

Planning Justification Report

Serenity Temple, Niagara Falls

Application for Zoning By-law Amendment



Table of Contents

1	Introduction	1
2	Site Description and Surrounding Context	1
2.1	Site Location and Description	1
2.2	Surrounding Context	4
2.3	Transit	6
3	Site and Area Images	9
4	Proposed Development	10
5	Formal Pre-Consultation	14
6	Planning Applications	15
6.1	Zoning By-law Amendment.....	15
6.2	Site Plan Approval	16
7	Supporting Studies	16
7.1	Environmental Impact Statement.....	16
7.2	Stage 1-2 Archaeological Assessment	17
7.3	Functional Servicing Report & Stormwater Management.....	17
7.4	Land Use Compatibility	18
7.5	Site Line Study	19
8	Current Planning Status	20
8.1	Planning Act	20
8.2	Provincial Policy Statement 2020	23
8.3	Growth Plan for the Greater Golden Horseshoe 2019	32
8.4	Region of Niagara Official Plan 2014.....	36
8.5	Council -Adopted Region of Niagara Official Plan 2022	53
8.6	City of Niagara Falls Official Plan	63
8.7	City of Niagara Falls Zoning By-law No.79-200.....	81
9	Proposed Zoning By-law Amendment	83
10	Planning Justification	88

Table of Contents (continued)

10.1	Social	88
10.2	Economic	88
10.3	Environmental	89
11	Conclusion and Recommendations	89
	Appendix A – City of Niagara Falls Formal Consultation Meeting	1
	Appendix B – Proposed Zoning By-law Amendment.....	2

List of Figures

Figure 2-1: Parcel Mapping of the Subject Lands, showing Natural Heritage Features, Retrieved from City of Niagara Interactive Mapping	2
Figure 2-2: Aerial Imagery of Subject Lands and Immediate Surround Land Uses, Retrieved from City of Niagara Falls Interactive Mapping	3
Figure 2-3: Topographical Survey of Subject Lands, Prepared by J.D Barnes Ltd.	3
Figure 2-4: Aerial View of Subject Lands and Surrounding Context, Retrieved from Niagara Navigator	5
Figure 2-5: Excerpt of Schedule A3: Garner South Secondary Plan, Retrieved from the City of Niagara Official Plan	5
Figure 2-6: Excerpt of Appendix VII-B: Garner South Secondary Plan: Phasing, Retrieved from the City of Niagara Official Plan.....	6
Figure 2-7: Aerial Image showing distance to closest bus stop from the subject lands, Retrieved from Google Maps	7
Figure 2-8: Bus Route 113, Retrieved from the City of Niagara Falls Website	8
Figure 3-1: 3-D North South View of the Eastern Portion of the Subject Lands, Retrieved from Google Earth.....	9
Figure 3-2: 3-D East View of Eastern Portion of the Subject Lands, Retrieved from Google Earth	9
Figure 3-3: View of Barn Structure along Chippewa Creek Road, Retrieved from Google Streetview	10
Figure 3-4: View of the Western Portion of the Subject Lands along Chippewa Creek Road, Retrieved from Google Streetview	10
Figure 4-1: Proposed Concept Plan, Prepared by ACK	12
Figure 4-2: Proposed Site Plan, Prepared by ACK.....	12
Figure 4-3: Conceptual Front Elevation of the Proposed Development, Prepared by ACK	13
Figure 4-4: Conceptual Rear Elevation of the Proposed Development, Prepared by ACK	13
Figure 4-5: Aerial View of the Proposed Development, looking north-west, Prepared by ACK.....	13
Figure 8-1: Excerpt from Environmental Impact Study, Prepared by Colville Consulting Inc.....	21
Figure 8-2: Excerpt of Region of Niagara Official Plan Schedule G1 - Niagara Economic Gateway	40
Figure 8-3: Excerpt of Region of Niagara Official Plan Schedule G2: Niagara Economic Gateway Employment Lands	41
Figure 8-4: Excerpt of Region of Niagara Official Plan Schedule A: Regional Structure .	45

Table of Contents (continued)

Figure 8-5: Excerpt of Region of Niagara Official Plan Schedule C: Core Natural Heritage System	50
Figure 8-6: Excerpt of Region of Niagara Official Plan Schedule E-1: Transportation Infrastructure	52
Figure 8-7: Excerpt of Figure 2-1 - 2051 Population and Employment Projections by Local Area Municipality	54
Figure 8-8: Excerpt of Adopted Region of Niagara Official Plan Schedule C-1 Natural Environment System Overlay	56
Figure 8-9: Excerpt of Adopted Region of Niagara Official Plan Schedule C2: Natural Environment System Individual Components and Features.....	57
Figure 8-10: Excerpt of Adopted Region of Niagara Official Plan Schedule C3: Key Hydrologic Areas Overlay	57
Figure 8-11: Excerpt of Adopted Region of Niagara Official Plan Schedule J1 - Transportation Infrastructure.....	61
Figure 8-12: Excerpt of Adopted Regional Official Plan Schedule K - Areas of Archaeological Potential	63
Figure 8-13: Excerpt of City of Niagara Falls Official Plan - Schedule A- Land Use	66
Figure 8-14: Excerpt of City of Niagara Official Plan - Schedule A2 - Urban Structure Plan	68
Figure 8-15: Excerpt of City of Niagara Official Plan - Schedule A1 - Natural Heritage...	70
Figure 8-16: Refined Extents of Natural Heritage Feature on Subject Lands	72
Figure 8-17: Excerpt of City of Niagara Official Plan - Schedule B: Phasing	75
Figure 8-18: Excerpt of City of Niagara Falls Official Plan Schedule C – Major Road Plan	77
Figure 8-19: Proposed Road Widening.....	78
Figure 8-20: Interactive Zoning Map	82
Figure 9-1: Industrial Zoning from Niagara Falls Interactive Mapping.....	83

List of Tables

Table 2-1: Summary of Surrounding Uses	4
Table 4-1: Site Statistics of Proposed Development.....	11
Table 8-1: Excerpt from Schedule 3 - Distribution of Population and Employment for the Greater Golden Horseshoe to 2051	32
Table 8-2: Region of Niagara Designations	37
Table 8-3: Excerpt of Table 4-1: Region of Niagara Population and Employment Forecast	43
Table 8-4: Excerpt of Table 7-1 Guidelines for Environmental Impact Study Requirements	49
Table 8-5: Excerpt of Table 9-1: Road Allowance Widths	52
Table 8-6: Adopted Region of Niagara Official Plan Designations Applicable to the Subject Lands	54
Table 8-7: City of Niagara Official Plan Designations Applicable to the Subject Lands ...	64
Table 8-8: Excerpt of Table 1- Forecast of Households, Population and Employment	64
Table 9-1: Proposed PI Zone	87

1 Introduction

Robert Cameron Atalick (herein referred to as the “owner”) is the owner of the lands legally described as Part of Lots 207 & 208 in the former Geographic Township of Stamford, Part 3 of Reference Plan 59R-10698 in the City of Niagara Falls (herein referred to as the “subject lands”). The subject lands are located on the north shore of the Welland River along Chippawa Creek Road, between the intersections of Heartland Forest Road and Garner Road. The subject lands are currently occupied by an existing barn structure, open grassed areas, natural areas, provincially significant wetlands, and woodlands. The existing barn structure is accessed from an existing driveway from Chippawa Creek Road and is currently vacant. The owner is proposing to redevelop the subject lands into ‘Serenity Temple’, which is contemplated as a three-storey multi-use complex, containing health and fitness facilities, such as a Martial Arts School, Spa, Retreat Lodging, Yoga Studio, Conference Centre, together with a restaurant and accommodation suites, associated parking areas and a natural walking trail.

The subject lands are identified as being located within the City of Niagara Fall’s Urban Boundary and are currently designated as ‘Industrial’ and ‘Environmental Protection Area’ on Schedule A: Land Use. A Zoning By-law Amendment application (“ZBLA”) is required to facilitate the proposed development. In the City of Niagara Falls Zoning By-law No. 79-200, the subject lands are zoned ‘Heavy Industrial’ (HI) and ‘Hazard Lands’ (HL). A ZBLA is required to rezone the portion of the subject lands intended for development to the ‘Prestige Industrial’ Zone (PI) with site specific zoning modifications.

Arcadis - IBI Group has been retained by the Owner to provide planning advise and assistance on the redevelopment of the subject lands. The authors of this report have come to an independent professional planning opinion, which supports the applications as they are reflective of good planning and are in the public interest. This Planning Justification Report (“PJR”) provides a thorough discussion and analysis of current and applicable Provincial legislation and plans, local planning documents, supporting studies, technical works, and other relevant matters in the context of the proposed development.

2 Site Description and Surrounding Context

The following subsections provide a review of the context, existing uses, and conditions of the subject lands and surrounding area. These elements frame the discussion on the proposed planning applications, as well as the planning comments and justification.

2.1 Site Location and Description

The subject lands are located on the south side of Chippawa Creek Road, along the north shores of the Welland River between the intersections of Heartland Forest Road and Garner Road. The subject lands are legally described as Part of Lots 207 & 208 in the former Geographic Township of Stamford and Part 3 of Reference Plan 59R-10698 in the City of Niagara Falls. The subject lands are irregular in shape with approximately ± 832 metres of frontage along Chippawa Creek Road with an area of ± 12.84 hectares.

Portions of the subject lands are covered by natural heritage features, including an evaluated Provincially Significant Wetland (“PSW”) and woodlands. The natural heritage features encompass much of the subject lands however, a pocket of land at the northeast portion of the subject lands are located outside of any delineated natural heritage features. The pocket of land

is currently grassed and/or previously cultivated, and contains the existing vacant barn, a driveway and a sparse hedgerow of roadside vegetation. A post and wire fence separates the limits of the subject lands from Chippewa Creek Road.

Please refer to **Figures 2-1 & 2-2** for an aerial view of the general location of the subject lands. **Figure 2-3** provides the topographical survey of the subject lands, which is also included separately.

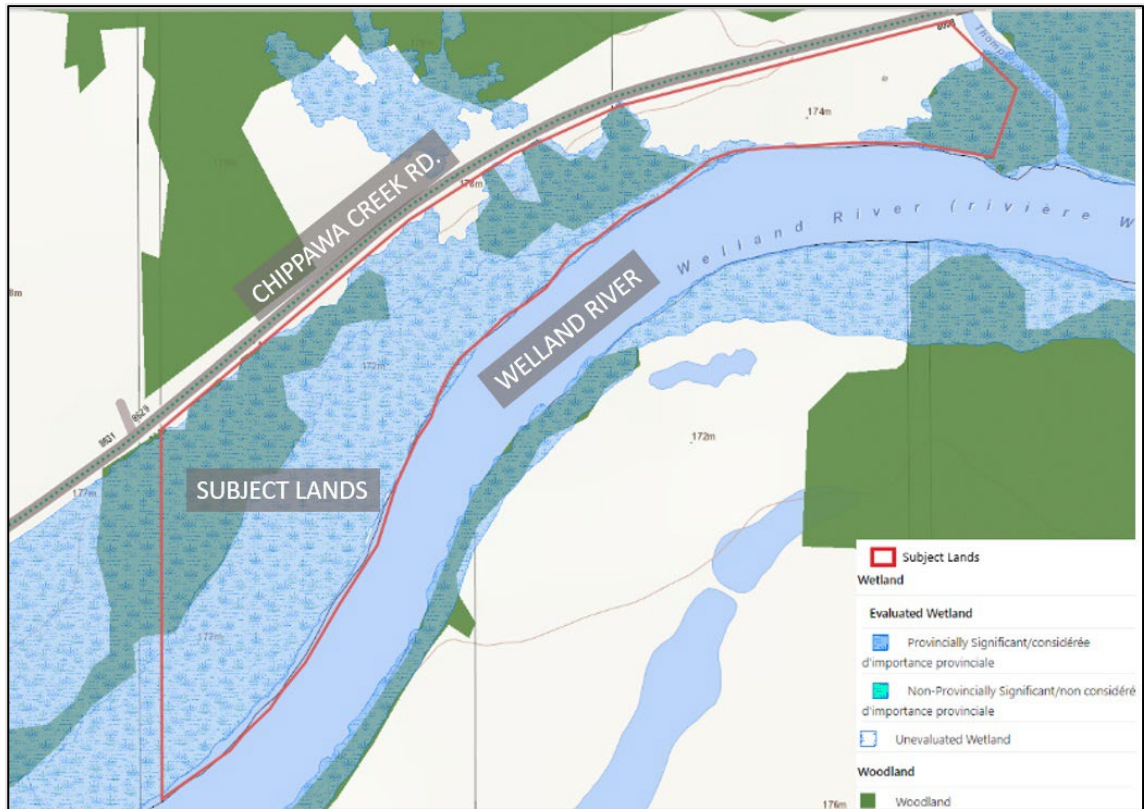


Figure 2-1: Parcel Mapping of the Subject Lands, showing Natural Heritage Features, Retrieved from City of Niagara Interactive Mapping



Figure 2-2: Aerial Imagery of Subject Lands and Immediate Surround Land Uses, Retrieved from City of Niagara Falls Interactive Mapping

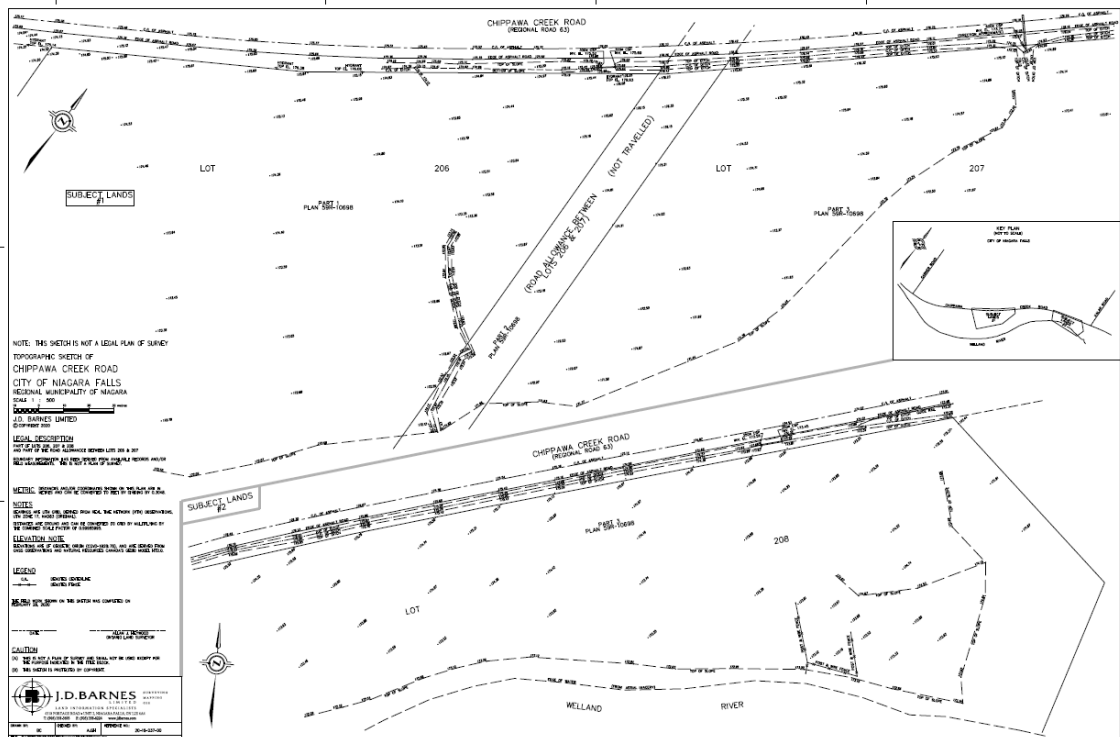


Figure 2-3: Topographical Survey of Subject Lands, Prepared by J.D Barnes Ltd.

2.2 Surrounding Context

The subject lands are located in the central portion of the City of Niagara Falls and are bound by Chippewa Creek Road to the north, Montrose Road to the east, Welland River to the south and the City of Niagara Falls Municipal Boundary to the west. The subject lands are well connected to the City, Region and Province’s road network, as Chippewa Creek Road & Montrose Road are designated as a Regional Road, and Queen Elizabeth Way (“QEW”) is located within a one kilometre radius. These roads provide connections to surrounding municipalities, such as Fort Erie, St. Catharines and Niagara-on-the-Lake.

Table 2-1 & Figure 2-4 shows that the subject lands are located at the edge of an emerging mixed-use area. The proposed land uses, and densities are delineated within the Garner South Secondary Plan, as seen in **Figures 2-5 & 2-6**.

TO THE NORTH	TO THE EAST
<ul style="list-style-type: none"> • Region of Niagara’s Garner Road Biosolids Facility • Open Space (Heartland Forest) • Residential Phases 1 -4 of the Garner South Secondary Plan 	<ul style="list-style-type: none"> • Thompson Creek • Designated Employment Area containing Commercial, Light Employment • Low-Density Residential • Queen Elizabeth Way
TO THE SOUTH	TO THE WEST
<ul style="list-style-type: none"> • Welland River • Grand Niagara Golf Course • Agricultural • Industrial 	<ul style="list-style-type: none"> • Road Allowance • Additional lands owned by the owner • Low- Density Residential • Open Space • Industrial Subdivision

Table 2-1: Summary of Surrounding Uses

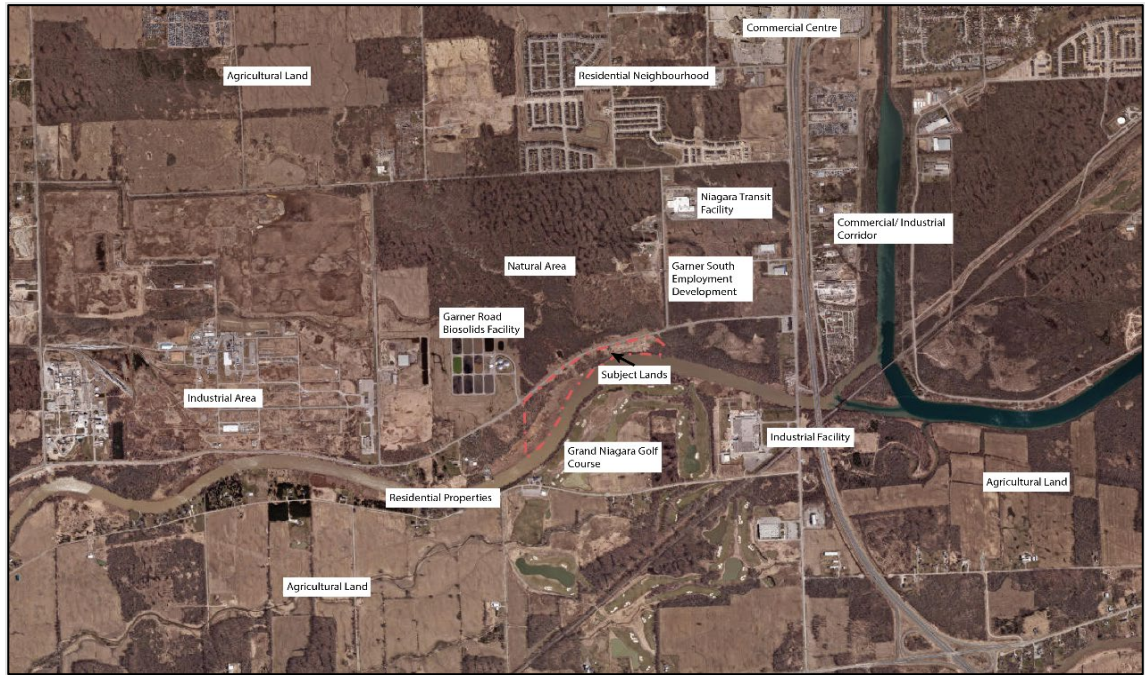


Figure 2-4: Aerial View of Subject Lands and Surrounding Context, Retrieved from Niagara Navigator

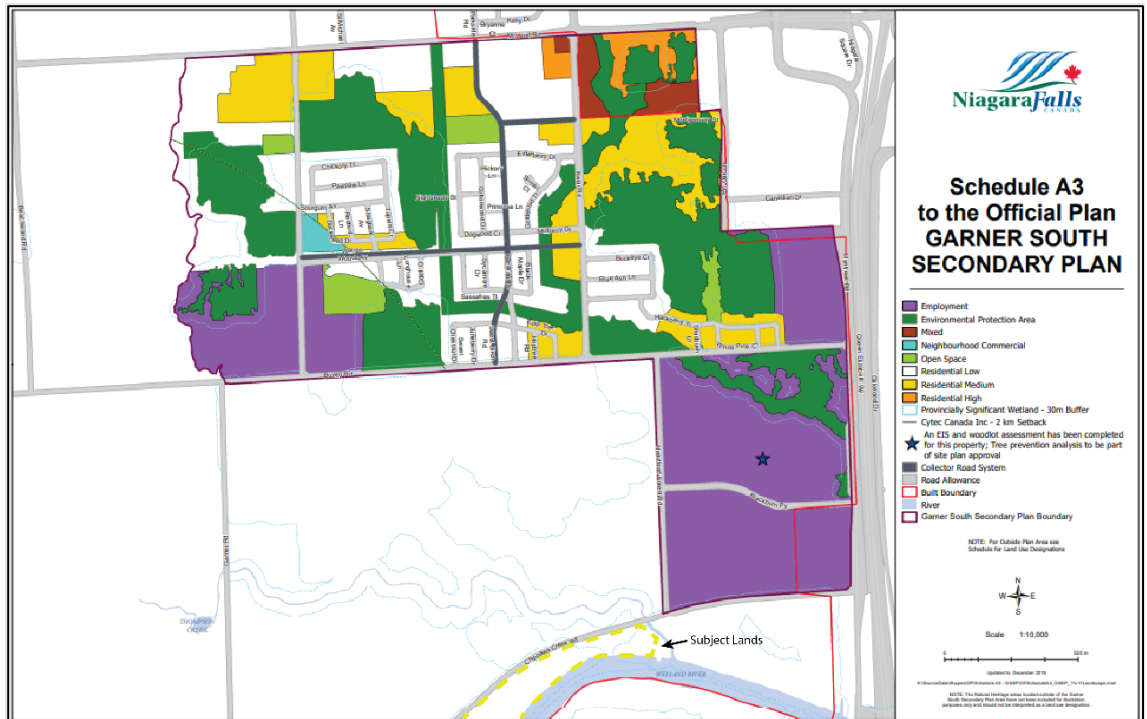


Figure 2-5: Excerpt of Schedule A3: Garner South Secondary Plan, Retrieved from the City of Niagara Official Plan

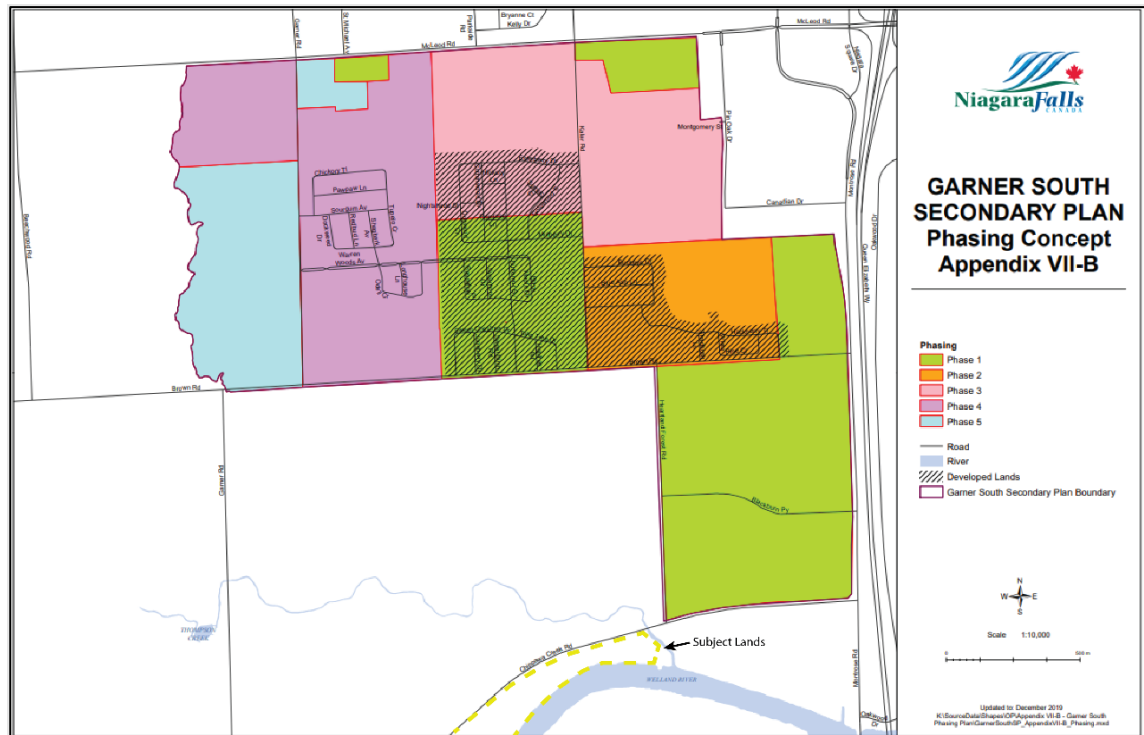


Figure 2-6: Excerpt of Appendix VII-B: Garner South Secondary Plan: Phasing, Retrieved from the City of Niagara Official Plan

2.3 Transit

As seen in **Figure 2-7**, the subject lands are located approximately 650 metres/ 9-minute walk from a transit stop located at the intersection of Heartland Forest Road and Blackburn Parkway. This stop is serviced by the City of Niagara Falls Transit Route 113, which provides access to the Canadian Drive and the Mount Carmel Transit Hubs, illustrated in **Figure 2-8**. These hubs are located within areas, that have multiple commercial amenities and residential uses.

There are currently no pedestrian sidewalks located along Chippawa Creek Road or Heartland Forest Road. Pedestrians and cyclists use the existing paved road.



Figure 2-7: Aerial Image showing distance to closest bus stop from the subject lands, Retrieved from Google Maps

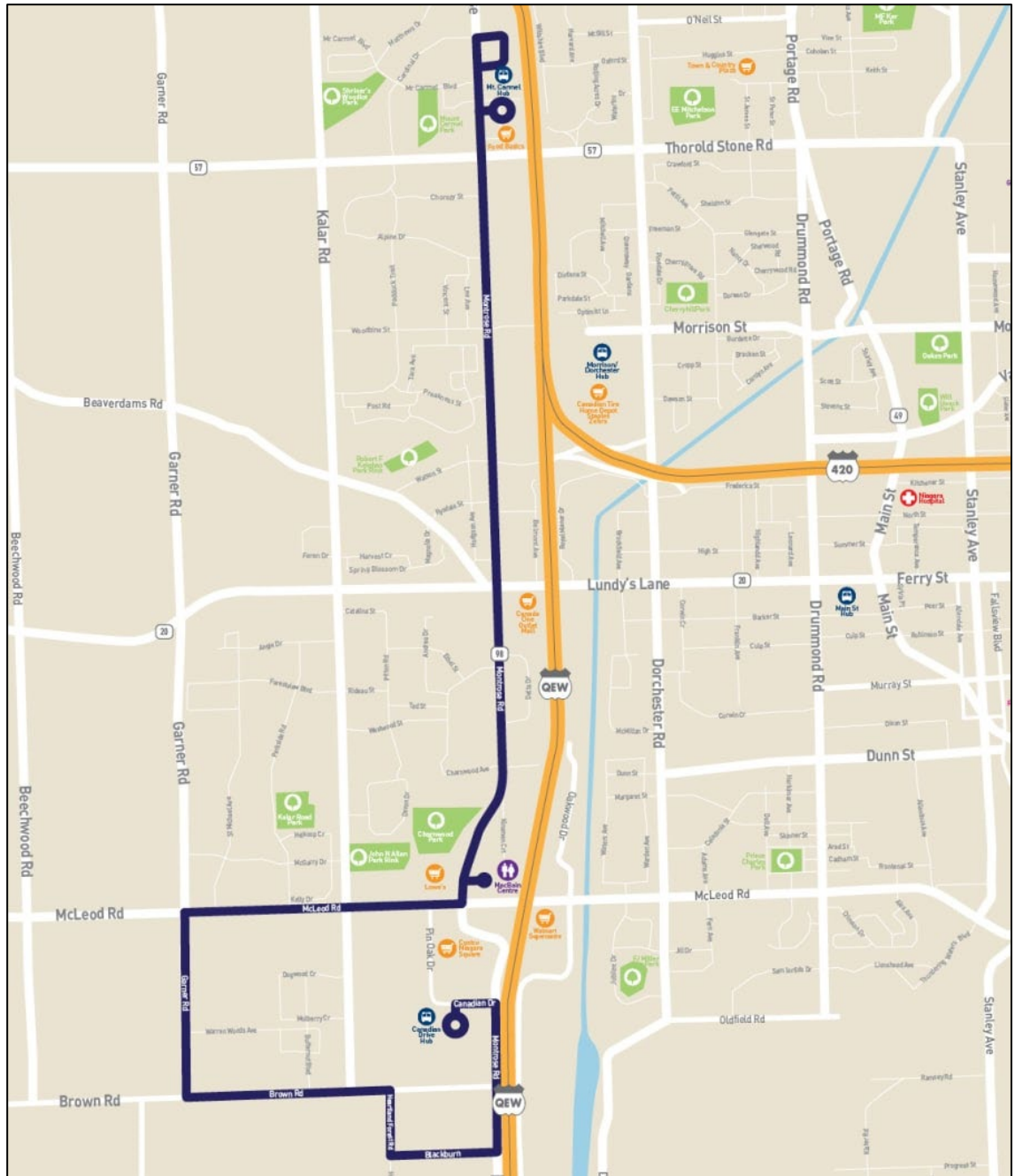


Figure 2-8: Bus Route 113, Retrieved from the City of Niagara Falls Website

3 Site and Area Images

Figures 3-1 to 3-4 below further show images of the existing conditions of the subject lands and surrounding context, retrieved from Google Earth and Google Streetview.

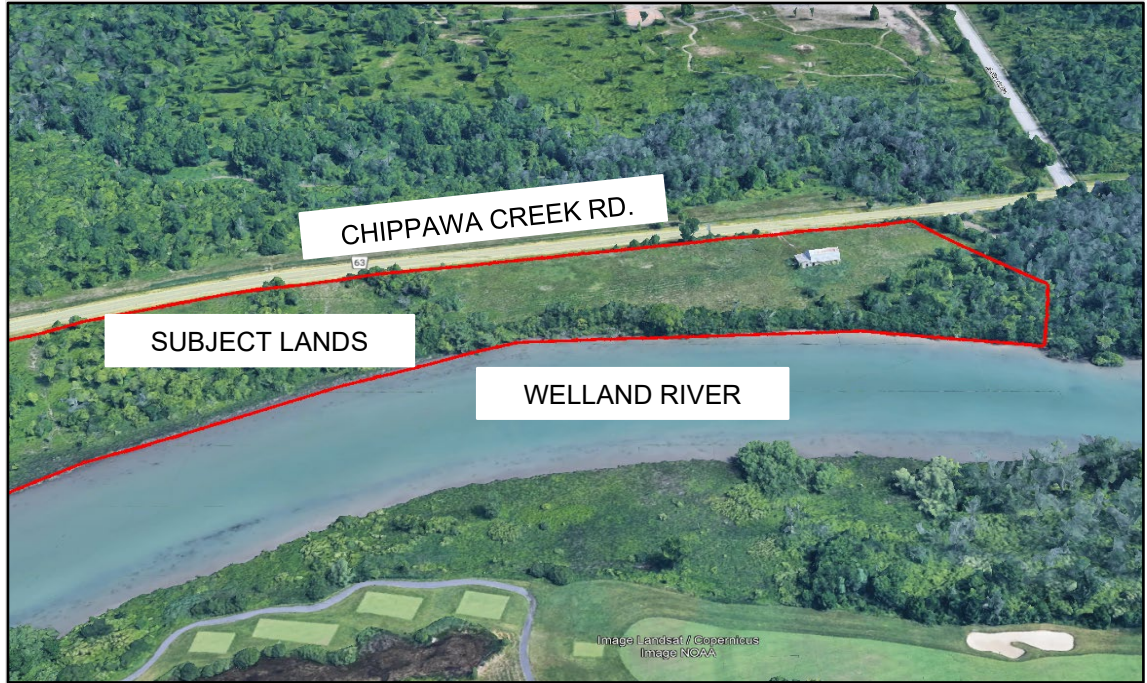


Figure 3-1: 3-D North South View of the Eastern Portion of the Subject Lands, Retrieved from Google Earth



Figure 3-2: 3-D East View of Eastern Portion of the Subject Lands, Retrieved from Google Earth



Figure 3-3: View of Barn Structure along Chippewa Creek Road, Retrieved from Google Streetview



Figure 3-4: View of the Western Portion of the Subject Lands along Chippewa Creek Road, Retrieved from Google Streetview

4 Proposed Development

The proposal for the subject lands is to construct a three-storey multi-use facility, containing health and fitness facilities, which includes a martial arts school, spa, Retreat Lodging, and a Yoga Studio. The proposed development will also contain a conference centre, which can contribute to hosting martial arts events. These uses are proposed to be supported by an accessory noodle house restaurant and ten accommodation suites.

The proposed development will be divided into 3 phases, shown in the Site Plan, and listed below:

Phase 1: Health Facility

- Lower level Kung Fu and Retreat Lodging;
- Main Level Kung Fu and Offices;
- Main Entry Lobby and Elevator;
- Second Level Accommodation Suites;

Phase 2: Events

- Lower level Conference Storage and Linkway;
- Main Level Conference Centre Kitchen and Courtyard;
- Second Level Conference Centre and Linkway;

Phase 3: Spa and Yoga Centre (Fitness Facility)

- Lower level Spa;
- Main Level Yoga Studio and “Noodle House”;
- Second Level Accommodation Suites;

Adjacent to the proposed building, two parking areas are proposed with the western parking lot containing 79 spaces and the eastern parking lot containing 56 spaces. This includes 6 accessible spaces. The parking lots are proposed to be accessed from Chippawa Creek Road using one vehicular access located north of the proposed western parking lot. One loading space is proposed.

Table 4-1 below displays the overall site statistics for the proposed development.

ITEM	PROPOSED
Gross Lot Area	128,400 square metres (12.84 hectares)
Minimum Lot Frontage	832.0 metres
Maximum Gross Floor Area	3,093.7 square metres
Maximum Building Coverage	1.1%
Minimum Front Yard to Centerline of Original Road Allowance	23.7 metres
Minimum Rear Yard	24.3 metres
Minimum Side Yard	56.9 metres
Maximum Building Height	Three Storeys (12 metres)
Minimum Landscaped Area	94.6%
Total Number of Parking Spaces	135 spaces

Table 4-1: Site Statistics of Proposed Development

The conceptual site plan, including the site statistics and the development dimensions is found in **Figures 4-1 & 4-2**. **Figures 4-3 – 4-5** provide renderings of the proposed development, highlighting the built form.

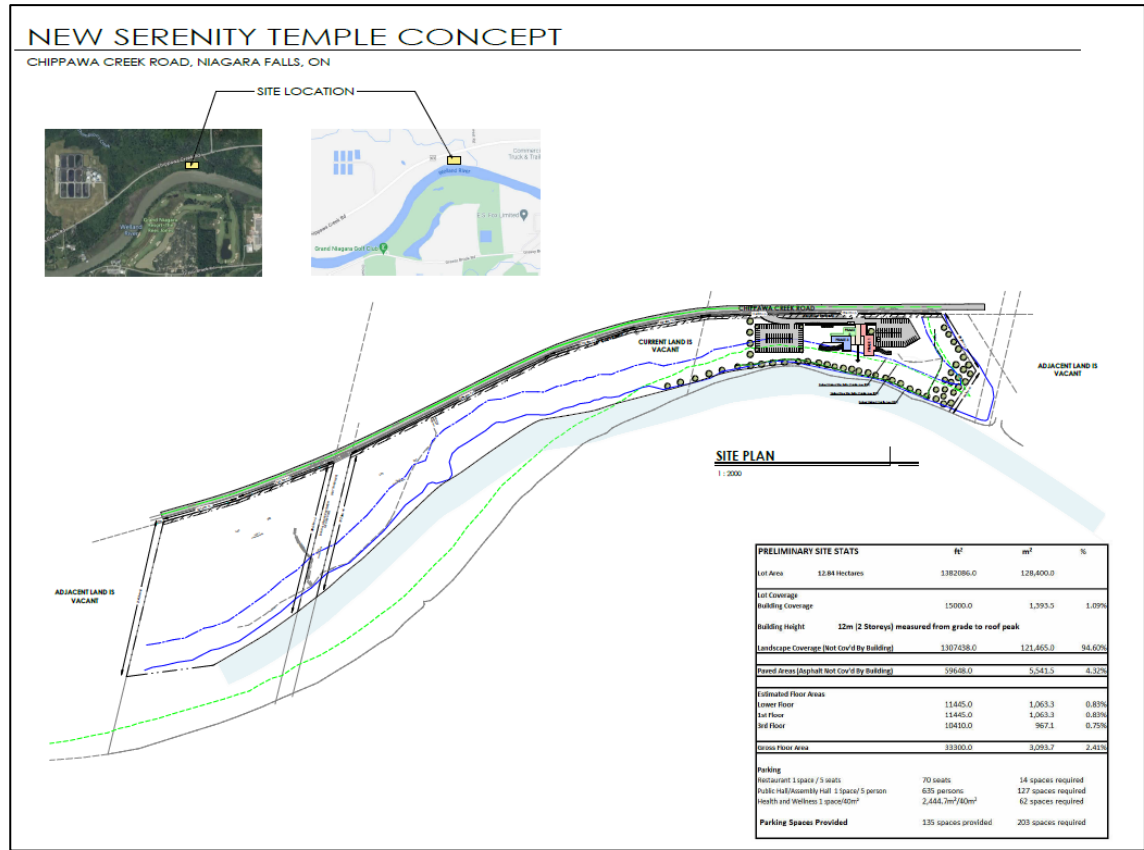


Figure 4-1: Proposed Concept Plan, Prepared by ACK

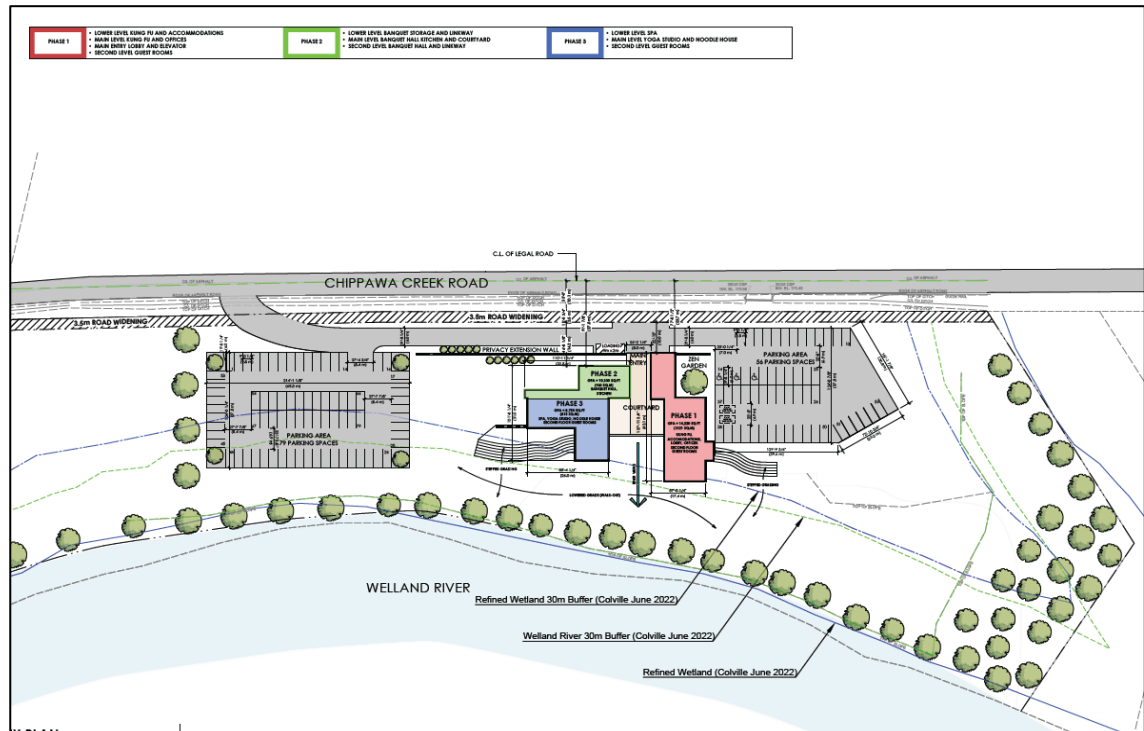


Figure 4-2: Proposed Site Plan, Prepared by ACK



Figure 4-3: Conceptual Front Elevation of the Proposed Development, Prepared by ACK



Figure 4-4: Conceptual Rear Elevation of the Proposed Development, Prepared by ACK



Figure 4-5: Aerial View of the Proposed Development, looking north-west, Prepared by ACK

The proposed landscaping and amenity spaces have been designed to contribute to the envisioned serene environment of the development including a connection with the surrounding natural environment. Proposed features include a zen garden, open courtyard, privacy wall/ noise barrier, and passive recreation meditation pathway.

The subject lands contain and are adjacent to numerous significant environmental features including Provincially Significant Wetlands, Significant Woodlands, and Welland River. These will be adequately protected as per provincial and municipal requirements.

5 Formal Pre-Consultation

Prior to submitting an application, a pre-consultation meeting with the Development Review Team is required. The purpose of the pre-consultation meeting is to review the proposed development and identify high-level issues to determine the scope of information and studies/ reports required to submit a complete application.

An initial Pre-Consultation Meeting occurred on August 7th, 2020 to discuss the subject lands, the concept plan prepared at the time, and the necessary planning approvals. The concept plan presented at the time of the meeting was for the development of a three-storey health/fitness facility, containing a martial arts school, yoga studio, restaurant, and an accessory Conference Centre and accommodation suites.

An initial Pre-Consultation Meeting occurred on August 7th, 2020 to discuss the subject lands, the concept plan prepared at the time, and the necessary planning approvals. The concept plan presented at the time of the meeting was for the development of a three-storey health/fitness facility, containing a martial arts school, yoga studio, restaurant, and an accessory Conference Centre and accommodation suites. Since then, the only change to the proposed development has been a slight shift of the building towards the east.

- The requested banquet hall and lodging, which are not recommended at the time;
- The extension of Sanitary services to service the subject lands. Neither the Regional Policy nor the City's Official Plan support private services within the Urban Area;
- Employment jobs being preserved despite the non-industrial use;
- 5% parkland dedication required

Alongside this Planning Justification Report, the following technical studies and drawings are required by the City of Niagara and/or Region of Niagara to form a complete ZBLA application:

- Archaeological Assessment
- Conceptual Site Plan
- Municipal Servicing Study
- Environmental Impact Study
- Stormwater Management Report
- Air Quality Assessment/Noise Study
- Environmental Compliance Approval

Additionally, a Site Line Study is attached to the proposed application.

As part of detailed design and prior to construction, the following materials will be required:

- Tree Survey;
- Landscape Plan;

A copy of the Formal Consultation Documents are provided as **Appendix A** of this report.

6 Planning Applications

To permit the proposed development, approval of several planning applications will be required, such as a Zoning By-law Amendment ("ZBLA"). Subsequent to the approval of the ZBLA, a Site Plan Application will be submitted.

6.1 Zoning By-law Amendment

The City of Niagara Falls Zoning By-law No. 79-200 was passed by the City's Council on November 5, 1979. The northern portion of the subject lands are zoned 'Heavy Industrial', while the southern portion is zoned 'Hazard Lands' (HL). The permitted uses within the HI zone include:

- manufacturing, compounding, processing, packaging, crating, bottling, assembling of raw or semi-processed or fully processed materials,
- abattoir and stock yard used in connection with an abattoir,
- acetylene gas manufacture,
- artificial abrasive plant,
- caustic manufacture,
- cement manufacture, cleaning, curing, storage or tanning of fresh or green hides,
- fertilizer processing plant,
- lime, plaster of paris manufacture,
- poultry processing plant,
- iron and steel plant,
- lime kiln,
- rubber factory,
- soap manufacture,
- steel furnace, blooming or rolling mill,
- winery,
- adult entertainment parlour,
- body-rub parlour, and
- an accessory office.

Permitted uses in Hazard Lands zone include:

- a dwelling existing at the date of the passing of this By-law;

- parks, playgrounds, tennis courts, lawn bowling greens, outdoor natural rinks, athletic fields, golf courses, picnic areas and boat launching ramps, boat shelters and docking facilities and accessory structures but not including any dwelling or dwelling unit, and any existing permitted use and structure.

Therefore, a ZBLA is required to rezone the portion of the subject lands intended for development from 'Heavy Industrial' and 'Hazard Lands' to 'Prestige Industrial' (PI) to allow for the permitted uses of a health and fitness facility (i.e. martial arts school, spa, retreat lodging, yoga studio), conference centre in addition to an accessory restaurant and accommodation suites. While a Conference Centre is a permitted use in the Zone, it is not defined within the City of Niagara Falls Official Plan or Niagara Falls Zoning By-law 79-200. As such, for the purposes of this application, this title refers to a facility, which can host meetings, seminars, workshops, social gatherings, cultural events and other similar activities. This may include dining facilities for the exclusive use of participants. Language for this definition was drawn from The City of Hamilton Zoning By-law 05-200 definition for Conference Centre.

With reference to the 'Prestige Industrial' Zone provisions, the proposed ZBLA will address site-specific provisions relating to the minimum number of parking spaces.

Please refer to the proposed changes in **Section 9.1** of this report and the proposed Zoning By-law Amendment in **Appendix B**.

6.2 Site Plan Approval

An application for Site Plan Approval will be required prior to physical development proceeding as proposed. The Site Plan will illustrate the site statistics, site elements, minimum grading information and mandatory notes. Further, it is expected that the servicing and landscaping design will be refined and submitted at the Site Plan Approval stage.

7 Supporting Studies

The City's Pre-Consultation Submission process outlined the information and materials required to submit a complete application. In accordance with this document, and in the interest of good planning, technical studies were completed. All of these reports and plans will be included separately. An overview of these professional studies and reports are provided below.

7.1 Environmental Impact Statement

A Draft Environmental Impact Statement ("EIS") was completed by Colville Consulting Inc. in June 2022. The finalized version will be sent to the City of Niagara Falls under a separate cover letter. The purpose of the EIS was to assess potential impacts on the proposed development may have on natural heritage features located on or adjacent to the subject lands.

The main conclusions from the Statement include:

- An area of less than 1 hectare of woodland, which is a small, fragmented section between two meadow vegetation communities, will be removed;
- The proposed development will not impact the habitat of Special Concern species and the woodland to be retained will continue to provide habitat for all wildlife species documented on the subject lands.

Recommended mitigation measures include:

- The removal of trees and vegetation should be timed to minimize impacts on any wildlife species. It is recommended that tree removal be completed before March 15th or after

October 31st to minimize impacts to bird and bat species that may be utilizing the woodland on the subject lands;

- All trees not required to be removed for construction or safety should be maintained on-site;
- Tree hoarding should be installed no less than 4 metres from any trees to be retained to ensure critical roots are not compacted or injured;
- Adequate sediment and erosion controls should be installed prior to any construction or site alteration work on the subject lands to prevent sediment from being mobilized and leaving the work area;
- To help maintain the tree cover in the area, it is recommended that a landscape plan be created to incorporate additional trees into the final site design;
- Any exterior lighting should be directed away from the woodland on the subject lands to minimize impacts on wildlife;
- Shades should be installed on exterior lighting to prevent light from being directed upward;
- Snow storage should be directed to parking areas to allow meltwater to be directed to the stormwater management system;
- Consider the inclusion of green swales along the perimeter of impervious surfaces where feasible to collect sediments and pollutants from surface runoffs;
- It is recommended that the replacement nesting structures for Barn Swallows be installed as required by MECP to replace nesting habitat lost after barn removal;
- It is proposed that any trees that will be planted on the subject lands are native and non-invasive trees and shrub species;
- Any areas disturbed by development or construction should be reseeded or sodded to prevent or reduce erosion;

7.2 Stage 1-2 Archaeological Assessment

A Stage 1 and 2 Archaeological Assessment report was submitted by Detritus Consulting Ltd. In June 2022. The Stage 1 study identified multiple factors which contribute to the identification of moderate to high archaeological potential. These factors included: proximity to Welland River/unnamed creek, soil texture, and proximity to pre-contact Aboriginal sites and early Euro-Canadian settlements/transportation routes.

Due to the identification of archaeological potential, a Stage 2 archaeological assessment was conducted on July 14 and 15, 2021. Six locations were identified to contain archaeological resources (1 multi-component site, and 5 pre-contact Aboriginal sites). As such, a Stage 3 Site Specific Assessment is required for 6 locations. The Stage 3 assessment will be conducted in keeping with Section 3.2.2 of the Standards and Guidelines. This report has been submitted to the Minister of Heritage, Sport, Tourism and Culture Industries. It is recommended that should any further archaeological resources be discovered, all work on the site will cease until a licensed consultant archaeologist carries out the necessary archaeological fieldwork.

7.3 Functional Servicing Report & Stormwater Management

A Functional Servicing Report (“FSR”) was completed by IBI Group on September 1, 2022. The purpose of the report was to examine the existing servicing conditions for the subject lands and

identify a stormwater management, sanitary discharge, and water supply servicing strategy for the proposed development.

In terms of water supply, the FSR identified two locations of existing water infrastructure:

- A 300mm diameter watermain at Heartland Forest Road and Chippawa Creek Road, extending north and east; and
- a 300mm diameter watermain approximately 835 m west of the site along Chippawa Creek Road.

Based on these locations it was determined that an extension would be required. Due to the first watermain listed above being located across a vehicular bridge, the extension of the watermain to the west was determined to be the most viable option. The FSR calculated domestic water demand for the proposed development:

- Average Daily Demand (ADD) 2.93 L/s
- Peak Hour Demand (PHD) 5.85 L/s
- Max Day Demand (MDD) 4.39 L/s

In addition, three existing hydrants were identified to be located near the subject lands. These locations were on Chippawa Creek Road approximately 40m east of Heartland Forest Road, on Heartland Forest Road approximately 50m north of Chippawa Creek Road, and on Chippawa Creek Road across from the Garner Road Biosolids Facility driveway. A hydrant flow test will be performed at a later date. As there is no hydrant in close proximity, a new municipal fire hydrant will be installed along Chippawa Creek Road to service the proposed development.

In terms of sanitary infrastructure, the FSR identified three locations of existing infrastructure:

- 200mm diameter sewer at 0.8%, approximately 200m north of Chippawa Creek Road on Heartland Forest Road.
- 250mm diameter sewer at 0.4%, approximately 70m north of Chippawa Creek Road on Montrose Road.
- 150mm diameter Regional forcemain on Chippawa Creek Road. It should be noted that this forcemain is not to be disturbed per the Region.

The FSR concluded that based on topographic data, and the location/depths of existing sanitary, a gravity sewer connection is not feasible for the site. As such, on-site sanitary holding tanks are proposed to be installed. The on-site sanitary sewage system, holding tank, and emptying schedule shall be established by a mechanical consultant.

Finally, in terms of storm water management, roadside ditches draining to Thompson Creek and Welland River currently service the surrounding area. On the subject lands, storm flows currently run in a southeasterly direction towards the Welland River and Thompson Creek. The FSR established that quantity controls are not required for the proposed development. It is proposed that the development utilize low impact development stormwater cleansing features to treat the runoff to an Enhanced standard. These features will be refined during the Site Plan Application stage and may include infiltration galleries, vegetation filter strips, and enhanced grass swales.

7.4 Land Use Compatibility

A Land Use Compatibility Report was completed by WSP Canada Inc. on June 1, 2022. This report assessed potential air quality, dust, odour, noise and vibration impacts related to the introduction of the proposed sensitive uses to the subject lands. The evaluation was conducted

based on D-2 Compatibility Between Sewage Treatment and Sensitive Land Use Guideline and D-6 Compatibility Between Industrial Facilities and Sensitive Land Use Guideline.

Based on the D-2 Guideline, the Garner Road Biosolids Facility was identified as a potential source of impact. The biosolids facility was determined to have a design capacity of 92,000 m³/day which therefore has a recommended separation distance to a sensitive receptor of greater than 150 m and separation distance of between 100 m and 400 m from a waste stabilization pond to a sensitive receptor. The proposed development is located approximately 355 m east of the identified facility. This facility was granted an Environmental Compliance Approval (“ECA”) which demonstrates its ability to comply with odour guidelines to the nearest existing sensitive receptor which is located 26 m to the south. The report therefore draws a conclusion that through the ECA conditions, the facility is required to implement measures to prevent and/or minimize nuisance and other impacts to sensitive receptors. As such, the biosolids facility is not expected to adversely impact the proposed development.

Based on the D-6 Guideline, it was identified that the Cytex Canada Inc. industrial facility was located outside the 1000 m Class III potential area of influence. One facility of potential adverse impact was identified within the 1000 m radius. Power Grow Composting is located 860 m west of the subject lands and is classified as a Class III facility. The facility has an ECA which contains conditions for controlling potential nuisances including odour through a mobile odour control agent spraying system. The granted ECA demonstrates that the facility complied and must continue to comply with air quality, noise, and odour guidelines in relation to the nearby existing sensitive use. Therefore, the report concludes that the composting facility is not expected to have adverse air quality, odour, noise, or vibration impacts on the proposed development.

Finally, the proposed development is located abutting Chippawa Creek Road and near Heartland Forest Road. Based on the 2017 Grand Niagara Transportation Impact Study Draft and future 2031 traffic volumes, it was determined that road dust and traffic noise are not expected to create a significant impact on the subject lands due to relatively low projected traffic volumes.

7.5 Site Line Study

A Sightline Assessment Study was completed by Associated Engineering on December 23, 2021. This study was conducted to assess sightlines for the proposed driveways associated with the development. It should be noted that since the completion of this study, the conceptual site plan was updated to only utilize one driveway access from Chippawa Creek Road. As such the findings and recommendations of this report may vary slightly in comparison to updated proposed site configuration.

The study utilized the Transportation Association of Canada Geometric Design Guide for Canadian Roads, 2017 to assess horizontal sight distances. Potential sightline obstructions were identified due to the Chippawa Creek Road curve to the south where existing trees near the property line restricts visibility. In addition, the vertical curve on Chippawa Creek Road just east of Heartland Forest Road was identified to restrict visibility. The study determined that vehicles turning northbound left from the western site access do not meet the minimum sight distance requirements at 169.8 m versus 190 m. As such, the report recommends restricting lefts out of the site access through signage or physical channelization. If a left turn restriction is not desirable, it was recommended that the site access is relocated or the trees impeding visibility are removed.

8 Current Planning Status

The following subsections provide an assessment of the proposed development against current and applicable planning policy, including the Planning Act, Provincial Policy Statement 2020, Growth Plan for the Greater Golden Horseshoe 2019, the Region of Niagara Official Plan 2014, the Region of Niagara Official Plan 2020, the City of Niagara Falls Official Plan, and the City of Niagara Falls Zoning By-law 79-200. These documents are reviewed in detail below and specific policies are quoted following which a planning comment is provided along with subsection summaries.

8.1 Planning Act

The Planning Act, R.S.O. 1990, c. P.13 (the “Planning Act”) deals with land use planning in Ontario and outlines how land is controlled and the roles of various levels of government and the public in regard to land use matters. **O.Reg 545/06** discusses the ability and requirements for a Municipality to enact and amend Zoning By-laws. Powers with respect to Zoning By-laws under Section 34 in the Planning Act include, amongst other things, the ability to prohibit erecting, locating or using of buildings or structures; for prohibiting any use of land; for regulating the type of construction and the height, bulk, location size, floor area, spacing, character and use of buildings or structure; and for requiring provision and maintenance of parking facilities. The last date of consolidation was July 1st, 2022. The following excerpts and comments apply to the subject planning applications.

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

Planning Comment: The EIS, prepared by Colville Consulting Inc. identified the extents and related buffers for the on-site natural features, as illustrated in **Figure 8-1**. This includes the Provincially Significant Wetland, where its boundaries and related buffers are recommended to be refined.

The location of proposed development has been situated in the north-east pocket of the subject lands, outside of the delineated features. The proposed building and structures will be buffered from the designated natural areas.

In addition, hazard lands associated with the Welland River have been primarily avoided, which in tandem with stormwater management practices will ensure the protection of health and safety. Specifically, 19 parking spaces in the western parking area have encroached onto the 30-metre refined buffer of the Welland River. These parking spaces are not included in the required parking counts and are considered ‘additional parking’.

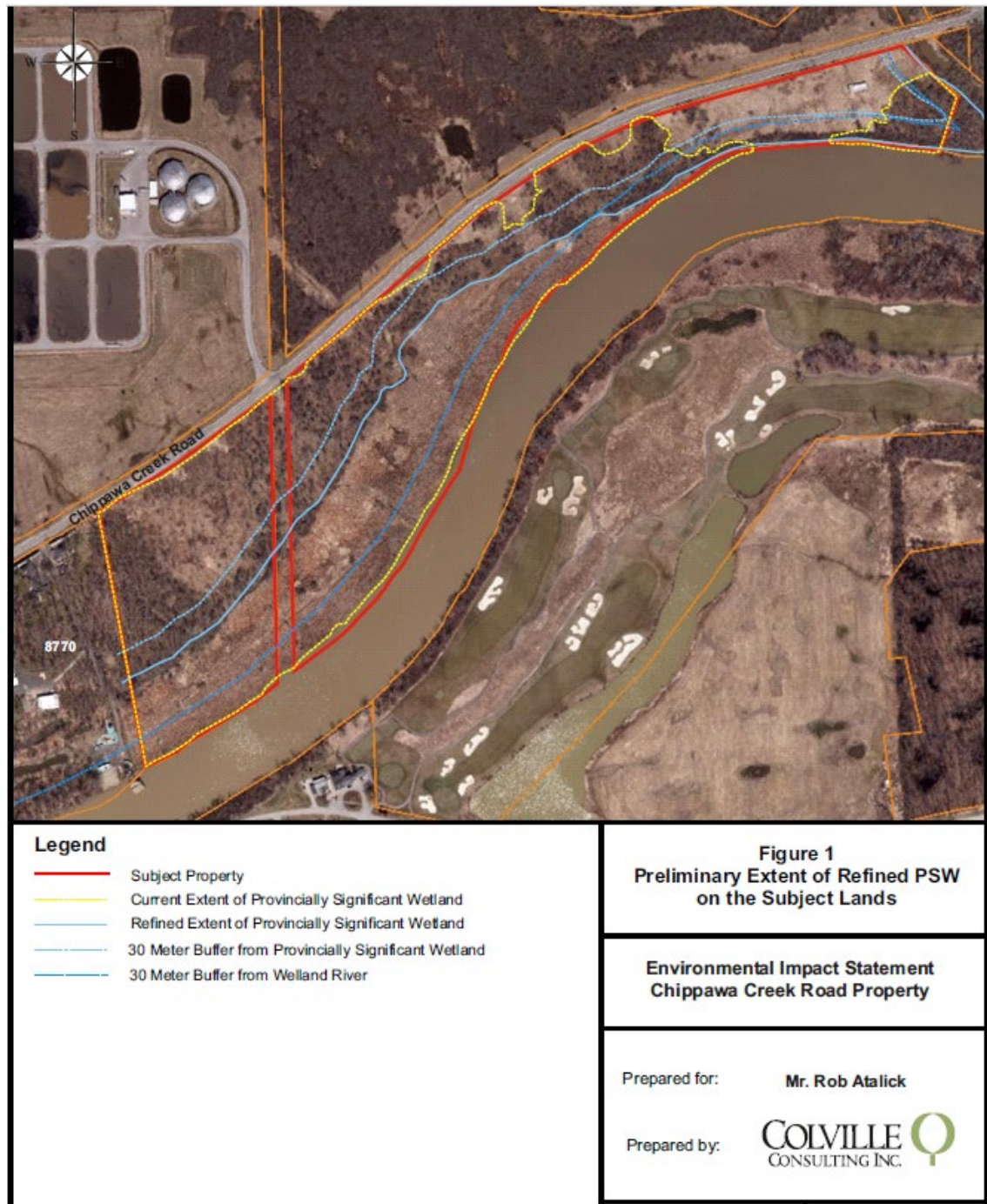


Figure 8-1: Excerpt from Environmental Impact Study, Prepared by Colville Consulting Inc.

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

Planning Comment: The subject lands do not contain any identified heritage building or structure. As outlined in **Section 7.2**, a Stage 1 & 2 Archaeological Impact Assessment was completed by Detritus Consulting Ltd. The study determined the presence of pre-contact indigenous resources and early Euro-Canadian resources. As such, a Stage 3 Assessment will be conducted. This will ensure all significant archaeological features are conserved.

- 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;*

Planning Comment: Currently, the subject lands are not serviced by municipal water and wastewater infrastructure. The FSR, prepared by IBI Group concluded that based on topographic data and the location/depths of existing sanitary systems, a gravity sewer connection is not feasible for the subject lands. As such, on-site sanitary holding tanks are proposed to be installed. The on-site sanitary sewage system, holding tank, and emptying schedule shall be established by a mechanical consultant.

In addition, the FSR provided that the proposed development can be supported by the extension of existing municipal water infrastructure located west of the subject lands. Until the extension of municipal infrastructure, holding tanks for water supply should be utilized.

The portion of the subject lands proposed to be developed are part of an isolated pocket of developable lands surrounded by environmental constraints and do not currently have access to any municipal infrastructure. Identified within the City of Niagara Official Plan, the subject lands are part of Phase 4 of the Municipal Servicing Plan. As such, until further development occurs in the area, the extension of municipal infrastructure would be inefficient.

- (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;*
- (k) *the adequate provision of employment opportunities;*
- (l) *the protection of the financial and economic well-being of the Province and its municipalities;*
- (o) *the protection of public health and safety;*
- (p) *the appropriate location of growth and development;*

Planning Comment: The subject lands are located within a Designated Greenfield Area, identified to accommodate a large percentage of forecasted population and employment growth. However, the subject lands are heavily constrained by environmental features and hazard lands. As such, the proposed development represents a viable opportunity to provide diversified employment opportunities in an appropriate location designated to accommodate non-intensive employment growth. Through the proposal of a mixture of uses, the proposed development creates a diversity of employment opportunities including jobs in health/fitness, hospitality, administration, and maintenance.

Due to the on-site and off-site environmental constraints, the subject lands are not contingent to the broader Greenfield Area build-out based on municipal phasing. This is partly due to the location of the subject lands being located in an isolated pocket of developable land, which currently do not have access to municipal infrastructure. Therefore, the utilization of holding tanks on a temporary basis ensures the protection of the financial well-being of municipalities and avoids the inefficient and uneconomical extension of municipal water and wastewater services.

Along with the promotion of health and fitness through the proposed uses, the proposed building is also designed to protect public health and safety by avoiding designated Hazard Lands. Furthermore, the Land Use Compatibility Study conducted by WSP has confirmed that no risk is posed to the public due to nearby industrial and wastewater facilities

- (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.*

Planning Comment: Demonstrated by the elevations and renderings, the proposed development is designed to a high degree of architectural quality, which establishes a sense of place and utilizes existing topography to connect visitors with the Welland River and surrounding natural environment. The proposed landscaping and amenity spaces have been designed to contribute to the envisioned serene environment of the development including a connection with the surrounding natural environment. Proposed features include a zen garden, open courtyard, privacy wall/ noise barrier, and passive recreation meditation pathway.

Finally, through the inclusion of synergistic uses and accessory accommodation suites, customers of the proposed development will be able to access multiple amenities in the same spot, reducing unnecessary vehicular trips and associated greenhouse gas emissions. For example, a customer can access a martial arts event, use the spa, and eat at the restaurant without driving.

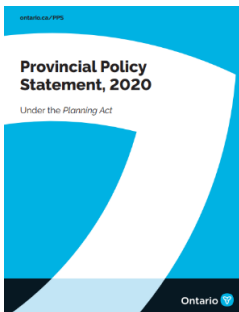
Section 3 provides that Minister may issue policy statements, and that a decision by a council or board in respect of an exercise that affects a planning matter shall be consistent with the policy statements and shall conform with the provincial plans that are in effect on that date.

Planning Comment: The following section of this report will address conformity with the Provincial Policy Statement and the subsequent section will address that the proposed applications conform to applicable provincial plans.

Planning Act Conclusion: The proposed application is subject to Section 34 of the Planning Act, as an amendment is required to the City of Niagara Falls Zoning by-law. The applications will be processed in accordance of those sections of the Act. The proposed development is consistent with the Planning Act as it will:

- protecting ecological systems, by developing in the north-east pocket of the subject lands outside of delineated natural features;
- conserve features of significant archaeological interest;
- Contribute to the efficient use of municipal services and infrastructure, by temporarily utilizing holding tanks until further development in the area occurs;
- Represent an appropriate location for non-intensive employment growth; and
- Promote a well-designed built form, by utilizing the natural topography of the land to enhance views to the Welland River.

8.2 Provincial Policy Statement 2020



The PPS provides policy direction on matters of provincial interest regarding land use planning and sets the foundation for land use planning and development regulations. This includes protecting resources of provincial interest, the built and natural environment and public health and safety. The PPS focuses growth within Settlement Areas and away from significant or sensitive resources and areas which may pose a risk to public health and safety. It recognizes that the wise management of development may involve directing, promoting or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns.

On February 28, 2019, the Provincial Government issued a new Provincial Policy Statement 2020. It replaced the Provincial Policy Statement issued on April 30, 2014. The PPS was issued under Section 3 of the Planning Act and came into effect on May 1, 2020. In this regard, Section 3 of the

Planning Act requires that land use planning decisions be consistent with the PPS. The PPS provides direction for municipal planning documents and to individual site-specific developments. Municipal Official Plans are to be consistent with the PPS. The PPS applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after this date. Therefore, the proposed OPA is subject to and is assessed against, the applicable policies of the PPS.

For the purposes of this report, the version of the PPS available online at <https://files.ontario.ca/mmah-provincial-policy-statement-2020-accessible-final-en-2020-02-14.pdf> was used.

The PPS is to be read in its entirety. With respect to the specific policies in the PPS 2020 document, several are applicable to the subject lands in general.

8.2.1 Section 1 Building Strong and Healthy Communities

Section 1 of the PPS focuses on building strong, healthy Communities. **Sub-Section 1.1** provides direction for managing and directing land use to achieve efficient and resilient development and land use patterns.

Policy 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;*

Planning Comment: The subject lands are located within the Designated Greenfield Area for the City of Niagara Falls. The portion of the subject lands proposed to be developed are part of an isolated pocket of developable lands surrounding by environmental constraints and do not have access to any municipal infrastructure. Identified within the City of Niagara Official Plan, the subject lands are part of Phase 4 of the Municipal Servicing Plan. As such, until further development occurs in the area, the utilization of holding tanks would ensure a land use pattern, which is financially sustainable and efficient.

The proposed development will contribute to accommodating non-intensive employment growth on an environmentally restricted parcel of land with multiple unique employment, commercial and recreational opportunities. Employment opportunities will include health and fitness instructors related to the martial arts teaching facility and yoga centre along with hospitality staff for the spa, conference centre, and accessory restaurant and accommodation suites. In addition, passive recreational features are proposed on the subject lands including meditation walking trails.

- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*

Planning Comment: The hazard lands on the subject lands are related to the Welland River, while the Environmental Protection Areas encompass lands occupied by Provincially Significant Wetlands (“PSW”) and Woodlands. As previously highlighted, an EIS was conducted by Colville, which recommended a refinement of the PSW boundaries, as seen in **Figure 8-1**. The proposed development has been designed to avoid designated hazard lands and Environmental Protection Areas. However, 19 parking spaces in the western parking area have encroached onto the 30-metre refined buffer of the Welland River. These parking spaces are not included in the required parking counts and are considered ‘additional parking’.

Furthermore, the proposed development will be subject to a Niagara Peninsula Conservation Authority (“NPCA”) permit. Through the proposed development’s design, supporting study recommendations, and NPCA permit, it will ensure that environmental and public health/safety concerns are avoided.

- 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;*

Planning Comment: The subject lands are located within the City of Niagara Falls Urban Boundary and Designated Greenfield Area, which are intended to accommodate projected employment growth. Due to the environmental constraints, the subject lands are not contingent to the broader Greenfield Area build-out based on municipal phasing. This is partly due to the location of the subject lands being located in an isolated pocket of developable land, which currently do not have access to municipal infrastructure. Therefore, the utilization of holding tanks on a temporary basis to avoid the unfeasible extension of municipal infrastructure promotes a cost-effective development pattern to minimize servicing costs.

- f) *improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*

Planning Comment: Further details at site plan will illustrate how the proposed development will improve accessibility for persons with disabilities.

- g) *ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*

Planning Comment: Currently, the subject lands are not serviced by municipal water and wastewater infrastructure. The FSR, prepared by IBI Group concluded that based on topographic data and the location/depths of existing sanitary systems, a gravity sewer connection is not feasible for the subject lands. As such, on-site sanitary holding tanks are proposed to be installed. The on-site sanitary sewage system, holding tank, and emptying schedule shall be established by a mechanical consultant.

In addition, the FSR provided that the proposed development can be supported by the extension of existing municipal water infrastructure located west of the subject lands. Until the extension of municipal infrastructure, holding tanks for water supply should be utilized.

The portion of the subject lands proposed to be developed are part of an isolated pocket of developable lands surrounded by environmental constraints and do not have access to any municipal infrastructure. Identified within the City of Niagara Official Plan, the subject lands are part of Phase 4 of the Municipal Servicing Plan. As such, until further development occurs in the area, the extension of municipal infrastructure would be inefficient.

- h) *promoting development and land use patterns that conserve biodiversity; and*
- i) *preparing for the regional and local impacts of a changing climate.*

Planning Comment: An EIS was prepared by Colville Consulting Inc. in support of this application, which identified boundaries for environmental features including wetlands, woodlands, and valley lands, as seen in **Figure 8-1**. The location of the proposed development is within the north-east portion of the subject lands, which is outside of those identified boundaries. Environmental Areas will be buffered to protect their biodiversity. In addition, recommendations provided in the EIS will ensure on-site trees are preserved.

The proposed building is located outside of Welland River 30 – metre buffer, preventing any possible future flood risk. However, 19 parking spaces in the western parking area have

encroached onto the 30-metre refined buffer of the Welland River. These parking spaces are not included in the required parking counts and are considered 'additional parking'.

Subsection 1.1.3 provides development and growth direction for Settlement Areas.

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

Policy 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;*

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.

Planning Comment: The subject lands are located within the Urban Area Boundary of the City of Niagara Falls and are designated as part of the 'Greenfield' Area'. The proposed development represents an efficient utilization of lands, through the inclusion of multiple commercial and employment uses within a compact, functional, and compatible layout. The building material and design dialogues with the surroundings, as the proposed landscaping and amenity spaces have been designed to contribute to the envisioned serene environment of the development including a zen garden, open courtyard, privacy wall/ noise barrier, and passive recreation meditation pathway. The proposed design avoids the protected areas along the riverbank, by locating the building outside of the 30-metre buffer of the Welland River to prevent long-term flood risk. However, 19 parking spaces in the western parking area have encroached onto the 30-metre refined buffer of the Welland River. These parking spaces are not included in the required parking counts and are considered 'additional parking'.

By locating a conference centre, accessory restaurant and accommodation suites, it will provide the opportunity for the proposed development's health and fitness facilities to host events and provide the opportunity for customers or attendees to reside on the lands overnight. This will remove private vehicle trip generation related to transportation between the proposed development and off-site conference centres/ accommodations. Therefore, the proposed development will contribute towards minimizing the impacts to air quality and climate change related to vehicular emissions.

Currently, the subject lands are not serviced by municipal water and wastewater infrastructure. The portion of the subject lands proposed to be developed are part of an isolated pocket of developable lands surrounded by environmental constraints and do not have access to any

municipal infrastructure. Identified within the City of Niagara Official Plan, the subject lands are part of Phase 4 of the Municipal Servicing Plan. As such, until further development occurs in the area, the utilization of holding tanks would prevent the unjustified extension of municipal services outside of the prescribed phasing for the Designated Greenfield Area.

Policy 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.*

Policy 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.*

Planning Comment: The subject lands are located within a Designated Greenfield Area, which is adjacent to the current delineated Built- Area, further described in Regional and Local Official Plan. Urban development is occurring to the north-east of the subject lands as a part of Phase 1 of the Garner South Secondary Plan. By developing the subject lands within the Designated Greenfield Area with multiple employment uses, it will contribute towards achieving the minimum density target of 50 people/jobs per ha.

The proposed use of the subject lands does not represent a major development which relies on coordination with adjacent urban uses to function and therefore would not impact the timely progression of growth and development in the Greenfield Area. The portion of the subject lands proposed to be developed are part of an isolated pocket of developable lands surrounding by environmental constraints and do not have access to any municipal infrastructure. Identified within the City of Niagara Official Plan, the subject lands are part of Phase 4 of the Municipal Servicing Plan. As such, until further development occurs in this portion of the Greenfield Area, the utilization of holding tanks would prevent the unjustified extension of municipal services outside of the prescribed phasing for the Designated Greenfield Area.

Subsection 1.2.6 provides policies in relation to land use compatibility.

Policy 1.2.6.1 *Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.*

Policy 1.2.6.2 *Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:*

- a) *there is an identified need for the proposed use;*
- b) *alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;*
- c) *adverse effects to the proposed sensitive land use are minimized and mitigated; and*
- d) *potential impacts to industrial, manufacturing or other uses are minimized and mitigated.*

Planning Comment: A Land Use Compatibility Study conducted by WSP concluded that no land use compatibility issues are anticipated in association with the proposed development.

Subsection 1.3 provides policies for employment.

Policy 1.3.1 *Planning authorities shall promote economic development and competitiveness by:*

- a) *providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*
- b) *providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
- c) *facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;*
- d) *encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and*
- e) *ensuring the necessary infrastructure is provided to support current and projected needs.*

Planning Comment: The subject lands are located within a Designated Greenfield Area, which is intended to accommodate employment growth, by achieving the prescribed density target of 50 people/ jobs per hectare. The proposed development will provide a mixture of employment opportunities and ancillary uses, includes health and fitness and commercial employment positions related to the martial arts, yoga, and spa facility in addition to the conference centre along with accessory hospitality positions related to the restaurant and accommodation suites. Incorporating a multitude of employment opportunities in a functional, compact and compatible layout will represent an efficient utilization of land.

The portion of the subject lands proposed to be developed are part of an isolated pocket of developable lands surrounding by environmental constraints and do not have access to any municipal infrastructure. Identified within the City of Niagara Official Plan, the subject lands are part of Phase 4 of the Municipal Servicing Plan. As such, until further development occurs in this portion of the Greenfield Area, the utilization of holding tanks would ensure that necessary infrastructure servicing is available, while preventing the unjustified extension of municipal services outside of the prescribed phasing for the Designated Greenfield Area.

Subsection 1.6.6 provides policies relating to sewage, water and stormwater.

Policy 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*

Policy 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.*

Policy 1.6.6.3 *Where municipal sewage services and municipal water services are not available, planned or feasible, private communal sewage services and private communal water services are the preferred form of servicing for multi-unit/lot development to support protection of the environment and minimize potential risks to human health and safety.*

Policy 1.6.6.4 *Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.*

At the time of the official plan review or update, planning authorities should assess the long-term impacts of individual on-site sewage services and individual on-site water services on the environmental health and the character of rural settlement areas. Where planning is conducted by an upper-tier municipality, the upper-tier municipality should work with lower-tier municipalities at the time of the official plan review or update to assess the long-term impacts of individual on-site sewage services and individual on-site water services on the environmental health and the desired character of rural settlement areas and the feasibility of other forms of servicing set out in policies 1.6.6.2 and 1.6.6.3.

Policy 1.6.6.5 *Partial services shall only be permitted in the following circumstances:*

- a) *where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; or*
- b) *within settlement areas, to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no negative impacts.*

Where partial services have been provided to address failed services in accordance with subsection (a), infilling on existing lots of record in rural areas in municipalities may be permitted where this would represent a logical and financially viable connection to the existing partial service and provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In accordance with subsection (a), the extension of partial services into rural areas is only permitted to address failed individual on-site sewage and individual on-site water services for existing development.

Policy 1.6.6.7 Sewage, Water and Stormwater

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*
- f) *promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development*

Planning Comment: Currently, the portion of the subject lands proposed to be developed are part of an isolated pocket of developable lands surrounded by environmental constraints and do not have access to any municipal infrastructure. Identified within the City of Niagara Official Plan, the subject lands are part of Phase 4 of the Municipal Servicing Plan.

The FSR, prepared by IBI Group provided that the proposed development can be supported by the extension of existing municipal water infrastructure located west of the subject lands. Until the extension of municipal infrastructure, holding tanks for water supply should be utilized.

The FSR concluded that based on the topographic data and location/depth of existing sanitary infrastructure, a gravity sewer connection is not feasible for the subject lands. Furthermore, the lands proposed to be developed exist as a component of an isolated pocket of developable lands with environmental constraints. The first residential phases of the Garner Road Secondary Plan are separated from the subject lands by the Heartland Forest. Lands west along Chippawa Creek Road contain existing operating industrial uses and a small number of residential parcels presumed to be on private septic systems. Until further development occurs in the area, the extension of municipal infrastructure and requirement for complete urban services would result in an inefficient extension of public wastewater infrastructure to service a limited number of uses. The requirement of this policy would thus contradict core planning policies emphasizing the efficient and sustainable use of public infrastructure.

As such, the proposed use of holding tanks represents sound planning decision making, where municipal services are not feasible. The on-site sanitary sewage system, holding tank, and emptying schedule shall be established by a mechanical consultant.

Finally, as outlined in the attached FSR, quantity controls are not required for stormwater runoff. However, runoff shall be treated to an Enhanced Standard prior to discharge to Thompson Creek or the Welland River. This is recommended to be supported by other features such as infiltration galleries, vegetation filter strips, and enhanced grass swales. Further details will be included in the subsequent Site Plan Application.

Subsection 1.7 provides policies on supporting long-term economic prosperity.

Policy 1.7.1 *Long-term economic prosperity should be supported by:*

- a) *promoting opportunities for economic development and community investment-readiness;*
- h) *providing opportunities for sustainable tourism development;*

Planning Comment: The proposed development will promote economic development through providing a number of employment opportunities and diversifying the existing economic base in the surrounding area through the creation of health/fitness, commercial and accessory tourism/hospitality jobs.

8.2.2 Section 2 Wise Use and Management of Resources

Section 2.0 of the PPS provides policies pertaining to the Wise Use and Management of Resources. **Subsection 2.1** provides policies in relation to Natural Heritage.

Policy 2.1.1 *Natural features and areas shall be protected for the long term.*

Policy 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.*

Policy 2.1.4 Development and site alteration shall not be permitted in:

- a) significant wetlands in Ecoregions 5E, 6E and 7E1; and

Policy 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. Marys River)1;
- c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1;

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Policy 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.

Planning Comment: As outlined in the EIS prepared by Colville Consulting Inc. multiple Natural Heritage features have been identified to exist on or adjacent to the subject lands. Features include the PSW and woodlands, along with the significant valley land and critical fish habitat related to the Welland River, which are shown on **Figure 8-1**. Based on the findings of this report, the proposed development has been designed to avoid any negative impact to the Natural Heritage features.

Subsection 2.6 provides policies relating to Cultural Heritage and Archaeology.

Policy 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.

Planning Comment: A Stage 1 and 2 Archaeological Assessment was completed by Detritus Consulting Ltd. on October 26, 2021. The Stage 1 assessment identified the high potential for the identification and recovery of archaeological resources. Therefore, a Stage 2 assessment was conducted. Through this process, multiple test pit locations were identified to contain pre-contact Aboriginal and Euro-Canadian historical archaeological components. As such, a Stage 3 Site Specific Assessment is required for 6 locations. The Stage 3 assessment will be conducted in keeping with Section 3.2.2 of the Standards and Guidelines. The Stage 1 and 2 Archaeological Assessment report has been submitted to the Minister of Heritage, Sport, Tourism and Culture Industries. Should any further archaeological resources be discovered, all work on the site will cease until a licensed consultant archaeologist carries out the necessary archaeological fieldwork.

8.2.1 Section 3 Protecting Public Health and Safety

Section 3.0 deals with protecting the environmental health and social well-being, which depends upon reducing the potential for public cost or risk to Ontario's residents from natural or human made hazards. Subsection **3.1** provides policies in relation to Natural Hazards.

Policy 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

Policy 3.1.2 Development and site alteration shall not be permitted within:

- d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.

Planning Comment: The subject lands are located adjacent to the Welland River and contains areas zoned as Hazard Lands within the City of Niagara Falls Zoning By-law No. 79-200. The proposed building has been situated outside of the Welland River 30-metre buffer and does not involve any buildings or structures located within the zoned Hazard lands. However, 19 parking spaces in the western parking area have encroached onto the 30-metre refined buffer of the Welland River. These parking spaces are not included in the required parking counts and are considered ‘additional parking’.

Provincial Policy Statement 2020 Conclusion: The proposed development is consistent with the PPS 2020, as it will:

- efficiently utilize the subject lands, by proposing a multi-use facility in a compact, functional and compatible layout;
- be an appropriate location for employment growth, as the subject lands are located within a Greenfield Area;
- contribute to achieving the 50 persons/ jobs per hectare density target for Greenfield Areas;
- create multiple job opportunities, which will contribute to long-term economic prosperity
- efficiently use holding tanks in the interim, till further development occurs in the area in order for the expansion of municipal services to be feasible;
- protect natural heritage features, by situating the proposed building in the north-east portion of the subject lands.

8.3 Growth Plan for the Greater Golden Horseshoe 2019



The Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”) 2019 was prepared and approved under the Places to Grow Act, 2005. The Growth Plan took effect on May 16, 2019 and is applicable to the subject lands. The Growth Plan provides policies to guide future growth. The Growth Plan provides policies to guide future growth and development, where the major goals are to provide a sufficient housing supply, improving transportation options, encourage a high quality of life and a strong economy, while ensuring a healthy natural environment. The Growth Plan guides development in the Greater Golden Horseshoe (“GGH”) to a time horizon to the year 2051.

For the purposes of this report, the version of the Growth Plan online at <https://www.ontario.ca/document/place-grow-growth-plan-greater-golden-horseshoe> was used.

The following policies discussed are particularly applicable to the proposed planning applications.

8.3.1 Section 2 Where and How to Grow

Section 2.2.1 of the Growth Plan deals with managing growth, and the following policies within it are applicable to the proposed development.

Policy 2.2.1.1 *Population and employment forecasts contained in Schedule 3 or such higher forecasts as established by the applicable upper- or single-tier municipality through its municipal comprehensive review will be used for planning and managing growth in the GGH to the horizon of this Plan in accordance with the policies in subsection 5.2.4.*

REGION	POPULATION 2051	EMPLOYMENT 2051
Region of Niagara	674,000	272,000

Table 8-1: Excerpt from Schedule 3 - Distribution of Population and Employment for the Greater Golden Horseshoe to 2051

Policy 2.2.1.2 *Forecasted growth to the horizon of this Plan will be allocated based on the following:*

- a) *the vast majority of growth will be directed to settlement areas that:*
 - i. *have a delineated built boundary;*
 - ii. *have existing or planned municipal water and wastewater systems; and*
 - iii. *can support the achievement of complete communities;*
- b) *growth will be limited in settlement areas that:*
 - ii. *are not serviced by existing or planned municipal water and wastewater systems;*
or
- 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;*

Planning Comment: The subject lands are located within the Urban Area and designated as part of the Greenfield Area, where growth is to be directed. The portion of the subject lands proposed to be developed are part of an isolated pocket of developable lands surrounding by environmental constraints and currently do not have access to any municipal infrastructure. Identified within the City of Niagara Official Plan, the subject lands are part of Phase 4 of the Municipal Servicing Plan. As such, until further development occurs in the area, the extension of municipal infrastructure would be inefficient and holding tanks for water and sanitary service should be utilized in the interim. The on-site sanitary sewage system, holding tank, and emptying schedule shall be established by a mechanical consultant.

The proposed development will assist in accommodating forecasted employment growth, by providing a number of employment opportunities. It will contribute towards achieving a complete community through the development of a multi-use building, which contains employment/commercial uses, a conference centre and an accessory restaurant and accommodation suites.

Policy 2.2.1.4. *Applying the policies of this Plan will support the achievement of complete communities that:*

- a) *feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*
- b) *improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*

Planning Comment: The proposed development will feature a diversity of employment uses, including a Martial Arts School, Spa, Retreat Lodging, Yoga Studio, Conference Centre together with an accessory restaurant and 10 accessory accommodation suites. This will contribute to the diversification of land uses and employment opportunities in the immediate area.

The multi-use facility promotes recreational and wellness services, thereby improving the quality of life of customers.

Section 2.2.5 provides policies in relation to employment.

Policy 2.2.5.1 *Economic development and competitiveness in the GGH will be promoted by:*

- a) *making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;*
- b) *ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan;*
- c) *planning to better connect areas with high employment densities to transit; and*
- d) *integrating and aligning land use planning and economic development goals*

Planning Comment: In the Existing Niagara Regional Official Plan, the subject lands are part of the Employment Area within the Niagara Economic Gateway Zone, however, have never been developed for employment purposes. These lands have restricted potential for intensive industrial and employment uses, due to the presence of multiple natural heritage features.

The proposed development represents a more efficient use of the identified employment lands, by providing a compatible, compact and functional layout of a mix of employment/ commercial uses without infringing upon identified natural heritage features.

Policy 2.2.5.8. *The development of sensitive land uses, major retail uses or major office uses will, in accordance with provincial guidelines, avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment.*

Planning Comment: As previously highlighted, the Land Use Compatibility study completed by WSP concluded that no adverse impacts are anticipated due to the proposed introduction of sensitive uses.

Section 2.2.7 provides policies for Designated Greenfield Areas.

Policy 2.2.7.1. *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.*

Policy 2.2.7.2. *The minimum density target applicable to the designated greenfield area of each upper- and single-tier municipality is as follows:*

- a) *The Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will plan to achieve within the horizon of this Plan a minimum density target that is not less than 50 residents and jobs combined per hectare; and*

Planning Comment: As stated throughout this report, the subject lands are located within a Designated Greenfield Area. The proposed development will contribute towards achieving the Designated Greenfield Area density target by introducing a mixture of employment uses, which will diversify the economic base. The employment uses are non-intensive to preserve the identified natural heritage features on the subject lands.

The mix of uses in the proposed development will contribute towards achieving a complete community, which is supportive of proximate transportation and transit services.

8.3.2 Section 3 Infrastructure to Support Growth

Section 3.2.6 of the Growth Plan provides policies regarding water and wastewater systems.

Policy 3.2.6.2 *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;*
- c) *a comprehensive water or wastewater master plan or equivalent, informed by watershed planning or equivalent has been prepared to:*
 - i. *demonstrate that the effluent discharges and water takings associated with the system will not negatively impact the quality and quantity of water;*
 - ii. *identify the preferred option for servicing growth and development, subject to the hierarchy of services provided in policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5 of the PPS, 2020, which must not exceed the assimilative capacity of the effluent receivers and sustainable water supply for servicing, ecological, and other needs; and*
 - iii. *identify the full life cycle costs of the system and develop options to pay for these costs over the long-term.*

Planning Comment: Currently, the portion of the subject lands proposed to be developed are part of an isolated pocket of developable lands surrounded by environmental constraints and do not have access to any municipal infrastructure. Identified within the City of Niagara Official Plan, the subject lands are part of Phase 4 of the Municipal Servicing Plan.

The FSR, prepared by IBI Group provided that the proposed development can be supported by the extension of existing municipal water infrastructure located west of the subject lands. Until the extension of municipal infrastructure, holding tanks for water supply should be utilized.

The FSR concluded that based on the topographic data and location/depth of existing sanitary infrastructure, a gravity sewer connection is not feasible for the subject lands. Furthermore, the lands proposed to be developed exist as a component of an isolated pocket of developable lands with environmental constraints. The first residential phases of the Garner Road Secondary Plan are separated from the subject lands by the Heartland Forest. The lands to the west along Chippawa Creek Road contain existing operating industrial uses and a small number of residential parcels presumed to be on private septic systems. Until further development occurs in the area, the extension of municipal infrastructure and requirement for complete urban services would result in an inefficient extension of public wastewater infrastructure to service a limited number of uses. The requirement of this policy would thus contradict core planning policies emphasizing the efficient and sustainable use of public infrastructure.

As such, the proposed use of holding tanks represents sound planning decision making, where municipal services are not feasible. The on-site sanitary sewage system, holding tank, and emptying schedule shall be established by a mechanical consultant.

Section 3.2.7 of the Growth Plan provides policies relating to Stormwater Management.

Policy 3.2.7.2. *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:*

- c) *establishes planning, design, and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion, and impervious surfaces; and*

Planning Comment: As outlined in the attached FSR, quantity controls are not required for stormwater runoff. However, runoff shall be treated to an Enhanced Standard prior to discharge to Thompson Creek or the Welland River. This is recommended to be supported by other features such as infiltration galleries, vegetation filter strips, and enhanced grass swales. Further details will be included in the subsequent Site Plan Application.

8.3.3 Section 4 Protecting What is Valuable

Policies within **Section 4 – Protecting What is Valuable** generally address issues of natural heritage, agricultural lands and energy conservation amongst other things. **Section 4.2.2** provides policies in relation to Natural Heritage System.

Policy 4.2.2.6. *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*

Planning Comment: As outlined in the EIS prepared by Colville Consulting Inc., the proposed development has been designed to avoid impacts to natural heritage features including those identified by the municipality.

Growth Plan 2020 Conclusion: The proposed development is consistent with the Growth Plan 2019 for the Greater Golden Horseshoe, as it will:

- efficiently develop underutilized lands within the Urban Area and Greenfield Area, through non-intensive employment uses;
- contribute to achieving the 50 persons/ jobs per hectare density target for Greenfield Areas;
- accommodate projected employment growth, by creating multiple job opportunities, which will diversify the economic base
- efficiently use holding tanks in the interim, till further development occurs in the area in order for the expansion of municipal services to be feasible;
- protect natural heritage features, by situating the proposed building in the north-east portion of the subject lands.

8.4 Region of Niagara Official Plan 2014

The Region of Niagara Official Plan (ROP) was approved in 2015 and sets out policies for the physical, economic and social development within Niagara Region, which includes the Town of Grimsby. It contains objectives, policies and mapping that implement the Region's approach to managing growth, growing the economy, protecting the natural environment, resources and agricultural land and providing infrastructure.

In 1972, a working draft of the Regional OP was distributed for public consultation. Following, public consultation and various meetings, revisions and the final production of the Niagara Region Official Plan were produced. Urban Area boundaries were revised in 1979 and 1980, and a major review of the plan was adopted by Council in November 1991. These policies were modified and approved by the Minister of Municipal Affairs in December 1994.

For the purposes of this report, the 2014 consolidated version of the plan available online at <https://www.niagararegion.ca/living/icp/policy-plan.aspx> was used.

The following designations were obtained from the Regional Official Plan and apply to the subject lands.

SCHEDULE	DESIGNATION
Schedule A: Regional Structure	Urban Area Designated Greenfield Area
Schedule C: Core Natural Heritage	Environmental Protection Area Environmental Conservation Area
Schedule E1: Transportation Infrastructure	Chippawa Creek Road- Regional Road
Schedule E2: Strategic Cycling Network	Chippawa Creek Road- Strategic Cycling Network
Schedule G1: Niagara Economic Gateway	Gateway Economic Zone
Schedule G2: Niagara Economic Gateway Employment Lands	Employment Land

Table 8-2: Region of Niagara Designations

The Region of Niagara approved the new Regional Official Plan on June 23rd, 2022. Until that is approved by the Province, the Region of Niagara Official Plan 2014 is still in effect.

8.4.1 Chapter 2 – Growing the Economy

Strategic Objectives

- 2.1 *To recognize the diversified opportunities and needs in Niagara by balancing both urban development and the conservation of natural resources.*
 - b) *Development and efficient use of lands within the existing urban boundaries first.*
 - c) *Conservation of natural resources (e.g., fishery habitat, Areas of Natural and Scientific Interest, natural areas, wildlife habitat, waterways, Niagara Escarpment, wetlands, aggregate areas, and woodlots).*
 - d) *Minimization of conflicts between incompatible land uses*

Planning Comment: The subject lands are located within the Urban Area of Niagara Falls. The proposed development represents an efficient utilization of lands which are constrained by natural heritage features, through the inclusion of multiple commercial and employment uses within a compact, functional and compatible layout.

The identified natural resources will be protected as per the recommendations outlined in the EIS, prepared by Colville Consulting Inc. Furthermore, the Land Use Compatibility Study completed by WSP determined that no conflicts are anticipated between adjacent land uses.

2.4 *To preserve and enhance the ecological processes and life-support systems essential for sustaining human well-being and the health of the natural environment.*

- a) *Importance of water quality (e.g., as a source of drinking water, and for fishery habitat).*
- d) *Contributions of natural areas (e.g., wetlands).*

Planning Comment: As identified in the FSR, stormwater runoff will be treated to an enhanced quality before it enters the Welland River. Furthermore, in following the recommendations of the EIS, the proposed development will ensure the identified natural areas will be adequately protected.

2.5 *To improve regional self-reliance through long-range economic development planning and economic diversification.*

- a) *Attraction of more employment through existing or new firms.*
- b) *Creation of tourism development opportunities.*

Planning Comment: The proposed development would create unique employment and tourism opportunities by developing a martial arts, health/fitness facility, and conference centres. These facilities would attract tourists and visitors by holding events. The tourism opportunities would be supported by providing accommodation suites, which would extend the time that visitors of the proposed development could access further Niagara tourism opportunities.

2.6 *To provide for the conservation and wise use of Niagara's agricultural and other natural resources, through environmentally sound resource use without compromising the needs of future generations.*

- e) *Conservation of forest resources, fisheries, and significant landscape features.*

Planning Comment: The EIS, prepared by Colville Consulting Inc. identified the extents and related buffers for the on-site natural features, as illustrated in **Figure 8-1**. This includes the Provincially Significant Wetland, where its boundaries and related buffers are recommended to be refined.

The location of proposed development has been situated in the north-east pocket of the subject lands, outside of the delineated features. The proposed building and structures will be buffered from the designated natural areas.

Section 2.A Tourism

Subsection 2.A.1 Tourism and Recreation

Policy 2.A.1.1 *Tourism and recreation related development is recognized as one of the core components of Niagara's economy.*

Policy 2.A.1.2 *The Region supports and encourages the continued expansion and development, within Settlement Areas, of opportunities related to tourism and recreation.*

Planning Comment: The proposed development would create a unique sports tourism opportunity, through the inclusion of health/fitness facilities including a martial arts centre and supporting uses, such as the conference centre in addition to accessory restaurant and accommodation suites, which would result in hosting of martial arts tournaments within the Niagara Falls. The future tourists and visitors that were brought to the City by the proposed development would have the opportunity to access other Niagara tourism opportunities such as the Fallsview Casino, Niagara Falls, and Niagara On the Lake.

8.4.2 Chapter 3 – Employment

Section 3.A Niagara Economic Gateway

Subsection 3.A.1 The Niagara Economic Gateway comprises:

- a) *The Gateway Economic Zone which includes all Settlement Areas within Niagara Falls and Fort Erie;*
- b) *The Gateway Economic Centre which includes all Settlement Areas within Thorold, Welland and Port Colborne;*
- c) *Existing port infrastructure, particularly in the Cities of Port Colborne, Welland and Thorold;*
- d) *The five border crossings to the US including the Queenston-Lewiston Bridge, the Whirlpool Bridge, the Rainbow Bridge, the Peace Bridge and the rail crossing between Fort Erie and Buffalo;*
- e) *The Queen Elizabeth Way Corridor between Fort Erie and Niagara Falls;*
- f) *The Welland Canal including linkages between the Urban Growth Centre in St Catharines and Thorold, Welland and Port Colborne;*
- g) *Highway 406 and Highway 140, including linkages between the Urban Growth Centre in St Catharines and Thorold, Welland and Port Colborne;*
- h) *The major road network including improvements that may be initiated from time to time, particularly to the Netherby Road corridor between Welland and the Queen Elizabeth Way, and the Niagara to GTA corridor;*
- i) *Major rail infrastructure in Thorold, Welland, and Port Colborne as well as rail infrastructure connections to the United States and other parts of Canada;*
- j) *Transit services including possible improvements such as creating new intercity transit corridors within Niagara and better GO and passenger rail links between the GTA and Niagara which could create nodes in the Region where both high density employment uses and housing could be established;*
- k) *Major tourist destinations; and,*
- l) *Major educational support facilities such as Brock University and Niagara College.*

Planning Comment: As seen in **Figures 8-2 & 8-3**, the subject lands are located within the Niagara Economic Gateway and designated as part of the Niagara Economic Gateway Employment Lands.

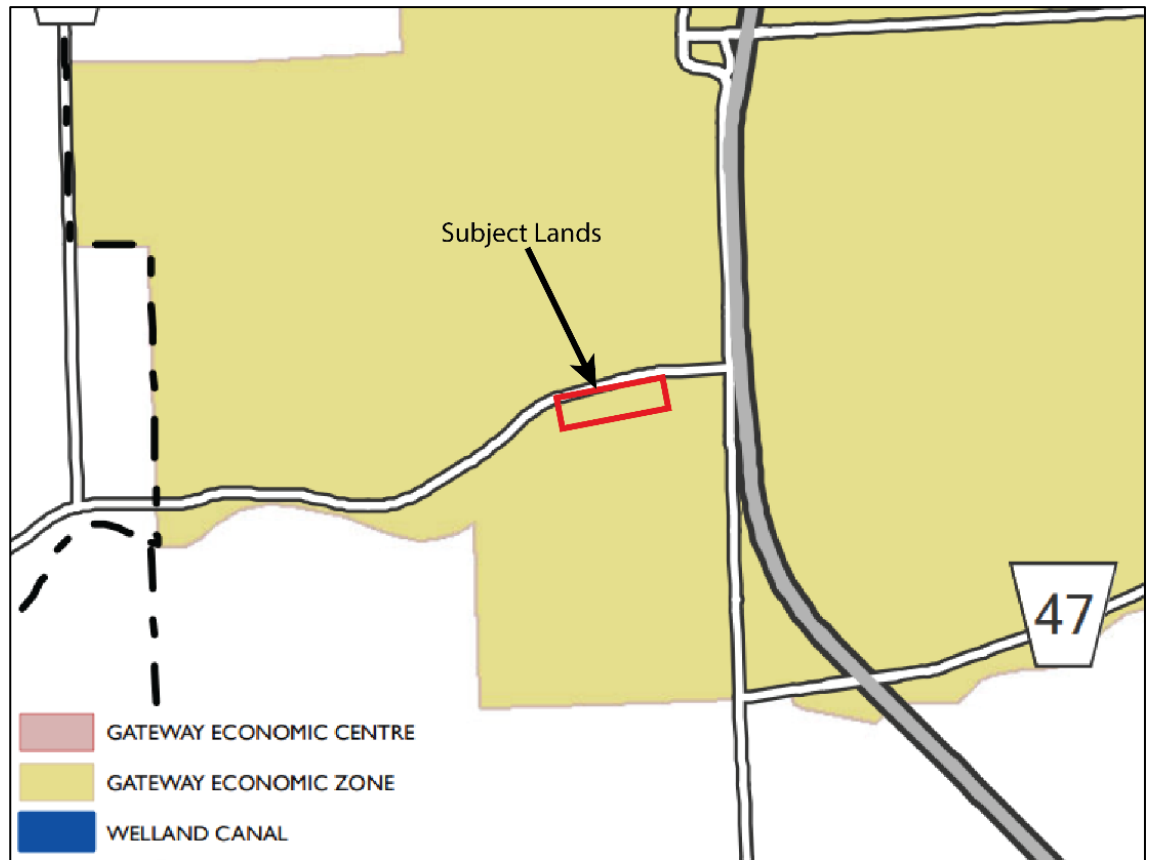


Figure 8-2: Excerpt of Region of Niagara Official Plan Schedule G1 - Niagara Economic Gateway

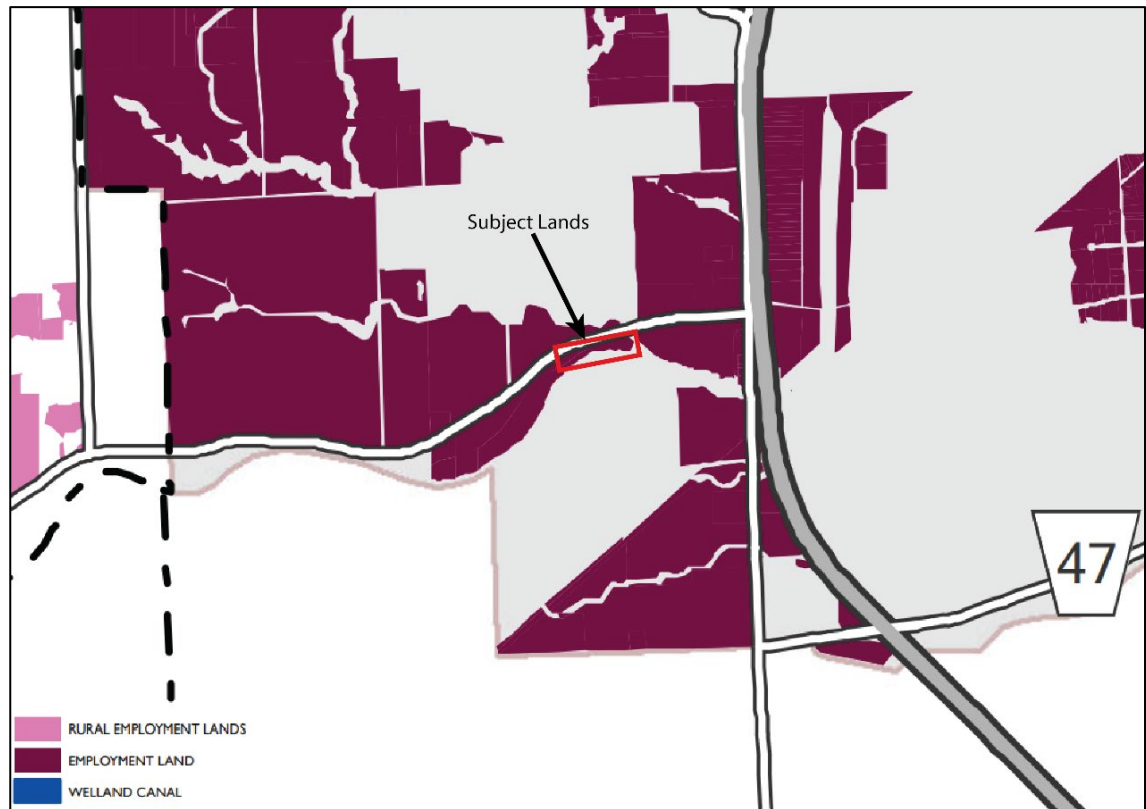


Figure 8-3: Excerpt of Region of Niagara Official Plan Schedule G2: Niagara Economic Gateway Employment Lands

Subsection 3.A.2 Strategic Objectives

3.A.2.2 *To strengthen Niagara's economy through strategic long range planning and economic diversification;*

Planning Comment: The proposed development will diversify the existing economic base in the surrounding area, by creating a non-intensive employment use, geared towards health and fitness facilities and ancillary uses.

3.A.2.6 *To promote the efficient use of infrastructure.*

Planning Comment: The portion of the subject lands proposed to be developed are part of an isolated pocket of developable lands surrounding by environmental constraints and currently do not have access to any municipal infrastructure. Identified within the City of Niagara Official Plan, the subject lands are part of Phase 4 of the Municipal Servicing Plan. As such, until further development occurs in the area, the extension of municipal infrastructure would be inefficient and holding tanks for water and sanitary service should be utilized in the interim. The on-site sanitary sewage system, holding tank, and emptying schedule shall be established by a mechanical consultant.

3.A.2.7 *To protect strategic employment lands from unwarranted conversion to incompatible land uses*

Planning Comment: As identified in **Figure 8-3**, the subject lands are part of the Employment Land Designation. The proposed non-intensive employment uses are permitted within the current designations, and therefore, no conversion is proposed as a part of the development application.

3.A.2.8 *To promote planned, orderly, efficient development of employment lands that balances development with natural heritage.*

Planning Comment: The subject lands are heavily constrained by environmental features and hazard lands, as identified on **Figure 8-1**. As such, the proposed development balances the need for employment growth and the protection of natural heritage features, by locating the proposed building in the north-east portion of the subject lands, outside of the delineated natural heritage features. It will contribute to accommodating non-intensive employment growth on an environmentally restricted parcel of land with multiple unique employment, commercial and recreational opportunities. In addition, natural heritage features are conserved by proper buffering from significant wetlands, woodlands, and valley lands along with proper SWM measures to ensure critical fish habitats area protected. The protection of natural heritage is further outlined in the EIS and SWM report.

3.A.2.9 *To promote attractive urban design and sustainable development on the Gateway's designated employment lands.*

Planning Comment: Demonstrated by the elevations and renderings, the proposed development is designed to a high degree of architectural quality, which establishes a sense of place and utilizes existing topography to connect visitors with the Welland River and surrounding natural environment. The proposed landscaping and amenity spaces have been designed to contribute to the envisioned serene environment of the development including a connection with the surrounding natural environment. Proposed features include a zen garden, open courtyard, privacy wall/ noise barrier, and passive recreation meditation pathway.

Subsection 3.C Employment Lands

Policy 3.C.1 *The Region and the local municipalities will ensure economic competitiveness by:*

- a) *Providing an appropriate mix of employment uses, including industrial, commercial and institutional uses to meet long term needs.*
- b) *Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.*
- c) *Planning for, protecting and preserving employment areas for current and future use.*
- e) *Ensuring that the necessary infrastructure and services are provided to support current and forecasted employment needs including transit and active transportation facilities. This will include undertaking discussions with telecommunications providers regarding the feasibility of servicing existing and future employment areas with telecommunications services, including broadband technology, to attract knowledge-based industries and support the technological advancement and growth of existing businesses*

Planning Comment: As previously established, the subject lands are designated as part of the Employment Area. The proposed development does not require a conversion of employment lands, but rather diversifies the economic base in the form of non-intensive employment/commercial uses, such as the health/fitness facility in addition to the conference centre. The primary uses are supported by ancillary uses including a restaurant and accommodation suites.

The portion of the subject lands proposed to be developed are part of an isolated pocket of developable lands surrounding by environmental constraints and currently do not have access to any municipal infrastructure. Identified within the City of Niagara Official Plan, the subject lands are part of Phase 4 of the Municipal Servicing Plan. As such, until further development occurs in

the area, the extension of municipal infrastructure would be inefficient and holding tanks for water and sanitary service should be utilized in the interim.

8.4.3 Chapter 4 – Managing Growth

Section 4.A Shaping Growth in Niagara

Subsection 4.A.1 Growth Management Objectives

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

4.A.1.4 *Prevent urban development in inappropriate areas, thus contributing to the conservation of resources such as the Niagara Escarpment, the Greenbelt, aggregate areas, Core Natural Areas, and prime agricultural land.*

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

4.A.1.10 *Provide a framework for developing complete communities all across Niagara, including a diverse mix of land uses, a range of local employment opportunities and housing types, high quality public open spaces, and easy access to local stores and services via automobile, transit and active transportation.*

Planning Comment: As identified throughout this report, the subject lands are located within the City of Niagara Falls’ Urban Area. The proposed development will accommodate forecasted employment growth, through the inclusion of multiple commercial and employment uses within a compact, functional, and compatible layout. Based on the findings of the EIS prepared by Colville Consulting Inc. minor refinements of the Core Natural Areas are proposed related to the PSW. Using the refined boundaries, the proposed development will be adequately buffered to ensure that Core Natural Areas are protected.

Section 4.B Population, Household and Employment Projections

Subsection 4.B.1 Provincial Population and Employment Forecasts for Niagara

Policy 4.B.1.1. *The Province of Ontario has identified the following population and employment forecasts for the Region in Schedule 3 of the Provincial Growth Plan for the Greater Golden Horseshoe:*

2001	2011	2021	2031
186,000	201,000	209,000	218,000

Table 8-3: Excerpt of Table 4-1: Region of Niagara Population and Employment Forecast

Subsection 4.B.4 Employment Growth

Policy 4.B.4.1 *The Region will maintain the ability to accommodate employment growth within Niagara by ensuring that there is a minimum ten year supply of designated employment lands within Urban Areas.*

Planning Comment: The proposed multi-use commercial/ employment development will creating new employment opportunities, which will assist in accommodating the forecasted growth listed in **Table 8-3**.

Section 4.C Intensification and Greenfield Growth

Subsection 4.C.5 Greenfield Development

Policy 4.C.5.1 *Designated Greenfield Areas will be planned as compact, complete communities by:*

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

Planning Comment: As seen in **Figure 8-4**, the subject lands are within the Designated Greenfield Area and located near current urban development occurring as part of Phase 1 of the Garner South Secondary Plan, illustrated in **Section 2.2** of this report. The existing residential neighbourhood is separated from the subject lands by the Heartland Forest. As such, there is no opportunity for the proposed development to be contiguous with existing built-up areas is similar to the existing urban development located proximate to the Built-Up Area, separated by the presence of significant natural features (i.e. at the corner of Kalar Road and Brown Road).

The proposed development will introduce a mixture of employment uses in a compact, functional and compatible layout, which will diversify the economic base. The employment uses are non-intensive to preserve the identified natural heritage features on the subject lands.

As stated previously, the portion of the subject lands proposed to be developed are part of an isolated pocket of developable lands surrounded by environmental constraints and currently do not have access to any municipal infrastructure. Identified within the City of Niagara Official Plan, the subject lands are part of Phase 4 of the Municipal Servicing Plan. As such, until further development occurs in the area, the extension of municipal infrastructure would be inefficient and holding tanks for water supply should be utilized.

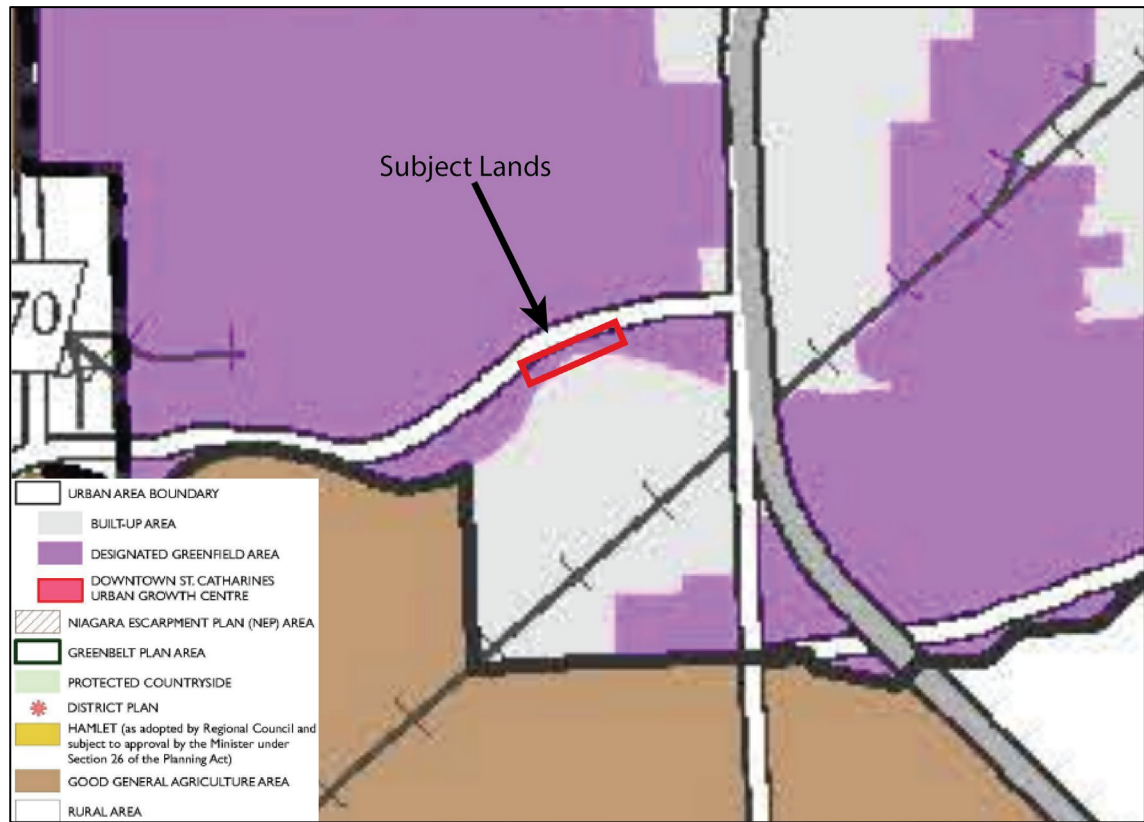


Figure 8-4: Excerpt of Region of Niagara Official Plan Schedule A: Regional Structure

Subsection 4.C.6 Greenfield Density Target

Policy 4.C.6.1 *The Region will require a minimum combined gross density target of 50 people and jobs per hectare across all Designated Greenfield Areas, excluding the following features within the Environmental Protection Areas and Environmental Conservation Areas in the Region's Core Natural Heritage System and any non-developable features designated in local official plans:*

- a) *Wetlands;*
- b) *Coastal wetlands;*
- c) *Significant woodlands;*
- d) *Significant valley lands;*
- e) *Areas of natural and scientific interest;*
- f) *Habitat of endangered species and threatened species;*
- g) *Publicly owned conservation lands;*
- h) *Significant wildlife habitat;*
- i) *Fish Habitat; and,*
- j) *Floodplain areas.*

This policy establishes how density is to be measured in identifying Greenfield density targets and monitoring achievement of these targets. It is not intended to provide policy direction respecting the maintenance and enhancement of the natural environment or natural hazards.

Planning Comment: Stated throughout this report, the subject lands contain significant natural features, as illustrated on **Figure 8-1**. The proposed development will contribute to accommodating non-intensive employment growth on an environmentally restricted parcel of land with multiple unique employment, commercial and recreational opportunities. Employment opportunities will include health and fitness instructors related to the martial arts teaching facility and yoga centre along with hospitality staff for the spa, conference centre, and accessory restaurant and accommodation suites. As such, the proposed development will contribute towards achieving the Greenfield Density Target.

Section 4.G Urban Growth

Policy 4.G.7.1 *Urban Areas are defined on Schedule A and are designated in local official plans. Urban Areas have municipally provided services, including water and sewage services.*

Policy 4.G.7.2 *Urban Areas will be the focus of the Region's long term growth and development.*

Planning Comment: As seen in **Figure 8-4**, the subject lands are located within the Urban Area Boundary, which will be the focus of growth and development. The proposed development will contribute towards accommodating the Region's projected long term employment growth by creating employment opportunities within the designated Urban Area.

8.4.4 Chapter 7 – Natural Environment

Section 7.A Healthy Landscape

Policy 7.A.2 *Development should maintain, enhance or restore ecosystem health and integrity. First priority is to be given to avoiding negative environmental impacts. If negative impacts cannot be avoided, then mitigation measures shall be required.*

Policy 7.A.3 *New development, including infrastructure, should be designed to maintain or enhance the natural features and functions of a site.*

Planning Comment: The EIS, prepared by Colville Consulting Inc. identified the extents and related buffers for the on-site natural features, as illustrated in **Figure 8-1**. This includes the Provincially Significant Wetland, where its boundaries and related buffers are recommended to be refined.

The location of proposed development has been situated in the north-east pocket of the subject lands, outside of the delineated features. The proposed building and structures will be buffered from the designated natural areas.

Subsection 7.A.2 Water Resources

Policy 7.A.2.1 *Development and site alteration shall only be permitted if it will not have negative impacts, including cross-jurisdictional and cross-watershed impacts, 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 watercourses such as base flow;*
- d) *Surface or ground water resources adversely impacting on natural features or ecological functions of the Core Natural Heritage System or its components;*
- e) *Natural drainage systems, stream forms and shorelines; and*
- f) *Flooding or erosion.*

Policy 7.A.2.6 *A stormwater management plan and a sediment and erosion control plan prepared and signed by a qualified engineer may be required with a development application depending on:*

- a) *The scale and nature of the proposal; and*
- b) *Site-specific environmental conditions.*

Policy 7.A.2.7 *A stormwater management plan submitted with an application for development shall demonstrate that the proposal will minimize vegetation removal, grading and soil compaction, erosion and sedimentation, and impervious services as well as meeting the requirements of Policy 7.A.2.6. Stormwater management facilities shall not be constructed in Core Natural Heritage Areas, Fish Habitat, key hydrologic features, or in required vegetation protection zones in the Unique Agricultural Areas unless permitted under Chapter 7.B of this Plan.*

Planning Comment: The Functional Servicing Report, prepared by IBI Group concluded that quantity controls are not required for stormwater runoff. However, runoff shall be treated to an Enhanced Standard prior to discharge to Thompson Creek or the Welland River. This is recommended to be supported by other features such as infiltration galleries, vegetation filter strips, and enhanced grass swales. Further details will be included in the subsequent Site Plan Application.

Subsection 7.A.5 Shorelines

Policy 7.A.5.3 *Landowners shall be encouraged to maintain Niagara's shorelines in a natural state by:*

- a) *Maintaining or establishing a naturally vegetated buffer strip along the shoreline; and*
- b) *Using non-structural shoreline protection such as bio-engineering with native vegetation.*

Planning Comment: The proposed building is located outside of the 30-metre buffer of the Welland River, preventing future flood risk. However, 19 parking spaces in the western parking area have encroached onto the 30-metre refined buffer of the Welland River. These parking spaces are not included in the required parking counts and are considered 'additional parking'.

The design and building material compliment the proximity to the Welland River, in addition to the proposed passive recreational meditation pathway, both which will contribute to the envisioned serene environment of the development.

Subsection 7.A.6 Natural Hazards

Policy 7.A.6.4 *Development and site alteration may be permitted within floodplains if it has been demonstrated to the satisfaction of the Conservation Authority that it is in accordance with the Conservation Authority's "Fill, Construction and Alteration to Waterways Regulation" (as amended) or its successor, and subject to the Conservation Authority's approval.*

Planning Comment: As stated previously, the hazard lands on the subject lands are related to the Welland River. The proposed development has been designed to avoid designated hazard lands, by situating the building outside of the 30-metre buffer of the Welland River. However, 19 parking spaces in the western parking area have encroached onto the 30-metre refined buffer of the Welland River. These parking spaces are not included in the required parking counts and are considered 'additional parking'.

Furthermore, the proposed development will be subject to a Niagara Peninsula Conservation Authority ("NPCA") permit. Through the proposed development's design, supporting study recommendations, and NPCA permit, it will ensure that natural hazard concerns are avoided.

Section 7.B The Core Natural Heritage System

Policy 7.B.1.2 *Development and site alteration within the Core Natural Heritage System, where potentially permitted by policies elsewhere in this Plan, shall be subject to the Healthy Landscape Policies in Chapter 7.A as well as the Core Natural Heritage System Policies.*

Policy 7.B.1.7 *The boundaries of Core Natural Areas, Potential Natural Heritage Corridors and Fish Habitat are shown on Schedule C. They may be defined more precisely through Watershed or Environmental Planning Studies, Environmental Impact Studies, or other studies prepared to the satisfaction of the Region and may be mapped in more detail in local official plans and zoning by-laws. Significant modifications, such as a change in the classification of a Core Natural Area, or a significant change in the spatial extent or boundaries of a feature, require an amendment to this Plan unless otherwise provided for in this Plan. Only minor boundary adjustments to Environmental Protection Areas will be permitted without Amendment to this Plan.*

In considering both refinements and significant modifications to the mapping or classification of features shown on Schedule C the Region shall consult with:

- a) *the Ministry of Natural Resources respecting changes to Environmental Protection Areas other than in the Greenbelt Natural Heritage System, where consultation shall only be required respecting those Environmental Protection Areas identified as Provincially Significant Wetlands or Provincially Significant Life Science Areas of Natural and Scientific Interest; or*
- b) *the Ministry of Natural Resources and the Department of Fisheries and Oceans or its designate respecting changes to Fish Habitat. Within the Greenbelt Area mapping of Core Natural Heritage System components may only be refined at the time that a local official plan initially is brought into conformity with the Provincial Greenbelt Plan.*

Policy 7.B.1.10 *Notwithstanding Policies 7.B.1.15 and 7.B.1.20 and the Policies in Chapter 7.A.2, within Environmental Protection Areas, within Fish Habitat in the Greenbelt Natural Heritage System, within key hydrologic features within the Unique Agricultural Areas, and within any associated vegetation protection zones in the Greenbelt Area, development and site alteration shall not be permitted except for the following:*

- a) *forest, fish and wildlife management;*
- b) *conservation and flood or erosion control projects where it has been demonstrated that they are necessary in the public interest and other alternatives are not available; and*
- c) *small scale, passive recreational uses and accessory uses such as trails, boardwalks, footbridges, fences, docks and picnic facilities that will have no significant negative impact on natural features or ecological functions of the Core Natural Heritage System. Where such uses are proposed, the proponent shall be required to prepare an Environmental Impact Study (EIS) to the satisfaction of the Region in accordance with Policies 7.B.2.1 to 7.B.2.5.*

Where such uses are proposed, the proponent shall be required to prepare an Environmental Impact Study (EIS) to the satisfaction of the Region in accordance with Policies 7.B.2.1 to 7.B.2.5.

Policy 7.B.1.11 *Development and site alteration may be permitted without an amendment to this Plan:*

- a) *In Environmental Conservation Areas; and*
- b) *On adjacent lands to Environmental Protection and Environmental Conservation Areas as set out in Table 7-1 except for those lands within vegetation protection zones associated with Environmental Protection Areas in the Greenbelt Natural Heritage System.*

If it has been demonstrated that, over the long term, there will be no significant negative impact on the Core Natural Heritage System component or adjacent lands and the proposed development or site alteration is not prohibited by other Policies in this Plan. The proponent shall be required to prepare an Environmental Impact Study (EIS) in accordance with Policies 7.B.2.1 to 7.B.2.5.

Where it is demonstrated that all, or a portion of, an Environmental Conservation Area does not meet the criteria for designation under this Plan and thus the site of a proposed development or site alteration no longer is located within the Environmental Conservation Area or adjacent land then the restrictions on development and site alteration set out in this Policy do not apply.

Policy 7.B.1.15 *Within Fish Habitat as identified on Schedule C, or adjacent lands as specified in Table 7-1, development and site alteration may be permitted if it will result in no net loss of the productive capacity of fish habitat as determined by the Department of Fisheries and Oceans or its designate. The proponent shall be required to prepare an Environmental Impact Study (EIS) to the satisfaction of the Department of Fisheries and Oceans, or its designate, in accordance with Policies 7.B.2.1 to 7.B.2.5.*

First priority will be given to avoiding harmful alteration or destruction of fish habitat by redesigning or relocating the proposal or mitigating its impacts. A naturally vegetated buffer zone, a minimum 30 metres in width as measured from the stable top of bank, generally shall be required adjacent to Critical Fish Habitat as defined by Ministry of Natural Resources. A minimum 15 metre buffer from the stable top of bank shall be required adjacent to Important or Marginal Fish Habitat as defined by that Ministry. A narrower buffer may be considered where the EIS has demonstrated that it will not harm fish or fish habitat, but in no case shall the buffer adjacent to Critical Fish Habitat be less than 15 metres.

Policy 7.B.1.19 *Where development or site alteration is approved within the Core Natural Heritage System or adjacent lands as set out in Table 7-1 the applicant shall submit a Tree Saving Plan maintaining or enhancing the remaining natural features and ecological functions. The Plan shall be prepared in accordance with the Regional Forest Conservation By-law and the local tree conservation by-law as appropriate and its implementation monitored by a member of the Ontario Professional Forestry Association.*

Policy 7.B.1.22 *The vegetation protection zone required under Policy 7.B.1.21 shall be a minimum 30 metres wide in the case of wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, lakes and significant woodlands.*

NATURAL HERITAGE FEATURE	DEVELOPMENT OR SITE ALTERATION INVOLVES ADJACENT LANDS
Provincially Significant Wetland (PSW)	EIS required for development within 120 metres
Significant Valleyland	EIS required for development within 50 metres
Significant Woodlands	EIS required for development within 50 metres
Critical Fish Habitat (type 1)	EIS required for development within 30 metres

Table 8-4: Excerpt of Table 7-1 Guidelines for Environmental Impact Study Requirements

Subsection 7.B.2 Environmental Impact Study

Policy 7.B.2.1 *An Environmental Impact Study (EIS) required under this Plan shall be submitted with the development application and shall be prepared and signed by a qualified biologist or environmental planner in accordance with the Environmental Impact Study Guidelines (EIS Guidelines) adopted by Regional Council. An EIS shall be prepared to the satisfaction of the appropriate Planning Authority, in consultation with the NPCA and the other commenting body. Within Settlement Areas as delineated in this Plan, an EIS shall be prepared to the satisfaction of*

the appropriate local municipality in consultation with the Region and the NPCA. Outside of Settlement Areas, an EIS shall be prepared to the satisfaction of the Region, in consultation with the appropriate local municipality and the NPCA. The Planning Authority, the other commenting body and the NPCA shall work collaboratively throughout the EIS process.

Planning Comment: As seen in **Figure 8-5**, the subject lands contain Environmental Protection, and Environmental Conservation Areas. No development is proposed within the Environmental Protection Area. An EIS completed by Colville Consulting Ltd, identified Natural Heritage Features and their associated buffers, as illustrated in **Figure 8-1**. The location of proposed development has been situated in the north-east pocket of the subject lands, outside of the delineated features. The proposed building and structures will be buffered from the designated natural areas.

Recommendations and mitigation measures will be implemented to ensure that no adverse impacts will occur to the identified features. Furthermore, the proposed development will be subject to a Niagara Peninsula Conservation Authority (“NPCA”) permit. Through the proposed development’s design, supporting study recommendations, and NPCA permit, it will ensure that environmental concerns are avoided.

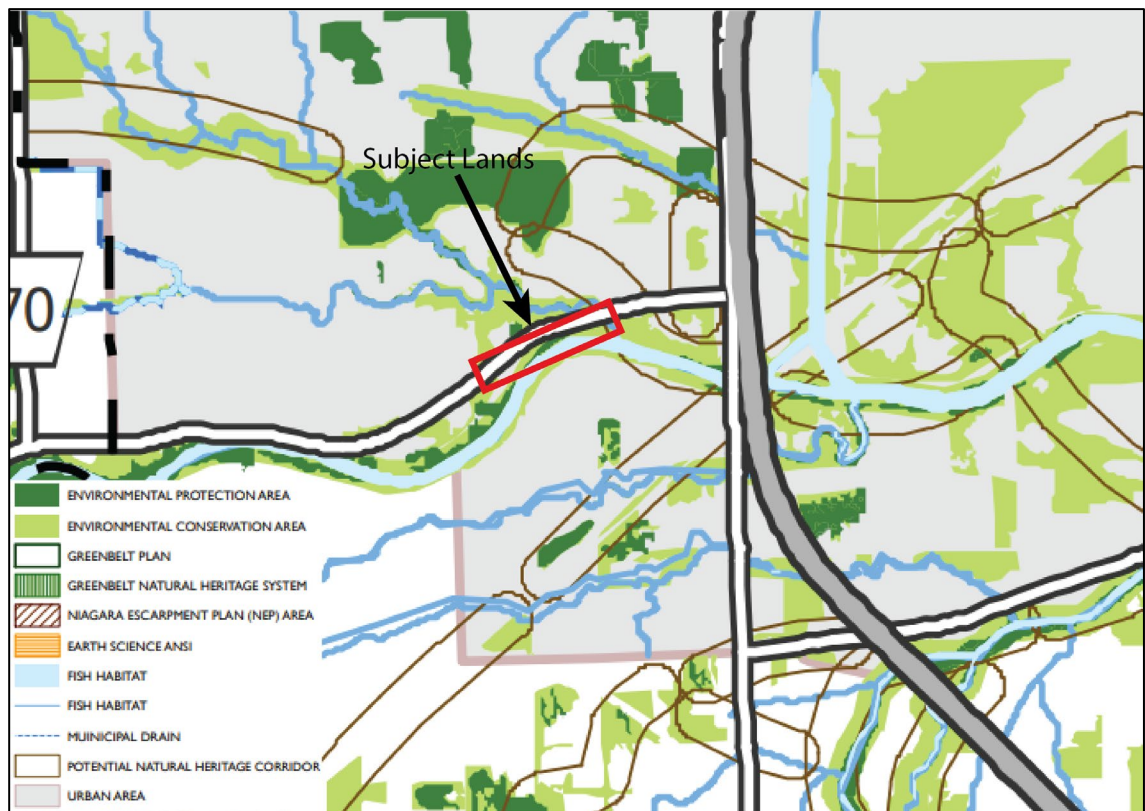


Figure 8-5: Excerpt of Region of Niagara Official Plan Schedule C: Core Natural Heritage System

8.4.5 Chapter 8 – Infrastructure

Subsection 8.B Water and Wastewater Systems

Policy 8.B.9 *Municipal sewage services and water services are the required form of servicing for development in Urban Areas.*

Policy 8.B.12 *Construction of new, or expansion of existing, municipal water and wastewater systems should only be considered where the following conditions are met:*

- a) *Strategies for water conservation and other water demand management initiatives are being implemented in the existing service area;*
- b) *Plans for expansion or for new services are to serve growth in a manner that supports achievement of the intensification target and density target in this Plan; and*
- c) *Plans have been considered in the context of applicable inter-provincial, national, bi-national, or state-provincial Great Lakes Basin agreements and are in compliance with the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement.*

Policy 8.B.21 *All new urban development areas must be provided with separate storm drainage systems. All new private development must also be provided with separate storm drainage connections. Where feasible and economical, existing municipal combined sewage and storm drainage systems shall be separated.*

Planning Comment: Currently, the portion of the subject lands proposed to be developed are part of an isolated pocket of developable lands surrounded by environmental constraints and do not have access to any municipal infrastructure. Identified within the City of Niagara Official Plan, the subject lands are part of Phase 4 of the Municipal Servicing Plan.

The FSR, prepared by IBI Group provided that the proposed development can be supported by the extension of existing municipal water infrastructure located west of the subject lands. Until the extension of municipal infrastructure, holding tanks for water supply should be utilized.

The FSR concluded that based on the topographic data and location/depth of existing sanitary infrastructure, a gravity sewer connection is not feasible for the subject lands. Furthermore, the lands proposed to be developed exist as a component of an isolated pocket of developable lands with environmental constraints. The first residential phases of the Garner Road Secondary Plan are separated from the subject lands by the Heartland Forest. Lands west along Chippawa Creek Road contain existing operating industrial uses and a small number of residential parcels presumed to be on private septic systems. Until further development occurs in the area, the extension of municipal infrastructure and requirement for complete urban services would result in an inefficient extension of public wastewater infrastructure to service a limited number of uses. The requirement of this policy would thus contradict core planning policies emphasizing the efficient and sustainable use of public infrastructure.

As such, the proposed use of holding tanks represents sound planning decision making, where municipal services are not feasible. The on-site sanitary sewage system, holding tank, and emptying schedule shall be established by a mechanical consultant.

8.4.6 Chapter 9 – Transportation

Section 9.F The Regional Road System

Policy 9.F.1 *As conditions of the approval of a development application:*

- a) *The Niagara Region may acquire from the landowner land required for the road allowance as identified in Table 9-1 at no cost to the Region free of all encumbrance, encroachments, and improvements unless otherwise agreed to by the Region; and,*
- b) *The Niagara Region is to be provided with a certificate of an Ontario Land Surveyor noting that all legal survey documentation on the widened road allowance is in place.*

Planning Comment: As identified in **Figure 8-6**, the subject lands are in proximity to a Provincial Road, while Chippawa Creek Road is classified as a Regional Road. Identified in **Table 8-5**, the required road allowances have been integrated within the design of the site plan.

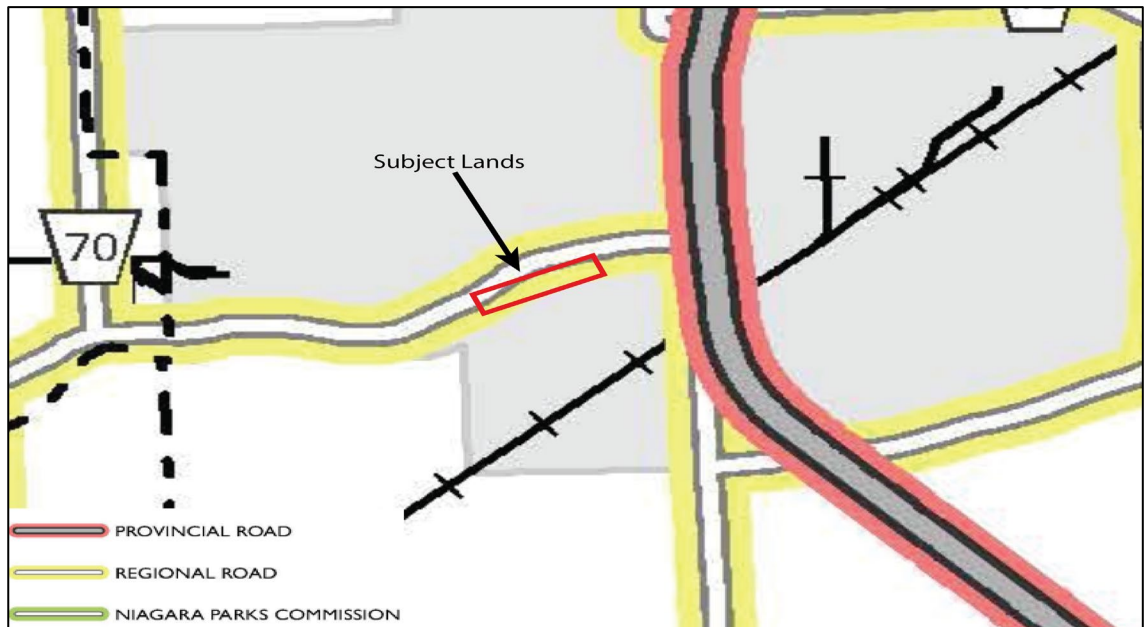


Figure 8-6: Excerpt of Region of Niagara Official Plan Schedule E-1: Transportation Infrastructure

REGIONAL ROAD NUMBER	ROAD NAME	SEGMENT	WIDTH IN METRES
63	Chippawa Creek Road	West Limit of Niagara Falls – Montrose Road	26.2 m

Table 8-5: Excerpt of Table 9-1: Road Allowance Widths

Policy 9.F.5 The Niagara Region will consider the need for noise mitigation measures to address traffic noise from Regional Roads, where required, premised on noise study recommendations per Ministry of the Environment, Conservation, and Parks guidelines for the following situations:

- a) New development adjacent to a Regional Road; or,
- b) Impact of noise generated by increased traffic on Regional Roads adjacent to established development.

Planning Comment: A Land Use Compatibility Study prepared by WSP concluded that no adverse noise and vibration impacts are anticipated..

8.4.7 Section 10 – Creative Niagara

Section 10.C Creative Places

Subsection 10.C.2.1 Built Heritage Resources, Cultural Heritage Landscapes and Archaeological Resources

Policy 10.C.2.1.13 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site will be permitted.

Planning Comment: A Stage 1-2 Archaeological Assessment was prepared by Detritus Consulting Ltd. The Stage 1 background research indicated that portions of the Study Area

exhibited high potential for the identification and recovery of archaeological resources. Therefore, a Stage 2 assessment was recommended for the areas of wood, thicket, meadow and manicured lawn. Based on the results of the Stage 2 investigation, Location 2 (AgGs-436) has been interpreted as a medium sized activity area occupied by Aboriginal peoples during the pre-contact period. To maintain the integrity of the site, the proposed building is located beyond the established buffers.

Subsection 10.E Cultural Tourism

Policy 10.E.2.1.1 *The Region shall encourage the growth of cultural tourism and encourage collaboration in the cultural tourism sector.*

Planning Comment: As the proposed development includes a martial arts facility and a conference centre, which will attract visitors to the Region for tournaments, it can be classified as cultural tourism. Furthermore, developing accessory accommodation suites will provide the opportunity for customers of the martial arts facility to reside within the region and access other cultural tourism attractions the following day, such as Fallsview Casino and Niagara on the Lake.

Region of Niagara Official Plan Conclusion: The proposed development conforms to the Region of Niagara Official Plan, as it will:

- Accommodate projected employment growth and diversify the economic base, through the construction of a multi-use health/fitness facility on designated Niagara Economic Gateway ‘Employment Lands’;
- Contribute towards achieving the Greenfield Density Target of 50 persons/ jobs per hectare;
- Protect significant natural heritage areas on the subject lands, by situated the building outside of the prescribed buffers identified in the EIS, prepared by Colville Consulting Inc.
- Represent an efficient utilization of developable land, constrained by natural heritage features;
- efficiently use holding tanks in the interim, till further development occurs in the area in order for the expansion of municipal services to be feasible.

8.5 Council -Adopted Region of Niagara Official Plan 2022

On June 23, 2022, Regional Council approved By-law 2022-47 adopting the new Niagara Official Plan. The new plan is the first comprehensive review since the original policy plan was approved in 1973. Once approved by the province, the new plan will replace the existing Official Plan.

The following table identifies designated proposed in the adopted Official Plan.

SCHEDULE	DESIGNATION
Schedule B: Regional Structure	Urban Area Designated Greenfield Area
Schedule C1: Natural Environment System Overlay and Provincial Natural Heritage System	Natural Environment System Overlay
Schedule C2: Natural Environment System Overlay and Provincial Natural Heritage System	Significant Woodlands Provincially Significant Wetlands
Schedule C3: Key Hydrologic Areas Overlay	Shoreline Areas

	Permanent and Intermittent Streams
Schedule D: Tertiary Watersheds	Urban Areas – Niagara River – 9
Schedule J1: Transportation Infrastructure	Chippawa Creek – Regional Road
Schedule J2: Strategic Cycling Network	Strategic Cycling Network
Schedule K: Areas of Archaeological Potential	Area of Archaeological Potential

Table 8-6: Adopted Region of Niagara Official Plan Designations Applicable to the Subject Lands

8.5.1 Chapter 2 Growing Region

Section 2.1 Forecasted Growth

Subsection 2.1.1 Regional Growth Forecasts

Policy 2.1.1.1 *Population and employment forecast listed in Table 2-1 are the basis for land use planning decisions to 2051.*

Table 2-1 – 2051 Population and Employment Forecasts by Local Area Municipality

Municipality	Population	Employment
Fort Erie	48,050	18,430
Grimsby	37,000	14,960
Lincoln	45,660	15,220
Niagara Falls	141,650	58,110
Niagara-on-the-Lake	28,900	17,610
Pelham	28,830	7,140
Port Colborne	23,230	7,550
St. Catharines	171,890	79,350
Thorold	39,690	12,510
Wainfleet	7,730	1,830
Welland	83,000	28,790
West Lincoln	38,370	10,480
Niagara Region	694,000	272,000

Figure 8-7: Excerpt of Figure 2-1 - 2051 Population and Employment Projections by Local Area Municipality

Planning Comment: The proposed development will accommodate projected employment growth, through the creation of multiple job opportunities in the health/fitness, hospitality administration, and maintenance sectors.

Subsection 2.2. Regional Structure

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

- 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;*

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

Planning Comment: The proposed development will contribute towards achieving a complete community through the development of a multi-use building, which contains multiple employment/commercial uses within a compact, functional, and compatible layout. The multi-use facility promotes recreational and wellness services, thereby improving the quality of life of customers.

Currently, the subject lands are not serviced by municipal water and wastewater infrastructure. The portion of the subject lands proposed to be developed are part of an isolated pocket of developable lands surrounded by environmental constraints and do not have access to any municipal infrastructure. Identified within the City of Niagara Official Plan, the subject lands are part of Phase 4 of the Municipal Servicing Plan. As such, until further development occurs in the area, the utilization of holding tanks would prevent the unjustified extension of municipal services outside of the prescribed phasing for the Designated Greenfield Area.

The EIS, prepared by Colville Consulting Inc. identified the extents and related buffers for the on-site natural features, as illustrated in **Figure 8-1**. This includes the Provincially Significant Wetland, where its boundaries and related buffers are recommended to be refined. The location of proposed development has been situated in the north-east pocket of the subject lands, outside of the delineated features. The proposed building and structures will be buffered from the designated natural areas.

Finally, through the inclusion of synergistic uses and accessory accommodation suites, customers of the proposed development will be able to access multiple amenities in the same spot, reducing unnecessary vehicular trips and associated greenhouse gas emissions. For example, a customer can access a martial arts event, use the spa, and eat at the restaurant without driving.

8.5.2 Chapter 3 Sustainable Region

Section 3.1 Sustainable Region

Subsection 3.1.1. The Natural Environment System

Policy 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.*

Subsection 3.1.2 Individual Features and Components of the Natural Environment System

Policy 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.*

Policy 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;*
- i) *and linkages.*

Planning Comment: As seen in Figures 8-8 to 8-10, the subject lands contain Significant Woodlands, and Provincially Significant wetlands. Schedule C3 of the Official Plan shows the presence of Permanent and Intermittent Streams – Welland River, and Shoreline Areas on the subject lands.

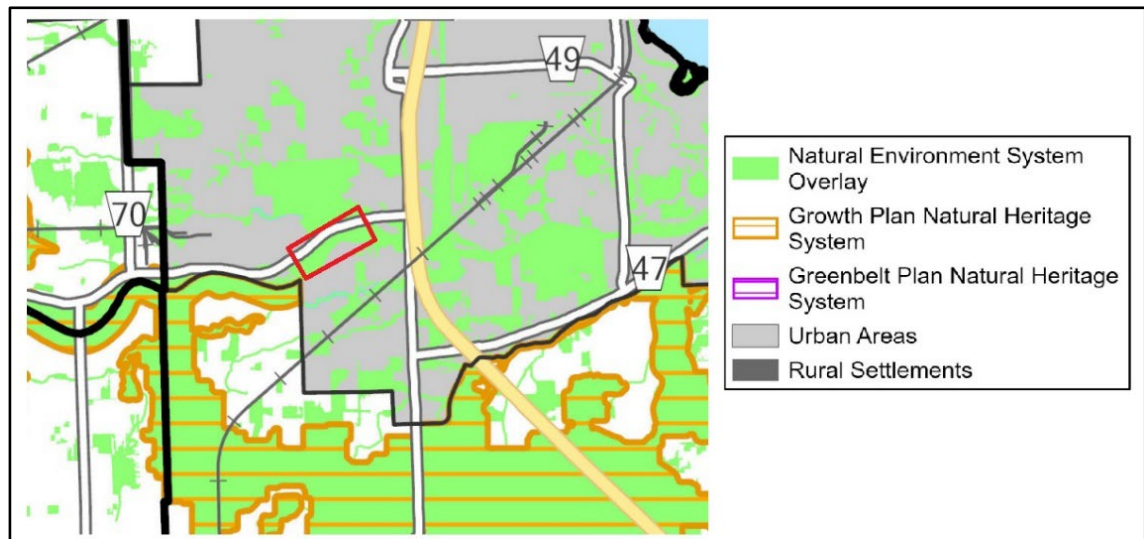


Figure 8-8: Excerpt of Adopted Region of Niagara Official Plan Schedule C-1 Natural Environment System Overlay

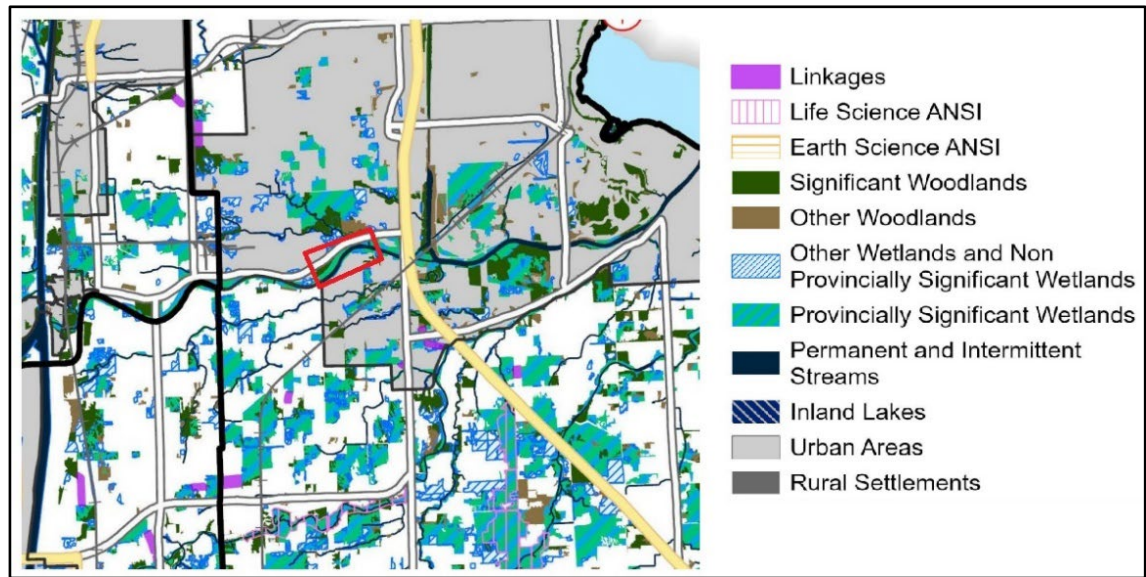


Figure 8-9: Excerpt of Adopted Region of Niagara Official Plan Schedule C2: Natural Environment System Individual Components and Features

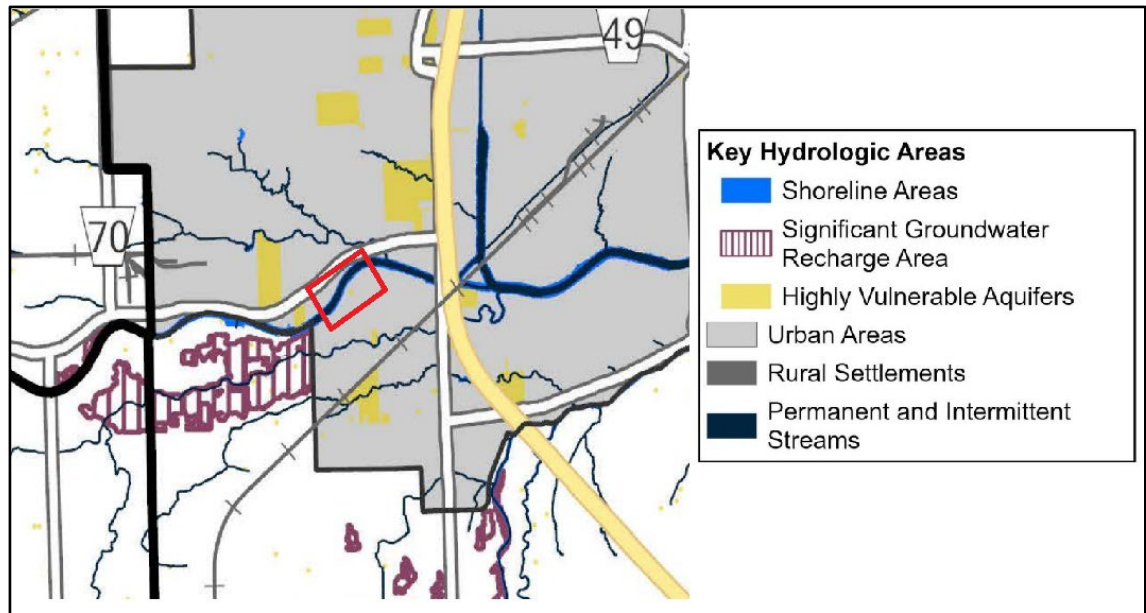


Figure 8-10: Excerpt of Adopted Region of Niagara Official Plan Schedule C3: Key Hydrologic Areas Overlay

Subsection 3.1.4 Refinements to the Limits of the Natural Environment System

Policy 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.*

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

Policy 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.*

Policy 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.*

Subsection 3.1.9.7. Development and Site Alteration in Adjacent Lands outside of a Provincial Natural Heritage System

Policy 3.1.9.7.1 *A proposal for new development or site alteration outside of a Provincial natural heritage system which is adjacent to a natural heritage shall require an environmental impact study and/or hydrologic evaluation to determine that there will be negative impacts on the function, or features are addressed in accordance with the lands distances outlined in Table 3.1*

Subsection 3.1.9.9 Buffers in Settlement Areas

Policy 3.1.9.9.1 *Within settlement areas, mandatory buffers from natural heritage features and areas are required. The width of an ecologically appropriate buffer would be determined through an environmental impact study and/or hydrologic evaluation at the time an application for development or site alteration is made, or through the completion of a subwatershed study in support of a secondary plan or other large scale development. The width of the buffer would be based on the sensitivity of the ecological functions from the proposed development or site alteration, and the potential for impacts to the feature and ecological functions as a result of the proposed change in land use.*

Policy 3.1.9.9.2 *Development or site alteration shall not be permitted in the mandatory buffer, with the exception of that described in Policy 3.1.9.5.3 or infrastructure serving the agricultural sector unless it has been demonstrated through the preparation of an environmental impact study that there will be no negative impacts and the buffer will continue to provide the ecological function for which it was intended.*

Policy 3.1.9.9.3 *Notwithstanding any other policy in this Plan, the Conservation Authority has its own buffer requirements for watercourses which shall apply. Reductions in any buffer required by the Conservation Authority may be considered in settlement areas where supported by a site-specific study that is approved by the Local Area Municipality, the Region, and the Conservation Authority.*

Policy 3.1.9.9.4 *Notwithstanding Policy 3.1.9.9.2, within settlement areas, consideration can be given to including passive recreational uses such as trails in buffers, provided an appropriate buffer width is maintained, as determined through the environmental impact study and/or hydrologic evaluation.*

Planning Comment: The proposed development complies with the above policy, as it does not result in the fragmentation of the land into smaller lots. The EIS, prepared by Colville Consulting Inc. identified the extents and related buffers for the on-site natural features, as illustrated in **Figure 8-1**. This includes the Provincially Significant Wetland, where its boundaries and related buffers are recommended to be refined. The location of proposed development has been situated in the north-east pocket of the subject lands, outside of the delineated features.

The proposed building and structures will be buffered from the designated natural areas. Mitigation measures to further reduce potential impacts can be found in the EIS prepared by Colville Consulting Inc.

Subsection 3.1.10. Key Hydrologic Areas, Key Hydrologic Features, and Other Important Water Resources

Policy 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;*
- f) *and flooding or erosion.*

Policy 3.1.10.6. *Key hydrologic areas are part of the natural environment system and are mapped as a separate overlay on Schedule C3.*

Policy 3.1.10.7. *Development or site alteration shall not have negative impacts on key hydrologic areas or their hydrologic functions. In areas where development and site alteration could have negative impacts on ground water quality or quantity the Region or Local Area Municipality shall require further review of potential impacts through the completion of a subwatershed study or through the completion of a hydrologic evaluation during the review of an application for development or site alteration.*

Policy 3.1.10.10. *The Region encourages Local Area Municipalities to require site plan approval on all lots within key hydrologic areas where individual onsite sewage services are proposed.*

Planning Comment: As identified in **Figure 8-10**, the key hydrological area found on the subject lands are Permanent and Intermittent Streams – Welland River, and Shoreline Areas. An EIS prepared by Colville Consulting Inc., identified a refined buffer from the Welland River, for which the proposed building has been located outside of, however, 19 parking spaces in the western parking area have encroached onto the 30-metre refined buffer of the Welland River. These parking spaces are not included in the required parking counts and are considered 'additional parking'.

Section 3.1.12. Fish Habitat

Policy 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.*

Policy 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;*
- b) *and the regulated setback, vegetated shoreline, stormwater management, and slope related policies of this Plan are met and the proposal is not for major development.*

Planning Comment: The Environmental Features found in the EIS completed by Colville Consulting Inc. include the critical fish habitat related to the Welland River. Considering the findings, the proposed development is located outside of the critical fish habitat.

Subsection 3.1.23 Natural Hazards

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

Section 3.5 Climate Change

Subsection 3.5.1 Emissions Reduction and Resilience Planning

Policy 3.5.1.11. *Local Area Municipalities are encouraged to:*

- b) *and assess local climate change risks and vulnerabilities and develop climate change adaptation strategies, informed by Regional or Local climate projection*

Planning Comment: Depending on precipitation events, the flow of Welland River can vary. As such, to prevent any future significant event that could cause a negative impact to the proposed development, a buffer of 30m has been implemented from the shoreline, as seen in **Figure 8-1**. While the proposed building is located fully outside of the refined buffer, 19 parking spaces in the western parking area have encroached onto the 30-metre refined buffer of the Welland River. These parking spaces are not included in the required parking counts and are considered 'additional parking'

8.5.3 Chapter 5 Connected Region

Section 5.1 Multi-Modal Transportation System

Subsection 5.1.5 Ensure Regional Roads Accommodate Future Growth and Support Diverse Forms of Transportation

Policy 5.1.5.1 *As conditions of the approval of a development application under the Planning Act:*

- a) *the Region may acquire land from the landowner required for the road allowance as identified in Schedule M, at no cost to the Region and free of all encumbrance, encroachments, and improvements unless otherwise agreed to by the Region; and*
- b) *the Region shall be provided with a certificate of an Ontario Land Surveyor noting that all legal survey documentation on the widened road allowance is in place.*

Policy 5.1.5.2 *The conveyance of land shall be required at no cost to the Region as a condition of the approval of a development application, beyond the designated road allowance widths identified in Schedule M, to accommodate items such as sight triangles, turning lanes, channelization, grade separations, traffic control devices, rapid transit, public transit facilities and rights-of-way, active transportation, cuts, fills and storm drainage requirements, as required to meet accepted engineering design standards. These do not require an amendment to this Plan.*

Policy 5.1.5.3 *Additional land that exceeds the road allowance widths identified in Schedule M or Policy 5.1.5.2 may be acquired by the Region at its own expense, without an amendment to this Plan.*

Policy 5.1.5.4 *Land for Regional Road widenings will be required equally from both sides of the centreline of the designated Regional Road unless existing land uses, topographic features or other physical or environmental constraints necessitate taking greater widening on one side than the other.*

Policy 5.1.5.6 Where new development for a sensitive land use is adjacent to a Regional Road, the Region will consider the need for a noise study or noise control measures to address traffic noise as per Provincial guidelines.

Planning Comment: As seen in **Figure 8-11**, Chippawa Creek is classified as a Regional Road. Schedule M shows a road widening for Chippawa Creek in this area of 26.2 m. The actual approximated road widening is 20 m. The proposed development includes a road widening dedication area of 3.5 m wide.

A Land Use Compatibility Report has been completed by WSP Canada Inc. which assessed potential air quality, dust, odour, noise, and vibration impacts and concluded that the surrounding land uses have no negative impacts on the introduction of new sensitive land use at the proposed development.



Figure 8-11: Excerpt of Adopted Region of Niagara Official Plan Schedule J1 - Transportation Infrastructure

Section 5.2 Infrastructure

Subsection 5.2.2 Municipal Water and Wastewater Servicing within Urban Areas

Policy 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.

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

Policy 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.

Policy 5.2.2.12 Within urban settlement areas full municipal services are the preferred form of servicing. Partial services shall only be permitted in the following circumstances:

- a) where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; or,
- b) to allow for infilling and minor rounding out of existing development on partial services provided site conditions are suitable for the long-term provision of such services with no negative impacts

Planning Comment: Currently, the portion of the subject lands proposed to be developed are part of an isolated pocket of developable lands surrounded by environmental constraints and do not have access to any municipal infrastructure. Identified within the City of Niagara Official Plan, the subject lands are part of Phase 4 of the Municipal Servicing Plan. The FSR, prepared by IBI

Group provided that the proposed development can be supported by the extension of existing municipal water infrastructure located west of the subject lands. Until the extension of municipal infrastructure, holding tanks for water supply should be utilized.

The FSR concluded that based on the topographic data and location/depth of existing sanitary infrastructure, a gravity sewer connection is not feasible for the subject lands. Furthermore, the lands proposed to be developed exist as a component of an isolated pocket of developable lands with environmental constraints. The first residential phases of the Garner Road Secondary Plan are separated from the subject lands by the Heartland Forest. Lands west along Chippawa Creek Road contain existing operating industrial uses and a small number of residential parcels presumed to be on private septic systems. Until further development occurs in the area, the extension of municipal infrastructure and requirement for complete urban services would result in an inefficient extension of public wastewater infrastructure to service a limited number of uses. The requirement of this policy would thus contradict core planning policies emphasizing the efficient and sustainable use of public infrastructure.

As such, the proposed use of holding tanks represents sound planning decision making, where municipal services are not feasible. The on-site sanitary sewage system, holding tank, and emptying schedule shall be established by a mechanical consultant.

8.5.4 Chapter 6 Vibrant Region

Section 6.3 Healthy Communities

Subsection 6.3.1 Plan Healthy and Safe Communities

Policy 6.3.1.1 *The Region shall support healthy communities by:*

- a) *creating built form that provides healthy living;*
- d) *encouraging integration of open space and parks that facilitate physical activity, social cohesion and support mental health;*

Planning Comment: The proposed development promotes healthy living, recreational and fitness services, through the inclusion of a Martial Arts School, Spa, Retreat Lodging, Yoga Studio, Conference Centre, together with a restaurant and accommodation suites. In addition, passive recreational features are proposed on the subject lands including meditation walking trails

Section 6.4 Archaeology

6.4.2 Conservation in Accordance with Provincial Requirements

Policy 6.4.2.1 *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 or the land has been investigated and cleared or mitigated following clearance from the Province.*

Policy 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.*

Policy 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.*

Planning Comment: As seen in **Figure 8-12**, the subject lands are located within the Areas of Archaeological Potential. A Stage 1-2 Archaeological Assessment was completed by Detritus Consulting Ltd. for the subject lands. The Assessment determined 6 locations within the subject lands to be part of Stages 1 and 2, while a Stage 3 was recommended for all of them. The assessment marked these areas and established buffers that were avoided when locating the proposed building on the site plan.

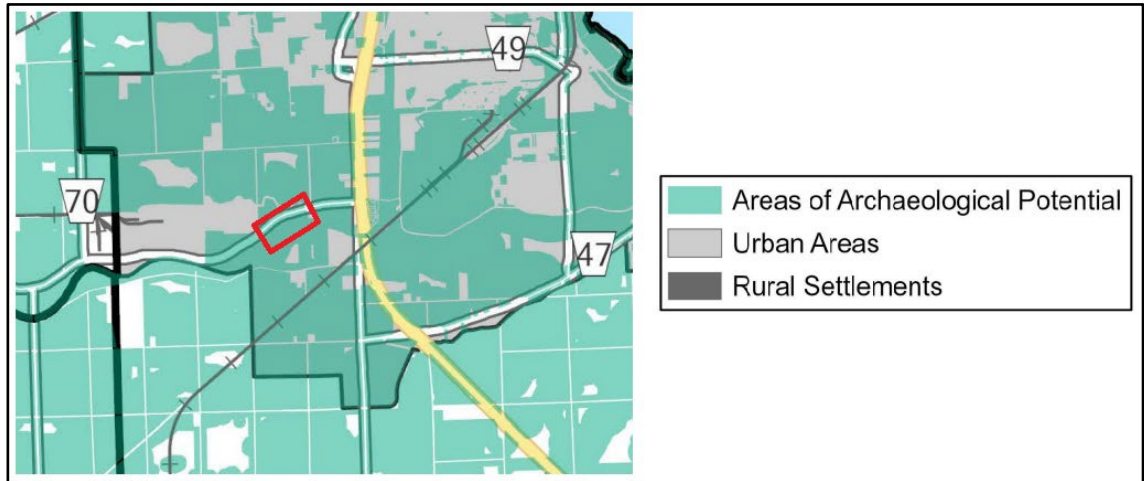


Figure 8-12: Excerpt of Adopted Regional Official Plan Schedule K - Areas of Archaeological Potential

Adopted Region of Niagara Official Plan Conclusion: The proposed development conforms to the Adopted Region of Niagara Official Plan 2022, as it will:

- Contribute to accommodating forecasted employment growth, by creating a multi-use facility which will generate multiple employment opportunities;
- Facilitate a compact urban form, by including multiple employment and commercial uses within one building;
- Protect natural heritage features on the subject lands, by locating the development in the north-east portion of the subject lands;
- Efficiently use holding tanks in the interim, till further development occurs in the area in order for the expansion of municipal services to be feasible;
- Recognize archaeological findings on the subject lands.

8.6 City of Niagara Falls Official Plan

The Official Plan for the City of Niagara Falls (“OP”) was approved by the Ministry of Municipal Affairs in October 6, 1993. It has been subject to multiple subsequent amendments which has resulted in the April 2019 consolidated version which is being used to inform this report. The purpose of the OP is to outline the long-term objectives and policies of the City with respect to the growth and development of urban lands; the protection of agricultural lands and the conservation of natural heritage areas; and the provision of the necessary infrastructure.

Table 8-6 below provides the relevant designations for the subject lands.

SCHEDULE	DESIGNATION
Schedule A- Land Use	Industrial Environmental Protection Area

Schedule A1- Natural Heritage	Environmental Protection Area Provincially Significant Wetland- 30 m Buffer
Schedule A2- Urban Structure Plan	Greenfield
Schedule B- Phasing	Stage 4
Schedule C- Major Road Plan	Chippawa Creek Road- Arterial Roads
Schedule D- Community Planning District	Westlane

Table 8-7: City of Niagara Official Plan Designations Applicable to the Subject Lands

8.6.1 Part 1 – Plan Overview and Strategic Directions

Section 2 Strategic Policy Direction

Policy 2.3 *The City shall provide sufficient lands within the Urban Area Boundary to meet the projected housing, population and employment targets of Table 1.*

Planning Comment: The proposed development would contribute towards accommodating the projected employment target, as identified in **Table 8-8** by providing employment opportunities on under-utilized lands designated in the Greenfield Area. Potential Employment opportunities include martial arts instructors, spa attendants, and hospitality staff.

FORECAST PERIOD	TOTAL EMPLOYMENT
2011	45690
2016	48560
2021	50820
2026	52240
2031	53640

Table 8-8: Excerpt of Table 1- Forecast of Households, Population and Employment

Policy 2.5 *Phasing policies shall guide growth across the urban area to make the most efficient use of existing and new infrastructure and to reduce the costs of providing new infrastructure.*

Planning Comment: Currently, the subject lands are not serviced by municipal water and wastewater infrastructure. The portion of the subject lands proposed to be developed are part of an isolated pocket of developable lands surrounded by environmental constraints and do not currently have access to any municipal infrastructure. Identified within the City of Niagara Official Plan, the subject lands are part of Phase 4 of the Municipal Servicing Plan.

The FSR, prepared by IBI Group concluded that based on topographic data and the location/depths of existing sanitary systems, a gravity sewer connection is not feasible for the subject lands. As such, on-site sanitary holding tanks are proposed to be installed. The on-site sanitary sewage system, holding tank, and emptying schedule shall be established by a mechanical consultant. In addition, the FSR provided that the proposed development can be supported by the extension of existing municipal water infrastructure located west of the subject lands. Until the extension of municipal infrastructure, holding tanks for water supply should be utilized.

As such, until further development occurs in the area, the extension of municipal infrastructure would be inefficient and costly.

8.6.2 Part 2 – Land Use Policies

Section 8 – Industrial

Policy 8.1 *The City has a substantial supply of land available for industrial development within the Built-up Area. The redevelopment and intensification of this land supply for industrial and employment uses that are compatible with surrounding land uses is encouraged.*

Policy 8.2 *The primary uses permitted in areas designated on Schedule "A" as Industrial will be for industry. In this regard, industry is defined as manufacturing, assembly, fabricating, processing, reclaiming, recycling, warehousing, distribution, laboratory and research, and storage. All forms of service industries and utilities are included within this definition. Adult entertainment parlours and body-rub parlours will also be permitted within the industrial designation subject to other policies of this plan. In addition, the following uses may be permitted within Industrial areas, subject to the policies of Subsection 8.8.*

Policy 8.2.1 *Uses that are ancillary to industrial operations including offices, retail and wholesale showrooms and outlets for products produced on the premises.*

Policy 8.2.2 *Commercial services such as, but not limited to, banks, restaurants, convenience retail outlets, material suppliers, which are incidental to the industrial district servicing industries and their personnel.*

Policy 8.2.3 *Corporate and business offices.*

Policy 8.2.4 *Health and fitness facilities, conference centres and private clubs.*

Planning Comment: As seen in **Figure 8-13**, the portion of the subject lands proposed to be developed are designated as 'Industrial', while the remaining balance of the lands are designated 'Environmental Protection'. The proposed development represents a more compatible form of development, as it will accommodate non-intensive employment uses on an environmentally restricted parcel of land with multiple unique employment, commercial and recreational opportunities.

The proposed use of the subject lands involves a health and fitness facility, commercial martial arts school, conference centre, in addition to restaurant, and accommodation suites accessory to the primary uses. As such, the proposed development is permitted within the Industrial designation.

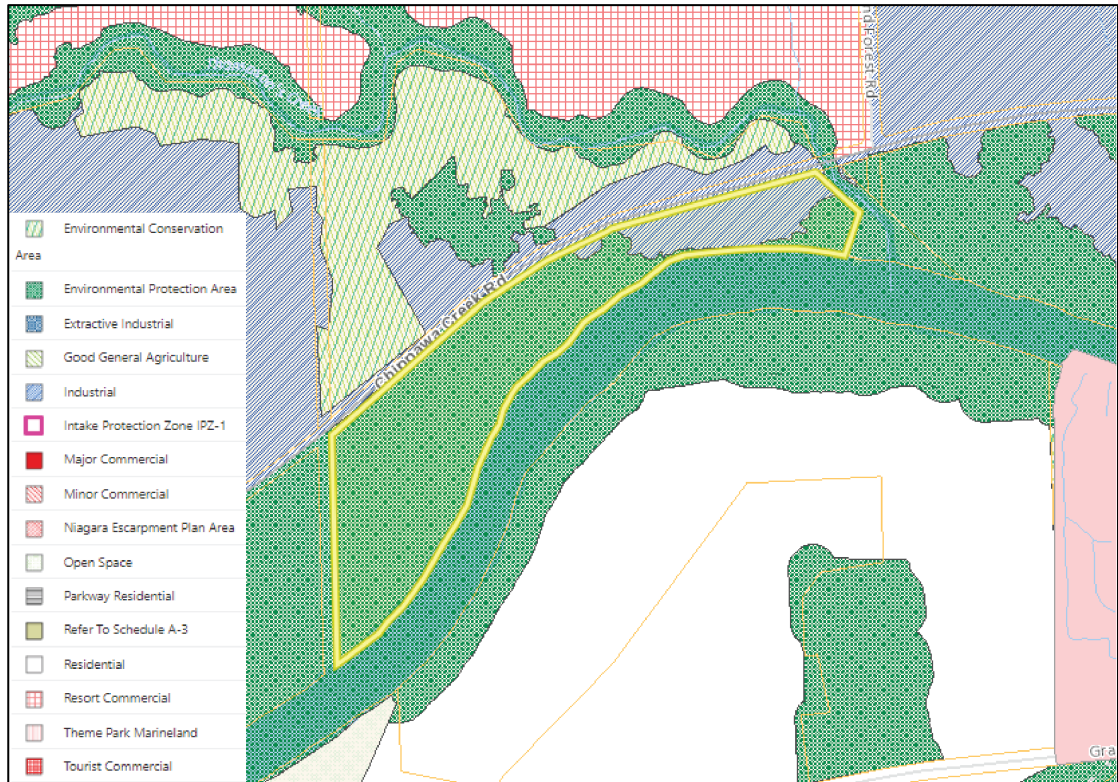


Figure 8-13: Excerpt of City of Niagara Falls Official Plan - Schedule A- Land Use

Policy 8.3 Several categories of industrial land use will be established in the Zoning By-law to accommodate a variety of industrial activities ranging from heavy to prestige use. Moreover, industrial zones will be arranged in a gradation with the lighter, more prestige type industries located near residential areas and other sensitive land uses. In the zoning of lands for industrial purposes, regard will be had to the following objectives.

Policy 8.3.1 To group industries with similar characteristics and performance standards.

Policy 8.3.2 To provide a suitable environment for industrial operations, free from interference and restriction by other uses.

Policy 8.3.3 To minimize potential land use conflicts caused by the indiscriminate mixing of heavier and light industrial types.

Policy 8.3.4 To protect adjacent lands, particularly residential areas from the effects of incompatible uses.

Policy 8.3.5 General Industrial or Heavy Industrial zones will be separated from residential areas, wherever possible, in order to protect such areas from the effects of noise, heavy traffic and other offensive characteristics.

Planning Comment: The current Zoning By-law 79-200 locates two industrial zones on the subject lands: Heavy Industrial (“HI”) and Prestige Industrial (“PI”). The southern side of Chippawa Creek Road is predominantly occupied by PI with a pocket of HI along the eastern portion of the subject lands. As such, the proposed ZBLA will rezone the HI to PI, thus eliminating the pocket of HI and resulting in a better grouping of similar permitted uses and performance standards. This will also contribute towards minimizing potential land use conflicts by removing the mixture of permitted light and heavy industrial types along the southern side of Chippawa Creek Road.

Policy 8.4 Council will entertain amendments to the Zoning By-law to permit the establishment of free-standing offices, recreational and commercial services and other complementary land uses within industrial districts in order to progressively accommodate changing market conditions and new development trends. Such uses, however, will be restricted as to their location, size and extent of operations, having regard to the following.

Policy 8.4.1 Industrial districts are not intended to serve a significant commercial function. In this regard, Council will exercise discretion in the rezoning of industrial lands for non-industrial purposes in order to promote industry as the predominant land use.

Policy 8.4.2 Frontage lands along controlled access highways and high volume arterial roadways will be preserved for industrial and business uses which require visual prominence and which foster a good impression of the community.

Policy 8.4.3 Wherever possible, commercial service and office uses shall be grouped in multiple use buildings and shall not be allowed to proliferate along arterial road frontages.

Policy 8.4.4 Commercial and office developments generate higher densities of employment and use by the public. Where such development is proposed, Council will ensure that adequate provision is made for on-site parking, traffic circulation and pedestrian safety.

Planning Comment: The proposed ZBLA includes the addition of a health and fitness facility, commercial martial arts school, conference centre, in addition to an ancillary restaurant, and accommodation suites as permitted uses within the Prestige Industrial zone. These uses are commercial and recreational in nature, however, do not represent a significant commercial function within the broader Industrial area as the proposed development is isolated and self-sufficient in terms of the need for nearby complementary land uses. Therefore, it would not impact ability for the broader employment area to be predominantly industrial. These proposed uses are grouped in a multiple use building which has been designed to ensure a good visual impact from the arterial roadway. Finally, the proposed uses would be adequately serviced by on-site parking.

Greenfield Area

Policy 8.6 Employment uses are to be integrated with the overall neighbourhood design and shall be located consistent with the Ministry of Environment D6 Guidelines. The following uses are permitted within secondary plan areas that contain residential and other sensitive land uses:

Planning Comment: As seen in **Figure 8-14**, the subject lands are located within a Designated Greenfield Area. The Designated Greenfield Area within which the subject lands are located is not planned to contain residential uses. The proposed development is not anticipated to cause any compatibility issues with the existing nearby residential properties located along the Welland River as identified in the attached Land Use Compatibility Study conducted by WSP.

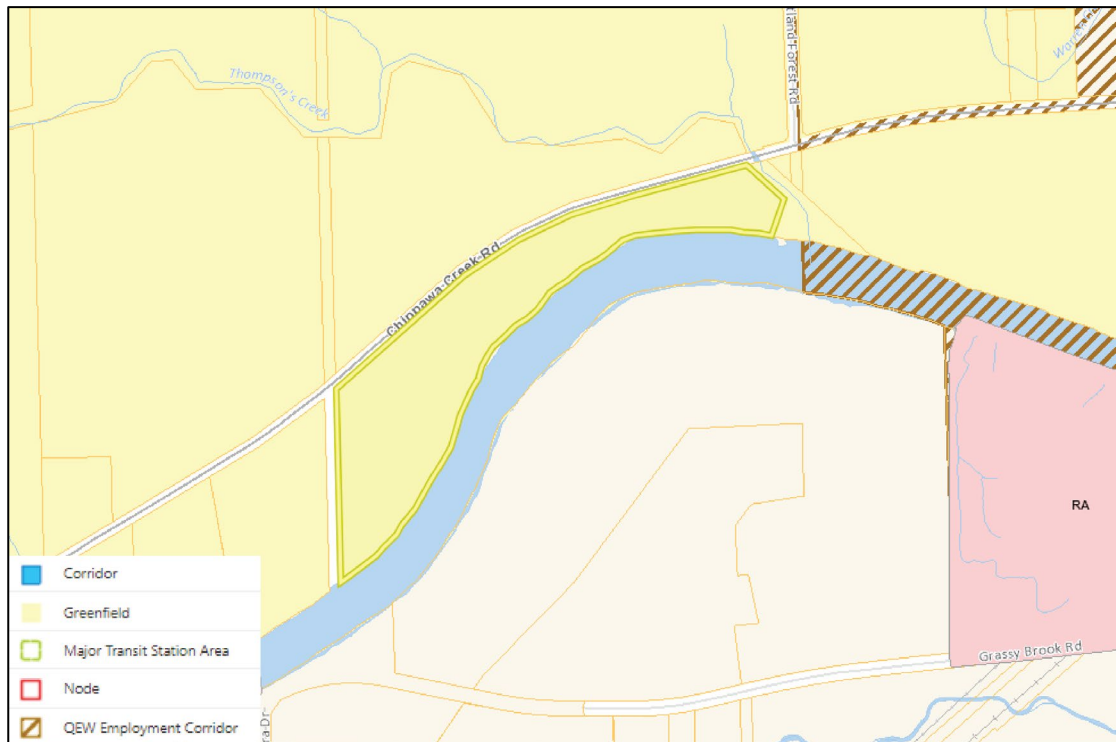


Figure 8-14: Excerpt of City of Niagara Official Plan - Schedule A2 - Urban Structure Plan

Policy 8.7 While urban design guidelines and architectural guidelines may be developed for individual secondary plan areas, the following general design principles should apply to employment lands:

Policy 8.7.1 Building facades that face the street should utilize architectural treatments. Blank walls are to be avoided in favour of windows, articulations and changes in building materials.

Planning Comment: As seen in the building elevations contained in **Section 4**, the proposed building has been designed to create a visually interesting front façade, which includes utilizing the existing topography to maximize views to the Welland River and a diversity of building materials including stonework and wood paneling, along with areas covered by glazing. Furthermore, vegetation is utilized to further improve visual interest as will be outlined in a subsequent landscaping plan.

Policy 8.7.2 Buildings should have a consistent setback from the street.

Planning Comment: As identified in the conceptual site plan, the proposed development maintains a consistent setback across the front building façade and associated privacy extension wall.

Policy 8.7.4 Parking areas will be limited in size and proportion. Parking areas shall be generously landscaped along any street.

Planning Comment: The proposed parking areas and associated driveways are a limited size and only represent approximately 4.32% of the subject lands. Furthermore, all of the proposed parking areas will have adequate landscaping areas to buffer street views from Chippawa Creek Road. The specifics of the landscaped areas will be outlined in a subsequent landscaping plan.

Policy 8.7.5 Loading and service areas are to be located in the rear or interior side yards.

Planning Comment: The proposed loading area is located to the front of the subject lands. The intent of Policy 8.7.5 applies to loading areas for employment lands which can include larger scale and more frequently used loading areas such as those for logistics and manufacturing uses. The proposed development's loading space will not have the same intensity and frequency as those uses. Therefore, locating the loading space in the front yard is not anticipated to create any major adverse impacts. In addition, the loading space is proposed to be adequately buffered from Chippewa Creek Ave with landscaping areas.

Policy 8.7.6 *Access driveways to the street should be minimized. Where possible, abutting lots should use combined driveways.*

Planning Comment: The proposed development is accessed by one vehicular entrance.

General Policies

Policy 8.12 *Adequate vehicular access, off-street parking and loading facilities will be required in clearly defined areas for all development and redevelopment within Industrial zones.*

Planning Comment: The proposed development provides adequate off-street parking facilities which are clearly defined through paving and surrounding landscaped areas. The proposal includes 135 parking areas which are deemed adequate based on the proposed uses and function of the multi-use facility.

Section 11 – Environmental Policies

Subsection 11.1 Natural Heritage System

Policy 11.1.3 *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.*

Policy 11.1.4 *Schedules A and A-1, along with Appendices III-A, III-B, III-C, III-D and III-E to this Plan detail the natural heritage features that are located within the Environmental Protection Area (EPA) or Environmental Conservation Area (ECA) designations of this Plan as well as linkages and natural corridors, water resources, Municipal Drains and other natural heritage features.*

Policy 11.1.5 *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.*

Policy 11.1.6 *The Natural Heritage Policies shall apply when development or site alteration is proposed on lands within the City that are adjacent to a natural heritage feature identified within the Official Plan of a neighbouring municipality, the Niagara Region Official Plan or by the Ministry of Natural Resources.*

Policy 11.1.8 *A permit from the Niagara Peninsula Conservation Authority may be required for any works within areas regulated by the Conservation Authority's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (Ontario Regulation 155/06).*

Policy 11.1.11 *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.*

Policy 11.1.17 *An 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 or A-1; or*
- b) *that contain or are adjacent to a natural heritage feature.*

Policy 11.1.18 *An EIS required under this Plan shall:*

- 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 within the Urban Area Boundaries; and*
- d) *be to the satisfaction of the Region, in consultation with the City and the Niagara Peninsula Conservation Authority, for the remaining areas.*

Planning Comment: As seen in **Figure 8-15**, the subject lands contain designated EPAs and associated buffers related the PSW. However, the lands outside of these boundaries are designated Industrial, as identified on **Figure 8-13**. An EIS was prepared by Colville Consulting Inc. which recommended refining the boundary of the PSW, as identified in **Figure 8-1**. The location of proposed development has been situated in the north-east pocket of the subject lands, outside of the delineated features. The proposed building and structures will be buffered from the designated natural areas. Through the proposed development's design, supporting study recommendations, and NPCA permit, it will ensure that environmental concerns are avoided

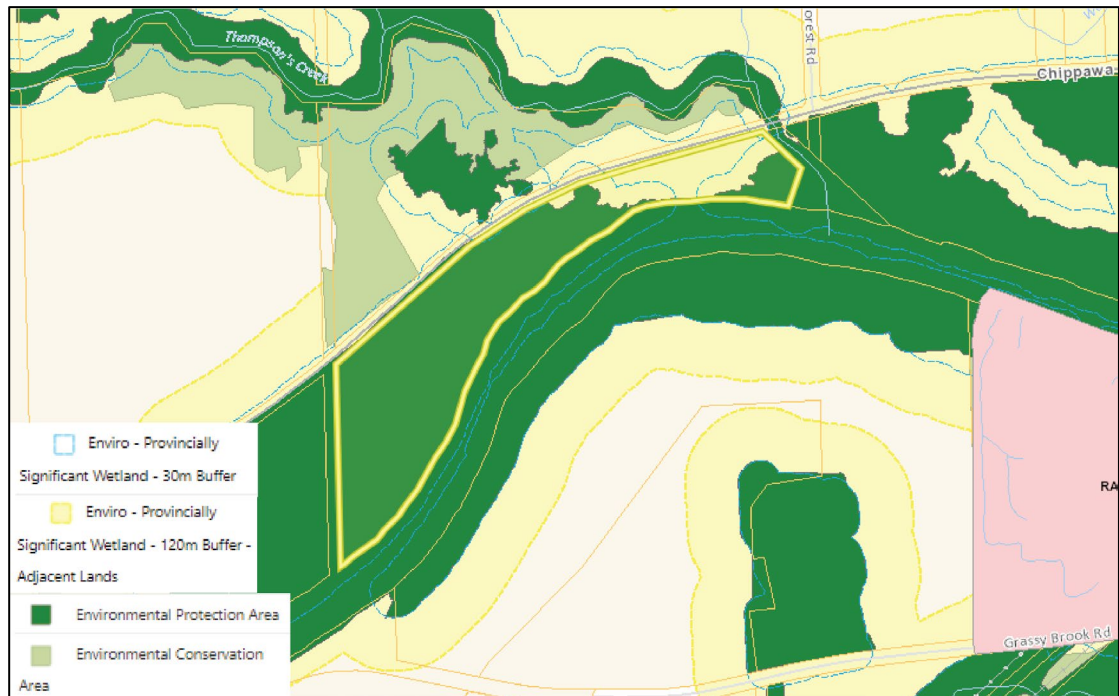


Figure 8-15: Excerpt of City of Niagara Official Plan - Schedule A1 - Natural Heritage

Policy 11.1.30 *A stormwater management plan and a sediment and erosion control plan may be required at the discretion of the NPCA as part of a complete application under the Planning Act based on the scale and nature of the proposal and the site specific environmental conditions. These plans shall not be required for a new mineral aggregate operation or an expansion to an*

existing operation where these matters are adequately addressed through studies prepared to meet the requirements of the Aggregate Resources Act.

Policy 11.1.31 *A stormwater management plan shall demonstrate that the proposal will minimize vegetation removal, grading and soil compaction, erosion and sedimentation, and impervious surfaces. Where a watershed or subwatershed plan exists, the stormwater management plan shall implement the recommendations of such plans. The Stormwater Management Plan shall be prepared and signed by a qualified engineer.*

Planning Comment: As identified in the attached FSR, quantity controls are not required for the subject lands, however, runoff will be treated to an Enhanced standard prior to discharge. As will be further outlined in the subsequent Site Plan Application process, low impact development stormwater cleansing features such as infiltration galleries, vegetation filter strips, and enhanced grass swales are envisioned. A Stormwater Management Plan, and Sediment & Erosion Control Plan will be included as a part of the Site Plan Application submission.

Policy 11.1.36 *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.*

Planning Comment: The proposed development will not locate any features within the setback from the stable top of slope.

Policy 11.1.41 *All development is to be designed in a sensitive manner having regard to the environmental, social and aesthetic benefits of trees, hedgerows and woodlands through the following:*

- i. The retention and protection, to the greatest extent possible, of the existing tree cover, recognizing its environmental and aesthetic importance.*
- ii. Ensuring efficient harvesting and use of trees that must be removed to accommodate the placement of buildings, structures and roads.*
- iii. The incorporation of land with existing tree cover into the urban area park system, if appropriate.*
- iv. The maintenance and possible enhancement of tree cover along watercourses and on steep slopes, in order to reduce soil erosion and improve water quality.*
- v. Permitting the continued management and selective harvesting of forest resources, where appropriate.*
- vi. The use of native trees in development design.*

Planning Comment: The EIS prepared by Colville Consulting Inc. highlights that the proposed development is designed in a sensitive manner towards on-site trees. None of the on-site identified Significant Woodlands require clearance in order to facilitate the proposed buildings. In addition, the EIS outlined mitigation measures to further reduce potential impacts on trees. These recommendations include:

- The removal of trees and vegetation should be timed to minimize impacts on any wildlife species. It is recommended that tree removal be completed before March 15 or after October 31 to minimize impacts to bird and bat species that may be utilizing the woodland on the property.
- All trees not required to be removed for construction or safety should be maintained onsite.
- Tree hoarding should be installed no less than 4m from any trees to be retained to ensure critical roots are not compacted or injured.

- To help maintain tree cover in the area, it is recommended that a landscape plan be created to incorporate additional trees into the final site design.
- It is proposed that any trees that will be planted on the property are native and non-invasive trees and shrub species.

Subsection 11.2 Environmental Protection Area (EPA) and Environmental Conservation Area

Policy 11.2.1 Development and site alteration, where permitted under the following designations, shall be subject to the natural heritage system policies of Section 11.1.

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

Policy 11.2.3 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.

Planning Comment: An EIS was prepared by Colville Consulting Inc. in support of the proposed development. The findings of this EIS identified a refined extent for the Provincially Significant Wetlands. The refined boundary can be seen in **Figure 8-16**, below. The location of the proposed development is within the north-eastern portion of the subject lands, outside of the refined limits.

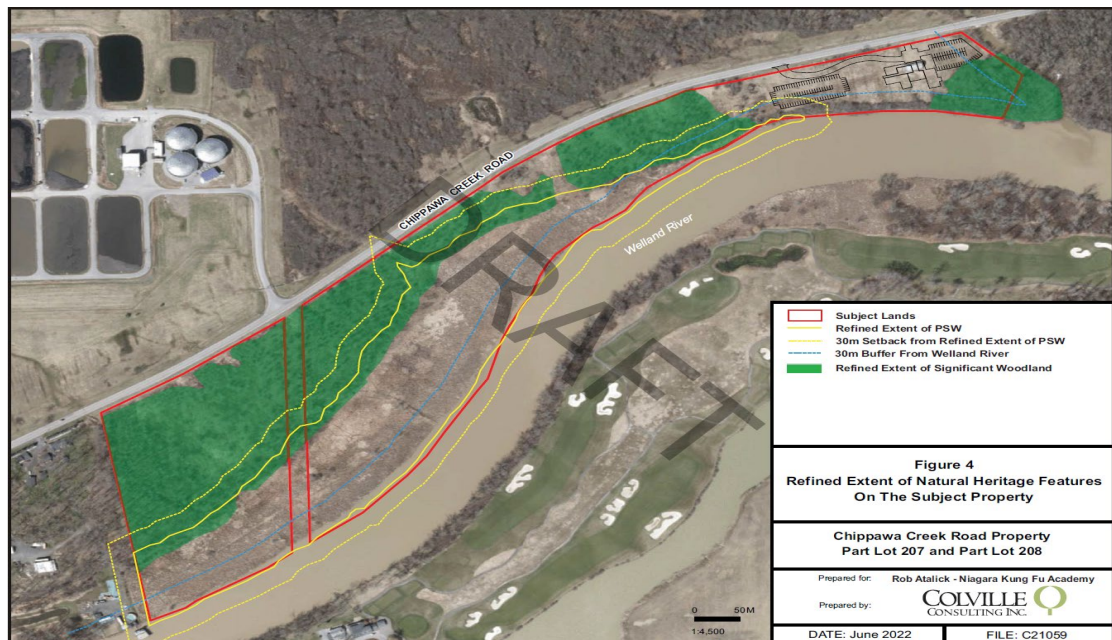


Figure 8-16: Refined Extents of Natural Heritage Feature on Subject Lands

Policy 11.2.7 *Stormwater management facilities shall not be constructed within an EPA. A stormwater management facility may only be permitted within an ECA or on lands adjacent to an EPA or ECA only where it has been demonstrated that there will be no impact on any natural heritage feature or the function of the natural heritage system.*

Planning Comment: The design and location of stormwater management facilities will be determined during the Site Plan Application phase and will comply with relevant environmental policies.

Policy 11.2.14 *Development or site alteration shall not be permitted in the EPA designation except where it has been approved by the Niagara Peninsula Conservation Authority or other appropriate authority, for the following:*

- a) *forest, fish and wildlife management;*
- b) *conservation and flood or erosion projects where it has been demonstrated that they are necessary in the public interest and other alternatives are not available;*
- c) *small scale, passive recreational uses and accessory uses such as trails, board walks, footbridges, fences, docks and picnic facilities that will not interfere with natural heritage features or their functions*

Planning Comment: As seen within the conceptual site plan, the proposed development does not locate any building or site alteration within the EPA. The proposed development includes passive recreational use in the form of trails within the EPA.

Policy 11.2.16 *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. A 30m buffer is illustrated on Schedule A-1 for reference purposes. The precise extent of the vegetated buffer will be determined through an approved EIS and may be reduced or expanded. New development or site alteration within the vegetated buffer is not be permitted. Expansion, alteration or the addition of an accessory use in relation to an existing use within the buffer may be permitted, subject to an approved EIS, where:*

- a) *the expansion or accessory use is not located closer to the edge of the 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.*

Planning Comment: The EIS prepared by Colville Consulting Inc. has established a vegetated buffer of 30 m based on the recommended PSW boundary refinement. The location of proposed development has been situated in the north-east pocket of the subject lands, outside of the delineated features. The proposed building and structures will be buffered from the designated natural areas.

Policy 11.2.18 *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 and site alteration may be permitted within or adjacent to floodplains or erosion hazards subject to written approval from the Niagara Peninsula Conservation Authority.*

Planning Comment: In addition, hazard lands associated with the Welland River have been primarily avoided, which in tandem with stormwater management practices will ensure the protection of health and safety. The proposed building will be located outside of the 30 metre buffer of the Welland River, however, 19 parking spaces in the western parking area have encroached onto the 30-metre refined buffer of the Welland River. These parking spaces are not included in the required parking counts and are considered 'additional parking'.

8.6.3 Part 2 – Environmental Management

Section 1 Municipal Infrastructure

Policy 1.1.2.1 *The development of lands in the Greenfield Area shall proceed in an orderly and efficient manner.*

Policy 1.1.2.2 *New development should occur as a logical extension of preceding development.*

Policy 1.2.3 *Land that is considered to be in-phase is that for which servicing has been included in the Five-Year Capital Works Program.*

Policy 1.1.2.4 *The determination of which lands may be brought into the development stream shall be based on land use, servicing and financial assessments that address the following criteria:*

- *the supply of short term lands;*
- *the extent of land that will benefit from servicing;*
- *the use and the density at which the lands will be developed;*
- *financing for the public works necessary for development to proceed; and*
- *an assessment of the potential financial risk to the City.*

Policy 1.1.2.6 *Proposals to bring out-of-phase lands into the development stream shall be assessed based on the following criteria:*

- *compliance with the policies of this Plan;*
- *the extent of the inventory of in-phase lands and their availability;*
- *the benefit to the City such as revenue generation, employment growth and contributions to the strategic goals of Council;*
- *the financial risk to the City's taxpayers;*
- *the impacts on approved development; and*
- *whether infrastructure is planned for the lands.*

Policy 1.1.2.7 *An out-of-phase development may be the subject of a front ending agreement, pursuant to section 44 of the Development Charges Act, or similar type of development agreement which shall be a condition of any application to amend this Plan and/or the Zoning By-law, or any site plan or subdivision or condominium agreement.*

Planning Comment: Currently, the portion of the subject lands proposed to be developed are part of an isolated pocket of developable lands surrounded by environmental constraints and do not have access to any municipal infrastructure. Identified within the City of Niagara Official Plan, the subject lands are part of Phase 4 of the Municipal Servicing Plan, as seen in **Figure 8-17**.

Although the subject lands are considered out-of-phase, the proposed development will contribute towards the orderly and efficient development of the Designated Greenfield Area, by providing employment/ commercial uses in proximity to current urban development occurring as part of Phase 1 of the Garner South Secondary Plan, illustrated in **Section 2.2** of this report. The existing residential neighbourhood is separated from the subject lands by the Heartland Forest. This is similar to the existing urban development located proximate to the Built-Up Area, separated by the presence of significant natural features (i.e. at the corner of Kalar Road and Brown Road).

The FSR, prepared by IBI Group provided that the proposed development can be supported by the extension of existing municipal water infrastructure located west of the subject lands. Until the extension of municipal infrastructure, holding tanks for water supply should be utilized. The FSR

concluded that based on the topographic data and location/depth of existing sanitary infrastructure, a gravity sewer connection is not feasible for the subject lands. Until further development occurs in the area, the extension of municipal infrastructure and requirement for complete urban services would result in an inefficient extension of public wastewater infrastructure to service a limited number of uses. As such, the proposed use of holding tanks represents sound planning decision making, where municipal services are not yet in place.

As outlined throughout this report, the proposed out-of-phase development is not anticipated to cause any impacts to approved developments due to its isolated location and demonstrated by the Land Use Compatibility Study completed by WSP. Since the proposed development is small in scale and does not require complimentary adjacent uses, it does not represent an illogical extension of preceding development.

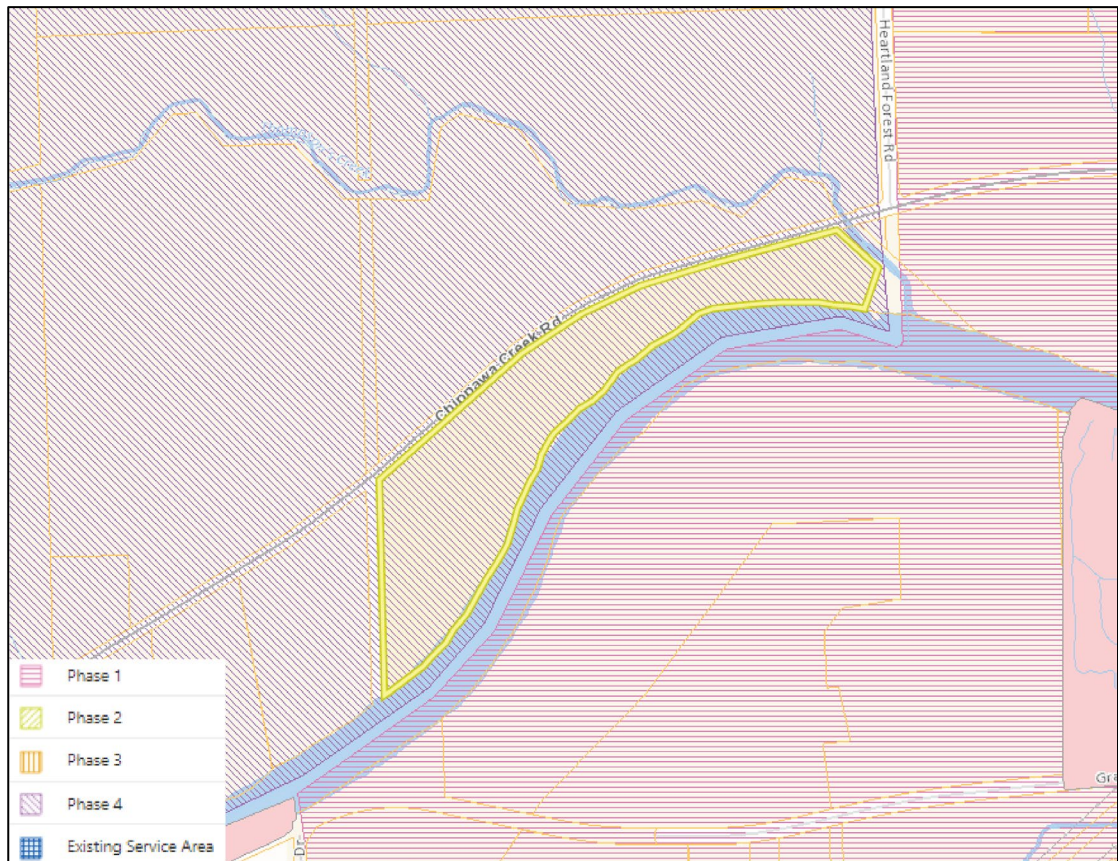


Figure 8-17: Excerpt of City of Niagara Official Plan - Schedule B: Phasing

Section 1.2 Water and Sanitary Sewage

Policy 1.2.4 *Development within the urban area shall be accommodated on the basis of full municipal services including sewers, storm sewers, water services and improved roadways. Uses within the urban area shall connect to municipal water and sanitary services, if available. Outside of the urban area, Council shall cooperate with the Niagara Region in promoting individual sewage disposal systems which incorporate proven new technology achieving reduced volumes and/or improved quality of effluents.*

Planning Comment: Currently, the portion of the subject lands proposed to be developed are part of an isolated pocket of developable lands surrounded by environmental constraints and do not have access to any municipal infrastructure. Identified within the City of Niagara Official Plan, the subject lands are part of Phase 4 of the Municipal Servicing Plan, as seen in **Figure 8-17**.

Although the subject lands are considered out-of-phase, the proposed development can be accommodated by private on-site servicing in the interim. As such, the requirement of Policy 1.2.4 would result in an inefficient extension of public wastewater infrastructure to service a limited number of uses. The requirement of this policy would thus contradict core planning policies emphasizing the efficient and sustainable use of public infrastructure including:

- PPS 1.1.1 a), & e),
- PPS 1.1.3.2 a), b), & c)
- PPS 1.6.6.1

Furthermore, the Niagara Region declaration of a Climate Emergency in September 2021 reinforces the need for greater flexibility of municipal decision making in order to ensure sustainable development occurs including decisions which limit the inefficient use of resources. As such, the proposed use of holding tanks represents sound planning decision making where municipal sewage services are not feasible. It is proposed that two 5,300 gallons private on-site holding tanks will be utilized to detain sanitary flows. The details of the tanks including sizing and emptying schedule will be designed by a mechanical consultant.

Finally, as outlined in the attached FSR, quantity controls are not required for stormwater runoff. However, runoff shall be treated to an Enhanced Standard prior to discharge to Thompson Creek or the Welland River. This is recommended to be supported by other features such as infiltration galleries, vegetation filter strips, and enhanced grass swales. Further details will be included in the subsequent Site Plan Application.

Subsection 1.3 Storm Drainage

Policy 1.3.1 *It is required that all new development or redevelopment within the City be connected to and serviced by a suitable storm drainage system. Appropriate systems may include underground pipes, ditches, culverts, swales, man-made and natural watercourses, detention storage areas or any other storm water management system acceptable to Council, the Niagara Region, the Niagara Peninsula Conservation Authority, and other agencies.*

Planning Comment: The attached FSR highlights that quantity controls are not required for the subject lands however runoff will be treated to an Enhanced standard prior to discharge. As will be further outlined in the subsequent Site Plan Application process, low impact development stormwater cleansing features such as infiltration galleries, vegetation filter strips, and enhanced grass swales are envisioned.

Subsection 1.5 Transportation

Policy 1.5.18.4 Arterial Roads - *include all roadways under the Region's and City's jurisdiction that are designed to accommodate large volumes of traffic between major land use areas in the City. Regional Arterial Roads are designed to accommodate the movement of large volumes of traffic and function as secondary highways and primary arterial roads. Design, road allowance width, use, alignment and access are regulated by the Regional Municipality of Niagara. Road widths vary from 20 metres to 42 metres.*

City Arterial Roads accommodate two to four lanes of traffic and have a general road allowance width of 26 metres. Direct access to adjoining properties and on-street parking will be restricted as much as possible to enhance the free flow of traffic. The road allowance may accommodate transit routes with bus lay-bays and shelters and/or bicycle facilities such as bike lanes, shared use lanes and paved shoulders. The use of shared driveways to larger development projects will be encouraged in the urban areas. Regional and certain City roadways that function as arterial roads, primarily in the tourist core area, are subject to the policies described in the "tourist commercial roads" classification.

Policy 1.5.26 All new development abutting Arterial Roads shall provide adequate offsite loading and unloading facilities located in such a manner to minimize the detrimental impact by vehicles using such facilities.

Policy 1.5.34 The proposed widths of the roads are as follows:

- Chippawa Parkway From West City Limit to Montrose Road: Regional Arterial- 26.2 m

Planning Comment: As seen in **Figure 8-18**, Chippawa Creek Road is considered an Arterial Road. **Figure 8-19** below, demonstrates the required road widening dedications for Chippawa Creek Road. These dedications have been accommodated within the attached conceptual site plan.

The proposed development has been designed with one site entrance. It will include two on-site parking areas with a total of 135 parking spaces. An on-site loading area will also be provided.



Figure 8-18: Excerpt of City of Niagara Falls Official Plan Schedule C – Major Road Plan



Figure 8-19: Proposed Road Widening

Section 4 Cultural Heritage Conservation

Policy 4.10 *The City recognizes that there are many archaeological sites containing artifacts or other physical evidence of past human use or activities throughout the municipality. Every effort will be taken to ensure archaeological resources are protected in situ. No work shall be carried out on any property which has identified archaeological resources or has archaeological potential without first conducting archaeological fieldwork and submitting a report, both undertaken by a licensed archaeologist. Any fieldwork and investigation shall adhere to Provincial guidelines and requirements. The archaeological report shall be prepared to the satisfaction of the Ministry of Culture or its designate to address, among other things: site findings, analysis of findings, a statement of heritage value, any further assessment needed, methods of protecting archaeological sites/artefacts (buffer areas, landscaping, avoidance strategy) and a construction monitoring schedule.*

Policy 4.19 *Development adjacent to and surrounding significant heritage properties shall be designed as to not adversely impact on the character, quality or amenity associated with the heritage resource.*

Policy 4.19.1 *In consultation with the MHC, the City may require a proponent of development to submit a heritage impact assessment to determine the impact of a specific development proposal on any heritage resource or area of archaeological potential and to recommend the most appropriate method of conservation through mitigative measures or alternative development.*

Planning Comment: A Stage 1 and 2 Archaeological Assessment was completed by Detrius Consulting Ltd. on October 26, 2021. The Stage 1 assessment identified the high potential for the identification and recovery of archaeological resources. Therefore, a Stage 2 assessment was conducted. Through this process, multiple test pit locations were identified to contain pre-contact Aboriginal and Euro-Canadian historical archaeological components. As such, a Stage 3 Site Specific Assessment is required for 6 locations. The Stage 3 assessment will be conducted in keeping with Section 3.2.2 of the *Standards and Guidelines*. The Stage 1 and 2 Archaeological

Assessment report has been submitted to the Minister of Heritage, Sport, Tourism and Culture Industries. Should any further archaeological resources be discovered, all work on the site will cease until a licensed consultant archaeologist carries out the necessary archaeological fieldwork.

Section 5 – Urban Design Strategy

Policy 5.1 *New development, redevelopment and public works projects shall utilize building, streetscaping and landscaping designs to improve the built and social environment of the City and to enhance quality of life. Development should integrate and be compatible with the surrounding area including natural and cultural heritage features.*

Policy 5.1.1 *The design of new development and redevelopment shall specifically address height, setbacks, massing, siting and architecture of existing buildings in order to provide a compatible relationship with development in an area.*

Policy 5.1.2 *Development shall be designed and oriented to the pedestrian. As such buildings shall be set as close to the street as possible. Moreover, where development includes multiple buildings, the buildings should be deployed in such a manner that allows pedestrians to move between buildings with a minimum of interference from vehicular traffic. To this end, designated walkways through parking areas and to other buildings are to be provided.*

Policy 5.1.3 *Development and redevelopment shall be designed to minimize microclimatic impacts on adjacent lands. Mitigation measures may be secured through provisions of a site specific zoning by-law, conditions of a minor variance, or within the terms of an agreement pursuant to sections 37 or 41 of the Planning Act.*

Policy 5.1.4 *In prominent landmark locations such as gateway entrances to the City or along important roadway corridors, special attention to high quality design and landscaping shall be encouraged. Furthermore, new development and redevelopment should be designed and sited to minimize the obstruction of scenic views and vistas.*

Policy 5.1.5 *Parking areas are to be minimized within the front yard of development sites. Parking shall primarily be located in the rear or sideyards of development sites with sufficient landscaping utilized to create an effective buffer to abutting lands.*

Policy 5.1.7 *The number of access points onto arterial roads shall be minimized. Linked parking and driveway areas shall be encouraged. Access points shall be oriented toward major roadways*

Planning Comment: The subject lands are located within an area with very minimal existing development. As such, there are no compatibility concerns as the proposed development has been designed to compliment the existing natural landscape. Demonstrated by the elevations and renderings, the proposed development is designed to a high degree of architectural quality, which utilizes existing topography to connect visitors with the Welland River and surrounding natural environment. This will create a 'gateway' to the Urban Area at the western entrance to the City of Niagara Falls.

The proposed building is well setback from the arterial road and screened by landscaped areas. Building materials such as wood and stone are utilized to maintain the natural aesthetic of the area. The proposed parking areas are setback from the road and are visually buffered from Chippawa Creek Road by landscaped areas. The two parking areas are accessed by a singular vehicular entrance.

Policy 5.3 *Landscaping and open space amenity areas can provide an opportunity to enhance the visual image of properties along the streetscape and should be incorporated in development projects to complement boulevard plantings. Landscaping can soften dominant building mass,*

screen noise and visual intrusion, shield against excessive wind and sun and provide various environmental benefits.

Policy 5.3.1 *The orientation of landscaping within development sites should be toward public use areas, realizing the importance of the effective placement and maintenance of such landscaping in creating attractive amenity areas and entranceways. In addition, the City shall promote the substantial greening of the area intended for landscaping within development sites.*

Policy 5.3.2 *Low maintenance forms of landscaping shall be encouraged, where possible, with the responsibility for maintenance to be placed on the landowner.*

Policy 5.3.3 *The size and extent of new plantings shall be appropriate for the mass and size of the building and surrounding area. Suitable tree types and plant species shall be selected having regard for their purpose, appearance and resilience to conditions of the urban environment.*

Policy 5.3.4 *Landscaping, together with other design measures, can assist in mitigating the impacts of development on surrounding lands. Landscaping, where adjacent to buffer areas of natural heritage features, shall be designed to incorporate native species. The City shall encourage the utilization of adequate buffering, screening and other landscaping measures to ensure separation between potentially incompatible uses.*

Policy 5.3.5 *The City shall encourage the preservation and the incorporation of existing trees, vegetation, green areas and topography into the design and landscaping plans of proposed developments. Tree Preservation Plans may be required prior to any site alteration in compliance with PART 2, Section 11.*

Policy 5.3.6 *Minor variances to zoning provisions and flexibility in site planning may be considered within the urban boundary in order to accommodate building orientation, landscaping designs, lot coverage and other site or building characteristics to provide for increased energy efficiency.*

Planning Comment: Landscaping plays an important role in the design of the proposed development, in order to achieve the serene and tranquil environment desired for the proposed uses. This includes landscaped areas along Chippawa Creek Road to create a buffer which both screens parking areas from the Arterial Road while contributing towards the sanctuary nature of the proposed development. As seen in the attached site plan, many outdoor public areas will be accompanied by landscaping including purposely designed zen gardens and outdoor terraces. This will create more attractive amenity areas. As per the EIS, efforts will be made to retain a vast majority of the subject lands' tree coverage. Furthermore, landscaped coverage represents 94.60% of the subject lands, thus maintaining the natural character of the area.

Policy 5.4 *Parking areas should be designed efficiently to minimize the extent of pavement and provide the opportunity for additional landscaping.*

Policy 5.4.1 *Green space and landscaping shall be interspersed throughout the parking area but not affect it's functioning and safety.*

Policy 5.4.2 *Traffic islands, paving materials, landscaping and lighting should be used to clearly distinguish between vehicle areas and pedestrian routes to provide safety and amenity.*

Planning Comment: The proposed parking area is broken up into two smaller parking areas which are surrounded by green space and landscaping. The design of the parking areas represents an efficient use of paved areas with a minimal 4.32% of the subject lands proposed to be paved. Therefore, ample opportunity for landscaping will exist. The parking areas and access

roads are designed in accordance with engineering and safety requirements to ensure a safe and functional parking area. The parking area design features will be further refined during the Site Plan Application process.

City of Niagara Falls Official Plan Conclusion: The proposed development conforms to the City of Niagara Falls Official Plan, as it will:

- Contribute towards accommodated projected employment growth, through the inclusion of a martial art centres, yoga studio, conference centre, together with a restaurant and accommodation suites;
- Represent a viable out-of-phase Greenfield development;
- Conform to the intent and permitted uses of the Industrial Designation;
- Adhere to urban design guidelines prescribed for Greenfield development;
- Protect identified natural heritage features on the subject lands, by situating the building located outside of identified buffers areas;
- Ensure the efficient and cost effective use of municipal services, through the utilization of holding tanks in the interim;
- Conserve Cultural Heritage Resources including archaeological findings.

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

The City of Niagara Falls Zoning By-law No. 79-200 was passed by the City's Council on November 5, 1979. The Zoning By-law provides definitions, dedicated zones, and provisions for all land north of the Welland River. As seen in **Figure 8-20**, the subject lands are zoned Heavy Industrial (HI), Prestige Industrial (PI) and Hazard Lands (HL) in the Zoning By-law.

The permitted uses within the HI zone include:

- manufacturing, compounding, processing, packaging, crating, bottling, assembling of raw or semi-processed or fully processed materials,
- abattoir and stock yard used in connection with an abattoir,
- acetylene gas manufacture,
- artificial abrasive plant,
- caustic manufacture,
- cement manufacture, cleaning, curing, storage or tanning of fresh or green hides,
- fertilizer processing plant,
- lime, plaster of paris manufacture,
- poultry processing plant,
- iron and steel plant,
- lime kiln,
- rubber factory,
- soap manufacture,
- steel furnace, blooming or rolling mill,
- winery,

- adult entertainment parlour,
- body-rub parlour, and
- an accessory office.

Permitted uses in Hazard Lands zone include:

- a dwelling existing at the date of the passing of this By-law;
- parks, playgrounds, tennis courts, lawn bowling greens, outdoor natural rinks, athletic fields, golf courses, picnic areas and boat launching ramps, boat shelters and docking facilities and accessory structures but not including any dwelling or dwelling unit, and any existing permitted use and structure

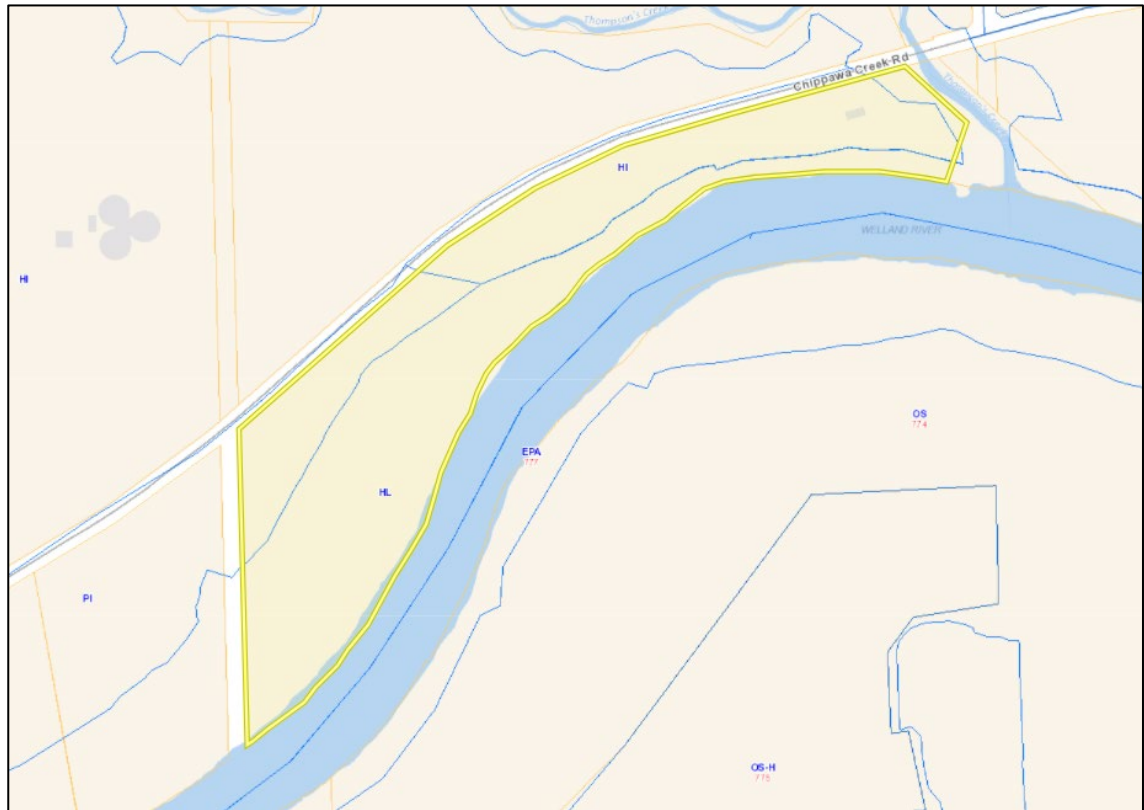


Figure 8-20: Interactive Zoning Map

Zoning By-law Conclusion: To allow for the proposed development, a ZBLA is required to rezone the portion of the subject lands intended for development to the 'Prestige Industrial' Zone (PI) with site specific zoning modifications.

The proposed rezoning from HI to PI constitutes good and justifiable planning. As previously established and identified in **Figure 8-21**, the current HI zone, south of Chippawa Creek Road exists as a pocket between PI zones to the west and east. Therefore, by rezoning to PI, it will create a more consistent block of PI zones. Furthermore, the subject lands are occupied or abutted by a significant number of environmental features including Provincially Significant Wetlands, woodlands, valley lands, and a critical fish habitat. As such, uses permitted within the HI zone represent a more significant threat to the surrounding sensitive environmental features in comparison to Prestige Industrial uses.

9 Proposed Zoning By-law Amendment

Under Section 34 of the Planning Act, a ZBLA may be used to amend any by-law passed under that section. The City of Niagara Falls Zoning By-law No. 79-200 was passed by the City's Council on November 5, 1979.

The proposed ZBLA is required to amend Schedule B7 within the City of Niagara Falls Zoning By-law 79-200 to rezone the portion of the subject lands currently zoned 'Heavily Industrial' (HI) to 'Prestige Industrial'. The proposed rezoning from HI to PI constitutes good and justifiable planning. As previously established and identified in **Figure 9-1**, the current HI zone, south of Chippawa Creek Road exists as a pocket between PI zones to the west and east. Therefore, by rezoning to PI, it will create a more consistent block of PI zones. Furthermore, the subject lands are occupied or abutted by a significant number of environmental features including Provincially Significant Wetlands, woodlands, valley lands, and a critical fish habitat. As such, uses permitted within the HI zone represent a more significant threat to the surrounding sensitive environmental features in comparison to Prestige Industrial uses.

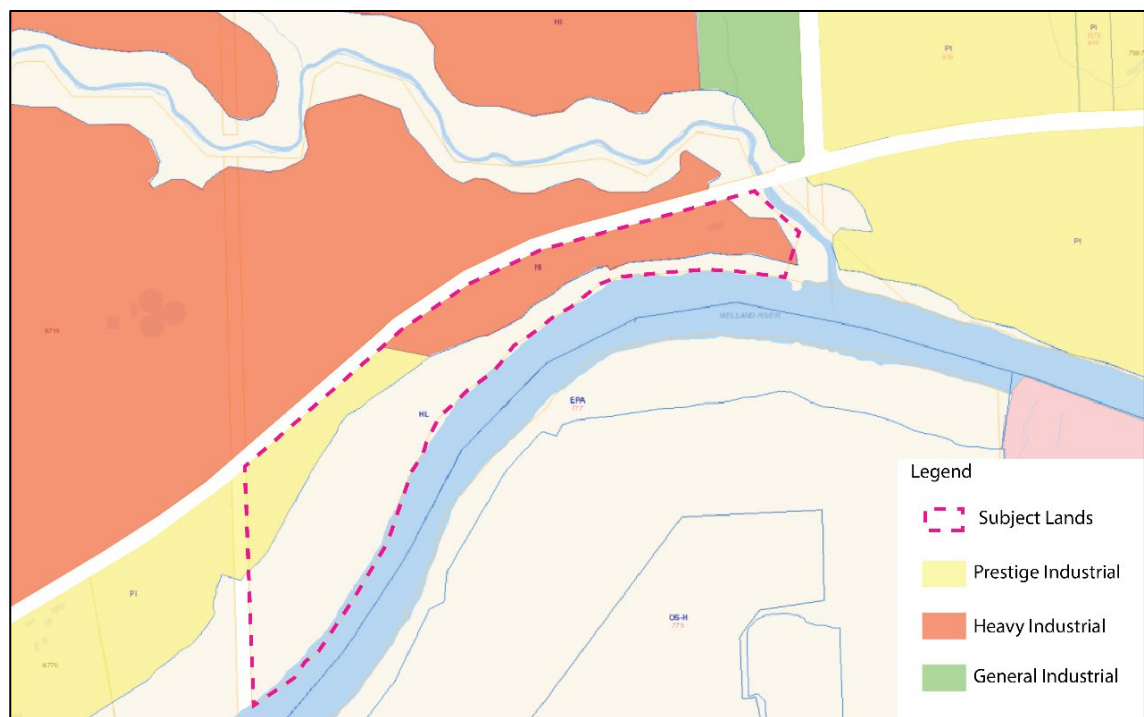


Figure 9-1: Industrial Zoning from Niagara Falls Interactive Mapping

With reference to the PI Zone provisions, the proposed ZBLA will also address site-specific provisions relating to: permitted uses and standard parking rates. The chart below shows the existing zoning and the modifications needed for the proposed development.

ZONING REVIEW		
Section 11.1.1 – Prestige Industrial Zone – Permitted Uses		
PERMITTED USES	PROPOSED	MODIFICATION?
(a) Manufacturing, compounding, processing, packaging, crating, bottling, assembling of raw or semi-	(a) Health & Fitness Centre including a spa, yoga studio	X

<p>processed or fully processed materials, and further provided that no such use is dangerous, obnoxious or offensive by reason of the presence, emission or production of odour, smoke, noise, gas fumes, cinders, vibration, radiation, refuse matter or water carried waste</p> <p>(b) Car rental establishment, truck rental establishment</p> <p>(c) Car wash</p> <p>(d) Cold storage plant</p> <p>(e) Commercial printing and associated services establishment</p> <p>(f) Consulting engineering office</p> <p>(g) Ice manufacturing plant</p> <p>(h) Laboratory - experimenting, commercial or testing</p> <p>(i) New car agency</p> <p>(j) Nursery for trees, shrubs, plants</p> <p>(k) Public garage, mechanical</p> <p>(l) Used car lot</p> <p>(m) Warehouse</p> <p>(n) Wholesale establishment</p> <p>(o) Winery</p> <p>(p) Adult entertainment parlour, subject to the provisions of section 10.5 2002- 201</p> <p>(q) Body-rub parlour, subject to the provisions of section 10.5 2002-201</p> <p>(r) An office which is an accessory use to one of the foregoing permitted uses.</p>	<p>(b) Commercial Martials Arts Facility</p> <p>(c) Conference centre</p> <p>(d) Accessory restaurant</p> <p>(e) 10 accessory accommodation suites</p>	
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Section 11.1.2 – Prestige Industrial Zone – Regulations

PROVISIONS		REQUIRED	PROPOSED	MODIFICATION?
Minimum Lot Frontage		30 metres	±831.93 metres	
Minimum Lot Area		2,000 square metres	128,400 sq. m	
Minimum Yard Requirements	Front Yard	10 metres (33.0 ft.) plus any applicable distance specified in section 4.27.1 [4.27.1 Chippawa Creek Rd., from West City limit to Montrose Rd.: 13.1 m from centre line	23.7 m from centre line of original road.	

		of original road allowance]		
	Exterior Side Yard	7.5 metres (24.61 ft.) plus any applicable distance specified in section 4.27.1	N/A	
	Interior Side Yard	3.5 metres	56.9 m	
	Rear Yard where rear lot line does not abut a residential zone	7.5 metres (24.61 ft.) plus any applicable distance specified in section 4.27.1	24.3 m	
	Maximum Height of Building or Structure	12 metres subject to section 4.27	12 m	
	Minimum Height of Exterior Walls	The minimum vertical height of each exterior wall of any such building or structure shall be 2.5 metres above the elevation of the finished ground level at the mid point of the wall in question	Greater than 2.5 metres	
	Maximum Lot Coverage	60%	1.09%	
	Minimum Landscaped Open Space for an interior lot	67% of the required front yard	94.60%	
<u>Section 4– General Provisions</u>				
	Outside Storage	Except in the case of the uses described in clauses b,i,j and l of section 11.1.1, no person shall use any part of the front yard or exterior side yard of any lot for the purpose of outside storage	As per required	
	External Design	The front exterior walls of any such building shall consist of stone, brick, architectural reinforced concrete, profile type concrete masonry	As per required	

	<p>units, glass and metal combinations, or any combination thereof. The front 6 metres of each side exterior wall of any such building shall consist of any of the foregoing or of masonry, architectural metal, asbestos cement or material of similar standards provided that where a side exterior wall faces an abutting street it shall consist of the same materials prescribed for the front exterior wall of such building</p>		
Section 4 – Parking Provisions			
<p>Parking Space Requirement</p>	<p>Restaurant: 1 parking spaces for each 5 seats 70 seats = 14 Parking Spaces</p> <p>Public hall/ Assembly Hall Place of Entertainment: 1 Parking Space for each 5 persons that can be lawfully accommodated therein at any one time: 635 persons = 127 Parking Spaces</p> <p>Uses, Buildings and structures permitted by this By-law other than those listed in this schedule (health and fitness): 1 parking space for each 40 square metres of floor area 2,444.7 m²/40 = 61.1 = 62 Parking Spaces</p>	<p>116</p>	<p>X</p>

	Total Parking Spaces Required: 203		
Minimum Parking Stall Width	2.75 m	2.80 m	
Minimum Parking Stall Length	6.00 m	6.00 m	
Minimum Manoeuvring Aisle Width	6.30 m	6.90 m	
Loading Area Requirements	Up to and including 2,300 sq. m (24,757.2 sq. ft.): 1 loading space	1	
Loading Area Dimensions	3 m x 9 m	3 m x 9m	

Table 9-1: Proposed PI Zone

9.1.1 Modified Permitted Uses

The ZBLA proposes to add health and fitness facility including a spa, yoga studio, commercial martial arts facility, conference centre in addition to an accessory restaurant and 10 accommodation suites. Policy 8.2 of the City of Niagara Falls Official Plan contemplates that health and fitness facilities, and conference centres may be permitted within the Industrial designation. This also includes restaurants incidental to the industrial district, servicing industries and their personnel. The proposed restaurant serves as an ancillary use to the health/fitness and martial arts facilities which will service customers and personnel. Furthermore, OP Policy 8.4 allows amendments to the ZBL to permit the establishment of recreational and commercial services and other complementary land uses within industrial districts in order to progressively accommodate changing market conditions and new development trends. Such uses will be restricted as to their location, size and extent of operations, having regard to the following:

8.4.1 Industrial districts are not intended to serve a significant commercial function. In this regard, Council will exercise discretion in the rezoning of industrial lands for non-industrial purposes in order to promote industry as the predominant land use.

8.4.2 Frontage lands along controlled access highways and high-volume arterial roadways will be preserved for industrial and business uses which require visual prominence and which foster a good impression of the community.

8.4.3 Wherever possible, commercial service and office uses shall be grouped in multiple use buildings and shall not be allowed to proliferate along arterial road frontages.

8.4.4 Commercial and office developments generate higher densities of employment and use by the public. Where such development is proposed, Council will ensure that adequate provision is made for on-site parking, traffic circulation and pedestrian safety.

A commercial martial arts school is proposed as an additional use. This use will be grouped with the other proposed use within one building which represents a compact and small-scale development in comparison to the size of the subject lands. The addition of the proposed uses would occur through the modification of the Prestige Industrial zone and therefore maintains the industrial purpose of the zoning. Furthermore, the subject lands are restricted by natural features which limits its potential for industrial purposes. As such, the proposed uses represent a non-intensive suitable development for the lands, while still maintaining the overarching industrial zone.

The design of the proposed building and surrounding lands creates visual interest from the Arterial Chippawa Creek Road through high quality architectural design and landscaped areas along the

road providing screening. These uses will be serviced by adequate on-site parking. Associated vehicular and pedestrian infrastructure will be designed in accordance with transportation and safety standards to ensure a safe and functional development.

Finally, 10 accessory accommodation suites are proposed to serve the principal health and wellness, commercial martial arts school, and conference centre uses. It is not anticipated that the guest suites will result in increased traffic or parking usage as they are intended to service customers of the primary uses. The Land Use Compatibility report prepared by WSP confirms that no adverse impacts are anticipated. As such the proposed ZBLA to permit a health and fitness centre, including a yoga studio, spa, conference centre, commercial martial arts facility, in addition to an accessory restaurant, and accommodation suites are appropriate.

9.1.2 Parking Requirements

According to the Zoning By-Law, Section 4, a total of 203 parking spaces are being required, this contains 14 spaces for restaurant area, 127 spaces for public hall/assembly hall place of entertainment areas, and 62 parking spaces for health and wellness area. The ZBLA proposes to amend this requirement to permit 116 parking spaces. As noted throughout this report, 135 parking spaces are provided, however 19 of those parking spaces are located within the 30-metre buffer of the Welland River and should not be considered as part of the required parking.

As has been previously established, the proposed development involves multiple synergistic uses which do not operate independent from each other. Therefore, customers parking in one parking space may be utilizing multiple uses during their visit (ex. martial arts facility & restaurant) and a lower amount of provided parking is adequate.

10 Planning Justification

Registered Professional Planners (“Planners”) have a responsibility to acknowledge the interrelated nature of planning decisions and the consequences for natural and human environments, and the broader public interest. The public interest reflects a balance between the local needs of the community with the interests of stakeholders. In order to determine whether the proposed development is within the public interest, the balance of the elements of sustainable development have to be evaluated, including environment, economy and social aspects. This is in addition to complying with public interest through planning and regulatory framework.

10.1 Social

The proposed development will create social benefits for the public. Through the proposed uses and design, the development aims to promote health, wellness, and a connection with nature. The martial arts facility, spa, and yoga studio will support customers in improving both their minds and bodies. Furthermore, the proposed development’s location, building design, and landscaping ensures customers can establish a stronger connection with nature, which has proven benefits for mental wellbeing. In addition, the proposed uses will also function as places of gathering whether in martial arts classes, sitting around a table at the restaurant, or conversing in the meeting facility. These places of gathering will thus contribute towards greater social cohesion.

10.2 Economic

Economic benefits will be derived from the proposed development first through the creation of employment opportunities. A wide range of employment types will be created or supported including health and wellness, hospitality, administration, maintenance, and groundskeeping. Furthermore, with this diversity of commercial uses, it will generate further economic activity within

a designated Employment Area. The potential synergy of economic activity goes beyond the subject lands. Through the addition of 10 accessory accommodation suites, customers of the proposed development who are attending a martial arts tournament, an event in the conference facility, or a retreat at the spa/yoga facilities will be able to stay in the Niagara Region at the subject lands. This will enable customers to access further economic activities within the Region including the supporting the numerous tourism businesses. Finally, as highlighted in this report, the proposed development has been designed utilizing holding tanks. This was done in order to avoid the inefficient and uneconomical extension of municipal services. As such, it is in the public interest as it limits the risk to taxpayers.

10.3 Environmental

The proposed development will provide environmental benefits through its identification and protection of natural heritage features along with its reduction of private vehicle trips. Due to the subject lands' proximity to multiple natural heritage features, an EIS was conducted by Colville Consulting Inc. The EIS ensured that the relevant features were accurately identified so adequate protection could occur. The report also provides recommendations to further mitigate potential adverse impacts. Therefore, the proposed development will provide environmental benefit by avoiding negative impact on the surrounding natural environment.

Furthermore, through the combination of synergistic uses it will support the customer's ability to access multiple opportunities within the same lands. This will lessen the generation of private vehicle trips and thus reduce emissions.

11 Conclusion and Recommendations

The owners of lands legally described as Part of Lots 207 & 208 in the former Geographic Township of Stamford, Part 3 of Reference Plan 59R-10698 in the City of Niagara Falls are proposing to develop the subject lands with a multi-use facility primarily serving as a health and fitness facility which includes a commercial martial arts facility, yoga studio, and spa along with a conference centre, accessory noodle house restaurant and 10 accommodation suites.

In order to permit the proposed development, a Zoning By-law Amendment ("ZBLA") application is required to rezone a portion of the subject lands from Heavy Industrial ("HI") to Prestige Industrial Modified ("PI-__") zone.

The proposed development and associated ZBLA application:

- is consistent with the Provincial Policy Statement (2020), as it demonstrates an efficient form of land development, which accommodates a wide variety of employment/commercial uses within the same building.
- Conform to the Growth Plan for the Greater Golden Horseshoe (2019), as it contributes to the Greenfield Density Target of 50 persons/jobs per hectare;
- Conform to the Region of Niagara Official Plans, as it diversifies the economic base in the area;
- Conform to the City of Niagara Falls Official Plan, as it is permitted use within the Industrial Designation;
- Conform to the intent of the City of Niagara Falls Zoning By-law No. 79-200;
- Represents good planning and is in the public interest;

Based on a review of the subject lands, surrounding context, supporting studies, and applicable provincial, regional, and local planning policy, the proposed development represents good land use planning, is in the public interest, is compatible with the surrounding context, and facilitates an appropriate development for the Designated Greenfield Area of the City of Niagara Falls.

Respectfully submitted this October 7th, 2022

Regards,
IBI Group

Dean Todd

Dean Todd BES
Planner

Ritee



Ritee Haider BES MCIP RPP
Planner

Appendix A – City of Niagara Falls Formal Consultation Meeting



City of Niagara Falls Pre-Consultation Checklist

(Revised: January 2018)

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

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

Pre-consultation Meeting		
Date: August 7, 2020 via Zoom Revised Aug 29, 2022		Time: 2:15 PM
Attendance:		
Municipal Staff	Owner/Agent	Other
Andrew Bryce	Michael Allen	Britney Fricke, Region
Sue Scerbo	Nick Atalick	Jessica Abrahamse, NPCA
Rob Vachon	Rob Atalick	
Tammy Agnoletto	John Redekop	
Wendy Canavan		
Jeff Claydon		
Pursuant to Section 4 of By-law No. 2009-170 being a by-law to require pre-consultation for certain applications under the Planning Act, the Director of Planning, Building & Development may waive the requirement for a formal consultation meeting. I hereby waive the requirement for a formal consultation meeting on the proposal detailed herein.		
Date: _____		
Signature: _____		

Property Details	
Location of property:	(address) South Side of Chippawa Creek Rd west of Heartland Forest Rd
	(legal description) Pt Stamford Township Lot 208, Pt 3, 59R-10698
Area (ha): 13.2	Frontage (m): 740
Site Drawing Attached	
Municipal land involved: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>	

Proposal			
Proposed development consisting of a health centre (martial arts school/centre, yoga), accessory banquet facilities and accessory lodging/B and B			
	1 st Phase	2 nd Phase	Other
Gross floor area			
# of dwelling/hotel/commercial units	3093 sq.m. total		
Location			
Brownfield	<u>Greenfield</u> <input checked="" type="checkbox"/>	Built-up	NEP <input type="checkbox"/>
Outside Urban Boundary <input type="checkbox"/>			

Designations		
Regional Policy Plan	Urban Area	Yes X No
Niagara Escarpment Plan	N/A	Yes No
Official Plan Designation	Industrial/Environmental Protection Area	Yes No see notes
Secondary Plan	N/A	Yes No
Zoning	Heavy Industrial(HI), Prestige Industrial (PI), Hazard Land (HL)	Yes No X

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

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

L o c a l	R e g i o n	N P C A	Reports, Studies, Plans (See notes for additional details)	Number of Copies		Notes
				Digital	Paper	
X	X		Archaeological Assessment	1	2	Stage1/2
X	X		Conceptual Site Plan	1	10	Show relevant zoning info, illustrate environmental features per EIS, include a CAD drawing to City specifications
X	X		Municipal Servicing Study	1	2	Address extension of services to the property
X	X		Environmental Impact Study	1	2	Scope with Region/NPCA prior to starting. See Regional NPCA comments
X	X		Planning Justification Report	1	2	Need to address land use compatibility and D6 guidelines due to the proximity of heavy industry
X			Road Widening			3.5 m widening along Chippawa Creek Rd
X	X		Stormwater Management Study			Submit with future site plan application, however should consider doing one now to address potential concerns from neighbouring property owner
X	X		Tree Survey	1	2	Identify treed areas and where individual trees are proposed for removal. If it is confirmed that treed areas are not proposed to be altered, this plan would not be required

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

Other Issues

Noted that the OP allows consideration of a ZBLA to permit a health centre subject to criteria contained in the Industrial policies of the OP.

Planning staff have a concern with the requested banquet hall and lodging and are not recommended at this time.

Sanitary services would need to be extended to service the property. Neither the Regional policy plan nor the City's OP support private services within the urban area.

Planning study to contain an analysis demonstrating that employment jobs are being preserved despite the non-industrial use, [per Region's concerns).

Note the Cytec (Solvay) to be circulated application. In the past they have expressed concern about places of assembly in proximity (i.e. 2 km) of their facilities, however they have also comment on applications that are beyond the 2 km radius of their facilities. They have also expressed concerns if stormwater is directed to Thompson's Creek (under their ownership)

Other Regional, NPCA , Transportation comments attached

Zoning comments attached

Site Visit

Is a site visit necessary to assess the proposal?

X Yes
No

Does the owner consent to a site visit?

X Yes
No

Incentive Program

Are there any incentive programs?

Yes
No

What are the details?

Summary of Issues

Zoning By-law (for health centre/martial arts school) to be submitted with EIS, archaeological assessment, servicing, planning studies to permit health centre. Please note that Planning staff have concerns and are not supportive of the banquet facilities/lodging at this time.

Planning study to demonstrate land use compatibility and compliance with D6 guidelines, and that employment jobs are being maintained.

Site plan can be applied for later

Note that sanitary sewer is to be extended to service property.

Additional Agencies to be contacted**Notes**

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

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

Signatures		
Name (print)	Signature	Date
Planning Staff Andrew Bryce		August 7, 2020 August 29, 2022
Regional Public Works Staff		
Regional Planning Staff		August 29, 2022
NPCA Staff		
Agent		
Agent		
Owner		
Owner		
Other		

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

Signature 



**PLANNING & DEVELOPMENT DIVISION
 APPLICABLE FEES (Until Dec 31, 2022)**

CHECK APPLICABLE BOX	APPLICATION	FEES
	Zoning Amendment Application:	
X	1. standard	5,800.00
	Site Plan Application:	
X	2. all other lands (including Testamentary Devise) Future	4,200.00

ADDITIONAL FEES:

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

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

Agency Fees (cheques payable to applicable agency):

Regional Fees \$ \$1345 (zoning), \$415 (EIS TOR), \$2320 (EIS Review), \$270 (Urban Design), AT SITE PLAN STAGE: \$1345 (Site Plan), \$1930 (Stormwater)
 NPCA Fees \$2200 (EIS) \$800 (site plan - at site plan stage) _____

Appendix B – Proposed Zoning By-law Amendment

**THE CORPORATION OF THE CITY OF NIAGARA FALLS
BY-LAW NO. 2022-XX**

**AS BY-LAW TO AMEND ZONING BY-LAW NO. 79-200 AS AMENDED, OF THE CITY
OF NIAGARA FALLS**

**WHEREAS THE CITY OF NIAGARA FALLS COUNCIL IS EMPOWERED TO ENACT
THIS BY-LAW BY VIRTUE OF THE PROVISIONS OF SECTION 34 OF THE
PLANNING ACT, 1990;**

**NOW THEREFORE, THE COUNCIL OF THE CITY OF NIAGARA FALLS HEREBY
ENACTS AS FOLLOWS:**

1. **WHEREAS** the lands that are the subject of and affected by the provisions of this by-law are described in Schedule 'A' sheet B7 of this by-law and shall be referred to in this by-law as the "Lands". Schedule 'A' sheet B7 is a part of this by-law;
2. **AND WHEREAS** the purpose of this by-law is to amend By-law No. 79-200 such that the provisions of By-law No. 79-200 concerning the permitted uses and parking regulations for the Lands will be of full force and effect from the date of this by-law;
3. **AND WHEREAS** the Council of the City of Niagara Falls is proceeding in accordance with subsection 36(4) of the Planning Act, R.S.O. 1990, c. P.13.

**THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS
ENACTS AS FOLLOWS:**

1. **THAT** Schedule 'A' sheet B7 of Zoning By-law 79-200 is hereby amended by changing the zoning on the lands shown on Schedule 'A' sheet B7, attached hereto and forming part of this By-law from Heavy Industrial ("HI") to a Prestige Industrial Modified ("PI-XX") Zone.
2. **THAT** Section 19 Exceptions and Special Provisions of Zoning By-law 79-200 is hereby amended by adding the following special provisions:

In addition to the permitted uses in the Prestige Industrial Zone, the lands indicated on Schedule 'A' may also be used for:

Health and Fitness Centre, including spa, yoga studio
Commercial Martial Arts Facility
Conference Centre
Accessory Restaurant
Accessory Accommodation suites

3. **THAT** Parking Provisions outlined in Section 4 of By-law 79-200, as amended, shall apply save and except as follows:

Minimum Parking Space requirement for the subject lands is 116 parking spaces.

4. **THAT** 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.
8. **THAT** No person shall use the Lands for a use that is not a permitted use.
9. **THAT** No person shall use the Lands in a manner that is contrary to the regulations.
10. **THAT** The provisions of this by-law shall be shown on Sheet B7 of Schedule "A" of By-law No. 79-200 by redesignating the Lands from HI, to PI and numbered xxxx.

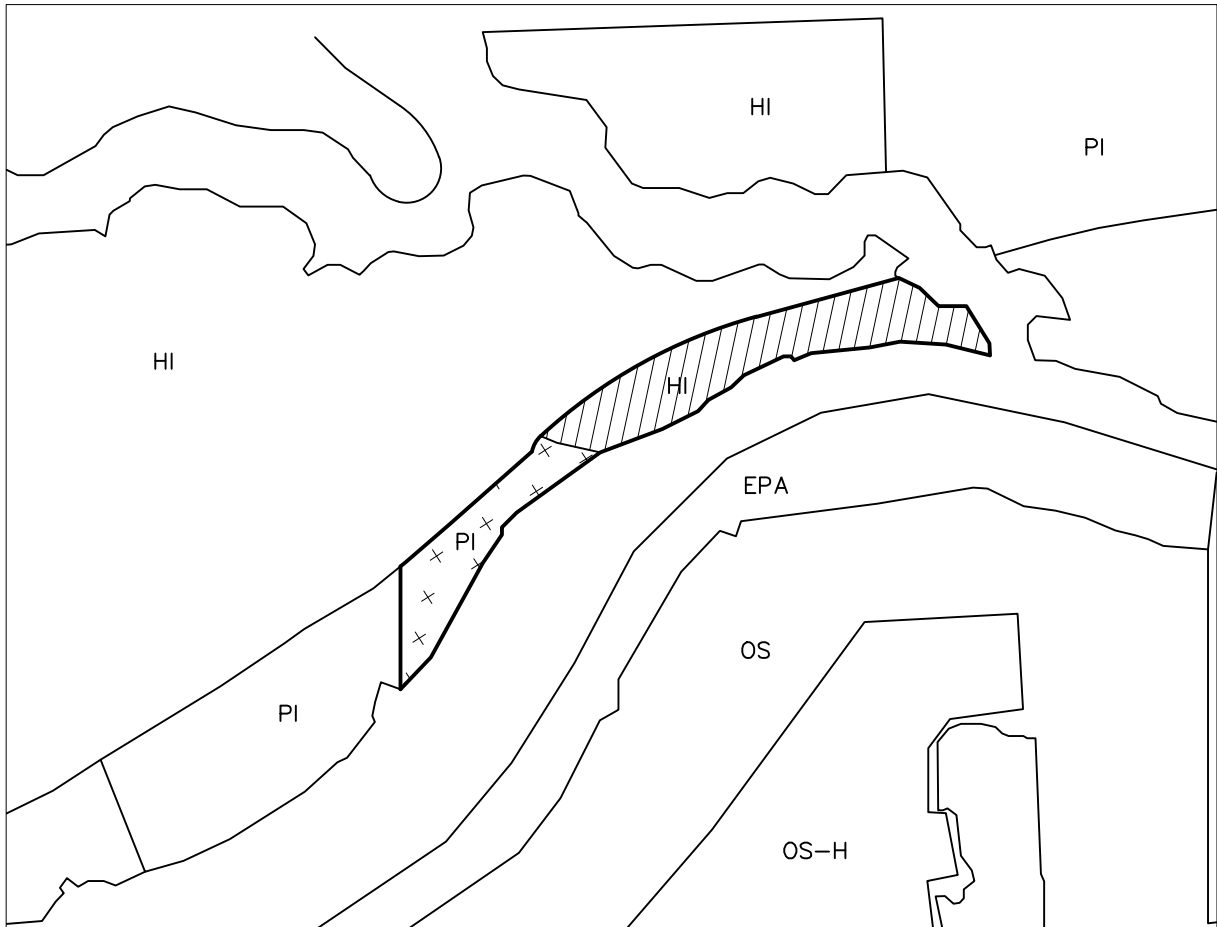
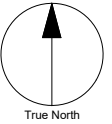
Section 19 of By-law No. 79-200 is amended by adding thereto:

Passed this first day of _____, 2022.

READ A FIRST TIME THIS ___ DAY OF _____ 2022
READ A SECOND TIME THIS ___ DAY OF _____ 2022
READ A THIRD TIME AND FINALLY PASSED THIS ___ DAY OF _____ 2022

MAYOR

CLERK



This Schedule 'A' to By-law No. 22-____

Passed the _____ day of _____, 2022

Clerk

Mayor

Schedule H10

Map Forming Part of By-law
No. 22-__

To Amend Zoning By-law
No. 79-200

Subject Lands

5 Spiers Crescent, Cambridge



Lands to be rezoned from "PI" Zone to "PI-XX" Zone.



Lands to be rezoned from "HI" Zone to "PI-XX" Zone.

Scale:
NTS

File Name/Number

Date:
2022-04-22

Planner/Technician

PLANNING AND DEVELOPMENT DEPARTMENT