset impact to and loss of natural features.

A Mitigation Masterplan is recommended to conceptually illustrate measures that will benefit a number of components of the residual natural heritage features and functions following construction. An excerpt from Figure 9 of R.J. Burnside's EIS is noted below illustrates the type of the measures that will be implemented and include planting to re-establish portions of the original slough forest, will provide benefits to wildlife and enhance the function of the retained wooded and wetland features (Page 73).



The following enhancement and management techniques are recommended by R.J. Burnside's EIS:

- forest enhancement,
- hedgerow enhancement,
- pit and mound restoration,
- buffer enhancements,
- habitat enhanced stormwater management ponds
- invasive species management; and
- additional enhancements such as the provision of bat boxes at the edges of treed areas within the open space block; and
- general best management practices.

3.3.5 Environmental Site Assessment

A Phase One Environmental Site Assessment (“ESA”) was completed in February 2017 by Golder Associated Ltd. Based on the information obtained and reviewed, six (6) Areas of Potential Concern (“APECs”) were identified on the Site, and two (2) additional APECs were identified on neighbouring properties. Accordingly, a Phase Two ESA was required to support the submission.

A Phase Two ESA was completed in June 2018. The objective of the Phase Two ESA was to obtain information about the environmental conditions in the soil and groundwater on, in or under the Site, in addition to investigating the APECs identified in Phase One. The following conclusions were drawn from the findings of the Phase Two ESA:

- *“No evidence of contamination of subsurface soils was apparent from visual, olfactory and screening inspection of samples during drilling;*
- *Soil samples from the Site met the generic Ministry of Environment (“MOE”) Table 9 standards;*
- *No free-phase petroleum hydrocarbon product was observed in the monitoring wells during the investigation program; and*
- *Groundwater samples from the Site met the generic MOE Table 9 Standards.” (pg. 17)*

3.3.6 Municipal Servicing Study -Functional Servicing Report

R.J Burnside completed the Municipal Servicing Study and Functional Servicing Report dated February 6, 2020 and confirmed that the proposed development can be developed on full municipal services.

The R.J. Burnside report proposes the realignment of the existing ConRail Drain to allow for a more contiguous development and reduce service crossings below the ConRail Drain and existing railway corridor. The land between the existing Conrail Drain and the railway corridor would not be able to be serviced as the existing ConRail Drain is too deep to allow services to go underneath to the north and at the same time connect to existing inverts at the Drummond and Oldfield intersection. Services under the existing rail, going south, are costly to construct and to maintain in the future and therefore should be avoided.

The EIS stated that the aquatic survey determined that Type 1 and Type 2 fish habitat are not presented within the Study Habitat. It was confirmed by the DFO that SAR mussel habitat is not present in the Conrail Drainage Channel. The Conrail Drainage Channel was assessed as providing marginal Type 3 fish habitat to tolerant, low sensitive fish species based on receiving storm water and surface runoff from the surrounding area. There was limited habitat features in the Conrail Drainage Channel due to the channel morphology (linear and trapezoidal) and substrate type (rip rap bed and banks). The aquatic assessment shows that the ConRail Drain was designed as a stormwater management controlling feature only. The realignment of the ConRail drain would have minimal impact to the aquatic life based on being classified as Type 3 (Marginal) habitat within the existing ConRail Drain.

The width and depth, including the slope within the realigned Conrail Drain will be the same as the prior existing ConRail Drain, as it can be seen in Drawing CRDP, showing the Plan and Profile of the realigned ConRail Drain. The area of City's Lands required for the realignment of the Conrail Drain is approximately 1.40ha and the land required for the proposed realigned Conrail Drain is around 2.70ha...

The existing pedestrian bridge, currently crossing the ConRail Drain will be reused, relocated and incorporated into the proposed trail system along the new aligned ConRail Drain, allowing the crossing of Rail through the existing underpass.

The R.J. Burnside report confirms that the realignment of the Conrail Drain is appropriate and does not result in any impacts on the surrounding environment.

3.3.7 Stormwater Management Plan

R.J. Burnside completed the Stormwater Management Plan dated February 2020 recommending two stormwater management ponds to accommodate the surface water runoff for the Site. The stormwater management pond on the south side of the Site receives drainage from the areas south of the CN Rail corridor. The stormwater management pond to the north of CP Rail corridor

receives drainage from the north. The R.J. Burnside report demonstrates that the Site can provide adequate stormwater management measures in accordance with applicable regulatory requirement and criteria.

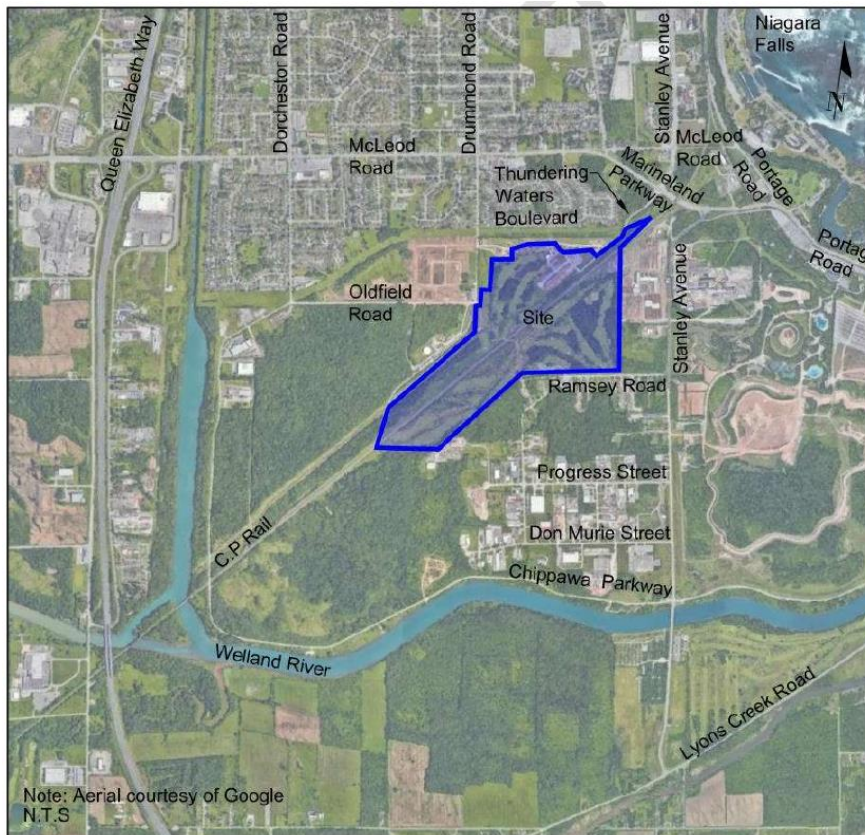
3.3.8 Transportation Impact Study and Parking Impact Analysis

A Traffic Study dated February 2020 was prepared by R.J. Burnside to address existing traffic conditions as well as projected traffic conditions from other developments surrounding the Site to 2026 and 2031. These projected traffic conditions include the approved Riverfront Community located south of Oldfield Road and south of the Site including over 1000 units, 450 hotel rooms and 26,00m² of retail commercial space. The following Figure is an excerpt from the R. J. Burnside Traffic Report (Figure 1, Page 1) and illustrates the key intersections studied by Burnside. The Traffic Report also takes into consideration the road improvements planned in the

Region's environmental assessment.

The Traffic Study notes that under existing conditions all study intersections will operate with excess capacity and experience a level of service or better than currently exists - with the exception of the following intersections:

- Drummond Road and McLeod Road;
- Stanley Avenue and Chippawa Parkway; and
- Stanley Avenue and Lyons Creek road.



The R.J. Burnside Report noted the following:

Drummond and McLeod Roads: Under existing conditions this intersection has excess capacity and level of service C or better. This intersection is part of the Region's planned environmental assessment and improvements expected to occur in 2031. Under 2026 and 2031 conditions improvements will be required including exclusive northbound, westbound and eastbound left turn lanes and the lengthening of each of these turning lanes.

Stanley Avenue and Chippawa Parkway: Under existing conditions, all movements have excess capacity and a level of service B or better is provided. Under 2026 and 2031 conditions improvements will be required including the signalization of this intersection as well as exclusive eastbound, westbound northbound, southbound left turning lanes and an exclusive southbound right turn lane.

Stanley Avenue and Lyons Creek Road: Under existing conditions, all movement at this intersection have excess capacity and a level of service C or better. However, under 2026 and 2031 conditions, improvements will be required including the signalization of this intersection.

R. J. Burnside recommends that railway crossing gates be provided at the two proposed railway crossings of Drummond Road and Oldfield Road respectively to ensure safety for both vehicles and pedestrians. The Traffic Report notes that rail traffic is expected to be minimal and therefore will have limited impacts on any vehicular crossings.

All local streets are to have sidewalks on one side of the street, while sidewalks will be provided along both sides of the Drummond Road Extension and the Oldfield Road Extension. The Traffic Study notes (page 46) that there are currently on-street bike lanes on Stanley Avenue and Drummond Street north of McLeod and recommended that signed bike routes be extended into the development *"to connect with existing and future active transportation pathways and facilities."*

3.3.9 Urban Design/Landscape Plans

GSP Group Inc. prepared a Neighbourhood Structure Plan & Design Guidelines dated February 2020 for the proposed Site. Niagara Region urban design staff requested that a community design guideline be prepared in support of the proposal *"and should include a design basis that identifies the design goals for the development, the elements that will structure the community, and the hierarchies of public streets, public spaces, parks, land use and building form, and other."*

The Neighbourhood Structure Plan & Design Guidelines include the following:

1. An outline of the existing site features and conditions as well as the surrounding context that inform the neighbourhood's design;
2. An outline of the broader design vision and goals for the neighbourhood;

3. An outline of the elements that comprise the neighbourhood's structure;
4. Public realm design guidelines for streets, parks, trails and open spaces; and
5. Private realm design guidelines for the design of development sites and buildings.

The proposed draft plan has been based on this type of neighbourhood structure and took into consideration the public and private realm guidelines. At the site plan approval stage, the Urban Design Guidelines will be followed to ensure the mixed use blocks and townhouse and apartment blocks are appropriately designed.

4.0 PLANNING POLICY REVIEW

The following section sets out the applicable policy and regulatory framework that applies to the Site and provides justification as to why the Subject Applications are appropriate and represent good planning. Text with a green background indicates the analysis and applicability to the Site.

4.1 Ontario Planning Act, R.S.O. 1990, c. P.13

The *Planning Act* R.S.O. 1990, c. P.13 (“Planning Act”) establishes a land use planning system led by provincial policy, integrates matters of provincial interest in provincial and municipal planning decisions. Section 2 of the Planning Act sets out matters of Provincial Interest when considering an application under the Planning Act.

The following table provides an analysis of the proposed development in response to the prescribed Provincial interest:

Table 1: Provincial Interest

Provincial Interest	Response
a) <i>The protection of ecological systems, including natural areas, features and functions</i>	A provincially significant wetland (PSW) and two (2) woodlots exist on the Site. The PSW will be included in an open space block. Appropriate buffers/vegetative protection zones, as determined by the Environmental Impact Study prepared by R.J. Burnside dated February 2020 will be implemented. The EIS concludes that no significant or net impacts to the PSW, potentially Significant Woodland or wildlife will occur with the implementation of the mitigation measures recommended in the R.J. Burnside Report.
b) <i>The protection of the agricultural resources of the Province</i>	The Site is not located in the Agricultural Land Base for the Greater Golden Horseshoe as confirmed by the online mapping Agricultural Systems Portal.
c) <i>The conservation and management of natural resources and the mineral resource base</i>	The PSW and woodlot, are being preserved along with the recommended buffer and implementation of the mitigation measures.
d) <i>The conservation of features of significant architectural,</i>	There are no significant architectural, cultural, or historical value features onsite. Phase 1 and 2 Archaeological

Provincial Interest	Response
<i>cultural, historical, archaeological or scientific interest</i>	Assessments were completed for the Site (Golder Associates, April 2018 and January 2019) that confirmed the Site is “ <i>free from further archaeological concern</i> ”.
e) <i>The supply, efficient use and conservation of energy and water</i>	The proposed development represents a mixed-use and compact urban built form that will encourage the efficient use and conservation of energy and water through smaller residential lots and a mix of low and medium residential densities, that are known to use less energy than large lot and single-use neighbourhoods.
f) <i>The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems</i>	Based on the Functional Servicing Report prepared by R.J. Burnside (February 2020), the proposed development can be developed on full municipal services (water, sewage) through the proposed infrastructure improvements.
g) <i>The minimization of waste</i>	The Site will be serviced by the City of Niagara Falls curbside collection services that includes blue box (household plastic/glass/metal recycling), grey box (paper and cardboard), green bin (organic waste), and yard waste pick-up.
h) <i>The orderly development of safe and healthy communities;</i>	The proposed development represents orderly development as the Site is located within an existing urban area and adjacent to existing urban residential development. The Air Quality Assessment and the Sensitive Land Use Analysis both confirm that all Provincial standards have been met, contributing to a safe and healthy community.
h.1) <i>the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies</i>	The proposed development will comply with the Accessibility for Ontarians with Disabilities Act, 2005 (“AODA”). Through the Site Plan Approval process for the medium-density and mixed-use blocks and through the building permitting process for the single-family dwellings, compliance with the Ontario Building Code is required which includes a number of accessibility requirements mandated by the AODA.

Provincial Interest	Response
i) <i>The adequate provision and distribution of educational, health, social, cultural and recreational facilities</i>	As described in Section 2.4, the Site is in proximity to numerous educational, health, social, cultural and recreational facilities (i.e. public schools, community centres, child care facilities, libraries, parks). Three new neighbourhood parks as well as a multi use trail network are being created as a result of the proposed development.
j) <i>The adequate provision of a full range of housing, including affordable housing</i>	The proposed development will provide approximately 902-1134 residential units in a full range of housing types, including detached dwellings, retirement dwellings, street townhouses, low-rise apartment buildings, and back-to-back townhouses.
k) <i>The adequate provision of employment opportunities</i>	The proposed development will create employment opportunities through the commercial mixed use component of the proposed development.
l) <i>The protection of the financial and economic well-being of the Province and its municipalities</i>	The proposed development is located in the urban area of the City of Niagara Falls and the density proposed efficiently utilizes the existing road and infrastructure network. The proposed development will also bring new residents into the area that can support existing businesses, making them more sustainable over the long-term, which in turn supports the municipal tax base.
m) <i>The co-ordination of planning activities of public bodies</i>	The Subject Applications and supporting technical studies will be circulated to all necessary departments, agencies and public bodies for review and comment.
n) <i>The resolution of planning conflicts involving public and private interests</i>	As outlined in Section 3.4, the community engagement process was initiated prior to the submission of the Subject Applications to ensure that feedback was integrated early on in the design process.
o) <i>The protection of public health and safety</i>	The proposed development will be reviewed by City departments and agencies, ensuring that public health and safety are appropriately addressed

Provincial Interest	Response
p) <i>The appropriate location of growth and development</i>	The Site is located within an established area of Niagara Falls, adjacent to the Central Tourist District, and adjacent to residential neighbourhoods to the north.
q) <i>The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians.</i>	The proposed development is within walking distance to existing public transit routes and will provide a network of sidewalks and multi-use trails, connecting the proposed development to the City’s existing pedestrian network.
r) <i>The promotion of built form that, (i) is well-designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant</i>	The proposed development promotes a well-designed neighbourhood incorporating appropriate transitions in land uses from the surrounding industrial operations through the implementation of mitigation measures including appropriate distance setbacks, natural buffers and noise barriers. The proposed natural/open space blocks along with the public parks and trail system will encourage a sense of place as well as provide for high-quality, safe, accessible, attractive, and vibrant public spaces.
s) <i>The mitigation of greenhouse gas emissions and adaptation to a changing climate</i>	The nature of the development will house residents in an efficient way that fully utilizes existing services and public amenities. The residents that will occupy the buildings in the future might otherwise locate themselves in areas that would contribute toward sprawl and greater automobile use. Conversely, the proximity of the Site to public, community amenities, parks/open space, and nature trails will contribute to taking automobiles off the road and thereby reduce greenhouse gas emissions.

Section 51 of the Planning Act sets out the requirements for the legal division of land and/or property, such as an application for Draft Plan of Subdivision. Specifically, Section 51 (24) outlines the criteria which the approval authority “shall have regard to” when making decisions on the legal division of land and/or property. Figure 11 represents the proposed draft plan of subdivision subject to approval. The review of the applicable criteria and the justification are outlined in the table below.

Table 2: Provincial Criteria for Legal Division of Land

Provincial Interest	Response
a) <i>the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;</i>	See Section 2.1 above.
b) <i>whether the proposed subdivision is premature or in the public interest;</i>	<p>The proposed subdivision is in the public interest for the following reasons:</p> <ul style="list-style-type: none"> • The golf course is a private facility that only serves golfers. The proposed subdivision would make available more land for public enjoyment and recreation through the designations of parks, parkettes, and open areas. • Increase the quantity and diversity of available housing options. • Better integrate the residential uses to the northwest with employment uses to the southeast through enhancements to the local road network.
c) <i>whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	<p>As noted, the development is subject to an Official Plan amendment.</p> <p>The proposed draft plan has been designed to connect to adjacent plans of subdivision through the extension of public roads into and through the development.</p>
d) <i>the suitability of the land for the purposes for which it is to be subdivided;</i>	The former CP marshalling yard and golf course represent an excellent opportunity for residential intensification of the Site. Previous soils studies have determined that the land is suitable for development.
d.1) <i>if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;</i>	No specific affordable housing units as defined in the PPS are proposed at this stage of the development.
e) <i>the number, width, location and proposed grades and</i>	The Site has access/egress to the existing highway system via the Queen Elizabeth Way (QEW), which is

Provincial Interest	Response
<p><i>elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;</i></p>	<p>located 1.5km to the west. Two (2) interchanges are located within the vicinity of the Site, the first is located approximately 2.1 km to the northwest at McLeod Road, and the second is located approximately 2.75 km to the southwest at Lyon's Creek Road.</p> <p>The Traffic Report prepared by R.J. Burnside dated February 2020 concludes that the proposed road network is appropriate for the development and that the surrounding transportation system can accommodate the traffic from the Site at this time.</p>
<p><i>f) the dimensions and shapes of the proposed lots;</i></p>	<p>The proposed lots and blocks meet the proposed zoning regulations established by the City's comprehensive Zoning By-law and considered appropriate for single detached dwelling and multiple dwellings.</p>
<p><i>g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;</i></p>	<p>Zoning holding provisions are proposed to ensure that appropriate noise mitigations are designed and constructed prior to development of certain lots/blocks.</p>
<p><i>h) conservation of natural resources and flood control;</i></p>	<p>The EIS completed by R.J. Burnside's demonstrates that the Site can be developed while conserving the existing natural features on the Site. R.J. Burnside's Stormwater Management Report demonstrates that adequate drainage measures have been incorporated into the design.</p>
<p><i>i) the adequacy of utilities and municipal services;</i></p>	<p>Through the draft plan of subdivision process utilities and services will be made available. The servicing studies prepared by R.J. Burnside dated February 2020 demonstrate that the Site can be adequately serviced.</p>
<p><i>j) the adequacy of school sites;</i></p>	<p>there are schools in the vicinity of the Site to the north and west. The subject applications will be circulated to local school boards to confirm the adequacy of school facilities to service the proposed development.</p>

Provincial Interest	Response
k) <i>the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	There are three public parks proposed to be dedicated to the City of Niagara Falls for public use, as well as a dedicated public trail system.
l) <i>the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and</i>	The compact urban form of development provides for optimal and efficient use of the land to avoid urban sprawl.
m) <i>the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act ..</i>	Several Blocks within the proposed plan of subdivision are proposed for medium density development. At the detailed design phase, each of these blocks will be subject to the City's site plan control requirement to ensure they are appropriately designed to city standards and to ensure they address the Urban Design guidelines approved for the Site.

Based on the above analysis, the Subject Applications have regard for the provincial interests in Section 2 of the *Planning Act* as well as the subdivision criteria under subsection 51(24).

4.2 Niagara Peninsula Source Protection Plan, 2013

The Niagara Peninsula Source Protection (“NPSPP”) was approved by the Province on December 17, 2013, under the *Clean Water Act, 2006* (Ontario Regulation 287/07). A key focus of the *Clean Water Act* is the preparation of locally developed Source Protection Plans that provide a framework and policies to reduce the risks posed by water quality and quantity threats to drinking water. Source Protection Plans approved under the *Clean Water Act*, are considered provincial plans under subsection 3(5) of the *Planning Act*, and therefore any municipal planning decision shall conform to these plans. The NPSPP identifies vulnerable areas and the risks posed to municipal water systems. The Site is outside of the following areas identified in the NPSPP:

- Wellhead Protection Area;
- Intake Protection Zone;

- Significant Groundwater Recharge Area; and
- Highly Vulnerable Aquifer.

Relevance to the Site:

The Site is situated outside of these areas and the provisions and requirements under the NPSPP do not apply.

4.3 Excess Soil Management

Any excess soil and soil removal on the Site will comply with the Ministry of Environment, Conservation and Park's regulatory requirements.

Relevance to the Site:

Soil removal and soil management will occur on site as per the applicable MECP.

4.4 The Accessibility for Ontarians with Disabilities Act, 2005

The *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11 ("AODA"), provides a framework to develop, implement and enforce accessibility standards in Ontario for goods, services, facilities, accommodation, employment, buildings, structures and premises.

Relevance to the Site:

Through the Site Plan Approval process for the medium-density and mixed-use blocks and through the building permitting process for the detached dwellings, compliance with the Ontario Building Code (OBC) is required, which includes a number of accessibility requirements mandated by the AODA.

4.5 Provincial Policy Statement, 2014

The Provincial Policy Statement ("PPS") provides policy direction on matters of provincial interest related to land use planning and development. The PPS is issued under the authority of Section 3(1) of the *Planning Act* and came into effect on April 30, 2014. Section 3(5) of the *Planning Act* requires that decisions affecting planning matters be consistent with the PPS. The Subject Applications must be considered in the context of the PPS and consistent with the following relevant policies.

Please note that the Provincial government proposed changes to the PPS in July 22, 2019. At the time of writing, the proposed changes are currently in a consultation period, which ended on October 21, 2019. The proposed changes to the PPS and their effect on the proposed development are noted throughout this section.

Building Strong and Healthy Communities

The PPS supports intensification, redevelopment and the efficient use of land and existing planning infrastructure within urban areas. The policies attempt to focus growth within settlement areas and remove development from significant or sensitive areas which may pose a risk to public health and safety.

In addition, the PPS recognizes that wise management of development involves directing, promoting or sustaining growth; and directs that land use is to be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient land use and development patterns, as outlined in the following policies:

1.1.1 Healthy, livable and safe communities are sustained by:

- a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial, and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) Avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) Promoting cost-effective development standards to minimize land consumption and servicing costs;*
- f) Improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;*
- g) Ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs; and*
- h) promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.*

Relevance to the Site:

The proposed development is consistent with the preceding 'Healthy, Livable, and Safe Communities' policies of the PPS by:

- Locating development within an existing urban settlement area;
- Redeveloping an underutilized site with a mixed-use development that contributes to the range and types of residential and commercial uses in the local neighbourhood and surrounding area;
- Accommodating a wide range and mix of residential, commercial, recreation, park and open space areas to meet long-term needs;
- Providing for an efficient use of land and resources by intensifying an existing built-up area within the City of Niagara Falls, thereby sustaining the financial well-being of the municipality as well as that of the Province over the long term;
- Supporting both existing and planned transit and active transportation; and
- Utilizing existing infrastructure and public service facilities in the form of municipal infrastructure (i.e. water, wastewater, and sewer), roads, public transit, libraries, parks, schools, and child care centres, thereby optimizing their efficiency and providing for efficient development and land use patterns.

Settlement Areas

Policy 1.1.3.1 of the PPS states that “settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.”

Furthermore, Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on:

- a) *densities and a mix of land uses which:*
 1. *efficiently use land and resources;*
 2. *are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
 3. *minimize negative impacts to air quality and climate change, and promote energy efficiency;*
 4. *support active transportation;*
 5. *transit-supportive, where transit is planned, exists or may be developed; [...]*

Policy 1.1.3.4 states that “*Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*”

Relevance to the Site:

The Site is located within a settlement area consistent with the PPS.

The proposed development is situated within the existing urban area of the City of Niagara Falls and will contribute to the vitality of the neighbourhood by adding variety both to the local housing stock and local commercial opportunities. The proposed development represents a more efficient use of the land and existing municipal infrastructure.

The proposed development will support active transportation by introducing a network of multi-use trails and walkways throughout the proposed subdivision. In addition, the proposed density will support existing Niagara Falls transit routes in the vicinity.

Appropriate development standards with respect to the Site’ proximity to the CP Rail line and neighbouring industrial facilities and the presence of natural heritage features have been incorporated into the concept plan which include distance separation, natural buffers, noise barriers, and landscaped areas avoiding and mitigating risks to public health and safety.

Land Use Compatibility

With respect to coordination and land use compatibility, Policy 1.2.6.1 states:

“Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.”

The PPS defines “major facilities” as “facilities which may require separation from sensitive land uses, including but not limited to airports, transportation infrastructure corridors, rail facilities marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industrial, energy generation facilities and transmission systems, and resource extraction activities.” In addition, the Province’s proposed changes to the PPS also include “manufacturing uses” as a major facility.

The PPS defines “sensitive land uses” as “buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonable expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land

uses may be a part of the natural or building environment, Examples may include, but are not limited to; residences, day care centres, and educations and health facilities.”

Relevance to the Site:

The proposed residential component of the development is considered a “sensitive land use” under the PPS, while the neighbouring industrial facilities and railway are considered “major facilities” for which the long-term viability must be ensured.

Golder prepared both Air Quality and Noise and Vibration Assessments to confirm that the required separation distances between the proposed development and the adjacent industrial uses, as dictated by the MOECC D-6 Land Use Compatibility Guidelines and to verify the D-6 Classification to ensure compatibility of land uses. The Assessments classified each neighbouring industrial uses (i.e. Class I, II, or III) to determine the influence area and minimum separation distance for each operation, assuming the ‘worst case scenario’ for vacant lots (assuming the highest class of operation based on the in-effect zoning of the property). The study concluded that the proposed sensitive lands uses could be accommodated on the Site subject to the implementation of appropriate noise mitigation measures.

The Assessments support Class 2 and 4 designations of the Site and confirm that appropriate noise mitigation measures will ensure that future development can be supported.

The proposed development has been appropriately designed and buffered from the CP Railway through the provision of a 15 m setback from the mutual property line for the residential lots backing onto the railway.

Based on the noise and air quality assessments completed by Golder, and the Province’s D-6 land use compatibility guidelines, the proposed development is consistent with Policy 1.2.6.1 as the sensitive land uses can be appropriately separated and buffered from the major facilities (industrial operations and railway), minimizing risks to public health and safety and ensuring the long-term viability of Niagara Falls’ strong industrial employment base.

Employment Areas

Section 1.3.2 provides policy direction on employment areas and seeks to protect these areas by limiting conversions.

Relevance to the Site:

The Site is not a designated employment area and no conversion of employment land is proposed. The lands south and east of the Site is identified as “Industrial” in the City of Niagara Official Plan Schedule A—Future Land Use and would therefore be considered employment

lands. Consistent with the “Employment Area” policies of the PPS, the proposed development respects the continued long-term use of these lands for employment purposes. The setbacks and noise mitigation measures proposed (i.e. separation distances, physical noise barriers, acoustical building design and a Class 4 noise designation) will ensure the continued use of the adjacent land for employment purposes.

Housing

Policy 1.4.3 of the PPS states that “*Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:*

- b) *permitting and facilitating:*
 - 1. *all forms of housing required to meet the social, health and wellbeing requirements of current and future residents, including special needs requirements; and*
 - 2. *all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;*
- c) *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and*
- e) *establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.”*

Relevance to the Site:

The proposed development proposes approximately 902-1134 new residential units within a mixed-use development in a wide variety of built forms (i.e. single-family detached dwellings, senior dwellings, townhouses, low-rise apartments) and is consistent with the PPS housing policies. The proposed development is designed to provide additional housing options within the Niagara Falls market in close proximity to community amenities and natural space through residential intensification, thereby helping to meet the social, health, and wellbeing requirements of current and future residents.

The proposed development represents an efficient form of development situated in a location where appropriate levels of infrastructure and public service facilities are available consistent

with the PPS. The proposed development includes approximately 902-1134 residential units on approximately 44 hectares of developable land representing an overall density of between 20 and 25 units per hectare (uph), efficiently using land, resources, infrastructure, public service facilities, and supports the use of active transportation and transit as outlined above. The proposed development is consistent with the housing policies of the PPS.

Public Spaces, Recreation, Parks, Trails and Open Space

Section 1.5.1 of the PPS provides policy direction regarding public spaces, recreation, parks, trails and open space as follows:

1.5.1 *Healthy, active communities should be promoted by:*

- a) *planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;*
- b) *planning and providing for a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;*
- c) *providing opportunities for public access to shorelines; and recognizing provincial parks, conservation reserves and other protected areas, and minimizing negative impacts on these areas.*

Relevance to the Site:

Consistent with Section 1.5.1 of the PPS regarding public spaces, recreation, parks, trails and open space, the proposed development will facilitate active transportation and community connectivity by introducing a network of multi-use trails, sidewalks, and walkways throughout the proposed subdivision, which will link together numerous parks, parkettes and open space areas, which will provide opportunities for recreation.

In addition, the Provincially Significant Wetland (PSW) located in the southwest of the Site is proposed to be part of a protective area, to ensure its continued ecological function.

The proposed development is consistent with the Public Spaces, Recreation, Parks, Trails and Open Space policies of the PPS.

Sewage, Water and Stormwater

PPS Policies 1.6.6.2 and 1.6.6.7 are applicable to the Subject Applications. Policy 1.6.6.2 states: "Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on

existing municipal sewage services and municipal water services should be promoted, wherever feasible.”

Policy 1.6.6.7 states that Planning for stormwater management shall:

- a) *minimize, or, where possible, prevent increases in contaminant loads;*
- b) *minimize changes in water balance and erosion;*
- c) *not increase risks to human health and safety and property damage;*
- d) *maximize the extent and function of vegetative and pervious surfaces; and*
- e) *promote stormwater management”*

Relevance to the Site:

The Functional Servicing Report by R.J. Burnside (February 2020) confirms that municipal sewage and water services will be extended from the existing lines in order to service the proposed development. The proposed design included within the Stormwater Management Study prepared by R.J. Burnside (dated February 2020), the two proposed stormwater management ponds combined with the realignment of the ConRail drain ensures the implementation of appropriate stormwater management for the Site.

Transportation Systems

The Transportation policies of the PPS aim to promote a land use pattern that supports existing transportation and infrastructure corridors, while aiming to limit the length and number of trips in personal vehicles:

The following policies are applicable to the Subject Applications:

- Policy 1.6.7.1 Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.”*
- Policy 1.6.7.2 Efficient use shall be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.*
- Policy 1.6.7.3 As part of a multimodal transportation system, connectivity within and among transportation systems and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries.*
- Policy 1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.*

Policy 1.6.7.5 Transportation and land use considerations shall be integrated at all stages of the planning process.

Note that Policy 1.6.7.5 will be removed as part of the proposed changes to the PPS.

Relevance to the Site:

The proposed internal roads and sidewalks will provide for safe and energy-efficient means of travelling in, out, and throughout the Site. To reduce speeding, the proposed road configuration incorporates curves, T-intersections, and appropriately scaled right-of-way (“ROW”) widths. The proposed ROW will be sufficient to accommodate a wide variety of users and promote an interconnected, multi-modal transportation system including, cyclists, and motorists.

Although a car-orientated community, the proposed land use pattern, density and mix of uses within the proposed development encourages future residents to take alternative modes of transportation within the area, helping to minimize the length and number of vehicle trips. The proposed medium-density blocks are proposed along the primary roads within the development as they have additional width to accommodate a higher density of people versus single family dwellings which are proposed along the narrower ROWs, thus integrating transportation and land use considerations at this stage of the process. Based on the above, the Subject Applications are consistent with the policies of Section 1.6.7 of the PPS.

Transportation and Infrastructure Corridors

The definition of “Major goods movement facility and corridor” is defined in the PPS as “transportation facilities and corridors associated with the inter- and intra-provincial movement of goods. Examples include: ... rail facilities...” By this definition, the CP Industrial Spur Railway that traverses the Site would be considered a Major Goods Movement Corridor, and therefore the following corridor policies are applicable to the Subject Applications.

- 1.6.8.1 Planning authorities shall plan for and protect corridors and rights-of-way for infrastructure, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.*
- 1.6.8.2 Major goods movement facilities and corridors shall be protected for the long term.*
- 1.6.8.3 Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.*

New development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.

- 1.6.8.4 *The preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics should be encouraged, wherever feasible.*

Relevance to the Site:

The proposed development will not affect the movement of railcars along the CP Industrial Spur line. The railway will continue to operate throughout the proposed redevelopment of the Site and therefore the corridor and ROW that is currently being used to service local businesses will be protected for the long-term. There are numerous examples in southern Ontario where residential uses, provided that appropriate separation distances and buffers are provided, can safely co-exist adjacent to operational railway corridors in urban settings. The proposed development on adjacent lands to the existing corridor is designed to minimize negative impacts on and from the railway. These design considerations include fencing, crossing arms and a 15m setback along the mutual property lines

The concept plan proposes a multi-use trail and linear park along the full length of the southern side of the railway, which will maintain the corridor's integrity and continues linear characteristic on adjacent lands.

Airports, Rail and Marine Facilities

Policy 1.6.9.1 of the PPS is applicable to the proposed development due to the presence of the CP Railway, specifically:

- 1.6.9.1 *Planning for land uses in the vicinity of airports, rail facilities and marine facilities shall be undertaken so that:*
- a) *their long-term operation and economic role is protected; and*
 - b) *airports, rail facilities and marine facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with policy 1.2.6.*

Relevance to the Site:

The proposed sensitive land uses (i.e. residential uses) are appropriately separated from the existing rail facilities by 15m setbacks. In addition, the proposed development will not hinder or prevent the continued operation of the spur rail line according to CP Rail's standards for spur lines. The traffic report prepared by R.J. Burnside dated February 2020 recommends safety crossing gates at the two rail crossings to ensure public safety for both vehicles and pedestrian/cyclists.

Long-Term Economic Prosperity

Section 1.7.1 of the PPS provides policy direction that long-term economic prosperity should be supported by:

- a) *promoting opportunities for economic development and community investment-readiness;*
- b) *optimizing the long-term availability and use of land, resources, infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities;*
- d) *encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;*
- e) *promoting the redevelopment of brownfield sites;*
- f) *providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;*
- j) *minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature;*

The proposed 2019 changes to the PPS include inserting “*b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce.*”

Relevance to the Site:

The Subject Applications will promote economic investment and community investment-readiness by redeveloping a site within the City’s urban area.

The Site is also adjacent to existing and desirable residential neighbourhoods as well as nearby to a number of regionally significant areas, such as Clifton Hill, Fallsview Boulevard, and the Canada/USA international border. The proposed development will optimize the long-term availability and use of land, resources, and public service facilities by permitting additional residential units in proximity to existing facilities, rather than requiring the construction of new facilities.

The Subject Applications would also increase the housing supply and diversify the range of housing options, consistent with the proposed changes to the PPS.

The proposed development will encourage a sense of place through the proposed network of parks and multi-use trails and the conservation of significant natural heritage features to maintain the defining natural characteristics.

Wise Use and Management of Resources: Natural Heritage

The following Natural Heritage policies apply to the Subject Applications:

- 2.1.1 *Natural features and areas shall be protected for the long term.*
- 2.1.2 *The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.*
- 2.1.3 *Natural heritage systems shall be identified in Ecoregions 6E & 7E1 , recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas.*
- 2.1.4 *Development and site alteration shall not be permitted in:*
 - a) *significant wetlands in Ecoregions 5E, 6E and 7E1 ; and*
- 2.1.5 *Development and site alteration shall not be permitted in:*
 - a) *significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River) unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.*
- 2.1.8 *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*

Relevance to the Site:

A Provincially Significant Wetland (PSW) located in the southwest corner of the Site as shown on **Figure 10**. The Site contain a Provincially Significant Wetland (PSW) and a significant woodlot, which has been evaluated and described in more detail in the EIS, prepared by R.J. Burnside (February 2020). The EIS summaries the features on Site including (page 75):

- a section of the Niagara Falls Slough Forest Complex PSW exists within the southwest portion of the Site;

- no woodlands assessed met the regional or municipal size definition for significant features; although it was determined that one area may meet the ecological functionality of a significant woodland;
- there are four candidate and two confirmed SWH's within the Study area, turtle wintering areas, reptile hibernacula, and colonially-nesting bird breeding habitat, and species of conservation concern;
- three SAR were identified including barn swallow, wood thrush and the monarch;
- there are no Type 1 and Type 2 fish habitat on site;
- Type 3 (marginal) habitat is present within the ponds, the ConRail drain and the intermittent watercourse within the golf course; and,
- The DFO confirmed that there is no SAR mussel habitat present within the ConRail drain.

The EIS recommended a Mitigation masterplan to support and enhance the natural heritage functions of the retained natural heritage features. With the implementation of this Mitigation master plan, the Burnside EIS concluded that there would be no significant or net impacts to the PSW, potentially Significant Woodland or wildlife.

Conclusion

The Subject Applications are consistent with the applicable policies of the PPS and represent the efficient use of land and existing municipal infrastructure and services; promote the redevelopment of an underutilized site; will be compatible with and ensure the long-term viability of the adjacent rail corridor and neighbouring industrial operations; and will protect the existing natural heritage features for the long-term.

4.6 A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019

On May 16, 2019 “A Place to Grow: Growth Plan for the Greater Golden Horseshoe” (“Growth Plan”) came into effect, replacing the 2017 “Growth Plan for the Great Golden Horseshoe”. The Growth Plan applies to the area designated as the “Greater Golden Horseshow Growth Plan Area” and includes the entire City of Niagara Falls. All decisions that affect a planning matter must conform to the Growth Plan. The following is a summary of the policies applicable to the Subject Applications and how the policies of the Growth Plan have been addressed.

The vision for growth in the Greater Golden Horseshoe (GGH) is contained in Section 1.2.1. The vision is guided by several principles that provide the basis for guiding decisions on how land is to be developed, including:

- *Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability.*

- *Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.*
- *Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.*
- *Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions.*
- *Support and enhance the long-term viability and productivity of agriculture by protecting prime agricultural areas and the agri-food network.*

Relevance to the Site:

In conformity with the objectives of the Growth Plan, the proposed development represents intensification and an efficient use of land and infrastructure and will support the viability of local transit. The proposed development provides a range and mix of housing options. The long term viability and function of the PSW located on the Site will be protected. Ontario's agricultural land base will not be negatively affected as the Site is not located in a Prime Agricultural Area, Candidate Area, or Specialty Crop Area (source: Ontario Agricultural System Portal).

Policy direction for managing growth in the GGH is provided in Section 2.2.1 of the Growth Plan. As the Site is located entirely within a settlement area and outside of any hazardous lands, the following policies apply:

- 2.2.1.2 *Forecasted growth to the horizon of this Plan will be allocated based on the following:*
- a) *the vast majority of growth will be directed to settlement areas that:*
 - i. *have a delineated built boundary;*
 - ii. *have existing or planned municipal water and wastewater systems; and*
 - iii. *can support the achievement of complete communities;*

[...]
 - c) *within settlement areas, growth will be focused in:*
 - i. *delineated built-up areas;*
 - ii. *strategic growth areas;*
 - iii. *locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and*
 - iv. *areas with existing or planned public service facilities;*
 - d) *development will be directed to settlement areas, except where the policies of this Plan permit otherwise;*
 - e) *development will be generally directed away from hazardous lands; and [...]*

Relevance to the Site:

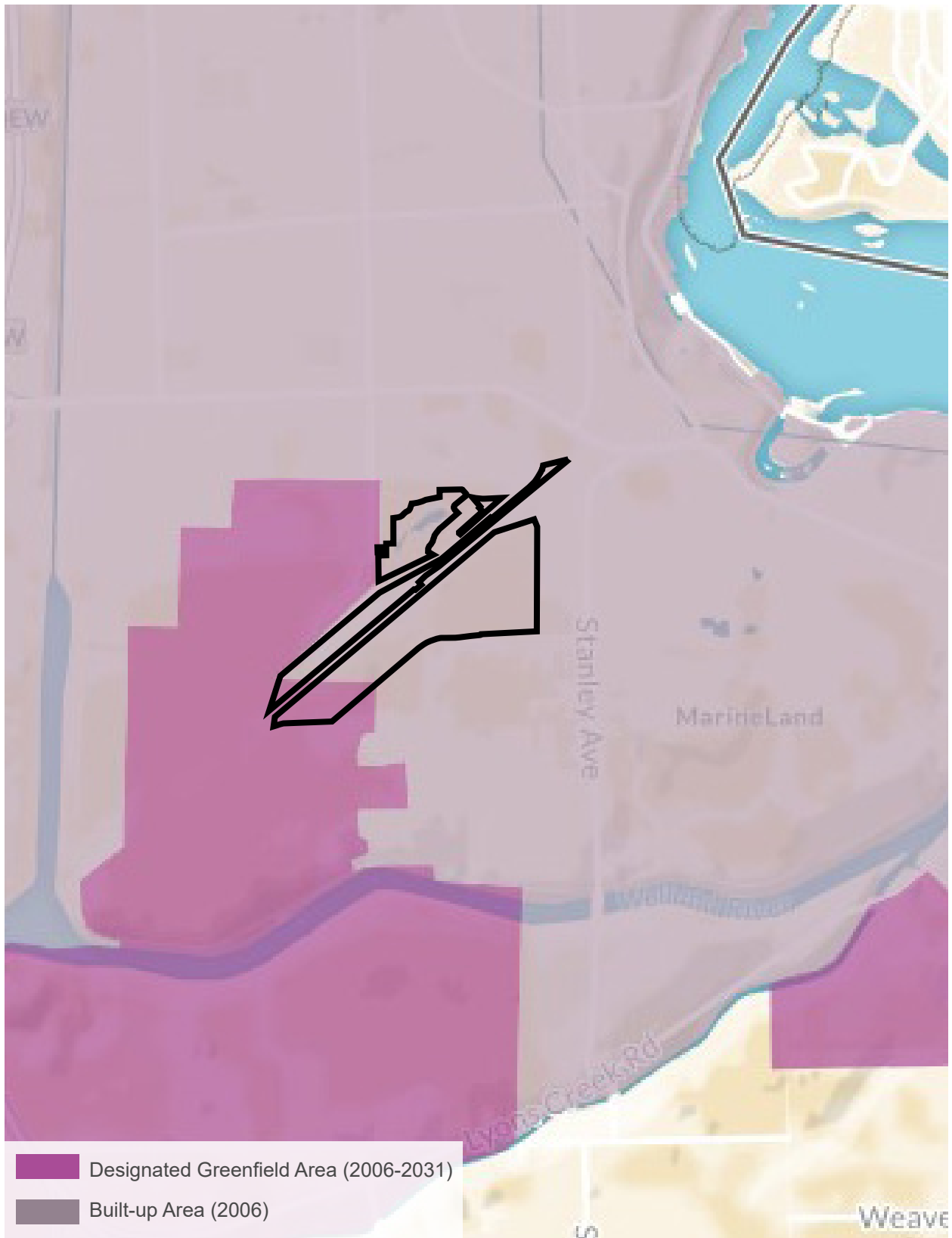
In conformity with the above policies, most of the Site is located within a delineated built boundary, with only a small section in the southwest designated as a greenfield area as shown in **Figure 12**. The Site is in an area with existing transit and public service facilities. Based on the results of the Municipal Servicing Study the area can be serviced through the extension of existing municipal services.

Section 2.2.1.4 of the Growth Plan states that applying the policies of this plan will support the achievement of complete communities that:

- a) *feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*
- b) *improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*
- c) *provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*
- d) *expand convenient access to:*
 - i. *a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;*
 - ii. *public service facilities, co-located and integrated in community hubs;*
 - iii. *an appropriate supply of safe, publicly accessible open spaces, parks, trails, and other recreational facilities; and*
 - iv. *healthy, local, and affordable food options, including through urban agriculture;*
- e) *provide for a more compact built form and a vibrant public realm, including public open spaces;*
- f) *mitigate and adapt to climate change impacts, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and*
- g) *integrate green infrastructure and appropriate low impact development.*

Relevance to the Site:

In conformity with the above, the proposed development features a diverse mix of land uses, including residential and commercial uses, and convenient access to local store in mixed-use blocks, services and public service facilities. The proposed development provides a diverse range and mix of housing options; and expand convenient access to multi-use trails, parks, parkettes, and recreational opportunities. The mixed-use and medium density blocks of the proposed development represent a compact form that are interwoven with public open spaces and connecting multi-use trails



A Place to Grow Concept
 Source: Government of Ontario Places to Grow Growth (May 2019);
 Neptisgeoweb Online Mapping (2019)

Figure
12

Section 2.2.2.1 requires that by the time the next Municipal Comprehensive Review (MCR) is approved and in effect, and for each year thereafter, a minimum of 50% of all residential development occurring annually within the City of Niagara Falls is to be located within the delineated built-up area. The majority of the Site is located within the delineated built-up area, the proposed development supports the intent of this policy by contributing to the City of Niagara Falls' residential stock within the built-up area.

The portion of the Site that is outside of the delineated built-up area is designated as a "Greenfield Area" on the City of Niagara Falls Schedule A-2: Urban Structure Plan, and is therefore subject to the Greenfield policies of the Growth Plan contained in section 2.2.7, being:

1. *New development taking place in designated greenfield areas will be planned, designated, zoned and designed in a manner that:*
 - a) *supports the achievement of complete communities;*
 - b) *supports active transportation; and*
 - c) *encourages the integration and sustained viability of transit services.*

2. *The minimum density target applicable to the designated greenfield area of each upper- and single-tier municipality is as follows:*
 - a) *The Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will plan to achieve within the horizon of this Plan a minimum density target that is not less than 50 residents and jobs combined per hectare; and [...]*

3. *The minimum density target will be measured over the entire designated greenfield area of each upper- or single-tier municipality, excluding the following:*
 - a) *natural heritage features and areas, natural heritage systems and floodplains, provided development is prohibited in these areas;*
 - b) *rights-of-way for:*
 - i. *electricity transmission lines;*
 - ii. *energy transmission pipelines;*
 - iii. *freeways, as defined by and mapped as part of the Ontario Road Network;*
and
 - iv. *railways;*
 - c) *employment areas; and*
 - d) *cemeteries.*

Relevance to the Site:

The proposed development will be planned, designed, designated, and zoned in a matter that supports the achievement of complete communities; supports active transportation; and encourages the viability of transit services, as outlined in Section 6.0—Planning Summary and Analysis.

The minimum density target for Niagara is not less than 50 residents and jobs combined per hectare, measured over the entire greenfield area, and excluding specific features outlined in the above policies. The designated greenfield area on the Site amounts to approximately 8 ha. Within this area, approximately 2-3 ha are not developable as they include a PSW (Block 255) and buffer areas (Block 269) from other environmental features. The remaining approximately 5 ha include approximately 33 single detached dwellings and between 155 and 231 multiple dwellings (Block 248). This equates to an approximate density of between 37 and 52 uph and generally conforms with the minimum density target for Greenfield Areas.

The Natural Heritage System is addressed in section 4.2.2 of the Growth Plan. The Natural Heritage System for the Growth Plan excludes lands within settlement area boundaries that were approved and in effect as of July 1, 2017. In accordance with the above, the entire Site was located within a settlement area boundary as of July 1st, 2017.

Policy 4.2.2.3 states that within the Natural Heritage System for the Growth Plan:

- a) *new development or site alteration will demonstrate that:*
- i. *there are no negative impacts on key natural heritage features or key hydrologic features or their functions;*
 - ii. *connectivity along the system and between key natural heritage features and key hydrologic features located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;*
 - iii. *the removal of other natural features not identified as key natural heritage features and key hydrologic features is avoided, where possible. Such features should be incorporated into the planning and design of the proposed use wherever possible;*
 - iv. *except for uses described in and governed by the policies in subsection 4.2.8, the disturbed area, including any buildings and structures, will not exceed 25 per cent of the total developable area, and the impervious surface will not exceed 10 per cent of the total developable area;*
 - v. *with respect to golf courses, the disturbed area will not exceed 40 per cent of the total developable area; and*
 - vi. *at least 30 per cent of the total developable area will remain or be returned to natural self-sustaining vegetation, except where specified in accordance with the policies in subsection 4.2.8; and*

Furthermore, Policy 4.2.2.4 states that mapping for the Natural Heritage system for the Growth Plan does not apply until it has been implemented in the Region of Niagara Official Plan as stated below:

4.2.2.4 Provincial mapping of the Natural Heritage system for the Growth Plan does not apply until it has been implemented in the applicable upper- or single-tier official plan. Until that time, the policies in this Plan that refer to the Natural Heritage System for the Growth Plan will apply outside settlement areas to the natural heritage system identified in official plans that were approved and in effect as of July 1, 2017.

Relevance to the Site:

The applicable policies of the Growth Plan that refer to the Natural Heritage System for the Growth Plan only apply to areas outside settlement areas (whereas the Subject Lands are located within a settlement area), until such time as the Region of Niagara Official Plan has implemented the provincial mapping of the Natural Heritage System for the Growth Plan.

Public Open Space

Finally, the Growth Plan provides the following policy direction to municipalities in section 4.2.5 on how to develop a public open space system:

1. *Municipalities, conservation authorities, non-governmental organizations, and other interested parties are encouraged to develop a system of publicly accessible parkland, open space, and trails, including in shoreline areas, within the GGH that:
 - a) *clearly demarcates where public access is and is not permitted;*
 - b) *is based on a co-ordinated approach to trail planning and development; and*
 - c) *is based on good land stewardship practices for public and private lands.**
2. *Municipalities are encouraged to establish an open space system within settlement areas, which may include opportunities for urban agriculture, rooftop gardens, communal courtyards, and public parks.*

Relevance to the Site:

In conformity with the Public Open Space policies of the Growth Plan, clearly demarcated public areas, such as parks and parkettes, walkways, and a network of multi-use trails are incorporated throughout the design of the proposed subdivision.

Conclusion

The Subject Applications are in conformity with the applicable policies of the Growth Plan

4.7 Niagara Region Official Plan

The Niagara Region Official Plan (“Regional OP”) is the long-range, community planning document that is used to guide the physical, economic and social development of the Regional Municipality of Niagara. Schedule A—Regional Structure, shown on **Figure 13**, identifies most of the Site as being located within the Built-up Area while a small portion in the southwest corner is a “Designated Green Field”. The following policies pertain to Built-up Areas and Designated Greenfield Areas:

Policy 4.G.8.1 *Built-up Areas are lands located within Urban Areas which have been identified by the Ministry of Infrastructure (formerly the Ministry of Public Infrastructure Renewal). Built-up Areas will be the focus of residential and employment intensification and redevelopment within the Region over the long term.*

Policy 4.G.9 *Designated Greenfield Areas are the lands within a settlement area that are not within the Built-up Area*

Together, the Built-up Areas and Designated Greenfield Areas compose the Niagara Region’s Urban Area, which are to be the focus of the Region’s long-term growth and development. Intensification is generally encouraged throughout the Built-up Area as per Policy 4.C.2.1(b).

In addition, the Regional OP includes several objectives pertaining to growth management including:

Objective 4.A.1.1 *Direct the majority of growth and development to Niagara’s existing Urban Areas*

Objective 4.A.1.2 *Direct a significant portion of Niagara’s future growth to the Built-up Area through intensification.*

Objective 4.A.1.3 *Direct intensification to Local Municipally Designated Intensification Areas.*

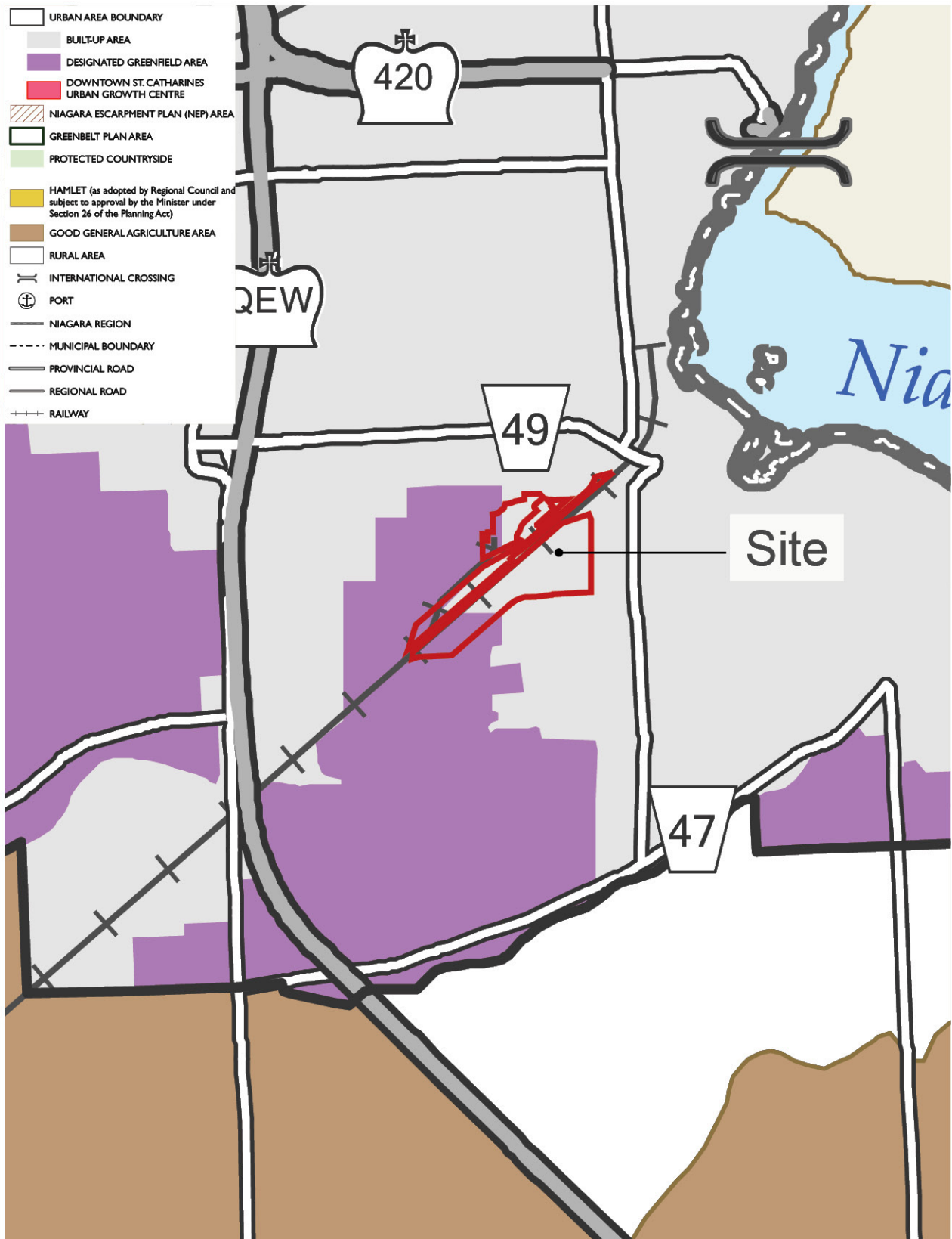
Objective 4.A.1.6 *Build compact, mixed use, transit supportive, active transportation friendly communities in the Built-up Area and in Designated Greenfield Areas*

Objective 4.A.1.7 *Reduce dependence on the automobile through the development of compact, mixed use, transit supportive, active transportation friendly urban environments*

Objective 4.A.1.11 *Prohibit the establishment of new Settlement Areas*

Objective 4.A.1.12 *Direct growth in a manner that promotes the efficient use of existing municipal sewage and water service*

Further, Policy 4.C.4.2 identifies a minimum of 40% of all residential development within the City of Niagara Falls shall be within the Built-up Area.



Relevance to the Site:

In conformity with these policies, the Site is located within an existing settlement area within the designated Built-Up area of the Region where residential intensification is intended and targeted for compact, mixed use that is transit supportive. The proposed draft plan of subdivision demonstrates a compact mixed use, transit supportive and active transportation friendly community including a multi use trail circuit and collector road with the capacity for bike lanes. Further, the development makes efficient use of existing services through the extension of municipal sewage and water services through the site.

Greenfield Development

As shown on Schedule 13, a portion of the Site in the southwestern corner is a Designated Greenfield Area. Policy 4.C.5.1 states that Designated Greenfield Areas will be planned as compact, complete communities by:

- a) *Where permitted by scale, accommodating a range of land uses including residential, commercial, institutional, recreational, employment and other uses.*
- b) *Where limited by scale or configuration, making a significant contribution to the growth of the respective Urban Areas as a complete community.*
- c) *Providing opportunities for integrated, mixed land uses.*
- d) *Creating street patterns that are fine grain and in grid pattern, supporting transit and active transportation within the area and to adjacent areas.*
- e) *Ensuring that Greenfield development is sequential, orderly and contiguous with existing built-up areas.*
- f) *Ensuring that the provision of municipal servicing is in accordance with the water and wastewater servicing master plans.*

Furthermore, Policy 4.C.6.1 requires a minimum combined gross density of 50 people and jobs per hectare in Designated Greenfield Areas—excluding any environmental features, and Policy 4.F.1.3 requires that approval of new Greenfield development be located where regional and local infrastructure is either existing or planned and can be provided in a financially and environmentally sustainable manner. They also require that Greenfield development not be isolated from existing development.

Relevance to the Site:

A portion of the Site is identified as a “Designated Greenfield Area” in the Regional Official Plan. In conformity with the noted policies and objective, the proposed development will be planned, designed, designated, and zoned in a matter that supports the achievement of complete communities; supports active transportation; and encourages the viability of transit services. The portion of the Site designated Greenfield is contiguous to the built-up area and the proposed draft plan of subdivision appropriately incorporates these lands into the planned development.

The minimum density target for Niagara’s Greenfield area is 50 residents and jobs combined per hectare, measured over the entire greenfield area, excluding specific features. Approximately 5 ha of land at the southwest corner of the site is designated Greenfield and include approximately 33 single detached dwellings and between 155 and 231 multiple dwellings (Block 248) within a narrow strip of land. This equals an approximate density of between 37 and 52 uph which generally conforms with the minimum density target of the Regional OP for Greenfield Areas.

Urban Growth

Section 4.G contains policies related to growth within the urban areas of the Region.

The following six (6) objectives are the basis for the policies in the Urban Growth chapter of the Regional OP and should guide decisions related to land use planning:

- Objective 1 Build compact, vibrant, sustainable, integrated and complete communities.*
- Objective 2 Plan and manage growth to support a strong, competitive and diverse economy.*
- Objective 3 Protect, conserve, enhance and wisely use the valuable natural resources of land, air, energy and water for current and future generations.*
- Objective 4 Maximize the use of existing and planned infrastructure to support growth in a compact and efficient manner.*
- Objective 5 Provide flexibility to manage growth in Niagara in a manner that recognizes the diversity of communities across the Region within the framework set out in the Regional Official Plan.*
- Objective 6 Promote continued collaboration and cooperation among governments, institutions, businesses, residents, and not-for-profit organizations to achieve our Vision and the objectives of these policies.*

Relevance to the Site:

The Proposed Development conform with the above objectives, by providing a compact, vibrant, integrated and complete community that maximizes the use of existing and planned infrastructure to support growth in a compact and efficient manner. In accordance with the EIS, the natural resources on site will be appropriately managed on Site. Pursuant to functional servicing and stormwater management reports prepared, the proposed plan of subdivision will maximize the use of existing and planned infrastructure to support the proposed compact urban development in an efficient manner through the extension of existing services to and through the site. Finally, the extension of two collector roads through the Site serves to connect residential development to the north with the employment lands to the south.

The Site abut an area identified as “Employment Area” on “Schedule G2: Niagara Economic Gateway Employment Lands” (**Figure 14**) also known as the Stanley Avenue Business Park. Chapter 3.C of the Regional OP contains policies and objectives related to Employment Areas identified within the Region. Applicable to the proposed development is Policy 3.C.3 that states:

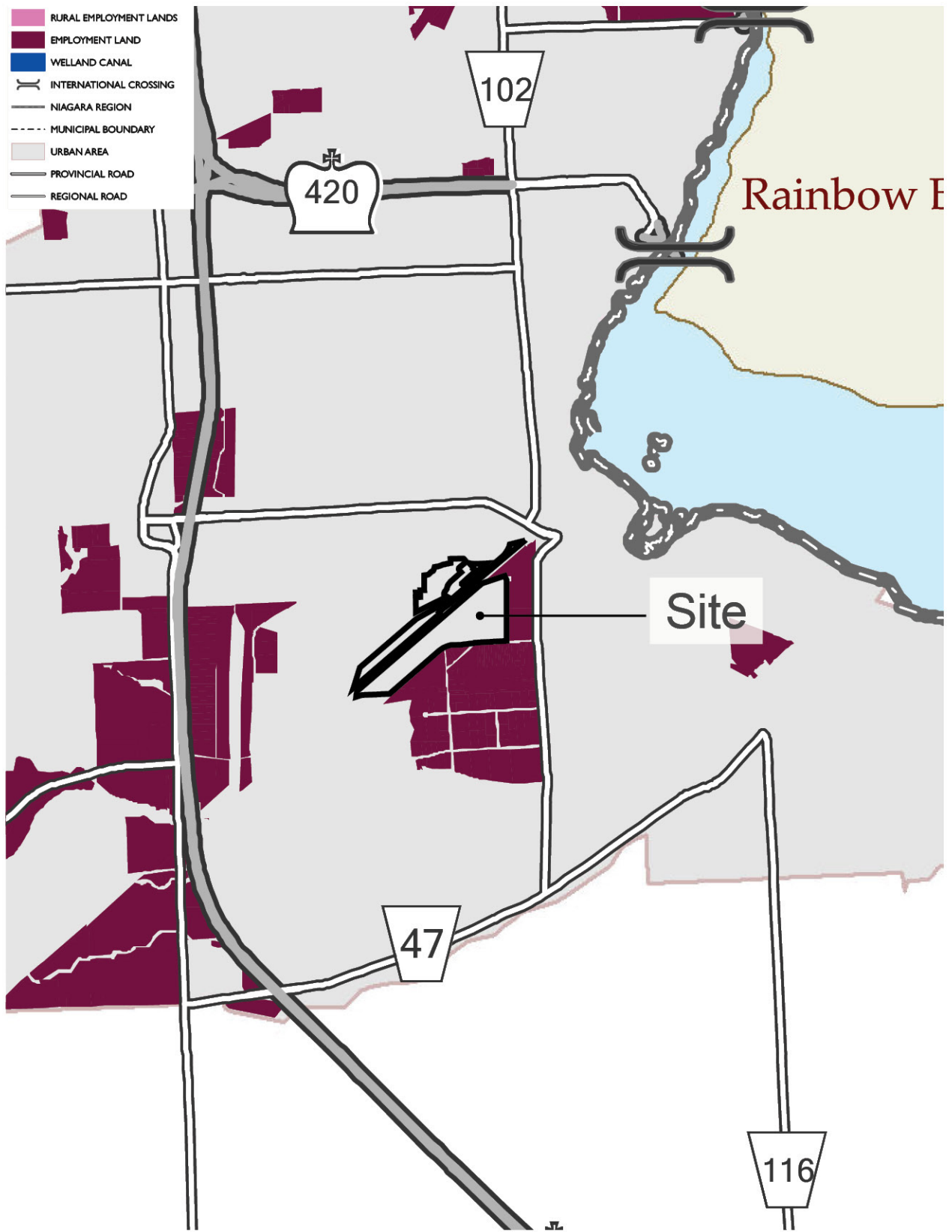
Policy 3.C.3 Where new sensitive land uses are proposed adjacent to or in proximity to employment areas, analysis is required to assess any constraints the introduction of such uses will have on the types of uses which could locate within all or portions of the employment area and/or on any existing employment uses

Relevance to the Site:

In conformity with this policy, and as part of the process of preparing the draft plan of subdivision concept plan, the project team completed a thorough constraints analysis related to noise, vibration, and air quality. The constraints analysis was completed using the input and expertise from the project team in order to determine the developable area as well as to outline recommendations. Golder prepared both an Air Quality Assessment and Noise and Vibration Assessment. The studies conclude that subject to the implementation of identified noise mitigation measures and the designation of part of the lands as Class 4, that existing and future employment uses to the west, south and east will not be adversely affected by the proposed plan of subdivision.

Core Natural Heritage

According to Schedule C of the Regional OP the Site is within the Urban Area and no Environmental Protection Areas or Environmental Conservation Areas are identified on Site (**Figure 15**). However, through conversations with the Region and Conservation Authority, it is understood that there is an Evaluated PSW located in the northwest corner of the Site. A small area in the southern portion of the Site is identified as being within a “Potential Natural Heritage Corridor”, also shown on Schedule C (**Figure 15**)



Niagara Region Official Plan -
 Economic Gateway Employment Lands
 Source: Niagara Region Official Plan Schedule G2 (August 2015)

Figure
14



Niagara Region Official Plan -
Core Natural Heritage

Figure

15

Source: Niagara Region Official Plan Schedule C (November 2015)

The Site features two creeks (the ConRail Drain and an unnamed tributary of the Welland River and is adjacent to multiple areas designated as Environmental Conservation Areas (ECA's)). The EIS prepared by Burnside notes that the majority of these ECA areas are designated as the Niagara Fall slough Forest Complex PSW. A portion of this PSW on the Site is not mapped within the Regional OP.

Table 7.1 of the Regional OP indicates that development is not permitted within PSW areas and that EIS studies are required for developments within 120m of identified PSW's in accordance with Regional OP policies 7.B.2.1 through 7.B.2.5. In addition, all natural areas on Site must be assessed for significance through REGIONAL OP criteria outlined in Policy 7.B.1.5 and 7.B.1.8.

Relevance to the Site:

In conformity with the Regional OP natural heritage policies and EIS criteria, R.J. Burnside's EIS confirms that there is a Provincially Significant Wetland (PSW) located in the southwest corner of the Site as well as a significant woodlot both of which were evaluated against the criteria established in the EIS.

The EIS summarized the features on Site to include (page 75):

- a section of the Niagara Falls Slough Forest Complex PSW within the southwest portion of the Site;
- no woodlands assessed met the regional or municipal size definition for significant features; although it was determined that one area may meet the ecological functionality of a significant woodland;
- four candidate and two confirmed SWH's, turtle wintering areas, reptile hibernacula, and colonially-nesting bird breeding habitat, and species of conservation concern;
- three SAR including barn swallow, wood thrush and the monarch;
- no Type 1 and Type 2 fish habitat;
- Type 3 (marginal) habitat within the ponds, the ConRail drain and the intermittent watercourse within the gold course; and,
- no SAR mussel habitat (as confirmed by DFO) present within the ConRail drain.

In response to the presence of these features, the EIS recommended a Mitigation masterplan to support and enhance the natural heritage functions of the retained natural heritage features. With the implementation of this Mitigation master plan, the Burnside EIS concludes that in conformity with the REGIONAL OP there would be no significant or net impacts to the PSW, potentially Significant Woodland or wildlife.

Conclusion

In conclusion, subject to the implementation of the noise and environmental mitigation measures recommended by reports prepared by Golder and R.J. Burnside, the proposed development conforms to the policies of the Regional OP.

4.8 City of Niagara Falls Official Plan

The Official Plan (OP) for the City of Niagara Falls outlines the long-term objectives and policies of the City and is intended to guide growth and development to the year 2031. The population during this period is expected to reach 106,800 with employment for 53,640 people. It is the intent of the OP to focus new growth to accommodate these people and jobs in a sustainable way that makes for an orderly and effective use of land and infrastructure, creates compact, livable communities and protects the City's natural heritage and agricultural lands.

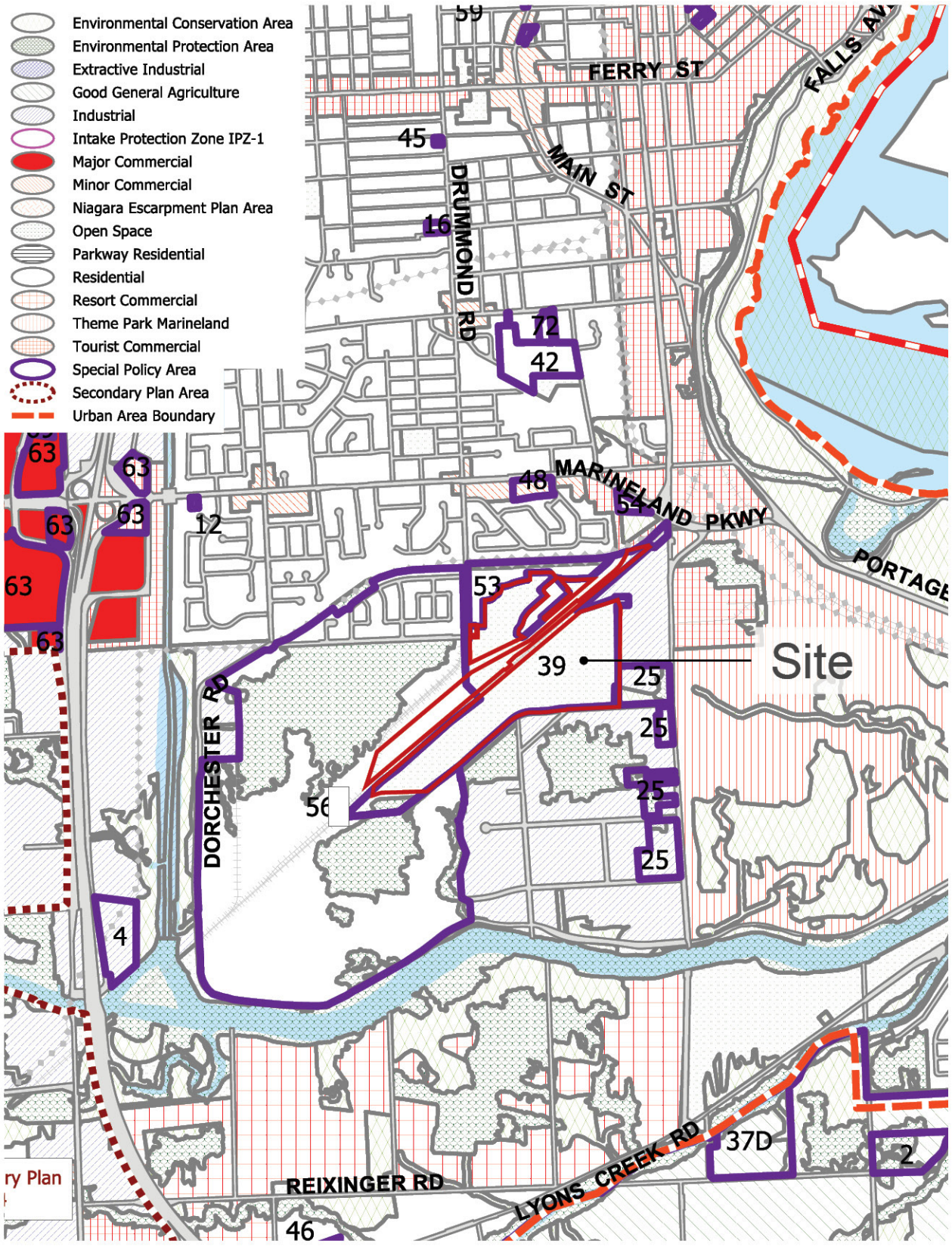
As shown on **Figure 16**, Schedule A—Future Land Use, most of the Site is designated “Open Space” and is subject to Special Policy Area 39. In addition, a small portion along the western edge north of the CP rail spur line is designated “Residential” and is within Special Policy Area 56. This policy was first adopted in 2008 to facilitate the development of the residential “Riverfront Community” located southwest of the Site.

Open Space - Special Policy Area 39

Special Policy 39 was adopted in 2003 to facilitate the redevelopment of the former CP Railway Marshalling yard for a golf course. The Open Space land use policies continue to apply and the applicable policies are noted below:

- 12.1 *The uses of land permitted within the Open Space designation include major public parks, conservation areas, cemeteries, golf courses, private clubs, and recreational areas. Uses ancillary to recreational, conservation and open space uses may also be permitted provided such uses will not harm or interfere with the open space nature of the land.*
- 12.2 *Where land designated Open Space is under private ownership, it is not intended that this land will necessarily remain so designated indefinitely, nor will this Plan be construed as implying that these are free and open to the general public. In this respect, when an application is made requesting a change of land use and a public agency does not wish to purchase the land for open space purposes, due consideration shall be given by Council to the most desirable use.*
- 12.3 *Where land designated Open Space is the subject of a proposed development, Council will ensure that the lands be developed in a manner complementing the open space character of the land and preserving the natural environment.*

12.6 *Council will encourage the cooperation between Federal, Provincial, local agencies and private groups to ensure the preservation and maintenance of Open Space lands with significant environmental features.*



City of Niagara Falls Official Plan - Land Use Plan
 Source: City of Niagara Falls Official Plan Schedule A Future Land Use (October 2018)

Figure
16

In addition to these Open Space policies, Special Policy Area 39 permits and guides the development of a golf course and further establishes that the former railway marshalling yard will be subject to a holding provision:

13.39.1 *The property is intended to be developed for a golf course with the accessory uses customarily incidental to a golf course and may include: a driving range and various recreational amenities.*

13.39.2 *Portions of the land contain Locally Significant Wetlands and Woodlands. These natural features will be integrated into the golf course through the design and development process. In order to ensure that the Significant Wetlands and Woodlands are adequately protected, Site Plan Control shall apply to the golf course, driving range and accessory facilities.*

In order to ensure that the Significant Wetlands and Woodlands are adequately protected, Site Plan Control shall apply to the golf course, driving range and accessory facilities. Particularly:

a) *the Site Plan shall provide appropriate buffers and buffer management techniques to protect and enhance the Locally Significant Wetlands, Woodlands and other isolated environmental features as recommended in an approved environmental impact study and a tree preservation plan. The environmental impact study and tree preservation plan shall be completed by a qualified professional(s) to the satisfaction of the Regional Planning and Development Department and the City of Niagara Falls. The Site Plan shall also address grading, stormwater management and herbicide/pesticide impacts.*

13.39.3 *Notwithstanding the Open Space policies of this Plan, approximately 24 hectares of land which encompass the lands historically used as a railway line and marshalling yard shall be subject to the following:*

a) *Redevelopment of the said railway line and marshalling yard will be subject to site specific zoning including the use of a Holding "H" provision as provided for in Part 4, Section 4.2 of this Plan and subject to the preparation of a plan to address the method and extent of lands to be decommissioned;*

b) *Prior to the removal of the "H" symbol and before redevelopment of the former marshalling yard occurs, a remediation program (if required) will be established for the site or part thereof, and decommissioned in accordance with the regulations of the Ministry of Environment; and*

c) *Should Canadian Pacific Railway retain a portion of the 24 hectare site and said retained portion not be redeveloped for golf course purposes, industrial uses compatible with surrounding sensitive land uses shall be permitted.*

Relevance to the Site:

The proposed development is not permitted by the Open Space – Special Policy Area 29 designation and therefore an Official Plan Amendment will be required.

Open Space policy 12.2 states that Open Space lands under private ownership “*are not intended to necessarily remain designated as such indefinitely*” and that when an application is made requesting a change of land use and a public agency does not wish to purchase the land, due consideration shall be given by Council to the most desirable use. Open Space policy 12.3 further states that Council will ensure that any proposed development “*be developed in a manner complementing the open space character of the land and preserving the natural environment*”. The OP recognizes that Open Space lands under private ownership may not be used so indefinitely. Neither the City nor Conservation Authority have expressed any interest in purchasing the lands. The redevelopment of the site for something other than a golf course is acknowledged in the OP – subject to appropriate lands use policies that will ensure the proposed uses are compatible and appropriately address the natural heritage features of the Site.

Residential - Special Policy Area 56

Special Policy Area 56 applies to a relatively small portion of the Site located along the southwestern edge. These policies require that a Secondary Plan be established prior to the development of the lands.

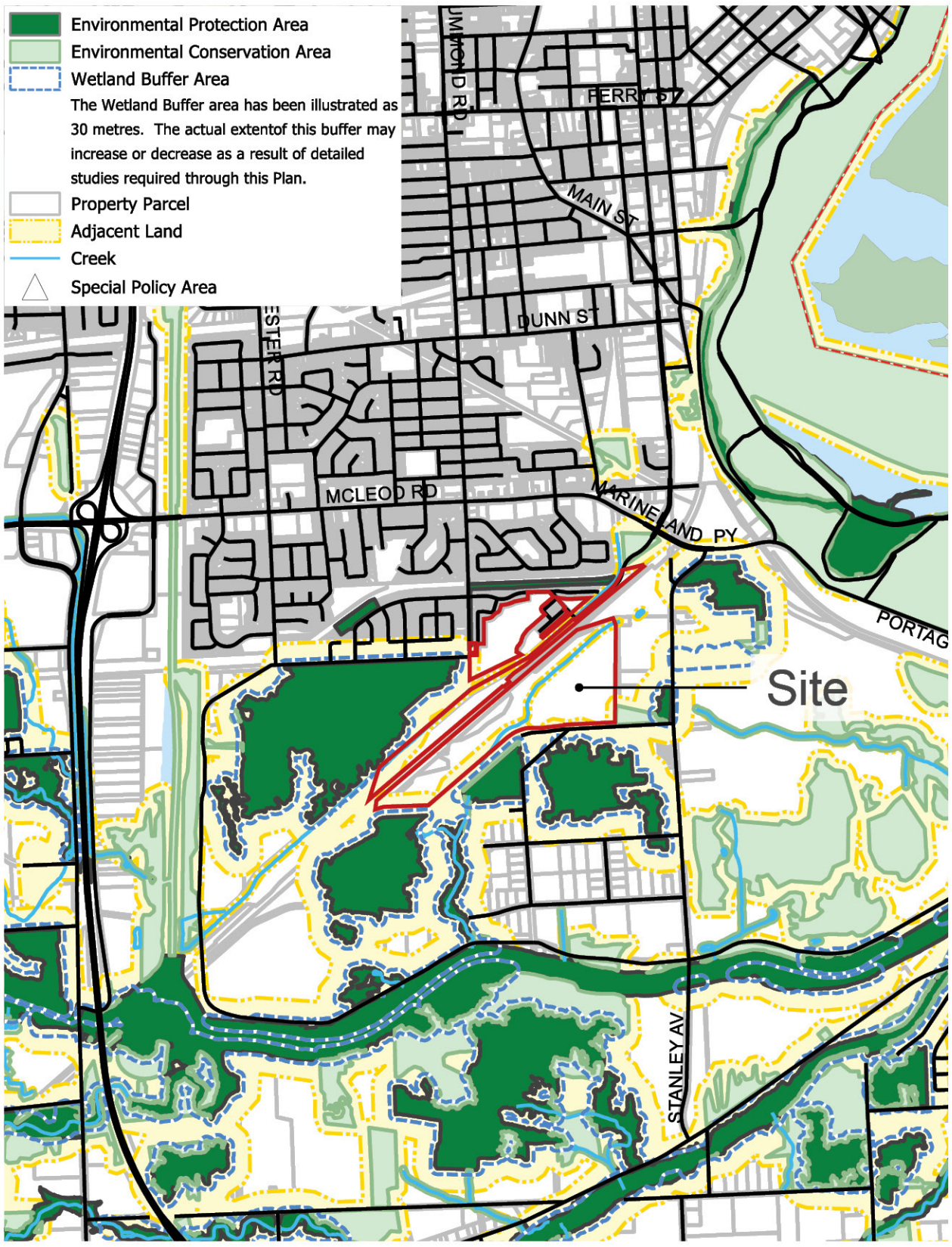
Relevance to the Site:

The proposed development is not permitted by the Residential – Special Policy Area 56 designation and therefore an Official Plan Amendment will be required.

Through the pre consultation process it was determined that a secondary plan was not required to accommodate this small strip of land. However, an amendment to the Official Plan policies will be required to permit the development to proceed without the implementation of a Secondary Plan.

Urban Structure

The OP’s Urban Structure Plan is illustrated in **Figure 17** and shows that most of the Site is identified within the Built-up Area, with the southwestern most portion identified as “Greenfield Area”.



City of Niagara Falls Official Plan -
Natural Heritage Plan

Source: City of Niagara Falls Official Plan Schedule A-1 (October 2018)

Figure
16

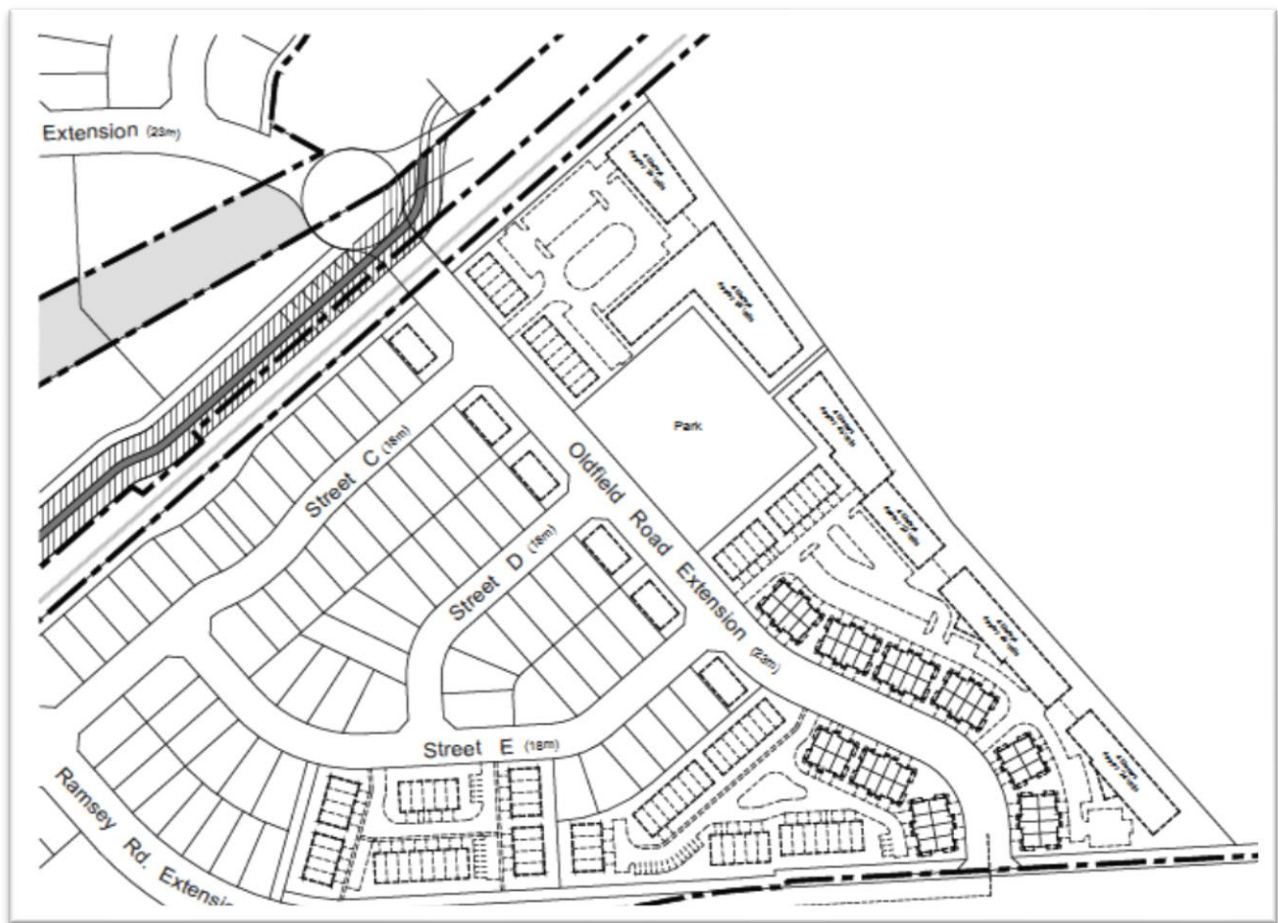
Built-up Area

Section 1.15 of Part 2 contain the OP's Built-up Area policies. These policies apply to the large portion of the Site identified as being part of the Built-up Area and provide guidance on density, height, massing, and mix of residential forms. The Table to follow illustrates how the proposed draft plan (**Figure 11**) conforms to these policies:

	OP Policy	Response
1.15.1	<i>The character of the existing neighbourhoods within the Built-up Area shall be retained. Accordingly, residential development, intensification and infilling shall blend into the lot fabric, streetscape and built form of a neighbourhood.</i>	Adjacent existing development is in the form of single detached dwellings, townhouses and apartments (i.e., one 10 storey apartment). The proposed draft plan provides for singles, townhouse and apartments. The proposed built form is compatible with the OP policy.
1.15.2	<i>A gradation of building heights and densities will be encouraged together with sufficient horizontal separation distances between taller buildings and low rise dwellings in order to ensure a complementary arrangement of residential uses.</i>	The draft plan ensures that proposed single detached dwellings that back onto existing single detached dwellings and that proposed townhouses back onto existing townhouses. In addition, separation distance from existing development is incorporated into the design through the careful integration of public parks and walkway.
1.15.3	<i>Generally, development within the Built-up Area should be at a higher density that what currently exists in the neighbourhood. A harmonious mix of single and multiple accommodation will be encouraged through the Built-up Area so that at any one time a variety of housing types will be available suitable for different age groups, household sizes and incomes.</i>	While the overall development is predominantly low density in nature – consistent with the surrounding community – medium density blocks are located throughout the development to ensure a variety of housing types to service various household sizes, incomes and age groups.
1.15.4	<i>The conservation and renewal of the existing housing stock shall be encouraged as an important element in meeting future housing needs. In addition, the maintenance and rehabilitation of existing housing will be promoted by discouraging unnecessary demolition or conversion to non-residential uses through such mechanisms as demolition control and application of the</i>	There are no existing dwellings on the Site

	OP Policy	Response
	<i>Maintenance and Occupancy Standards By-law.</i>	
1.15.5	<i>Single detached housing is the dominant housing form in existing residential neighbourhoods. Increasing the amount of various types of multiple residential accommodations is encouraged in order to provide for an overall mix of housing within all communities. The inclusion of various housing forms through subdivisions, intensification and infilling shall not be mixed indiscriminately, but will be arranged in a gradation of building heights and densities according to the following policies</i>	<p>The proposed draft plan provides for the development of townhouses of various forms including street, cluster/block and back-to-back townhouses. The draft plan also provides for low rise apartments to a maximum height of 4 storeys within Blocks 246 and 247.</p> <p>The medium density blocks are located appropriately along collector roads and have been arranged to ensure a gradation of building heights.</p>
	<i>(i) Single and semi-detached dwellings, street townhouses, block townhouses and other compatible housing forms are to be developed to a maximum net density of 40 units per hectare with a minimum net density of 20 units per hectare and should generally be located on local or collector roads. New housing forms are to be of a height, massing and provide setbacks that are in character with the surrounding neighbourhood.</i>	The proposed single detached dwellings and street townhouses are proposed at a net residential density of 18 units per hectare based on current zoning regulations and in keeping with the character of existing residential development to the north.
	<i>(ii) Stacked townhouses, apartments and other multiple housing forms with building heights of not more than 4 storeys can be developed to a maximum net density of 75 units per hectare with a minimum net density of 50 units per hectare. Such development should be located on collector roads and designed with a street presence that is in character with the surrounding neighbourhood. In addition, setbacks should be appropriate for the building height proposed and greater where abutting lands are zoned for single or semi-detached dwellings.</i>	<p>Back to back, cluster and apartments blocks within the draft plan are proposed at a density of 50 to 75 units per hectare and are predominantly located along collector roads. The illustration to follow provides a potential layout for the blocks along the Oldfield Road extension.</p> <p>At this time, detailed site plans are not proposed for these blocks; rather appropriate zoning the allow for type of development illustrated.</p>

Sample medium density block layout.



Greenfield Area

Section 1.16 of Part 2 contains the Official Plan Greenfield Area policies. These policies apply to the small southwest portion of the Site shown in **Figure 17**. The policies set out below indicate that a Secondary Plan is required as part of developing a Greenfield Area. In addition, these policies provide guidance in terms of locating multiple-dwelling buildings, and provide a minimum set of urban design guidelines:

- 1.16 *The Greenfield Area as shown on Schedule A-2 is to develop as complete communities at a small scale. Not more than 60% of new housing units are to be built in the Greenfield Area on an annual basis by the year 2015. Secondary planning shall be the primary implementation tool for the development of the Greenfield Area. The following policies shall apply to the preparation of secondary plans and to subdivision proposals where secondary plans do not currently exist.*

- 1.16.1 *The target density of development shall be no less than 53 people and jobs per hectare. The calculation shall be made over the gross developable land area, at a secondary plan scale, which is defined as total land area net of natural heritage areas identified for protection under this Plan, the Regional Policy Plan, any provincial plan or Niagara Peninsula Conservation Authority regulation.*
- 1.16.1.1 *Greenfield densities and housing mix will be monitored by the City annually and reviewed every five years.*
- 1.16.2 *A diverse range of uses is to be provided including neighbourhood, commercial facilities and community services and employment. These uses shall be located and designed such that they compatibly integrate with the built and natural environments.*
- 1.16.3 *It is the intent of this Plan that the Greenfield Area develop with a mix of housing types and at transit-supportive densities in order to utilize urban land efficiently and support public transit. To accomplish this, a range of housing types is to be provided in terms of both form and affordability. Multiple unit housing developments are to be integrated into the form of the neighbourhood in accordance with the following:*
- i. Steep gradients of building heights are to be avoided.*
 - ii. High density housing should be located within 250 metres of an arterial road.*
 - iii. High density housing should be designed to avoid undue microclimatic impacts on abutting lands.*
 - iv. Structured parking is encouraged to be utilized in the development of high density housing.*
 - v. Increases in height may be permitted, through site specific amendments to the Zoning By-law, pursuant to s.37 of the Planning Act in exchange for the provision of housing units that meet the criteria established for affordability within the Provincial Policy Statement.*
 - vi. Appropriate separation distances shall be provided between residential and other sensitive land uses and industrial uses and, more specifically, shall not be located in close proximity to heavy industrial uses.*
- 1.16.5 *Street configurations and urban design are to support walking, cycling and the early integration and sustained viability of public transit. Although detailed urban design guidelines may be developed through the secondary planning process, the following policies shall apply as a minimum:*
- i. All collector roads are to be designed to accommodate public transit.*
 - ii. Transit routes should be designed such that potential users have no more than 300 metres to walk to a transit stop.*
 - iii. Neighbourhoods should be designed on a modified or fused grid pattern with interconnected streets. Block lengths should not exceed 250 metres. Along Natural Heritage features which will be accommodating public trails, local roads*

shall dead end at the feature thus providing a viewshed of the natural area as well as providing direct public access to the trail.

- iv. Sidewalks are to be provided on at least one side of a local road and on both sides of a collector or arterial road.*
- v. Cul-de-sacs are discouraged. Abutting cul-de-sacs should be connected by parkland or open space. Pedestrian connections are to be provided out of cul-de-sacs.*
- vi. Off-road trails should connect to the road network seamlessly in order to provide cyclists with on-road or off-road options.*
- vii. Commercial and employment uses are encouraged to provide facilities for bicycle storage and cyclists.*
- viii. Speed control programs should be utilized to reduce traffic impacts within residential neighbourhoods. 2-8 City of Niagara Falls Official Plan*
- ix. Pedestrian connectivity, in addition to a formal trail system, is encouraged to lessen walking distance to public facilities, such as schools, parks and neighbourhood commercial uses.*

Relevance to the Site:

These policies require that Greenfield Areas be developed to include a range of housing types, in terms of both form and affordability, and at transit supportive densities

The policies also establish a target density for the Greenfield Area portion of the Site as 53 people and jobs per hectare. This calculation is to be made over the gross developable land area at a secondary plan scale. Due to the relatively small portion of the Greenfield Area relative to the entire Site, a Secondary Plan is not being proposed. The irregular configuration of the Site and environmental constraints associated with the Site make it difficult to achieve the overall density of 53 units per hectare's without development all of these lands for medium density purposes. The minimum density target for Niagara's Greenfield area is 53 residents and jobs combined per hectare, measured over the entire greenfield area, excluding specific features. Approximately 5 ha of land at the southwest corner of the site is designated Greenfield and include approximately 33 single detached dwellings and between 155 and 231 multiple dwellings (Block 248) within an irregular shaped narrow strip of land. This equates to an approximate density of between 37 and 52 uph which will assist the City in achieving its density target for Greenfield Areas.

Transportation Network

The City's transportation corridors are illustrated on the Urban Structure Plan are shown in **Figure 17** and consist of rail corridors; provincial highways; and the arterial road system. The OP's transportation policies are contained in Part 3, Section 1.5.

The draft plan of subdivision includes two collector roads, while the remaining roads are local. The two collector roads are proposed that extend to Ramsay Road. The proposed Oldfield Road extension has a right of way width of 23 metres and the extension of Drummond Road has a proposed right of way width of 26 metres. The remaining local roads are proposed with an 18metre right of way to provide for compact urban development in conformity with the Official Plan's road hierarchy policies.

Given that residential development is proposed in close proximity to the CP rail corridor, the following policy applies:

- 1.5.11 *Where residential or institutional development is proposed in close proximity to operational railway lines, Council shall require the preparation of a noise and vibration impact assessment. If necessary, the assessment shall include measures necessary to achieve acceptable attenuation levels in accordance with Ministry of the Environment, and Railway criteria. The measures may take the form of fencing, increased setbacks, earth berms, tree planting, acoustical insulation, site plans or combinations thereof in order to minimize potential safety hazards and visual, noise and vibration impacts to the satisfaction of the City and the Ministry of the Environment, and in consultation with the appropriate Railway.*

Relevance to the Site:

The proposed draft plan has been designed to include an efficient road pattern allowing for appropriate vehicular movement within and through the development with connections to adjacent existing developed areas.

The draft plan illustrates that Lots 48 to 101 back onto the existing CP railway spur. Between the railway right of way and the future residential dwellings, fencing will be provided as well as 6m multi-use trail including landscaping to separate the uses and buffer noise.

In conformity with this policy, a noise and vibration study was prepared by Golder dated February 2020 to address the CP Rail spur line. The Golder Report notes (page 24) that CP requires a warning clause for developments near industrial spur lines to advise future purchasers of the existence of the spur line and the noise and vibration associated with it. In addition, a minimum setback of 15 metres between the railway right of way and a dwelling is required through zoning. The rear lot line of Lots 48 to 101 is located 6 metres from the rail right of way. This setback, combined with a required rear yard setback of 9m for these lots, will ensure that the buildings meet the 15m setback requirement.

Active Transportation:

The following active transportation policy is relevant to the proposed development.

- 1.5.13 *The City will endeavour to achieve connectivity of off-road trails with the goal of creating an inner-City trail system that links residential, employment and recreational areas.*

Relevance to the Site:

The proposed draft plan supports active transportation by introducing a network of multi-use trails and walkways throughout the proposed subdivision, that will help link residential areas to the north of the Site with employment uses located to the south.

Natural Heritage System

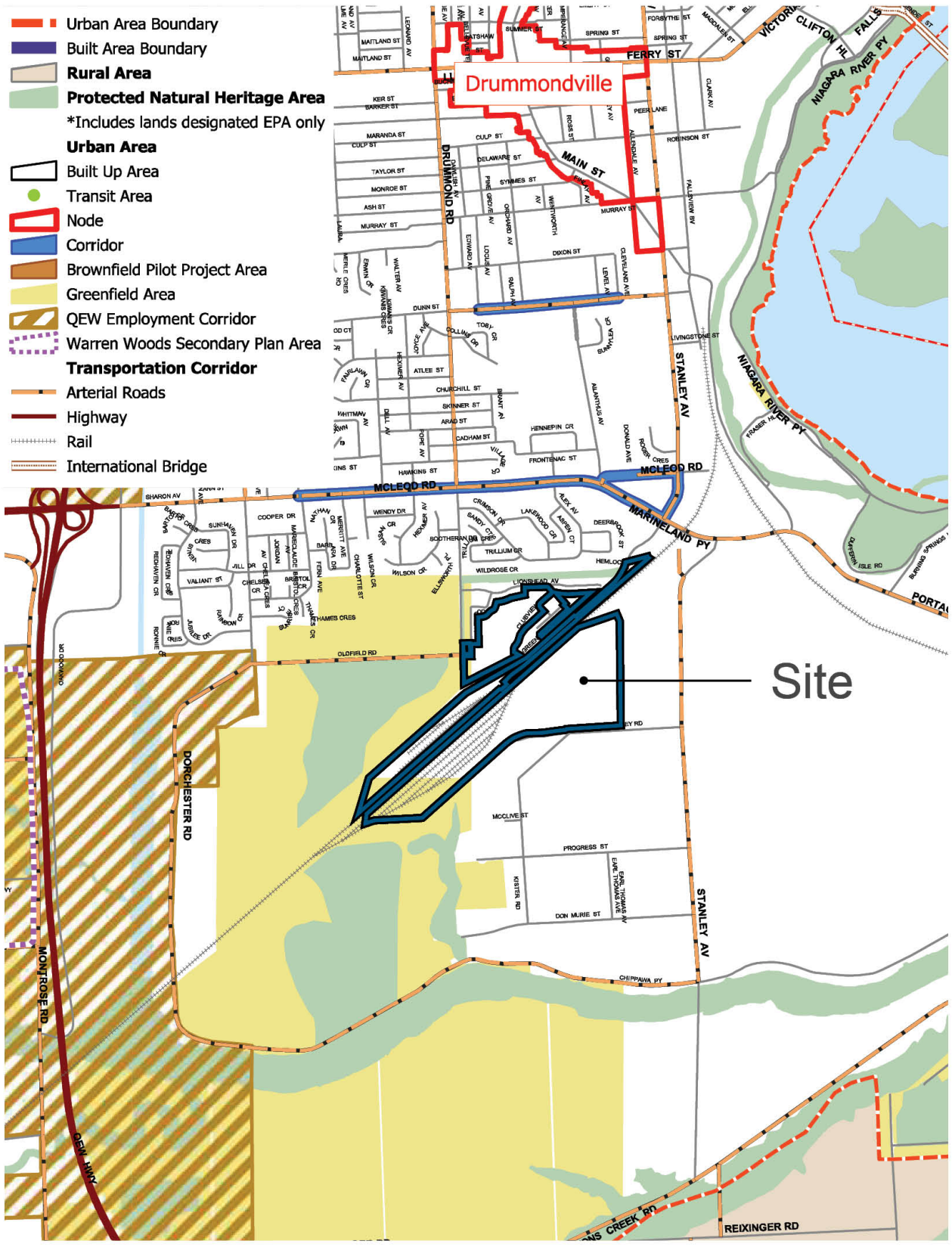
As illustrated on the OP's Natural Heritage Plan shown on **Figure 18**, the Site features a creek that drains south to the Welland River. While neither an Environmental Protection Area (EPA) nor an Environmental Conservation Area (ECA) is identified on the Site, there are several "Adjacent Lands" to these features. Furthermore, a Provincially Significant Wetland (PSW) has been identified by the MNRF (refer to **Figure 10**) and is classified as an Environmental Protection Area as per policy 11.2.13. In order to develop Adjacent Lands to an EPA or ECA, an Environmental Impact Study (EIS) is required as stated below:

- 11.2.2 *In considering the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act on lands adjacent to an EPA or an ECA designation, Council will require the proponent to prepare and submit an Environmental Impact Study as outlined in Policies 11.1.17 to 11.1.22. Adjacent lands are illustrated on Schedule A-1 to this Plan, except for areas within the Urban Area Boundary where lots have been developed or have received final approval through a Planning Act process.*

Relevance to the Site:

Careful consideration shall be given to the placement of stormwater management facilities to ensure that there will be no impact on lands adjacent to natural heritage features.

An Environmental Impact Statement (EIS) was prepared by R.J Burnside dated February 2020 and confirms that the proposed draft plan of subdivision can be developed as proposed subject to the inclusion and implementation of appropriate buffers, forest enhancement, habitat enhanced stormwater management facilities, hedgerow enhancements and slough/pit and mound restoration as detailed in their recommended monitoring program and illustrated in **Figure 9** of their report.



City of Niagara Falls Official Plan -
 Urban Structure Plan
 Source: City of Niagara Falls Official Plan Schedule A-2 (May 2014)

Environmental Protection Areas (EPA)

The MNRF identified Provincially Significant Wetland located in the southwest portion of the Site (refer to **Figure 10**) and designated as an Environmental Protection Area and therefore the following policies apply:

- 11.2.14 *Development or site alteration shall not be permitted in the EPA designation except where it has been approved by the Niagara Peninsula Conservation Authority or other appropriate authority, for the following:*
- a) *forest, fish and wildlife management;*
 - b) *conservation and flood or erosion projects where it has been demonstrated that they are necessary in the public interest and other alternatives are not available;*
 - c) *small scale, passive recreational uses and accessory uses such as trails, board walks, footbridges, fences, docks and picnic facilities that will not interfere with natural heritage features or their functions.*
- 11.2.16 *A minimum vegetated buffer established by an Environmental Impact Study (EIS) shall be maintained around PSWs and Niagara Peninsula Conservation Area Wetlands greater than 2 ha in size. A 30m buffer is illustrated on Schedule A-1 for reference purposes. The precise extent of the vegetated buffer will be determined through an approved EIS and may be reduced or expanded. New development or site alteration within the vegetated buffer is not be permitted. Expansion, alteration or the addition of an accessory use in relation to an existing use within the buffer may be permitted, subject to an approved EIS, where:*
- a) *the expansion or accessory use is not located closer to the edge of the PSW than the existing use; and*
 - b) *the expansion or accessory use cannot be located elsewhere on the lot outside of the designated buffer area.*
- 11.2.17 *Endangered and Threatened species are identified through lists prepared by the Ministry of Natural Resources. The Significant habitat of threatened and endangered species are identified, mapped and protected through management plans prepared by the Ministry of Natural Resources and the Committee on the Status of Endangered Wildlife in Canada and all applications made pursuant to the Planning Act within or adjacent to the EPA designation will be circulated to the Ministry of Natural Resources for review.*

Relevance to the Site:

The Provincially Significant Wetland located in the southwest portion of the Site is proposed to be wholly contained within an Open Space area shown as Block 255 on **Figure 11**.

Water Resources

The OP contains several policies pertaining to development and managing water resources. In conformity to these policies, a Stormwater Management Report was prepared by R.J. Burnside and demonstrates that the two proposed stormwater management ponds can appropriately accommodate manage and treat the stormwater arising from the development of the Site.

Woodlands and Forestry Resources

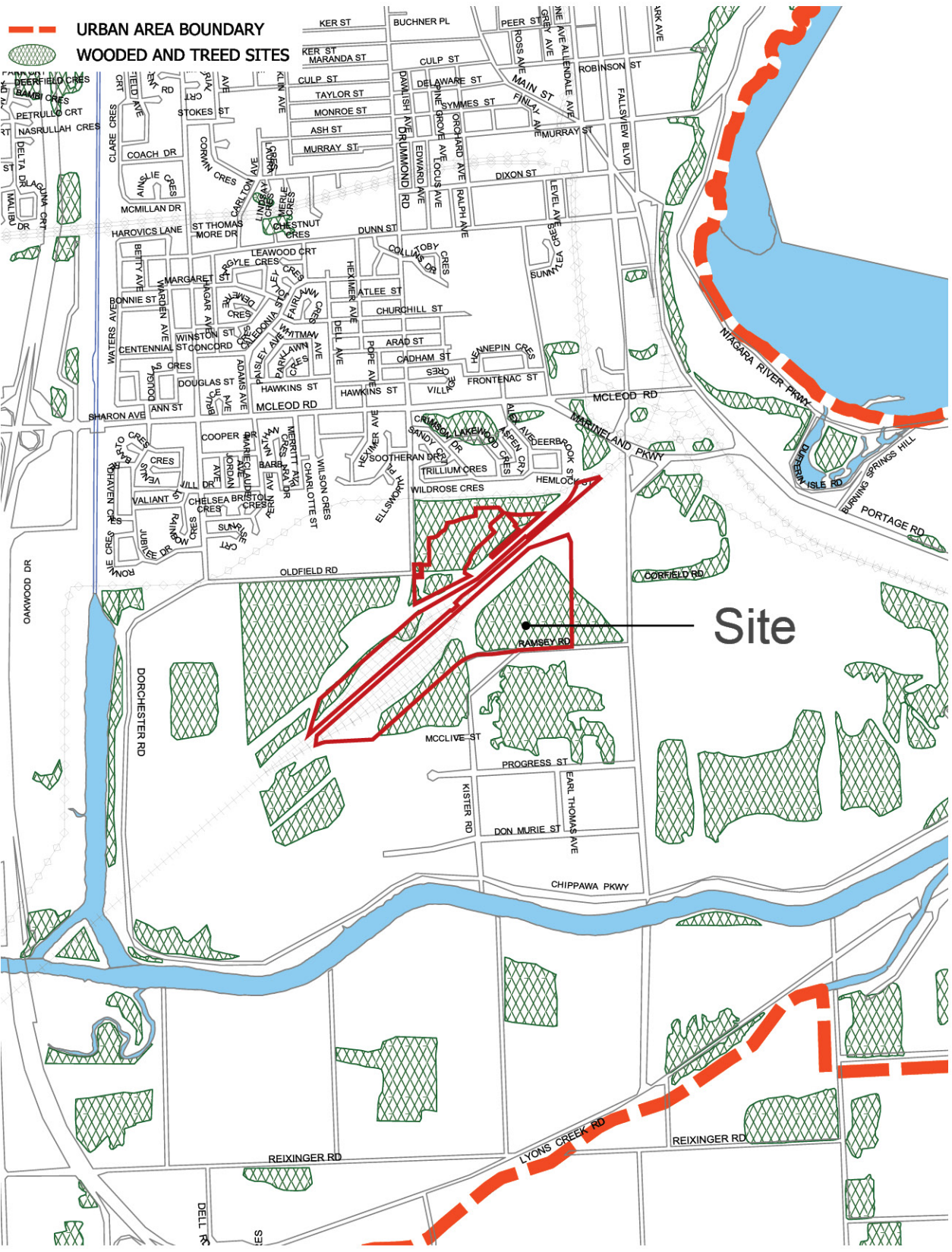
As shown on **Figure 19**, Wooded and Treed Sites, a number of wooded and treed sites are located on the Site. However, these wooded are not reflected in the air photograph of the site found in **Figure 2** as some of the wooded and treed sites have already been developed for residential purposes and/or have been manicured to accommodate the existing golf course. The largest wooded area is located on the eastern side of the Site with other pockets of wooded areas in the northwest and along the periphery. The following policies apply to the wooded and treed areas of the Site:

- 11.1.39 *The City recognizes the values and benefits of trees, hedgerows and woodlands to the overall environmental health of the community as well as its visual appeal. The City shall place a high priority on the protection of these features.*
- 11.1.40 *The City shall endeavour to meet forest cover and vegetative buffer targets set through watershed studies and environmental impact studies by including minimum vegetative setbacks from all order streams under the Environmental Conservation Area designation. The protection of land adjacent to woodlands, water features and other natural heritage features by retaining the buffer in a natural state shall also be undertaken through these policies.*
- 11.1.41 *All development is to be designed in a sensitive manner having regard to the environmental, social and aesthetic benefits of trees, hedgerows and woodlands through the following:*
- i. The retention and protection, to the greatest extent possible, of the existing tree cover, recognizing its environmental and aesthetic importance.*
 - ii. Ensuring efficient harvesting and use of trees that must be removed to accommodate the placement of buildings, structures and roads.*
 - iii. The incorporation of land with existing tree cover into the urban area park system, if appropriate.*
 - iv. The maintenance and possible enhancement of tree cover along watercourses and on steep slopes, in order to reduce soil erosion and improve water quality.*
 - v. Permitting the continued management and selective harvesting of forest resources, where appropriate.*
 - vi. The use of native trees in development design.*

- 11.1.42 *The City supports the protection of woodlands greater than 0.2 hectares in size and individual trees or small stands of trees on private lands that are deemed by Council to be of significance to the City because of species, quality, age or cultural association from injury and destruction through such means as the Region's Tree and Forest Conservation Bylaw or any similar municipal by-law.*
- 11.1.43 *Good stewardship of urban woodlots and forested areas shall be promoted. The location of treed and wooded areas, including those located outside of significant woodlands, are illustrated on Appendix III to this Plan. Where such lands are under private ownership and are contemplated for development, the preservation and maintenance of natural environment conditions will be encouraged to the fullest extent possible. Where deemed appropriate, the City will consider such measures as bonusing, land purchase, transfer of development rights or land exchanges to safeguard important natural areas.*
- 11.1.44 *The City shall encourage the retention of individual trees or stands of trees wherever possible through development applications including site plan control, plan of subdivision or vacant land condominiums. A Tree Savings Plan may be requested as a condition of development.*

Relevance to the Site:

Figure 19 does not reflect the existing conditions of the Site. The Figure identifies the area as being wooded or treed which is the area of where development currently exists and/or used for a golf course. In these areas the trees have already been removed as seen in **Figure 2** and developed for residential purposes or have been manicured for the golf course. The proposed draft plan of subdivision and the restoration plan recommended through the EIS prepared by R.J. Burnside provides detailed reviewed of the environmental features on the Site including wooded and treed areas. The proposed draft plan identifies the preservation of a woodlot within Block 254 along with forest enhancement and slough/pit ad mound restoration. The wooded areas will be properly managed and ultimately enhanced in accordance with the recommendations of the EIS.



City of Niagara Falls Official Plan -
Wooded and Treed Sites

Source: City of Niagara Falls Official Plan Appendix III (December 2008)

Urban Design Strategy

The Urban Design policies of the Official Plan (Part 3 Section 5) aim to create a compact and interconnected community. The proposed Niagara Village draft plan has a unique opportunity to create this type of neighbourhood on a large scale. In response to the urban design policies of the OP and Niagara Region's Model Urban Design Guidelines, a Neighbourhood Structure Plan & design Guidelines were developed by GSP Group. These guidelines clearly articulate the structure of the plan and provide detailed design guidelines for the various uses to ensure they meet the local and regional design policies.

Summary

In order to implement the proposed draft plan of subdivision, an amendment to the Official Plan is required. The design of the draft plan has addressed the natural heritage, transportation, servicing and urban design policies of the OP.

4.9 City of Niagara Falls Zoning By-law No. 79-200

The Site presently contains the following three (3) zones (shown on **Figure 20**):

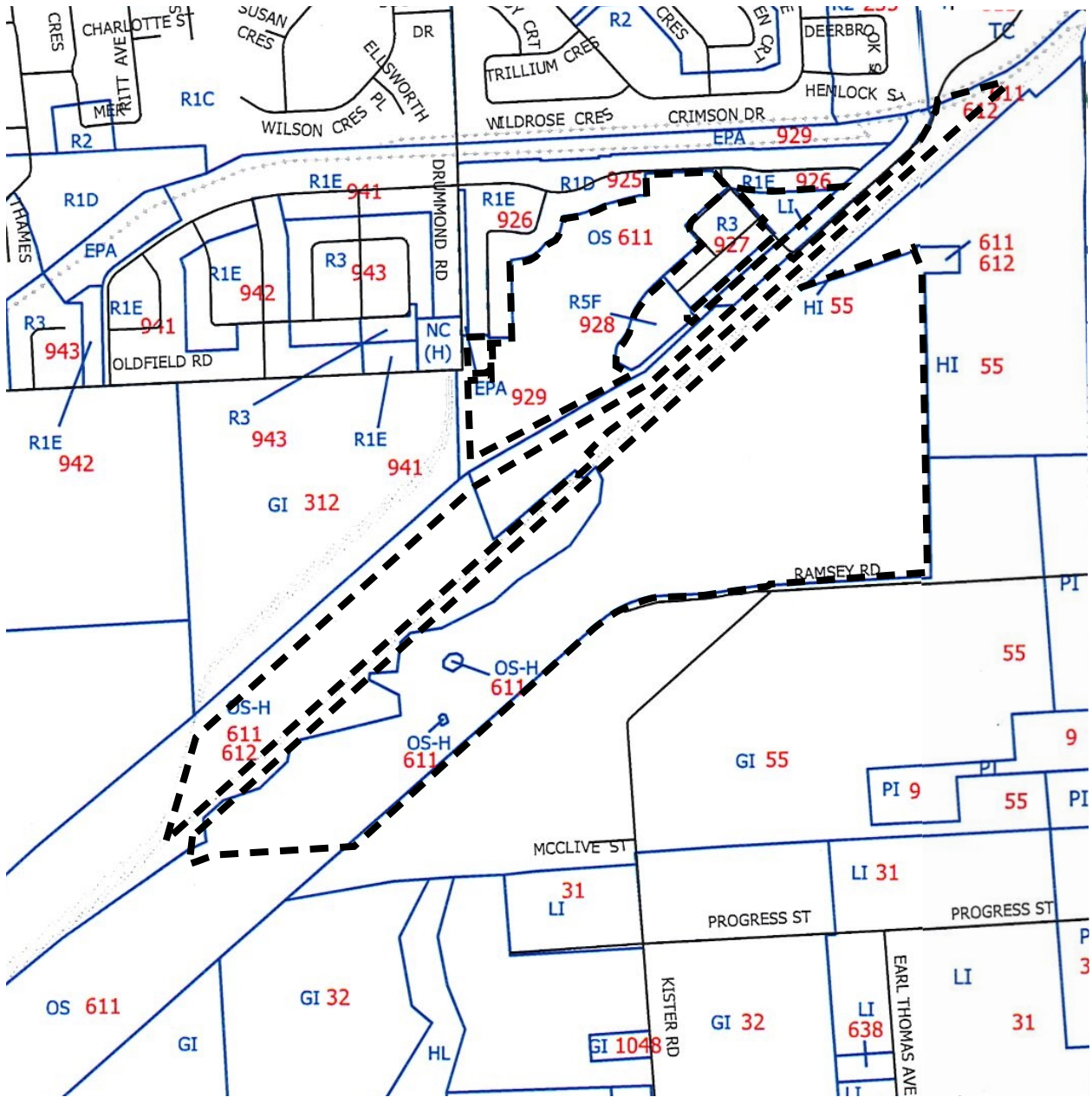
- Open Space (OS) Zone, 611
- Open Space (OS) Zone (H), 611; and
- Open Space (OS) Zone (H), 611, 612.

These three Open Space (OS) zones were created in 2003 (via By-law No. 2003-46) to facilitate the redevelopment of the former CN Railway marshalling yards for the Thundering Waters Golf Course. Special provision 611 restricts the land use solely to a golf course and accessory buildings. Special Provision 612 applies to the interior southwestern portion of the Site and removes the requirement for frontage on a street.

A holding provision also applies to the southwestern portion of the Site. The holding provision was put in place to fulfil the requirements established in OP Special Policy Area No. 39 (for details, refer to Section 4.8 City of Niagara Falls Official Plan). In order to remove the holding provision, the owner/developer “[...] shall be required to decommission and remediate the said lands to the satisfaction of the Ministry of the Environment.”

Relevance to the Site:

In order to permit the proposed development as contemplated, a Zoning By-law Amendment will be required in order to facilitate the comprehensive redevelopment of the Site for a variety of residential forms, mixed-used buildings, environmental, and open space uses.



5.0 PLANNING APPLICATIONS

5.1 Official Plan Amendment

An Official Plan Amendment to the City of Niagara Falls Official Plan is required to permit the use of the Site for residential, mixed use, environmental, and recreational purposes. A draft Site-Specific Amendment to the Official Plan (proposed OPA) has been included as **Appendix F**.

The OPA proposes the following:

- redesignate the Site from Open Space Special Policy Areas 39 and 56 to a new Special Policy Area.
- redesignate a portion of the site from Open Space to Residential and from Open Space to Environmental Protection Area.
- amend Schedule A-1 Natural Heritage Features and Adjacent Lands to reflect the location of the Provincially Significant Wetland located in the south western portion of the Site; and
- create a new Schedule A-7 – Potential Woodland Removal and Enhancement/Rehabilitation Areas to identify the woodlands to be removed and the areas to be enhanced and/or rehabilitated.

These revised schedules and policies will guide the residential and mixed-use development as well as protect the natural heritage features on the Site. The amendment will limit development in a manner that will protect the Provincially Significant wetlands while establishing a mixed-use neighbourhood.

The proposed site-specific policies are to ensure that the key land use issues related to noise, vibration and air quality, stormwater management, transportation, woodland removal, residential densities and the proposed multi-use trail are included and implemented in the proposed development.

The policies require that any development include the implementation of noise mitigation measures to meet provincial standards and that warning clauses be implemented through future subdivision agreement and site plan agreements as well as purchase and sale agreement where appropriate. This is to ensure that the surrounding industries can continue to operate in accordance with their respective Environmental Compliance Approvals.

The policies required that developer enter into a compensation agreement with the City to address the plantings and restoration work required by EIS.

The policies also require the establishment of a network of multi-use trails to ensure they are provided.

5.2 Zoning By-law Amendment

An amendment to City of Niagara Falls Zoning By-law No. 79-200 is required to rezone the Site from Open Space (OS) Zone, 611; Open Space (OS) Zone (H), 611; and Open Space (OS) Zone (H), 611, 612 to appropriate residential and open space zones to implement the proposed draft plan. A draft by-law (draft ZBA) has been included as **Appendix G** and includes the following site-specific provisions:

Residential R3 Zone:

All lots proposed for single detached dwellings are to be rezoned to the R3 Zone. Modifications to the R3 Zone are required is to permit multi-use trails as a permitted use and to permit group dwellings in Block 244.

The R3 Zone applicable to Lots 48 to 101 require a minimum rear yard setback of 9 metres to ensure the buildings are setback 15 metres from the CP Rail right of way.

Medium Density R4 Zone

The remaining medium density blocks are to be rezoned to the R4 Residential Zone.

CP Rail

Where a noise barrier is not required, a 1.5m chain link fence is required along the north and south lot lines of the existing CP Rail line.

Holding Provisions:

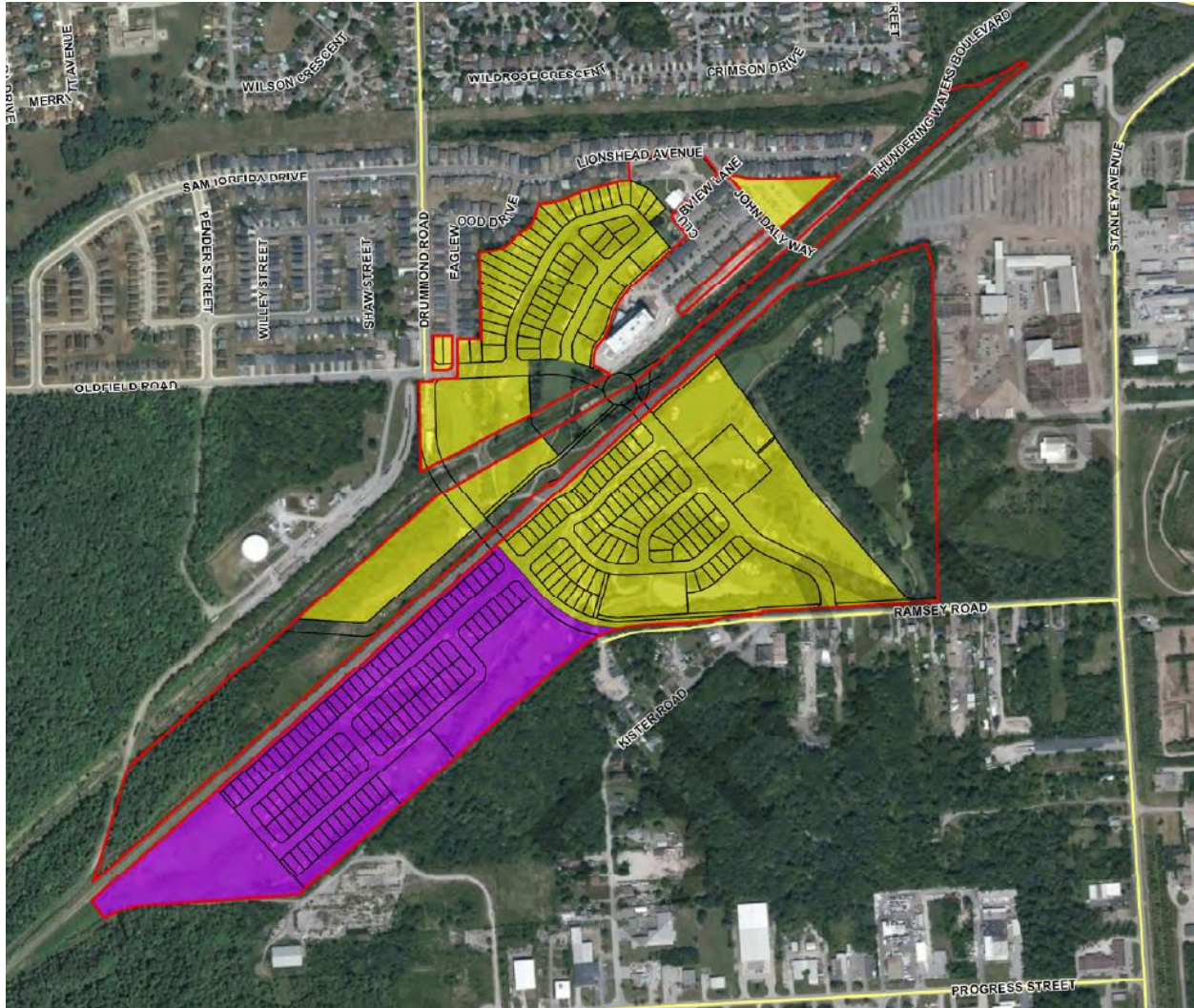
Holding provisions have been applied to areas where noise attenuation measures are likely required. Specifically, the draft Zoning By-law Amendment requires that prior to the development of Blocks 246 and 247 the developer submit a site plan application including detailed design drawings, supported by an updated noise report that assesses noise impact from adjacent industries. Once the Site plan has been reviewed and approved by the city, the holding provision may be lifted.

5.3 Draft Plan of Subdivision

A Draft Plan of Subdivision is required to create the lots and blocks proposed within the development. **Figure 11** illustrates the proposed layout of the subdivision.

5.4 Request for Noise Receptor Reclassification - Class 4

In order to support the proposed Official Plan and Zoning by-law Amendments and draft plan of subdivision, part of the Site must be deemed as Class 4 receptors pursuant to the Ministry of Environment's Noise Guideline NPC-300 and as illustrated in yellow below:



6.0 PLANNING SUMMARY AND ANALYSIS

6.1 Provincial Policy Statement, 2014

The proposed Subject Applications have been reviewed against the Provincial Policy Statement which came into effect on April 30, 2014. The Subject Applications are consistent with the policies found in Subsection 1.1.3.1 of the PPS respecting growth in Settlement Areas as well as Subsection 1.1.3.2 respecting land use patterns within settlement areas as set out in this planning justification report.

The proposal is an appropriate example of intensification consistent with policy 1.1.3.3 as it facilitates the redevelopment of an underutilized property. The proposal is contiguous to existing development and situated in immediate proximity to collector and arterial roads, and municipal services which are planning and/or available.

The Site is also adjacent to existing industrial uses. In compliance with the provisions of policy 1.2.6 – Air Quality and Noise and Vibration Assessments have been completed and submitted with the Subject Applications. These studies have confirmed the potential for impacts and outline recommendations for further detailed study and the development of appropriate mitigation strategies for the Site. These mitigation measures include a range of options that will be implemented to ensure no incompatibility concerns with the existing land uses. These mitigation measures include 3 to 5 metre noise barriers, method of construction, building configuration and orientation and building interior design. In the absence of more detailed plans, the Assessments recommend acoustical design options for addressing noise impacts for both amenity areas and building living space. For amenity areas, the mitigation measures include locating amenity space internal to buildings; locating ground level outdoor amenity areas at locations shielded by buildings. For building living areas, the mitigation measures include enclosed noise buffers such as glazed solarium or enclosed balconies to prevent noise from reaching the plane of windows of bedrooms or living/dining/family room areas; or using single loaded corridors on the sides of residential buildings exposed to the noise source.

Based on the studies completed the Site is therefore recommended to be classified as a Class 4 Area pursuant to the Ministry of the Environment Noise Guidelines NPC-300 (Stationary and Transportation Sources – Approval and Planning), and placed under a holding provision until such time as the necessary mitigation measures are reviewed and confirmed. These mitigation measures will also be secured and implemented through conditions of draft plan of subdivision approval and through the site plan review process.

The adjacent industrial areas are considered to have been appropriately planned for and protected consistent with policy 1.3.2.1. The development of the Site for the range of uses proposed represent a successful integration of uses and efficient use of the lands.

To address policy 2.1, an Environmental Impact Study was completed by R.J. Burnside. The study concluded that no significant or net impacts to the provincially significant wetland, potentially Significant Woodland and wildlife occurs following the implementation of the Mitigation Masterplan including. *“Monitoring for impacts to natural heritage features and functions and the successful implementation of associated mitigation that occur prior to, during and post construction is required for ensuring conformity with policies and protection of vegetation communities and wildlife. The monitoring program must be revisited as part of the detailed design and consider integration with other components of the development design (e.g., Stormwater management).”* (page 73)

The proposed development designated the PSW to the southwest as an Open Space block where no development shall be permitted and includes as slough/pit and mound restoration area. The existing woodlot to the east is also identified as an open space block where forest enhancement, buffer enhancement and slough/pit and mound restoration is to be provided as well.

Recognizing the former industrial use of the lands as railway marshalling yard, a Phase II Environmental Site Assessment has been completed and confirms the appropriateness of the Site for development.

On this basis, the proposed development is consistent with the PPS (2014)/

6.2 A Place to Growth - Growth Plan for the Greater Golden Horseshoe, (May 2019)

The Plan’s main objective is to provide direction in developing communities with a better mix of housing, jobs, and services near each other. The Site is located within the built-up area.

The proposal satisfies Policy 2.2.2 and promotes and facilitates intensification within the delineated built-up area with an appropriate built-form, height, scale, density and type of development that appropriately complements adjacent land uses. The proposal includes an appropriate transition from existing land uses and provides a variety of built forms. The proposed draft plan of subdivision is intended to reduce dependence on automobile use through its development as a mixed use, transit supportive, pedestrian friendly environment including multi-use trails and walkways. The concept achieves the objective to develop as a complete community given the mix of land uses in proximity to a employment areas, housing types, high quality open space, and access to existing stores and services through he extension of existing roads to and through the site.

The Site is within proximity to lands used for industrial purposes. These employment lands are to be planned for and protected as per Policy 2.2.5.8. Based on the air quality, noise and vibration assessments and recommendation provided in the Golder Studies, the proposed development represents an appropriate integration of uses that would protect and preserve current and future uses.

The Subject Applications conform to the policies of the Growth Plan.

6.3 Niagara Region Official Plan

The Region of Niagara Official Plan is a long-range community planning document that contains objectives, policies and mapping that implement the Region's approach to management growth, growing the economy, protecting the natural environment and resources, and providing infrastructure.

The Site is located within an existing settlement area within the designated Built-Up area of the Region where residential intensification is intended and targeted for compact, mixed use development that is transit supportive. The proposed draft plan of subdivision demonstrates a compact mixed use, transit supportive and active transportation friendly community including a multi use trail circuit and collector road with the capacity for bike lanes. The development makes efficient use of existing services through the extension of municipal sewage and water services through the site.

A small portion of the Site is designated Greenfield Area in the Regional OP. These lands are contiguous to the built-up area and form a part of the overall development. The density proposed for this area assist in meeting the Region's minimum density target by providing a sizable medium density block. Overall the proposed development conforms to the Regional objectives regarding compact complete communities that maximize the use of existing and planned infrastructure to support growth.

Golder prepared both an Air Quality Assessment and Noise and Vibration Assessment. The studies concluded that subject to the implementation of mitigation measures and support the classification of the eastern half of the Site as a Class 4 Receptor, existing and future employment uses to the west, south and east will not be adversely affected by the proposed plan of subdivision.

With respect to natural heritage, and in conformity with the Regional OP natural heritage policies and EIS criteria, an EIS was completed that confirmed the presence of Provincially Significant Wetland (PSW) in the southwest corner of the Site as well as a significant woodlot both of which were evaluated against the criteria established in the EIS. The following features were identified in the EIS:

- Niagara Falls Slough Forest Complex PSW
- four candidate and two confirmed SWH's, turtle wintering areas, reptile hibernacula, and colonially-nesting bird breeding habitat, and species of conservation concern;
- three SAR including barn swallow, wood thrush and the monarch; and,
- Type 3 (marginal) habitat within the ponds, the ConRail drain and the intermittent watercourse within the gold course.

In response to the presence of these features, the EIS recommended a Mitigation masterplan to support and enhance the natural heritage functions of the retained natural heritage features. With the implementation of the Mitigation master plan, the EIS concludes that in conformity with the Regional Official Plan there would be no significant or net impacts to the PSW, potentially Significant Woodland or wildlife.

The Region requested the preparation of urban design guidelines for the proposed development. Pursuant to this direction a Neighbourhood Structure Plan & Design Guidelines was prepared by GSP Group that took into consideration such matters as height, massing and character of new buildings, and the appropriate physical relationship between buildings, open spaces and industries. Due to the configuration of the Site, and the physical constraints associated with the existing railway, Conrail Drain and environmental features, the design of the draft plan provided little flexibility.

The study provided direction regarding the transition to the existing apartment and townhouses along Green Vista Drive and incorporated public realm guidelines in the design and make up of the Drummond and Oldfield collector road extensions to ensure bike lanes, sidewalks and on street parking are provided. Design direction for local streets was provided to ensure they develop as attractive streetscapes accommodating pedestrians and comfortable walking throughout the neighbourhood within an 18 metre right of way. A multi use trail circuit is proposed and the Guidelines provide direction on the development of this feature. The Guidelines also provide more detailed direction and programming for the three proposed parks. Finally, direction regarding the mixed-use block and multiple residential blocks is provided – with specific direction regarding noise attenuation.

6.4 City of Niagara Falls Official Plan

As in the Regional Official Plan, the Niagara Falls Official Plan contains greenfield policies to ensure the lands are developed to include a range of housing types, in terms of both form and affordability, and at transit supportive densities. The Niagara Falls density target is 53 units per hectare. Taking into account the relatively small portion of the Greenfield Area designated lands relative to the entire Site, the irregular configuration of the Site, and environmental constraints associated with the Site, a density of between 37 and 52 units per hectare may be achieved in this area. The proposed development will assist the City in achieving its density target overall for Greenfield Areas.

In conformity with the Official Plan the proposed draft plan has been designed to include an efficient road pattern allowing for appropriate vehicular movement within and through the development with connections to adjacent existing developed areas. Mitigation measures were incorporated into the proposed design as a result of the CR Rail spur line that bisects the Site, and the industrial uses to the east, west and south. Golder, based on the, air quality and noise

and vibration assessment confirmed with the implementation of mitigation measures no incompatibility exists between existing and proposed land uses.

The Official Plan requires careful consideration of the existing and future noise environment in the surrounding industrial area and requires the evaluation of the impact potential on the proposed residential development. This evaluation has been completed by the Golder Report.

Residential uses are governed by regulation limits based on the requirements of the City of Niagara Falls and CP Rail. The City of Niagara Falls relies on the Ministry of Environment, Conservation and Parks (MECP) noise control guidelines documents, NPC-300 Environmental Noise guideline. CP Rail has their own guidelines for noise and vibration which apply to residential development near their rail lines.

Golder addressed the feasibility of the development and potential risks associated with noise and vibration and confirmed, with the implementation of the mitigation recommendations the proposed development is appropriate and satisfies the environmental design criteria. Preliminary design criteria and recommendation were provided for indoor architectural and mechanical noise control and for room acoustics further mitigating any impacts.

The Golder report recommends that part of the Site be given a Class 4 designation to allow for residential development near approved noise sources and mitigate any possible incompatibility between competing land uses.

The proposed development is consistent with the development of the area including the existing for residential development. More recently, the development located at 1711 Green Vista Gardens is located within approximately the same setback as this proposed development. The proposed development for the Site appears to incorporate more stringent mitigation measures than what was implemented at the Green Vista Gardens development.

Coupled with the Class 4 designation, Golder recommends further noise mitigation measures including 3 and 5 metres noise barriers, and design controls:

- **Salit Steel:** The results of Golder's analysis indicate that Salit Steel will be the primary driver of noise controls for the proposed development. A 5 metre noise barrier is required along the western boundary of the woodlot (block 254) to assist in mitigating noise emanating from Salit Steel. In addition, noise control measures will need to be incorporated into the design of the medium density development within Blocks 246 and 247 to address outdoor and indoor living areas.
- **Ready Mix:** 5 metre noise barriers are also required to protect the private outdoor amenity space associated with the single detached dwellings proposed within Lots 128 to 138 at the very southwestern limits of the Site, as well as Lots 165 to 172 that back onto the stormwater management pond from noise emanating from Ready Mix to the south.

- Chemtrade: 3 metre noise barriers are required to address noise rail loading/unloading associated with Chemtrade located to the west. These barriers are to be constructed along the north side of block 242 proposed for retirement single detached dwellings, and along the west side of the Drummond Road extension, west of Block 249 to protect the mixed use block from noise.

The Golder Noise and Vibration Assessment notes (page 24) that CP requires a warning clause for developments near industrial spur lines to advise future purchasers of the existence of the spur line and the noise and vibration associated with it. A minimum setback of 15 metres between the railway right of way and any residential dwelling shall be required through zoning. The rear lot line of Lots 48 to 101 is located 6 metres from the rail right of way. This setback, combined with a required rear yard setback of 9m for these lots, will ensure that the buildings meet the 15m setback requirement.

The proposed draft plan supports active transportation by introducing a network of multi-use trails and walkways throughout the proposed subdivision, which will help link residential areas to the north of the Site with employment uses located to the south

With respect to natural heritage, an Environmental Impact Statement (EIS) was prepared and confirms that the proposed draft plan of subdivision can be developed as proposed subject to the inclusion and implementation of appropriate buffers, forest enhancement, habitat enhanced stormwater management facilities, hedgerow enhancements and slough/pit and mound restoration as detailed in their recommended monitoring program and illustrated in **Figure 9** of their report. No development is proposed within the PSW to the west, or the woodland to the east.

6.5 Niagara Falls Zoning By-law No. 79-200

The requested zoning by-law amendment proposes the rezoning of the lands to the Residential Mixed (R3 Zone), the Residential Low Density, Group Multiple Dwelling (R4 Zone), the Open Space (OS Zone) and the Environmental Protection Area (EPA Zone).

Site specific regulations and holding provisions are also proposed to ensure the appropriate design and use of the Site.

Residential Mixed Use (R3)

The R3 Zone permits single, semi-detached, duplex and on street townhouse dwellings. Lots 1 to 232 are proposed for single detached dwellings. Blocks 233 to 241 are proposed for street townhouses dwellings and will be further subdivided through part lot control following construction of the townhouses. In addition, Blocks 243 and 244 are proposed to be rezoned to a modified R3 Zone to reflect the low-density nature of the blocks and to permit a new built form including group dwellings (eg. Block townhouse, back to back townhouse, etc.).

One large mixed use block is intended as the focus of the Niagara Village community. Specifically, Blocks 249 and 250, combined with lands to be converted from the existing ConRail Drain that currently separates these two parcels, are proposed for a mixed used development including multiple residential buildings and mixed use building integrating smaller scale commercial uses to service the neighbourhood and surrounding area. The design intent is to primarily front and feature the abutting main streetscapes and abutting naturalized areas at the core of the neighbourhood.

The site-specific regulations applicable to these blocks are to allow for commercial uses within the R3 Zone to allow for an appropriate mix of uses. The range of uses permitted are largely premised on the Neighbourhood commercial (CC Zone).

Residential Low Density, Group Multiple Dwelling (R4) Zone

Medium density development is provided for in Blocks 246 to 248. These blocks are intended for the development of block townhouses, back to back townhouses and low-rise apartments. A low-rise apartment will be developed along the most easterly lot line of blocks 246 and 247 to assist in mitigating noise further to the west. These buildings combined with a 5m metres noise fence will serve to mitigate noise from Salit Steel to the remainder of the development to the west.

Open Space (OS Zone)

Three parks are proposed and are located within Blocks 251, 252, and 253. The Design Guidelines provide direction on the function and potential programming of these parks to ensure they are properly designed to serve the community. The northern park (Block 253) provides for an open space transition area from existing residential development. The central park (Block 252) could provide for more active uses including a multi-use court, playground and splash pad. This central park also provides a trail connection to the woodlot to the east. The southern park (Block 251) is proposed as an extension to the naturalized stormwater management pond to the east (Block 260) as well as the buffer plantings to the west (block 260) that will include hedgerow enhancements as well as a multi-use trail.

Environmental Protection Area (EPA) Zone

Block 255 is to be rezoned to the EPA zone and the OS Zone to ensure the continued protection of this Provincially Significant Wetland.

CP Spur Line

The site-specific provisions of both the proposed R3 and R4 Zones require that principal dwellings be setback a minimum of 15 metres from the railway right of way in compliance with CP standards for spur lines. A 1.5m chain link fence is required along both sides of the full length of the spur line unless a street crossing or noise barrier is required. The implementation of the mitigation measures will ensure the continued protection of the right of way.

Holding Provisions

Several holding provision will be attached to the implementing By-law in order to ensure matters relating to air quality, noise and vibration matters are satisfactorily resolved prior to the comprehensive development of lands. Development cannot occur until the matters identified in the Holding provisions have been addressed to the satisfaction of the Municipality. Applications to remove the holding provision may be considered on a block by block basis in order to accommodate the staging and phasing of development.

One holding provision pertains specifically to lands currently owned by the City that are occupied by the ConRail drain. As a part of the proposed development, a land transfer is proposed to provide for the realignment of the ConRail drain on lands currently owned by the developer.

Therefore, subject to the implementation of the proposed Official Plan amendment (Appendix G), the development will conform with the Niagara Falls Official Plan.

7.0 RECOMMENDATIONS

It is our professional planning opinion that the proposed development and associated Official Plan and Zoning By-law Amendments, draft plan of subdivision and request of Class 4 noise receptor designation represent good land use planning and should be approved for the following reasons:

- a) The proposed development is consistent with the policies of the Provincial Policy Statement and conform to the Growth Plan for the Greater Golden Horseshoe as it represents an opportunity for growth in the Settlement area.;
- b) The proposed development maintains the intent of the land use policies of the Region of Niagara Official Plan;
- c) The proposed development maintains the intent of the land use policies of the City of Niagara Falls Official Plan;
- d) The proposed development provides an opportunity for land use intensification at an appropriate scale largely within the built-up area of the City of Niagara Falls;
- e) The proposed site layout, building forms, heights, and massing are compatible within the local neighbourhood context;
- f) The Site is in close proximity to existing transit and active transportation facilities;
- g) The proposed development provides for the efficient use of land and infrastructure; and
- h) The proposed development is supported by technical studies;
- i) The proposed development is compatible with existing land uses in the immediate area and represent good planning, by among other things, providing for the redevelopment of a former rail marshalling yard through the provision of a range of residential, mixed use and parkland uses by making efficient use of an underutilized golf course.

Respectfully,



Brenda Khes, MCIP, RPP
Associate - Senior Planner

Appendix A



City of Niagara Falls Pre-Consultation Checklist

(Revised: January 2018)

Persons intending to make an application for a proposed development are required to consult with planning staff prior to submitting an application. A pre-consultation meeting will identify what is required to be submitted for a complete application and will provide the opportunity to discuss:

- the nature of the application;
- development and planning issues;
- fees;
- the need for information and/or reports to be submitted with the application;
- the planning approval process;
- other matters, as determined.

Pre-consultation Meeting		
Date: August 2, 2018	Time: 1:30 PM	
Attendance:		
Municipal Staff	Owner/Agent	Other
Andrew Bryce	Brenda Khes, GSP Group	Britney Fricke, Region
John Grubich	Steven Roorda, R J Burnside	Robert Alguire, Region
Wendy Canavan	Philip Rowe, R J Burnside	Alexsandria Pasquini, Region
Angela Davidson	Albert Moreno, B and H Architects	
John Barnsley	Diana Tiron, B and H Architects	
Tammy Agnoletto	Yousef Haroon, Prenix Project Mgmt	
Ben Trendle		
Kathy Edwards		
Pursuant to Section 4 of By-law No. 2009-170 being a by-law to require pre-consultation for certain applications under the Planning Act, the Director of Planning, Building & Development may waive the requirement for a formal consultation meeting. I hereby waive the requirement for a formal consultation meeting on the proposal detailed herein.		
Date: _____		
Signature: _____		

Property Details	
Location of property:	(address)
	(legal description) Part Stamford Township Lots 189, 195, 215, 225
Area (ha): +/- 71	Frontage (m):
Site Drawing Attached	
Municipal land involved: No Yes <input checked="" type="checkbox"/> (legal description) Crossing of Conrail Drain	

Proposal			
Brief description of proposal: Redevelopment of the Thundering Waters Golf Course with a comprehensive residential/mixed use development.			
	1 st Phase	2 nd Phase	Other
gross floor area			
building height			
# of dwelling/hotel/commercial units	To be refined		
Location			
<input checked="" type="checkbox"/> Brownfield	<input type="checkbox"/> Greenfield	<input checked="" type="checkbox"/> Built-up	<input type="checkbox"/> NEP <input type="checkbox"/> Outside Urban Boundary

Designations			
Regional Policy Plan	Urban Area	Yes	No see notes
Niagara Escarpment Plan	N/A	Yes	No
Official Plan Designation	Open Space Special Policy Area 39	Yes	No X
Secondary Plan	N/A	Yes	No
Zoning	General Industrial	Yes	No X

Proposed Application(s) (check all applicable)		
X Regional Policy Plan Amendment See notes	X Zoning By-law Amendment	Land Division
Niagara Escarpment Commission Amendment Development Permit	Subdivision Approval	Condominium Approval Vacant Land Common Element Conversion
X Official Plan Amendment	Site Plan Approval	

Required Information and Studies to be submitted with the Application(s). Studies identified with an asterisk* will likely require a peer review at the cost of the developer.

L o c a l	R e g i o n	N P C A	Reports, Studies, Plans (See notes for additional details)	Number of Copies		Notes
				Digital	Paper	
X	X		Air Quality	1	4	Regarding surrounding industrial - to be peer reviewed at applicant's cost
X	X		Archaeology Assessment- Stage 1			Phase 1 or letter from archaeologist if it can be demonstrated land has been disturbed
X	X		Conceptual Site Plan, Subdivision Plan	1	15	Refer to zoning applications and Planning Act for necessary information
X	X	X	Environmental Impact Study	1	4	See comments below and attached
X	X		Environmental Site Assessment/Record of Site Condition	1	4	Phase 1 and 2 for whole land and RSC – note golf course not considered sensitive use
			Floodplain and Hazard Lands Boundary Plan			
			Geotechnical			
			Hydrogeological Study and Private Servicing Plans			
X	X		Municipal Servicing Study	1	5	See notes below and attached
X	X		Noise & Vibration Study	1	4	From stationary and transport sources – to be peer reviewed at applicant's cost. TOR to be submitted by applicant
			Other			
			Phasing Plan			
X	X		Planning Justification Report	1	5	Speak to conformity to Regional and Provincial Policies and conformity with the OP – address density targets, housing mix
			Road Widenings			
X	X		Sensitive Land Use Report			Planning justification report should speak to land use compatibility with respect to required noise, air quality studies and compliance with D-6 guidelines

X	X	Stormwater Management Plan	1	5	Pre to post development up to 100 year storm event. Recommend discuss TOR with Municipal Works staff, Region and NPCA
X	X	Transportation Impact Study/Parking Impact Analysis	1	4	TOR to be developed in consultation with Region, Transportation Services
X	X	Tree inventory Preservation Plan	1	6	Condition of subdivision approval
X	X	Urban Design/Landscape Plans	1	5	Per Regional design guidelines

Public Consultation				
Is a neighbourhood pre-consultation meeting planned? (Note: One is required to be held by the City prior to the public meeting required by the Planning Act for subdivisions, condo conversions, official plan amendments and zoning by-law amendments.)			Yes No Unknown X	Advise if open house prior to submitting application desired

Other Issues	
<p>Please note that, due to the proximity of proposed residential uses to heavy industry, Planning staff are not supportive of the proposal at this time. Note recommendations to consider transitional, non-sensitive uses on the site where close to industrial uses.</p> <p>Sensitive land use studies (noise and air quality) to consider "worst case scenario" under the D-6 guidelines (i.e. there are surrounding properties that are not occupied by heavy industry that are zoned for that purpose). Study to address that Salit Steel may operate as a Class 4 use.</p> <p>Note that a portion of the lands has been identified to contain a PSW, where development is not permitted. If this area is intended to be altered, changes to the PSW must be approved by MNRF. NPCA policy does not support development in PSWs</p> <p>An EIS is to demonstrate no negative impact and any natural heritage features, including the Conrail drain. Address stream morphology and identify fish habitat. TOR for an EIS to be reviewed and approved by Region, NPCA and City. Detailed comments attached.</p> <p>Detailed comments on Transportation matters from Region attached. Note their comments on completing TIS in phases.</p> <p>Regional staff note wet weather servicing constraints. Further discussion should occur on servicing matters with City, Regional staff prior to starting study.</p> <p>Note that sensitive land use studies should address proximity of development to Chemtrade to the west in terms of safety.</p> <p>Crossings of railway require approval of CP rail. Applicant should contact CP Rail early in the process to determine feasibility of this.</p> <p>Region notes that a Regional Official Plan Amendment and review as a major OPA application necessary if PSW indicated for development</p> <p>5% cash in lieu parkland dedication - if park is proposed the need for this will need to be confirmed with Parks Design</p>	

Site Visit			
Is a site visit necessary to assess the proposal?	X Yes No	Does the owner consent to a site visit?	Yes No
Incentive Program			
Are there any incentive programs?	Yes No	What are the details? Confirm if any brownfields re involved.	

Summary of Issues	
<p>Recommend the conceptual plan be refined after constraints are further analysed and a follow up pre-consultation meeting be held when the refine plan is available. This plan should further detailed to illustrate land uses, number and type of uses, transportation connections</p> <p>Separate meeting to discuss specific technical matters in keeping with agency/staff expertise may be held, Planning staff should be kept informed of progress if such meetings are held</p> <p>Preliminary discussions/meeting with surrounding heavy industrial operators recommended. Business Development can provide contacts.</p> <p>Note: a complete application will require final reports (not preliminary reports) in accordance with any TOR agreed upon</p>	

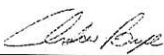


Additional Agencies to be contacted

HYDRO X CP RAIL X PUBLIC AND CATHOLIC SCHOOL BOARDS

Notes


1. The purpose of the pre-consultation is to identify the information required to commence processing of this development application. Pre-consultation does not imply or suggest any decision whatsoever on behalf of City staff or the City of Niagara Falls to either support or refuse the application. This checklist should not be construed as a complete list of information required as further assessment may reveal the need for more information.
2. This pre-consultation form expires within (180) days from the date of signing or at the discretion of the Director of Planning & Development
3. An application submitted without the information identified through the pre-consultation process may not be sufficient to properly assess the application and may be deemed by staff to be an incomplete application.
4. The applicant should be aware that the information provided is accurate as of the date of the pre-consultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, City, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of the submission of a formal application.
5. The applicant acknowledges that the City and Region considers the application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the City and Region to release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
6. It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
7. If the City or Region does not have sufficient expertise to review and determine that a study is acceptable, the City may require a peer review. The Terms of Reference for a peer review is determined by the City or Region and paid for by the applicant.
8. Some studies may require NPCA review and clearance/approval. In this instance the NPCA review fee shall be paid by the applicant.
9. All plans and statistics must be submitted in metric.
10. By signing this document the Owner/Agent/Applicant acknowledges that they have been informed of the application process, anticipated timing, public notification and steps to be followed for the development discussed at this meeting.
11. A copy of this pre-consultation checklist has been provided to the applicant/agent Yes X

Note: Upon submission, the City will review all submitted plans, studies, etc. to ensure the information is sufficient before declaring the application complete. This will occur within 30 days.

Signatures		
Name (print)	Signature	Date
Planning Staff Andrew Bryce		Aug 15, 2018
Regional Public Works Staff Rob Aguirre		Aug 21 2018
Regional Planning Staff Alexsandra Pasquini		Aug 21 2018.
NPCA Staff		
Agent		
Agent		
Owner		
Owner		
Other		

Pursuant to Section 1 of By-law No. 2008-189, being a by-law to require pre-consultation for certain applications under the Planning Act, I hereby verify that a pre-consultation meeting has been held for the proposed detailed herein.

Signature 

 4



Additional Agencies to be contacted

HYDRO X CP RAIL X PUBLIC AND CATHOLIC SCHOOL BOARDS

Notes

1. The purpose of the pre-consultation is to identify the information required to commence processing of this development application. Pre-consultation does not imply or suggest any decision whatsoever on behalf of City staff or the City of Niagara Falls to either support or refuse the application. This checklist should not be construed as a complete list of information required as further assessment may reveal the need for more information.
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6. It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
7. If the City or Region does not have sufficient expertise to review and determine that a study is acceptable, the City may require a peer review. The Terms of Reference for a peer review is determined by the City or Region and paid for by the applicant.
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9. All plans and statistics must be submitted in metric.
10. By signing this document the Owner/Agent/Applicant acknowledges that they have been informed of the application process, anticipated timing, public notification and steps to be followed for the development discussed at this meeting.
11. A copy of this pre-consultation checklist has been provided to the applicant/agent Yes X

Note: Upon submission, the City will review all submitted plans, studies, etc. to ensure the information is sufficient before declaring the application complete. This will occur within 30 days.

Signatures		
Name (print)	Signature	Date
Planning Staff Andrew Bryce		Aug 15, 2018
Regional Public Works Staff		
Regional Planning Staff		
NPCA Staff David Deduc		Aug 23/18
Agent		
Agent		
Owner		
Owner		
Other		

Pursuant to Section 1 of By-law No. 2008-189, being a by-law to require pre-consultation for certain applications under the Planning Act, I hereby verify that a pre-consultation meeting has been held for the proposed detailed herein.

Signature 



**PLANNING & DEVELOPMENT DIVISION
APPLICABLE FEES**

CHECK APPLICABLE BOX	APPLICATION	FEES
	Official Plan Amendment Application:	12,200.00
	Zoning Amendment Application:	
	1. for high-rise hotels	14,500.00
	2. complex	12,200.00
	3. standard	5,600.00
	Official Plan and Zoning Amendment Application (combined):	
	4. for high-rise hotels	16,200.00
X	5. all other lands	13,500.00
	Site Plan Application:	
	6. for high-rise hotels	6,000.00
	7. all other lands (including Testamentary Devise)	4,000.00
	8. Amendment to Site Plan Agreement	1,500.00
	Plan of Subdivision Application:	
	9. Residential Plan	13,500.00
	10. Modifications to Draft Plan Approval	2,500.00
	11. Extension to Draft Plan Approval	1,000.00
	Plan of Condominium:	
	12. Vacant Land	10,000.00
	13. Conversion	2,500.00
	14. Standard	1,500.00
	15. Extension of Draft Plan	1,000.00
	16. Modification of Draft Plan - Vacant Land Condo	2,500.00
	17. Modification of Draft Plan - Standard/Conversion	1,225.00
	Removal of Part Lot Control:	
	18. Separation of Semi-detached/On-street Townhouse Units	1,500.00
	19. Deeming By-law	1,500.00
	20. Property Relotting	3,400.00
	Public Renotification:	
	21. Mailing Renotification	300.00
	22. Reassessment Requiring a further report	400.00
	23. Newspaper Renotification (\$600 deposit payable with application)	Actual Cost
	Committee of Adjustment:	
	24. Severance/Consent Application	3,400.00
	25. Change of Conditions	200.00
	26. Minor Variance Application	2,100.00
	27. Renotification/Rescheduling (Consent/Minor Variance)	200.00

ADDITIONAL FEES:

City Fees (cheque payable to the City of Niagara Falls):

Peer Review \$ _____
 Legal Fees \$ _____ to be determined (Agreements & Registration of by-law)

Agency Fees (cheques payable to applicable agency):

Regional Fees \$ 5000 (if minor OPA) or \$9375 (if major OPA) , \$1250 (zoning) Peer Review fees to be determined + \$600 (SWM)
 NPCA Fees \$ 2770 (OPA) \$1875 (ZBLA waived if submitted with OPA) \$1015 (EIS)

Andrew Bryce

From: Alguire, Robert <Robert.Alguire@niagararegion.ca>
Sent: Friday, August 3, 2018 9:02 AM
To: Andrew Bryce
Cc: Fricke, Britney; Pasquini, Alex
Subject: Thundering Waters Golf Course Pre-con

Hey Andrew,

The following are the Regional Engineering comments regarding Traffic, Servicing and SWM for the Thundering Waters development. Let me know if you have any questions. Thanks.

Traffic

Regional staff request that the TIS be completed in steps (memos) that will be approved by the City and Regional staff prior to completing the entire TIS. The consultant should submit the following memos for review and approval prior to completing the TIS: trip generation memo, proposed connection memo and trip distribution memo.

Regional staff have also been in contact with the traffic engineer for the site and would like to note that the following intersections should be included in the study:

- Drummond Road/ McLeod Road
- Marineland Parkway/ Stanley Avenue
- Ramsey Road/ Stanley Avenue
- Progress Street/ Stanley Avenue
- Don Murie Street/ Stanley Avenue
- Chippawa Parkway/ Stanley Avenue
- Lyon's Creek Road/ Stanley Avenue

Servicing

In respect to the Region's comments for this application on the Regional infrastructure, we noted that this proposed development is within the South Side High Lift Sewage Pumping Station (SPS). The Region has reviewed the recently completed Master Servicing Plan (MSP) and provide the following comments:

- This site falls within the South Side High Lift SPS sewershed. This sewershed has been allocated growth out to 2041 in consultation and collaboration with the City of Niagara Falls. The study was completed at a high level and did not allocate capacities to individual properties.
- The current operational firm capacity of the South Side High Lift SPS is 760.0 L/s. The MSP has identified the existing design peak wet weather is close to the capacity of the station and the projected 2041 design peak wet weather flow will exceed the current capacity.
- The 2016 W&WW Master Servicing Plan (MSP) identified that the sanitary sewer sheds for the South Side High Lift Sewage Pumping Station which services South Niagara Falls will develop constraints for wet weather flows. Therefore, there is limited wet weather servicing capacity available. The MSP has identified the need for a new South Niagara Falls

Wastewater Treatment Plant (WWTP) to accommodate anticipated future growth in South Niagara Falls which is estimated to be under construction by 2024 pending budget approval. The Environmental Assessment for this new WWTP will commence in 2018. A wet weather flow reduction program for South Niagara Falls was identified in the MSP. The Region and City are working together on a South NFLS Servicing Strategy and wet weather/Inflow & Infiltration reduction program to identify some mitigation measures in order to accommodate some development in the interim before the new South Niagara Falls WWTP is in service.

- The MSP can be found at the following link:
· <http://www.niagararegion.ca/2041/master-servicing-plan/default.aspx>

The developers engineer had a meeting with Regional staff last week (July 26) regarding the other requests for servicing this site which included, adding an additional pumping station to the system, and modifications to Regional Infrastructure including the lowering of the Regional Trunk 1050 mm CCP watermain, shortening the Regional 1200 mm concrete trunk sewer and extending the existing Regional 600 PE forcemain from Low Lift SPS another 50 m beyond the Conrail Drain forcemain. Any proposed modifications would need to be reviewed and approved by the Region's W&WW Division.

Regional staff will provide the development engineer and City with a formal response to the above requests regarding modifications to Regional infrastructure; however, we would like to note that these asks will create potential operational issues for our system and most likely will not be supported by our Regional Public Works Staff.

Regional staff have provided the Regions policy with regard to new SPS – the developer's engineer will have to provide the required documents reviewing all options for servicing this site including the potential to connect to the proposed SPS for Riverfront Community are not viable. Regional staff will have to review and approve the documentation prior to approval for a new SPS. Design will have to be to Regional Standards if the SPS is required and approved by the Region.

For both technical issues the consultants should contact Susan Dunsmore for information.

Stormwater Management

- All stormwater runoff be captured and treated to an enhanced standard;
- Stormwater quantity controls be implemented in order to attenuate post development peak stormwater flows to the capacity of the receiving storm infrastructure (for up to and including the 100 year storm event).

Robert Alguire

Development Approvals Technician

Planning and Development Services Department

Regional Municipality of Niagara

1815 Sir Isaac Brock Way, PO Box 1042

Thorold, Ontario L2V 4T7

Phone: 905-980-6000 ext. 3268

www.niagararegion.ca

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Andrew Bryce

From: Fricke, Britney <Britney.Fricke@niagararegion.ca>
Sent: Thursday, August 2, 2018 2:17 PM
To: Andrew Bryce
Cc: Alguire, Robert; Pasquini, Alex
Subject: Thundering Waters Golf Course Pre-con

Hi Andrew,

Here are the details of the environmental and urban design comments from the Region to help draft the precon form if they're helpful. Rob will send the Regional engineering comments tomorrow.

Let me know if you have any questions.

Thanks,
Britney

Environmental

1. Core Natural Heritage System
 - a. Provincially Significant Wetlands - Niagara Falls Slough Forest Wetland Complex;
 - b. Significant Woodlands; and
 - c. Potential Fish Habitat.
2. The applicant should be made aware that there appear to be environmental features on site that have not been adequately evaluated and/or mapped. For example, there are many wooded areas that *may* meet criteria to be designated as Significant Woodland. As well there are Fish Habitat features that have not been classified (i.e., Type 1, 2 or 3). As such and consistent with policy 7.B.1.8, the EIS scope will include an **evaluation of all features on site**, and a consistent with the Region's Environmental Impact Study Guidelines (January 2018) a Constraints Analysis will be required.
3. Consistent with policy 7.B.1.11, an Environmental Impact Study (EIS) will be required to support an application for a subdivision in this entire location based on development proposed within or adjacent to Provincially Significant Wetlands (Niagara Falls Slough Forest Wetland Complex) and Significant Woodlands. Should the watercourse assessment indicate Fish Habitat, the EIS will also be required to support development within 30 m of Critical (Type 1) Fish Habitat or within 15 m of Important (Type 2) or Marginal (Type 3) Fish Habitat.
4. Clarity should be offered to the applicant in terms of the purpose of an EIS as the concept plan proposes residential development within portions of the PSW which is not supported by the Regional Official Plan (policy 7.B.1.10). The purpose of the EIS is to demonstrate the proposed development, over the long term, will have no significant negative impact to the Core Natural Heritage System.
5. The applicant should be advised that supporting studies will be required to characterize the natural environment, assess function and evaluate impacts such as Hydrogeology and Stormwater Management to support water balance analysis, and potentially Stream Geomorphology to support fish habitat protection (the later dependent on outcome of constraints analysis).

Urban Design

Urban Design has reviewed the proposed. This development should be planned and designed as a complete community and should contribute positively to completing the areas surrounding the subject lands. Moving forward, the planning and design of this community should be informed by the Niagara Region Model Urban Design Guidelines. **Staff request that a community design guideline is prepared** in support of the proposal and should include a design basis that identifies the design goals for the development, the elements that will structure the community, and the hierarchies of public streets, public spaces, parks, land use and built form, and others. The urban design of the community will be a result of many influencing factors such as transportation, topography, natural heritage, and others, and thereby should be developed with consideration to these factors. As proposed, it is not obvious to staff how the proposed land uses are tied together, how these relate to adjacent uses and infrastructure, and what the character of the development is, and the nature and design of interfaces between land uses is planned and designed to be. Regional urban design staff can be involved in the design of this proposal as it progresses through the planning and design processes.

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Appendix B



City of Niagara Falls Pre-Consultation Checklist

(Revised: January 2018)

Persons intending to make an application for a proposed development are required to consult with planning staff prior to submitting an application. A pre-consultation meeting will identify what is required to be submitted for a complete application and will provide the opportunity to discuss:

- the nature of the application;
- development and planning issues;
- fees;
- the need for information and/or reports to be submitted with the application;
- the planning approval process;
- other matters, as determined.

Pre-consultation Meeting

Date: July 19, 2019

Time: 3:00 PM

Attendance:

Municipal Staff	Owner/Agent	Other
Andrew Bryce	Brenda Khes, GSP Group	Aaron Butler, Region
Ned Mijatovich	Steven Roorda, R J Burnside	Susan Dunsmore, Region
Wendy Canavan	Philip Rowe, R J Burnside	Cara Lampman, NPCA
Angela Davidson	Jeff Tolton, Golder Associates	
Rob Vachon	Yousef Haroon, Prenix Project Mgmt	
Ben Trendle		

Pursuant to Section 4 of By-law No. 2009-170 being a by-law to require pre-consultation for certain applications under the Planning Act, the Director of Planning, Building & Development may waive the requirement for a formal consultation meeting. I hereby waive the requirement for a formal consultation meeting on the proposal detailed herein.

Date: _____

Signature: _____

Property Details

Location of property:

(address)

(legal description) Part Stamford Township Lots 189, 195, 215, 225

Area (ha): +/- 71 Frontage (m):

Site Drawing Attached

Municipal land involved: No Yes (legal description) Crossing an rerouting of the Conrail Drain

Proposal

Brief description of proposal: Redevelopment of the Thundering Waters Golf Course with a comprehensive residential/mixed use development including detached, townhouse and low rise apartment dwellings, a mixed use block,, open space and environmental lands

	1 st Phase	2 nd Phase	Other
building height	4-6 storeys max		
# of dwelling/hotel/commercial units	727		

Location

Brownfield Greenfield Built-up NEP Outside Urban Boundary

Designations			
Regional Policy Plan	Urban Area	Yes	No
Niagara Escarpment Plan	N/A	Yes	No
Official Plan Designation	Open Space Special Policy Area 39, Residential, ECA	Yes	No X
Secondary Plan	N/A	Yes	No
Zoning	OS-611, OS(H)-611, LI	Yes	No X

Proposed Application(s) (check all applicable)		
Regional Policy Plan Amendment	X Zoning By-law Amendment	Land Division
Niagara Escarpment Commission Amendment Development Permit	X Subdivision Approval- future	Condominium Approval Vacant Land Common Element Conversion
X Official Plan Amendment	X Site Plan Approval future	

Required Information and Studies to be submitted with the Application(s). Studies identified with an asterisk* will likely require a peer review at the cost of the developer.

L o c a l	R e g i o n	N P C A	Reports, Studies, Plans (See notes for additional details)	Number of Copies		Notes
				Digital	Paper	
X	X		Air Quality	1	4	Regarding surrounding industrial - to be peer reviewed at applicant's cost
X	X		Archaeology Assessment- Stage 1	1	3	At least Shase 1 or letter from archaeologist if it can be demonstrated entirety of site has been disturbed
X	X		Conceptual Site Plan, Subdivision Plan	1	15	Refer to zoning applications and Planning Act for necessary information
X	X	X	Environmental Impact Study	1	4	Per TOR discussions with Region, NPCA
X	X		Environmental Site Assessment/Record of Site Condition	1	4	Phase 1 and 2 for whole land and RSC – note golf course not considered sensitive use
X	X		Municipal Servicing Study	1	5	See notes below and attached
X	X		Noise & Vibration Study	1	4	From stationary and transport sources – to be peer reviewed at applicant's cost.
X	X		Planning Justification Report	1	5	Speak to conformity to Regional and Provincial Policies and conformity with the OP – address density targets, housing mix
X			Road Widenings			2.94 m widening along Ramsey Rd shown as Part 24 on 59R-12577, as well as daylight triangles per OP
X	X		Sensitive Land Use Report			Planning justification report should speak to land use compatibility with respect to required noise, air quality studies and compliance with D-6 guidelines
X	X		Stormwater Management Plan	1	5	Pre to post development up to 100 year storm event. Per TOR discussions with Municipal Works staff, Region and NPCA
X	X		Transportation Impact Study/Parking Impact Analysis	1	4	Per TOR discussions with Region, Transportation Services

X	X		Tree inventory Preservation Plan	1	6	Condition of subdivision approval
X	X		Urban Design/Landscape Plans	1	5	See attached Regional urban design comments. Planning Report or Urban Design Brief should speak to Urban Design policies and Region's Model Urban Design Guidelines

Public Consultation				
Is a neighbourhood pre-consultation meeting planned?			Yes X	
(Note: One is required to be held by the City prior to the public meeting required by the Planning Act for subdivisions, condo conversions, official plan amendments and zoning by-law amendments.)			No	
			Unknown	

Other Issues	
<p>Planning staff have concerns with the proximity of proposed residential uses to existing and proposed heavy industry. Studies will need to fully defend land use compatibility.</p> <p>Sensitive land use studies (noise and air quality) to consider "worst case scenario" under the D-6 guidelines (i.e. if there are surrounding vacant properties zoned for industrial purposes). Study to address that Salit Steel may operate as a Class 4 use.</p> <p>Note that a portion of the lands has previously been identified to contain a PSW, where development would not be permitted. Letter from MNRF noting redefinition of this PSW boundary is attached to this form. Region and NPCA must review if the wetland is locally significant.</p> <p>Detailed comments on Transportation matters from City attached.</p> <p>Regional staff note wet weather servicing constraints and the South Niagara Falls Servicing Study. Region staff have previously provided the Region's standards and policy with regard to new Sewage Pumping Stations – the developer's engineer will have to review all options for servicing this site, including the potential to connect to the proposed SPS for Riverfront Community, and provide justification as to why a new SPS is the only viable servicing option. Region staff will have to review and approve the documentation prior to approval for a new SPS. Design will have to be to Regional Standards if the SPS is required and approved by the Region.</p> <p>Region staff acknowledge that there was also a previous request to reduce an existing Regional easement from 45 metres to 23 metres. Last correspondence to applicant's agent stated that Water & Wastewater, Legal, Real Estate and Surveys would all need to review the request to provide information regarding any Region requirements.</p> <p>Sensitive land use studies should address proximity of development to Chemtrade to the west in terms of safety.</p> <p>Crossings of railway require approval of CP rail. A copy of this plan has been sent to CP Rail and any comments received will be forwarded.</p> <p>Rerouting/acquisition of Conrail Drain lands will require further discussion with Legal Services. A copy of this form will be sent to Legal Services. Confirmation of concurrence of the City to incorporate these lands should be sought. Typically a letter of interest is submitted to Legal Services. Any further direction from Legal Services will be provided.</p> <p>Fire requests that a second means of access, preferably a street be provided for streets that dead end at a length greater than 90 m. If this is not possible a condition will require sprinklering of dwellings.</p> <p>Proposed parkland has been sent to Parks Design for review. Any comments received will be forwarded.</p> <p>CP comments attached, note concerns about road crossings.</p>	

Site Visit			
Is a site visit necessary to assess the proposal?	X Yes No	Does the owner consent to a site visit?	Yes No
Incentive Program			
Are there any incentive programs?	Yes No	What are the details? Confirm if any brownfields re involved.	

Summary of Issues	
<p>OP/ZBLA application to include plans and studies noted above. Subdivision and site plan/condo applications (for multiple blocks) can be submitted later.</p> <p>Planning staff should be kept informed of progress if meetings with City, Regional and NPCA staff on technical matters are held</p> <p>Note: a complete application will require final reports (not preliminary reports) in accordance with any TOR agreed upon</p>	

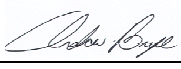

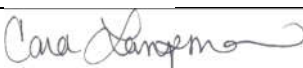
Additional Agencies to be contacted

HYDRO X CP RAIL X PUBLIC AND CATHOLIC SCHOOL BOARDS (will forward comments received)

Notes

1. The purpose of the pre-consultation is to identify the information required to commence processing of this development application. Pre-consultation does not imply or suggest any decision whatsoever on behalf of City staff or the City of Niagara Falls to either support or refuse the application. This checklist should not be construed as a complete list of information required as further assessment may reveal the need for more information.
2. This pre-consultation form expires within (180) days from the date of signing or at the discretion of the Director of Planning & Development
3. An application submitted without the information identified through the pre-consultation process may not be sufficient to properly assess the application and may be deemed by staff to be an incomplete application.
4. The applicant should be aware that the information provided is accurate as of the date of the pre-consultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, City, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of the submission of a formal application.
5. The applicant acknowledges that the City and Region considers the application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the City and Region to release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
6. It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
7. If the City or Region does not have sufficient expertise to review and determine that a study is acceptable, the City may require a peer review. The Terms of Reference for a peer review is determined by the City or Region and paid for by the applicant.
8. Some studies may require NPCA review and clearance/approval. In this instance the NPCA review fee shall be paid by the applicant.
9. All plans and statistics must be submitted in metric.
10. By signing this document the Owner/Agent/Applicant acknowledges that they have been informed of the application process, anticipated timing, public notification and steps to be followed for the development discussed at this meeting.
11. A copy of this pre-consultation checklist has been provided to the applicant/agent Yes X

Note: Upon submission, the City will review all submitted plans, studies, etc. to ensure the information is sufficient before declaring the application complete. This will occur within 30 days.

Signatures		
Name (print)	Signature	Date
Planning Staff Andrew Bryce		July 19, 2019
Regional Public Works Staff		
Regional Planning Staff Aaron Butler		August 13, 2019
NPCA Staff		August 14, 2019
Agent		
Agent		
Owner		
Owner		
Other		

Pursuant to Section 1 of By-law No. 2008-189, being a by-law to require pre-consultation for certain applications under the Planning Act, I hereby verify that a pre-consultation meeting has been held for the proposed detailed herein.

Signature 



**PLANNING & DEVELOPMENT DIVISION
APPLICABLE FEES**

CHECK APPLICABLE BOX	APPLICATION	FEES
	Official Plan Amendment Application:	12,200.00
	Zoning Amendment Application:	
	1. for high-rise hotels	14,500.00
	2. complex	12,200.00
	3. standard	5,600.00
	Official Plan and Zoning Amendment Application (combined):	
	4. for high-rise hotels	16,200.00
X	5. all other lands	13,500.00
	Site Plan Application:	
	6. for high-rise hotels	6,000.00
	7. all other lands (including Testamentary Devise)	4,000.00
	8. Amendment to Site Plan Agreement	1,500.00
	Plan of Subdivision Application:	
	9. Residential Plan	13,500.00
	10. Modifications to Draft Plan Approval	2,500.00
	11. Extension to Draft Plan Approval	1,000.00
	Plan of Condominium:	
	12. Vacant Land	10,000.00
	13. Conversion	2,500.00
	14. Standard	1,500.00
	15. Extension of Draft Plan	1,000.00
	16. Modification of Draft Plan - Vacant Land Condo	2,500.00
	17. Modification of Draft Plan - Standard/Conversion	1,225.00
	Removal of Part Lot Control:	
	18. Separation of Semi-detached/On-street Townhouse Units	1,500.00
	19. Deeming By-law	1,500.00
	20. Property Relotting	3,400.00
	Public Renotification:	
	21. Mailing Renotification	300.00
	22. Reassessment Requiring a further report	400.00
	23. Newspaper Renotification (\$600 deposit payable with application)	Actual Cost
	Committee of Adjustment:	
	24. Severance/Consent Application	3,400.00
	25. Change of Conditions	200.00
	26. Minor Variance Application	2,100.00
	27. Renotification/Rescheduling (Consent/Minor Variance)	200.00

ADDITIONAL FEES:

City Fees (cheque payable to the City of Niagara Falls):

Peer Review \$ _____
 Legal Fees \$ _____ to be determined (Agreements & Registration of by-law)

Agency Fees (cheques payable to applicable agency):

Regional Fees \$ 5075 (if minor OPA) or \$9520 (if major OPA) + \$1270 (zoning) Peer Review fees to be determined + \$610 (SWM)
 \$ 2200 (EIS Review)
 NPCA Fees \$ 2770 (OPA) \$1875 (ZBLA waived if submitted with OPA) \$1015 (EIS) _____

Appendix C

PUBLIC CONSULTATION & STAKEHOLDER OUTREACH STRATEGY

Niagara Village Development: 56000 Marineland Parkway

CRITERIA	RESPONSE	Timing
Target audience of the consultation	<ul style="list-style-type: none"> Surrounding residents and businesses most directly affect by the development Stanley Park Business Park 	
Consultation efforts made before application submitted	<ul style="list-style-type: none"> Meetings with Senior Planning Staff Stakeholder Meeting (Nov. 18, 2018) Community Open House (Nov. 18, 2018) 	2018
List of stakeholders and how they are impacted	<ul style="list-style-type: none"> Nearby residents – removal of golf course and associated open space amenities; loss of golf course; increase in traffic; Stanley Business Park – potential conflict with new noise sensitive uses; concern that existing and future business expansions will be negatively impacted 	
Tools used to consult/engage the public	<ul style="list-style-type: none"> Community and Stakeholder Public Open House <ul style="list-style-type: none"> PowerPoint presentation to explain the process Display panels of high level concept plan Breakout sessions to provide comments/ask questions one-on-one Handouts asking for comments on proposed design – specific questions provided 	2018
Timing of Consultation	<ul style="list-style-type: none"> Prior to submission of application Following submission to the City 	Nov. 2018 Fall 2020
Method to receive and document comments	<ul style="list-style-type: none"> Summary notes from meetings with Community and Business park industries Verbal discussions at Open houses Summary of break out sessions Comment sheets returned by residents forwarded to City planning 	
Proposed participants in consultation and their role	<ul style="list-style-type: none"> GSP Group – planners/urban designers – liaison for project team input; facilitate meetings; prepare PPP; provide planning information related to the Official Plan, Zoning By-law R.J. Burnside – engineers – provide support/information related to servicing, stormwater management, traffic, environmental impact statement, Golder Associates –provide support/information related to archaeological assessment, air quality, noise and vibration and ESA. 	

CRITERIA	RESPONSE	Timing
Requested City resources	<ul style="list-style-type: none">• None	
Expected/Potential Issues	<ul style="list-style-type: none">• Traffic• Noise and Vibration• Environmental concerns• Compatibility with existing industries	<ul style="list-style-type: none">•

1. Community Open House and Workshop Summary – November 28, 2018

A Community Open House was held on November 28, 2018 from 6:00pm – 8:00pm at the MacBain Community Centre located at 7150 Montrose Road in the City of Niagara Falls. Flyers indicating the time, location, and purpose of the Community Open House were delivered to all property owners within 1 km of the subject lands via Canada Post mail on or around November 5, 2018.

This open house consisted of a presentation given by GSP Group which provided background information on the proposed development, described the preliminary concept plan and necessary planning approvals, as well as discussed the required studies and next steps for the proposed redevelopment. More than 59 households attended the meeting.

Following the presentation, the attendees broke out into groups and were provided with large (24" x 36") aerial images of the subject lands overlaid with the conceptual land uses along with a large piece of paper for each table to record questions and comments. Each table was provided a work sheet with the following questions to debate, discuss, and provide responses to:

- 1) List the top three elements you would like to see in a new community? (e.g., green space, singles/townhouses/apartments, commercial, sidewalks, etc.)
- 2) What are your top 3 concerns about the proposed redevelopment of the Thundering Waters Golf Course?

Each table's responses were recorded and summarized. In addition to the table workshop, individual comment sheets were passed out which could either be submitted in hard copy at the meeting or mailed/mailed to GSP Group by December 14, 2019. This Comment Sheet asked the following questions:

- 1) List the top three elements you would like to see in a new community (e.g., green space, singles/townhouses/apartments, commercial, sidewalks, walkways, etc.)
- 2) What are your top 3 concerns about the proposed redevelopment of the Thundering Waters Golf Course?
- 3) Do you live immediately adjacent to the Site? (Y/N)
- 4) Would you like to be notified of any future Open Houses related to this redevelopment proposal?
- 5) Include any additional comments you think should be considered in the redevelopment of the Site:

In total, 46 individual comment response sheets were received. **Figure A** identifies the place of residence of each respondent, if provided.

Below is a summary of the responses as well as a description as to how the proposed draft plan of subdivision addresses these concerns:

Question	Common Themes/Responses	Response
<p>1) List the top three elements you would like to see in a new community (e.g., green space, singles/ townhouses/ apartments, commercial, sidewalks, walkways, etc.)</p>	<p>Preservation of golf course or shortened golf course (9 or 12-holes) or open space/park for homes that currently back onto golf course</p>	<p>Park proposed in Block 253 as well as a multi use trail backing on to existing residential development fronting Green Vista Gate. For those lots fronting Lions head Avenue and Eastwood Drive, single detached dwellings are proposed to back onto their backyards. Some of these lots are quite deep and will include hedgerow enhancement measures to preserve and enhance the trees in these areas.</p>
	<p>Inclusion of walkways/trails and natural elements</p>	<p>3.73 ha of land are proposed for public walkways and trails creating a full circuit that extends past surrounding natural features including the PSW at Block 255 and woodlot at Block 254. In addition, the multi-use trail leads to 3 new public parks.</p> <p>As noted, the PSW has been retained as Open Space where not development is permitted. In addition Block 254 includes an existing woodlot to be retained and the area used for reforestation to address trees to be developed on other parts of the Site.</p> <p>R.J. Burnside completed an Environmental Impact Statement that illustrates how environmental features will be maintained and enhanced as well as a required Mitigation Monitoring program.</p>
	<p>Inclusion of local community amenities (community centre, shopping, playgrounds etc.)</p>	<p>The mixed-use residential block proposes ground-floor local commercial uses which will provide current and future residents with small scale local shopping options. In addition, 3 public parks are proposed including playgrounds.</p>

Question	Common Themes/Responses	Response
2) What are your top 3 concerns about the proposed redevelopment of the Thundering Waters Golf Course?	Loss of property values (lots backing onto golf course were premium lots and sold for more money)	Several of the lots that currently back onto the golf course are proposed to back onto an open space/park block, maintaining the natural buffer. In addition, the proposed development is not dissimilar to existing development that backs onto the former golf course including singles, townhouses and apartments. Note: loss of property values is not a land use planning matter to be addressed through Planning Act applications.
	Loss of environmental integrity and open space	<p>The proposed development proposes significant naturalized open space which will be comprised of the existing PSW in the south west corner of the subject lands along with the existing wood lot along the eastern property line. In addition, 3 parks and a network of multi-use trails are proposed throughout the Site for public use.</p> <p>As noted above, R.J. Burnside completed an Environmental Impact Statement that illustrates how environmental features will be maintained and enhanced through a required Mitigation Monitoring program.</p>
	Vehicle Access and traffic (i.e. how will the future development be accessed as Thundering Waters Boulevard is a private road)	As described above, the subject lands are proposed to be accessed via four (4) public roads: the extension of Oldfield Road eastward, the extension of Drummond Road southward both of which will intersect at Ramsey Road. Thundering Waters Boulevard, a private road, will not be utilized to gain vehicular access to the Site. A Transportation Impact Study prepared by R.J. Burnside (dated February 2020) confirms that the traffic generated by the proposed development can be accommodate within the existing transportation network. However, long range projections including other development in the vicinity, will require some improvements to existing intersections in the vicinity.

Question	Common Themes/Responses	Response
	Noise, dust, and truck traffic from construction	<p>Due to the proximity of the subject lands to existing industrial operations as well as the CP Rail track, a Noise and Vibration Study was required to be submitted with the Subject Applications. The required Air Quality and Noise and Vibration Assessments prepared by Golder Associates, dated February 2020 confirmed that current and future operations would not be adversely affected subject to the following:</p> <ul style="list-style-type: none"> • Reclassification of the Site (in part) as a Class 4 Area Receptor • Construction of noise barriers; • Incorporating soundproofing acoustical measures into the placement and design of buildings (subject to more detailed studies when specific built form known) <p>In terms of temporary construction and potential dust caused by construction, a Construction Management Plan and Dust Plan will likely be required as a condition of draft plan subject and/or Site Plan approval stage which will outline specific truck routes, hours, as well as measures to mitigate adverse impacts on adjacent existing development.</p>

Insert Figure A

2. Business/Industry Open House Meeting Summary – November 28, 2018

On November 28, 2018 a meeting was held at 8699 Stanley Avenue - Canada Brick Works, Logistics meeting room at 3:30 p.m. in order to better understand the nature of the surrounding businesses and discuss the key issues to ensure their continued operation as well as to gather comments, concerns, and suggestions. Invitations were sent via email by Wendy Canavan, Economic Development Officer at the City of Niagara Falls to all businesses in the area. Nine business and associations were represented at this meeting including the following:

- Salit Steel
- Mansuco Chemicals
- Chemtrade
- Gordon Wright Electric
- WRB Sales & Marketing Inc.
- Factor Forms and Labels
- Marine Clean Ltd.
- Stanley Park Business

This meeting consisted of a presentation given by GSP Group which provided some background information on the proposed development, described the preliminary concept plan and necessary planning approvals, as well as discussed, the required studies and next steps for the proposal. Following the presentation, there was an open discussion regarding key issues affecting the continued operation of the industries (i.e. noise, air quality, vehicle/truck access, and the railway).

Comment sheets were handed out to attendees asking the following questions:

- 1) List the top three elements you would like to see included in the proposed redevelopment to ensure the continued operation of your business (e.g. setback, noise attenuation, etc.); if possible, please be specific.
- 2) In relation to your specific business, what are your top 3 concerns about the proposed redevelopment of the Thundering Waters Golf Course?
- 3) Would your business be directly/negatively affected by the redevelopment? (Yes/No)
- 4) If you answered "Yes" to questions 3 above, please explain how/why?
- 5) Do you use the CP Rail Spur line for your business and if so, how often do you use it? (No applicable/Daily/Monthly)
- 6) Include any additional comments you think should be considered in the redevelopment of the Site.

Three (3) completed comment sheets were returned by Salit Steel, Washington Mills, and the Stanley Avenue Business Association. Some other concerns raised included the fear that local businesses' involvement in the process will be limited and that the technical reports and studies will not be disclosed to them properly.

Below is a summary of the responses as well as a description as to how the Subject Applications propose to address them:

Common Themes/Responses	Response
<p>Need to ensure that current and future operations of business in the business park are not adversely impact by future development.</p>	<p>Noise and Vibration Assessment prepared by Golder Associates, dated February 2020 demonstrate that current and future operations will not be adversely affected subject to the following:</p> <ul style="list-style-type: none"> • Site classified as Class 4 Area Receptor • Construction of noise barriers; • Soundproofing acoustical measures are incorporated into the placement and design of buildings (subject to more detailed studies when specific built form known)
<p>Fear that local businesses' involvement in the process will be limited and that the technical reports and studies will not be disclosed to them properly.</p>	<p>All technical reports and studies prepared and submitted to the City in support of the Subject Applications are public documents and will be made available once the Subject Applications are deemed complete by the City. In the past, for large development applications similar to the Subject Applications, the City of Niagara Falls has created a webpage with links to electronic copies of the submitted application materials (documents/reports/plans) for the public to view. As required by the <i>Planning Act</i>, at least one additional public meeting is required prior to any decision being made on the Subject Applications. The open houses that took place in November 2018 are not considered public meetings as no formal application had been submitted.</p>

Common Themes/Responses	Response
Loss of sightlines/views for neighbouring residential area	As mentioned above, the proposed development contemplates 16 ha of naturalized open space which will be comprised of the existing PSW in the south west corner of the subject lands along with the existing wood lot along the eastern property line. In addition, 2.4 ha of parks and 1.65 ha of multi-use trails and walkways are proposed throughout the subject lands for public use.

Proposed Niagara Village Development: Comments from Table Break Out Sessions at Community Open House

Date of Open House: November 28, 2018

Date Table Prepared: January 8, 2019

Prepared by: Ashley Paton, GSP Group

Table #	Written Comments (Y/N)	Written Comments	Comments on Map or Large Note Pad (Y/N)	Comments on Map or Large Note Pad
1	N	--	N	--
2	Y	<ul style="list-style-type: none"> - I cannot see so I cannot react - I have a place so now the price will be after? - Intnont(?) the(?) place are much cheaper - There is no agreement between current owners - No interest in golfing - Nice residential area, reasonable rent with ability to buy - Single houses in front (?) of my house (?) - Should be separated community - I want to see that golf course preserved - Open (green space) – preserve views - Separation of communities a big thing in the region - For some people does not matter where people are coming from - Poor transportation connection - Development should be aligned with future transport development plan of the region - Commercial centre is a good idea 	Y	<p>On Conceptual Land Use Map</p> <ul style="list-style-type: none"> - [Pointing to medium density between Conrail drain and Green Vista Gate] Can't develop any thing – “open green space”. Paid a premium to have my property backing up to the green space - [Covering medium density area NW of Conrail drain] “Village Style community w/ retail/housing resto/& services. Singles or towns w/ green space/parks. Walkways/activities based on demographics - [Covering area directly south of proposed Retirement home] Preserve
3	Y	<ul style="list-style-type: none"> - Estimate the # of residents - Impact to infrastructure, traffic generated from the development - Retail: smaller stores, bank - Highest invest use (best timing for development) - Gated community (residential) community for security (private w/ tree lines) - Value of existing houses within north part of the neighbourhood - Land use: community based to bring families together <ul style="list-style-type: none"> o Art centres o Entertainment o To bring community together - Hospital (new) Lyons Creek <ul style="list-style-type: none"> o Associated medical bldgs. - Close to existing residential at Lionshead <ul style="list-style-type: none"> o Low density proposed to help with view o Green space o Walkable trails 	Y	<p>On Conceptual Land Use Map</p> <ul style="list-style-type: none"> - [Pointing to existing residential along Lionshead Ave] Upper Vista Condo (Concern) - [Pointing to mix use residential NW of Conrail drain] Low density <ul style="list-style-type: none"> o Maintain View, no blockage o Trails/walkable o Green space - [Written on mix use residential NW of Conrail drain] Mix condos and commercial - [Post it placed on area to the SE of “Chemtrade Logistics Inc”] South part high density - [Pointing to low density area to the SW of the Conrail drain] Possible gated community <p>On Large Note Pad</p> <ul style="list-style-type: none"> - What will happen to golf course under interim years - Best estimate on the timing of construction?

Table #	Written Comments (Y/N)	Written Comments	Comments on Map or Large Note Pad (Y/N)	Comments on Map or Large Note Pad
		<ul style="list-style-type: none"> - New bldgs. More trails - Offer on Environmental impact so existing neighbourhoods have higher value or maintain in value <ul style="list-style-type: none"> o Higher price homes to maintain value of the neighbourhood - Minimal noise - Kept in the loop - Balance of both: residential/commercial - Higher price home 		<ul style="list-style-type: none"> - Cost of residential dwellings - During construction, how would construction vehicles, materials be managed? <ul style="list-style-type: none"> o Would residents nearby be affected?
4	N	--	N	--
5	N	--	Y	On Conceptual Land Use Map <ul style="list-style-type: none"> - [Written along Lionshead Ave] Narrow - [Written otop where condo along Green Vista Gate will be] Condo - [Incomprehensible words written over top of medium density area directly east of Eaglewood Drive] - [Pen marks circling all of the spaces in between the coloured land uses]
6	Y	<ol style="list-style-type: none"> 1. Whole selling was based on the existence of the Golf Course → False Setting 2. Condo bought a 8 month ago 3. Travelled all the way from Toronto to attend this meeting 4. They like to see facilities (grocery /services) 5. Part of the golf course could be, but not all of it (Golf Course is the whole identify of the area) 6. Should have shown the condo building on the map 7. They would sue the seller if they figure the seller false 8. Community Centre and Swimming Pool 9. They like to keep all green area 10. Very low density (scarce) and Green Area (lots of green area) – in a way that does not impact the value of the property and the quality of living and using the golf course → high traffic and noise) 11. Phased it for retirement → Eastlake 	Y	On Map showing Property Lines, PSW, and Conrail Drain <ul style="list-style-type: none"> - [Shaded in red where condo building along Green Vista Gate will be located] Condo Building - [Written over top of area south of Lionshead Ave and north of the Conrail drain] Golf Course - [Written over top of area directly west of Salit Steel and North of Ramsey Road] Not Golf Course On Large Note Pad “Questions” <ol style="list-style-type: none"> 1. Concerns on the condos value [buyers not aware of this project] 2. What charges to the properties 3. When the whole proposed work started, did the seller know about this 4. After this development, there would not be any Golf Course (Thundering Water, or other) (sign) 5. Should the condo owners be compensated the difference of the property value that this project will cause 6. Is the railroad staying
7	Y	<ol style="list-style-type: none"> 1. No Residential 2. No Development at all 3. Property value concerns for neighbours “paid \$100,000 premium” 4. Noise during construction of houses 5. Noise from Industrial Area (can hear it at night) 6. Does everyone get a cheque for the loss in house value? 	N	--

Table #	Written Comments (Y/N)	Written Comments	Comments on Map or Large Note Pad (Y/N)	Comments on Map or Large Note Pad
		<ul style="list-style-type: none"> 7. Used to be a swamp all over this area 8. There was an old burial ground on the whole area 9. Concern about proximity to wetlands 10. More concern about dust from construction 16. Why did they not have personal letters to invite to this meeting 17. Concern about housing close to railway 18. Having residential in middle of industrial area makes no sense 19. Need a park!! 20. Inform neighbours of who the “numbered company” is 21. Concern about flipped property 22. Grocery store 23. More “fleshed-out” plan 24. Parks for kids 25. Question about timing 26. What is happening with Con Rail Drain (Don’t want flooding) 27. The Flyer was misleading and poorly done 28. Don’t want to fill the pond near the club house 29. Construction access → not through private condo roads 		
8	Y	<ul style="list-style-type: none"> - No Development - Pd premium to back onto golf course - Could you keep part of golf course - City needs to protect the homeowners - Visitor pkg is currently an issue <ul style="list-style-type: none"> o If you remove the pkg where will people in the condo park - Not happy with how this unfolded (we were sold on the concept of a private condo dev’t on a golf course) - Build in 9 holes of golf north on the tracks - There is nothing like Thundering Waters Golf Course and abutting residential community in the City today and we can’t lose it - Too close to PSW - Keep as many trees as possible - Support commercial adjc. To industry - No concerns with PSW - Other lands in City to develop - Golf course in an attraction to the future development of Riverfront 	Y	<p>On Conceptual Land Use Map</p> <ul style="list-style-type: none"> - Keep the Golf Course [general comment] - Where is the green space [general comment] - No development [general comment] - [Pointing to medium density area to the NW of the Conrail drain] Park, keep it green/walkways, keep the pond and community park - [Circled whole triangle area to the NW of the Conrail drain] Keep green/golf course, make it a park - [Pointing to small commercial area fronting onto Lionshead Ave] Small store? Retail commercial - [Pointing to triangle of medium density NW of the Conrail drain] townhouses or keep for parking - [Pointing to long strip of medium density NW of the Conrail drain] green space (pd premium to be green space) Unobstructed view promised, too small for development <p>On Large Note Pad</p> <ol style="list-style-type: none"> 1. We pd a premium for our lots and were made a promise that no dev’t would happen 2. How will you access when you don’t own land (Thundering Waters Blvd – this is an easement and private rd maintained by condo group) 3. We are paying premium taxes – will the City reduce

Table #	Written Comments (Y/N)	Written Comments	Comments on Map or Large Note Pad (Y/N)	Comments on Map or Large Note Pad
				4. Will the City remunerate taxes as our property values go down 5. Who will pay condo for use of our road 6. Where there be compensation for reduced value, condo fees, taxes
9	Y	<ul style="list-style-type: none"> - Colours on concept map not easy to read - Police presence is bad optic - Question re: perspective buyers in new condo <ul style="list-style-type: none"> o Are they being told about change in development o Can they be told? - Concern <ul style="list-style-type: none"> o Property value o Loss of access to golf course o Where is park land? Open space o Market demand? Many homes in area are for sale o Can part of golf course be kept? 9-hole o What happens if this doesn't get approved? <ul style="list-style-type: none"> ▪ Will golf course be kept? ▪ Will property be derelict o Many b+bs and boarding houses along Lionshead <ul style="list-style-type: none"> ▪ Will there be more? ▪ Should remain residential not tourist ▪ Illegal uses (don't want to see more) o Green Vista Gate and Lionshead is private road. Residents pay for ploughing (will city take over this?) o How will dev be accessed through private road o Many more developments proposed in region o Concern about adding more density to area o Only golf course in city (green space in city) o How does dev fit in City's overall plan for open space/parkland o Concern that concept shows development across full site – maximized density o Market may be gone if golf course is removed (homes are there for the golf course) o Concern property values [arrow pointing down] once golf course gone o Could residents purchase strip along Conrail drain? o If areas at east end kept as 9 hole → would reduced landowner concern o All development less than 10 yrs (some still being built, all sold as golf course property) 	Y	On Conceptual Land Use Map <ul style="list-style-type: none"> - 12 hole golf course [general comment] - Why remain a condo dev? [general comment] - Property taxes premium currently being paid [general comment] - [Circled area to the NW of the Conrail drain and area surrounding existing large pond directly west of Salit Steel] Keep as golf Course - [Pointing to small commercial area fronting onto Lionshead Ave] Not as much of a problem - [Pointing to long strip of medium density NW of the Conrail drain] <ul style="list-style-type: none"> o Could this be purchased by neighbouring owners? o Underground drain o These residents paid a premium - [Pointing to medium density area to the NW of the Conrail drain] Golf Course or open space/park

Table #	Written Comments (Y/N)	Written Comments	Comments on Map or Large Note Pad (Y/N)	Comments on Map or Large Note Pad
		<ul style="list-style-type: none"> ○ Property taxes [arrow pointing down] when golf course is gone (can homes be reassessed? Currently paid [arrow pointing up] taxes due to value) ○ Can 9 hole be kept and remaining sold as premium estates ○ Condo and vista gate look over pond (nice view) ○ Lack of transparency in sale of CN lands to developers ○ Keep club house and can it be given to existing owners ○ Concern w/ truck and construction traffic on Lionshead ○ Preference: Keep 9-12 hole golf course ○ 2nd Preference: keep clubhouse for community use, lower density and parkland in central area ○ Area has been under construction for several years (don't want many more years of construction) ○ Roads in area are private, shouldn't be able to access construction thru these roads ○ Is there a market for the commercial use area? (What type of uses given the poor access?) ○ Concern about zoning (want to make sure Airbnb's aren't allowed) ○ Can a summary of comments and responses be sent to condo board? 		
10	Y	<ul style="list-style-type: none"> - All road are private. How are we accessing - Top 3 elements you'd like to see in a new community? <ul style="list-style-type: none"> ○ None ○ A restaurant would be a nice addition to the golf course and updates to the golf course (pro shop). Tent to be turned into a permanent structure ○ No unless we find a suitable spot within the golf course that doesn't affect the use ○ "One of the users would be not opposed to downsize the use to a 12 hole golf course" - Top 3 concerns about proposed redevelopment <ul style="list-style-type: none"> ○ Loss of green space and water features ○ Loss of industrial land/productive activity - Provide a development timeline - Medium density on top of pond doesn't make sense - The new development is going to decrease the value of our homes especially mid-density area between the condominium - Only golf course within 5 min from Niagara Falls – people go from the hotel 	Y	<p>On Conceptual Land Use Map</p> <ul style="list-style-type: none"> - [Pointing to Ramsey Road] Preferred Access from Ramsey. Private or City Serviced? - [Pointing to Lionshead Ave] Private Road - Entrance? [general comment] - [Pointing to small commercial area fronting onto Lionshead Ave] Restaurant - [Pointing to location near existing golf course club house] Tent become permanent. Pro shop expansion/restaurant - [Pointing to medium density area to the SW of Lionshead Ave] Keep pond

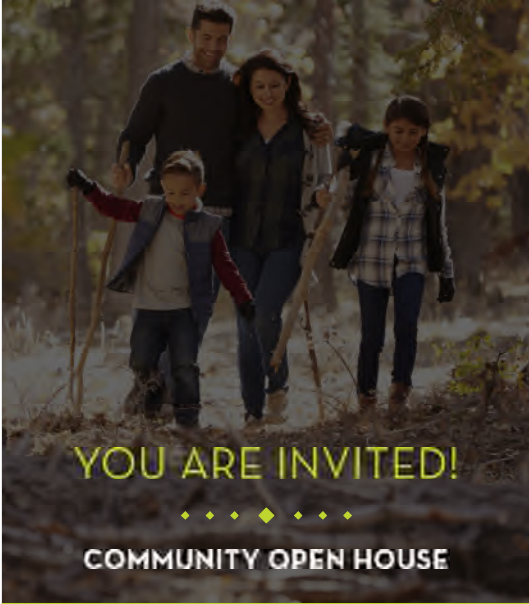
Table #	Written Comments (Y/N)	Written Comments	Comments on Map or Large Note Pad (Y/N)	Comments on Map or Large Note Pad
		<ul style="list-style-type: none"> - The Leafs came here and bring a lot of people to celebrate a recreational act - Everyone made - Negative stigma - This development brings a negative stigma and decreases the value - Only the central land is envisioned (?) as realistically developable - Only golf - AM tarit (?) visiting NF - Golf Course was busy everyday - Alternate GC would only be in Cheepawa Legends (15 min drive) - The removal of the pond/18th hole is a major concern since it is a current major pen space that includes a strong natural habitats - Premium/visual views - Service people that retire have their first residences - Negative impact on the Paradise Development adjacent 		
11	Y	<ol style="list-style-type: none"> 1. Contact the owners of the condo 2. Need to show the pros/cons of our development 3. Previous owner indicated that the golf course would stay 4. Compensation (?) for previous owner 5. Gated Community 6. Vacant land cond 7. Green units Gab from Heed (?) 8. Command about property values of homes and condo backing onto the golf course 9. Current owners bought the CP lines 10. Green Space 11. Loss of employment 12. What kind of development 13. Keep 9 hole golf course 14. There are a lot of vacant homes (Dorchester/Kalar, McLoud to Brown Rd, Empire Development) 15. Building a 9 hole course 16. Address the concern of our impact 17. Traffic Impact Study 	Y	<p>On Conceptual Land Use Map</p> <ul style="list-style-type: none"> - [Arrow pointing to the NW, beyond the map] Smart Centre (Walmart, CT, LCBO, Costco) - [Pointing to area at Drummond Rd and McLeod Rd] Convenience Store Bar, Gas station, restaurant, meat stop - [Pointing to Lionshead] Private road. Do NOT flow traffic through these roads - [Outlined old rail lines to the SE of property lines} Old Rail Lines - [Pointing to Conrail Drain] Regional Trunk Sewer Watermain -
12	Y	<ul style="list-style-type: none"> - What are the issues - Want to see golf course - Want a 9 hole minimum - How much pay golf course - Why buy extra railway property - Private roads 	Y	<p>On Conceptual Land Use Map</p> <ul style="list-style-type: none"> - [Pointing to property line for NW block of land] Protected areas for tar keys (?) turtles (?) - [Pointing to long strip of medium density NW of the Conrail drain] Green space not being maintained there is no tree (?)

Table #	Written Comments (Y/N)	Written Comments	Comments on Map or Large Note Pad (Y/N)	Comments on Map or Large Note Pad
		<ul style="list-style-type: none"> - Frustration green space not being - Concern with commercial/mixed used - What all golf course - Council got invite same time - Jim/ R. (?) didn't get invite - Low long on ____ (?) - Separate a new condo under development? - Mayor will develop anything - What is Councillor involvement – Not until Council - Councillor industry approved - Can't to see golf course - Residential atm want to see commercial - Don't want to strip mall - Can bike to Tim Horton's - Want to see predominantly single - ____ (?) define - What level needed density (____ house to 6 storey) - Don't want to see high rise - Concern with impact on wild life (geese/foxes/turtles) - How long surveys (wildlife) - Don't feel impacted by noise/some say bad - Want tent removed off golf course <ol style="list-style-type: none"> 1. Want golf course maintained. 18? 12? 9? 2. Concern density and impact wildlife/residents 3. How roads being address roads. Ownership? Access, maintenance 		<p>On Large Note Pad</p> <ol style="list-style-type: none"> 1. What did they pay for the property? 2. Can a 9/12 hole golf remain? 3. Time line? 4. What happen to pond? 5. Where is the park land? 6. Residential condo/ or public freehold street? 7. Where roads going? 8. Will some condo roads change to public 9. How is green space to be maintain 10. What will happen to property values 11. How long has development been on the books/planning redevelopment 12. What if doesn't happen? Will shut down golf course 13. How address noise 14. What is density contemplated (units, population) 15. Can infrastructure accommodate development? If not how? 16. How know studies truthful now there is endangered species? 17. How do know get reputable builders 18. How sound from proposed commercial development not impacting residents 19. Where are roads going? 20. Train issues noise whistle? 21. What happens in City says no?
13	N	--	N	--

Table #	Written Comments (Y/N)	Written Comments	Comments on Map or Large Note Pad (Y/N)	Comments on Map or Large Note Pad
14	Y	<p>Top 3 elements you'd like to see in a new community?</p> <ul style="list-style-type: none"> - At least 9 holes of G.C. remaining - Paid lot premium for GC view (\$60k premium for closest lots) - Valuation of property – will it go down? How much? - Limit construction to areas of GC where no lots are backing onto them - Greenspace - Change the overall “feel” of the existing community – will be more like Mississauga/GTA - Sidewalks along Lionshead Ave - Pathway/access - Don't want to back onto other residential properties - Want to keep green - Noise on some nights, louder (early and morning) - Include recreation amenities (park/playground) - Bike trail/walking trail (tranquility) - Keep Conrail drain as a “ravine” feature - Keep path along CN line (path to 10th hole) - No Commercial 	Y (Note Pad Only, no comments made on either map)	<p>On Large Note Pad</p> <p>“Parking Lot” Questions</p> <ol style="list-style-type: none"> 1. Is the golf course going to be removed? 2. Was Mountainview (Developer/Builder) invited to meeting? 3. Property Values – will they decrease? 4. Will there be more traffic? 5. Why can't development be limited to areas of GC with no homes backing onto it? 6. What happens to existing GC parking lot? <ul style="list-style-type: none"> a. No visitor parking for guests 7. What happens at entrance to existing TWGC 8. Loss of existing small community feel 9. Misinformation regarding development timing
15	Y	<ul style="list-style-type: none"> - How much did the Golf Course sale for? - More green space (important), walkway/trails - School! - Nature/Green Space - Noise from Salit (Industrial Park Area) - Commercial <ul style="list-style-type: none"> o Lots of vacant buildings already in Niagara Falls (not supported) - No access into/out of Site, Master Transportation Plan - ½ land should be parkland - Affordable housing incorporated 	Y	<p>On Conceptual Land Use Map</p> <ul style="list-style-type: none"> - [Pointing to land SE of Conrail drain] Why not build high rise in this area to compensate low rise to be built 18th hole - [Pointing to medium density area to the SW of Lionshead Ave] The Pond. Would like to see it stay <p>On Large Note Pad</p> <ul style="list-style-type: none"> - Are they putting any cell towers on the property - Are you protecting existing woodlots & water features - Is there going to be any satellite detachment for police - Are there going to be any playground trails etc - Are they going to naturalize the stream bed/drain

Table #	Written Comments (Y/N)	Written Comments	Comments on Map or Large Note Pad (Y/N)	Comments on Map or Large Note Pad
Unkn own Table #	Y	<p>Top 3 elements you'd like to see in a new community?</p> <ul style="list-style-type: none"> - Keep the golf course and no change to land use (keep a 9 hole golf course) <p>Top 3 Concerns</p> <ul style="list-style-type: none"> - Home values, depreciation of values - Loss of Greenspace and premium paid for single residential and townhomes, condos - Traffic and parking, access - Stormwater management concerns - Loss environment, wildlife - Safety issues with AirBnB, more rental properties - Increased population density safety - Appropriate compensation for loss of values (PREMIUMS PAID) - Increased impacts to wetlands w/ increased population - Construction dust, noise, muds - Will new residents pay into condo fees for use of services 	N	
Unkn own Table #			Y	<p>On Large Note Pad</p> <ul style="list-style-type: none"> - Big Picture Missing – Pros/Cons - Within N. Village Dev. What is offered, amenities, commerce, housing, mixed, single, demographic appeal to who, timeline - As future investor resident or otherwise needs to know, but too early to ask - Moved to TW because of the Golf Course. Paid a premium. Mountain view misled a lot of people. What's its responsibility? What happens to property value? The new Condo (high-rise) is being proposed as a luxury condo on the 18th whole. This is plain deception and should be subjected to legal action. My wife and I are golfers. We need this to be preserved. The Golf Course attracts a lot of tourists. Not having a golf course will affect the local economy. - Insist Concern: Purchased condo on golf course, paid a premium for golf course setting, expected to see the consultants provide the positive influence of any development on this site. People are not sold on this idea/dream. We expect to see the facts, numbers, measurements, and accountability. Is the City of Niagara Falls responsible/ accountable for the positive/negative influence any development will have on my investment? Without skipping to steps, I can't see how anyone would agree to a plan have hasn't been developed. No permits can be issued without hard/true facts on paper. E.g. noise studies, air, noise pollution, what impact this will have on the

Table #	Written Comments (Y/N)	Written Comments	Comments on Map or Large Note Pad (Y/N)	Comments on Map or Large Note Pad
				<p>banks mortgage assessments for everyone in the area. Eg. If the value of the neighbouring properties goes down \$100,000 who is responsible for this? This happens frequently costing people lots of grief and big expense (devaluation). Retention of golf course high priority.</p> <ul style="list-style-type: none"> - We chose TW as our retirement home, paid big premiums. We insist the present setting maintained with the golf course. Who is going to compensate for the drop in property value? We paid \$15k extra for the open green space. Mountain view cheated us? We will bring a class action suit against Mountain View and make sure we are not holding the bag for the developer.



YOU ARE INVITED!



COMMUNITY OPEN HOUSE



NIAGARA VILLAGE

EXPLORE IN YOUR BACKYARD



PROPOSED NIAGARA VILLAGE DEVELOPMENT

(PROPOSED REDEVELOPMENT OF THE THUNDERING WATERS GOLF COURSE)

We invite you to attend an important Community Open House and Workshop where you will have the opportunity to provide your input on the redevelopment of the Thundering Waters Golf Course.

DETAILS

When: Wednesday November 28th, 2018
Time: 6:00pm – 8:00pm
Presentation at 6:15pm followed by Break-out Session
Where: MacBain Community Centre
7150 Montrose Road
Niagara Falls, ON L2H 3N3

FOR MORE INFORMATION PLEASE CONTACT:

Brenda Khes, Senior Planner
GSP Group Inc.
162 Locke St S, Suite 200
Hamilton ON L8P 4A9
Phone: 905-572-7477
Email: bkhes@gspgroup.ca



WE LOOK FORWARD TO HEARING FROM YOU!

WELCOME

- ▶ Hardy Stevenson and Associates Limited
 - ▶ 364 Davenport Road, Toronto
 - ▶ 416.944.8444

H A R D Y
STEVENSON
AND ASSOCIATES

Agenda

6:25 – Project Team Introductions

6:30 – The ‘Ground Rules’ for the meeting

6:35 – Overview and Context Presentation

6:50 – Move to Group Break-out Sessions

7:50 – Begin Group Sessions Wrap-Up

8:00 – Conclusion of Meeting

Project Team Introductions

Firm	Role / Area of Expertise
GSP Group	Planning
R.J. Burnside	Environmental and Engineering
Golder Associates	Noise, Environmental Site Assessment, Hydrogeology, Geotechnical
B + H Architects	Architecture
Prenix Associates	Overall Project Management

The “Ground Rules”

- **Speaking** – please speak clearly, let us know who you are and if you are representing a group
- **Listening** – please listen to other community members and the Project Team
- **Respectful language** – please be respectful of others when sharing your views and opinions
- **Break-Out Sessions** – please engage and participate: we want to hear your input.
- **Safety** – please be aware of the fire exits and washroom facilities here at the community centre

WELCOME!

Community Open House No. 1

Niagara Village Development

Proposed Redevelopment of the Thundering Waters Golf Course

November 28th 2018



Quick Facts:



Owner: 2592693 Ontario Limited (Applicants: Invest Group Limited)

Purchase Date: September 2017

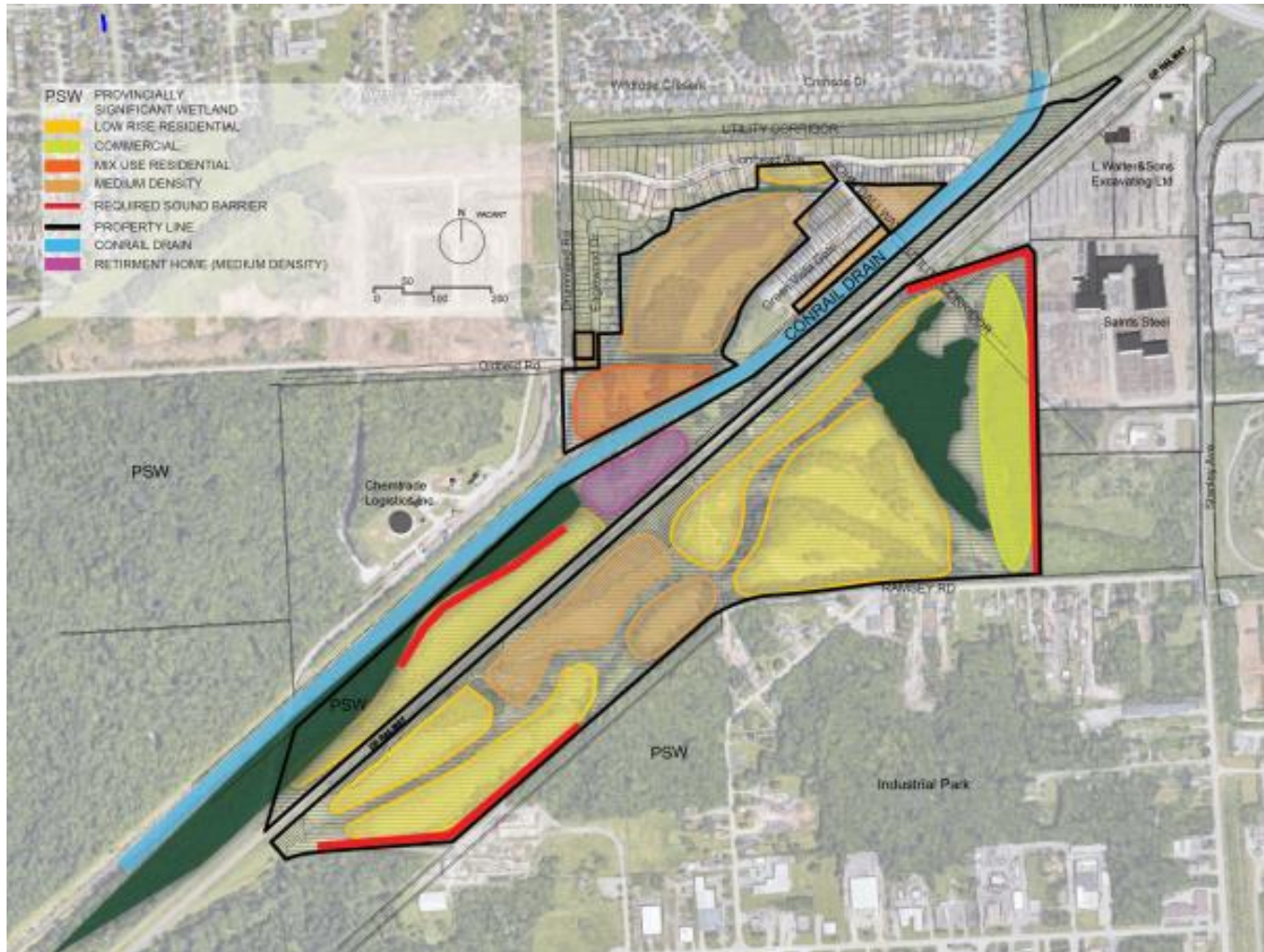
Railway Lands: CP severed and sold remnant parcels on either side of track to Invest Group Limited

Applications to the City: None. Submitted “pre-consultation” form to determine required studies for future applications.

Who was invited to this meeting: all residential properties within 1km of the golf course.

How were they notified: Mailed invitations

What is being proposed?



Proposed Niagara Village Development Community Open House No. 1
November 28 2018

What Approvals Are required?

- Amendment to the City of Niagara Falls Official Plan (OPA)
- Amendment to the City of Niagara Falls Zoning By-law No. 79-200

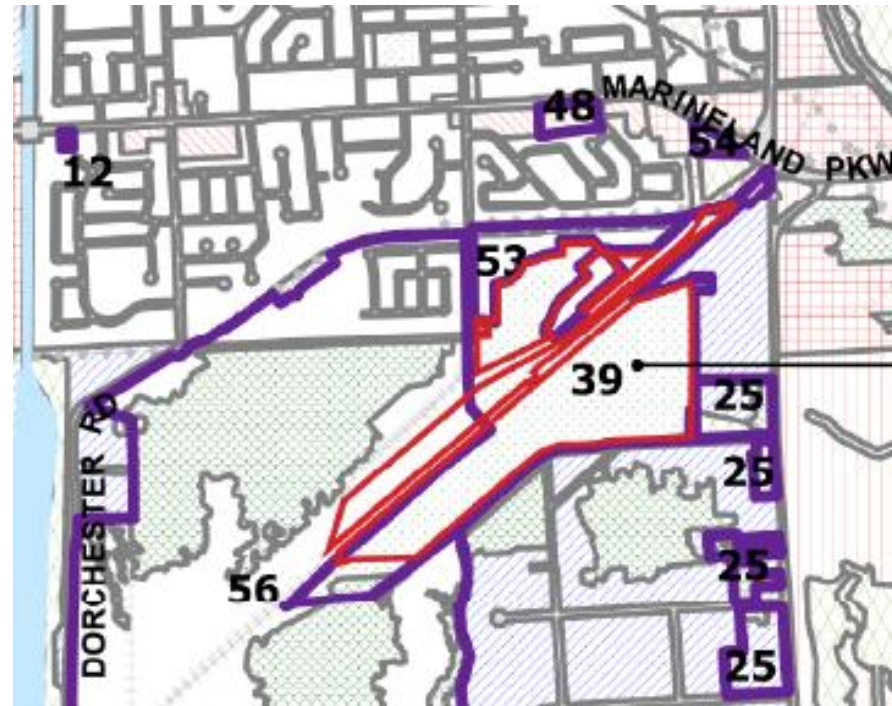
Niagara Falls Official Plan

Designation:

Open Space – Special Policy Area 39; and Residential – Special Policy Area 56

Permitted Uses:

Golf course and limited residential.



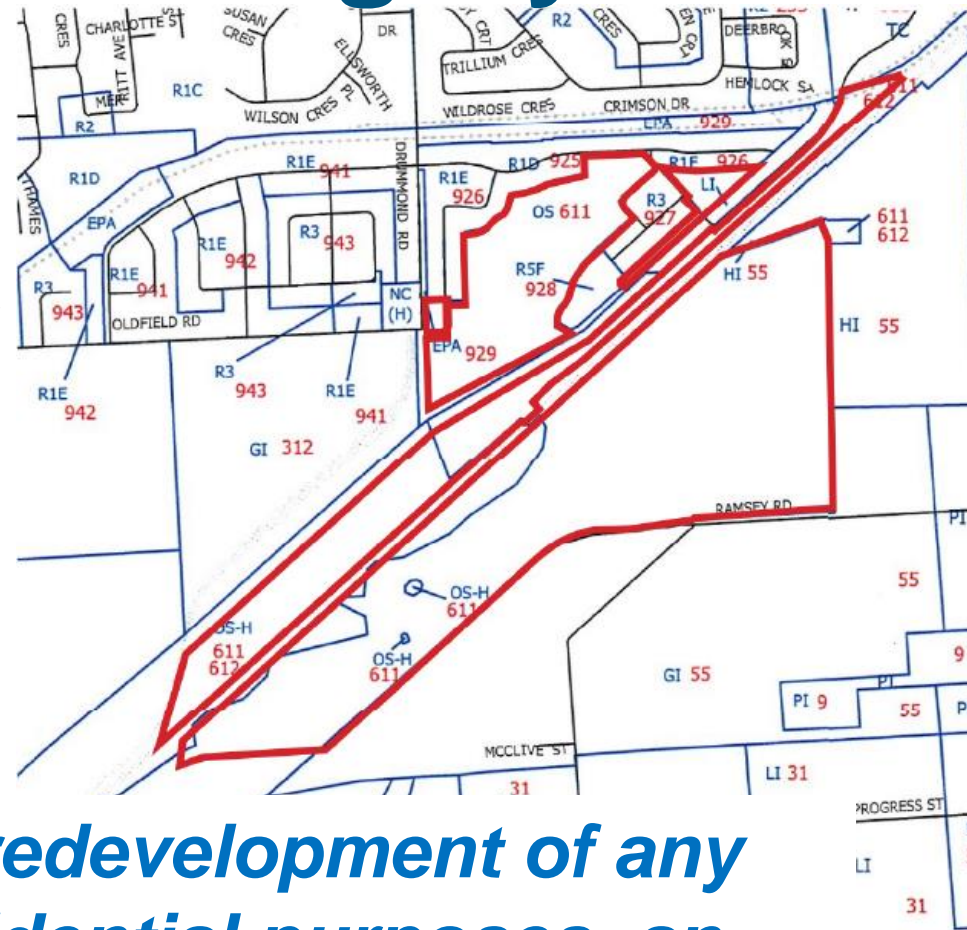
In order to permit the redevelopment of any part of the Site for residential purposes, an amendment to the Official Plan is required.

Niagara Falls Zoning By-law No. 79-200

Zone:

Open Space (OS, 611) Zone
Open Space Holding (OS-H, 611) Zone

Permitted Uses: golf course, golf clubhouse, accessory uses/buildings.



In order to permit the redevelopment of any part of the Site for residential purposes, an amendment to the Zoning By-law is required.

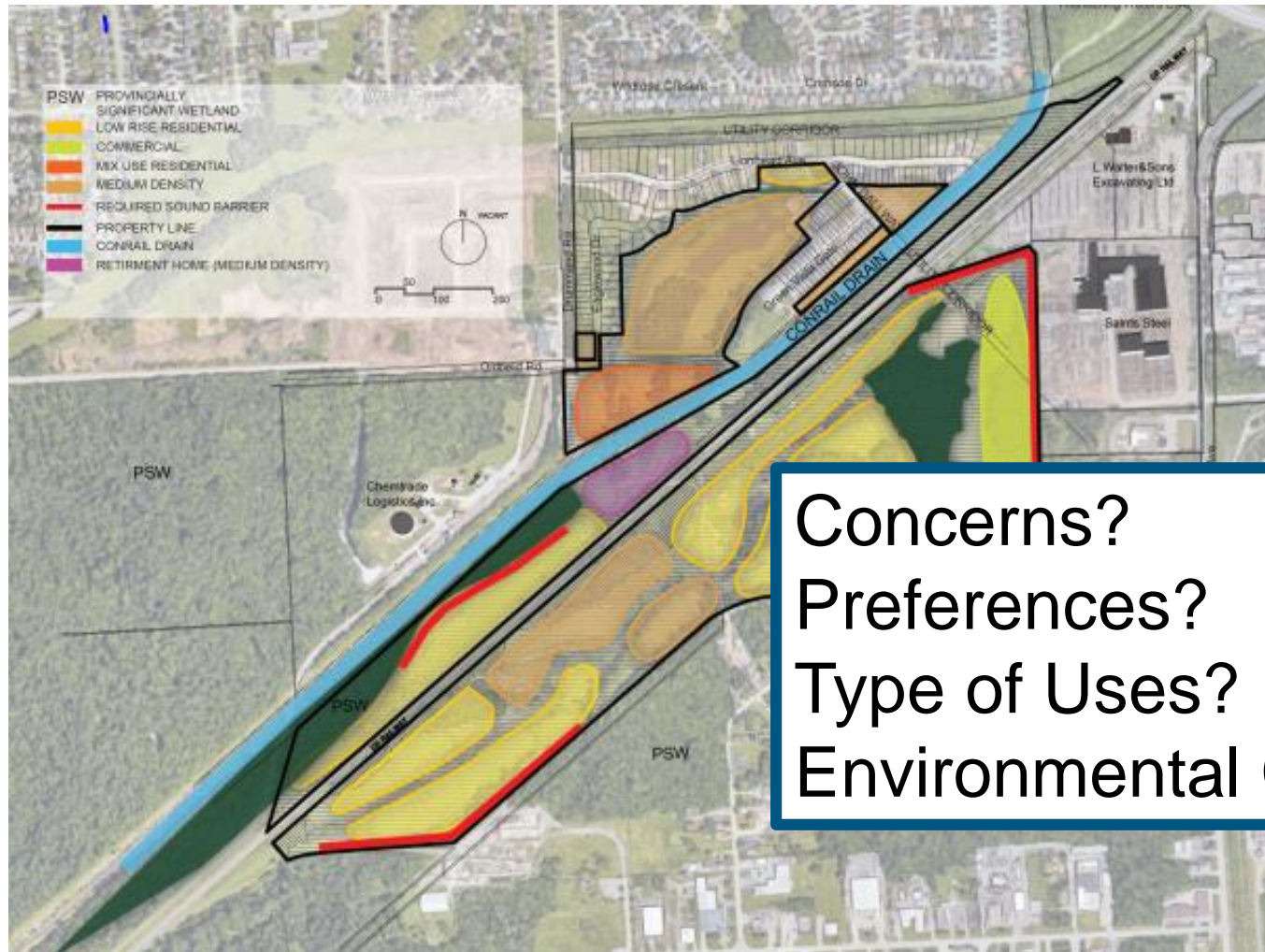
Required Studies/Reports/Plans

1. Planning Justification and Sensitive Land use Report
2. Air Quality Report
3. Archaeological Assessment
4. Conceptual Site Plan, Subdivision Plan
5. Environmental Impact Study
6. Environmental Site Assessment / Record of Site condition
7. Municipal Servicing Study
8. Noise and Vibration Study
9. Stormwater Management Plan
10. Transportation Impact Study / Parking Impact Analysis
11. Tree Preservation Plan
12. Urban Design Report

Why are you here?



We Need Your Input



Break-Out Session



Report Back

7:50

What Happens Next?

- Receipt of comments from Community Open House No. 1 (this evening and comments received up to December 14)
- Review *Draft* Technical Studies to confirm issues thoroughly considered
- Development of Detailed Concept Plan based on technical studies and community/stakeholder input
- Completion of Reports/Studies based on Detailed Concept Plan
- Submission of OPA/ZBA applications to the City
- Community/Stakeholder Outreach No. 2



Thank
You :)

**Thank you for
your time and
input!**

WELCOME!

**Stakeholder
Meeting No. 1**

Niagara Village Development

*Proposed Redevelopment of
the Thundering Waters Golf
Course*

November 28th 2018



Project Team

Firm	Role / Area of Expertise
GSP Group	Planning
R.J. Burnside	Environmental and Engineering
Golder Associates	Noise, Environmental Site Assessment, Hydrogeology, Geotechnical
B + H Architects	Architecture
Prenix Associates	Overall Project Management

Community Context / Assets



Owner: 2592693 Ontario Limited (Applicants: Invest Group Limited)

Purchase Date: September 2017

Railway Lands: CP severed and sold remnant parcels on either side of track to Invest Group Limited

Applications to the City: None. Submitted “pre-consultation” form to determine required studies for future applications.

Who was invited: all residential properties within 1km of the golf course.

How were they notified: Mailed invitations

What Approvals Are required?

- Amendment to the City of Niagara Falls Official Plan (OPA)
- Amendment to the City of Niagara Falls Zoning By-law No. 79-200

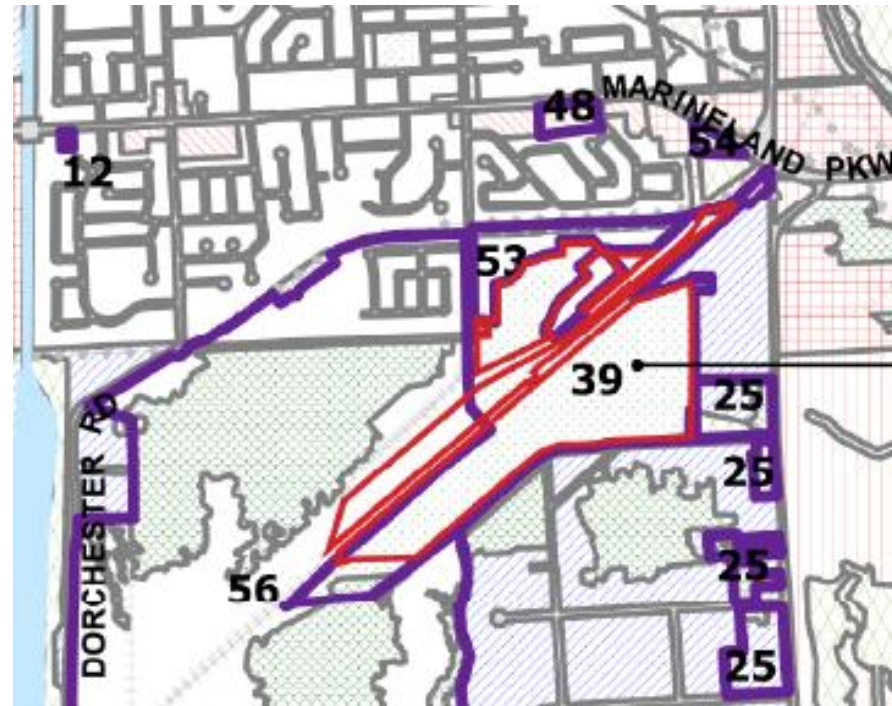
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Golf course and limited residential.



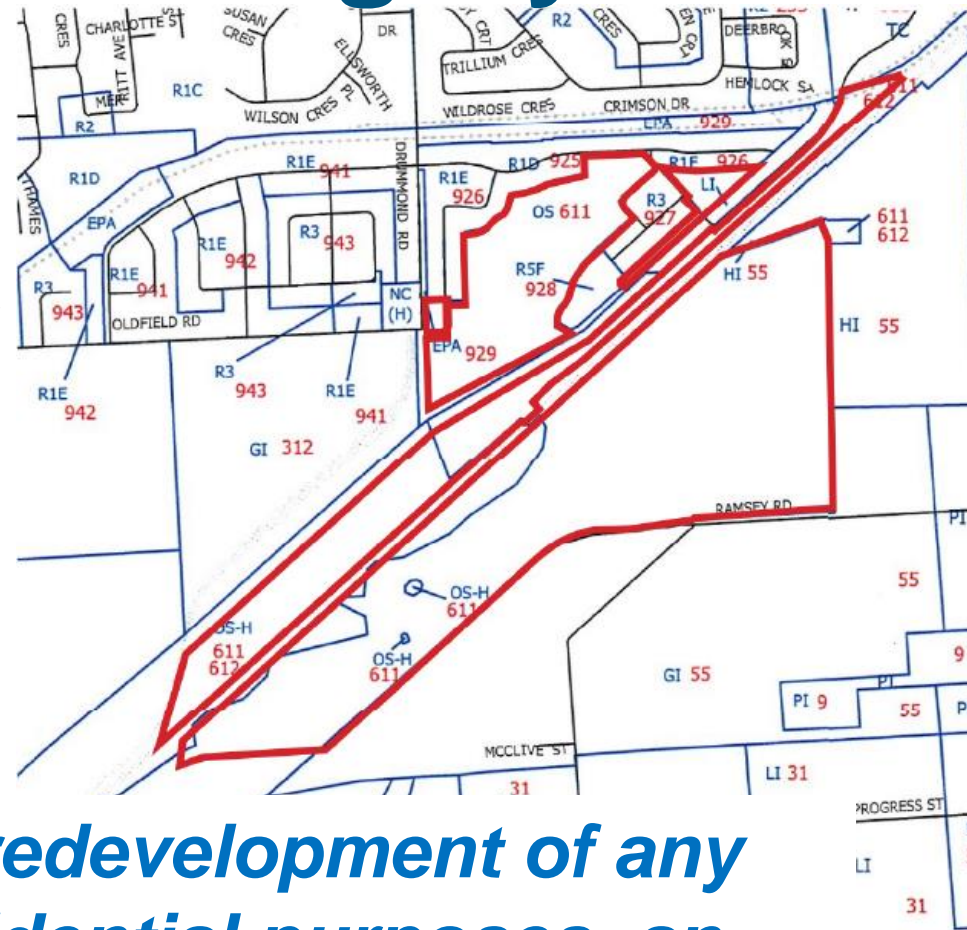
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Zone:

Open Space (OS, 611) Zone
Open Space Holding (OS-H, 611) Zone

Permitted Uses: golf course, golf clubhouse, accessory uses/buildings.



In order to permit the redevelopment of any part of the Site for residential purposes, an amendment to the Zoning By-law is required.

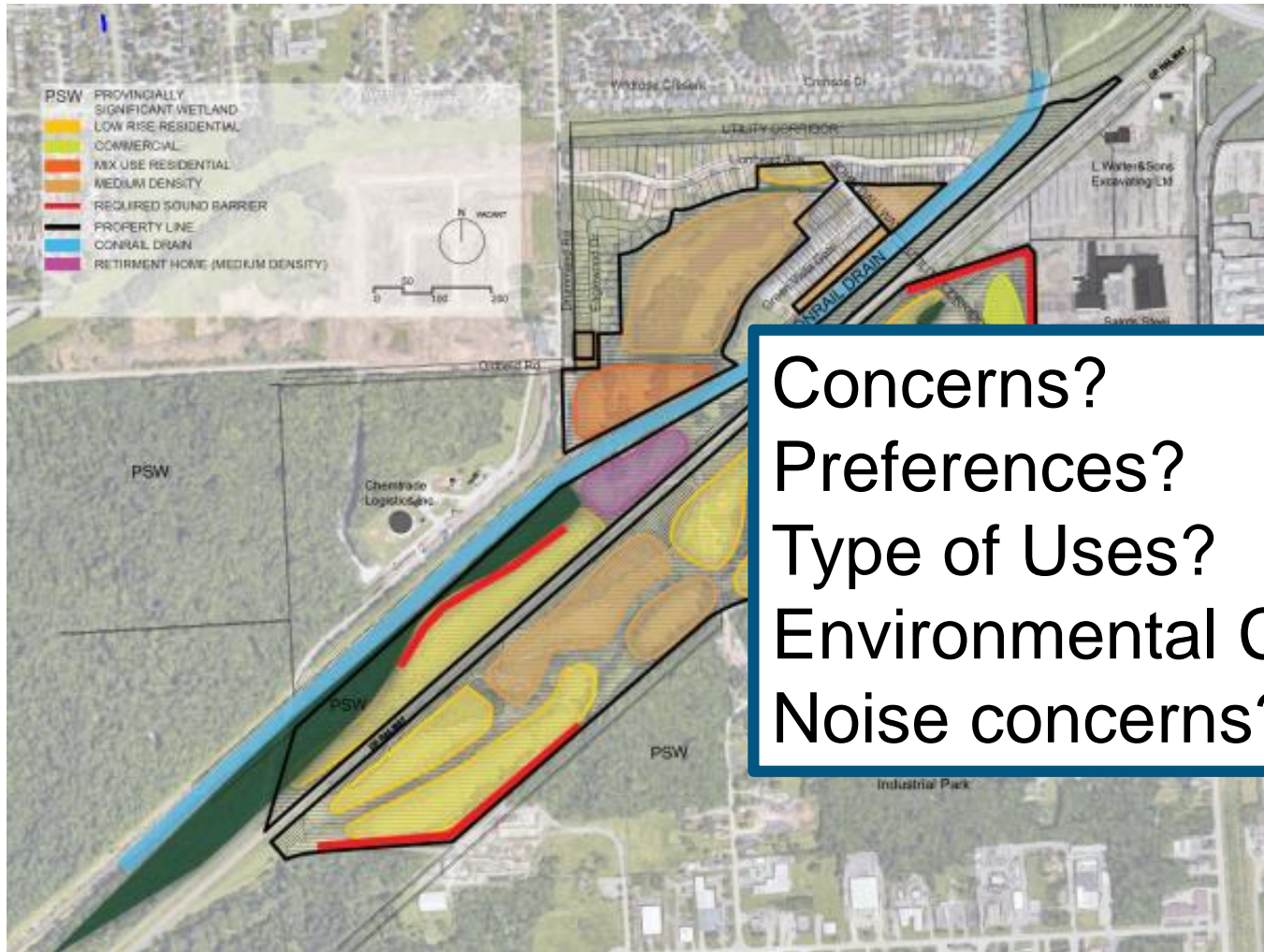
Required Studies/Reports/Plans

1. Planning Justification and Sensitive Land use Report
2. Air Quality Report
3. Archaeological Assessment
4. Conceptual Site Plan, Subdivision Plan
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6. Environmental Site Assessment / Record of Site condition
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8. Noise and Vibration Study
9. Stormwater Management Plan
10. Transportation Impact Study / Parking Impact Analysis
11. Tree Preservation Plan
12. Urban Design Report

Why are you here?



We Need Your Input / Comments



Proposed Niagara Village Development Community Open House No. 1
November 28 2018

Key Considerations

- Impact of proposed mixed use development on existing industries
- Need to ensure continued use and/or expansion of existing industrial uses
- Understand appropriateness of potential accesses e.g. Ramsay
- Understand frequency and use of CP Rail spur line
- Understand Existing noise and how to Mitigate

What Happens Next?

- Receipt of comments from Community Open House No. 1 (later this evening) and comments from Industrial stakeholders (this afternoon)
- Review *Draft* Technical Studies to confirm issues thoroughly considered
- Development of Detailed Concept Plan based on technical studies and community/stakeholder input
- Completion of Reports/Studies based on Detailed Concept Plan
- Submission of OPA/ZBA applications to the City
- Community/Stakeholder Outreach No. 2

Thank
You :)

**Thank you for
your time and
input!**

PLEASE PROVIDE US WITH YOUR COMMENTS
Proposed Niagara Village Development
Stakeholder Meeting No. 1 – November 28, 2018

1. List the top three elements you would like to see included in the proposed redevelopment to ensure the continued operation of your business (e.g., setbacks, noise attenuation, etc.); if possible, please be specific.

a) _____

b) _____

c) _____

2. In relation to your specific business, what are your top 3 concerns about the proposed redevelopment of the Thundering Waters Golf Course:

a) _____

b) _____

c) _____

3. Would your business be directly/negatively affected by the redevelopment?

Yes No

4. If you answered "Yes" to questions 3 above, please explain how/why?

THANK YOU FOR MEETING WITH US THIS AFTERNOON AND FOR YOUR INPUT!

COMMENT SHEET
Proposed Niagara Village Development
Community Open House – November 28, 2018

1. List the top three elements you would like to see in a new community (e.g., green space, singles/townhouses/apartments, commercial, sidewalks, walkways, etc.)

a) _____

b) _____

c) _____

2. What are your top 3 concerns about the proposed redevelopment of the Thundering Waters Golf Course:

a) _____

b) _____

c) _____

3. Do you live immediately adjacent to the Site? Yes No

4. Would you like to be notified of any future Open Houses related to this redevelopment proposal?

No

Yes - Please *print* your email address or contact information below:

Name: _____
Address: _____

Postal Code: _____
Email Address: _____

THANK YOU FOR COMING OUT THIS EVENING AND FOR YOUR INPUT!

Appendix D

**Ministry of Natural
Resources and Forestry**

**Ministère des Richesses
naturelles et des Forêts**

Guelph District
4890 Victoria Ave North
P.O. Box 5000
Vineland Station, Ontario
L0R 2E0

Telephone: (905) 562-4147
Facsimile: (905) 562-1154



June 28, 2019

Nicholle Smith
Senior Terrestrial Ecologist
R.J. Burnside & Associates Limited
292 Speedvale Avenue West, Unit 20
Guelph, Ontario N1H 1C4

Dear Nicolle:

Further to our correspondence earlier this year, this letter is to provide you with the rationale for the wetland boundary mapping as per the attached map.

Thank you for providing the technical information and analysis as requested. Based on this information, MNRF has updated the mapping to exclude the eastern half of the wetland polygon #12 (as identified in the wetland evaluation record for the Niagara Falls Slough Forest Wetland Complex PSW). Although there are wetland features in this portion of the polygon, the rationale for not including this area in the wetland complex is due to the small size, which is estimated as 0.38 hectares, and lack of connectivity to the wetland complex.

The rationale for retaining the western portion of this area in the provincially significant wetland complex is due to the distance, size, and functional connectivity of the wetland area. This is consistent with the direction found within the *Ontario Ministry of Natural Resources, 2014. Ontario Wetland Evaluation System, Southern Manual, 3rd edition, Version 3.3* regarding wetland complexes. The mapped boundary was determined based on all of the available information, and has been delineated to include some of the mature cottonwood trees along the interface with the ecosite to the south.

Note that the evaluation is conducted at a point in time; hence, it is the conditions described and facts noted at that time that are assessed within the context of all available information. The evaluation always remains as an open file, subject to change as more information becomes available or as a consequence of changes to the wetland itself.

Feel free to contact me with any comments or questions regarding the updated wetland boundary.



Sincerely,

A handwritten signature in blue ink, appearing to read "Helen Hermansen".

Helen Hermansen
IRM Technical Specialist

To meet with our staff please be sure to call ahead and make an appointment.
For general information visit: www.mnr.gov.on.ca or www.ontario.ca

Legend

-  Updated PSW wetland boundary
-  Previous PSW wetland boundary



0 100 200 Meters

This map is illustrative only. Do not rely on it as a precise indicator of routes or locations, nor as a guide to navigation. This map was produced for the Ministry of Natural Resources and Forestry for internal use only, and is not intended for external distribution.

Map Produced By : MNRG Guelph District - Vineland Field Office
Date Produced : June 28, 2019
Map Projection : (NAD 1983 UTM Zone 17N)
Data Sources : (Base Data - Land Information Ontario)
Map Purpose : Wetland Unit #12 Boundary Update map



Appendix E



800 - 1290 Central Parkway
West
Mississauga, Ontario
Canada L5C 4R3

T 905 803 3429
E josie_tomei@cpr.ca

November 6, 2018

Via email: scicak@golder.com

Stefan Cicak
Golder Associates Ltd.
6925 Century Avenue
Suite 100
Mississauga, ON L5N 7K2

Dear Sir/Madam:

*Re: Rail Traffic Volumes, CP Mileage 4.0, Montrose Subdivision,
Marineland Parkway, Niagara Falls*

This is in reference to your request for rail traffic data in the vicinity of Marineland Parkway in the City of Niagara Falls. The study area is located in the vicinity of mile 4.0 of our Montrose Subdivision, which is classified as an Industrial Spur line.

The information requested is as follows:

1. Number of freight trains between 0700 & 2300: 0
Number of freight trains between 2300 & 0700: 2
2. Maximum cars per train freight: 20
3. Number of locomotives per train: 2
4. Maximum permissible train speed: 25 mph (normal speed 15 mph)
5. Grade crossings are located at Biggar Road, Grassy Brook Road and Montrose Road, however whistling is prohibited at these locations. Please note, the whistle may be sounded if deemed necessary by the train crew for safety reasons at any time.
6. The Montrose Spur services industrial facilities in the area only. There is a main track and siding with additional leads into industrial facilities all with jointed track. There is also a cross-over switch in the study area.

The information provided is based on recent rail traffic. Variations of the above may exist on a day-to-day basis. Specific measurements may also vary significantly depending on customer needs.

Yours truly,

Josie Tomei SR/WA
Specialist Real Estate Sales & Acquisitions – Ontario

Appendix F

CITY OF NIAGARA FALLS

By-law No. 2020-

A by-law to provide for the adoption of Amendment No. **XXX** to the City of Niagara Falls Official Plan (OPA #**XXX**)

THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS, IN ACCORDANCE WITH THE PLANNING ACT, 1990, AND THE REGIONAL MUNICIPALITY OF NIAGARA ACT, HEREBY ENACT AS FOLLOWS:

1. The attached text and mapping constituting Amendment No. **XXX** to the City of Niagara Falls Official Plan is hereby adopted.

Passed this day of , 20XX

.....
WILLIAM G. MATSON, ACTING CITY CLERK

.....
JAMES M. DIODATI, MAYOR

First Reading: , 20XX

Second Reading: , 20XX

Third Reading: , 20XX

PART 1 – PREAMBLE

(i) Purpose of the Amendment

The purpose of this amendment is to include a set of policies that provide a policy direction for the development of the lands within the area known as Niagara Village.

(ii) Location of the Amendment

The amendment applies to the land shown on Map 1

(iii) Details of the Amendment

Map Changes

- Schedule A – Land Use has been amended to:
 - Remove the subject lands from the “Special Policy Area 39” and “Special Policy Area 56” and create a new “Special Policy Area XX”
 - Redesignate a portion of the subject lands from Open Space to Residential and from Open Space to Environmental Protection Area
- Schedule A-1 Natural Heritage Features and Adjacent Lands has been amended to reflect the location of the Provincially Significant Wetland located in the south western portion of the subject lands
- Creation of Schedule A-7 - Potential Woodland Removal and Enhancement/Rehabilitation Areas, identifying the woodlands to be removed and the areas to be enhanced and/or rehabilitated

Text Changes

The amendment deletes the existing Special Policy Area No. 39 text and replaces it with revised policies, creating a new Special Policy Area No. XX

(iv) Basis of the Amendment

The revised schedules and policies will guide the residential and mixed-use development as well as the protection of the natural heritage features on the subject lands. This amendment will limit development in a manner that will protect the Provincially Significant Wetlands while establishing a mixed-use neighbourhood.

The land affected by this amendment is recognized as a combination of built-up area and greenfield. There is existing residential development to the north and to the west of the subject lands. There are industrial lands nearby to the south of Ramsey Road and to the west of the subject lands.

The purpose of the proposed land uses is to meet the policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe and to facilitate the creation of a mixed-use neighbourhood with a variety of housing forms to meet the needs of a range of ages and households. The neighbourhood will provide a continuous trail network, connecting the subject lands' natural areas to the new public parks and existing open space.

This amendment was the subject of comprehensive public consultation. A Community Open House was held on November 28, 2018. In addition, a Stakeholder Open House was held on November 28, 2018. The statutory meeting was held on XXXX. Council considered and approved the staff report that contained XX recommendations which are incorporated into this amendment. Further discussions were held with commenting agencies after the public meeting to ensure that the amendment implemented their comments as well as the recommendations of the staff report.

PART 2 – BODY OF THE AMENDMENT

All of this part of the document entitled PART 2 – BODY OF THE AMENDMENT, consisting of the following text and attached maps, constitute Amendment No. **XXX** to the Official Plan of the City of Niagara Falls.

DETAILS OF THE AMENDMENT

The Official Plan of the City of Niagara Falls is hereby amended as follows:

MAP CHANGES

i) SCHEDULE A – LAND USE PLAN of the Official Plan is amended by:

- Redesignating the subject lands from “Open Space” to “Residential” and from “Open Space” to “Environmental Protection Area”
- Removing the subject lands from “Special Policy Area 39” and “Special Policy Area 56”; and
- Adding the subject lands to a new “Special Area **XX**”.

as shown on the map attached entitled “Map 1 to Amendment No. **XXX**”

ii) SCHEDULE A-1 - NATURAL HERITAGE FEATURES of the Official Plan is amended by:

- Adding the Provincially Significant Wetland in the western portion of the subject lands as “Environmental Protection Area”

as shown on the map attached entitled “Map 2 to Amendment No. **XXX**”.

iii) A new SCHEDULE A-7 – POTENTIAL ENHANCEMENT/REHABILITATION AREAS is added as shown on the map attached entitled ‘Map 3 to Amendment No. **XXX**’.

TEXT CHANGES

i) PART 2, SECTION 13.39 SPECIAL POLICY AREA “39” is hereby deleted;

ii) PART 2, SECTION 13.73 SPECIAL POLICY AREA “**XX**” is hereby created with the following:

13.7 SPECIAL POLICY AREA “**XX**”

Special Policy Area “XX” applies to approximately 63 hectares of land located at the foot of Oldfield and Drummond Roads, being the former Canadian Pacific Railway Marshalling yard. These lands are designated “Residential, “Open Space”, and “Environmental Protection Area”. The following policies apply to the subject lands:

Noise, Odour, and Dust Mitigation

- 13.XX.1 Detailed air quality, noise and vibration studies will be required for any residential development proposed near a major facility such as industrial use, as part of subsequent Planning Act applications, including Zoning By-law Amendments, Draft Plans of Subdivision or Condominium, or Site Plan Approval. The implementation of any mitigation measures (i.e. physical noise barriers, building orientation, separation buffers) required to meet Provincial Guidelines (i.e. NPC-300) shall be determined and approved by the City through the Site Plan Approval process or prior to registration for individual lots.
- 13.XX.2 Council may use Holding Provisions in the implementing Zoning By-law to ensure appropriate separation, buffering, and/or mitigation measures are implemented prior to development as recommended by appropriate studies to ensure that the Ministry of the Environment and Climate Change’s recommended limits related to noise, odour, and/or dust are met.
- 13.XX.3 Guidelines from the Ministry of the Environment and Climate Change (MOECC) will be applied to limit potential for future land use conflicts with new sensitive land uses near existing industrial uses. Warning clauses shall be included in subdivision agreement(s), condominium agreements, site plan agreement(s) and purchase and sale agreements where appropriate regarding the proximity of heavy industrial land uses and railway lines to residential dwellings and the possibility that noise and vibration from them may be discernable.

Stormwater Management

- 13.XX.4 Storm water management facilities may be located in any land use designation within the Special Policy Area with the exception of the Environmental Protection Area.

Transportation

- 13.XX.5 A minimum right-of-way width of 18.0 m is permitted for local roads within the Special Policy Area.

Woodland Removal

- 13.XX.6 The owner shall enter into a compensation agreement with the City, prior to development, that addresses the plantings and restoration work shown conceptually on Schedule A-7. This agreement shall be supported by an Environmental Impact Study (EIS) to be completed in accordance with Part 2, Policy 11.1.18 of this Plan.

Residential Uses

- 13.XX.7 The lands designated “residential” within the Special Policy Area shall provide a mix of one or more of the following residential forms throughout the Special Policy Area:

- a) Single detached dwellings;
- b) Street townhouses;
- c) Block townhouses;
- d) Back-to-back townhouses;
- e) Apartments; and
- f) Residential units in conjunction with local commercial uses in a mixed-use building.

- 13.XX.8 Notwithstanding Policy 1.15.5 of this Plan, block townhouses, back-to-back townhouses, and apartments of not more than 4 storeys can be developed to a maximum net density of 75 units per hectare with a minimum net density of 50 units per hectare. Such development is permitted along local roads.

Multi-Use Trail Network

- 13.XX.9 A network of multi-use trails shall be established throughout the Special Policy Area including, at a minimum, adjacent to the rail corridor and adjacent to Ramsey Road.

Thundering Waters Boulevard


- 13.XX.10 Should Thundering Waters Boulevard become a municipal road at some point in the future, consideration shall be given to connect Thundering Waters Boulevard to the Oldfield Road Extension within the Special Policy Area.

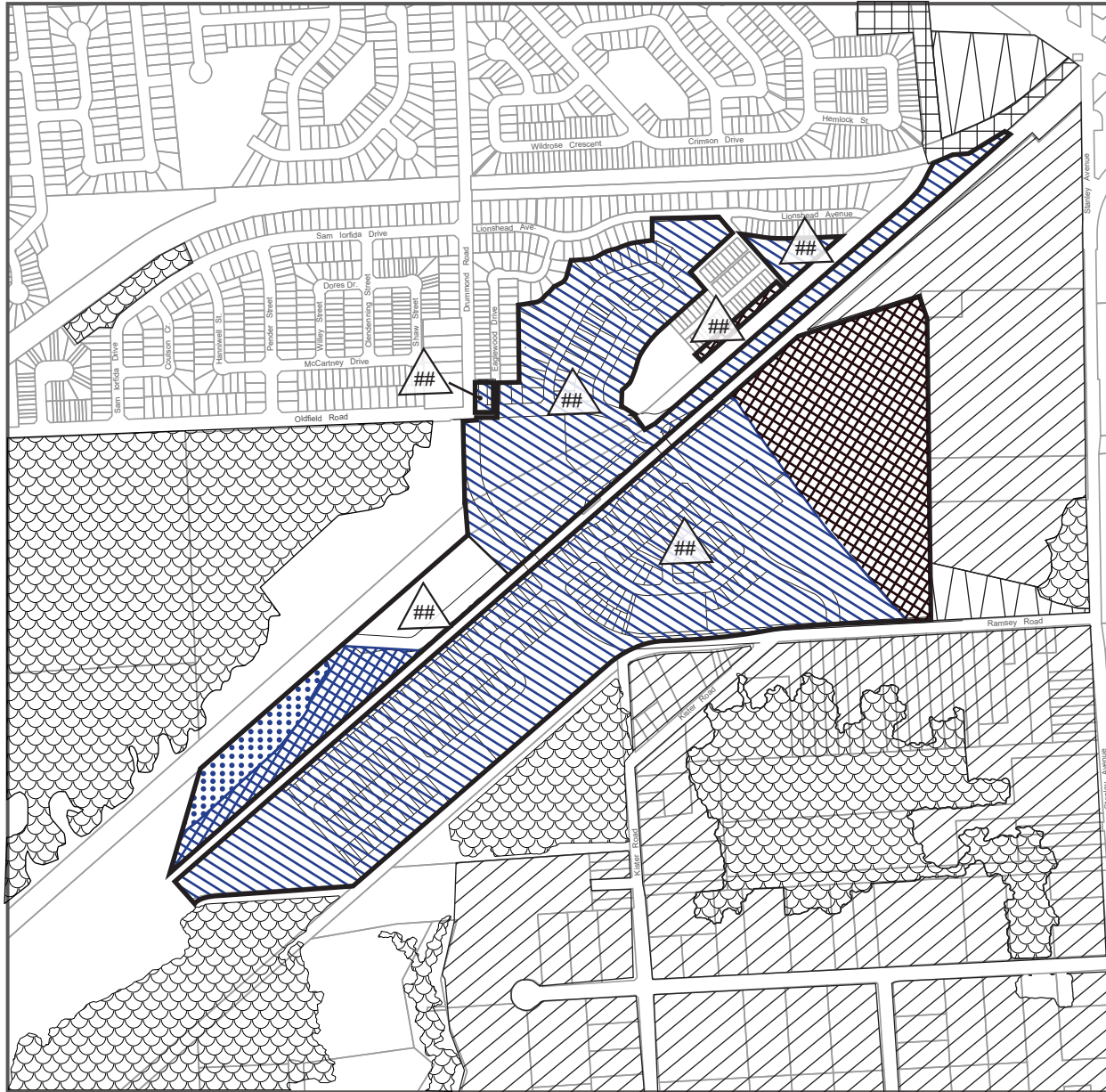
Local Commercial Uses

- 13.XX.11 Notwithstanding Policy 3.4.2.3 of this Plan, a limited amount of at-grade neighbourhood commercial uses shall be permitted, as limited through the Zoning By-law, within a mixed-use building.










MAP 1 TO AMENDMENT NO. XX

SCHEDULE – A – TO THE OFFICIAL PLAN

 Area Affected by this Amendment – Proposed change from Open Space, Residential, and Special Policy Areas 39 and 56 to Residential, Environmental Protection Area, and Special Policy Area XX



CITY OF NIAGARA FALLS OFFICIAL PLAN EXCERPT FROM SCHEDULE - A - FUTURE LAND USE PLAN

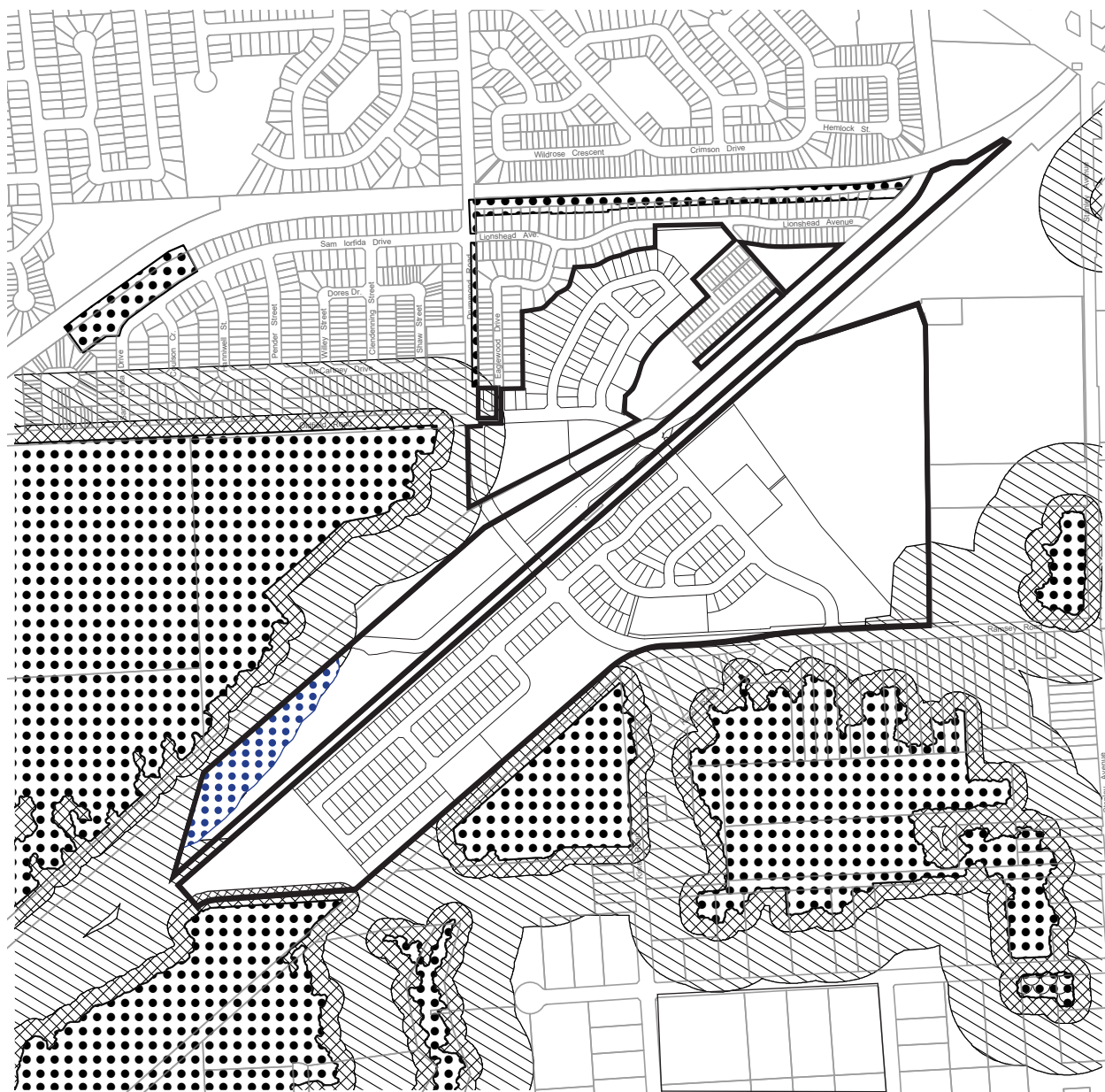
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|---|--|
|  Residential |  Open Space to Residential |
|  Industrial |  Residential to Environmental Protection Area |
|  Resort Commercial |  Residential to Open Space |
|  Environmental Conservation Area | |
|  Environmental Protection Area | |
|  Open Space | |

NOTE: This schedule forms part of Amendment No. ### to the Official Plan for the City of Niagara Falls and it must be read in conjunction with the written text



MAP 2 TO AMENDMENT NO. XX SCHEDULE – A1 – TO THE OFFICIAL PLAN

 Area Affected by this Amendment – Add Environmental Protection Area



CITY OF NIAGARA FALLS OFFICIAL PLAN EXCERPT FROM SCHEDULE - A1 - NATURAL HERITAGE FEATURES AND ADJACENT LANDS


-  Environmental Protection Area
-  Environmental Protection Area to be added
-  Wetland Buffer Area
-  Adjacent Lands

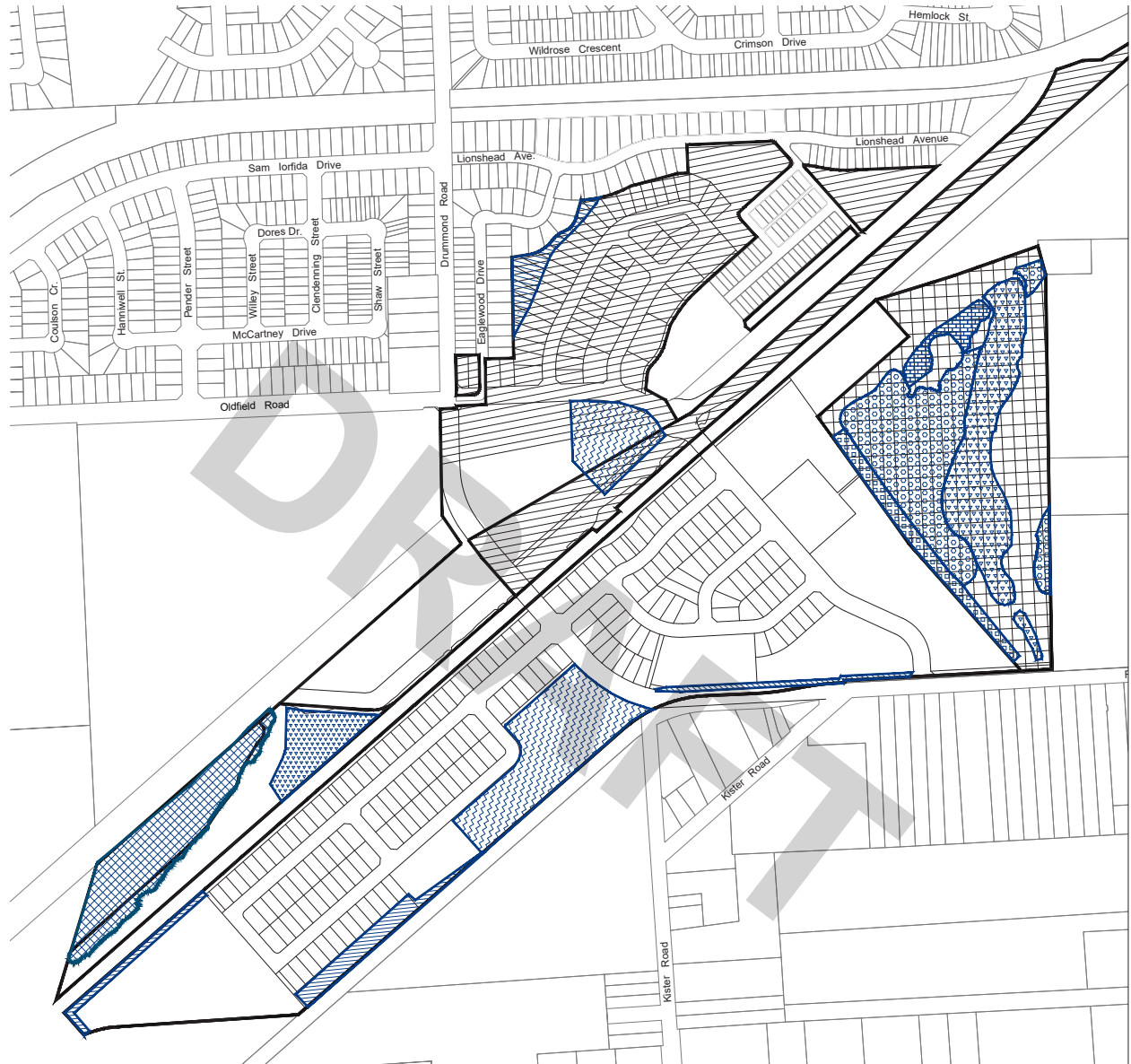
NOTE: This schedule forms part of Amendment No. ### to the Official Plan for the City of Niagara Falls and it must be read in conjunction with the written text










MAP 3 TO AMENDMENT NO. XX

SCHEDULE A-7 – POTENTIAL ENHANCEMENT/REHABILITATION AREAS

 Area Affected by this Amendment – Potential Woodland Removal and Enhancement/Rehabilitation Areas



- | | | | |
|---|--|---|--|
|  | Existing Woodlot to Remain
(+/- 56,339m ²) |  | Proposed Hedgerow Enhancement
(+/- 14,205m ²) |
|  | Existing Provincially Significant Wetland to Remain(+/- 20,912m ²) |  | Proposed Buffer Enhancement
(+/- 56,339m ²) |
|  | Proposed Slough / Pit and Mound Restoration (+/- 31,402m ²) |  | Proposed Forest Enhancement
(+/- 6,190m ²) |
|  | Proposed Habitat Enhanced Swamp
(+/- 32,901m ²) | | |

NOTE: This schedule forms part of Amendment No. ### to the Official Plan for the City of Niagara Falls and it must be read in conjunction with the written text



Appendix G

CITY OF NIAGARA FALLS

By-law No. 2020-█

A by-law to amend By-law No. 79-200, to permit mixed-use development on the Lands.

THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS, IN ACCORDANCE WITH THE PLANNING ACT, 1990, AND THE REGIONAL MUNICIPALITY OF NIAGARA ACT, HEREBY ENACT AS FOLLOWS:

1. The Lands that are the subject of and affected by the provisions of this by-law are described in Schedule 1 of this by-law and shall be referred to in this by-law as the “Lands”. Schedule 1 is part of this by-law.
2. The Lands shall be identified as Parcels R3, R3(H)-XX1, R4(H)-XX2, R4-XX3, R4-XX4, R4(H)-XX5, OS-XX6, OS(H)-XX7, OS and EPA.
3. The purpose of this by-law is to amend the provisions of By-law No. 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by that by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.
4. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be the permitted uses and regulations governing the permitted uses on and of the Lands.
 - (a) Notwithstanding the provisions of Section 7.8, the following regulations apply for parcel parcels R3 and R3(H)-XX1:
 - (i) Permitted uses include multi-use trails, group dwellings, and the uses permitted in an R3 zone;
 - (ii) The regulations of the R4-XX3 shall apply to group dwellings;
 - (iii) Dwellings shall be set back a minimum of 15.0 m from the railway right-of-way. An unoccupied building, such as a garage, may be built closer;
 - (iv) Where a noise barrier is not required, a 1.5 m-high chain link fence is required for properties abutting the railway right-of-way;
 - (v) The balance of the regulations specified for the remaining R3 uses.

- (b) Notwithstanding the provisions of Section 7.9, the following regulations apply for parcels R4(H)-XX2 and R4-XX3:
- (i) Permitted uses include multi-use trails and the uses permitted in an R4 zone.
 - (ii) Dwellings shall be set back a minimum of 15.0 m from the railway right-of-way. An unoccupied building, such as a garage, may be built closer;
 - (iii) Where a noise barrier is not required, a 1.5 m-high chain link fence is required for properties abutting the railway right-of-way;
 - (iv) Minimum lot area 130 sq m per dwelling unit
 - (v) Minimum front yard depth 3.0 m
 - (vi) Minimum rear yard depth 7.5 m
 - (vii) Minimum interior yard depth 3.0 m
 - (viii) Minimum exterior side yard depth 4.5 m
 - (ix) Minimum landscaped open space 30% of the lot area
 - (x) Maximum combined gross leasable floor area for retail/commercial uses 930 sq m
 - (xi) The balance of the regulations specified for an R4 use.
- (c) Notwithstanding the provisions of Section 7.9, the following regulations apply for parcels R4-XX4 and R4(H)-XX5:
- (i) Permitted uses include multi-use trails and the uses permitted in an R4 zone.
 - (ii) Dwellings shall be set back a minimum of 15.0 m from the railway right-of-way. An unoccupied building, such as a garage, may be built closer;
 - (iii) Where a noise barrier is not required, a 1.5 m-high chain link fence is required for properties abutting the railway right-of-way;
 - (iv) The following uses are permitted and shall be located on the ground-floor within an apartment building:
 - Bake Shop
 - Bank, Trust Company, Credit Union, Currency Exchange
 - Clinic
 - Library
 - Office
 - Personal Service shop
 - Restaurant

- Retail Store
- Service Shop
- Animal Clinic
- Day Nursery
- Health Centre
- Outdoor Patio which is accessory to a restaurant, in accordance with section 4.25A

- | | | |
|--------|---|----------------------------|
| (v) | Minimum lot area | 130 sq m per dwelling unit |
| (vi) | Minimum lot frontage | 30.0 m |
| (vii) | Minimum front yard depth | 3.0 m |
| (viii) | Minimum rear yard depth | 6.0 m |
| (ix) | Minimum interior yard depth | 3.0 m |
| (x) | Minimum exterior side yard depth | 3.0 m |
| (xi) | Maximum lot coverage | 40% |
| (xii) | Minimum landscaped open space | 30% of the lot area |
| (xiii) | Maximum combined gross leasable floor area for retail/commercial uses | 930 sq m |
| (xiv) | The balance of the regulations specified for an R4 use. | |

(d) The following regulations apply for parcels OS-XX6 and OS(H)-XX7:

- (i) Permitted uses include:
 - a. stormwater management facilities; and
 - b. the uses permitted in an OS zone
- (ii) The balance of the regulations specified for an OS use.

(e) The following regulations apply for parcels OS:

- (i) Permitted uses include multi-use trails, parkland, and uses permitted in an OS zone;
- (ii) The balance of the regulations specified for an OS use.

5. The holding (H) symbols that appears on Schedule 1 attached hereto are provided for in the City of Niagara Falls Official Plan pursuant to section 36 of the Planning Act. No person shall use the Lands described in section 1 of this by-law and shown hatched and designated R3(H) and numbered XX1 and R4(H) and numbered XX2 on the plan Schedule 1 attached hereto for any purpose, prior to the H symbol being removed pursuant to the Planning Act. Prior to the H symbol being removed, the landowner or developer shall:

- (a) submit a Site Plan Approval application including design drawings, details, and updated noise report that assesses noise impacts from surrounding industries for review and approval by the City.
6. The holding (H) symbols that appears on Schedule 1 attached hereto are provided for in the City of Niagara Falls Official Plan pursuant to section 36 of the Planning Act. No person shall use the Lands described in section 1 of this by -law and shown hatched and designated R4(H) and numbered XX5 on the plan Schedule 1 attached hereto for any purpose, prior to the H symbol being removed pursuant to the Planning Act. Prior to the H symbol being removed, the landowner or developer shall:
- (a) submit a Site Plan Approval application including design drawings, details, and updated noise report that assesses noise impacts from surrounding industries for review and approval by the City; and
 - (b) Ensure the ownership of the lands is transferred to the landowner/developer.
7. The holding (H) symbols that appears on Schedule 1 attached hereto are provided for in the City of Niagara Falls Official Plan pursuant to section 36 of the Planning Act. No person shall use the Lands described in section 1 of this by -law and shown hatched and designated OS(H)-XX7 on the plan Schedule 1 attached hereto for any purpose, prior to the H symbol being removed pursuant to the Planning Act. Prior to the H symbol being removed, the landowner or developer shall:
- (a) Ensure the ownership of the lands is transferred to the landowner/developer.
8. The provisions of this by-law shall be shown an Sheet C6 of Schedule “A” of By -law No. 79 -200 redesignating the Lands from OS and numbered 611, OS(H) and numbered 611, OS(H) and numbered 611 and 612, and OS to R3, R3(H) and numbered XX1, R4(H) and numbered XX2, R4 and numbered XX3, R4 and numbered XX4, R4(H) and numbered XX5, EPA, OS and numbered XX6, and OS(H).
9. Section 19 - Exceptions and Special Provisions of By-law 79-200 is amended by adding thereto:
- 19.1.XX1 Refer to By-law No. 2020-XX
 - 19.1.XX2 Refer to By-law No. 2020-XX
 - 19.1.XX3 Refer to By-law No. 2020-XX

- 19.1.XX4 Refer to By-law No. 2020-XX
- 19.1.XX5 Refer to By-law No. 2020-XX
- 19.1.XX6 Refer to By-law No. 2020-XX
- 19.1.XX7 Refer to By-law No. 2020-XX

Passed this [] day of [], 20XX

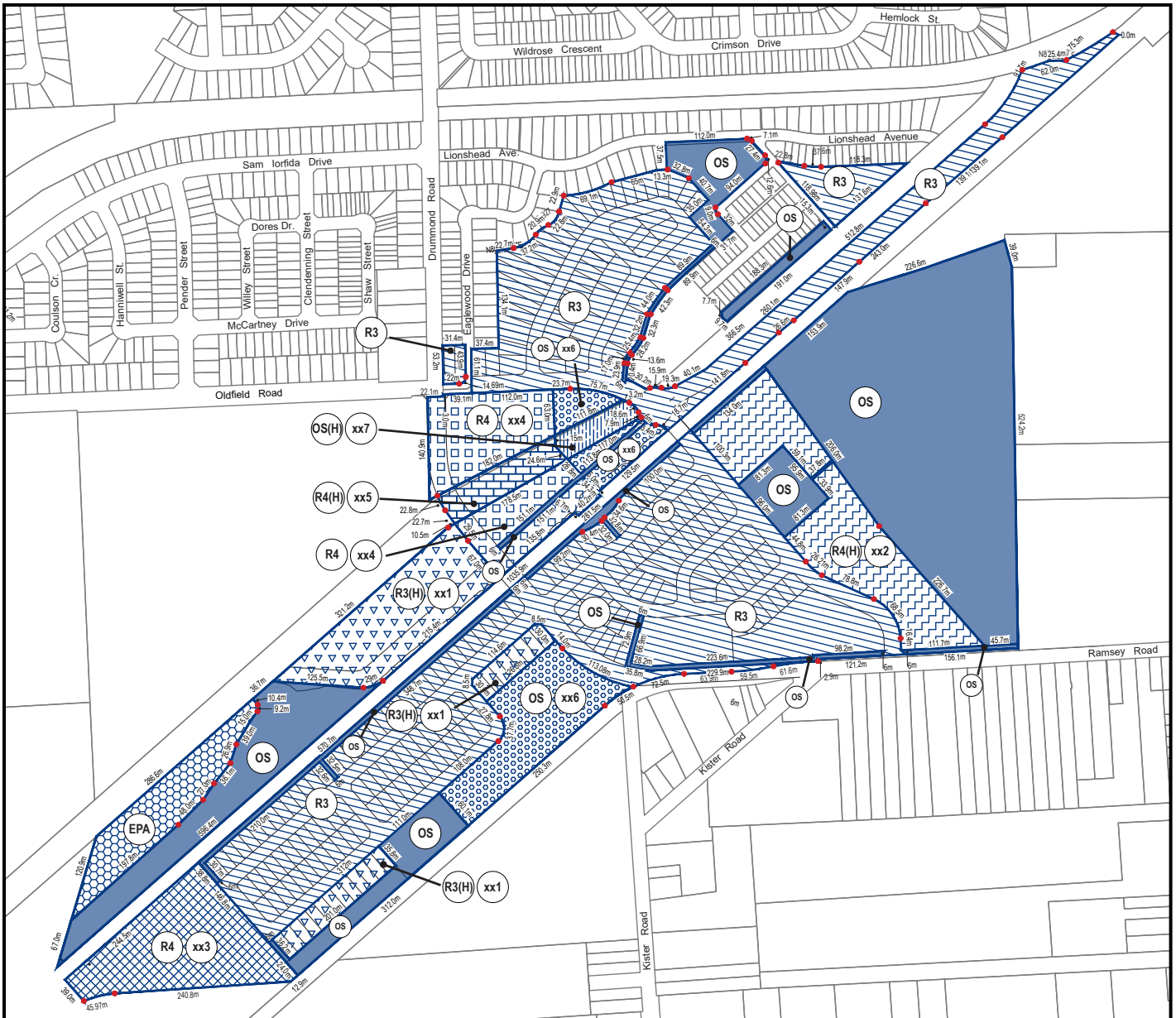
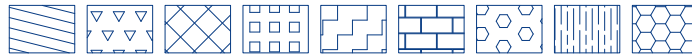
.....
WILLIAM G. MATSON, ACTING CITY CLERK

.....
JAMES M. DIODATI, MAYOR

First Reading: [], 20XX
Second Reading: [], 20XX
Third Reading: [], 20XX

SCHEDULE 1 TO BY-LAW No. 2020-##

Subject Land



AMENDING ZONING BY-LAW No. 79-200

Description: Part of Lots 1 and 3, Plan 4
 Part of Blocks 'A', 'B', 'C', and 'F', Plan 8
 Part of Lots 189, 195, 215, 216, and 217
 Part of the Road Allowance Between Lots 195 and 196 (closed by By-Law No. 9, Instr. ST2498)
 Part of the Road Allowance Between Lots 195 and 216, 217 (closed by By-Law No. 9, Instr. ST2498)
 Part of the Road Allowance Between 216 and 217 (closed by By-Law No. 9, Instr. ST2498)

Applicant: 2592693 Ontario Inc

Assessment #'s: 272511000112710; 272511000112720; 272511000112730; 272511000199800

