



# **KALAR ROAD**

## **NIAGARA FALLS**

# **PLANNING JUSTIFICATION REPORT**

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# KALAR ROAD PLANNING JUSTIFICATION REPORT

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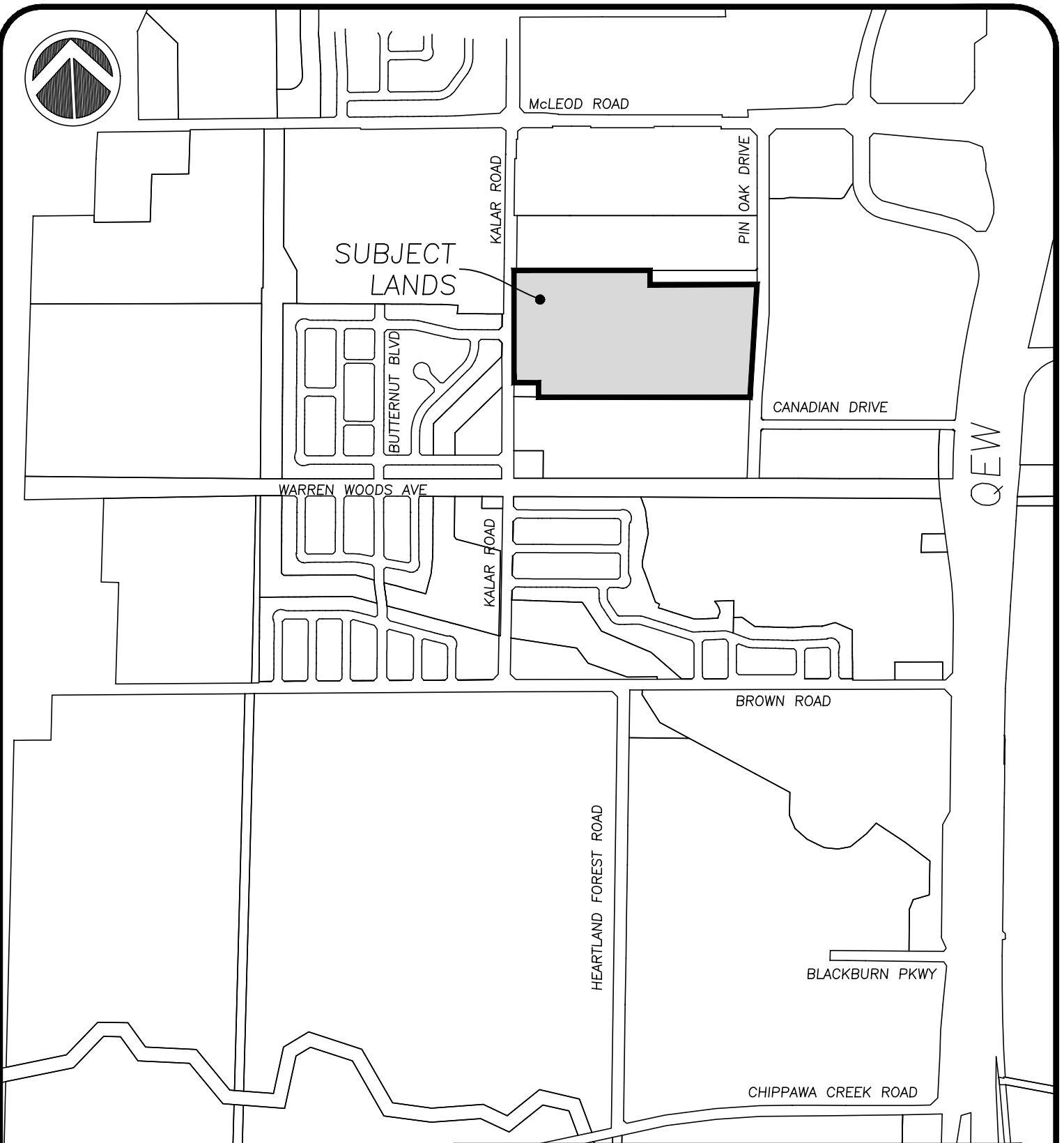
## **1.0 INTRODUCTION**

### **1.1 LOCATION**

The subject property is located between Kalar Road and Pin Oak Drive, south of McLeod Road, in the southwest quadrant of the Niagara Falls Urban Area as shown on Figure 1 - Location Map. The subject site does not have a municipal address but has a legal description of Lots 5-7 and 12, and Block 8, Plan M-40. The property has approximately 245 metres of frontage on Pin Oak Drive and 244 metres on Kalar Road, a maximum width of approximately 516 metres and a total area of approximately 13.51 hectares. The property is currently vacant.

The surrounding land uses include:

North: Industrial (Niagara Peninsula Energy)  
South: Woodlot and residential  
East: Commercial (Costco/Costco gas bar), office (Family and Children's Services Niagara) and industrial (Roman Cheese Products)  
West: Residential



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TITLE  
**Location Map**

PROJECT  
**KALAR ROAD  
PLANNING JUSTIFICATION  
REPORT**

DATE  
**SEPT 2022**

SCALE  
**N.T.S.**

DWG  
**Figure 1**

## **1.2 BACKGROUND**

Metropolitan Consulting Inc. has been retained by Penta Properties Inc. as their planner and engineer to prepare and submit Zoning By-law Amendment and Draft Plan of Subdivision applications along with this Planning Justification Report, and Functional Servicing and Stormwater Management Report to support the development of their lands located on Kalar Road. A Pre-Consultation Request Form was submitted on April 25, 2022, and a meeting was held on May 19, 2022. The Pre-Consultation Checklist was issued on May 27, 2022.

Applications for an amendment to City of Niagara Falls Zoning By-law No. 79-200, and approval for a Draft Plan of Subdivision have been submitted with this Planning Justification Report to implement the proposal.

The purpose of this report is to provide justification on how the proposed development is in conformity with the relevant Provincial planning policies and meets the general intent of the Official Plans and Secondary Plan.

## **1.3 PROPOSAL**

The development is proposed for residential purposes comprised of 28 blocks for street and block townhouse dwellings, and multiple dwellings (apartment). The total number of residential dwellings will consist of up to a maximum of 330 units and comprise a total density of approximately 55.5 units per net residential hectare. The residential units will have frontage on a 21.25 metre collector road (Street A) and 18 metre local road (Street B). A stormwater management pond is proposed in the southwest portion of the subject lands adjacent to the watercourse and. Two blocks are proposed for the realigned watercourse, one block for a parkette, one block for a public walkway and three blocks are for environmentally sensitive areas.

The Kalar Road Draft Plan of Subdivision, as shown in Appendix A, is comprised of the following:

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- 28 residential blocks of land for street and block townhouse dwellings, and multiple dwellings consisting of 5.95 ha
- 2 blocks for the realigned watercourse consisting of 0.92 ha
- 2 road allowances comprising 1.74 ha
- A stormwater management facility of approximately 0.79 ha with a 0.02 ha servicing block
- 3 ESA blocks consisting of 3.93 ha
- A parkette consisting of 0.15 ha and public walkway consisting of 0.01 ha

This report addresses the following applications which have been filed concurrently for the subject lands:

- Zoning By-law Amendment to rezone the lands in the City of Niagara Falls Zoning By-law No. 79-200 from the: Light Industrial (LI) Zone to the Residential Mixed (R3) Zone (Block 1), Residential Low Density, Grouped Multiple Dwellings (R4) Zone (Block 2), Residential Apartment 5C (R5C) Zone (Block 3), Environmental Protection Area (EPA) Zone (Block 4) and Open Space (OS) Zone (Block 5) (see Appendix B).
- Draft Plan of Subdivision to accommodate approximately 330 dwelling units consisting of 27 blocks (Blocks 2-28) for street townhouse dwellings (155 units) and 2 blocks (Blocks 1 & 34) for multiple dwellings (146-175 units), 1 block for a Stormwater Management Pond (Block 31), 1 block for servicing (Block 30), 1 block for a parkette (Block 28), 1 block for a public walkway (Block 29), 2 blocks for watercourse channel (Blocks 32 & 33), 3 blocks for ESA (Blocks 35-37), and 2 public roads (Streets A & B) (See Appendix A).

The following additional reports are being submitted in support of these applications:

- Stage 1-2 Archaeological Assessment, dated October 12, 2022, by Detritus Consulting Ltd.
- Environmental Impact Statement, dated March 2023, by GEI
- Phase One Environmental Site Assessment, dated August 10, 2022, by Cambium Inc.
- Phase Two Environmental Site Assessment, dated October 16, 2023, by Cambium Inc.
- Tree Inventory and Preservation Plan Report, dated April 11, 2022, by Jackson Arboriculture Inc.
- Functional Water and Wastewater Servicing Report, dated December 2023, by Metropolitan Consulting Inc.
- Stormwater Management Report, dated April 2023, by Metropolitan Consulting Inc.
- Environmental Noise Feasibility Study, dated September 26, 2022, by Valcoustics Canada Ltd.
- Transportation Impact Study, dated July 2023, by Crozier Consulting Engineers

## **2.0 POLICY ANALYSIS**

This section of the report provides an overview and analysis of the policy framework applicable to the applications.

### **2.1 THE PLANNING ACT**

The Planning Act, R.S.O. 1990, as amended, provides the legal framework for land use planning throughout Ontario and describes how land uses may be controlled and by whom. Section 2 prescribes that:

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

- (a) the protection of ecological systems, including natural areas, features, and functions,
- (b) the protection of the agricultural resources of the Province,
- (c) the conservation and management of natural resources and the mineral resource base,
- (d) the conservation of features of significant architectural, cultural, historical, archaeological, or scientific interest,
- (e) the supply, efficient use and conservation of energy and water,
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems,
- (g) the minimization of waste,
- (h) the orderly development of safe and healthy communities,
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies,
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities,
- (j) the adequate provision of a full range of housing, including affordable housing,
- (k) the adequate provision of employment opportunities,
- (l) the protection of the financial and economic well-being of the Province and its municipalities,
- (m) the co-ordination of planning activities of public bodies,
- (n) the resolution of planning conflicts involving public and private interests,
- (o) the protection of public health and safety,
- (p) the appropriate location of growth and development,
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians,



- (r) 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,
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.

Section 3.(1) states:

“The Minister, or the Minister together with any other minister of the Crown, may from time to time issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest.”

There is a watercourse that traverses the subject property which is proposed to be realigned, and there are wetlands and a woodlot which are to be preserved with the appropriate buffers.

The traffic analysis indicates that the traffic from the full development can be accommodated on the planned road system with little impact. The level of service with the site traffic added to the road system does not change noticeably from the current background conditions. The functional servicing report has shown how the proposed draft plan of subdivision can be developed with full municipal services for roads, sanitary sewer, water supply, storm drainage and other utilities.

The proposed development is an appropriate and logical extension of the existing development to the south and west which will complete the orderly development of the area.

***Based on the technical studies prepared for the proposed applications, it has been shown that the proposed development “has regard to”:***

***“(a) the protection of ecological systems, including natural areas, features and functions;***

***(e) the supply, efficient use and conservation of ... and water;***

- (f) the adequate provision and efficient use of ... transportation, sewage and water services;*
- (h) the orderly development of safe and healthy communities;*
- (j) the adequate provision of a full range of housing;*
- (o) the protection of public health and safety;*
- (p) the appropriate location of growth and development;*
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and,*
- (r) 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.”*

The details underlying these conclusions are set out in the technical studies and below.

## **2.2 PROVINCIAL POLICY STATEMENT (2020)**

A review of the Provincial Policy Statement 2020 has been undertaken for the proposed development. As required, the entire PPS has been reviewed, however, the following outlines the relevant or applicable policies:

### **“1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns**

#### **1.1.1 Healthy, liveable 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 affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, 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 the integration of land use planning, growth management, *transit-supportive* development, *intensification*, and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs,
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society,
- g) ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and projected needs,
- h) promoting development and land use patterns that conserve biodiversity, and
- i) preparing for the regional and local impacts of a changing climate.

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area.

Within *settlement areas*, sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas*.

Nothing in policy 1.1.2 limits the planning for *infrastructure*, *public service facilities* and *employment areas* beyond a 25-year time horizon.

### 1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect

resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

1.1.3.1 *Settlement areas* shall be the focus of growth and development.

1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources,
- b) 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,
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency,
- d) prepare for the *impacts of a changing climate*,
- e) support *active transportation*,
- f) are *transit-supportive*, where transit is planned, exists, or may be developed; and
- g) are *freight supportive*.

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.6 New development taking place in *designated growth areas* should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, *infrastructure* and *public service facilities*.

1.1.3.7 Planning authorities should establish and implement phasing policies to ensure:

- a) that specified targets for *intensification* and *redevelopment* are achieved prior to, or concurrent with, new development within *designated growth areas*; and
- b) the orderly progression of development within *designated growth areas* and the timely provision of the *infrastructure* and *public service facilities* required to meet current and projected needs.

## 1.4 Housing

1.4.1 To provide for an appropriate range and mix of *housing options* and densities required to meet projected requirements of current and future residents of the *regional market area*, planning authorities shall:

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- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through *residential intensification* and *redevelopment* and, if necessary, lands which are *designated and available* for residential development; and
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.

Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.

1.4.3 Planning authorities shall provide for an appropriate range and mix of *housing options* and densities to meet projected market-based and affordable housing needs of current and future residents of the *regional market area* by:

- a) establishing and implementing minimum targets for the provision of housing which is *affordable to low and moderate income households* and which aligns with applicable housing and homelessness plans.
- b) permitting and facilitating:
  - 1. all *housing options* required to meet the social, health, economic and well-being requirements of current and future residents, including *special needs* requirements and needs arising from demographic changes and employment opportunities; and
- 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;
- f) 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.”

The proposed development will provide an efficient and cost-effective land use pattern within a settlement (urban) area that will accommodate an appropriate range and mix of residential types which are affordable and market-based, and open space areas to meet the long-term needs of the municipality while avoiding development and land use patterns which may cause environmental or public health and safety concerns. Necessary infrastructure and public service facilities are available to meet the needs of the proposed development. The applications will assist in accommodating an appropriate range and mix of land uses (within the site and surrounding areas) to meet projected needs for a time horizon of up to 25 years.

The proposed street and block townhouses, and multiple/apartment dwellings on the subject lands will provide for a mix of housing options to meet the social, health, economic and well-being requirements of current and future residents.

The following servicing policies are considered to be applicable:

**“1.6 Infrastructure and Public Service Facilities**

1.6.1 *Infrastructure and public service facilities* shall be provided in an efficient manner that prepares for the *impacts of a changing climate* while accommodating projected needs.

Planning for *infrastructure and public service facilities* shall be coordinated and integrated with land use planning and growth management so that they are:

- a) financially viable over their life cycle, which may be demonstrated through asset management planning; and
- b) available to meet current and projected needs.

**1.6.6 Sewage, Water and Stormwater**

1.6.6.1 Planning for *sewage and water services* shall:

- a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:
  - 1. *municipal sewage services and municipal water services*;and

- b) ensure that these systems are provided in a manner that:
  - 1. can be sustained by the water resources upon which such services rely;
  - 2. prepares for the *impacts of a changing climate*;
  - 3. is feasible, and financially viable over their lifecycle; and
  - 4. protects human health and safety, and the natural environment;
- c) promote water conservation and water use efficiency;
- d) integrate servicing and land use considerations at all stages of the planning process; and
- e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5.

1.6.6.2 *Municipal sewage services and municipal water services* are the preferred form of servicing for *settlement areas* to support protection of the environment and minimize potential risks to human health and safety. Within *settlement areas* with existing *municipal sewage services and municipal water services*, *intensification* and *redevelopment* shall be promoted wherever feasible to optimize the use of the services.

1.6.6.7 Planning for stormwater management shall:

- a) be integrated with planning for *sewage and water services* and ensure that systems are optimized, feasible and financially viable over the long term;
- b) minimize, or, where possible, prevent increases in contaminant loads;
- c) minimize erosion and changes in water balance and prepare for the *impacts of a changing climate* through the effective management of stormwater, including the use of *green infrastructure*,
- d) mitigate risks to human health, safety, property and the environment,
- e) maximize the extent and function of vegetative and pervious surfaces; and
- e) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

## 1.6.7 Transportation Systems

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.

1.6.7.2 Efficient use should be made of existing and planned *infrastructure*, including through the use of *transportation demand management* strategies, where feasible.

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*.”

The development will be provided with full municipal services and stormwater management facilities have been designed to accommodate the development. Traffic from the full development can be accommodated on the planned road system with little impact and the level of service with the site traffic added to the road system does not change noticeably from the current background conditions. The proposed roads will provide for the safe and efficient movement of traffic and pedestrians.

With respect to the economy, the following are considered to be relevant:

#### “1.7 Long-Term Economic Prosperity

- 1.7.1 Long-term economic prosperity shall be supported by:
- 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,
  - c) optimizing the long-term availability and use of land, resources, *infrastructure*, and *public service facilities*,
  - k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature;”

The proposed mix of housing options will meet the needs of a diverse workforce, appropriate infrastructure is available and natural areas/features are being preserved and protected.

Portions of the subject lands either consist of or are adjacent to natural areas/features. As a result, the following policies are considered to be applicable:



## “2.1 Natural Heritage

- 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 & 7E, 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 7E; and
- 2.1.5 *Development and site alteration* shall not be permitted in:
- b) *significant woodlands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Mary’s River);
  - d) *significant wildlife habitat*;
  - e) *significant areas of natural and scientific interest*; and
- unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.
- 2.1.6 *Development and site alteration* shall not be permitted in *fish habitat* except in accordance with *provincial and federal requirements*.
- 2.1.7 *Development and site alteration* shall not be permitted in *habitat of endangered species and threatened species*, except in accordance with *provincial and federal requirements*.
- 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*.

## 2.2 Water

2.2.1 Planning authorities shall protect, improve or restore the *quality and quantity of water* by:

- a) using the *watershed* as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
- b) minimizing potential *negative impacts*, including cross-jurisdictional and cross-*watershed* impacts;
- c) evaluating and preparing for the *impacts of a changing climate* to water resource systems at the watershed level;
- d) identifying water resource systems consisting of *ground water features, hydrologic functions, natural heritage features and areas*, and *surface water features* including shoreline areas, which are necessary for the ecological and hydrological integrity of the *watershed*;
- e) maintaining linkages and related functions among *ground water features, hydrologic functions, natural heritage features and areas*, and *surface water features* including shoreline areas;
- f) implementing necessary restrictions on *development* and *site alteration* to:
  2. protect, improve or restore *vulnerable* surface and ground water, *sensitive surface water features* and *sensitive ground water features*, and their *hydrologic functions*;
- g) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;
- i) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.

2.2.2 *Development* and *site alteration* shall be restricted in or near *sensitive surface water features* and *sensitive ground water features* such that these features and their related *hydrologic functions* will be protected, improved or restored.

Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore *sensitive surface water features, sensitive ground water features, and their hydrologic functions*.

## 2.6 Cultural Heritage and Archaeology

- 2.6.2 *Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.*

## 3.0 Protecting Public Health and Safety

Ontario's long-term prosperity, environmental health and social well-being depend on reducing the potential for public cost or risk to Ontario's residents from natural or human-made hazards.

Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

Mitigating potential risk to public health or safety or of property damage from natural hazards, including the risks that may be associated with the impacts of a changing climate, will require the Province, planning authorities, and conservation authorities to work together.

Accordingly:

### 3.1 Natural Hazards

- 3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:
- b) *hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and*
  - c) *hazardous sites.*
- 3.1.2 *Development and site alteration shall not be permitted within:*
- c) *areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has*

safe access appropriate for the nature of the *development* and the natural hazard; and

- 3.1.3 Planning authorities shall prepare for the *impacts of a changing climate* that may increase the risk associated with natural hazards.
- 3.1.4 Despite policy 3.1.2, *development* and *site alteration* may be permitted in certain areas associated with the *flooding hazard* along *river, stream and small inland lake systems*:
- b) where the *development* is limited to uses which by their nature must locate within the *floodway*, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.”

As outlined in the Environmental Impact Statement (EIS) prepared by GEI Consulting, the watercourse will be realigned while maintaining its function, and there will be no impacts from the proposed development on the provincially significant wetlands on site.

As concluded in the Stage 1-2 Archaeological Assessment prepared by Detritus Consulting Ltd., no further study is required.

Therefore, the proposed applications are consistent with the PPS 2020.

***Based on the technical studies prepared for the proposed applications, it has been shown that the proposed development is “consistent with” the PPS 2020 since:***

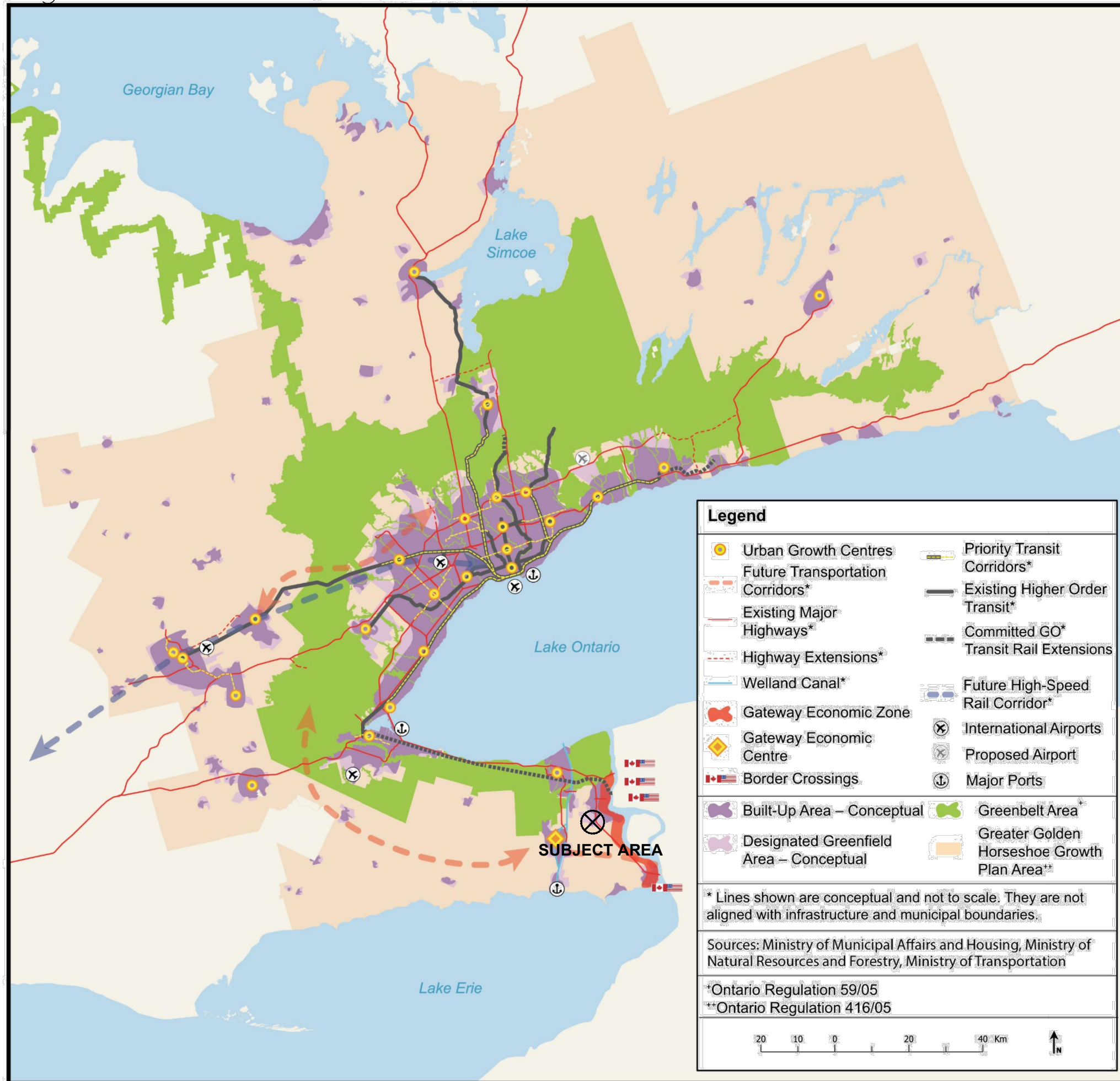
- ***the proposed overall density of 55.5 units per net residential hectare efficiently uses land, resources, infrastructure and public service facilities and is appropriate to the type of sewage and water systems which are planned;***
- ***a range of residential and recreational/open space uses is being provided in an area which has planned infrastructure to accommodate them;***
- ***development standards which are cost-effective and which minimize land consumption and reduce servicing costs are proposed;***

- ***a range of housing types (street and/or block townhouses and multiple dwellings) with densities ranging between 30-60 upnrh to meet projected demographic and market requirements of current and future residents of the housing market area is being provided; and,***
- ***it has been demonstrated that development and site alteration will not have a negative impact on the natural heritage features or ecological functions of the area.***

### **2.3 A PLACE TO GROW: GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE (AUGUST 2020)**

The subject lands are identified as being in the “Greenbelt Area” on Schedule 2 – A Place to Grow Concept (Figure 2) in the Growth Plan for the Greater Golden Horseshoe (GPGGH).

Figure 2 – A Place to Grow



SCHEDULE 2  
A Place to Grow Concept

Note: The information displayed on this map is not to scale, does not accurately reflect approved land-use and planning boundaries, and may be out of date. For more information on precise boundaries, the appropriate municipality should be consulted. For more information on Greenbelt Area boundaries, the Greenbelt Plan should be consulted. The Province of Ontario assumes no responsibility or liability for any consequences of any use made of this map.

As required, the entire GPGGH has been reviewed and the following policies are considered to be most applicable or relevant:

### “2.2.1 Managing Growth

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
3. Upper- and single-tier municipalities will undertake integrated planning to manage forecasted growth to the horizon of this Plan, which will:
  - a) establish a hierarchy of *settlement areas*, and of areas within *settlement areas*, in accordance with policy 2.2.1.2;
  - b) be supported by planning for *infrastructure* and *public service facilities* by considering the full life cycle costs of these assets and developing options to pay for these costs over the long-term;
  - c) provide direction for an urban form that will optimize *infrastructure*, particularly along transit and transportation corridors, to support the achievement of *complete communities* through a more *compact built form*;
  - d) support the environmental and agricultural protection and conservation objectives of this Plan; and
4. Applying the policies of this Plan will support the achievement of *complete communities* that:

## KALAR ROAD PLANNING JUSTIFICATION REPORT

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*;
- 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*;
  - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
- 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

### 2.2.7 Designated Greenfield Areas

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.”

The applications conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe by contributing towards the achievement of complete communities through a more compact built form, including a diverse mix of residential housing options to accommodate people at all stages of life and to accommodate the needs of all household sizes and provide convenient access to local stores and services (Policies 2.2.2.1, 2.2.1.3, 2.2.1.4 and 2.2.7.1). Approval of the applications will assist in achieving the



plan's greenfield density target of not less than 50 residents and jobs combined per hectare since 61.1 is proposed (Policy 2.2.7.2).

The following policies with respect to infrastructure are considered relevant:

### “3.2.1 Integrated Planning

1. *Infrastructure* planning, land use planning, and *infrastructure* investment will be co-ordinated to implement this Plan.
2. Planning for new or expanded *infrastructure* will occur in an integrated manner, including evaluations of long-range scenario-based land use planning, environmental planning and financial planning, and will be supported by relevant and should involve:
  - a) leveraging *infrastructure* investment to direct growth and development in accordance with the policies and schedules of this Plan, including the achievement of the minimum intensification and density targets in this Plan;
  - b) providing sufficient *infrastructure* capacity in *strategic growth areas*;

### 3.2.2 Transportation - General

1. *Transportation system* planning, land use planning, and transportation investment will be co-ordinated to implement this Plan.
2. The *transportation system* within the *GGH* will be planned and managed to:
  - a) provide connectivity among transportation modes for moving people and for moving goods;
  - b) offer a balance of transportation choices that reduces reliance upon the automobile and promotes transit and *active transportation*;
  - d) offer *multimodal* access to jobs, housing, schools, cultural, and recreational opportunities, and goods and services;
3. In the design, refurbishment, or reconstruction of the existing and planned street network, a *complete streets* approach will be adopted that ensures the needs and safety of all road users are considered and appropriately accommodated.

### 3.2.6 Water and Wastewater Systems

1. Municipalities should generate sufficient revenue to recover the full cost of providing and maintaining *municipal water and wastewater systems*.
2. *Municipal water and wastewater systems and private communal water and wastewater systems* will be planned, designed, constructed, or expanded in accordance with the following:
  - a) opportunities for optimization and improved efficiency within existing systems will be prioritized and supported by strategies for energy and water conservation and water demand management;
  - b) the system will serve growth in a manner that supports achievement of the minimum intensification and density targets in this Plan;

### 3.2.7 Stormwater Management

2. Proposals for large-scale *development* proceeding by way of a secondary plan, plan of subdivision, vacant land plan of condominium or site plan will be supported by a *stormwater management plan* or equivalent, that:
  - a) is informed by a *subwatershed plan* or equivalent;
  - b) incorporates an integrated treatment approach to minimize stormwater flows and reliance on stormwater ponds, which includes appropriate *low impact development* and *green infrastructure*;
  - c) establishes planning, design, and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion, and impervious surfaces; and
  - d) aligns with the *stormwater master plan* or equivalent for the *settlement area*, where applicable.”

The Functional Servicing Report and Stormwater Management Report, both prepared by MCI, indicate that adequate water and wastewater capacity is available to service the proposed development and the stormwater management facility has been designed to adequately accommodate the anticipated post-development volumes. The traffic analysis completed by Crozier Consulting Engineers concluded that the proposed development will not cause any operational issues and will not add notable delay or congestion to the local roadway network.

Due to the existing watercourse on the subject lands and natural areas/features on abutting lands, the following policies are considered to be applicable:

#### “4.2.2 Natural Heritage System

1. A *Natural Heritage System for the Growth Plan* has been mapped by the Province to support a comprehensive, integrated, and long-term approach to planning for the protection of the region’s natural heritage and biodiversity. 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.
2. Municipalities will incorporate the *Natural Heritage System for the Growth Plan* as an overlay in official plans, and will apply appropriate policies to maintain, restore, or enhance the diversity and connectivity of the system and the long-term ecological or *hydrologic functions* of the features and areas as set out in the policies in this subsection and the policies in subsections 4.2.3 and 4.2.4.
3. 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*;
    - 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

6. Beyond the *Natural Heritage System for the Growth Plan*, including within *settlement areas*, the municipality:
  - a) will continue to protect any other *natural heritage features and areas* in a manner that is consistent with the PPS; and
  - b) may continue to protect any other *natural heritage system* or identify new systems in a manner that is consistent with the PPS.”

As outlined in the Environmental Impact Statement (EIS) prepared by GEI, the watercourse will be realigned while maintaining its function, there will be no impacts from the proposed development on the significant wetlands on site (4.2.2).

Based on the foregoing analysis, the proposed applications conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe.

#### **2.4 NIAGARA REGION OFFICIAL PLAN (2022)**

The Niagara Region Official Plan was adopted by Niagara Region Council on June 23, 2022, and approved by the Ministry of Municipal Affairs and Housing on November 4, 2022.

The subject lands are designated “Designated Greenfield Area” on Schedule B – Regional Structure (Figure 3).

Portions of the subject property are also identified as “Natural Environment System Overlay” on Schedule C1 – Natural Environment System Overlay and Provincial Natural Heritage Systems (Figure 4) and “Provincially Significant Wetlands” on Schedule C2 – Natural Environment System: Individual Components and Features (Figure 5). The property is adjacent to a “Highly Vulnerable Aquifer” as identified on Schedule C3 – Key Hydrologic Areas Overlay (Figure 6) and is within the “Niagara River North” Quarternary Watershed as identified on Schedule D – Tertiary and Quarternary Watersheds (Figure 7).



Figure 3 – NROP Schedule B

making our mark  
**NIAGARA**  
OFFICIAL PLAN

CITY OF HAMILTON

LAKE ONTARIO

Glendale District  
Plan Area

Brock District  
Plan Area

SUBJECT AREA

Protected Major Transit  
Station Area and Regional  
Growth Centre

NIAGARA RIVER

UNITED STATES  
OF AMERICA

HALDIMAND COUNTY

LAKE ERIE

**Urban Area Designations**

- Delineated Built-Up Area
- Designated Greenfield Area

**Strategic Growth Areas**

- Urban Growth Centre
- Protected Major Transit Station Area
- Regional Growth Centre
- District Plan Area

**Rural Settlements**

- Employment Areas

**Infrastructure**

- TransCanada Pipeline
- Enbridge Pipeline
- TransCanada Compressor Station
- Enbridge Facility

**LEGEND**

- Settlement Areas
- Provincial Road
- Regional Road
- Railway
- Welland Canal
- Airport
- Aerodrome
- International Crossing
- Municipal Boundaries
- Niagara Escarpment Plan Area

0 2.5 5 10  
Kilometers

Schedule B - Regional Structure

June 2022

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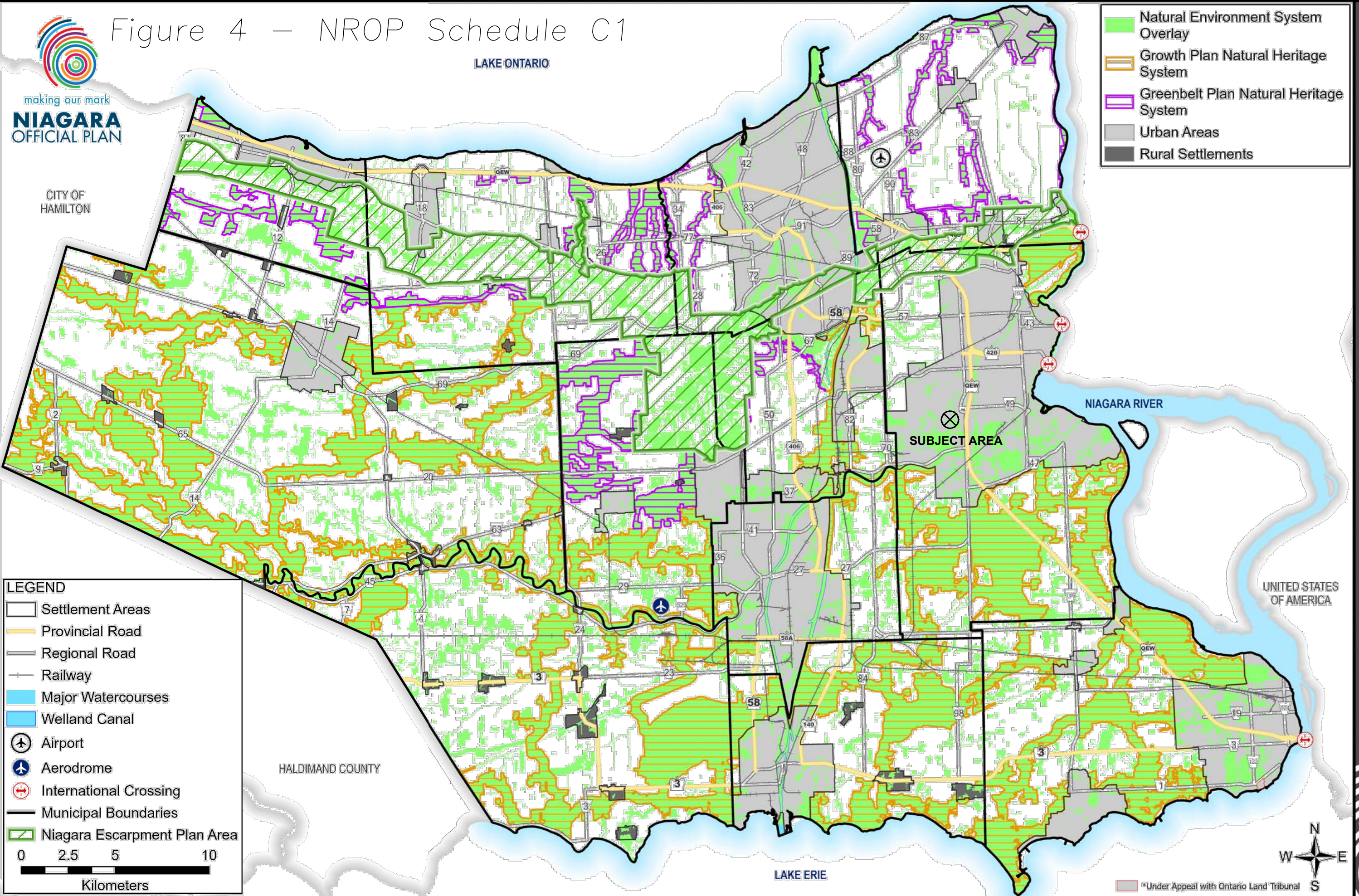
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**NIAGARA**  
OFFICIAL PLAN

# Figure 4 – NROP Schedule C1

LAKE ONTARIO

- Natural Environment System Overlay
- Growth Plan Natural Heritage System
- Greenbelt Plan Natural Heritage System
- Urban Areas
- Rural Settlements

CITY OF HAMILTON



**LEGEND**

- Settlement Areas
- Provincial Road
- Regional Road
- Railway
- Major Watercourses
- Welland Canal
- Airport
- Aerodrome
- International Crossing
- Municipal Boundaries
- Niagara Escarpment Plan Area

0 2.5 5 10  
Kilometers

HALDIMAND COUNTY

NIAGARA RIVER

UNITED STATES OF AMERICA

SUBJECT AREA

LAKE ERIE



\*Under Appeal with Ontario Land Tribunal

**Schedule C1 - Natural Environment System Overlay and Provincial Natural Heritage Systems**

June 2022



Figure 5 – NROP Schedule C2

making our mark  
**NIAGARA**  
OFFICIAL PLAN

CITY OF HAMILTON

LAKE ONTARIO

HALDIMAND COUNTY

LAKE ERIE

NIAGARA RIVER

UNITED STATES OF AMERICA

SUBJECT AREA

- Linkages
- Life Science ANSI
- Earth Science ANSI
- Significant Woodlands
- Other Woodlands
- Other Wetlands and Non Provincially Significant Wetlands
- Provincially Significant Wetlands
- Permanent and Intermittent Streams
- Inland Lakes
- Urban Areas
- Rural Settlements

**LEGEND**

- Settlement Areas
- Provincial Road
- Regional Road
- Railway
- Welland Canal
- Airport
- Aerodrome
- International Crossing
- Municipal Boundaries
- Niagara Escarpment Plan Area

0 2.5 5 10  
Kilometers



\*Under Appeal with Ontario Land Tribunal

Schedule C2 - Natural Environment System:  
Individual Components and Features

June 2022

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Figure 6 – NROP Schedule C3

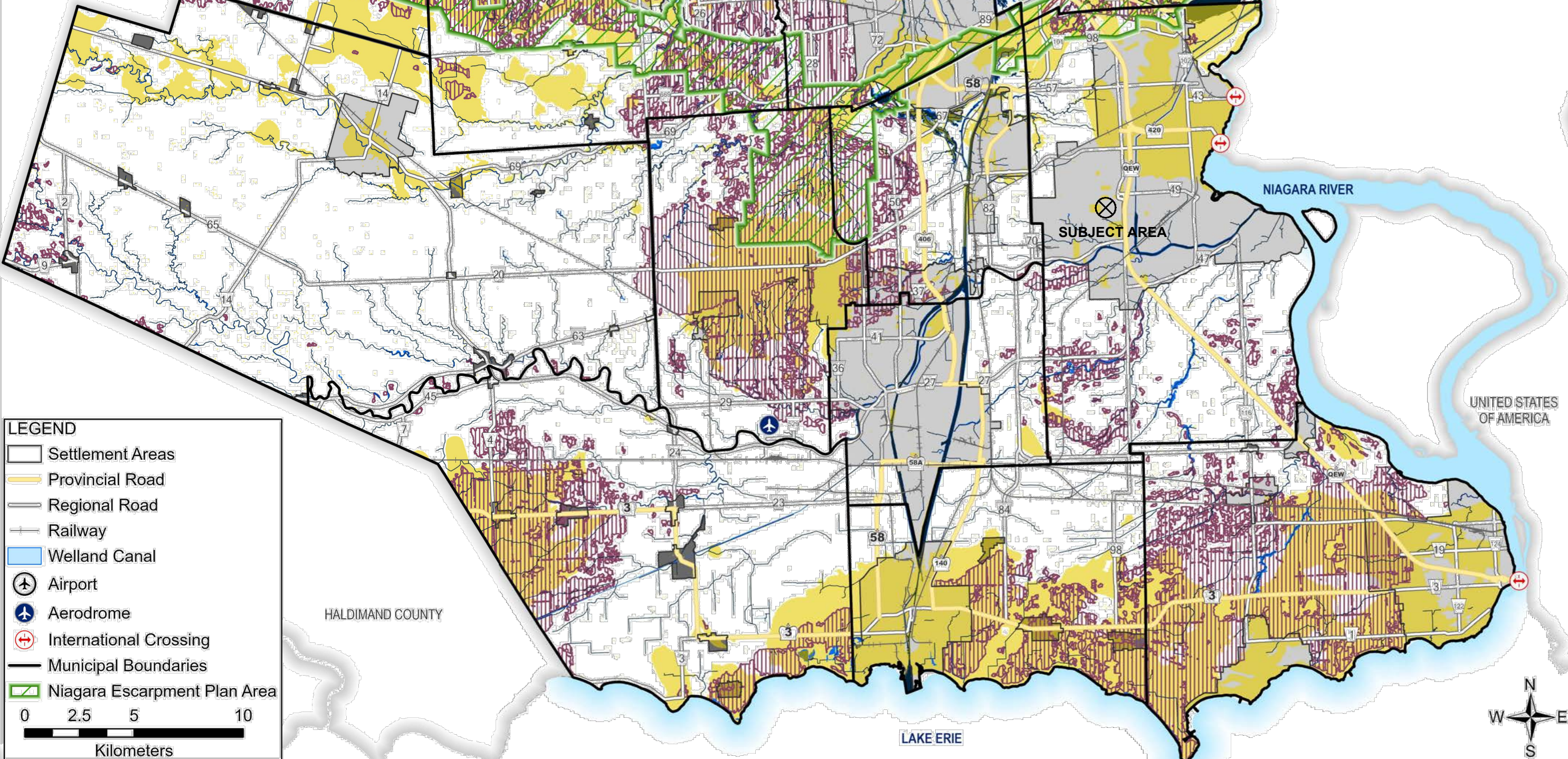
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CITY OF HAMILTON

LAKE ONTARIO

**Key Hydrologic Areas**

- Shoreline Areas
- Significant Groundwater Recharge Area
- Highly Vulnerable Aquifers
- Urban Areas
- Rural Settlements
- Permanent and Intermittent Streams



**LEGEND**

- Settlement Areas
- Provincial Road
- Regional Road
- Railway
- Welland Canal
- Airport
- Aerodrome
- International Crossing
- Municipal Boundaries
- Niagara Escarpment Plan Area

0 2.5 5 10  
Kilometers

HALDIMAND COUNTY

NIAGARA RIVER

UNITED STATES OF AMERICA

LAKE ERIE



Schedule C3 - Key Hydrologic Areas Overlay

June 2022

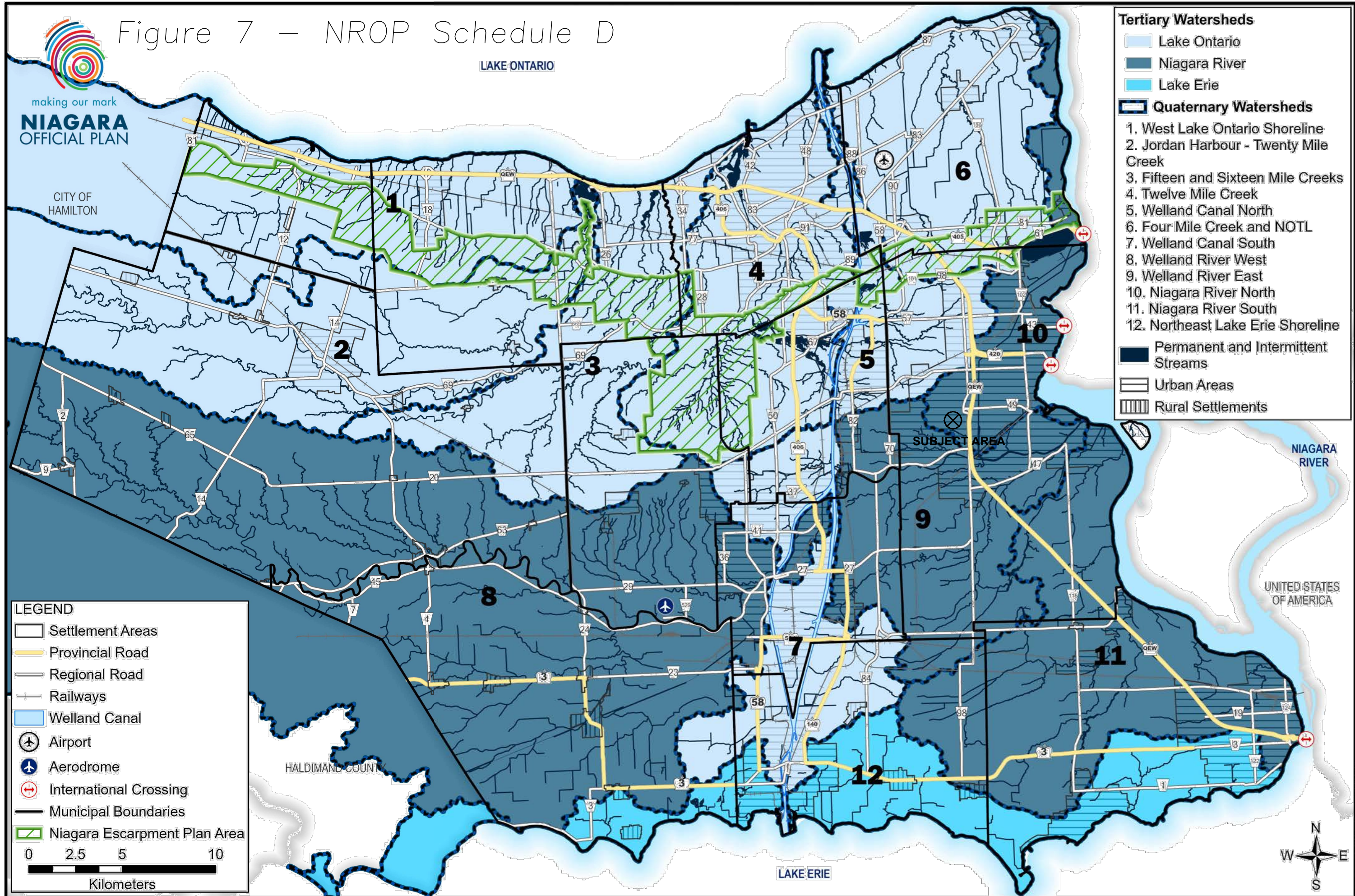
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Figure 7 – NROP Schedule D

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**NIAGARA**  
OFFICIAL PLAN



**Tertiary Watersheds**

- Lake Ontario
- Niagara River
- Lake Erie

**Quaternary Watersheds**

1. West Lake Ontario Shoreline
2. Jordan Harbour - Twenty Mile Creek
3. Fifteen and Sixteen Mile Creeks
4. Twelve Mile Creek
5. Welland Canal North
6. Four Mile Creek and NOTL
7. Welland Canal South
8. Welland River West
9. Welland River East
10. Niagara River North
11. Niagara River South
12. Northeast Lake Erie Shoreline

**Other Features:**

- Permanent and Intermittent Streams
- Urban Areas
- Rural Settlements

**LEGEND**

- Settlement Areas
- Provincial Road
- Regional Road
- Railways
- Welland Canal
- Airport
- Aerodrome
- International Crossing
- Municipal Boundaries
- Niagara Escarpment Plan Area

0 2.5 5 10  
Kilometers

Schedule D - Tertiary and Quaternary Watersheds

June 2022



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## **KALAR ROAD PLANNING JUSTIFICATION REPORT**

Both Kalar Road and Pin Oak Drive are identified as part of the “Strategic Cycling Network” on Schedule J2 – Strategic Cycling Network (Figure 8) and the property is identified as “Areas of Archaeological Potential” on Schedule K – Areas of Archaeological Potential (Figure 9).



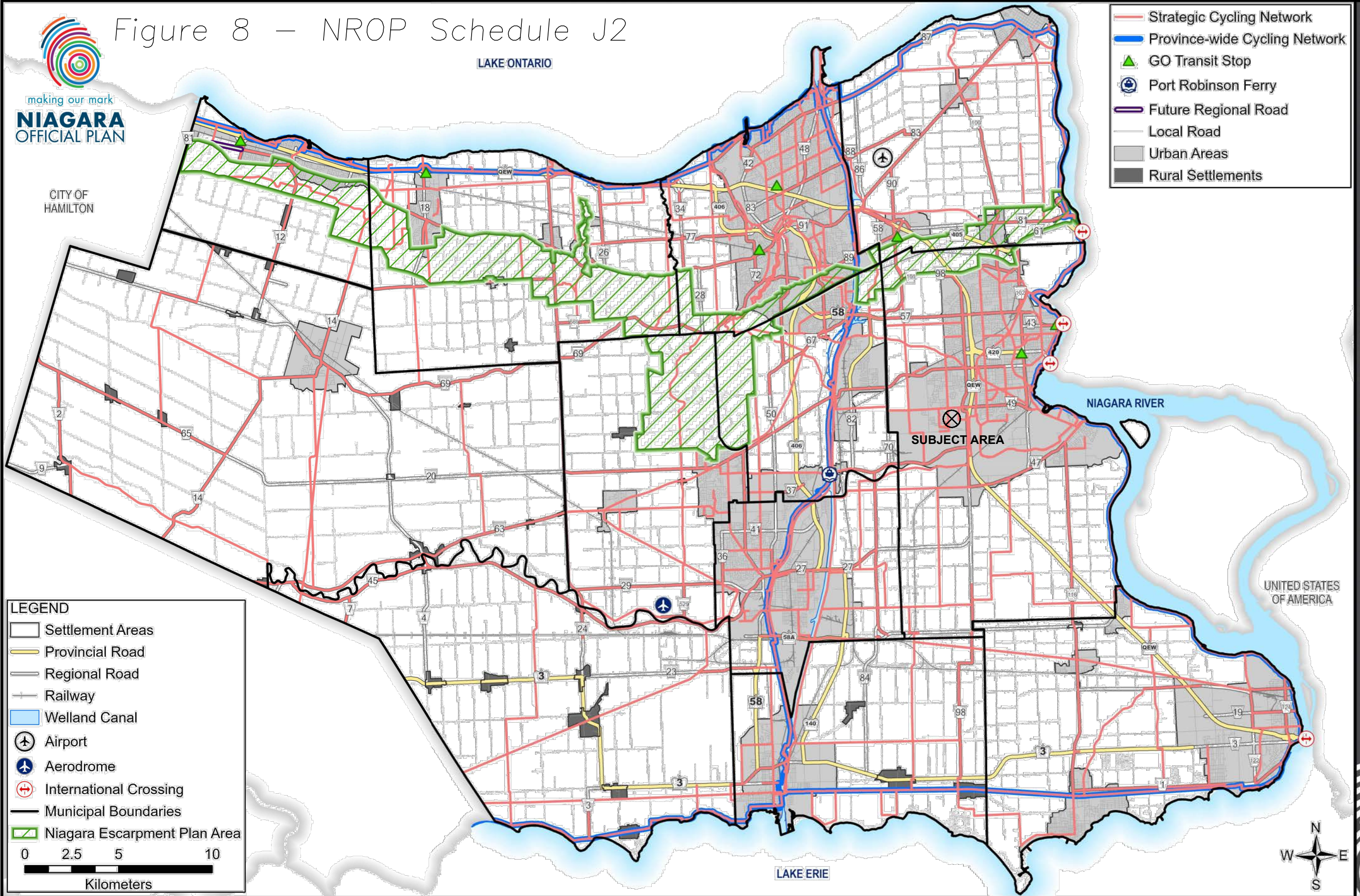
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**NIAGARA**  
OFFICIAL PLAN

# Figure 8 – NROP Schedule J2

LAKE ONTARIO

CITY OF HAMILTON

- Strategic Cycling Network
- Province-wide Cycling Network
- GO Transit Stop
- Port Robinson Ferry
- Future Regional Road
- Local Road
- Urban Areas
- Rural Settlements



NIAGARA RIVER

UNITED STATES OF AMERICA

LAKE ERIE

**LEGEND**

- Settlement Areas
- Provincial Road
- Regional Road
- Railway
- Welland Canal
- Airport
- Aerodrome
- International Crossing
- Municipal Boundaries
- Niagara Escarpment Plan Area

0 2.5 5 10  
Kilometers



Schedule J2 - Strategic Cycling Network

June 2022

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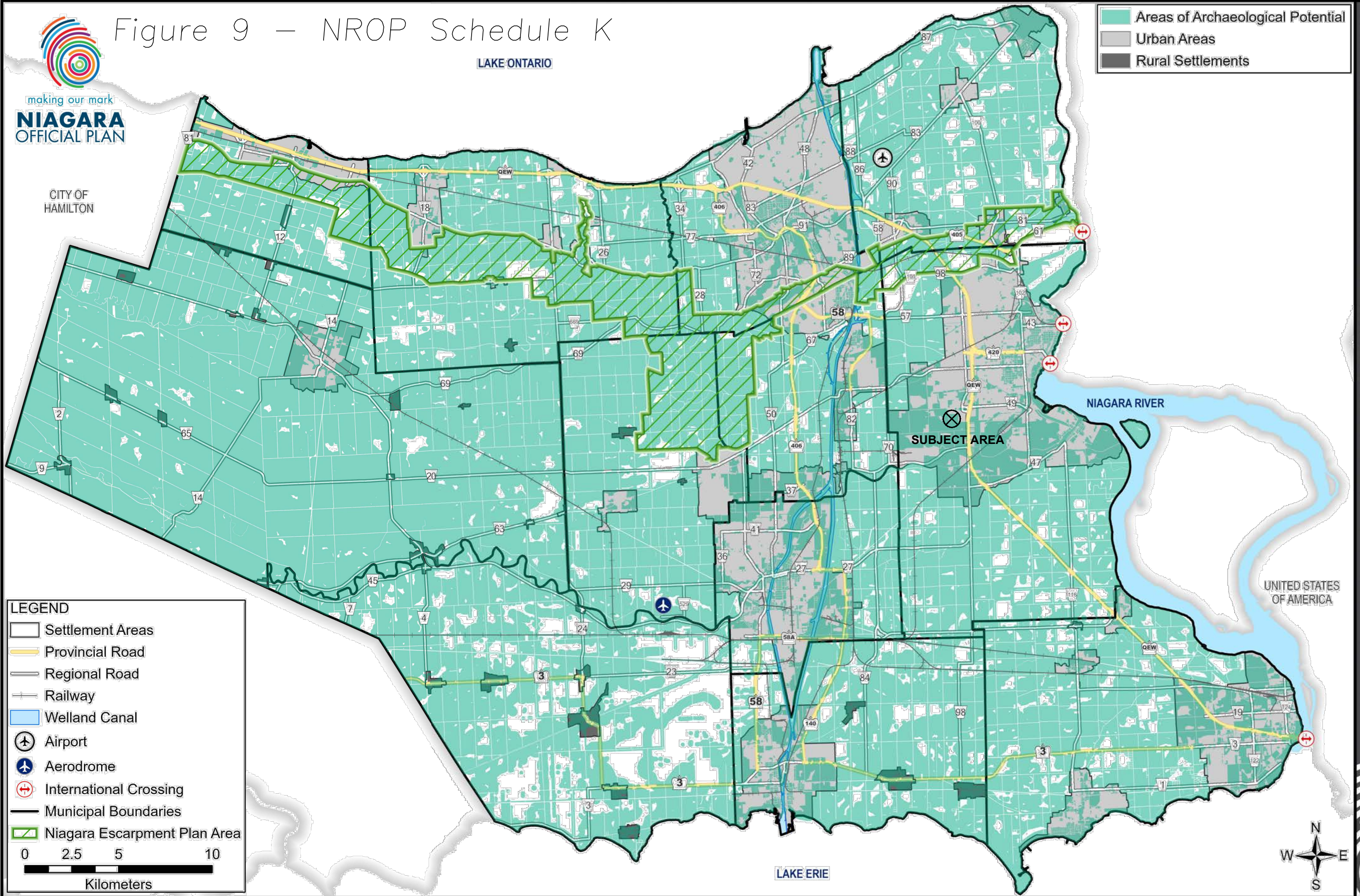
Figure 9 – NROP Schedule K

making our mark  
**NIAGARA**  
OFFICIAL PLAN

CITY OF HAMILTON

LAKE ONTARIO

- Areas of Archaeological Potential
- Urban Areas
- Rural Settlements



NIAGARA RIVER

SUBJECT AREA

UNITED STATES OF AMERICA

LAKE ERIE

**LEGEND**

- Settlement Areas
- Provincial Road
- Regional Road
- Railway
- Welland Canal
- ✈ Airport
- ✈ Aerodrome
- ↔ International Crossing
- Municipal Boundaries
- Niagara Escarpment Plan Area

0 2.5 5 10  
Kilometers



Schedule K - Areas of Archaeological Potential

June 2022

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The following policies were reviewed:

**“2.2.1 Managing Urban Growth**

2.2.1.1 *Development in urban areas* will integrate land use planning and *infrastructure* planning to responsibly manage forecasted growth and to support:

- a) the *intensification* targets in Table 2-2 and density targets outlined in this Plan;
- b) a *compact built form*, a vibrant *public realm*, and a mix of land uses, including residential uses, employment uses, recreational uses, and *public service facilities*, to support the creation of *complete communities*;
- c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.
- d) social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:
  - i. a range of transportation options, including public transit and *active transportation*;
  - ii. affordable, locally grown food and other sources of *urban agriculture*;
  - iii. co-located *public service facilities*; and
  - iv. the *public realm*, including open spaces, parks, trails, and other recreational facilities;
- e) *built forms*, land use patterns, and street configurations that minimize land consumption, reduce costs of *municipal water and wastewater systems/services*, and optimize investments in *infrastructure* to support the financial well-being of the Region and Local Area Municipalities;
- f) opportunities for *transit-supportive* development pursuant to Policies 2.2.17, 2.2.2.18 and 2.2.2.19;
- j) conservation or reuse of *cultural heritage resources* pursuant to Section 6.5
- k) orderly *development* in accordance with the availability and provision of *infrastructure* and *public service facilities*; and
- l) mitigation and adaptation to the impacts of *climate change* by:
  - i. protecting *natural heritage features and areas*, *water resource systems*, and other components of the Region’s *natural environment system* pursuant to Section 3.1;
  - ii. where possible, integrating *green infrastructure* and *low impact development* into the design and construction of *public service facilities* and private *development*; and

- iii. promoting *built forms*, land use patterns, and street configurations that improve community *resilience* and *sustainability*, reduce greenhouse gas emissions, and conserve biodiversity.

2.2.2.4 *Settlement area* boundaries, *built-up areas*, *strategic growth areas*, and *designated greenfield areas*, where applicable, shall be identified in Local official plans.

2.2.2.23 *Designated greenfield areas* shall achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region.

2.2.2.24 Local official plans are required to achieve the minimum greenfield density target in Policy 2.2.2.23 across the entire municipality, and are encouraged to exceed this minimum.

2.2.2.25 *Designated greenfield areas* will be planned as *complete communities* by:

- a) ensuring that *development* is sequential, orderly and contiguous with existing *built-up areas*;
- b) utilizing proactive planning tools in Section 6.1 and Section 6.2, as appropriate;
- c) ensuring *infrastructure* capacity is available; and
- d) supporting *active transportation* and encouraging the integration and sustained viability of public transit service.

2.3.1.1 The development of a range and mix of densities, lot and unit sizes, and housing types, including *affordable* and *attainable housing*, will be planned for throughout *settlement areas* to meet housing needs at all stages of life.

2.3.1.2 Local Area Municipalities shall establish targets in Local official plans for an overall housing mix by density type and affordability based on consultation with the Region and the minimum *affordable* housing targets outlined in Policy 2.3.2.3.

2.3.1.3 The forecasts in Table 2-1 will be used to maintain, at all times:

- a) the ability to accommodate residential growth for a minimum of 15 years through residential *intensification*, and lands designated and available for residential *development*; and
- b) where new *development* is to occur, land with servicing capacity to provide at least a three-year supply of residential units through

lands suitably zoned to facilitate residential *intensification*, and lands in draft approved or registered plans.

### 3.1.1 The Natural Environment System

- 3.1.1.1. The features and components of the *natural environment system* are listed in Schedule L. Schedule L also includes the definitions and criteria for each of the features and components.
- 3.1.1.2. In addition to the features and components listed in Schedule L, the following features and areas are also required components of the *natural environment system*:
  - b) *surface water features*; and
  - i) *headwater drainage features*;
- 3.1.1.3. The features and areas identified in Policy 3.1.1.2 should be screened for during the completion of a *watershed plan* or *subwatershed study*. If identified, appropriate land use planning policies or other natural resource management tools should be put in place for their protection, enhancement, or restoration, as appropriate.
- 3.1.1.4. The mapped features and components of the *natural environment system* are shown as a single overlay on Schedule C1 to this Plan. *Key hydrologic areas*, which are also a component of the *natural environment system*, are mapped separately as an overlay on Schedule C3. The purpose of Schedule C1 and C3 is to allow for preliminary screening, and to determine if the policies of the *natural environment system* may apply. Schedule C1 also includes the limits of the *Provincial natural heritage system*.

### 3.1.2 Individual Features and Components of the Natural Environment System

- 3.1.2.1. Individual *natural heritage features and areas*, *key natural heritage features*, *key hydrological features*, and other individual components which are considered mapped features of the *natural environment system* are shown as an overlay on Schedule C2.
- 3.1.2.2. The individual features and components of the *natural environment system* that are mapped on Schedule C2 include:
  - a) *significant woodlands*;
  - b) *other woodlands*;
  - c) *provincially significant wetlands*;

- d) *other wetlands* and non-provincially significant wetlands;
- e) *life science areas of natural and scientific interest*;
- f) *earth science areas of natural and scientific interest*;
- g) *permanent and intermittent streams*;
- h) *inland lakes*; and
- i) *linkages*.

### 3.1.4 Refinements to the Limits of the Natural Environment System

- 3.1.4.1. Changes to the limits or classification of individual features or components of the *natural environment system* identified through Regional criteria may be considered through the submission of an *environmental impact study* and/or *hydrologic evaluation* based on a terms of reference approved by the Region, in accordance with the policies of this Plan, and in consultation with the Conservation Authority as appropriate.
- 3.1.4.2. If the change to the limit or classification of an individual feature or component of the *natural environment system* identified through Regional criteria can be justified to the satisfaction of the Region, an amendment to this Plan shall not be required. Further details on the scope of the study required to support a change to the limit or classification of the *natural environment system* will be included in the Region's Environmental Impact Study Guidelines and/or Hydrologic Evaluation Guidelines.
- 3.1.4.3. Changes to the limit or classification of individual features or components of the *natural environment system* identified through Regional criteria may also be considered through the findings of a *subwatershed study* completed to the satisfaction of the Region, in consultation with the Conservation Authority as appropriate. If the change to the limit or classification of an individual feature or component of the *natural environment system* can be justified to the satisfaction of the Region, an amendment to this Plan shall not be required.
- 3.1.4.4. Changes to the limit or classification of individual features of the *natural environment system* identified through Provincial criteria requires approval from the Province. If the change to the limit or classification of an individual feature has been approved by the Province, an amendment to this Plan shall not be required.



- 3.1.4.5. Notwithstanding Policy 3.1.4.1 to Policy 3.1.4.4, the limits of the *Provincial natural heritage system* can only be refined through the completion of a *municipal comprehensive review*.
- 3.1.4.6. Where the limits of a feature or component of the *natural environment system* have been refined through an approved *environmental impact study*, *hydrologic evaluation*, or *subwatershed study*, the lands that are no longer included as part of the *natural environment system* overlay shall continue to be designated based on the underlying land use, unless otherwise determined through a Planning Act application.
- 3.1.4.7. Updates to the appropriate schedules to this Plan shall be made on a regular basis by the Region to incorporate any approved refinements to the *natural environment system*.
- 3.1.4.8. Where *development* or *site alteration* is proposed within or adjacent to the *natural environment system*, new lots shall not be created which would fragment a *natural heritage feature or area*, *key natural heritage feature*, or *key hydrologic feature*. The lands to be retained in the *natural environment system* shall remain in a natural state. The natural feature and any required *buffer* or *vegetation protection zone* shall be maintained in a single block and zoned to protect the natural features and its *ecological functions*. The Region encourages the Local Area Municipalities, the Conservation Authority, and other appropriate public and private conservation organizations to assume ownership of these lands.
- 3.1.4.9. Applications for a lot boundary adjustment shall avoid the fragmentation of *provincially significant wetlands* and *significant woodlands*.
- 3.1.4.10. Applications for lot boundary adjustment should avoid the fragmentation of other *natural heritage features and areas*, *key natural heritage features* or *key hydrologic features* wherever possible and practical.

### **3.1.9 Lands Outside of a Provincial Natural Heritage System and Outside of the Niagara Escarpment Plan Area**

- 3.1.9.1. The policies of Section 3.1.9 apply to lands in *settlement areas* (i.e. *urban areas* and hamlets) and other lands that are outside of a *Provincial natural heritage system* and outside the Niagara Escarpment Plan Area.
- 3.1.9.2. Required outside of a *Provincial natural heritage system* and outside of *settlement areas* is a 30 metre wide *vegetation protection zone* adjacent to all *wetlands*, *permanent* and *intermittent streams*, and *inland lakes* and *their littoral zones* which are *key hydrologic features*.

3.1.9.3. Notwithstanding Policy 3.1.9.2, a 15 metre wide *vegetation protection zone* applies to certain *key hydrologic features* in parts of the Greenbelt Plan area accordance with the policies of the Greenbelt Plan.

3.1.9.4. *Key hydrological features* are subject to Policies 3.1.9.2 and 3.1.9.3. The balance of Section 3.1.9 does not apply to *key hydrological features*.

3.1.9.5. **Development and Site Alteration in Natural Heritage Features and Areas outside of a Provincial Natural Heritage System**

3.1.9.5.1 *Development and site alteration* shall not be permitted in the following *natural heritage features and areas*:

- a) *provincially significant wetlands*;
- c) *significant woodlands*.

3.1.9.5.3 Notwithstanding Policies 3.1.9.5.1 and 3.1.9.5.2 permitted uses in a *natural heritage feature and area* are limited to:

- a) forest, fish, and wildlife management;
- b) conservation and flood or erosion control projects, subject to demonstrating the project is necessary in the public interest and after all alternatives have been considered;

3.1.9.5.4 Notwithstanding any other policies of this Plan, *development and site alteration* in, and adjacent to *watercourses, provincially significant wetlands, and other wetlands* that are regulated by the Conservation Authority, may also be subject to the regulations and land use planning policies of the Conservation Authority. When *development or site alteration* is proposed in or adjacent to any *watercourse, provincially significant wetland, significant valleyland, or other wetland* the applicant shall contact the Conservation Authority, at which time Conservation Authority staff will advise the applicant and the Region of the land use or regulatory policies that will apply.

3.1.9.5.5 Notwithstanding Policy 3.1.9.5.4, while the Niagara Peninsula Conservation Authority may permit offsetting of *wetlands* under its policies and in accordance with its regulatory role, the use of offsetting for any *natural heritage feature and areas, key natural heritage features, or key hydrologic features* is not supported by the policies of this Plan.

3.1.10 **Key Hydrologic Areas, Key Hydrologic Features, and Other Important Water Resources**

- 3.1.10.1. *Development or site alteration* shall not be permitted unless it can demonstrated that it will not have *negative impacts* on:
- a) the quantity and quality of water in *key hydrologic areas, key hydrologic features, sensitive surface water features, and sensitive ground water features*;
  - b) the *hydrologic functions* of *key hydrologic areas, key hydrologic features, sensitive surface water features, and sensitive ground water features*;
  - c) the interaction and linkage between *key hydrologic areas, key hydrologic features, sensitive surface water features, and sensitive ground water features* and other components of the *natural environment system*;
  - d) the natural hydrologic characteristics of watercourses such as base flow, form and function, and *headwater drainage areas*;
  - e) natural drainage systems and *shorelines areas*; and
  - f) flooding or erosion.
- 3.1.10.2. Mitigative measures and/or alternative development approaches may be required in order to protect, improve, or enhance *key hydrologic areas, key hydrologic features, sensitive surface water features, sensitive ground water features, and their hydrologic functions*. The Region, Local Area Municipality, or the Conservation Authority may require establishment of appropriate development conditions and monitoring programs through the development approval process.
- 3.1.10.3. The Region encourages the restoration of natural stream form and flow characteristics through the development approval process where appropriate.

### **3.1.12 Fish Habitat**

- 3.1.12.1. *Development or site alteration* shall not be permitted in *fish habitat* except in accordance with *Federal and Provincial requirements*. In order to determine whether *fish habitat* is present, proponents of *development or site alteration* shall be required to screen for the presence of *fish habitat* to the satisfaction of the Region.
- 3.1.12.2. If *fish habitat* is determined to be present, a fish habitat assessment undertaken by a qualified professional shall be required for *development or site alteration* within or adjacent to *fish habitat*. *Development or site alteration* may be exempt from this requirement provided that:

- a) the *development* satisfies *Federal and Provincial requirements* or has been specifically authorized by the appropriate approval authority; and
- b) the regulated setback, vegetated shoreline, stormwater management, and slope related policies of this Plan are met and the proposal is not for major *development*.

### 3.1.23 Natural Hazards

3.1.23.1. *Development* shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:

- b) lands adjacent to river, stream, and small inland lake systems which are impacted by flooding hazards and/or erosion hazards, and

3.1.23.2. *Development* or *site alteration* shall not be permitted within:

- c) areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards*, erosion hazards and/or *dynamic beach hazards*, unless it has been demonstrated that the site has safe access appropriate for the nature of the *development* and the natural hazard; and,

3.1.23.3. Notwithstanding Policy 3.1.23.2, *development* or *site alteration* may be permitted in certain areas associated with the flooding hazard along *river, stream* and *small inland lake systems*:

- b) where the *development* is limited to uses that by their nature must locate within the *floodway*, including flood and/or erosion control works or minor additions or passive non-structural uses that do not affect flood flows.

3.1.23.7. *Hazardous lands* shall be identified in mapping in Local official plans and included in appropriate zones in Local zoning by-laws to protect public health and safety in accordance with Provincial direction and the policies of this Plan. The extent of natural hazards may be refined by Local Area Municipality on their own initiative or in response to *development* applications, as appropriate, and as approved by the Conservation Authority.

### 3.1.25 Woodland Cover

- 3.1.25.1. *Woodland* cover shall be maintained or enhanced in the region by 2051.
- 3.1.25.2. The Region supports opportunities for enhancement of *woodland* cover, which may be achieved through a number of means including, but not limited to:
  - f) required tree and *woodland* protection and planting through the application process for *development* or *site alteration*; and

### 3.1.26 Wetland Cover

- 3.1.26.1. *Wetland* cover shall be maintained or enhanced in the region by 2051.
- 3.1.26.2. The Region supports opportunities to maintain and restore *wetland* functions at a *watershed* and *subwatershed* scale based on historic reference conditions.

### 3.1.27 Riparian Vegetation Cover

- 3.1.27.1. Naturally vegetated riparian areas adjacent to *permanent* and *intermittent streams*, *wetlands*, and other waterbodies shall be maintained or enhanced in the region to support the protection and maintenance of aquatic functions.
- 3.1.27.2. The Region supports opportunities for enhancement of riparian vegetation cover which may be achieved through a number of means including:
  - a) requiring a naturally vegetated shorelines along *permanent* and *intermittent streams* and adjacent to *wetlands* and waterbodies as part of an application for *development* or *site alteration*;

### 3.1.30.4. Ongoing and Approved Secondary Plans

- 3.1.30.4.1 Where a secondary plan has been approved after July 1, 2012, those portions that are not subject to a draft approved plan of subdivision or plan of condominium shall be approved in accordance with the approved mapping and policies of the secondary plan.

### 3.1.33 Environmental Impact Studies and Hydrologic Evaluations

3.1.33.1. An *environmental impact study* and/or *hydrologic evaluation* required under the policies of this Plan shall be submitted with the application for *development* or *site alteration*, and shall be prepared and signed by a qualified professional in accordance with the Region's Environmental Impact Study Guidelines and/or Hydrologic Evaluation Guidelines in addition to the relevant policies of this Plan.

3.1.33.2. The *environmental impact study* and/or *hydrologic evaluation* shall be prepared to the satisfaction of the appropriate approval authority in accordance with the following:

- a) within *settlement areas* it is the responsibility of the Local Area Municipality to ensure that:
  - i) an *environmental impact study* and/or *hydrologic evaluation* is prepared in accordance with an approved terms of reference and the policies of this Plan; and
  - ii) the conclusions of the *environmental impact study* and/or *hydrologic evaluation* are considered through the development approval process and appropriate conditions are established to implement the recommendations of the study and/or evaluation.

In carrying out this responsibility, the Local Area Municipality shall work in consultation with the Region and the Conservation Authority. The Region shall provide technical support as required.

3.2.3.3. Proposed *development* in *designated greenfield areas*, including the associated water, wastewater and stormwater servicing, shall be planned to avoid, or if avoidance is not possible, minimize and mitigate any potential *negative impacts* on *watershed* conditions and the *water resource system*, including the quality and quantity of water.

### 5.1.1 Transportation Systems Planning, Land Use Planning, and Infrastructure

5.1.1.1 The Region's *transportation system* will be implemented as per the recommended actions and schedules of the Region's Transportation Master Plan.

5.1.1.2 Suitable transportation *infrastructure* will be provided to support the forecasted growth listed in Table 2-1 and to help mitigate and adapt to the impacts of *climate change*.

5.1.2.3 The Regional Transit Commission shall be consulted on development applications, secondary plans and other land use plans to ensure integration of land use planning and public transit.

### **5.1.3 Interconnected Active Transportation System**

5.1.3.1 Comprehensive *active transportation* networks will be integrated into the *transportation system* to:

- a) enable safe and convenient inter-municipal and intra-municipal travel for *active transportation* users; and
- b) provide continuous linkages from neighbourhoods to *strategic growth areas, major trip generators, employment land, tourism destinations, public service facilities, post-secondary institutions* and transit stations, including sidewalks and dedicated lane space for cyclists on the major street network, or other safe and convenient alternatives.

5.1.3.2 Implementation of the Strategic Cycling Network as identified in the Region's Transportation Master Plan will be prioritized to advance the implementation of the Niagara Bikeways Master Plan as shown in Schedule J2.

5.1.3.3 The Region will support Local Area Municipalities in implementing sections of the Strategic Cycling Network that are within their jurisdiction.

### **5.2.1 Infrastructure Planning, Development, and Asset Management**

5.2.1.1 *Infrastructure* planning, development, and asset management shall be undertaken in support of the growth management policies of this Plan to promote sustainability and the achievement of *complete communities*.

5.2.1.2 A coordinated, integrated, and comprehensive approach using the minimum *intensification* and density targets of this Plan, should be used for the planning, development, and management of *infrastructure* within municipalities, across lower-tier and upper-tier municipal boundaries, and with other orders of government, agencies, and boards.

- 5.2.1.3 *Infrastructure* planning shall be aligned with land use planning, *infrastructure* investment and *watershed* planning.
- 5.2.1.4 *Infrastructure* investment shall be leveraged to direct and support growth and *development* within *strategic growth areas* as well as to achieve the minimum *intensification* and density targets identified in this Plan.
- 5.2.1.17 The Region shall develop Stormwater Management Guidelines giving guidance on best practices and innovation for development applications and *public works projects* and to assist in addressing *climate change* impacts.
- 5.2.1.18 Planning for stormwater management shall:
- a) conform with Section 3.2;
  - b) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
  - c) minimize, or, where possible, prevent increases in contaminant loads;
  - d) minimize erosion and changes in water balance, and prepare for the impacts of *climate change* through the effective management of stormwater, including the use of *green infrastructure*;
  - e) mitigate risks to human health, safety, property, and the environment;
  - f) maximize the extent and function of vegetative and pervious surfaces;
  - g) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and *low impact development*; and
  - h) consider *green infrastructure* and other measures which address the impacts of *climate change*.
- 5.2.1.19 Local Area Municipalities will develop *stormwater master plans* or equivalent for serviced *settlement areas* that:
- a) are informed by *watershed planning* or equivalent;
  - b) protect the *quality and quantity of water* by assessing existing stormwater facilities and systems;
  - c) characterize existing environmental conditions;
  - d) examine the cumulative environmental impacts of stormwater from existing and planned *development*, including an assessment of how extreme weather events will exacerbate these impacts and the identification of appropriate adaptation strategies;



- e) incorporate appropriate *low impact development* and *green infrastructure*;
- f) identify the need for stormwater retrofits, where appropriate;
- g) identify the full life-cycle costs of the stormwater *infrastructure*, including maintenance costs, and develop options to pay for these costs over the long-term; and
- h) include an implementation and maintenance plan.

## **5.2.2 Municipal Water and Wastewater Servicing within Urban Areas**

5.2.2.1 Adequate water supply and sewage collection shall be provided to meet the existing and future *development* needs in alignment with the growth management policies of this Plan, the Water and Wastewater Master Servicing Plan and the Region's capital budget process.

5.2.2.2 *Municipal water and wastewater systems/services* are the required form of servicing for *development* in *urban areas*.

5.2.2.3 Local Area Municipalities, in coordination with the Region, will comprehensively approach and integrate growth allocated by the Region with required *infrastructure* and establish priority and phasing policies for water and wastewater services.

5.2.2.4 Prior to approval of *development*, the municipality shall ensure that required water and wastewater services and servicing capacity is available to support the *development*.

5.2.2.6 The Region will endeavour to:

- a) maintain sufficient reserve capacity in its water and wastewater *infrastructure* and facilities to provide operational flexibility and meet potential changes in servicing conditions;
- b) ensure new *development* will not put the Region out of compliance with regulations and the Region will consider opportunities to maintain or reduce wet weather overflow occurrence; and,
- c) provide reliability, redundancy and security in its water and wastewater systems with attention to high risk and critical areas.

## **5.2.5 Stormwater Management and the Planning Process**

5.2.5.1 All new *development* and redevelopment in *settlement areas* must be provided with separate storm drainage systems or separate storm drainage connections.

- 5.2.5.2 The Region will collaborate with the Local Area Municipalities for the provision of adequate storm drainage facilities.
- 5.2.5.3 Local Area Municipalities shall implement sustainable stormwater management plans and strategies as part of *development* and *redevelopment*.
- 5.2.5.4 Proposals for large-scale *development* proceeding by way of a secondary plan, plan of subdivision, vacant land plan of condominium or site plan will be supported by a stormwater management plan or equivalent, that:
- a) conforms with watershed planning policies in Section 3.2;
  - b) is informed by a *subwatershed* plan or equivalent as completed by the Local Area Municipality;
  - c) ensures all proposals for *development* or *redevelopment* are designed based on an integrated treatment approach in order to address requirements for water quality, erosion control, flood control, thermal mitigation and water budget to minimize stormwater flows and reliance on stormwater ponds, which includes *low impact development* and *green infrastructure*, where appropriate;
  - d) establishes planning, design, and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion, and impervious surfaces;
  - e) ensures *stormwater management facilities* are designed to support key features and ecological functions in the Region's *natural environment system*, where possible; and
  - f) aligns with the *stormwater master plan* or equivalent for the *settlement area*, where applicable.
- 5.2.5.5 The Region and Local Area Municipalities shall consider through site plan control the development of *green infrastructure*, such as naturalized retention ponds and rain gardens to increase stormwater offset.

## **5.2.6 Provision of Utilities**

- 5.2.6.1 The Region will coordinate with both private and public *utility* providers and the Local Area Municipalities to ensure that *utilities* are planned and managed in a manner that supports the objectives and policies of this Plan.

- 5.2.6.4 Necessary public *utilities* will be provided in accordance with the servicing needs of existing and future *development* and with economic, safety and environmental considerations.
- 5.2.6.5 The Region and Local Area Municipalities will confirm, as part of the development review process, that *utility* providers are able to provide services to support the proposed *development* in a timely manner and that, if required, appropriate locations for large *utility* equipment and *utility* cluster sites have been determined.

### 5.3.1 Open Space in Communities

- 5.3.1.1 The Region shall ensure the provision of public open space and required parkland in the review of district and secondary plans to facilitate the creation of healthy, *complete communities*.
- 5.3.1.2 The Region will, in partnership with the Local Area Municipalities, Conservation Authority, Niagara Parks Commission, and other interested agencies:
- a) maintain a map of publicly accessible parkland, open space and trails to support the connectivity of *natural heritage features* and the achievement of *complete communities*, and inform the Regional Greening Initiative, as per Policy 3.5.1.4;
  - c) promote good stewardship practices for publicly accessible parkland and open spaces, especially when adjacent to the *natural environment system*.
- 5.3.1.5 Local Area Municipalities shall include policies in their official plans that address the following:
- a) the acquisition of parkland in accordance with the provisions of the Planning Act, and/or direction to pass by-laws that allow for the acquisition of parkland; and
  - b) integration of *development* with, and connectivity to, existing and proposed parks and trails.
- 5.3.1.7 The Region encourages the Local Area Municipalities to:
- a) develop park/trail master plans to strategically and equitably plan for the acquisition, use and management of publicly-accessible parks, open spaces and trails, including shorelines, to best serve the needs of all local residents. Master plans should clearly identify, plan for and protect these resources;
- 6.1.4.13 Local Area Municipalities shall monitor the build out of secondary plan areas to determine how they are meeting the identified targets.

6.4.2.6 Where a site proposed for *development* is located within an *area of archaeological potential*, the Local Area Municipality shall circulate the application and a Stage 1 Archaeological Assessment by a licensed archaeologist, as well as a Stage 2 Assessment, where required, to the Region as part of a complete application. This policy applies when any part of a development application falls within an *area of archaeological potential* as identified on Schedule K and will be addressed as early as possible in the planning process. For lands located outside a *settlement area* boundary where *site alteration* or *development* will not affect the entire property, the archaeologist may consult with the Province on a property-by-property basis to determine if these areas can be exempt or the assessment can be scoped.

6.4.2.7 When an archaeological assessment is required, the assessment will follow the applicable guidelines and processes as dictated by the Province, such as the *Standards and Guidelines for Consultant Archaeologists*, and an acknowledgement letter from the Province verifying this shall be required prior to final to any final approvals.

## **7.7 Phasing**

### **7.7.1 Orderly Development**

7.7.1.1 The Region shall align strategic land use direction of this Plan with the Water/Wastewater Master Servicing Plan and the Transportation Master Plan to assist in the management of growth in *urban areas*, including *designated greenfield areas* and *built-up areas*, to appropriately plan for orderly and efficient urban development.

7.7.1.2 Local Area Municipalities should establish and implement phasing policies that ensure:

- a) *intensification* and density targets in this Plan are achieved prior to or concurrent with new development within *designated greenfield areas*; and
- b) the orderly progression of development of designated growth areas and the timely provision of the *infrastructure* and *public service facilities* required to meet current and projected needs.

7.7.1.3 Further to Policy 7.7.1.2, the Region encourages Local Area Municipalities to prepare a phasing strategy that:

- c) ensures logical, sequential development of all *designated greenfield area* lands;

## KALAR ROAD PLANNING JUSTIFICATION REPORT

- e) supports the achievement of the minimum *intensification* and density targets in this Plan;
- g) provides and aligns *infrastructure* and *public service facilities* with Regional master plans, including servicing and transportation, in a timely manner;
- h) utilizes existing *infrastructure* and *redevelopment* opportunities, wherever possible;
- i) ensures adequate land, *infrastructure* and *public service facilities* meet current and projected needs;
- j) has regard for the *natural environment system* and *watershed*;
- k) establishes *complete communities*; and
- l) uses planning tools in Section 6.1 to assist in more detailed phasing direction for specific areas.”

The proposed development is an appropriate and logical extension of the existing development to the south and west which will complete the orderly development of the area.

There is a watercourse that traverses the subject property which is proposed to be realigned, and there are wetlands and a woodlot which are to be preserved with the appropriate buffers.

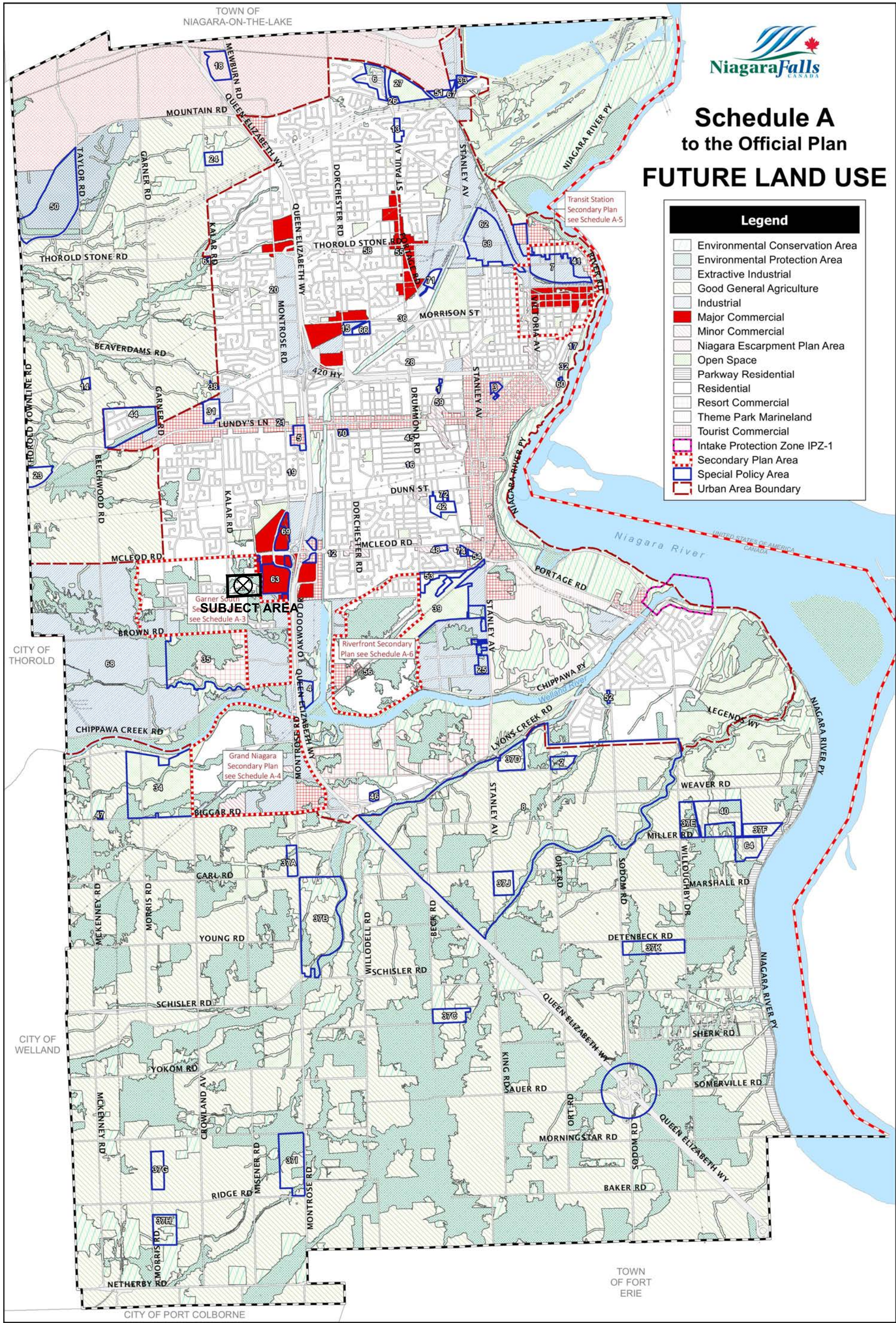
The traffic analysis indicates that the traffic from the full development can be accommodated on the planned road system with little impact. The level of service with the site traffic added to the road system does not change noticeably from the current background conditions. The functional servicing report has shown how the proposed draft plan of subdivision can be developed with full municipal services for roads, sanitary sewer, water supply, storm drainage and other utilities.

***Based on the technical studies submitted, and the detailed review and analysis of the Secondary Plan policies below, the applications conform with the Niagara Region Official Plan.***

## **2.5 CITY OF NIAGARA FALLS OFFICIAL PLAN**

The subject lands are designated “Garner South Secondary Plan” on Schedule A – Future Land Use (Figure 10), “Environmental Protection Area” and “Adjacent Land” on Schedule A-1 – Natural Heritage Features and Adjacent Lands (Figure 11) and “Greenfield Area” and “Protected Natural Heritage Area” on Schedule A2 – Urban Structure Plan (Figure 12) in the City of Niagara Falls Official Plan (NFOP).

Figure 10 – NFOP Schedule A



**Schedule A**  
to the Official Plan  
**FUTURE LAND USE**

Legend	
[Light Green Box]	Environmental Conservation Area
[Light Blue Box]	Environmental Protection Area
[Blue Box]	Extractive Industrial
[White Box]	Good General Agriculture
[Light Blue Box]	Industrial
[Red Box]	Major Commercial
[Light Blue Box]	Minor Commercial
[Light Green Box]	Niagara Escarpment Plan Area
[Light Green Box]	Open Space
[Light Blue Box]	Parkway Residential
[White Box]	Residential
[Light Blue Box]	Resort Commercial
[Light Blue Box]	Theme Park Marineland
[Light Blue Box]	Tourist Commercial
[Purple Box]	Intake Protection Zone IPZ-1
[Red Dashed Line]	Secondary Plan Area
[Blue Dashed Line]	Special Policy Area
[Red Dashed Line]	Urban Area Boundary

**SUBJECT AREA**  
Garner South  
Secondary Plan  
see Schedule A-3

Riverfront Secondary  
Plan see Schedule A-6

Grand Niagara  
Secondary Plan  
see Schedule A-4

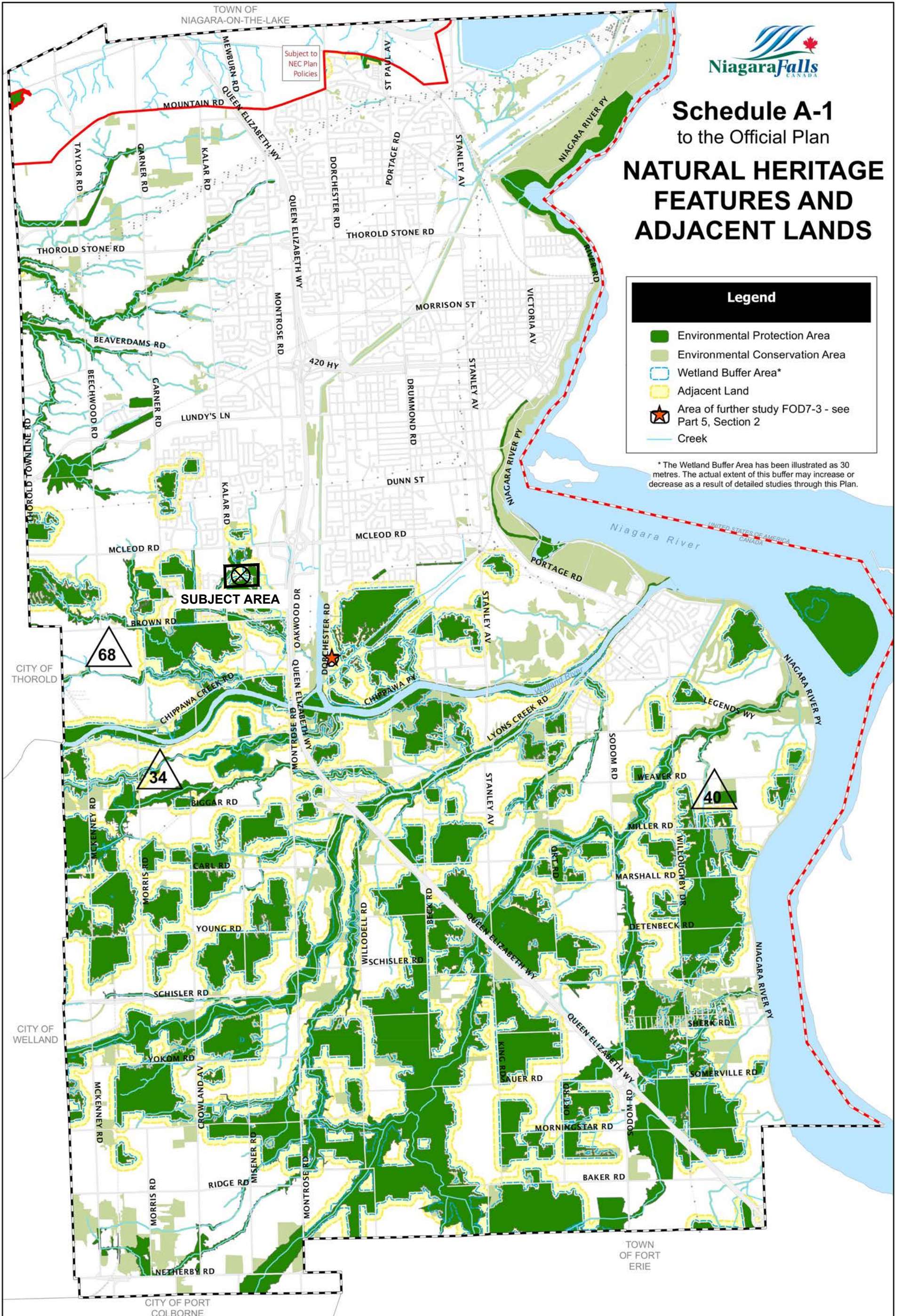
Transit Station  
Secondary Plan  
see Schedule A-5

NOTE: THIS MAP MUST BE READ IN CONJUNCTION WITH THE  
WRITTEN TEXT OF THE OFFICIAL PLAN APPROVED OCTOBER 1993  
UPDATED TO November 2019



PLANNING & DEVELOPMENT DIVISION  
Updated to: January 2020  
K:\SourceData\Shapes\OPI\Schedule A\OPI\Schedule\_A\_11x17.mxd  
Scale 1:55,000

Figure 11 – NFOP Schedule A-1



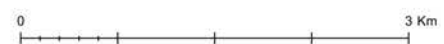
**Schedule A-1**  
to the Official Plan  
**NATURAL HERITAGE**  
**FEATURES AND**  
**ADJACENT LANDS**

**Legend**

- Environmental Protection Area
- Environmental Conservation Area
- Wetland Buffer Area\*
- Adjacent Land
- ★
 Area of further study FOD7-3 - see Part 5, Section 2
- Creek

\* The Wetland Buffer Area has been illustrated as 30 metres. The actual extent of this buffer may increase or decrease as a result of detailed studies through this Plan.

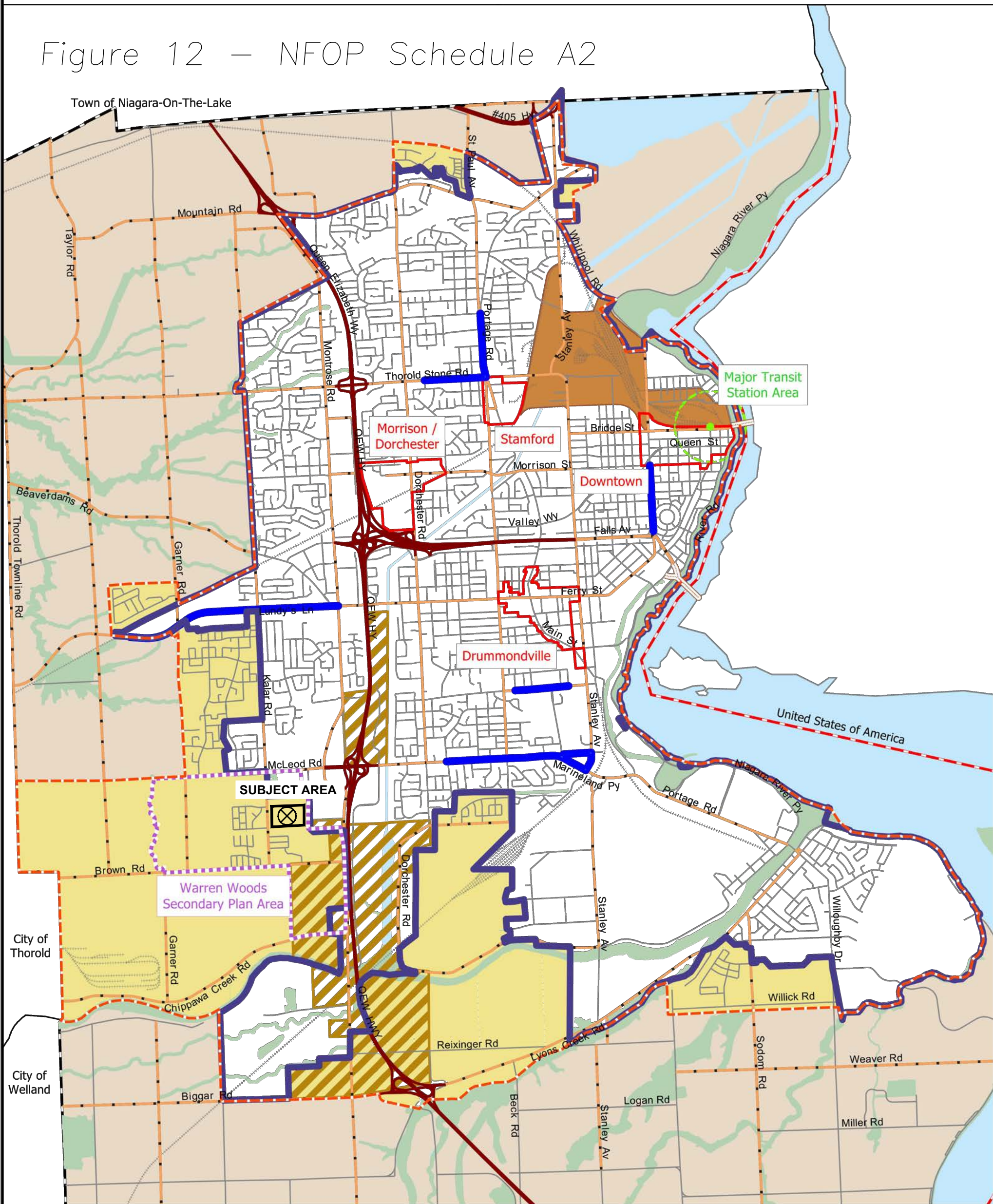
NOTE: THIS MAP MUST BE READ IN CONJUNCTION WITH THE WRITTEN TEXT OF THE OFFICIAL PLAN APPROVED OCTOBER 1993 UPDATED TO November 2019














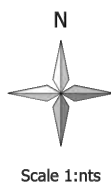
# Schedule A2 Urban Structure Plan

Figure 12 – NFOP Schedule A2



-  Urban Area Boundary
-  Built Area Boundary
-  **Protected Natural Heritage Area**  
\*Includes lands designated EPA only
- Transportation Corridor**
-  Arterial Roads
-  Highway
-  Rail
-  International Bridge

- Urban Area**
-  Built Up Area
-  Transit Area
-  Node
-  Corridor
-  Brownfield Pilot Project Area
-  Greenfield Area
-  QEW Employment Corridor
-  Warren Woods Secondary Plan Area
- Rural Area**
- 



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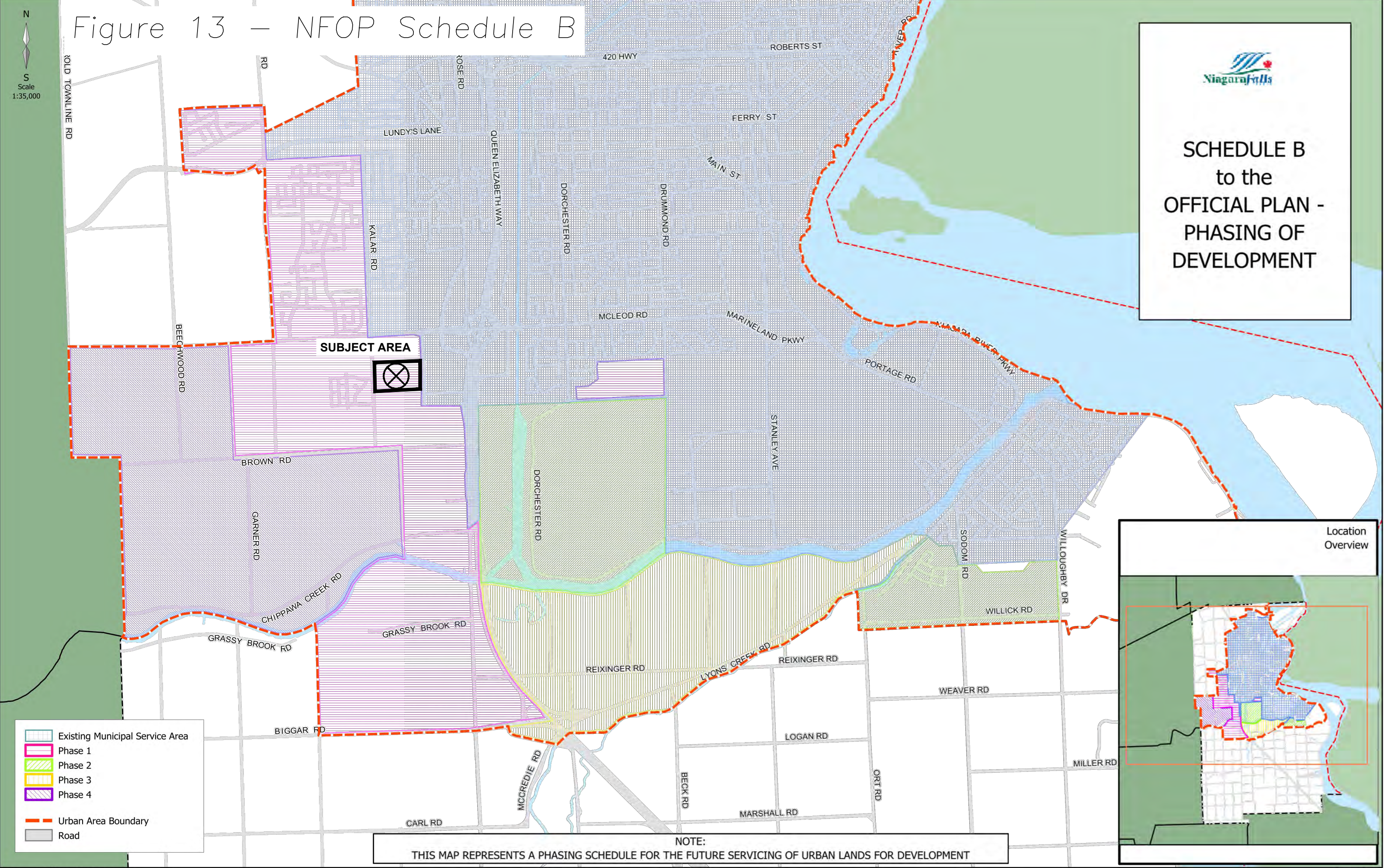
## KALAR ROAD PLANNING JUSTIFICATION REPORT

The subject property is identified as being within “Phase 1” on Schedule B – Phasing of Development (Figure 13), Kalar Road is classified as an “Arterial Road” and Pin Oak Drive as a “Collector Road” on Schedule C – Major Roads Plan (Figure 14), and the subject property is within the “West Lane” Community as identified on Schedule D – Community Planning Districts (Figure 15).

Figure 13 – NFOP Schedule B



**SCHEDULE B  
to the  
OFFICIAL PLAN -  
PHASING OF  
DEVELOPMENT**



N  
S  
Scale  
1:35,000

- Existing Municipal Service Area
- Phase 1
- Phase 2
- Phase 3
- Phase 4
- Urban Area Boundary
- Road

NOTE:  
THIS MAP REPRESENTS A PHASING SCHEDULE FOR THE FUTURE SERVICING OF URBAN LANDS FOR DEVELOPMENT

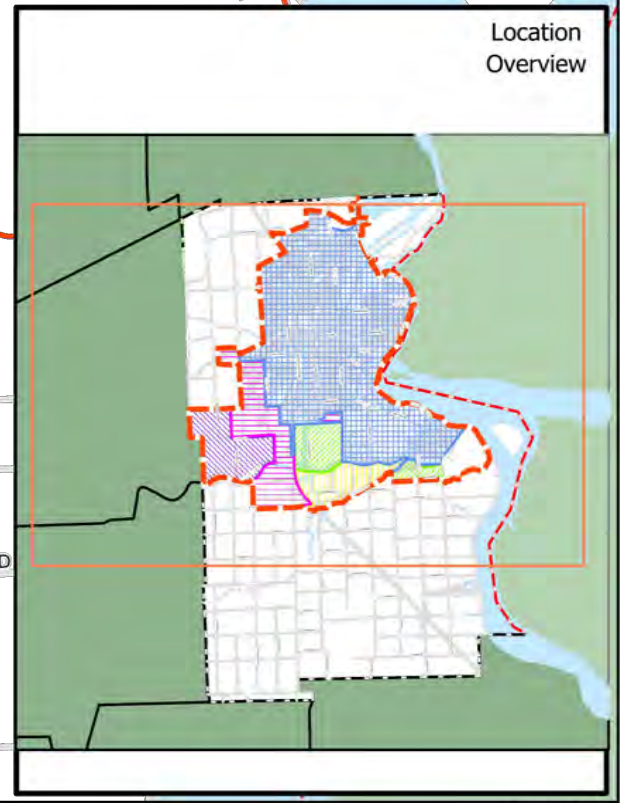


Figure 14 – NFOP Schedule C



SCHEDULE C  
to the  
OFFICIAL PLAN  
MAJOR ROADS PLAN



**LEGEND:**

- ARTERIAL ROADS
- COLLECTOR ROADS
- HIGHWAY
- SCENIC ROADS
- LOCAL ROADS

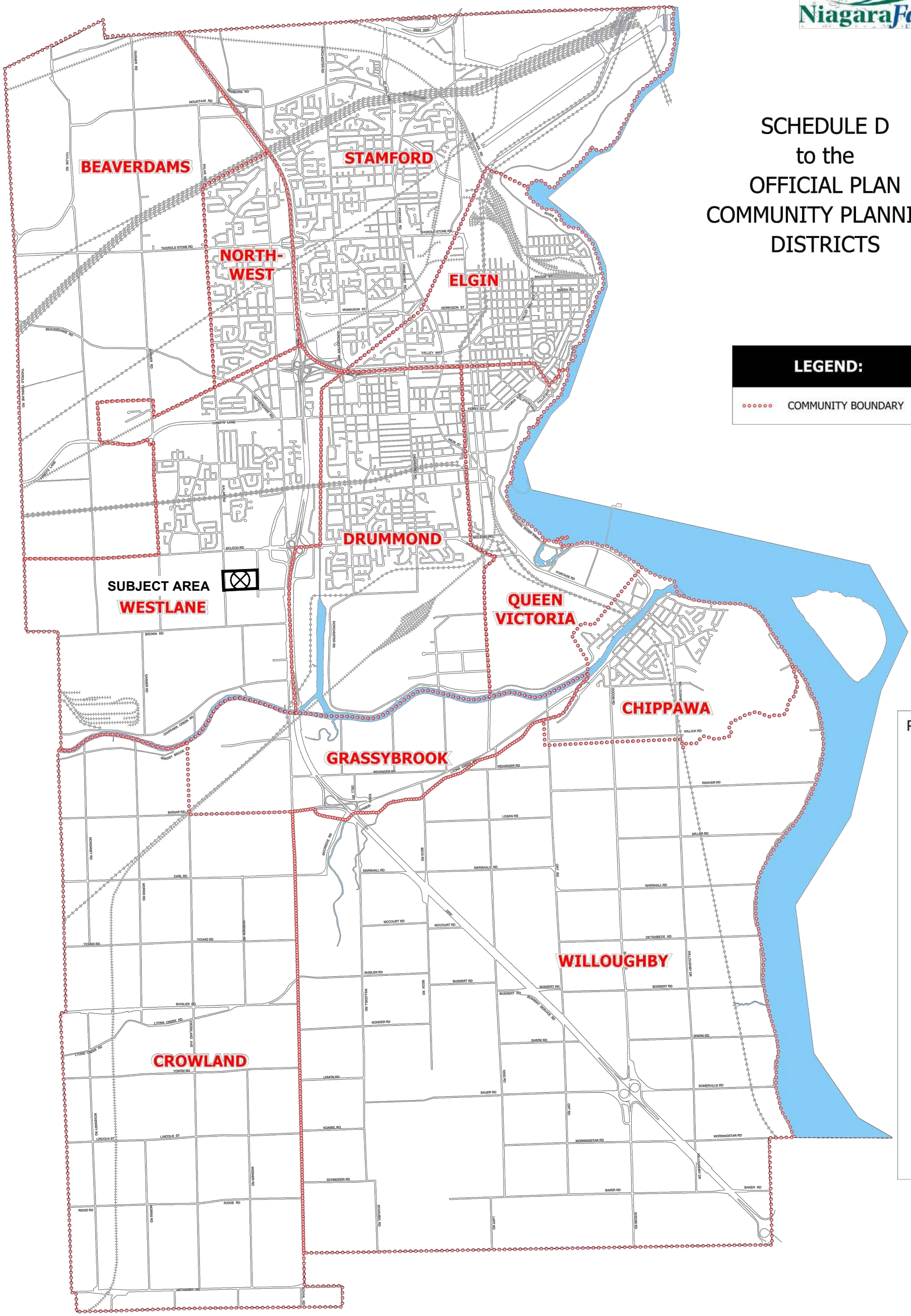
REVISIONS  
OPA #64

UPDATED TO DECEMBER 2008

Figure 15 – NFOP Schedule D



**SCHEDULE D  
to the  
OFFICIAL PLAN  
COMMUNITY PLANNING  
DISTRICTS**



**LEGEND:**

..... COMMUNITY BOUNDARY

**REVISIONS**

**NOTE:**  
THIS MAP REPRESENTS THE 11 PLANNING COMMUNITIES  
AS DETERMINED BY THE PLANNING AND DEVELOPMENT DEPARTMENT  
IN NOVEMBER, 1990

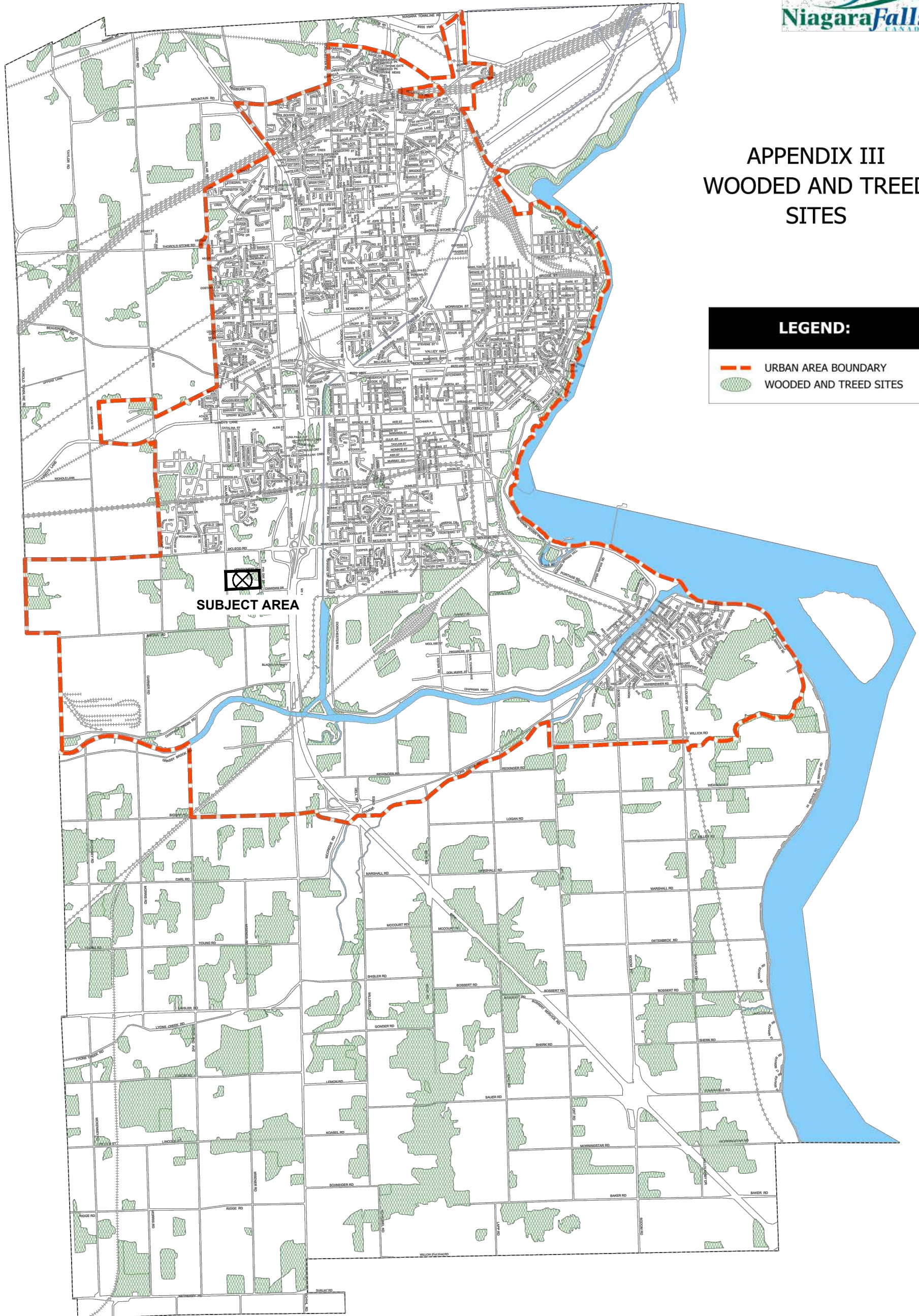
## **KALAR ROAD PLANNING JUSTIFICATION REPORT**

Environmental features on the subject property have been identified “Wooded Areas and Treed Sites” on Appendix III – Wooded Areas and Treed Sites (Figure 16), “Provincially Significant Wetland” and “Regulated Floodplain” on Appendix III-A: Inventory of Natural Heritage Features (Figure 17), “Natural Heritage Feature on Appendix III-A” and “Adjacent Land” on Appendix III-B: Adjacent Lands to the Inventory of Natural Heritage Features on Appendix III-A (Figure 18), “Significant Woodland” and “Creek” on Appendix III-C: Inventory of Natural Heritage Features (Figure 19), “Natural Heritage Feature on Appendix III-C”, “Creek” and “Adjacent Land” on Appendix III-D: Adjacent Lands to the Inventory of Natural Heritage Features on Appendix III-C (Figure 20) and “Important Fish Habitat” within the Warren Creek Watershed Plan on Appendix III-E (Figure 21).

Figure 16 – NFOP Appendix III



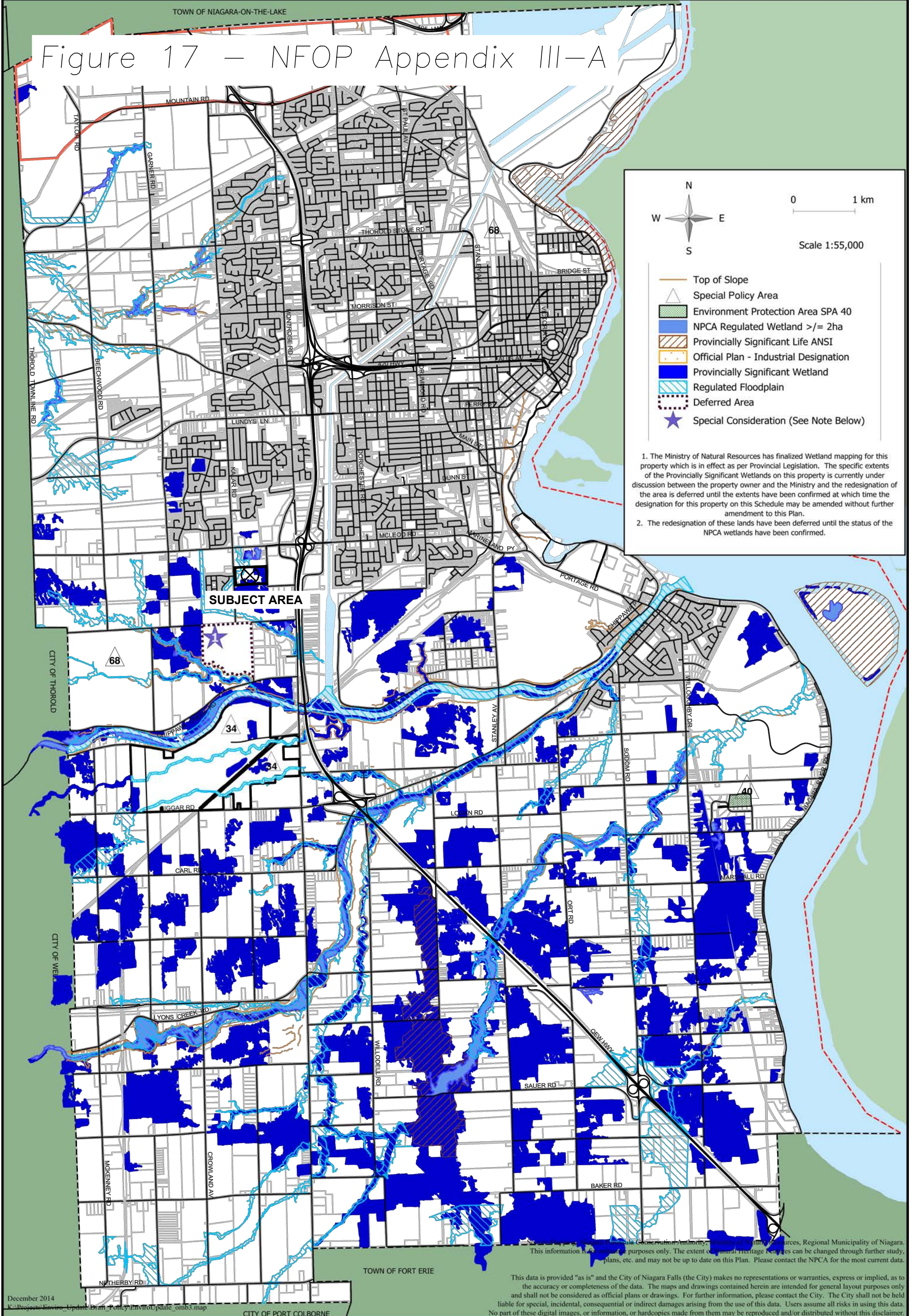
### APPENDIX III WOODED AND TREED SITES



**LEGEND:**

- URBAN AREA BOUNDARY
- WOODED AND TREED SITES

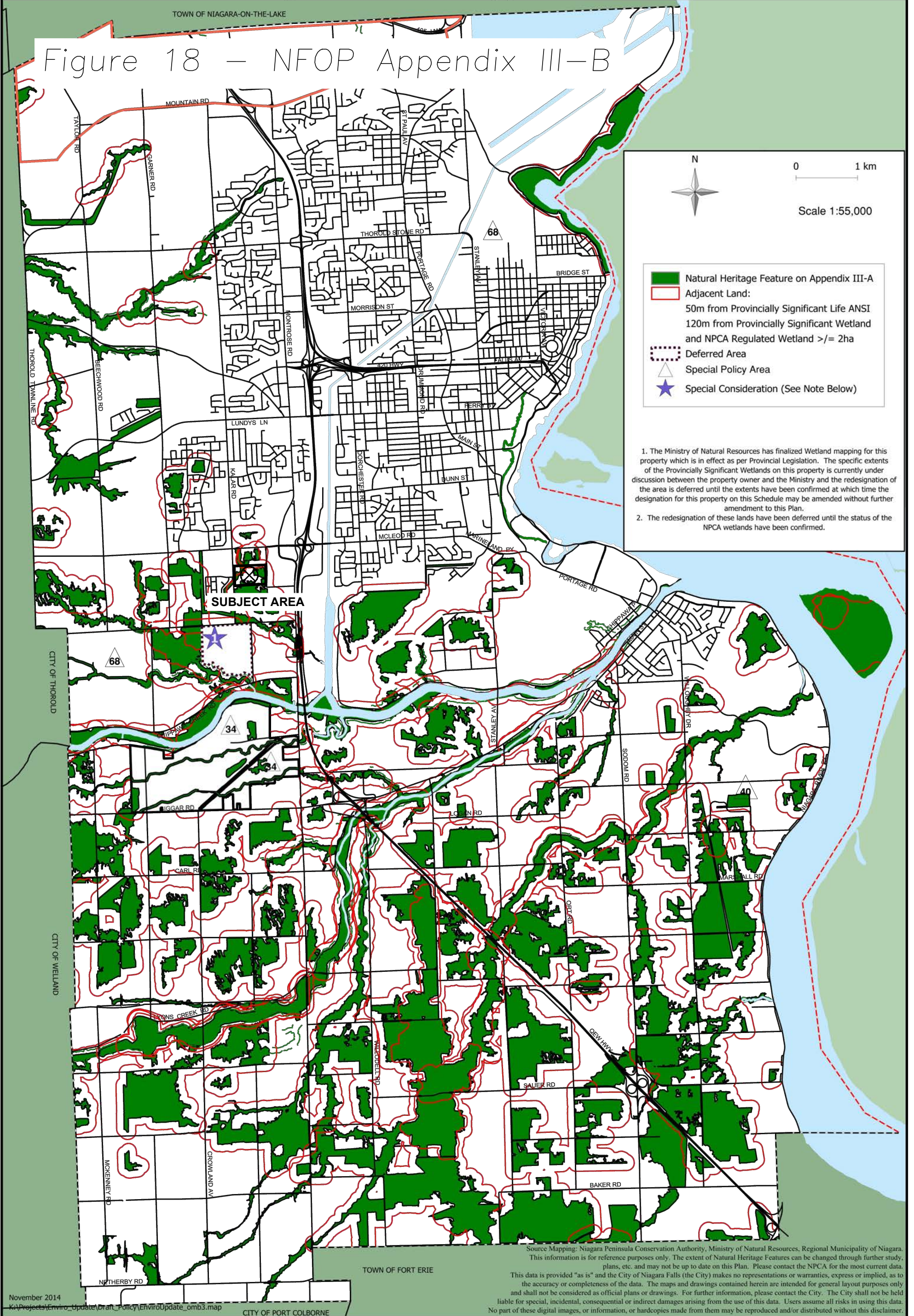
Figure 17 – NFOP Appendix III-A





# Appendix III-B: Adjacent Lands to the Inventory of Natural Heritage Features on Appendix III-A

Figure 18 – NFOP Appendix III-B



N

0 1 km

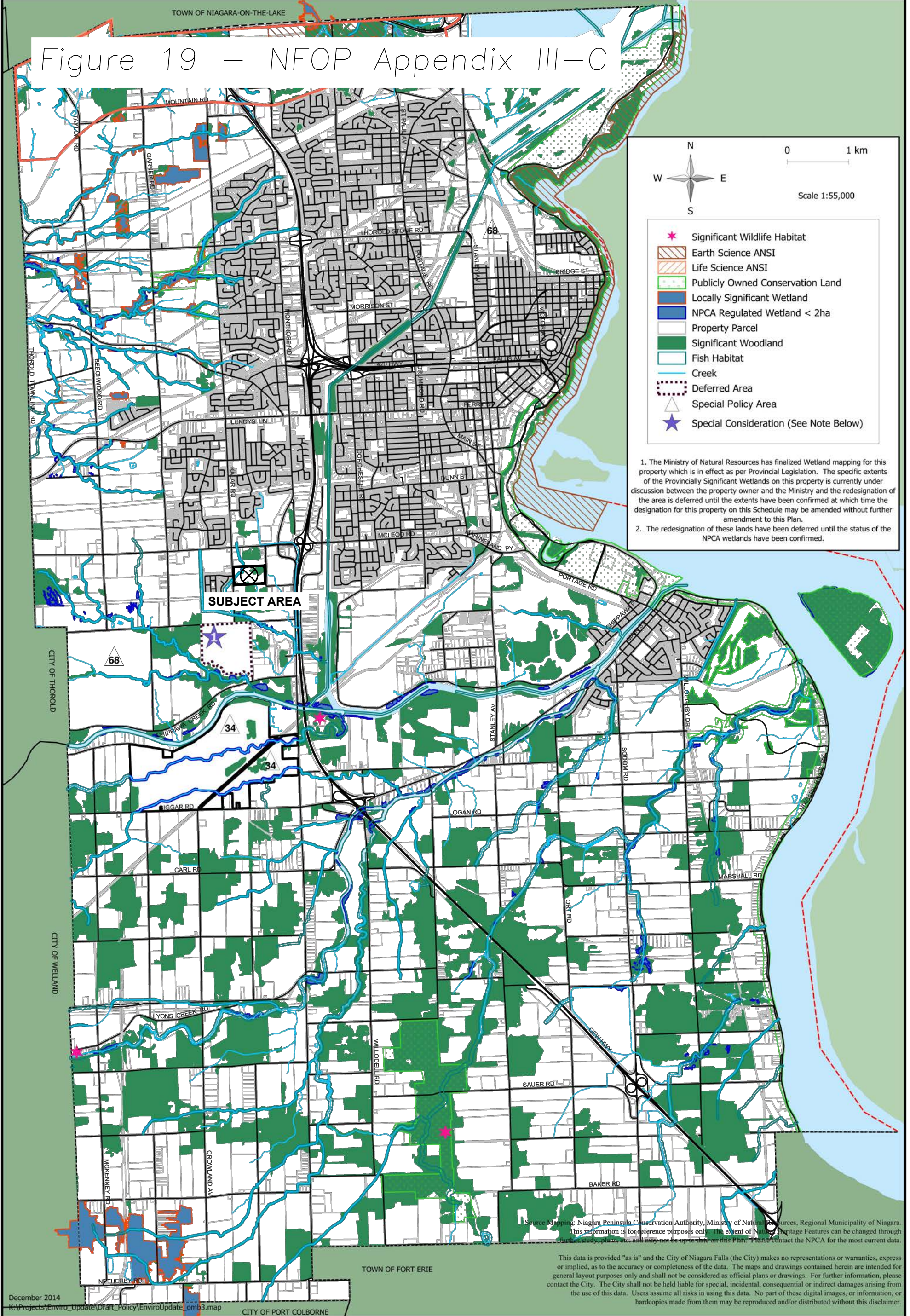
Scale 1:55,000

- Natural Heritage Feature on Appendix III-A
- Adjacent Land:  
50m from Provincially Significant Life ANSI  
120m from Provincially Significant Wetland  
and NPCA Regulated Wetland  $\geq$  2ha
- Deferred Area
- Special Policy Area
- Special Consideration (See Note Below)

1. The Ministry of Natural Resources has finalized Wetland mapping for this property which is in effect as per Provincial Legislation. The specific extents of the Provincially Significant Wetlands on this property is currently under discussion between the property owner and the Ministry and the redesignation of the area is deferred until the extents have been confirmed at which time the designation for this property on this Schedule may be amended without further amendment to this Plan.
2. The redesignation of these lands have been deferred until the status of the NPCA wetlands have been confirmed.

# Appendix III-C: Inventory of Natural Heritage Features

Figure 19 — NFOP Appendix III-C



# Appendix III-D: Adjacent Lands to the Inventory of Natural Heritage Features on Appendix III-C

Figure 20 – NFOP Appendix III-D



N  
W E  
S

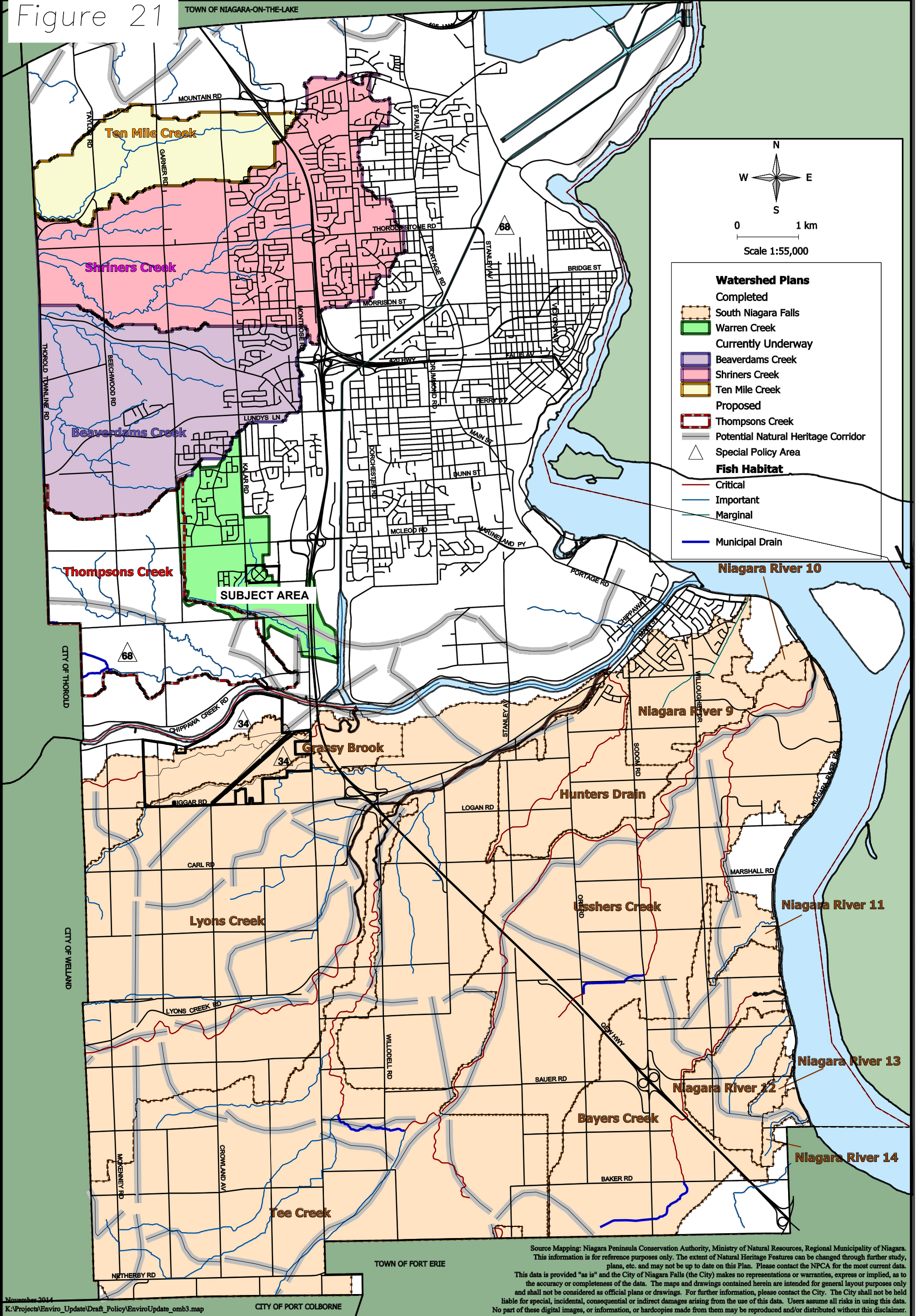
0 1 km  
Scale 1:55,000

- Natural Heritage Feature on Appendix III-C
- Adjacent Land
  - 15m from NPCA Regulated Wetland <2ha
  - 15m from Creek (Outside Regulated Floodplain)
  - 30m from Locally Significant Wetland
  - 50m from Earth Science ANSI
  - 50m from Life Science ANSI
  - 50m from Significant Woodland \*\*
- Creek
- Deferred Area
- Special Policy Area
- Special Consideration (See Note Below)

\*\*Adjacent lands for Significant Woodlands shall be 50m where a Watershed Plan has been completed or 10m from the dripline of the treed area where confirmed by an Environmental Impact Study.

1. The Ministry of Natural Resources has finalized Wetland mapping for this property which is in effect as per Provincial Legislation. The specific extents of the Provincially Significant Wetlands on this property is currently under discussion between the property owner and the Ministry and the redesignation of the area is deferred until the extents have been confirmed at which time the designation for this property on this Schedule may be amended without further amendment to this Plan.
2. The redesignation of these lands have been deferred until the status of the NPCA wetlands have been confirmed.

Figure 21



Source Mapping: Niagara Peninsula Conservation Authority, Ministry of Natural Resources, Regional Municipality of Niagara. This information is for reference purposes only. The extent of Natural Heritage Features can be changed through further study, plans, etc. and may not be up to date on this Plan. Please contact the NPCA for the most current data. This data is provided "as is" and the City of Niagara Falls (the City) makes no representations or warranties, express or implied, as to the accuracy or completeness of the data. The maps and drawings contained herein are intended for general layout purposes only and shall not be considered as official plans or drawings. For further information, please contact the City. The City shall not be held liable for special, incidental, consequential or indirect damages arising from the use of this data. Users assume all risks in using this data. No part of these digital images, or information, or hardcopies made from them may be reproduced and/or distributed without this disclaimer.

## **KALAR ROAD PLANNING JUSTIFICATION REPORT**

Since more detailed policies are outlined in the Garner South Secondary Plan (GSSP), the following policies from the NFOP were reviewed and considered relevant but only the policy numbers are listed for brevity purposes:

- Part 1: Growth Objectives, 2.2, 2.3, 2.5 and 2.6
- Part 2: Section 1 Residential - 1.1, 1.2, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 1.16, 1.16.1, 1.16.3, 1.16.4, 1.16.5,  
Section 11 Environmental Policies – 11.1.1, 11.1.2, 11.1.3, 11.1.4, 11.1.5, 11.1.6, 11.1.8, 11.1.10, 11.1.11, 11.1.14, 11.1.16, 11.1.17, 11.1.18, 11.1.19, 11.1.20, 11.1.21, 11.1.27, 11.1.30, 11.1.31, 11.1.32, 11.1.33, 11.1.36, 11.1.37, 11.1.39, 11.1.40, 11.1.41, 11.1.42, 11.1.43, 11.1.44, 11.2.1, 11.2.2, 11.2.3, 11.2.5, 11.2.6, 11.2.7, 11.2.13, 11.2.14, 11.2.16, 11.2.17, 11.2.18, 11.2.19, 11.2.20
- Part 3: 1.1.1, 1.1.2, 1.1.2.1, 1.1.2.2, 1.1.2.3, 1.1.2.4, 1.1.2.5, 1.2.3, 1.2.4, 1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.5, 1.5, 1.5.12, 1.5.13, 1.5.14, 1.5.15, 1.5.16, 1.5.17, 1.5.18, 1.5.19, 1.5.20, 1.5.21, 1.5.23, 1.5.24, 1.5.25, 1.5.26, 1.5.27, 1.5.29, 1.5.31, 1.5.34, 1.5.36, 1.5.37, 1.5.38, 1.5.39, 1.5.42

The subject property is proposed to be developed for residential purposes by plan of subdivision with full municipal services in accordance with the phasing policies of the approved Garner South Secondary Plan and is a designated Greenfield Area within the urban area. The Natural Heritage Areas on the property are to be preserved/protected with the appropriate buffers.

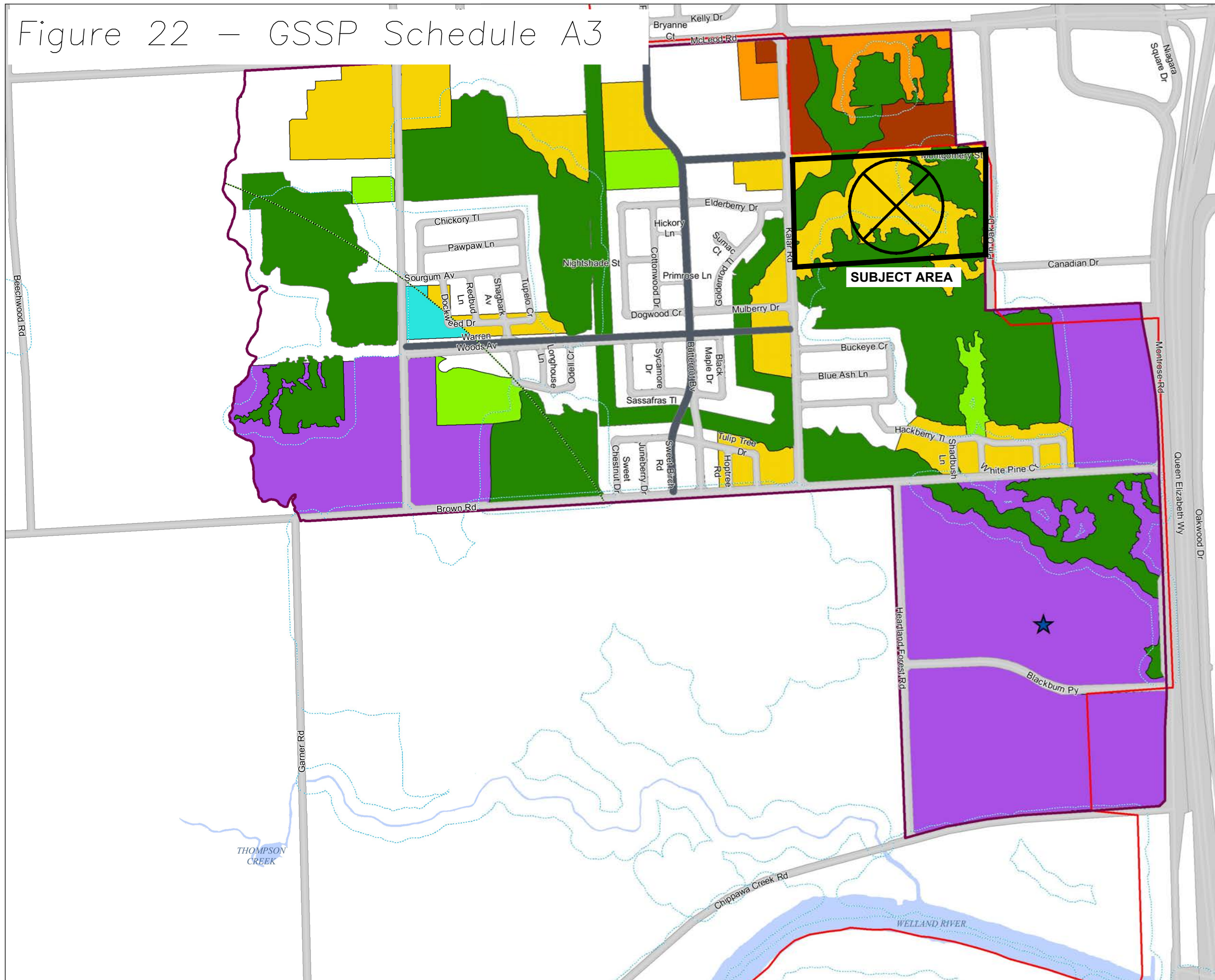
### **2.6 GARNER SOUTH SECONDARY PLAN**

The subject lands are designated “Residential Medium Density” and “Environmental Protection Area” on Schedule A3 – Garner South Secondary Plan (Figure 22). In addition, “Environmental Protection Areas” and a future road are identified on Appendix VII-A Garner South Secondary Plan Concept Plan (Figure 23) and the subject lands are within “Phase 3” as identified on Appendix VII-B Garner South Secondary Plan Phasing Concept (Figure 24).

Figure 22 – GSSP Schedule A3



# Schedule A3 to the Official Plan GARNER SOUTH SECONDARY PLAN



- Employment
- Environmental Protection Area
- Mixed
- Neighbourhood Commercial
- Open Space
- Residential Low
- Residential Medium
- Residential High
- Provincially Significant Wetland - 30m Buffer
- Cytex Canada Inc - 2 km Setback
- ★ An EIS and woodlot assessment has been completed for this property; Tree prevention analysis to be part of site plan approval
- Collector Road System
- Road Allowance
- Built Boundary
- River
- Garner South Secondary Plan Boundary

NOTE: For Outside Plan Area see Schedule for Land Use Designations



Scale 1:10,000



Updated to: December 2019

K:\SourceData\Shapes\OPI\Schedule A3 - GSSP\OPI\ScheduleA3\_GSSP\_11x17Landscape.mxd

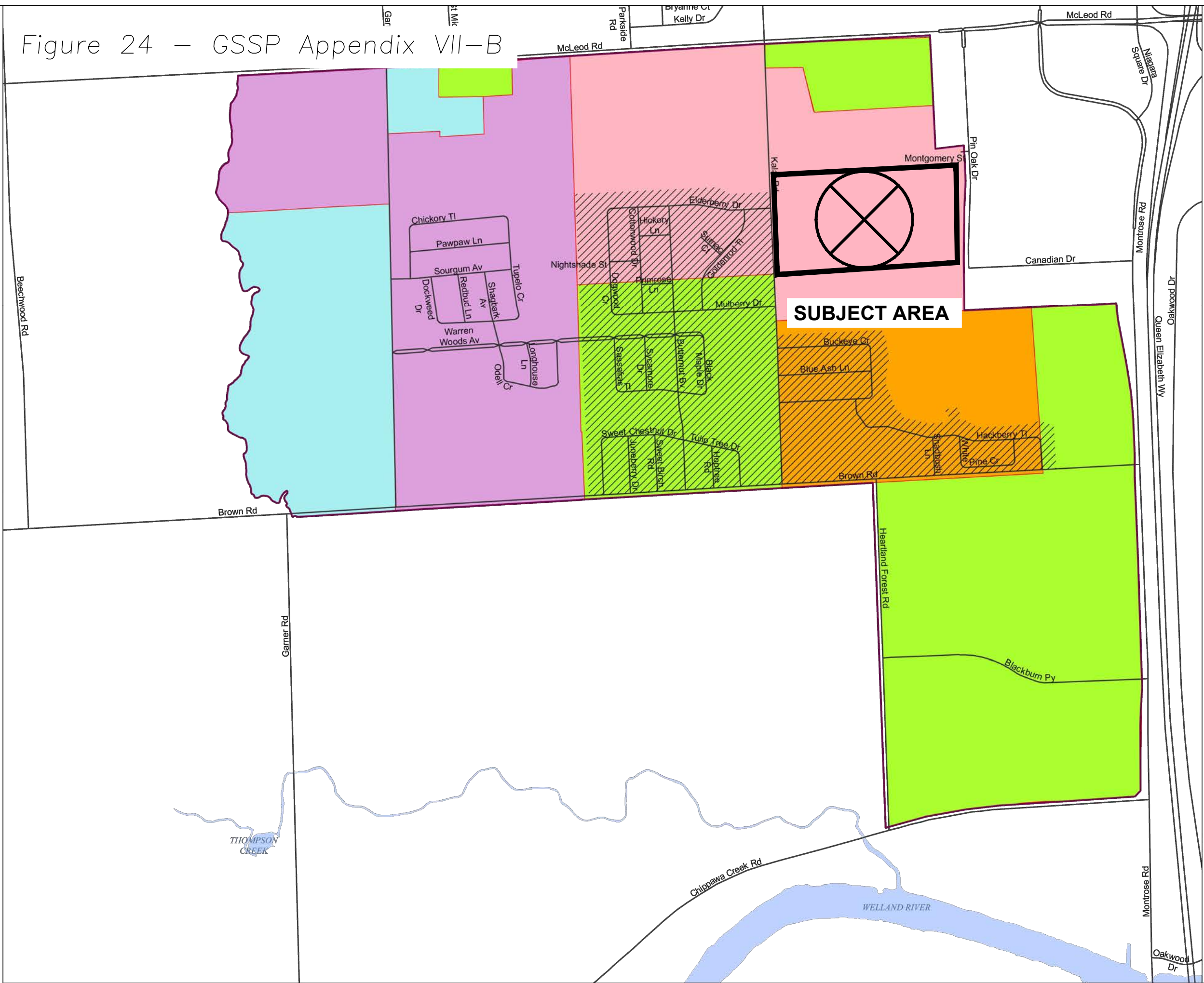
NOTE: The Natural Heritage areas located outside of the Garner South Secondary Plan Area have not been included for illustration purposes only and should not be interpreted as a land use designation.



Figure 24 – GSSP Appendix VII-B



# GARNER SOUTH SECONDARY PLAN Phasing Concept Appendix VII-B



**Phasing**

- Phase 1
- Phase 2
- Phase 3
- Phase 4
- Phase 5

— Road

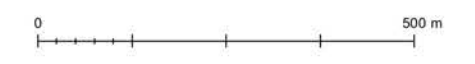
River

Developed Lands

Garner South Secondary Plan Boundary



Scale 1:10,000





Part 5 of the Official Plan includes the approved Secondary Plans in the City. The following policies are considered relevant:

“Principles and Objectives

The following principles and objectives are to be achieved in the Garner South Secondary Plan Area.

**1. Principle - Foster a Sense of Place**

Development is to create a community feel and identity through a strong pedestrian realm and integration of the re-channeled Warren Creek as a naturalized open space.

**OBJECTIVES**

- to create an urban form together with an interconnected street system that is transit-supportive, comfortable and engaging for the pedestrian as well as effectively transporting people and vehicles;
- to create a community with a system of paths and walkways that allows for convenient walking and cycling;
- to integrate the re-channeled Warren Creek into the design of open space and residential areas; and
- to include natural heritage features in the community design as aesthetic amenities and provide for vistas and viewsheds in order to assist in the creation of a sense of place.

**2. Principle - To Create a Diverse Residential Community**

The Secondary Plan Area is to provide housing over a 10- to 15-year term and shall be developed with a mix of housing types that allows for a range of affordability levels.

**OBJECTIVES**

- to ensure that a variety of housing types are integrated into the Secondary Plan Area;
- to ensure a compatible arrangement of housing types so as to avoid land use conflicts;
- to provide a range of affordability, consistent with targets established by Regional Niagara; and
- to provide for schools, neighbourhood commercial uses, retirement residences and other community facilities.

**3. Principle - Protect Natural Heritage Features**

The Secondary Plan Area has a large number of wetlands, woodlands as well as two creek systems. These natural heritage areas are to be protected and, if possible, enhanced.

**OBJECTIVES**

- to ensure that development does not negatively impact on natural heritage features by providing appropriate separation distances and buffers;
- to contain storm water through a system of storm water management ponds that are integrated with Warren Creek and Thompson Creek;
- to maintain the hydrology of wetlands at a quantity and quality that will ensure the long term preservation of the wetland; and
- to preserve woodlands to the greatest extent possible and to integrate the built environment with them.

**4. Principle - Development of an Integrated Trails and Open Space System**

Recreational trails and open space increase the quality of life for residents. When integrated into a design that functions with the built and natural environments, a trail and open space system provides an amenity for the community.

**OBJECTIVES**

- to utilize Warren Creek and hydro transmission corridor as key lineal open space elements that link to community;
- to integrate schools and parkland with Warren Creek and the hydro transmission corridor;
- to provide public open space close to medium and high density developments; and
- to integrate open space with the natural heritage features.

**POLICIES**

**1. General**

- 1.1 The basic pattern of future land use is illustrated on Schedule A-3 and the Concept Plan (Appendix VII-A) to the Official Plan. The Concept Plan provides a physical framework that implements the general principles and objectives. Development is to be consistent with the land use pattern and collector road system. The location of

local roads, however, will be determined through individual plans of subdivision.

The general phasing concept for the Secondary Plan Area is shown on the Phasing Concept Plan, Appendix VII-B.

The Concept Plan (Appendix VII-A) and the Phasing Concept Plan (Appendix VII-B) do not constitute part of the Secondary Plan and are included as appendices as supporting documents.

1.2 The following land use policies and designations are established for the Secondary Plan Area only and are shown on Schedule A-3. Any changes in land use designation from that shown on Schedule A-3 shall require an amendment to this Plan, save and except for revisions to the boundaries of the limits of the EPA and ECA designations as set out in policy 2.9.2.3.

- Residential, low density;
- Residential, medium density;
- Residential, high density;
- Neighbourhood Commercial;
- Mixed Use;
- Employment;
- Open Space;
- Environmental Protection and Environmental Conservation Areas.

1.3 The overall greenfield density target for the Secondary Plan Area shall be 53 people and jobs per hectare. The calculation of greenfield density is provided in Appendix VII-C as supporting data. The density is calculated on the Gross Developable Land Area over all of the lands outside the Built Area Boundary. Gross Developable Land Area is the total Greenfield Area less the area of protected natural heritage features. Protected natural heritage features are those that are designated Environmental Protection Area or Environmental Conservation Area as well as buffers adjacent to Provincially Significant wetlands to a depth of 30 metres. Lands within the Secondary Plan Area and within the Built-up Area are not to be used in any greenfield density calculation. Densities will be monitored by the City to ensure that the target density is achieved, across the Secondary Plan Area.

1.4 Notices regarding the proximity of heavy industrial land uses to residential dwellings and the inherent possibility of noise, odour and air emissions will be included in subdivision agreement(s),

## **KALAR ROAD PLANNING JUSTIFICATION REPORT**

condominium agreements, site plan agreement(s) and purchase and sale agreements. In addition for any development of retirement residences and senior citizens residences on the lands located north and east of Warren Creek and south of the hydro corridor and north of Brown Road a provision requiring the approval of an emergency plan and evacuation protocol to the satisfaction of the City shall be required as part of any development approvals granted.

- 1.6 Lands may be developed at densities lower than the minimum prescribed in this Secondary Plan without amendment to this Secondary Plan. Such proposals shall be accompanied by an analysis, based on approved land use, which demonstrates that the overall target density for the Secondary Plan will not be jeopardized.
- 1.8 The target maximum densities set forth in this Secondary Plan are based on ideal site conditions. Accordingly, if such conditions are not present, maximum densities may not be achievable.
- 1.10 Any application to amend these Official Plan Policies or related implementing Zoning By-law(s) and any other Planning Act application(s) including minor variance or consent application(s) within the Garner South Secondary Plan Area shall be subject to the public notification requirements of the Planning Act and shall include circulation of notice(s) to the registered owners of the heavy industrial lands south of Brown Road and west of Garner Road and north of Chippawa Creek Road within the municipal boundaries, which lands are as the date of adoption of this Official Plan Amendment owned by Cytex Canada Inc.

## **2. Land Use**

### **2.2 Residential, Medium Density**

Lands designated Residential, Medium Density are integrated throughout the Secondary Plan Area, as shown on Schedule A-3 and the Concept Plan, so as to allow for a mix of housing types in the Secondary Plan Area. These lands are generally in proximity to the Open Space System in order to provide residents easy access to this public amenity space and commercial areas.

*(OPA #123, By-law 2017-02, adopted Jan 25, 2017)*

- 2.2.1 Residential, Medium Density areas shall provide for on-street and block townhouses, including stacked townhouses, and

## **KALAR ROAD PLANNING JUSTIFICATION REPORT**

apartment buildings. Notwithstanding this Policy, single detached dwellings can be developed in a 5.02 hectare area on the north side of Brown Road, east of Kalar Road in accordance with subsection 2.2.3.1.

2.2.3 In order to meet the greenfield density target, Residential, Medium Density areas shall be developed at a minimum density of 50 units per net hectare to a maximum of 75 units per net hectare.

2.2.3.1 Lands may be developed at densities lower than 50 units per hectare without amendment to this Plan if it is demonstrated that the proposed density will not jeopardize the achievement of the greenfield density target.

2.2.4 Building heights shall not exceed 4 storeys, except as follows:

2.2.4.1 On lands within the area shown on Figure 6, building heights shall not exceed 2, 2½ or 3 storeys in the locations as detailed on Figure 6.

2.2.5 Buildings are encouraged to be designed with a street frontage that is pedestrian-oriented. To achieve this, buildings should be located close to the street. Exterior pedestrian access to individual dwelling units encouraged. Parking areas should be located within rear yards or interior side yards. Landscape buffers along any property line shall be of sufficient depth and intensity so as to provide appropriate levels of screening.

2.2.6 Block townhouses shall be designed so as to integrate with the streetscape by facing the street. More specifically, reverse lot frontage is discouraged.

2.2.7 Vehicular access, where possible, shall be located on a collector road.

## 2.8 Open Space System

2.8.1 The Trails and Open Space System, comprised of trails, parkland and the rechanneled Warren Creek, is illustrated on the Concept Plan (Appendix VII-A). Parkland is shown on

## **KALAR ROAD PLANNING JUSTIFICATION REPORT**

Schedule A3, designated Open Space. Lands under this designation shall include parkland and trails. The locations are conceptual in nature and may be revised during the approval of individual draft plans of subdivision.

- 2.8.3 Individual plans of subdivision or condominium that provide a dedication of land shall design the park such that it has connections, or can be readily connected to, other components of the trails and open space system.
- 2.8.4 Site specific storm water management facilities and natural heritage features shall not be accepted as parkland dedication.
- 2.8.5 Trails shall be obtained in accordance with the Planning Act, pursuant to section 51 (25) (b), over and above lands dedicated for parkland. In addition, trails shall be constructed by the developer during the initial construction phase of a plan of subdivision or condominium or site plan, in accordance with the applicable City standards for trail construction.
- 2.8.6 The trail system is to provide both a recreational and utilitarian function. Accordingly, connections will be made to the road network as well as to the employment areas, neighbourhood commercial uses and mixed use areas.
- 2.8.7 Trails and bikeways should connect into the Regional Bicycle Network System. This System, part of the Regional Bikeways Master Plan, includes the following arterial roads in the Secondary Plan Area:
- Brown Road;
  - Chippawa Creek Road;
  - McLeod Road; and
  - Montrose Road.
- 2.8.8 An Environmental Impact Study shall be prepared when requested to the satisfaction of the City, Niagara Region and the Niagara Peninsula Conservation Authority for any trail system that is planned to be extended into or adjacent to an area designated Environmental Protection Area or Environmental Conservation Area.

## 2.9 Environmental Protection (EPA) and Environmental Conservation (ECA) Areas

### 2.9.1 General Natural Heritage System Policies

2.9.1.1 The City supports an ecosystem approach to the identification, protection and enhancement of our natural heritage resources that addresses:

- (a) the interrelationships between air, land, water, plant and animal life, and human activities;
- (b) the health and integrity of the overall landscape; and
- (c) the long term and cumulative impacts on the ecosystem.

2.9.1.2 The City shall encourage and support the efforts of the Ministry of Natural Resources, the Niagara Peninsula Conservation Authority and the Region of Niagara to protect, maintain, rehabilitate or improve the quality of the natural heritage features resources within this Plan area in accordance with environmental and natural resource management legislation.

2.9.1.3 Land owners shall be encouraged to consult with the Ministry of Natural Resources, Niagara Peninsula Conservation Authority and the Region of Niagara prior to commencing work of any kind on or adjacent to an area containing natural heritage resources in order to determine the means by which to avoid or minimize negative impacts.

2.9.1.4 When considering development or site alteration within or adjacent to a natural heritage feature, the applicant shall design such development so that there are no significant negative impacts on the feature or its function within the broader ecosystem. Actions will be undertaken to mitigate any unavoidable negative impacts.

2.9.1.5 A permit from the Niagara Peninsula Conservation Authority may be required for any works within areas regulated by the Conservation Authority's

## **KALAR ROAD PLANNING JUSTIFICATION REPORT**

Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (Ontario Regulation 155/06).

- 2.9.1.6 The policies of the Natural Heritage System shall apply to protect any previously unmapped natural heritage feature identified by an Environmental Impact Study regardless of the land use designation applying to such feature in this Plan.
- 2.9.1.7 To discourage interference with the function of a natural heritage feature or its buffer area, the proponent of new development located adjacent to a natural heritage feature may be required by the Department of Parks & Recreation, to construct a fence in compliance with the City's Development Guidelines.
- 2.9.1.8 Applications for draft plan of subdivision/condominium or site plan approval shall demonstrate, through required studies such as an environmental impact study, drainage plan or a subwatershed plan, how the proposed development will comply with the objectives, targets and recommendations of the Warren Creek watershed plan or any subsequent subwatershed plans.
- 2.9.1.9 An Environmental Impact Study (EIS) shall be required as part of a complete application under the Planning Act for site alteration or development on lands:
  - (a) within or adjacent to an Environment Protection Area or Environmental Conservation Area as shown on Schedule A 3; or
  - (b) that contain or are adjacent to a natural heritage feature.
- 2.9.1.10 An EIS required under this Plan shall be prepared in accordance with the EIS Guidelines adopted by Regional Council and:



## **KALAR ROAD PLANNING JUSTIFICATION REPORT**

- (a) include a Terms of Reference, reviewed by the City, Region and, where appropriate, the Niagara Peninsula Conservation Authority, that outlines the scope of the study;
  - (b) be prepared and signed by a qualified professional;
  - (c) be to the satisfaction of the City of Niagara Falls, in consultation with the Region and the Niagara Peninsula Conservation Authority, for proposals within or adjacent to ECA; and
  - (d) be to the satisfaction of the Region, in consultation with the City and the Niagara Peninsula Conservation Authority, for proposals within or adjacent to EPA.
- 2.9.1.12 The required content of an EIS may be reduced, in consultation with the appropriate authorities, where:
- (a) the environmental impacts of a development are thought to be limited; or
  - (b) other environmental studies fulfilling some or all requirements of an EIS has been accepted by the appropriate authority.
- 2.9.1.13 Linkages and natural corridors that provide a connection between natural heritage features can include valleylands, contiguous woodlands and wetlands, creeks, hedgerows, and service corridors. New development should not interfere with the function of these linkages and corridors and all efforts should be made through design for the enhancement or rehabilitation of natural heritage resource connections. Where specifically defined through an EIS or other natural heritage study or plan linkages and corridors shall be protected through use of an appropriate zone in the City's Zoning By law.
- 2.9.1.14 Development or site alteration shall not have adverse impacts on ground or surface water quality or quantity. The City, in consultation with the appropriate agencies, may require a hydrogeological study or an environmental impact

## **KALAR ROAD PLANNING JUSTIFICATION REPORT**

assessment for development or site alteration for any proposal that may impact, either locally or cross jurisdictionally, on:

- (a) the quantity and quality of surface and ground water;
- (b) the functions of ground water recharge and discharge areas, aquifers and headwaters;
- (c) the natural hydrologic characteristics of watercourse such as base flow;
- (d) surface and ground water such that other natural heritage features are negatively affected;
- (e) natural drainage systems and stream forms; and
- (f) flooding or erosion.

2.9.1.15 Development or site alteration adjacent to any hydrologic feature such as valleylands, stream corridors or Municipal Drains shall be setback from the stable top of slope in accordance with the Regulations of the Niagara Peninsula Conservation Authority. The required setback shall be protected through the implementing zoning by law.

2.9.1.16 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.

## **KALAR ROAD PLANNING JUSTIFICATION REPORT**

- (v) Permitting the continued management and selective harvesting of forest resources, where appropriate.
- (vi) The use of native trees in development design.

2.9.1.17 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 By law or any similar municipal by law.

2.9.1.18 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.

2.9.1.19 The City shall regulate the fill, topsoil Removal or site alteration through a by law and consider the approval of additional regulatory measures, as specified under the Topsoil Preservation Act. Site alteration or development which may result in flooding and erosion, property damage, poor water quality, degradation of farmland and adverse impacts on natural areas the dumping or placing of fill, and the grading of land shall not be permitted unless in compliance with the City's Fill, Topsoil Removal or Site Alteration By law and where the site alteration/development is proposed through a planning application under the Planning Act, no site alteration shall occur until all required studies under Part 4, Section 14 of this Plan have been approved.

### **2.9.2 General EPA and ECA Policies**

2.9.2.1 Development and site alteration, where permitted under the following designations, shall be subject to the natural heritage system policies of Section 2.9.1.

2.9.2.2 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 2.9.1.9 to 2.9.1.12. Adjacent lands include:

15m from NPCA Regulated Wetlands less than 2ha in size and creeks outside the flood plain

30m from Non-Provincially Significant Wetlands 50m from Provincially Significant Life ANSIs, Earth and Life Science ANSIs and Significant Woodlands

120m from Provincially Significant Wetlands and NPCA Regulated Wetlands greater than, or equal to, 2 ha.

2.9.2.3 The limits of the EPA and ECA designations and their adjacent lands may be expanded or reduced from time to time as new environmental mapping and studies are produced by the Ministry of Natural Resources or the Niagara Peninsula Conservation Authority or through site specific applications where produced by qualified environmental consultants and approved by the appropriate authority.

Where an Environmental Impact Study has concluded that an expansion to the EPA designation or its adjacent lands is warranted by the identification of a significant natural feature/function or habitat, the Official Plan shall be amended to appropriately reflect the areas to be protected. Minor reductions or minor expansions to the limits of EPA or its adjacent lands on Schedule A may be made without amendment to this Plan.

## **KALAR ROAD PLANNING JUSTIFICATION REPORT**

2.9.2.4 A holding provision may be utilized through the City's Zoning By law to require the completion and approval of an environmental impact study prior to any development or site alteration on adjacent lands. The Niagara Peninsula Conservation Authority shall be consulted regarding the removal of any Holding provisions.

2.9.2.5 Where permitted elsewhere in this Plan, new lots adjacent to an EPA or ECA designation shall not extend into either the area to be retained in a natural state or its buffer area as identified and approved through an Environmental Impact Study. The natural heritage features and buffer areas are to be maintained as a single block and zoned appropriately in the City's Zoning By law.

2.9.2.7 Where development is permitted within an ECA or on adjacent lands existing natural linkages between the lands designated ECA and EPA lands, other designated or non-designated natural heritage features shall be maintained. The exact limits of such linkages shall be assessed and approved through an Environmental Impact Study through development applications or natural area inventories. New linkages, where needed, should form part of applications for development through a land use designation or easement.

### 2.9.3 Environmental Protection Areas (EPA)

2.9.3.1 The EPA designation shall apply to Provincially Significant Wetlands, NPCA regulated wetlands greater than 2ha in size, Provincially Significant Life Science ANSIs, significant habitat of threatened and endangered species, floodways and erosion hazard areas and environmentally sensitive areas.

2.9.3.2 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:

## KALAR ROAD PLANNING JUSTIFICATION REPORT

- (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.

2.9.3.4 A minimum vegetated buffer established by an Environmental Impact Study (EIS) shall be maintained around Provincially Significant Wetlands and Niagara Peninsula Conservation Area Wetlands greater than 2 ha in size. 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 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 provincially significant wetland than the existing use; and
- (b) the expansion or accessory use cannot be located elsewhere on the lot outside of the designated buffer area.

2.9.3.6 Natural hazard lands, including floodplains and erosion hazards, are included within the EPA designation because of their inherent risks to life and property. Natural hazard lands where identified by the Niagara Peninsula Conservation Authority or any study required under this Plan, shall be placed within an appropriate zoning category in the City's Zoning By law. Development or site alteration may be permitted within or adjacent to floodplains or erosion hazards subject to written approval from the Niagara Peninsula Conservation Authority.

## 2.10 Infrastructure

### 2.10.1 Storm Water Management

2.10.1.1 A combination of piped storm sewers and overland drainage systems will be employed due to the generally flat topography of, and the shallow drainage courses that flow through, the Secondary Plan Area.

2.10.1.2 Overland and piped storm water flows will not be directed outside of the respective watershed.

2.10.1.3 Storm drainage for the lands within the Warren Creek Watershed will be conveyed to the re-channeled Warren Creek in accordance with the provisions of the Warren Creek Watershed Plan and Implementation Plan.

2.10.1.4 The location of storm water management facilities are shown on the Concept Plan. Such facilities are not shown on Schedule A-3 and may be located under any land use designation, including the facility within the northeast quadrant of Kalar Road and Brown Road, which is designated Environmental Protection Area.

2.10.1.6 Storm water management facilities will be constructed as naturalized features, utilizing native plant species and grading techniques to create a natural area. If required, public access will be precluded through the use of vegetation and not fencing. Such facilities will be integrated with the Open Space System of the Secondary Plan Area.

### 2.10.2 Sanitary and Water Services

2.10.2.1 Sanitary services will be constructed in accordance with the recommendations of the Garner/Southwest Sanitary Service Area Municipal Class EA. This shall not preclude the extension of sanitary and water services through private lands to service lands within the northwest quadrant of the Secondary Plan Area.

2.10.2.2 Water services may be constructed in concert with sanitary services.

### 2.10.3 Utilities

2.10.3.1 The City shall participate in discussions with utility providers such as hydroelectric power, communications/telecommunications, pipelines and natural gas to ensure that sufficient infrastructure is or will be in place to serve the Secondary Plan Area.

2.10.3.2 Through the Environmental Assessment and subdivision processes, appropriate locations for large utility equipment and cluster sites will be determined. Consideration will be given to the locational requirements for larger infrastructure within public rights of way, as well as easements on private property.

2.10.3.3 Utilities will be planned for and installed in a coordinated and integrated basis in order to be more efficient, cost effective and to minimize disruption.

## 2.11 Growth Strategy

### 2.11.1 Phasing of Development

2.11.1.1 Development shall progress in an orderly, efficient and fiscally responsible manner. The phasing strategy for the Secondary Plan Area is shown on Appendix VII-B to the Official Plan. The servicing of lands, including the upgrading and widening of roads, within this Secondary Plan Area shall be undertaken as is required by demand.

2.11.1.2 In order to ensure that development occurs in an orderly manner Council may use holding provisions in the zoning of lands. Holding provisions can be lifted only after the following matters have been satisfied:



## **KALAR ROAD PLANNING JUSTIFICATION REPORT**

- that sufficient revenue has been, or will be, generated through Development Charges to finance the servicing of the proposed stage of Secondary Plan development;
- that any extensions of municipal sanitary sewers and watermains required to service the lands have been designed and approved for construction;
- that the extent of the short term (serviced) land supply within the Secondary Plan Area is not more than 10 years;
- whether the extent of intensification occurring within the City's Built-up Area over the previous 5 years has been at the targeted rate;
- execution of any front ending agreement by the owner of lands subject to a holding provision, all in accordance with requirements of the Development Charges Act.

2.11.1.3 The timing of subsequent phases of the Secondary Plan Area will be determined based on the following:

- (a) an evaluation of infrastructure investments, including Development Charge revenue;
- (b) the extent of short term supply, not only within the Secondary Plan Area, but within the City's Greenfield Area; and
- (c) the extent of intensification occurring within the City's Built-up Area over the current phase of development.

2.11.1.5 The City, through future Development Charge By-law Reviews, may consider an area specific Development Charge By-law for the Secondary Plan Area.

2.11.1.7 Medium and high density housing forms are to develop concurrently with lower density forms. Applications for draft plan approval of plans of subdivision on lands designated Residential, Low Density should contain a land area of not less than 20 gross developable hectares or 300 housing units. Notwithstanding, the staging of registration of

lands within draft approved plans of lesser land area or number of housing units is permitted. Applications should include a mix of the housing types noted in Policy 2.1.1 and provide an indication of the phasing in of each dwelling type.

## 2.12 Transportation

2.12.1 The Concept Plan illustrates the conceptual design for the Secondary Plan Area. The design employs a modified grid system of streets with the aim to allow for walking, cycling and access to transit. Individual plans of subdivision will be consistent with this grid system.

2.12.2 Right-of-way widths for all roads shall be in accordance with PART 3, Section 1.4.19 of this Plan.

2.12.3 As part an application to amend the Zoning By-law application, a traffic impact study may be required to be submitted. The study will assess the impacts on the existing road network, intersections and recommend any improvements to the road network that will be needed. Any improvements to the existing road network or to intersections shall be constructed at the cost of the applicant unless such improvements have been identified in the Development Charges By-law.

2.12.4 The arterial road system currently exists in the Secondary Plan Area. The following policies shall apply to arterial roads:

2.12.4.1 Expansion of arterial roads from their current width shall generally proceed in phase with development, subject to the Development Charge revenue generated at the time being sufficient.

2.12.4.2 Driveways access to arterial roads shall be minimized. On corner lots, driveway access shall only be provided on the lesser order road frontage.

2.12.4.3 Reverse lot frontage shall be avoided where at all possible.

2.12.4.4 Developments along any arterial road, shall provide generously landscaped open space adjacent to the

## **KALAR ROAD PLANNING JUSTIFICATION REPORT**

arterial frontage, save and except for any driveway or sidewalk access.

2.12.5 The collector network is shown on Schedule A-3 and on the Concept Plan. Collector roads are to provide for the conveyance of traffic into and out of the community and to provide for transit routes. Accordingly the following policies shall apply:

2.12.5.2 An east-west collector road connection may be made between Kalar Road and Pin Oak Drive and designed to serve as a transit route.

2.12.5.4 Bicycle lanes should be provided on all collector roads.

2.12.6 Traffic circles will be encouraged to be used at the intersection of any two collector roads.

2.12.7 The specific configuration of local roads, laneways and the resultant lot patterns are to be established through individual plans of subdivision.”

The proposed development is an appropriate and logical extension of the existing development to the south and west which will complete the orderly development of the area. The proposed density is 55.5 units per hectare and greenfield density target is 61.1 people per hectare.

There is a watercourse that traverses the subject property which is proposed to be realigned, and there are wetlands and a woodlot which are to be preserved with the appropriate buffers.

The traffic analysis indicates that the traffic from the full development can be accommodated on the planned road system with little impact. The level of service with the site traffic added to the road system does not change noticeably from the current background conditions. The functional servicing and stormwater management reports

have shown how the proposed draft plan of subdivision can be developed with full municipal services for roads, sanitary sewer, water supply, storm drainage and other utilities.

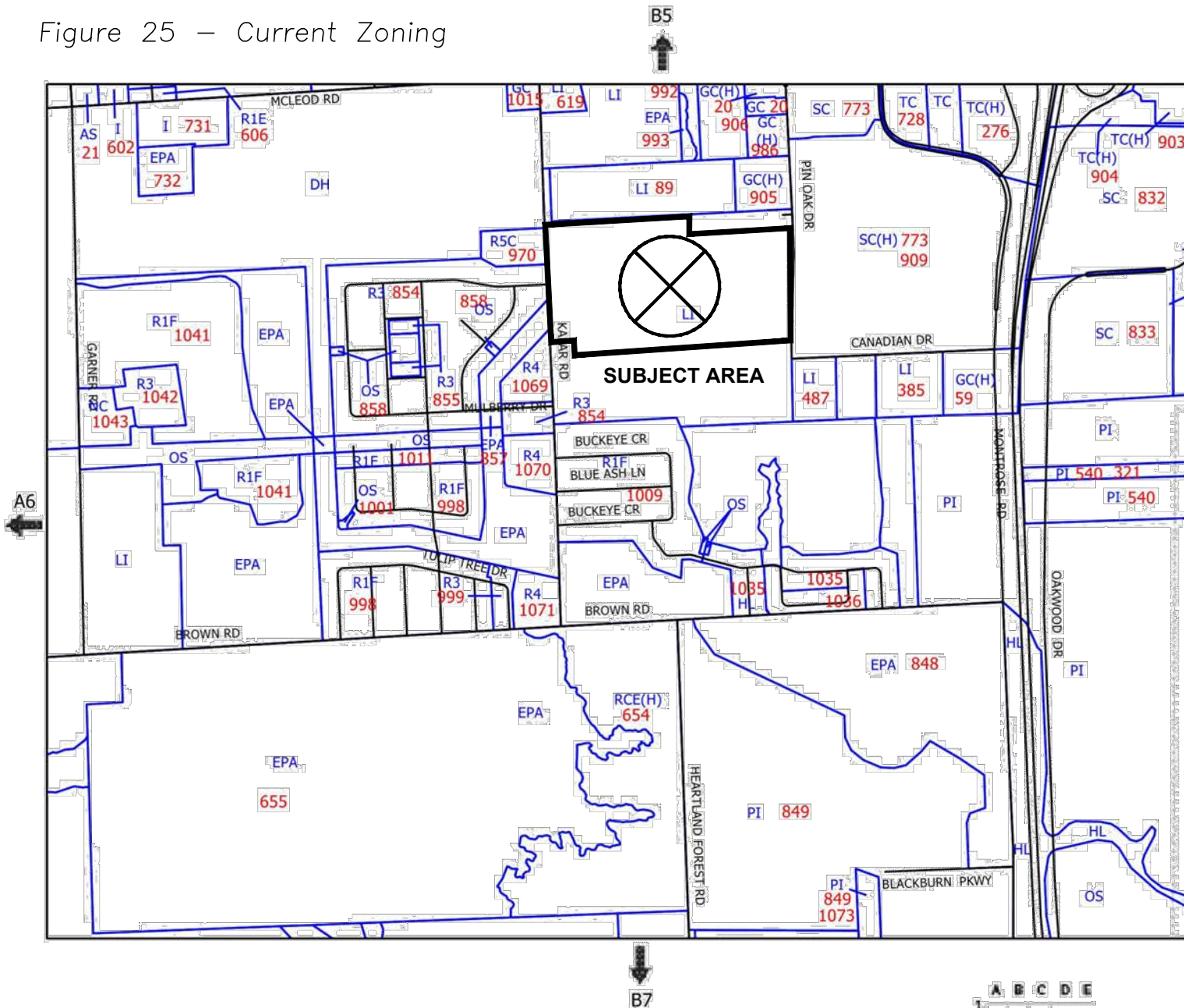
***Based on the technical studies submitted, and the detailed review and analysis of the Secondary Plan policies, the applications conform with the Niagara Falls Official Plan.***

## **2.7 CITY OF NIAGARA FALLS ZONING BY-LAW NO. 79-200**

The subject lands are currently zoned Light Industrial (LI) Zone in Niagara Falls Zoning By-law No. 79-200 (see Figure 25). This Zone does not permit the types of uses proposed in the development. As a result, to implement the proposed development, the developable lands are proposed to be rezoned to three site-specific residential zones. The parkette and public walkway will be rezoned to the Open Space (OS) Zone and the stormwater management facility, watercourse and environmental areas will be rezoned to the Environmental Protection Area (EPA) Zone.

Figure 25 – Current Zoning

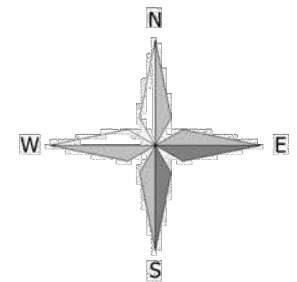
# ZONING BY-LAW 79-200



ZONE LINES

EXCEPTIONS & SPECIAL PROVISION NO.:  
SEE SECTION 19

98-082	05-186	10-107	16-054
99-204	05-198	10-108	17-003
01-075	07-062	10-109	17-044
03-006	08-107	10-110	17-058
03-036	08-108	10-111	18-075
03-007	09-051	13-111	18-095
03-095	95-130	12-119	18-096
05-175	10-003	13-169	18-097
C6	10-007	14-052	18-111
	10-101	15-150	
	10-102	15-042	
	10-105	15-052	
	10-106	15-150	

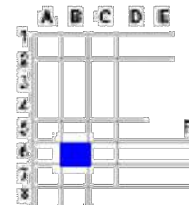


CONSOLIDATION  
OCTOBER 2018

CITY OF NIAGARA FALLS  
Planning & Development Department

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## SHEET B6

***Based on the analysis in Section 3.1 and the technical studies submitted, the proposed modifications requested are considered appropriate and meet the general intent and purpose of the Niagara Falls Official Plan, in particular, the Garner South Secondary Plan policies, and general intent and purpose of the Zoning By-law.***

## **2.8 NIAGARA PENINSULA CONSERVATION AUTHORITY REGULATIONS**

As noted on Figure 26, portions of the subject lands are regulated by the Niagara Peninsula Conservation Authority (NPCA) under Ontario Regulation 155/06 – Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. As a result, Permits from NPCA will be required. NPCA adopted their “NPCA Policy Document: Policies for the Administration of Ontario Regulation 155/06 and the Planning Act” on September 25, 2018, and this document was last updated on May 21, 2020. The Regulation states:

### **“Development prohibited**

2. (1) Subject to section 3, no person shall undertake development or permit another person to undertake development in or on the areas within the jurisdiction of the Authority that are,
  - (a) adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to inland lakes that may be affected by flooding, erosion or dynamic beaches, including the area from the furthest offshore extent of the Authority’s boundary to the furthest landward extent of the aggregate of the following distances:
    - (i) the 100-year flood level, plus the appropriate allowance for wave uprush shown in the most recent document entitled “Lake Ontario Shoreline Management Plan” available at the head office of the Authority,
    - (ii) the 100-year flood level, plus the appropriate allowance for wave uprush shown in the most recent document entitled “Lake Erie Shoreline Management Plan” available at the head office of the Authority,
    - (iii) the predicted long term stable slope projected from the existing stable toe of the slope or from the predicted location of the toe of

- the slope as that location may have shifted as a result of shoreline erosion over a 100-year period,
- (iv) where a dynamic beach is associated with the waterfront lands, the appropriate allowance inland to accommodate dynamic beach movement shown in the most recent document entitled “Lake Ontario Shoreline Management Plan” available at the head office of the Authority, and
  - (v) where a dynamic beach is associated with the waterfront lands, the appropriate allowance inland to accommodate dynamic beach movement shown in the most recent document entitled “Lake Erie Shoreline Management Plan” available at the head office of the Authority,
- (b) river or stream valleys that have depressional features associated with a river or stream, whether or not they contain a watercourse, the limits of which are determined in accordance with the following rules:
- (i) where the river or stream valley is apparent and has stable slopes, the valley extends from the stable top of bank, plus 15 metres, to a similar point on the opposite side,
  - (ii) where the river or stream valley is apparent and has unstable slopes, the valley extends from the predicted long term stable slope projected from the existing stable slope or, if the toe of the slope is unstable, from the predicted location of the toe of the slope as a result of stream erosion over a projected 100-year period, plus 15 metres, to a similar point on the opposite side,
  - (iii) where the river or stream valley is not apparent, the valley extends the greater of,
    - (A) the distance from a point outside the edge of the maximum extent of the flood plain under the applicable flood event standard, to a similar point on the opposite side, and
    - (B) the distance of a predicted meander belt of a watercourse, expanded as required to convey the flood flows under the applicable flood standard, to a similar point on the opposite side.
- (c) hazardous lands,
- (d) wetlands; or
- (e) other areas where development could interfere with the hydrologic function of a wetland, including areas up to 120 metres of all provincially significant wetlands and wetlands greater than 2 hectares in size, and

## KALAR ROAD PLANNING JUSTIFICATION REPORT

areas within 30 metres of wetlands less than 2 hectares in size. O. Reg. 155/06, s. 2 (1); O. Reg. 71/13, s. 1 (1-3).

- (2) All areas within the jurisdiction of the Authority that are described in subsection (1) are delineated as the “Regulation Limit” shown on a series of maps filed at the head office of the Authority under the map title “Ontario Regulation 97/04: Regulation for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”. O. Reg. 71/13, s. 1 (4).
- (3) If there is a conflict between the description of areas in subsection (1) and the areas as shown on the series of maps referred to in subsection (2), the description of areas in subsection (1) prevails. O. Reg. 71/13, s. 1 (4).

### **Permission to develop**

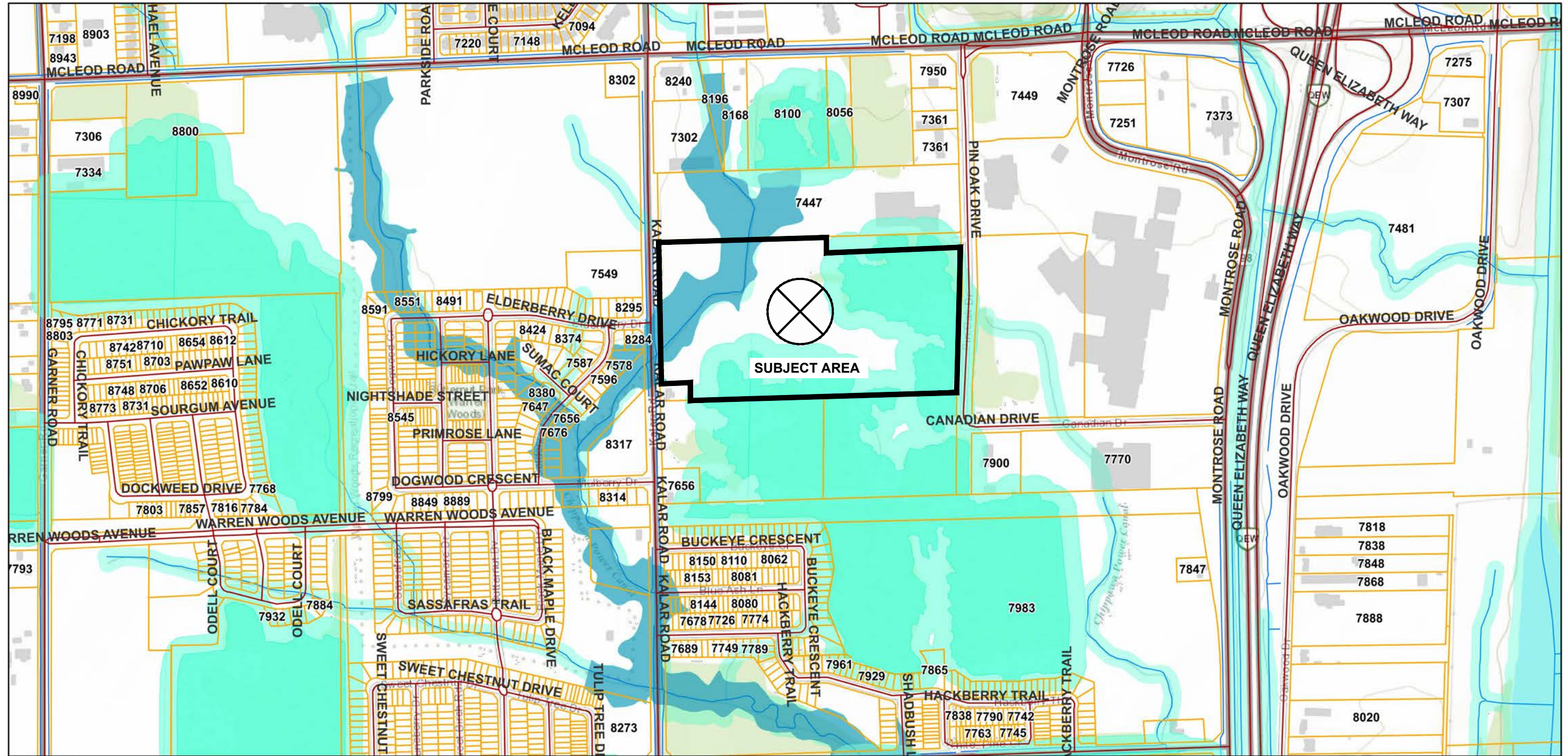
3. (1) The Authority may grant permission for development in or on the areas described in subsection 2 (1) if, in its opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development. O. Reg. 155/06, s. 3 (1).
- (2) The permission of the Authority shall be given in writing, with or without conditions. O. Reg. 155/06, s. 3 (2).
- (3) Subject to subsection (4), the Authority’s executive committee, or one or more employees of the Authority that have been designated by the Authority for the purposes of this section, may exercise the powers and duties of the Authority under subsections (1) and (2) with respect to the granting of permissions for development in or on the areas described in subsection 2 (1). O. Reg. 71/13, s. 2.
- (4) A designate under subsection (3) shall not grant a permission for development with a maximum period of validity of more than 24 months. O. Reg. 71/13, s. 2.

***The proposed development recognizes the limits of the regulated areas (floodplain hazards). However, due to the proposed realignment of the existing watercourse, the necessary Permits and approvals will be applied for.***



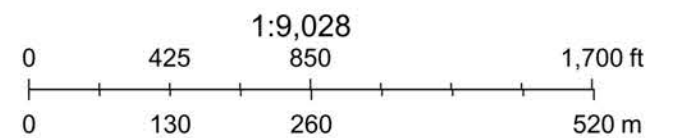
Figure 26

# NPCA Regulatory Map



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-  Roads
-  NPCA Member Municipalities
-  Assessment Parcels
-  NPCA APPROXIMATE REGULATION LANDS
-  Regulation Wetlands
-  Wetland Allowance
-  Regulated
-  Watercourses 2K 2002



City of Niagara Falls, City of Welland, Niagara Region, Regional Municipality of Niagara, Province of Ontario, Ontario MNR, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA, AAFC, NRCan

### **3.0 APPLICATIONS**

Applications to amend Niagara Falls Zoning By-law No. 79-200 and for approval of a draft plan of subdivision are required.

#### **3.1 Zoning By-law Amendment**

Appendix B of this report contains the proposed Zoning By-law Amendment to amend Niagara Falls Zoning By-law No. 79-200 to accommodate the development. The lands are currently zoned Light Industrial (LI) Zone. The proposed Zoning By-law Amendment rezones these lands as follows:

- Changing from the Light Industrial (LI) Zone to the Residential Mixed (R3-XX) Exception Zone for Block 1 shown on Schedule ‘1’ attached to the By-law;
- Changing from the Light Industrial (LI) Zone to the Residential Low Density, Grouped Multiple Dwellings (R4-XX) Exception Zone for Block 2 shown on Schedule ‘1’ attached to the By-law;
- Changing from the Light Industrial (LI) Zone to the Residential Apartment 5C (R5C-XX) Exception Zone for Block 3 shown on Schedule ‘1’ attached to the By-law;
- Changing from the Light Industrial (LI) Zone to the Environmental Protection Area (EPA) Zone for Block 4 shown on Schedule ‘1’ attached to the By-law; and,
- Changing from the Light Industrial (LI) Zone to the Open Space (OS) Zone for Block 5 shown on Schedule ‘1’ attached to the By-law.

The site-specific (R3-XX) Zone requests the following changes to the regulations for the street townhouse dwellings:

<b>REGULATION</b>	<b>EXISTING</b>	<b>PROPOSED</b>	<b>COMMENT</b>
Townhouse dwelling	Up to 8 units	10 units	Compact development
Rear Yard	7.5m	7m	Compact development
Lot Coverage	55%	N/A	Setbacks control-built form
Landscaped Open Space	25%	N/A	Compact development

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The site-specific (R4-XX) Zone requests the following changes to the regulations for the block townhouse dwellings:

REGULATION	EXISTING	PROPOSED	COMMENT
Front Yard	6m	3, 6m (garage)	Street-oriented design
Rear Yard	7.5m	6m	Compact development
Side Yard	½ the height of the building	1.5m	Compact development
Exterior Side Yard	4.5m	3, 6m (garage)	Street-oriented design
Height	10m	12.5m	To accommodate up to 3-storesys
Lot Coverage	30%	N/A	Setbacks control-built form
Landscaped Open Space	45 sq.m. for each dwelling unit	N/A	Compact development
Minimum Privacy Yard Depth	7.5m	6m	Compact development

The site-specific (R5C-XX) Zone requests the following changes to the regulations for the apartment dwellings:

REGULATION	EXISTING	PROPOSED	COMMENT
Front Yard	7.5m	2.5m	Street-oriented design
Rear Yard	½ the height of the building or 10m whichever is greater	1.5m	Odd rear lot line due to environmental area
Side Yard	½ the height of the building	3m	Odd side lot line due to environmental area
Number of apartment dwellings on one lot	One only	2	Better design layout

The proposed zoning implements the approved land use designations in the Garner South Secondary Plan and the requested modifications to the zoning regulations reflect

a desire to accommodate a more compact urban form of development, which has already been approved in surrounding developments to the west and south.

### 3.2 Draft Plan of Subdivision

The proposed draft plan of subdivision (see Appendix A) consists of the following:

<b>USE</b>	<b>LOT/BLOCK</b>	<b>AREA ha. (ac.)</b>	<b>UNITS</b>
Medium Density – Street Townhouses	Blocks 2-27	3.33 (8.23)	155
Medium Density – Block Townhouses & Apartments	Blocks 1 & 34	2.62 (6.47)	146-175
Parkette	Block 28	0.15 (0.37)	N/A
Walkway	Block 29	0.01 (0.03)	N/A
Servicing Block	Block 30	0.02 (0.05)	N/A
Stormwater Management Pond	Block 31	0.79 (1.95)	N/A
Creek Channel	Blocks 32 & 33	0.92 (2.27)	N/A
Environmental Protection Area	Blocks 35-37	3.93 (9.71)	N/A
Roads		1.74 (4.3)	N/A
<b>TOTAL</b>		<b>13.51 (33.38)</b>	<b>301-330</b>

The proposed Blocks meet the density requirements of the Garner South Secondary Plan and will meet the requirements of the Zoning By-law, as requested through the proposed modifications.

## 4.0 SUPPORTING REPORTS/STUDIES

In addition to this Planning Justification Report (PJR), the following reports/studies are being submitted concurrently and the findings of each are summarized below.

### 4.1 Archaeological Assessment

Detritus Consulting Ltd. prepared a Stage 1-2 Archaeological Assessment of the property dated October 12, 2022. Their findings are outlined in the Executive Summary:

“The Stage 1 background research indicated that the Study Area exhibited moderate to high potential for the identification and recovery of archaeological resources. A Stage 2 field assessment was recommended for the vacant land and wooded overgrown greenspace. At the time of assessment there were no visible disturbances.

The subsequent Stage 2 assessment of the Study Area was conducted on August 3rd, 2022 and consisted of a typical pedestrian survey across the vacant land and a typical test pit survey of the wooded overgrown greenspace, both at a five-metre interval. No archaeological resources were observed.

Given the results of the Stage 2 investigation and the identification and documentation of no archaeological resources, **no further archaeological assessment of the Study Area is recommended.**”

### 4.2 Environmental Impact Statement

The Environmental Impact Statement prepared by GEI Consultants Ltd., March 2023 concluded and recommended the following:

“The range of potential impacts from proposed development can generally be divided into these two categories: direct impacts are normally associated with the physical removal or alteration of natural features that could occur based upon a land use application, and indirect impacts may be changes or impacts (these could be minor or major) to less visible functions or avenues that could cause negative impacts to natural heritage features over time.

The impact assessment outlined in **Table 11 (Appendix B)** examines the predicted effects of development on the natural heritage features

and associated functions present within the feature of interest along with recommendations for proposed mitigation. This evaluation was formulated based on the limits of the proposed Draft Plan. The potential direct and indirect effects of development, and a summary of recommended mitigation and restoration strategies are provided below. Detailed ecological enhancement and restoration opportunities will be determined during the detailed design phase pending approval of the proposed severance application.

### 8.1 Significant Wetlands

As mentioned in **Section 6.1**, PSWs as part of the Warren Creek Wetland Complex were identified on the northern, eastern, and southern limits of the Subject Lands. No removal of wetland vegetation communities will occur. As per the requirements of the Niagara Falls OP (2019), the minimum vegetated buffer will be established by an environmental impact study. A 0 m buffer is shown on **Figure 7 (Appendix A)** as per adjacent developments, which includes Significant Wetland removals and 0 m buffers, given that to our knowledge no negative impacts have been attributed to those developments.

The proposed development has potential for an increase in ambient lighting, penetrating the PSW, which could disturb any light-sensitive wildlife species. It is recommended that any substantial new lighting should be directed away from natural vegetation communities and outdoor light standards should utilize downward-facing fixtures. Additional indirect impacts associated with development include increased pedestrian and pet access, increased soil disturbances, colonization of invasive species on disturbed soils, increase in noise disturbances, increased traffic, potential for accidental spills and potential for increased sediment mobility during construction activities.

To avoid adverse effects during construction, erosion and sediment control (ESC) measures will be in place along the outer limits of proposed work areas to protect features from increased erosion and soil mobility during construction activities. ESC measures should be regularly inspected and maintained in good working order throughout the construction period. ESC measures should be removed upon completion of construction after exposed soils have been stabilized with a native seed mix.

The proposed road “Street A” between Block 35, Block 36 and Block 37 is depicted as crossing of a narrow wetland adjacent to Pin Oak. This road connection is supported by the Secondary Plan but the connection

location was not predefined. The proposed locations minimize the impact to the Warren Creek Wetland Complex. Compensation for the area of wetland impacted is suggested to be included in Block 34. Appropriate compensation will be determined through consultation with the region, City and NPCA.

The proposed road “Street A” between Block 35, Block 36 and Block 37 may act as partial barriers to wildlife movement and are likely to partially obstruct terrestrial wildlife movement. The facilitation of wildlife corridors through the establishments of culverts or wildlife passages will provide an increase in habitat availability for various species and will work to increase native diversity on the site.

## **8.2 Significant Woodlands**

As described in **Section 6.3**, the northeastern and southern SWD woodlands on the Subject Lands (**Figure 6, Appendix A**) meet the minimum criteria for significance under the NHRM (MNR 2010). The Significant Woodlands within the Subject Lands shall be retained.

Potential indirect impacts to the Significant woodlands include damage or stress to tree rooting zones; edge effects (i.e., wind throw, sun scald and pests due to thinned edge vegetation); increased noise, increased pedestrian access, increased lighting from residential development, intrusion by pets, increased soil disturbances, colonization of invasive species on disturbed soils, increased traffic and potential for accidental spills.

Based on the proposed development, it is GEI’s opinion that no net negative impact to Significant woodlands will occur, provided that appropriate mitigation measures are implemented. As the Significant woodlands overlap with the PSWs on the Subject Lands, the 0 m vegetated buffer required for PSWs will provide sufficient protection for the woodlands as well.

Tree protection fencing and/or ESC measures should be installed adjacent to retained features to aide in reducing excess disturbance caused by vegetation removals, ground disturbance and dislodging of sediment. These ESC measures will already be in place due to the overlapping PSWs. Heavy equipment use should be managed to prevent inadvertent damage to retained woodland features, and transportation of non-native and invasive species.

Connectivity between the two Significant Woodlands will be facilitated through the creation of a wildlife passage.

With the implementation of these mitigation measures, no negative impacts to Significant Woodlands are expected.

### **8.3 Significant Wildlife Habitat**

SWH for the Eastern Wood-pewee and the Sharp-fruited rush was identified within the PSWs and Significant woodlands on the Subject Lands. The SWH will be protected through avoidance and the outer limits of the work area as defined by the PSWs and Significant Woodlands.

Potential indirect impacts to the SWH include increased noise, increased pedestrian access, increased lighting from residential development, intrusion and predation by pets, increased soil disturbances, colonization of invasive species on disturbed soils, increased traffic and potential for accidental spills.

Ambient noise from construction activities could result in wildlife avoidance of the edges abutting active work areas during the construction period, however, this would occur on a temporary basis. Wildlife usage in this area has adapted to existing ambient noises from adjacent commercial, industrial and residential use. Some localized movement of wildlife out of these edge areas may still occur during the construction phase. As noted, the wildlife in this area are already subjected to a certain level of background noise and activity level associated with existing site development and its proximity to major arterial road networks. All lighting should be directed away from the woodland to avoid impacts to natural processes (e.g., breeding, nesting).

Following construction, increased noise in vicinity of the woodland community due to residential activities (e.g., vehicle movement), and the potential for increased predation pressure from domestic cats allowed to roam free outdoors may occur. Educational materials will be distributed to all new residents (through brochures or within owner's manuals upon purchase of the residence) and informative signage at the entrances to the existing trail system will be utilized to educate residents of the importance of maintaining and protecting the natural heritage system and its associated wildlife.

With the implementation of these mitigation measures, no negative impacts to SWH are expected.



#### **8.4 Fish Habitat**

The tributary of Welland River was identified as a cold-water drainage and supports direct fish habitat. To support the proposed development the tributary of Welland River shall be realigned along the northwestern boundary of the Subject Lands.

#### **8.5 Other Wetlands**

Wetland communities (MAM2-2 and MAM2-11) surround the tributary of the Welland River. The re-alignment of the creek will necessitate disturbance of the wetland communities. The re-aligned creek will be provided with a 10 m buffer where the wetland communities will be reestablished.

#### **8.6 Summary of Predicted Direct/Indirect Affects**

This assessment considers both potential direct and indirect effects to the retained natural heritage features and is based on the proposed boundaries of development.

##### ***8.6.1 Potential Indirect Effects***

Indirect effects are those potential effects on the biophysical environment that could potentially result in adverse effects on the tributary of Welland River or adjacent PSWs. This could potentially include erosion from the work area with associated sedimentation in watercourses and wetlands, accidental spills, water management practices during construction, and human disturbance to rare or sensitive habitats and species resulting in impacts to wildlife movement patterns and disruption of landscape-scale linkages and corridors. Each of these are discussed in the following sections.

##### **Erosion and Sedimentation**

Erosion and sedimentation from the disturbed work area associated with the proposed development could potentially result in adverse effects to water quality (e.g., increased turbidity) or sedimentation and associated effects on wetlands (e.g., smothering of aquatic vegetation).

It is recommended that the contractor prepare and implement ESC Plan to minimize the potential for erosion and sedimentation from the

## KALAR ROAD PLANNING JUSTIFICATION REPORT

construction site. The ESC Plan should be developed based on the guidance provided in the *Erosion and Sediment Control Guideline for Urban Construction* (GGHCA 2006). Basic elements of the plan should include consideration of:

- Construction phasing to minimize the amount of time soils are barren and therefore, more susceptible to erosion;
- Requirements and timing for rehabilitation of disturbed areas;
- SWM strategies during construction;
- Grading during periods when features are dry, to minimize potential for adverse effects on water quality;
- Erosion prevention measures (e.g., hydroseeding, sodding, erosion control matting, tarping of stockpiles);
- Sedimentation control measures (e.g., silt fences); and
- Inspection and performance monitoring requirements and adaptive management considerations.

Implementation of an effective ESC Plan, incorporating both erosion and sediment controls, coupled with regular inspection and performance monitoring and implementation of any remedial actions necessary to ensure effective performance, is anticipated to be largely effective in preventing the movement of eroded soil particles towards the tributary of Welland River or adjacent PSWs.

Overall, no adverse effects to aquatic habitats are predicted to occur as a result of erosion and sedimentation during construction, provided an effective ESC Plan, including monitoring and adaptive management, is implemented.

### Accidental Spills

Accidental spills of potentially hazardous materials (e.g., fuel and oil from heavy equipment), if transported to the tributary of Welland River or adjacent PSWs, could cause stress or injury to aquatic biota.

In order to mitigate the potential for adverse effects on aquatic habitat due to potential accidental spills during construction, it is recommended that the contractor prepare a spill prevention and response plan to outline the material handling and storage protocols, mitigation measures (e.g., spill kits on-site), monitoring measures and spill response plans (i.e., emergency contact procedures, including MOECC Spills Action Centre, and response measures including containment and clean-up). Implementation of an effective spill prevention and

response plan is anticipated to be largely effective in preventing adverse effects on the tributary of Welland River and adjacent PSWs.

#### Impacts on Migratory Birds

The federal *Migratory Birds Convention Act* (MBCA; 1994) prohibits the killing, capturing, injuring, taking or disturbing of migratory birds (including eggs) or the damaging, destroying, removing or disturbing of nests. During construction, particularly during activities that may result in tree removals, migratory birds, and eggs and nests of these birds could be harmed inadvertently.

As per the MBCA (1994), it is recommended that any tree removals occur prior to, or after, the migratory breeding bird season (April 1 to August 31). If this window cannot be avoided, nest searches are necessary to determine the presence/absence of nesting birds or breeding habitat every 72 hours until clearing is complete, or until August 31, whichever comes first. If an active nest is observed, a designated setback will be identified within which no construction activity will be allowed while the nest remains active. The setback distance ranges from 5 m to 60 m from the nest, depending on the species and its sensitivity to adjacent activities. These distances have been reviewed and approved by Environment Canada.

With the implementation of the above stated mitigation measures, no net effect on migratory birds is anticipated.

#### Introduction of Exotic and Invasive Plant Species

The introduction of invasive and non-native plant species along the disturbed margins of the development footprint may displace some native flora, particularly in areas where vegetation removals have created new woodland edges. In order to reduce opportunities for the colonization of invasive and non-native species, areas where disturbance has exposed bare soils should be seeded with a cover crop and native species seed mix.

#### Light and Noise Effects on Wildlife

Light can be a concern where it is directed towards a variety of natural features and functions.

Primary sources for “new light” will be from exterior lighting on the residence. To minimize light being directed into the adjacent ecological

features, outdoor lighting should be located and directed away from the retained features. In addition, to minimize potential impacts, direct upward light should be eliminated, spill light should be minimized, and all lighting sources should illuminate only non-reflective surfaces (e.g., as per City of Toronto Green Development Standard 2007).

Noise associated with heavy equipment movement may provide some temporary disturbance to wildlife. Given the vicinity of the development envelope to the existing road, the relatively short time period associated with construction and existing disturbances in the area it is not expected that the additional noise generated from construction would have a measurable effect on the local distribution of wildlife.

#### Domestic Pets

Domestic cats are known to prey on small mammals and birds, in that order of preference. It is recommended that the homeowners ensure that any domestic cats are kept out of the adjacent natural areas to minimize wildlife predation.

### **8.7 Recommended Measures to Avoid and Mitigate Potential Construction Effects**

The extent to which construction will affect the edge habitat conditions of key features can be limited by the implementation of the following measures:

- Locate and flag development limits prior to construction;
- Pre-construction erection of tree protection fencing along confirmed protection edges and specific trees (at outer limit of the dripline) for proposed retention along the woodland edge closest to the development;
- Appropriate pre-construction briefing of site workers to advise regarding the sensitivity of the development edge conditions (i.e., specialized wildlife habitat, species of conservation concern, etc.); and
- Matching of tree retention areas at existing grade (i.e., feathered grades from development edges).

### **9. Recommended Restoration and Potential Enhancement Opportunities**

Conceptual compensation and restoration strategies will be developed during the detailed design stage to address potential impacts

associated with proposed road “Street A” crossing a narrow section of the Warren Creek Wetland Complex and the realignment of the drainage feature.

The objective of mitigation measures will be to contribute to positive ecological outcomes including conserving, protecting, and enhancing biodiversity; and promoting long-term ecological sustainability of natural features and functions. Restoration strategies will be defined in consultation with NPCA and the Municipality of Niagara during the detailed design phase. Where applicable, restoration works will focus on generating multiple benefits by restoring physical/hydrologic functions in conjunction with habitat enhancement. Proposed infrastructure will also contribute to the long-term maintenance of retained vegetation communities by applying ecological restoration principles and opportunities (e.g., slope stabilization, naturalized retaining walls, etc.) along the development boundary, where possible.

### **9.1 Tributary of Welland River Re-alignment**

The channel corridor will ensure the replication of regulated tributary length within the Subject Lands at a 1:1 ratio. The low flow channel will incorporate riffle-pool morphology with a range of grain sizes and hydraulic conditions to increase habitat complexity and biophysical functioning of the channel, relative to current, relatively homogenous habitat conditions. Riffles, which are not generally present in the existing creek, will assist with aeration and provide habitat for specialized benthic invertebrate species and potentially fish. The channel will be designed with deeper pools and Large Woody Debris that would be expected to provide more complex refuge habitat for fish.

The portions of the corridor outside the low flow channel will be planted with range of vegetation species and forms to provide functioning riparian habitat, designed to stabilize creek banks and the floodplain, provide long-term shading of the channel, and enhance allochthonous inputs (e.g., twigs, leaves) to provide a source of forage and habitat within and downstream from the realigned reach.

## **10. Monitoring Requirements**

A monitoring program should be discussed and developed with NPCA to ensure that:

- Protective mitigation strategies and actions are effectively implemented;

## **KALAR ROAD PLANNING JUSTIFICATION REPORT**

- Ecological restoration measures are effectively implemented; and,
- Restored features and associated functions are developing along projected trajectories.

Baseline monitoring is required to understand the significance and function of existing systems and provide a baseline for comparisons to future function. This monitoring was completed from 2018-2022 within the Subject Lands; no additional baseline monitoring is warranted in support of the proposed site development.

Construction monitoring is intended to monitor the effectiveness of measures and practices designed/implemented to manage impacts due to construction. This form of monitoring most often translates into ensuring that all ESC measures are in place and functioning, the installation of plant material or other parameters of concern.

Post-construction compliance monitoring is driven by the need to comply with permits or other approvals. It is intended to demonstrate that measures are constructed as designed. This monitoring is relatively local in scale and associated with specific works. For the Subject Lands, it would apply to the restoration vegetation within Block 33, the re-aligned tributary of Welland River and associated created wetlands.

Post-construction performance monitoring relates to the functionality of the re-aligned tributary of Welland River associated created wetland. The scale of performance monitoring is typically broader than compliance monitoring and provides a means of comparison against the initial baseline monitoring.

Where necessary, adjustments through adaptive management should be applied to ensure that performance standards are achieved and to address any unanticipated impacts or deficiencies.

### **11. Conclusions**

This EIS was developed as part of the Draft Plan Subdivision for lands located at Pin Oak Drive within the City of Niagara Falls, Ontario. An assessment of the natural heritage features and their associated functions on, and adjacent to, the Subject Lands has been conducted and discussed in relation to the PPS (MMAH 2020), related guidance documents, and the regional and municipal Official Plans.

Various natural heritage features are associated with the Warren Creek Wetland Complex on the Subject Lands. Of these, Significant wetlands,

Significant woodlands, fish habitat and SWH for the Eastern Wood-Peewee and the Sharp-fruited Rush were identified.”

### **4.3 Phase One Environmental Site Assessment**

The report prepared by Cambium Inc., dated August 10, 2022, contains the following conclusions:

“The Phase One ESA conclusions regarding the current environmental conditions at the Site are based solely on the results of the document review, regulatory records review, interviews, and site reconnaissance as described in this report.

Based on the observations and information obtained for the Site and phase one study, a Phase Two ESA is required.

As the previous and proposed land uses of the Site are the same or of the same environmental sensitivity, a Record of Site Condition will not need to be filed for the Site.”

### **4.4 Phase Two Environmental Site Assessment**

The report prepared by Cambium Inc., dated October 16, 2023, contains the following conclusions:

“Conclusions regarding the current environmental conditions at the Site are based solely on the results of the Phase One and this Phase Two ESA.

A Phase Two ESA work program was developed to investigate COPCs (BTEX/PHCs, VOCs, PAHs, metals) in soil and groundwater. The Phase Two ESA included three boreholes, all of which were completed as groundwater monitoring wells.

Concentrations of all COPCs were less than the Table 1 SCS in all soil and groundwater samples with the exception of copper in BH103 groundwater sample and uranium in all three monitoring well groundwater samples. On-site soil pH was within the acceptable ranges for surface ( $\leq 1.5$  mbgs) soil.

It is Cambium’s opinion that, although the maximum concentrations of copper and uranium are greater than their respective Table 1 SCS, no

unacceptable risks are anticipated and thus no additional work is required.

When no longer required, Cambium recommends all monitoring wells should be abandoned as per the requirements of R.R.O. 1990, Regulation 903 – Wells.”

#### **4.5 Functional Water and Wastewater Servicing Report**

The report prepared by Metropolitan Consulting Inc., dated December 2023, concluded:

“The existing sanitary sewer was evaluated and the proposed development can be accommodated, as described in this report. The additional flow generated by the proposed development does not cause the existing downstream sewer to rise over 85% capacity, and therefore no upgrades are required.”

<b>Summary</b>	
Existing Sanitary Discharge Flow Rate (L/sec)	1.15
Proposed Sanitary Discharge Flow Rate (L/sec)	17.69
Total Water Demand (L/sec)	157.6
Available Flow at 20 PSI Residual Pressure (L/sec)	TBD

#### **4.6 Stormwater Management Report**

The report prepared by Metropolitan Consulting Inc., dated April 2023, concluded:

“This report demonstrates that the proposed Stormwater Management Pond including all inlet and outlet facilities has been designed in accordance with all municipal and provincial guidelines and can safely accommodate all storm events from the proposed development drainage area and convey them to Warren Creek with a releasing rate less than predevelopment conditions.

As can be seen from Table 18, the HGL for the proposed storm sewer system using the minor system flows is below the obvert of all sewers as per the City Design Criteria.”



#### **4.7 Environmental Noise Feasibility Study**

The Environmental Noise Feasibility Study prepared by Valcoustics Canada Ltd., dated September 26, 2022, contains the following conclusions/recommendations:

- The stationary noise sources with the potential to impact the proposed development are Niagara Peninsula Energy Inc. (NPEI) to the north and Costco to the east of the site.
- The predicted sound levels from the stationary noise sources at Costco comply with the Class 1 guideline limits at the subject site. The predicted sound levels from NPEI exceed the Class 1 guideline limits at Blocks 6 to 9 on the subject site. To meet the Class 1 guideline limits, a sound barrier, up to 4.5 m in height, would be required at the rear yards of Blocks 6 to 9. This barrier height may not be considered feasible. An alternate approach is to have the municipality designate the site as Class 4. Class 4 is intended for a development such as this, where a new noise sensitive use is being proposed adjacent to existing facility, and the mitigation required to comply with the Class 1 guideline limits are not feasible. In a Class 4 area, the noise limits are 5-10 dB less stringent. This is because windows are assumed to be closed for noise control purposes. In the typically applied Class 1 area, windows are assumed to be open. To meet the Class 4 noise limits, a 1.8 m high sound barrier is required at the rear yard of Blocks 6 to 8 (see Figure 9). For the blocks deemed Class 4, air conditioning would be required and upgraded exterior walls meeting a Sound Transmission Class (STC) rating of 54 (such as brick veneer) and windows meeting an STC rating of 32 would be recommended.
- There is a block of land at the southeast corner of the site noted as Medium Density. Specific layouts and plans for this block are not yet available. As such, this block was not included in the assessment. It is anticipated that due to the proximity of the block to Pin Oak Drive, provision for adding air conditioning will be required. If there are outdoor living areas present with exposure to the roadway, sound barriers would also likely be required. In addition, any residential dwellings with exposure to the nearby NPEI and/or Costco may require Class 4 status. A detailed assessment of this block should be completed once development plans are available. This would typically be done as part of the site plan approval application for the block.

#### **4.8 Transportation Impact Study**

The report prepared by Crozier Consulting Engineers, dated July 2023, contained the following conclusions:

“The subject lands cover an area of approximately 13.49 ha and currently consists of an open lot. The subject property is designated as Residential Medium Density and Environmental Protection Area under the City of Niagara Falls Garner South Secondary Plan. The site is bounded by Pin Oak Drive to the east, Kalar Road to the west, an electric utility company to the north and vacant lands to the south. The proposed development consists of 355 residential units in 29 blocks. There is a proposed street (‘Street A’) with accesses off Pin Oak Drive and Kalar Road.

- Under 2022 existing conditions, all study intersections operate with a Level of Service of “C” or better with no movement’s overcapacity or queuing concerns.
- Under future background conditions during the ten-year horizon period, the intersections are expected to operate with a Level of Service of “E” or better. The intersection of Kalar Road and McLeod Road and Pin Oak Drive and McLeod Road have volume-to-capacity ratios of over 0.85 due to the southbound left turn movement during the a.m. and p.m. peak hours. The intersection of Pin Oak Drive and McLeod Road also are expected to have a volume-to-capacity ratios of over 0.85 due to the southbound left-turn movement caused by the QEW on and off ramps.
- The trips expected to generate are 134 two-way (32 inbound and 102 outbound) trips during the a.m. peak hour and 171 two-way (108 inbound and 63 outbound) trips during the p.m. peak hour.
- There is minimal change in traffic operations between the Future Background and Future Total conditions. This indicates that the site generated traffic does not materially impact the operations at the surrounding intersections.
- To improve the intersections, we recommend optimizing the splits of the intersections of Kalar Road at McLeod Road and Pin Oak Drive at McLeod Road. This would reduce control delay and improve the volume-to-capacity ratios.
- We also recommend converting one through lane into a southbound left turn at the intersection of Kalar Road at McLeod Road, which would result in two southbound left turn lanes, and one through and right lane.

## **KALAR ROAD PLANNING JUSTIFICATION REPORT**

- Left turn lane warrants were conducted at Kalar Road Site Access A and Pin Oak Drive at Site Access A using the MTO Design Supplement Appendix 9A for Section 9.17.2.1 Volume Warrants for Left-Turn Lanes, Chapter 9. The results indicated that left turns are not warranted for any of the intersections. According to TAC Justification 7, signals are not warranted for the intersections of Kalar Road Site Access and Pin Oak Drive at Site Access.
- The proposed site accesses meet the TAC GDGCR requirements for sight distance, corner clearance and access spacing.
- The site provides a variety of Transportation Demand Management measures such as pedestrian connectivity at the site access, proximity to public transit and bicycle provisions.

In conclusion, the proposed residential development at 0 Pin Oak Drive in the City of Niagara Falls can be supported from transportation operations, safety, and parking perspectives. We trust that this review satisfies any transportation concerns associated with the Concept Plan for this development.”

### **4.9 Tree Inventory and Preservation Plan Report**

The report prepared by Jackson Arboriculture Inc., dated April 11, 2022, contains the following summary/conclusions:

“Jackson Arboriculture Inc. was retained by Penta Properties Inc. to complete a Tree Inventory and Preservation Plan report for a property situated at 0 Pin Oak Drive in the City of Niagara Falls. A tree inventory was conducted and an impact assessment was completed in the context of the proposed development plan.

The tree inventory documented a total of 213 situated on subject property, in the road allowances and on neighbouring property within 5 m of the property boundaries. The results of the impact assessment indicate that the removal of 192 trees included in the tree inventory will be required to accommodate the proposed development.”

## **5.0 CONCLUSIONS**

Through the completion and submission of the various technical reports/studies, it has been demonstrated that the proposed development satisfactorily addresses the applicable policies at the provincial (Planning Act, Provincial Policy Statement, A Place to Grow: Growth Plan for the Greater Golden Horseshoe and Greenbelt Plan) and local (Niagara Region and City of Niagara Falls Official Plans) levels of government, as well as other regulatory agencies (Niagara Peninsula Conservation Authority).

For the provincial level, the applications “have regard for” the Planning Act, are “consistent with” the 2020 Provincial Policy Statement issued in accordance with Section 3 of the Planning Act, and conform with the policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe and Greenbelt Plan for the following reasons:

- adequate and efficient transportation, sewage and water services are provided;
- orderly development of a safe and healthy community;
- public health and safety is protected;
- it is an appropriate location for growth and development;
- the proposed densities efficiently use land, resources, infrastructure and public service facilities and are appropriate to the type of sewage and water systems which are planned;
- a range of uses is being provided in an area which has planned infrastructure to accommodate them;
- development standards which are cost effective and which minimize land consumption and reduce servicing costs are proposed;
- a range of housing types and densities to meet projected demographic and market requirements of current and future residents of the housing market area is being provided; and,
- it has been demonstrated that development and site alteration will not have a negative impact on the natural heritage features or ecological functions of the area.

## KALAR ROAD PLANNING JUSTIFICATION REPORT

At the municipal level, the applications conform with the intent of the Niagara Region and City of Niagara Falls Official Plans, in particular, the Garner South Secondary Plan policies. The proposed development meet the general intent and purpose of the Plans for the following reasons:

- a range of unit types and densities promotes a balanced mix of housing alternatives for future homeowners;
- the realigned watercourse provides an opportunity to create a pathway system connecting the development to adjoining developments;
- the environmental features are preserved and appropriate buffers are proposed; and,
- stormwater management adequately controls both the quantity and quality of stormwater runoff.

Finally, the applications address Ontario Regulation 162/06 administered by the Niagara Peninsula Conservation Authority.

The Zoning By-law Amendment and Draft Plan of Subdivision applications are consistent with the PPS 2020 and conform to a Place to Grow: Growth Plan for the Greater Golden Horseshoe and Greenbelt Plan. The applications also conform to the applicable policies of the Niagara Region and City of Niagara Falls Official Plan (Garner South Secondary Plan), and satisfy the relevant criteria in Section 51(24) of the *Planning Act*. The supporting studies which have been requested as part of the Pre-Consultation process support the applications.



Peter De Iulio, MCIP, RPP

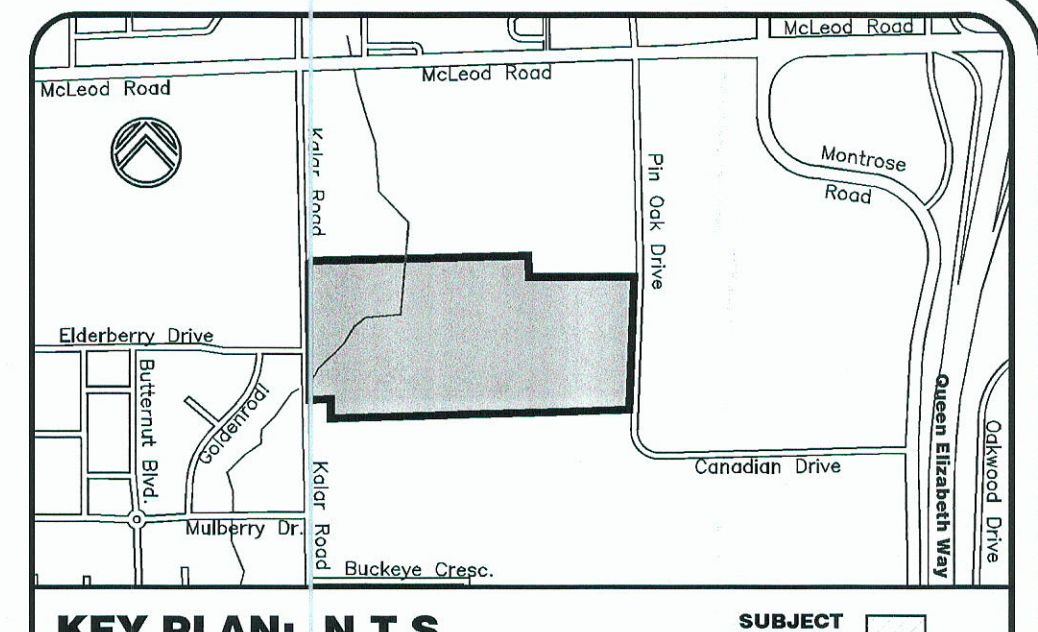
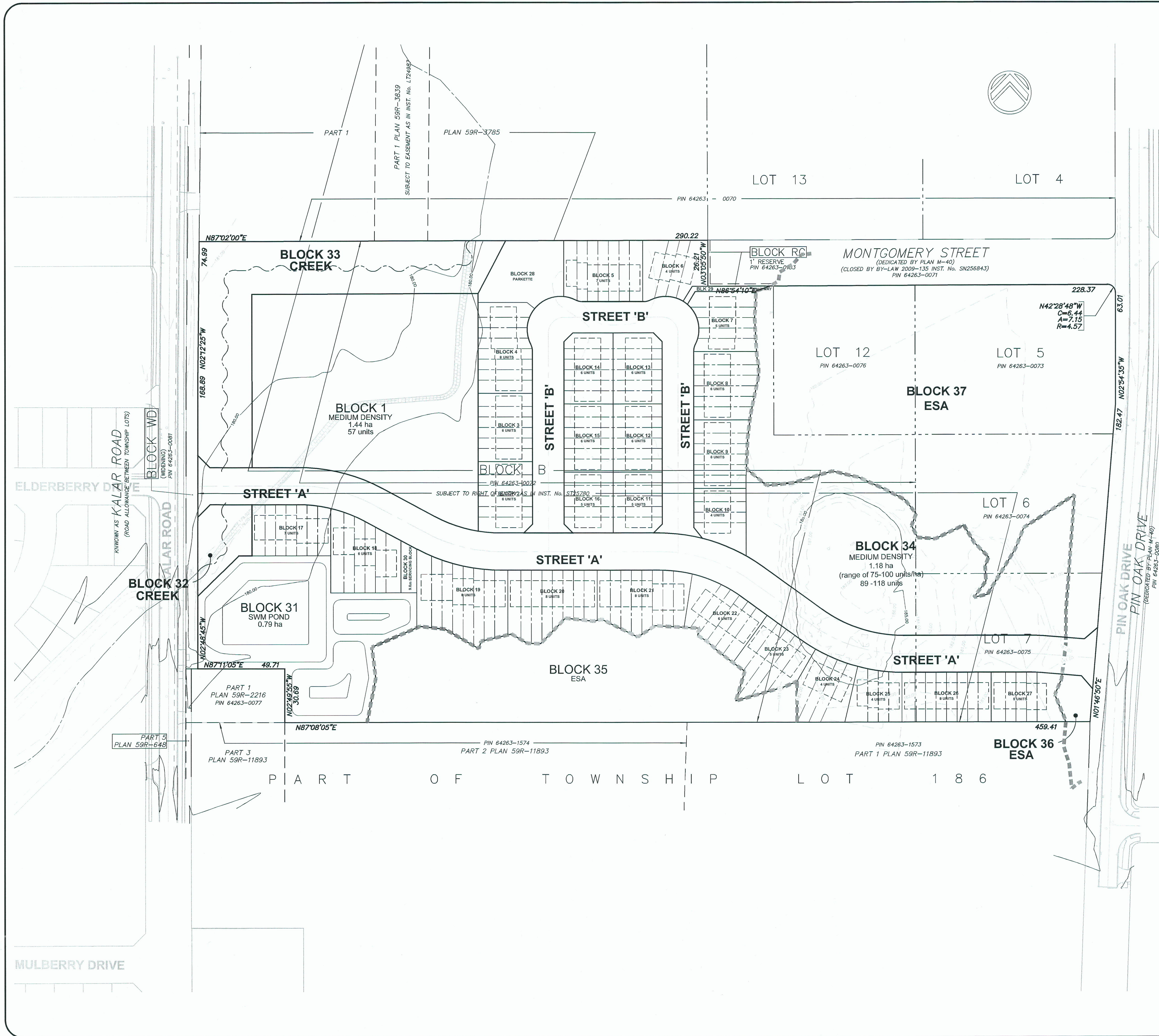


## **6.0 APPENDICES**



**KALAR ROAD  
PLANNING JUSTIFICATION REPORT**

**APPENDIX A  
DRAFT PLAN OF SUBDIVISION**



**KEY PLAN: N.T.S.**

**REQUIREMENTS OF THE PLANNING ACT, R.S.O. 1990, c. P.13 SECTION 51(17)**

(a) See Plan  
 (b) See Plan  
 (c) See Plan  
 (d) Residential on-street townhouses, medium density, Back to Back townhouses, district commercial, parkette, storm water management pond, open space, roads, res. reserve.  
 (e) See Plan (h) Municipal Water (k) Full Municipal Services  
 (f) See Plan (i) Clayey Silt to Silt till (l) See Plan  
 (g) See Plan (j) See Plan

**SCHEDULE OF LAND USE**

PROPOSED LAND USE	UNITS	HA.	AC.
RESIDENTIAL - Blocks 2-27	155	3.33	8.23
RESIDENTIAL - MEDIUM DENSITY - BLOCKS 1, 34	146 TO 175	2.62	6.47
PARKETTE - BLOCK 28		0.15	0.37
WALKWAY - BLOCK 29		0.01	0.03
9.0m SERVICING BLOCK - Block 30		0.02	0.05
SWM POND - Block 31		0.79	1.95
ESA - Blocks 35 - 37		3.93	9.71
CREEK CHANNEL BLOCKS 32 & 33		0.92	2.27
<b>TOTAL UNIT COUNT</b>	<b>301 TO 330</b>		
<b>PROPOSED ROADS</b>		<b>HA.</b>	<b>AC.</b>
21.15m RIGHT OF WAY - STREETS A		1.14	2.82
18m RIGHT OF WAY - STREETS B		0.60	1.48
<b>TOTAL SITE AREA</b>		<b>13.51</b>	<b>33.38</b>
<b>PROPOSED ROADS</b>		<b>M</b>	<b>FT</b>
RIGHT OF WAY - STREETS A & B		880	2887.14
<b>TOTAL ROAD LENGTH</b>		<b>880</b>	<b>2887.14</b>

**REVISIONS**

NO.	DATE	BY	REVISIONS
9	25/10/2023	WG	RIGHT OF WAY WIDTH REVISED STREET A
8	08/07/2023	WG	RIGHT OF WAY WIDTH REVISED STREET A
7	08/06/2023	WG	PARKETT & WALKWAY ADDED
6	08/06/2022	JD	FOR REVIEW AND COMMENT
5	02/12/2021	JD	FOR REVIEW AND COMMENT
4	14/10/2021	JD	FOR REVIEW AND COMMENT

**OWNER'S AUTHORIZATION**

I authorize Metropolitan Consulting Inc. to prepare and submit this Draft Plan of Subdivision to the City of Niagara Falls for approval.

*[Signature]* 12/19/23 DATE

Alinea Land Corporation

**SURVEYOR'S CERTIFICATE**

I hereby certify that the boundary of the lands to be subdivided and their relationship to the adjacent lands are accurately and correctly shown on this plan.

*[Signature]* DECEMBER 15, 2023 DATE

ROY C. MAYO  
 ONTARIO LAND SURVEYOR  
 FOR MACKAY, MACKAY AND PETERS LIMITED

AGENT: 2255 BARTON ST E  
 HAMILTON, ON L8H 7T4  
 TEL. 905.578.1001  
 FAX. 905.578.7337  
 EMAIL: ENGINEERING@METROCON.CA

**METROPOLITAN CONSULTING**

OWNER: **ALINEA LAND CORPORATION**  
 4480 Paletta Court  
 Burlington, Ontario L7L 5R2

MUNICIPALITY: **Niagara Falls**

TITLE: **DRAFT PLAN**

PROPERTY: **PART OF BLOCK B, ALL OF LOTS 5, 6, 7 & 12 OF PLAN 59M-40**  
 in the City of Niagara Falls,  
 Regional Municipality of Niagara

PROJECT: **PIN OAK DRIVE**

CITY FILE NO.: **XXX-XX/XX**

PROJECT NO.: **P18002**

DATE: **Feb 2023**

SCALE: **1:1000**





**KALAR ROAD  
PLANNING JUSTIFICATION REPORT**

**APPENDIX B  
DRAFT AMENDMENT TO BY-LAW NO. 79-200**

## **CITY OF NIAGARA FALLS**

### **By-law No. [REDACTED]**

A By-law to amend By-law No. 79-200, to permit the use of lands for 162 street townhouse dwellings, 55 block townhouse dwellings and up to 118 multiple dwelling units.

### **THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS 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 a part of this By-law.
2. 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.
3. 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.
4. The permitted uses shall be the uses permitted in an R3 zone.
5. The regulations governing the permitted uses shall be:
  - (a) Minimum rear yard depth 7 metres
  - (b) Maximum lot coverage N/A
  - (c) The balance of regulations specified for an R3 use.
6. The permitted uses shall be the uses permitted in an R4 zone.
7. The regulations governing the permitted uses shall be:
  - (a) Townhouse dwelling with up to 10 units
  - (b) Minimum front yard depth 3 metres, 6 metres to a garage
  - (c) Minimum rear yard depth 6 metres
  - (d) Minimum interior side yard 1.5 metres
  - (e) Minimum exterior side yard width 3 metres, 6 metres to a garage

- (f) Maximum lot coverage N/A
  - (g) Maximum height of building or structure 12.5 metres
  - (h) Minimum landscaped open space N/A
  - (i) Minimum privacy area depth 6 metres
  - (j) The balance of regulations specified for an R4 use.
8. The permitted uses shall be the uses permitted in an R5C zone.
  9. The regulations governing the permitted uses shall be:
    - (a) Minimum front yard depth 2.5 metres
    - (b) Minimum rear yard depth 1.5 metres
    - (c) Minimum interior side yard 3 metres
    - (d) Number of apartment dwellings on one lot 2
    - (e) The balance of regulations specified for an R5C use.
  10. All other applicable regulations set out in By-law No. 79-200 shall continue to apply to govern the permitted uses on the Lands, with all necessary changes in detail.
  11. No person shall use the Lands for a use that is not a permitted use.
  12. No person shall use the Lands in a manner that is contrary to the regulations.
  13. The provisions of this By-law shall be shown on Sheet B6 of Schedule "A" of By-law No. 79-200 by redesignating the lands from LI to R3, in part and numbered XXXX, R4, in part and numbered XXXX, R5C, in part and numbered XXXX, and EPA, in part.
  14. Section 19 of By-law No. 79-200 is amended by adding thereto:
    - 19.1.XXXX Refer to By-law No. 20XX-\_\_\_\_
    - 19.1.XXXX Refer to By-law No. 20XX-\_\_\_\_
    - 19.1.XXXX Refer to By-law No. 20XX-\_\_\_\_

Passed this [ ] day of [ ], 20XX .

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WILLIAM G. MATSON, CITY CLERK

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JAMES M. DIODATI, MAYOR

# SCHEDULE 1 TO BY-LAW NO. 20XX-XXX

SUBJECT LANDS:



R3



R4



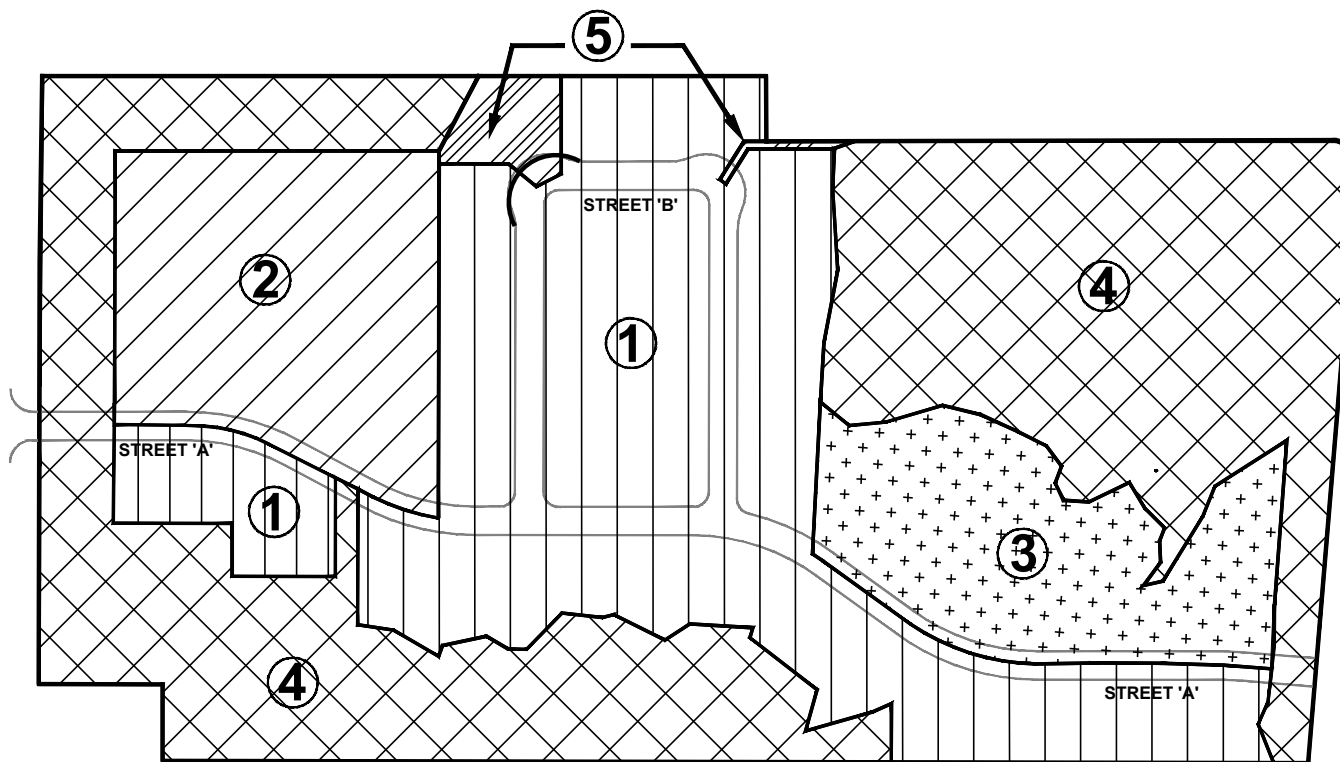
R5C



EPA



OS



# SCHEDULE 1 TO BY-LAW NO. 20XX-XXX

DESCRIPTION: PART OF BLOCK B, ALL OF LOT 5, 6, 7 AND 12 OF PLAN 59M-40; NIAGARA FALLS  
PIN: 64263-0072 (LT), 64263-0073 (LT), 64263-0074 (LT), 64263-0075 (LT), 64263-0076 (LT)

APPLICATION: ALINEA DEVELOPMENT GROUP

ASSESSMENT #:



**N.T.S.**  
**AM-2023-XXC**