

Planning Justification Report

McLeod Meadows

Niagara Falls, ON

March 24, 2023

**Upper Canada Consultants
3-30 Hannover Drive
St. Catharines, ON, L2W 1A3**



UCC File No. 2054

Table of Contents

PREFACE	3
1.0 DESCRIPTION AND LOCATION OF THE SUBJECT LANDS	5
2.0 THE PROPOSED DEVELOPMENT.....	7
3.0 REQUIRED APPLICATIONS	11
3.1 Draft Plan of Subdivision	11
3.2 City of Niagara Falls Employment Lands Strategy.....	11
3.3 Zoning By-law Amendment.....	12
4.0 SUPPORTING STUDIES AND REPORTS.....	13
5.0 PROVINCIAL LEGISLATION AND PLANS	16
5.1 PLANNING ACT (R.S.O. 1990)	16
5.2 PROVINCIAL POLICY STATEMENT (2020)	22
5.3 2019 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE	26
6.0 NIAGARA REGION OFFICIAL PLAN (2022)	30
6.1 GROWING REGION	30
6.1.1 Forecasted Growth.....	30
6.1.2 Regional Structure	30
6.1.4 Housing.....	32
6.2 SUSTAINABLE REGION.....	33
6.2.1 Natural Environment	33
6.2.2 Employment Lands	35
6.2.3 Conservation in Accordance with Provincial Requirements (Archaeology).....	36
7.0 CITY OF NIAGARA FALLS OFFICIAL PLAN (2019 CONSOLIDATION).....	37
7.1 PLAN OVERVIEW AND STRATEGIC DIRECTION.....	39
7.2 RESIDENTIAL.....	41
7.3 SPECIAL POLICY AREAS.....	46
7.3 ENVIRONMENTAL POLICIES	51
7.4 ENVIRONMENTAL MANAGEMENT.....	52
7.5 ADMINISTRATION AND INTERPRETATION	52
7.5.1 Employment Land Conversion.....	52

7.5.2 Subdivision Control.....	54
8.0 CITY OF NIAGARA FALLS HOUSING DIRECTIONS STUDY.....	56
9.0 NIAGARA FALLS COMPREHENSIVE ZONING BY-LAW (79-200).....	58
9.1 EXISTING ZONING.....	58
9.2 PROPOSED ZONING.....	59
10.0 PLANNING POSITION.....	69

Appendices

Appendix I – Draft Plan of Subdivision

Appendix II – Pre-consultation Agreement (2023)

Appendix III – Draft Zoning By-law Amendment

Appendix IV – Draft Plan with Dimensions to Watercourse

PREFACE

Upper Canada Consultants has been retained by 800460 Ontario Limited to prepare a Planning Justification Report in conjunction with applications for a Zoning By-law Amendment and Draft Plan of Subdivision for lands in the south east quadrant of McLeod Road and Beechwood Road in the City of Niagara Falls, Region of Niagara.

The Draft Plan of Subdivision proposes the creation of 217 single detached lots, 18 street-townhouse blocks for 85 townhouse dwellings, 9 blocks for 53 reverse frontage townhouse dwellings, nine back-to-back townhouse blocks for 68 townhouse dwellings, three multiple family residential blocks for 72 dwellings, one park block, one block containing a stormwater management facility, one environmental protection block containing an existing watercourse, blocks for road widenings, 0.3m reserves and daylight triangles. The development will also be provided with an internal public road network.

The subject lands were designated Industrial and Environmental Conservation Area in the City's Official Plan as of the time of writing this report. Official Plan Amendment #147 was passed by Council on March 21, 2023. OPA #147 changes the land use designation of the subject lands from Industrial to Residential (with a special policy to limit height) in accordance with the recommendations of the Municipal Comprehensive Review (i.e. the Employment Lands Strategy). At the time of preparation of this report, OPA#147 was awaiting approval from the Region of Niagara.

The subject lands are currently zoned as Light Industrial Zone, Hazard Zone and Development Holding Zone under the City's Comprehensive Zoning By-law (70-200). A Zoning By-law Amendment has been submitted to establish the necessary land use permissions to facilitate the proposed development and will align the zoning of the lands to reflect the current land use designations of the Regional and local Official Plans.

This Planning Justification Report provides an analysis of how the applications satisfy the requirements of the *Planning Act*, are consistent with the Provincial Policy Statement (2020), and conform to the Growth Plan for the Greater Golden Horseshoe (2019), Niagara Region Official Plan (2022) and the City of Niagara Falls (2019).

This Report should be read in conjunction with the following reports and materials:

- Archaeological Assessments prepared by AMICK Consulting (this report has been acknowledged by the Ministry)
- Draft Plan of Subdivision prepared by Upper Canada Consultants
- Draft Zoning By-law Amendment
- Drainage Feature Assessment Summary prepared by LCA Environmental Consultants

- Functional Servicing and Stormwater Management Reports prepared by Upper Canada Consultants
- Land Use Compatibility Assessment prepared by RWDI
- D-6 Compatibility & Mitigation Study Air Quality, Noise and Vibration by SLR
- Traffic Impact Study prepared by RV Anderson
- Wetland Catchment Assessment prepared by Terra-dynamics Consulting Inc.

1.0 DESCRIPTION AND LOCATION OF THE SUBJECT LANDS

Overview

The subject lands are located on the south side of McLeod Road and the east side of Beechwood Road in the City of Niagara Falls, Regional Municipality of Niagara and are described legally as Part 1 & Part 2, Plan 59R-16846; Part of Lot 181 Geographic Township of Stanford, now in the City of Niagara Falls, Regional Municipality of Niagara. The subject lands are comprised of two assessed parcels. The westerly parcel (ARN 272511000200100) is unaddressed and the easterly parcel (272511000207700) is addressed as 9304 McLeod Road. In total, the subject lands are 22.92 hectares in area and have 618.24 meters of frontage on McLeod Road and 367.14 meters of frontage on Beechwood Road. An aerial view of the subject lands is provided in **Figure 1**.

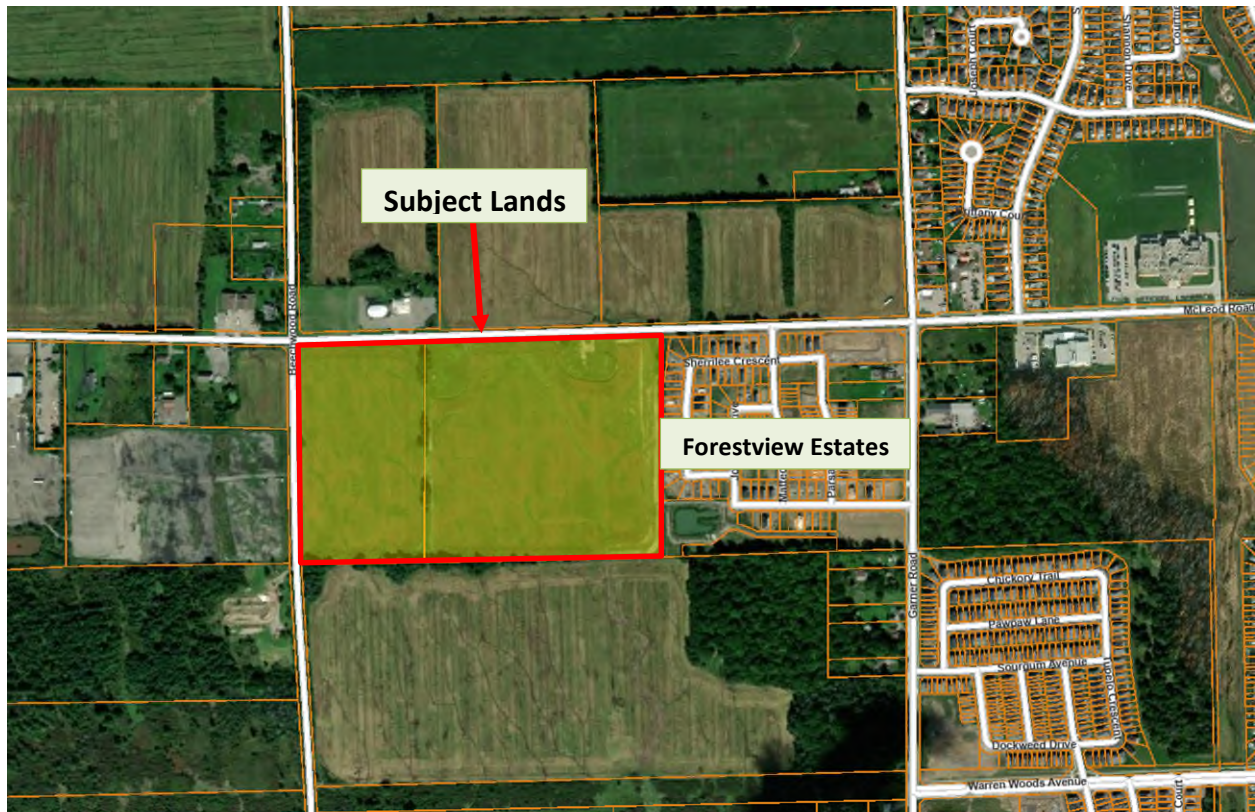


Figure 1 - Site Context (Niagara Navigator Imagery)

Existing Site Conditions

The property is comprised primarily of cultivated field. Review of available historical imagery indicates that this use has continued since at least 1934. The site does not contain any significant vegetated cover. A dwelling and accessory structure were previously located on 9304 McLeod Road but have been removed and there are no remaining structures on the subject lands.

An NPCA-regulated watercourse traverses the eastern portion of the site. The watercourse was realigned into its current location in accordance with NPCA permit no. 202001142. NPCA mapping also shows two other regulated watercourses in the western portion of the site. An assessment of these drainage features has been conducted by LCA Environmental Consultants which found that only one of these features (characterized as a swale) was actually located on the site and provides limited hydrological function. This swale will be removed through the development of the site and the catchment area will be drained through the comprehensive stormwater management strategy.

Surrounding Lands

The Forestview Estates Subdivision is located immediately to the east of the subject lands. Forestview Estates contains a mix of residential dwelling typologies ranging from single detached dwellings to apartment dwellings. To the north, south and west are vacant/agricultural lands. Lands on the north side of McLeod Road have recently been brought into the City's urban area for residential through the passage of the Region of Niagara's Official Plan in November 2022. These lands were identified for residential purposes through the Municipal Comprehensive Review.

2.0 THE PROPOSED DEVELOPMENT

The components of the proposed development are shown in **Figure 2** and described further under the subheadings below. The Draft Plan of Subdivision is included as **Appendix I** to this

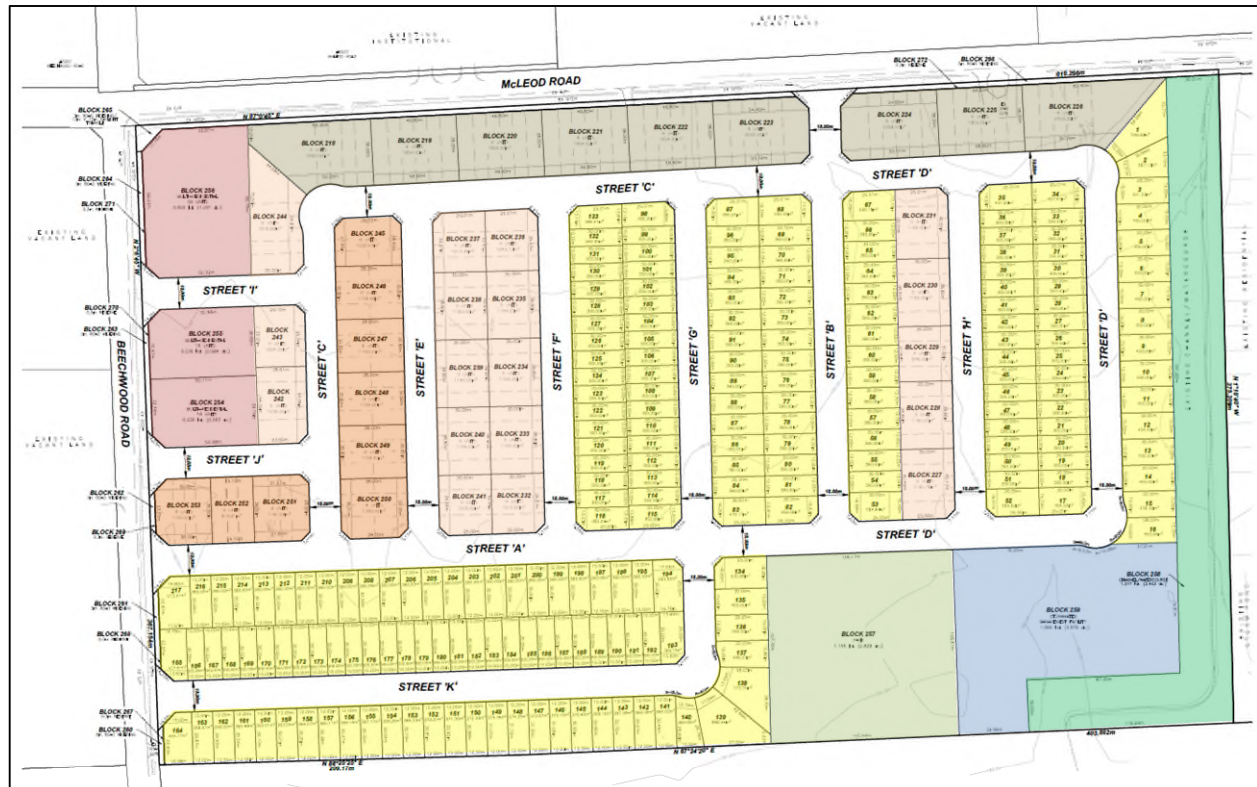


Figure 2 - Proposed Development

Housing Forms

The applications propose the creation of 217 single detached lots, 18 street-townhouse blocks for 85 dwelling units, 9 blocks of reverse frontage street townhouses for 53 dwelling units, 9 back-to-back townhouse blocks for 68 dwelling units, and three multiple family residential blocks for 72 dwelling units

The single detached lots are shown in yellow and are distributed throughout the subdivision. The proposed frontages range from 10 to approximately 15 meters with a corresponding range of lot areas.

The street-townhouse blocks are shown in light orange and are located within the centre portion of the site. Blocks for four, and five-unit townhouses are proposed to a total of 85 street-

townhouses within the subdivision. The blocks will be divided into the individual townhouse units through the removal of Part Lot Control process in the future.

The reverse frontage street townhouse blocks shown in brown and are located along the McLeod Road frontage. The front face of these dwelling units will face McLeod Road with the driveways and garages associated with these units facing the streets internal to the subdivision. A plan view of the layout of these units is shown in **Figure 3** below.

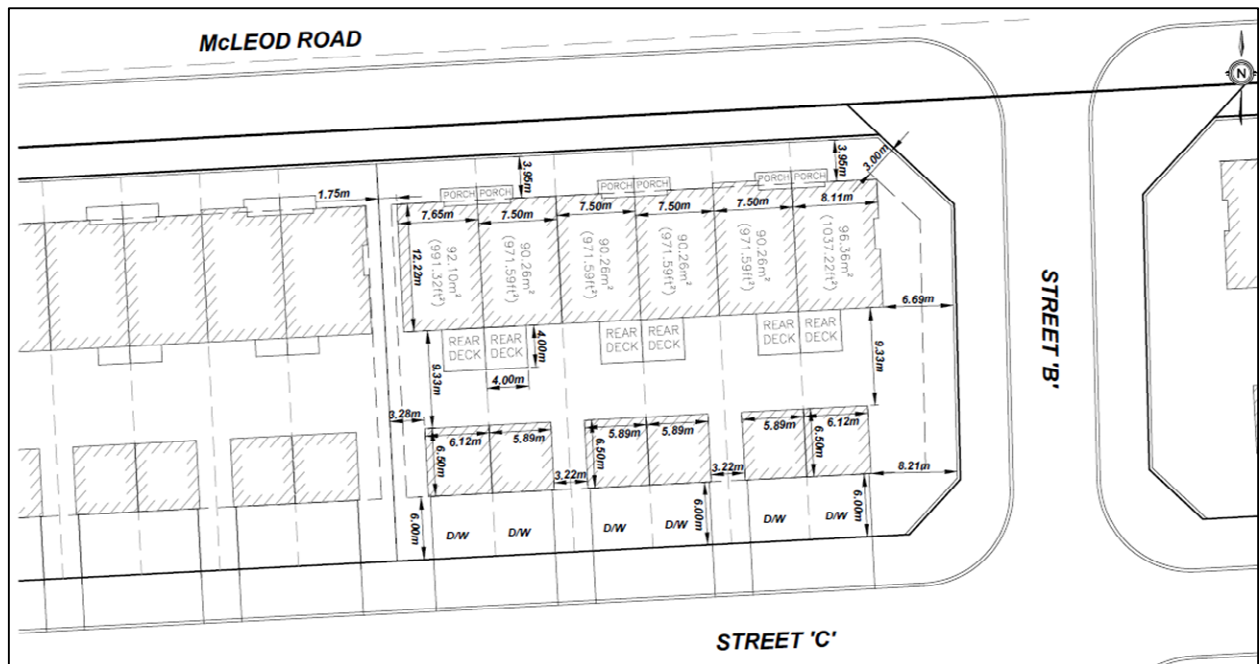


Figure 3 – Reverse Frontage Townhouse Layout

A total of nine back-to-back townhouse blocks are proposed to be located in the western portion of the site. Two of the blocks contain 6 units and seven blocks contain 8 units for a total of 68 dwelling units. In addition to having common interior walls, back-to-back townhouses also have common rear walls. As with the street-townhouses, the back-to-back townhouse blocks will be divided into the individual townhouse units through the removal of Part Lot Control process.

Three, multi-family (i.e. apartment) blocks are proposed and are located in the north west portion of the site, the largest of which (Block 256) is located at the intersection of McLeod Road and Beechwood Road. Block 256 is intended for 40 dwelling units with the smaller blocks (254 and 255) each intended for 16 units.

Road Network

Access and frontage to the interior of the site will be provided by an internal road network containing 11 individual streets (labelled Street 'A' – 'K' on the Draft Plan). The internal roads create a consistent grid pattern which is conducive for effective traffic circulation and the efficient servicing and development of the site. The proposed road network is integrated into the existing road network by way of one connection to McLeod Road and four connections to Beechwood Road. The functionality of the road network and proposed connections is supported in the Traffic Impact Study prepared by RV Anderson.

Park

Block 257 is a proposed park located in the southern portion of the subdivision and is shown in olive green. The park is 1.145 hectares in size which represents 5% of the total land area of the development and satisfies the parkland dedication requirements under the Planning Act. The park is contiguous with the stormwater management facility as well as the watercourse corridor which provides for a large consolidated area of open space within the development.

Stormwater Management Block

Block 259 is proposed as a stormwater management facility comprised of a wet pond and associated maintenance area.

Servicing

The servicing strategy for the proposed development is outlined in the Functional Servicing Report and Stormwater Management Reports submitted with the applications. An overview of the proposed servicing strategy is provided below for reference. The Functional Servicing Report and Stormwater Management Report are to be consulted for more detailed information.

Water Servicing

Water service for domestic use and fire protection will be provided by a 150mm looped watermain connected to the existing municipal 300mm PVC watermain in the south side of McLeod Road. The existing 300mm watermain will be extended to the westerly property limit to provide service to the site.

Sanitary Servicing

The development will be serviced through a connection to the existing 250mm diameter sanitary sewer which services the adjacent Forestview Estates Subdivision. The development of the subject lands was considered in the servicing strategy for Forestview Estates, and the

sanitary sewer is appropriately located and sized to service the proposed development through the stormwater management block in the Forestview Estates Subdivision.

Stormwater Management

Stormwater quality and quantity controls are proposed to be provided by a wet pond facility, located in the south eastern portion of the site (Block 259). The pond has been designed to provide quantity and erosion controls up to and including the 100 year storm event and quality controls to an enhanced protection level (80% TSS removal).

Watercourse

An NPCA-regulated watercourse traverses the property along the eastern property line and a portion of the southern property line. The watercourse was realigned into its current location in accordance with NPCA permit no. 202001142. The watercourse and associated buffer area are proposed to be contained within a 30 meter wide block (Block 258).

3.0 REQUIRED APPLICATIONS

A pre-consultation meeting occurred for the proposed development February 3, 2022 through which the review agencies (City of Niagara Falls, Niagara Region and NPCA) identified the requirements for a complete application. The City recirculated the revised plan to obtain updated Preconsultation comments in February 2023 to ensure the Preconsultation notes remained current.

A copy of the Pre-consultation Agreement (2023) is included as **Appendix II**.

3.1 Draft Plan of Subdivision

The Draft Plan of Subdivision proposes the creation of 217 single detached lots (Lots 1-217), 18 street-townhouse blocks for 85 dwellings (Blocks 227-244), nine blocks for 53 reverse lot frontage townhouses (Blocks 218-226), nine back-to-back townhouse blocks for 68 dwellings (Blocks 245-253) and three multiple family residential blocks for 72 dwellings (Blocks 254-256). The subdivision will also include a park (Block 257), a stormwater management facility (Block 259) and an environmental corridor for the watercourse that traverses the easterly property line (Block 258).

The proposed street network includes 11 public roads (Streets 'A'-'K') which are organized into a grid pattern. There is one connection to McLeod Road in the north and four connections to Beechwood Road in the west.

A copy of the Draft Plan of Subdivision is provided as **Appendix I** to this report.

3.2 City of Niagara Falls Employment Lands Strategy

The Employment Lands Strategy included an analysis of the subject property in the context of the suitability of the site for employment uses in accordance with criteria for the redevelopment of employment lands outside of employment areas for non-employment uses. The analysis included in the Employment Lands Strategy Phase 2 Report determined that the subject property should be converted from its current Industrial Designation for non-employment uses. The Phase 2 Report was received by Council on April 20, 2021.

The Phase 3 Report of the Employment Lands Strategy included a detailed assessment of a number of candidate sites for conversion from employment lands to non-employment lands. The subject lands were included as part of the Phase 3 assessment. The assessment was completed within the framework of the Growth Plan (2019) and the Provincial Policy Statement (2019) as well as study specific evaluation criteria. The Phase 3 Report recommended the subject lands for conversion from employment lands to non-employment lands. The Phase 3

Report was endorsed by City Council through a resolution passed on December 7, 2021. Council also directed Staff to prepare Draft Official Plan and Zoning Amendments to implement the Employment Lands Strategy, including the change in Land Use Designations and Zoning for lands to be converted from Employment Lands to non-employment lands through a resolution that passed at the Council meeting on December 7, 2021.

The City of Niagara Falls undertook consultation on the Draft Official Plan and Zoning By-law Amendments to that implement the Employment Lands Strategy in mid-2022. A Public Meeting was held on the Draft Official Plan and Zoning By-law Amendments on July 13, 2022. A report to Council (PBD-2022-61) was prepared to provide the results of the consultation on the Draft Official Plan and Zoning By-law Amendments and to present the final proposed Official Plan Amendments for Council's consideration on August 9, 2022. The proposed Official Plan Amendment included with PBD-2022-61 redesignated the subject lands from Industrial to Residential with a special policy that limits building height to 10m within 2 km of the Phosphine storage facility on the Cytec lands. Council received PBD-2022-61 for information purposes and passed a resolution that directed Staff to forward the Official Plan Amendment (#147) and Zoning By-law to a future Council Meeting for adoption.

The By-law to implement Official Plan Amendment #147 that changes the land use designation of the subject property from Industrial to Residential (i.e. Special Policy Area 87) was approved by Council on March 20, 2023. The Employment Lands Strategy was completed in accordance with the Provincial Policy Statement (2020), Growth Plan for the Greater Golden Horseshoe (2019) and in consultation with the Region of Niagara as part of their Municipal Comprehensive Review and subsequent Official Plan Approval. OPA #147 is awaiting approval from the Region of Niagara as of the time of writing this report.

3.3 Zoning By-law Amendment

A Zoning By-law Amendment has been submitted to permit the implementation of the Plan of Subdivision. The Zoning By-law Amendment proposes to zone the single detached dwellings, street-townhouse dwellings and back-to-back townhouse dwellings as Residential 3 (R3) Zone. The proposed multiple-unit blocks are proposed to be zoned as Residential 5B Density (R5B) Zone. The park and stormwater management facility are proposed to be zoned as Open Space (OS) Zone. The block containing the creek and its buffer area are proposed to be zoned as Environmental Protection Area (EPA) Zone.

The Draft Zoning By-law Amendment is included as **Appendix III** to this report.

4.0 SUPPORTING STUDIES AND REPORTS

Consistent with the submission requirements outlined during pre-consultation (see **Appendix IV**) and in addition to this Planning Justification Report, the studies and reports listed below have been submitted with the Draft Plan of Subdivision and Zoning By-law Amendment applications. A brief overview of their conclusions and recommendations are provided below. The reports and studies should be referred to directly for more detailed information.

Archaeological Assessments (AMICK Consulting)

A Stage 1-2 Archeological Assessment of the property has been undertaken by AMICK Consultants which did not result in the identification of any archeological resources.

The report has been acknowledged by the Ministry of Heritage, Sport, Tourism and Culture Industries and has been entered into the Ontario Public Register of Archeological Reports.

Land Use Compatibility Assessment (RWDI)

A Land Use Compatibility Assessment for the introduction of residential land uses on the subject lands was completed by RWDI to evaluate any compatibility issues associated with the conversion in use of the subject lands from industrial to residential. The Report includes an assessment of air and noise impacts in accordance with applicable provincial standards and guidelines, including the D6 guidelines. The report included an assessment of the potential impact of the Cytec facility on the proposed residential uses on the subject property.

The report concludes that there are presently no adjacent land uses, including Cytec, which would result in significant noise or air quality impacts on the proposed residential development or any other compatibility issues.

D-6 Compatibility & Mitigation Study Air Quality, Noise and Vibration (SLR)

SLR conducted a Compatibility / Mitigation Study focusing on air quality, odour, dust, noise, and vibration in support of a Draft Plan of Subdivision. The assessment addressed land use compatibility in accordance with the Ontario Ministry of Environment, Conservation and Parks ("MECP") D-Series Guidelines in particular guideline D-6. The assessment considered industrial, air quality, odour, and dust emissions, industrial/ commercial noise and vibration and transportation-related noise and vibration.

The potential for transportation noise on the development has also been reviewed and road traffic noise impact was evaluated. Upgraded glazing is not required. Forced air heating, and various warning clauses are required to address road traffic noise.

The potential for vibration emissions on the proposed development have been assessed. Based on the results of our studies adverse vibration emissions from industrial and transportation sources are not anticipated.

Based on the results of the study, and with the restriction of height to 10 m for the portion of the lands located within the 2 km radius of phosphine storage on Cytec Industries lands, the Project site is anticipated to be compatible with surrounding land uses and will not affect the ability for industrial facilities to obtain or maintain compliance with applicable Provincial environmental policies, regulations, approvals, authorizations, and guidelines.

The requirements of MECP Guideline D-6, Regulation 419/05, and Publication NPC300 are met. As the applicable policies and guidelines are met, the Project site is:

- Unlikely to result in increased risk of complaint and nuisance claims;
- Unlikely to result in operational constraints for the major facilities; and
- Unlikely to result in constraints on major facilities to reasonably expand, intensify or introduce changes to their operations.

Functional Servicing Report & Stormwater Management Plan (Upper Canada Consultants)

The Functional Servicing Report and Stormwater Management Report outline how the proposed development will be serviced with water, sanitary and stormwater infrastructure, respectively and confirm the existing services have sufficient capacity to accommodate the development.

Headwater Drainage Feature Assessment Summary (LCA Environmental Consultants)

An Environmental Impact Study which was originally requested through pre-consultation as the property is shown to be impacted by the Region's Core Natural Heritage System consisting of Type 2 Fish Habitat. Regional Staff also requested that the EIS include an assessment of the headwater drainage features on the site.

The owner retained LCA Environmental Consultants to complete the necessary EIS who subsequently attended a site visit with staff from the Region and Conservation authority to scope the study. Based on the site conditions observed at the site visit, including the NPCA approved creek re-alignment, it was determined by Regional staff that the requirement for a scoped EIS may be waived for the subject property pending updated site plans indicating a sufficient setback from the eastern channel, and a summary of the Headwater Drainage Features Assessment (HDFA) completed by LCA Environmental.

The HDFA summary concludes that there is no existing fish habitat on the subject lands, but the existing drainage channel provides important primary flow contributions to downstream

wetland and fish habitat. The previous channel re-alignment improved storage capacity during storm events and as a result enhanced riparian function. The channel and buffer plantings will be contained within a 30m wide environmental block and will be protected for the long-term.

Traffic Impact Study (RV Anderson)

A Traffic Impact Study (TIS) for the proposed development was conducted by RV Anderson. The TIS analyzed the proposed traffic generation, proposed road network and accesses and existing intersections to determine the traffic impacts and necessary transportation infrastructure improvements to accommodate the development.

The report found that the traffic generated from the proposed development is not anticipated to result in critical capacity, delay or queuing concerns the McLeod/ Kalar, or McLeod/ Garner intersections to the 2032 horizon year. It was determined that a westbound left turning lane at the McLeod/ Beechwood intersection will be warranted by 2032. The report also finds that the proposed road network and accesses, including accesses to Beachwood Road are appropriate and meet TAC guidelines. Overall, there are no traffic concerns associated with the proposed development.

Wetland Catchment Assessment (Terra-Dynamics)

A Wetland Catchment Assessment has been undertaken by Terra-Dynamics to describe how the surface water catchments of the proposed development are separate from those of the Thompson Creek Wetland Complex to the south-east. The report concludes that the proposed development will not negatively impact the hydrology of nearby wetlands.

5.0 PROVINCIAL LEGISLATION AND PLANS

Development applications within the City of Niagara Falls are subject to the Ontario *Planning Act* (R.S.O. 1990), 2020 Provincial Policy Statement and the 2019 Growth Plan for the Greater Golden Horseshoe. An assessment of how the submitted applications satisfy applicable Provincial legislation and policies is provided below.

5.1 PLANNING ACT (R.S.O. 1990)

The *Planning Act* regulates land use planning in the Province of Ontario. The Act prescribes matters of Provincial Interest with regard to land use planning and the necessary procedures to be adhered to when making applications for development.

Section 2 – Matters of Provincial Interest

Section 2 of the *Planning Act* outlines matters of Provincial Interest that a planning authority must have regard for when contemplating a land use planning application. Matters of Provincial Interest include:

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

- n) the resolution of planning conflicts involving public and private interests;*
- o) the protection of public health and safety;*
- p) the appropriate location of growth and development;*
- q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- r) the promotion of built form that,*
 - (i) is well-designed,*
 - (ii) encourages a sense of place, and*
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.*

With regard to these matters, the applications specifically implement items (a), (f), (h), (j), (k), (o) and (p).

With regard to the protection of natural features and functions (item a), the subject property contains an NPCA-regulated watercourse located in the eastern portion of the property. The watercourse will be maintained within the 30 m watercourse block and a minimum setback of 19 m lot lines to the centreline of the creek has been maintained. Development has been setback in excess of the requirements of the NPCA and Region.

The proposed subdivision will be provided with new water and sanitary services as well as new municipal roadways. A Functional Servicing Report has been prepared which confirms the adequacy of the water and sanitary infrastructure. The proposed development further provides increased density where municipal services already exist and overall the applications provide for the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems (item f).

The proposed development accommodates residential growth that is compatible and contiguous with existing development in Garner South, contributing to the orderly development of safe and healthy communities (item h).

The proposed subdivision includes a range of housing types and densities including single detached dwellings, street-townhouse and back-to-back townhouse dwellings, and multi-unit (i.e. apartment) blocks. The proposed housing mix increases housing choice in the immediate area and reflects the range of individual housing need (item j).

The proposed development does not detract from the City's ability to provide employment uses as the Council endorsed Employment Lands Strategy confirmed that the lands do not contribute to the City's employment lands inventory and should be converted to non-employment uses, specifically residential. Further, the report completed by SLR confirms that the proposed development will not negatively impact any employment uses (item k).

The natural hazard on site is contained within the bank of the relocated watercourse which is contained within a block where no development will be permitted. Public health and safety impacts are therefore effectively maintained with the proposed plan. The RWDI and SLR reports on land use compatibility both assessed potential public health and safety impacts from industrial land uses in the area and determined that there would not be any public health or safety impacts with the recommendation of the proposed limitation on building height (item o).

The subject lands are within the Provincially-designated Urban Area boundary and are in the process of being redesignated for residential development through a municipally-initiated Official Plan amendment to implement the City's Employment Lands Strategy. The subject lands do not contain any physical constraints to the proposed development, have strong transportation connections, are serviceable by existing municipal infrastructure and services, are in proximity to employment and commercial opportunities and are therefore an appropriate location for the proposed residential development (item p).

Section 51 – Draft Plans of Subdivision

Draft Plans of Subdivision are considered under Section 51 (24) of the Planning Act.

Section 51 (24) the *Planning Act* prescribes that *"In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,"* items a) to m).

The approval of the draft plan of subdivision will permit the development of the lands for much-needed housing as identified by the Province through their housing targets and the City through their Housing Strategy. The subject lands are located on two arterial roads and are adjacent to a residential subdivision which was recently approved and is under development. The possible impacts of industrial uses in the area has been assessed and it has been concluded by two independent experts that the introduction of residential lands uses at this location will not pose a health or safety risk. The site is in a convenient location for residential development and will not have any negative impacts on surrounding land uses. The subdivision is therefore consistent with the above requirements for draft plans of subdivision.

An overview of how items a) to m) is addressed is provide below.

a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

As noted above, the applications satisfy clauses (a), (f), (h), (j), (k), (o) and (p) of Section 2 of the *Planning Act*.

b) whether the proposed subdivision is premature or in the public interest;

The subject lands were recently re-designated for residential development by the municipality as part of the implementation of the Employment Lands Strategy. The lands are contiguous with existing development and have access to services. The proposed subdivision is therefore not premature.

The proposed subdivision will provide needed supply of a variety of housing types and will increase the efficiency with which municipal services are utilized. The subdivision is therefore in the public interest.

c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

The subdivision conforms to the City's Official Plan as outlined under Section 7 in this report. The proposed development is contiguous with the adjacent Forestview Estates Subdivision and conforms to it.

d) the suitability of the land for the purposes for which it is to be subdivided;

The property is located in a suitable location for development as it is being designated for residential development and is adjacent to existing residential development. The lands have transportation connections, access to full municipal services and are free of development constraints. Soil and topographic conditions are also favourable to subdivision development.

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

No affordable housing as defined by the Province of Ontario is proposed through these applications. The proposed development does contribute to the provision of housing that is attainable at various income levels through the provision of a variety of housing types, including multi-unit forms.

e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed

subdivision with the established highway system in the vicinity and the adequacy of them;

The proposed subdivision includes a comprehensive public road network comprised of 11 streets organized in a grid pattern. The proposed street network has one connection to McLeod Road and four connections to Beechwood Avenue.

f) the dimensions and shapes of the proposed lots;

The specifics of the lot dimensions and shapes are shown on the Draft Plan.

g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

The portion of the development falling within 2km of the Phosphine storage area at the Cytec property is subject to a 10 meter maximum height limit. There are no other restrictions to development within the portions of the subject lands where residential development is proposed.

h) conservation of natural resources and flood control;

An environmental block for the existing creek and its buffer area will be created through the subdivision and will be appropriately zoned and designated. This watercourse was constructed to appropriately manage flooding within its banks in accordance with an NPCA Permit.

i) the adequacy of utilities and municipal services;

A Functional Servicing Report, prepared by Upper Canada Consultants, outlining how the proposed development will be serviced, has been submitted with the applications. As confirmed in the report, municipal infrastructure is readily available, and has sufficient capacity to service the proposed development.

j) the adequacy of school sites;

The local school boards (DSBN, NCDSB) will have the opportunity to comment on development applications to confirm adequacy of service. Existing schools and the sites of future schools are located a short distance away on McLeod Road and Kalar Road.

k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

Block 257 will be dedicated as a public park, Block 258 will be dedicated as environmental lands and Block 259 will be dedicated as a stormwater management facility.

l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

The coordinated development of a large parcel of land provides for increased efficiencies in the servicing and construction of the development. The proposed development has been organized in a compact grid pattern which enables the efficient use and provision of land and infrastructure and provides for efficient transportation routes which conserves energy consumption.

m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

The proposed development is subject to Subdivision approval which ensures that all matters affecting the approval authority and commenting agencies are adequately addressed prior to the commencement of development. The multi-unit blocks (254-256) will be subject to site plan control.

5.2 PROVINCIAL POLICY STATEMENT (2020)

Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns (PPS 1.1)

The policy direction under Section 1.1 of the Provincial Policy Statement (2020) (PPS) provides the overall planning framework for the development of healthy, livable and safe communities. In accordance with these objectives, the proposed subdivision achieves a compact and efficient development pattern that optimizes efficient infrastructure use and minimizes land consumption and servicing cost, while accommodating a range and mix of housing options which reflects the range of individual housing need within the community.

Section 1.1.3 outlines the policy direction for the Province's Settlement Areas. The subject lands are within a Settlement Area as defined by the PPS, being located within Niagara Falls' Urban Area. Policy 1.1.3.1 of the PPS directs that growth and development is to occur primarily within Settlement Areas. The applications are therefore consistent with the PPS in providing growth and development to the appropriate area. The proposed development is also consistent with the intended land use patterns for Settlement areas as outlined under Policy 1.1.3.2, particularly in making efficient use of land and resources, being appropriate for and efficiently using infrastructure and public services, and being transit supportive.

The subject lands are further categorized as a designated growth area as they have been identified for residential development but have not yet been developed. Consistent with Policy 1.1.3.6, the subject lands are adjacent to existing development and the proposed subdivision provides for the efficient use and provision of land and infrastructure through compact land use patterns.

Overall, the proposed development supports the Province's growth management strategy as outlined in Section 1.1 of the PPS in providing for the compact and efficient development of urban lands through intensification and in accommodating a range and mix of housing options.

Coordination (PPS 1.2)

Section 1.2.1 of the PPS directs that planning matters should be dealt with through a coordinated, integrated and comprehensive approach. This approach is recommended to ensure that consideration of all relevant matters including, but not limited to natural environment, infrastructure, hazards, employment and housing.

Consistent with this overall policy direction, a pre-consultation meeting for the proposed development was held on February 3, 2022 and the application was re-circulated in February 2023. The pre-consultation meeting allowed for the upper and lower-tier municipalities and other commenting agencies to review and comment on development proposals early in the process. This coordinated approach allows for appropriate considerations to be made during the planning stage to ensure that potential areas of concern are suitably addressed.

Land Use Compatibility (PPS 1.2.6)

Section 1.2.6 of the PPS requires that sensitive land uses including residential development, be planned to avoid or minimize negative impacts from odour, noise and other contaminants. The need for Land Use Compatibility Assessments was identified by the planning authority through pre-consultation. Two assessments of compatibility between the proposed residential land uses and proximate land uses were completed by RWDI and SLR. The RWDI Study concluded that the use of the site for residential purposes is generally appropriate and that there would not be an impact from industrial land uses, including Cytec in the area on residential development. The SLR report specifically assesses potential impacts on the proposed residential subdivision and concludes that the proposed development will not be negatively impacted by noise, dust or vibration impacts and will not impact upon the ability of proximate industrial uses to operate.

Housing (PPS 1.4)

The policy direction under Section 1.4 of the PPS mandates that a full range and mix of housing types and densities that meet current and future housing needs be provided to achieve complete communities and meet prescribed growth targets.

Consistent with the PPS, the proposed subdivision includes a variety of housing forms and densities, including single-detached street-townhouses, back to back townhouses and apartments. The proposed dwelling mix offers housing choice that reflects the range of housing need and helps to achieve a more integrated and complete community as encouraged throughout the PPS.

Public Spaces, Recreation, Parks, Trails and Open Space (PPS 1.5)

The PPS directs planning authorities to promote healthy and active communities through the equitable distribution and provision of publicly-accessible built and natural environments.

The proposed subdivision includes a 1.145 hectare park representing 5% of the total land area, pursuant to the parkland dedication requirements of the *Planning Act*. The park is contiguous

with the stormwater management and Environmental Protection blocks which creates a large amalgamated open space area within the development.

Infrastructure and Public Service Facilities (PPS 1.6)

In general, Section 1.6 of the PPS requires that infrastructure and public service facilities are to be provided in a coordinated and efficient manner while accommodating projected needs so as to reduce the cost of servicing growth.

Sewage, Water and Wastewater (PPS 1.6.6)

Section 1.6.6 particularly considers sewage, water and stormwater servicing requirements. A Functional Servicing Report has been prepared by Upper Canada Consultants and submitted with the subject applications, which details how the proposed development will be serviced for sewage, water and wastewater. Site services will be connected to existing public infrastructure, which is readily available, and which has sufficient capacity to accommodate the development. The proposed development is therefore appropriate for, and makes efficient use of, existing public sewage, water and stormwater services as required in the PPS.

Transportation (PPS 1.6.7)

The policies under Section 1.6.7 of the PPS directs that efficient use should be made of existing and planned transportation infrastructure, that connectivity amongst systems and modes be maintained and improved, and that land use patterns, density and mix of uses should be promoted that minimizes the length and number of vehicle trips, and support multi-modal transportation options.

The proposed development will be serviced with an internal road network to provide access and enable the efficient development of the interior of the site. The road network is connected to the existing road network ensuring that the proposed transportation system is integrated with the existing system.

The proposed development represents an efficient yield that will support the provision of public transit to the area which would reduce the modal share of vehicle use.

Natural Heritage (PPS 2.1)

As outlined in Section 2.1 of the PPS, natural features and areas are to be protected for the long term. These features include significant wetlands, significant woodlands, significant valleylands, significant wildlife habitat, significant areas of natural and scientific interest and

coastal wetlands. This protective policy framework is also applicable to natural heritage features on adjacent lands.

The subject property does not contain any provincially significant natural heritage features. There is a Provincially Significant Wetland on an adjacent property southeast of the subject lands. This wetland was evaluated through a Wetland Catchment Assessment completed by Terra-Dynamics Consulting Inc. The study concluded that residential development of the Site should not negatively impact the hydrology of the nearby wetlands because the nearby wetlands are within separate surface water catchments and are in no way hydrologically connected to the development.

An Environmental Block containing the existing watercourse and buffer area will be created as part of the subdivision and will be appropriately designated and zoned to ensure the long-term protection of the feature.

The proposed development is therefore consistent with Provincial Policy for Natural Heritage Features.

Cultural Heritage and Archaeology (PPS 2.6)

PPS Policy 2.6.2 directs that development and site alteration shall not be permitted on land containing archaeological resources or areas of archeological potential unless resources have been conserved. As identified through pre-consultation, the subject lands exhibit high potential for the discovery of archeological resources due to their proximity to watercourses.

A Stage 1-2 Assessment of the property was undertaken by AMICK Consultants which did not result in the identification of any archeological resources. Final clearance from the Ministry of Tourism, Culture and Sport has also been received and the lands are therefore cleared of archeological potential.

5.3 2019 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

Managing Growth (PTG 2.2.1)

Policy 2.2.1.2 of the Growth Plan directs that a vast majority of growth is to occur generally within the Settlement Area and specifically in locations where municipal water and wastewater systems are available.

The subject lands are located in Niagara Falls' Urban Area and are therefore within the Settlement Area as defined in the Growth Plan. The lands also have access to existing municipal infrastructure and services. The subject lands are therefore an appropriate location for development in accordance with Section 2.2.1 of the Growth Plan.

Employment (PTG 2.2.5)

The policies under Section 2.2.5 of the Growth Plan pertain to employment lands and *employment areas*. *Employment areas* are outlined on Schedule G of the Niagara Official Plan (2022). Employment lands are lands that are not within an employment area, but are otherwise designated under a local Official Plan for employment uses (ie. industrial).

The subject lands are not identified on Schedule G of the Niagara Official Plan as being located in an *employment area* or in close proximity to an *employment area*. Rather, the subject lands were assessed in the context of a municipal comprehensive review which informed the new Regional Official Plan approved in November 2022. Since the Regional Official Plan does not identify the area where the subject lands are located as an employment area policies related to employment areas are therefore not applicable to this development application.

The subject lands are in proximity to *employment lands* in accordance with the Provincial definition. In this regard, Growth Plan policy 2.2.5.8 is applicable in the consideration of the location of residential land uses (i.e. sensitive land uses) at this location. Policy 2.2.5.8 requires that the location of sensitive land uses in proximity be in accordance with provincial guidelines and that it preferably avoid, and if not minimize impacts to industrial or other uses that are vulnerable to encroachment. The proposed development conforms to this policy as the SLR report concludes that the proposed development is consistent with applicable provincial guidelines and will not impact upon any major facility's ability to operate or reasonably expand.

Growth Plan Policy 2.2.5.14 states that outside of employment areas, development criteria should be established to ensure that the redevelopment of any employment lands will retain space for a similar number of jobs to remain accommodated on site. The Region of Niagara, through the passage of their Official Plan addresses this requirement by way of the policies contained in Section 4.2.5.2. This section includes a policy that addresses this policy directly

(4.2.5.1) and also provides that the local municipality can establish criteria for the redevelopment of employment lands outside of employment areas (4.2.5.2). In this instance, the City of Niagara Falls has municipal specific criteria for the redevelopment of employment lands outside of employment areas in their Official Plan (City of Niagara Falls Official Plan Section 4, Policy 2.10) and also established study specific criteria through the Employment Lands Strategy. As stated, the Employment Lands Strategy determined that the subject lands should be redeveloped for residential purposes in accordance with analysis of the study specific criteria. For the reasons outlined later in this report under the City's Official Plan policy analysis, the redevelopment of the subject lands for residential purposes is also consistent with the City of Niagara Falls Section 4, Policy 2.10. The proposed development and associated amendments therefore conform to the Growth Plan Policy 2.2.5.14.

Housing (PTG 2.2.6)

The policies under Section 2.2.6 of the Growth Plan support the achievement of complete communities through the provision of a full range of housing options and densities that meet current and future housing needs.

The proposed subdivision includes an integrated mix of dwelling types and densities including single detached, street townhouse, back to back townhouse and apartment dwellings. The proposed housing mix reflects the range of housing need and improves housing choice in the immediate area.

Designated Greenfield Area (PTG 2.2.7)

Policy 2.2.7.1 of the Growth Plan requires that designated Greenfield areas be planned, identified and zoned in a manner that supports the achievement of complete communities, supports active transportation, and encourages the integration and sustained viability of transit services. The submitted applications will facilitate appropriate and efficient residential development of the lands as contemplated in Provincial and local land use documents.

Per policy 2.2.7.2 of the Growth Plan, all designated Greenfield areas in the Region of Niagara are to achieve a combined minimum density target of 50 people and jobs per hectare. As outlined in **Table 1** below, the proposed development provides a development density of 57.4 people and jobs per hectare, and achieves the target Greenfield Density.

Table 1 - Greenfield Density Calculation		
Units	Ratio	
495	People	Jobs
	2.45 PPU (per table 4-1 of the 2014 Regional Official Plan)	5% of dwellings (at home employment)
Subtotal	1,212.75 People	24.75 Jobs
Total	1,237.5 people and Jobs	
Land Area	21.55 ha	
Greenfield Density	57.4 people and jobs per hectare	

Transportation (PTG 3.2.2)

Section 3.2.2 of the Growth Plan encourages the co-ordination of transportation system and land use planning. The Draft Plan includes an internal road network which is integrated into the existing road network and provides for the efficient development of the site.

The Growth Plan also encourages the provision of a range of transportation options to reduce automotive reliance. The proposed development helps to achieve transit supportive density which supports the provision of public transportation to the area.

Water and Wastewater Systems (PTG 3.2.6)

Policy 3.2.6.2 of the Growth Plan requires that water and wastewater systems be planned and constructed to maximize functionality and efficient use so as to ensure that the municipality recovers the cost of providing water and wastewater infrastructure. The proposed development will be connected to existing municipal water and wastewater services, and the proposed development helps to optimize the efficient use of this infrastructure. As confirmed by the Functional Servicing Report prepared by Upper Canada Consultants, the existing infrastructure can adequately accommodate the proposed development.

Stormwater Management (PTG 3.2.7)

Policy 3.2.7.2 requires that proposals for large-scale development be supported by a stormwater management plan, or equivalent. In conformity to this requirement, a stormwater management component is included in the Functional Servicing Report submitted with the applications, which details how stormwater flows will be captured, stored, treated and conveyed in accordance with applicable standards.

Provincial Natural Heritage System (PTG 4.2.2)

The subject property does not contain any feature identified as being within the Natural Heritage System for the Growth Plan. There is a Provincially Significant Wetland located southeast of the subject property that is part of the Provincial Natural Heritage System incorporated into the Region of Niagara Official Plan. The potential impacts of development on this feature were assessed through the Terra-Dynamics Wetland Catchment Assessment and it was determined that the proposed development would not have any impact on this feature.

6.0 NIAGARA REGION OFFICIAL PLAN (2022)

The Niagara Official Plan (2022) outlines the long-term strategic policy planning framework for managing growth in the Region to a planning horizon ending in 2051.

6.1 GROWING REGION

Chapter 2 of the ROP contains the policy framework for the accommodation of the Region's projected population and employment growth.

6.1.1 Forecasted Growth

Per Section 2.1, the Region of Niagara is anticipated to have a population of 694,000 people and 272,000 jobs by the year 2051, representing an increase of over 200,000 people and 85,000 jobs from 2021. These population and employment forecasts are further broken down by municipality in Table 2-1, wherein the City of Niagara Falls has a projected population of 141,650 people and 58,110 jobs.

6.1.2 Regional Structure

Section 2.2 establishes the regional land use structure, based on Provincial directives which dictate how the projected growth is to be accommodated. A majority of growth is to occur within the Settlement Area, where water and wastewater systems exist or are planned. The Settlement Area is further broken down into the Delineated Built-up Area and the Designated Greenfield Area.

Schedule B of the Regional Plan indicates that the subject lands are the Designated Greenfield Area (see **Figure 4**, below). The subject lands also have access to existing water and wastewater systems and are therefore an appropriate location to accommodate prescribed growth.

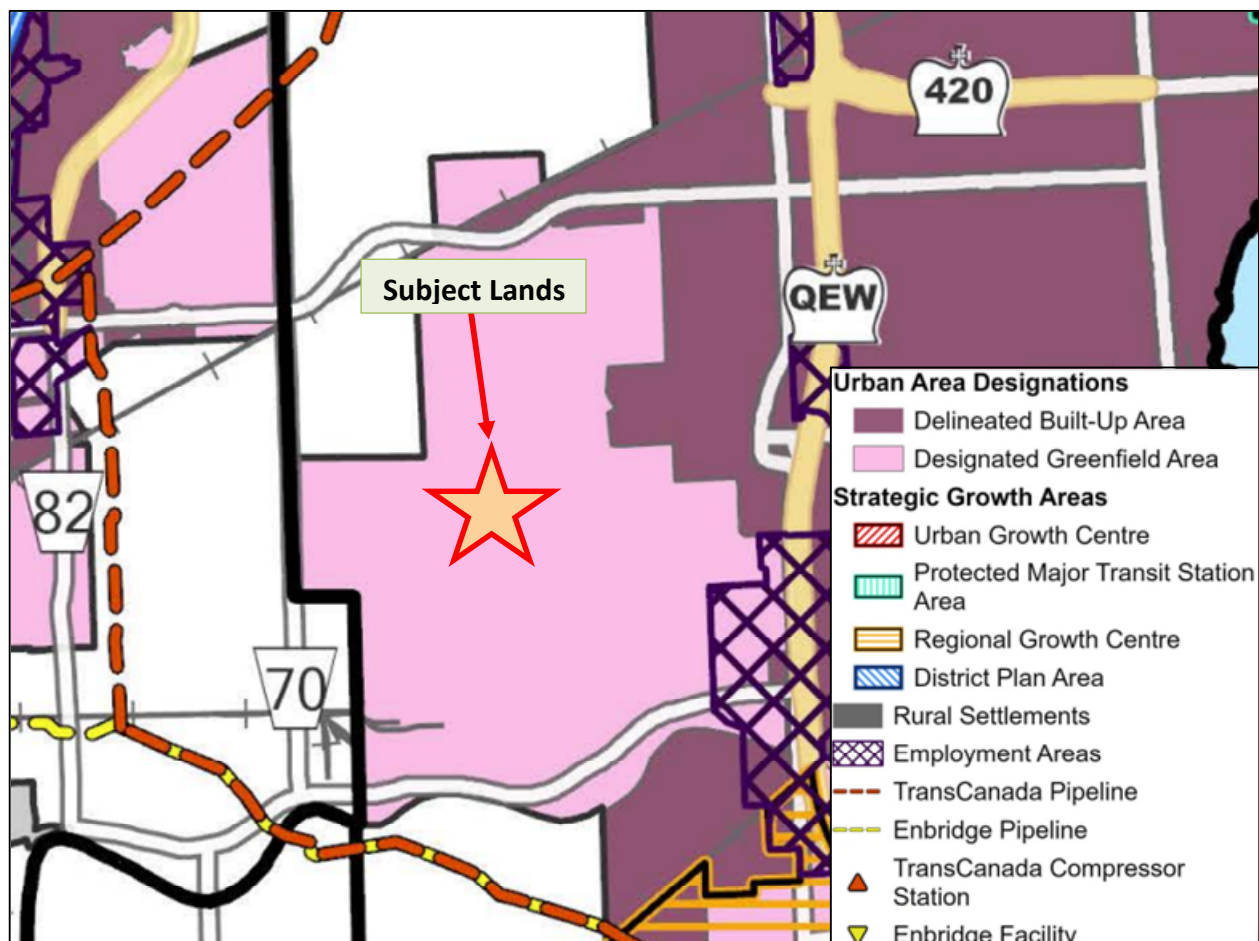


Figure 4 - Excerpt from Niagara Official Plan Schedule B - Regional Structure

6.1.3 Managing Urban Growth

Per Policy 2.2.1.1 a), development in the Built-up Area is required to support the achievement of the Region's density targets. Per policy 2.2.2.22, Designated Greenfield Areas are to achieve a minimum density of 50 people and jobs per hectare, measured across the region. As provided in Table 1, the proposed development accommodates 57.4 people and jobs per hectare and contributes positively to the accommodation of prescribed growth within the Region's Greenfield Areas.

Policy 2.2.1.1 b) states that development in urban areas should support a compact built-form and a mix of land uses to support the creation of complete communities. The proposed development accommodates a range of residential housing types as well as park and open space. The subject lands are also in proximity to complementary uses such as commercial uses. The proposed development contributes to the mix of land uses which achieves a complete community.

Policy 2.2.1.1 c) states that development in urban areas should accommodate a diverse range and mix of housing types, unit sizes and densities to accommodate future and current market-based and affordable housing needs. The proposed development accommodates a range of housing types including single-detached dwellings, street townhouse dwellings, back-to-back townhouses and apartments and incorporates a variety of lot sizes and configurations. The proposed dwelling mix improves housing choice in the immediate area and provides options for a range of options that cater to various household sizes, income levels and housing preference.

Policy 2.2.1.1 e) states that development in the urban area should support built-forms, land use patterns and street configurations that minimize land consumption, reduce the cost of municipal water and wastewater systems and services. The proposed subdivision represents a compact and efficient development pattern that provides for the efficient use of land and infrastructure. The subdivision will be connected into the existing municipal infrastructure. The provision of additional housing units will help to optimize the efficient use of the existing municipal infrastructure.

Policy 2.2.1.1 f) states that development in the urban area should support opportunities for transit supportive development. The proposed development of the subject lands contributes to the accommodation of transit-supportive density which improves the feasibility of providing transit service to the area.

Policy 2.2.1.1 k) states that orderly development in accordance with availability and provision of infrastructure should be accommodated within the urban area. The subject lands are located immediately adjacent to existing residential areas which have full municipal services. The proposed development represents the logical and orderly progression of development which optimizes the use and provision of infrastructure.

Policy 2.2.1.1 l) states that development in the urban area should support the mitigation and adaptation to the impacts of climate change by protecting natural features and their areas. In accordance with this principle, the proposed subdivision contains a 30 meter wide environmental block which contains a watercourse, the floodplain and buffer area.

6.1.4 Housing

The objectives of the policy direction under Section 2.3 of the ROP are to provide a mix of housing options to address current and future needs, to provide more affordable and attainable housing options, and to plan to achieve affordable housing targets through land use and financial incentive tools.

2.3.1 – Provide a Mix of Housing Options

Policy 2.3.1.1 directs that a range and mix of densities, lot and unit sizes and housing types should be accommodated in the settlement area to meet housing needs at all stages of life. The proposed subdivision includes a mix of single-detached dwellings, street townhouse dwellings, back-to-back townhouses and apartment blocks with a variety of lot sizes which contributes to the provision of a mix of housing options as envisioned in this policy.

2.3.3 – Tools to Achieve Affordable and Attainable Housing

The proposed housing mix can accommodate a range of household sizes and incomes which supports the development of affordable and attainable housing as provided in Policy 2.2.3.3.1 d).

6.2 SUSTAINABLE REGION

Chapter 3 outlines the objectives and policies for the Regional natural heritage system and water resource system. The overall intent of this Chapter is to protect environmental and ecological features and their functions.

6.2.1 Natural Environment

As noted by Regional Staff through pre-consultation, the subject lands are identified as containing mapped Type 2 (important) fish habitat which constitutes part of the Region's Core Natural Heritage System. The subject lands were also identified by Regional Staff as containing Headwater Drainage Features. An Environmental Impacts Study (EIS) was initially requested to determine the impacts on both the Type 2 fish habitat and the Headwater Drainage Features.

The owner retained LCA Environmental Consultants to complete the necessary EIS who subsequently attended a site visit with staff from the Region and Conservation authority to scope the study. Based on the site conditions observed at the site visit, including the NPCA approved creek re-alignment, it was determined by Regional staff that the requirement for a scoped EIS may be waived for the subject property pending updated site plans indicating a sufficient setback from the eastern channel, and a summary of the HDFA completed by LCA Environmental. **Appendix IV** shows that the minimum setback from a property line to the centreline of the relocated watercourse is 19 m which is in excess of the Region's minimum requirements.

The Headwater Drainage Feature Assessment summary concludes that there is no existing fish habitat on the subject lands, but the existing drainage channel provides important primary flow contributions to downstream wetland and fish habitat. The previous channel re-alignment improved storage capacity during storm events and as a result enhanced riparian function. The

channel and buffer plantings will be contained within a 30m wide environmental block and will be protected for the long-term. All development will be set back in excess of the Region's stated requirements.

The following provides an analysis of the specific policies contained in Section 3 of the Region of Niagara's Official Plan that are applicable to this development:

Policy 3.1.9.5.4 provides that development and site alteration on lands adjacent to features regulated by the NPCA shall be subject to the policies identified by the NPCA. In this instance, the watercourse feature on site was relocated in accordance with an NPCA permit. The NPCA were consulted through the Preconsultation process and indicated that a wetland catchment assessment would be required in order to satisfy their applicable policies. This study was completed in consultation with the NPCA and it concluded that the proposed development would not have any impact on the proximate wetland that is presently regulated by the NPCA.

Policy 3.1.9.7.1 requires an environmental impact assessment on lands adjacent to the Provincial Natural Heritage System. However, Policy 3.1.33.3 permits the Region to waive the requirement for an EIS in consultation with other agencies. In this instance, the Region exercised their authority and waived the requirement for an EIS in accordance with Policy 3.1.33.3 in consultation with NPCA.

Policy 3.1.9.9.1 provides that the width of an ecologically appropriate buffer may be established through a hydrologic evaluation at the time of the development application. In this instance, the width of the buffer from the relocated watercourse was established through a Headwater Drainage Assessment completed in consultation with the NPCA and Region. The setback from the Provincially Significant Wetland was also determined to be appropriate through the completion of the Wetland Catchment Assessment.

Policy 3.1.10.1 requires that development shall not be permitted unless it has been demonstrated that it will not have negative impact on key hydrological features (i.e. the proximate Provincially Significant Wetland). It has been demonstrated through the wetland catchment assessment that the proposed development will not have a negative impact on the Provincially Significant Wetland.

Policy 3.1.12 indicates that development and site alteration shall not be permitted in fish habitat and that prior to development and site alteration adjacent to fish habitat occurring, a fish habitat assessment must be undertaken. A Fish Habitat Assessment was undertaken by LCA Environmental as part of the Headwater Drainage Assessment and it was determined that there is no fish habitat present on site and that the development would not have a negative impact on fish habitat.

6.2.2 Employment Lands

Policy 4.2.4.1 states that the Region will support locally identified employment lands by ensuring the introduction of non-employment uses will not negatively impact the primary function of the area. Policy 4.2.4.2 echoes the Provincial Policy Statement and Growth Plan regarding land use compatibility in that it requires that the development of sensitive land uses to avoid potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety and ensure the long term viability of the major facility. The RWDI report concludes that the introduction of sensitive land uses at this location will not result in public health or safety issues and is compatible with surrounding land uses, including Cytec. The report completed by SLR concludes that there will not be any adverse impacts from odour, noise or other contaminants on the proposed subdivision and that the development of the subdivision will not impact negatively on the operations of proximate employment uses.

Policy 4.2.4.10 was added to the Regional Official Plan by the Province. Policy 4.2.4.10 indicates that:

Notwithstanding policy 7.12.2.5, development applications within a two kilometre radius of the Cytec Canada Inc. facility in Niagara Falls shall be subject to policy 4.2.1.11 of this Plan, except for the lands currently designated Neighbourhood Commercial in the local Official Plan.

Policy 7.12.2.5 permits development applications that were in process at the time of approval of the 2022 Region of Niagara Official Plan to be processed in accordance with the policies of the 2014 Region of Niagara Official Plan and is not applicable to the change in land use designation on 9304 McLeod Road.

Policy 4.2.1.11 of the Region's Official Plan requires that the conversion of employment lands within employment areas only be permitted except during the Region's Municipal Comprehensive Review. Official Plan Amendment #147 that changes the land use designation from Industrial to Residential with site specific policies implements the Region's Municipal Comprehensive Review. The Niagara Region completed a Land Needs Assessment (also referred to as a Municipal Comprehensive Review) as part of their new Official Plan exercise. The results of the City's Employment Land Strategy, a more detailed review of where the identified employment targets would be accommodated, were incorporated into the Region's Municipal Comprehensive Review, and ultimately into the Region's New Official Plan which was adopted on June 23, 2022 and approved by the Province on November 4, 2022. The redesignation of 9304 McLeod Road from Industrial to Residential (Special Policy Area #87) through OPA #147 was therefore completed through a Regional Municipal Comprehensive Review. OPA #147, and by extension the subject application for Zoning By-law Amendment and

Draft Plan of Subdivision that implement the residential designation, therefore conform to Regional Official Plan Policy 4.2.1.11.

Policies contained in 4.2.5 pertain to the redevelopment of non-employment uses on employment lands. Specifically, Policy 4.2.5.2 permits local official plans to contain criteria for employment land redevelopment to non-employment uses outside of employment areas. The City of Niagara Falls has Policies in Section 4, Policy 2.10 that guide the redevelopment of employment lands outside of employment areas. A discussion on the consistency of these applications with those policies is included in the following section.

The City of Niagara Falls undertook the Employment Lands Strategy which included the development of criteria for the conversion of employment lands to non-employment uses. The subject lands were analysed in the context of these criteria and it was determined that they should be converted to residential lands. The assessment was completed in consultation with the Region of Niagara and the Employment Lands Strategy informed the Municipal Comprehensive Review which was implemented through the approval of the Region's Official Plan.

6.2.3 Conservation in Accordance with Provincial Requirements (Archaeology)

Policies contained in Section 6.4.2 require assessment and conservation of archaeological resources prior to development in areas of archaeological potential. Consistent with applicable policies in this section (i.e. 6.4.2.1 and 6.4.2.6) a Stage 1 and 2 Archaeological Assessment was completed, submitted to the Ministry and acknowledged. This assessment and acknowledgement are included with the development applications to demonstrate conformity to this policy.

7.0 CITY OF NIAGARA FALLS OFFICIAL PLAN (2019 CONSOLIDATION)

INTRODUCTION

The City of Niagara Falls Official Plan contains land use policies which implement the City's long-term growth management goals. Schedule A of the Niagara Falls Official Plan identifies that the subject lands are designated as Industrial, with the eastern portion of the property being affected by Environmental Protection Area (see **Figure 5**). Schedule A2 further identifies that the lands are in the Greenfield Area, consistent with the Niagara Official Plan.

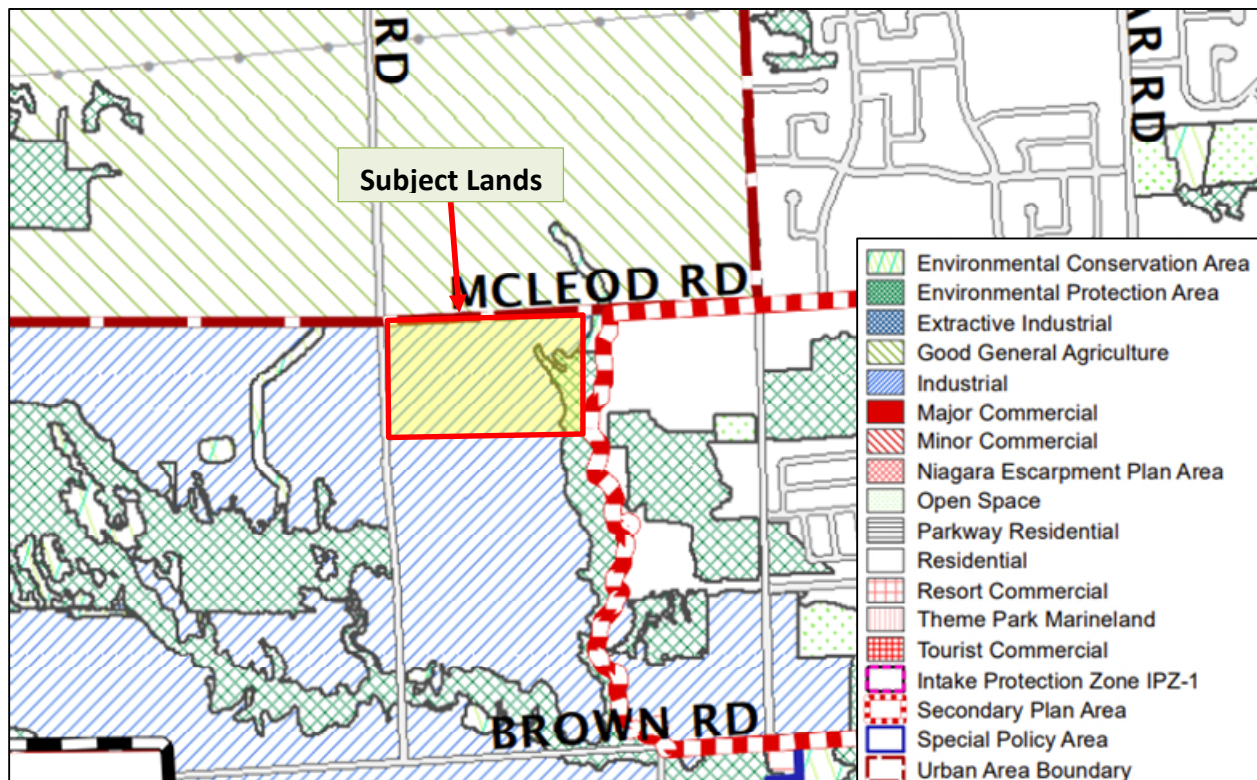


Figure 5 - Excerpt from City of Niagara Falls Official Plan Schedule A - Future Land Use

NIAGARA FALLS EMPLOYMENT LANDS STRATEGY

In accordance with the Council's Strategic priorities for 2019-2022, the City's Business Development and Planning, Building and Development Divisions undertook an Employment Lands Strategy which involved a comprehensive review of the City's existing employment lands.

As part of the Employment Lands Strategy, the subject lands were identified as a site which is not suitable for industrial use. A City-initiated Official Plan Amendment was prepared to implement the Employment Lands Strategy and proposes to designate the subject as Special Policy Area 87 which is a Residential designation with a site-specific height restriction within 2km of the phosphine storage on Cytec Industries lands as well as site specific development

criteria. This amendment does not propose changes to the existing Environmental Protection Area on the subject lands (see **Figure 6**). However, the interpretation policies in the Official Plan permit the modification of this boundary, in accordance with the NPCA permit, without an amendment to the Official Plan.



Figure 6 - City Initiated Official Plan Amendment (taken from OPA #147, By-law 2023-023)

An analysis of the proposed development against the applicable Official Plan policies with regard to the City-initiated Official Plan amendment is provided under the following subheading.

7.1 PLAN OVERVIEW AND STRATEGIC DIRECTION

Strategic Policy Direction

The intent of the Official Plan is to guide land use and development in the City of Niagara Falls so as to ensure orderly and efficient growth to meet Provincial and Regional growth targets while maintaining and protecting natural heritage and agricultural lands.

Growth Objectives

Contained under this heading are the City's Growth Objectives which guide the subsequent policy direction for the land uses identified on Schedule A. The applications have regard for the following Growth Objectives within the Official Plan:

1. To direct growth to the urban area and away from non-urban areas.
2. To protect Natural Heritage Areas and their functions.
4. To phase infrastructure and development within Greenfield Areas in an orderly and efficient manner.
5. To meet the targets as established by the Province through the Greater Golden Horseshoe Growth Plan and through the Region of Niagara Comprehensive Review.
8. To develop the Greenfield Areas shown on Schedule A-2 as compact, complete communities with a range of housing types, employment and public transit.
10. To plan for an urban land supply for 20 years and to maintain a minimum 10 year supply of land for residential growth through intensification or greenfield development.

Policies

Contained under this heading are the policies related to the Growth Objectives outlined in the previous section. The following is an evaluation of the proposal's conformity to these policies, with the objectives quoted verbatim and an analysis of conformity provided in *italics*.

- 2.2 The City shall protect its Natural Heritage Areas, their features, quality and functions, through the Environmental Protection Area land use designations and their related policies.

In accordance with this policy, Block 258 which contains an existing watercourse and associated buffer area is proposed to retain the Environmental Protection designation which affords long-term protection of the feature and its function.

- 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.

According to Table 1, the City of Niagara Falls is anticipated to have a population of 106,800 and 42,740 households within the planning horizon of the Official Plan. The proposed development would increase the efficient use of existing residential lands to accommodate growth.

- 2.4** The opportunity for increased densities within the Built Area Boundary shall be provided to make use of existing infrastructure, buildings and available transit through specific policies for the intensification nodes and corridors outlined in Part 1, Section 3.

While the subject lands are not located within a delineated intensification node, the development leverages the benefits of intensification through the efficient use of land, infrastructure and public services.

- 2.6** The City shall utilize Secondary Plans wherever possible for development within its Greenfield areas to ensure the design of complete communities providing both employment and residential opportunities.

The subject lands fall outside of the Garner South Secondary Plan Area, but represent the logical continuation of the infrastructure and development patterns within the adjacent Forestview Estates Subdivision which is within the Secondary Plan area. The proposed development supports the achievement of complete communities as it contributes to the provision of a range of housing types and densities and supports the provision of public transportation through transit-supportive densities.

- 2.8** The City shall consider residential and employment growth in relation to Schedule “B” - Phasing of Development and the polices of Part 1, Section 3 of this Plan.

Per Schedule B, the eastern portion of the property is within the Phase 1 area and the western portion of the lands is within the Phase 4 area with the Phase areas following the existing property lines. The subject lands are proposed to be developed comprehensively and have access to the infrastructure that was installed within the Forestview Estates Subdivision to service the subdivision. The capital cost of servicing the proposed development will be borne by the

developer, and the proposed development patterns will ensure that the infrastructure is utilized efficiently. The proposed development therefore aligns with the City's phasing strategy.

2.11 No new urban areas shall be created.

The applications propose the efficient and intensified use of lands within an existing urban area.

7.2 RESIDENTIAL

As noted, the subject lands are to be re-designated from Industrial to Residential with a special policy provision through a municipally-initiated Official Plan Amendment to implement the City's Employment Lands Strategy that was incorporated into the Region's Municipal Comprehensive Review. Conformity to the applicable Residential policies is demonstrated below.

General Policies

The policies under this heading apply to all Residentially-designated lands in the City. The following is an evaluation of the proposal's conformity to the applicable General Policies, with the policies quoted verbatim and an analysis of conformity provided in *italics*.

- 1.1** The predominant use of land in areas designated Residential shall be for dwelling units of all types catering to a wide range of households. Predominant uses shall include single detached and semi-detached dwellings, duplexes, triplexes, quadraplexes, townhouses, apartments, group homes and other forms of residential accommodation.

The proposed subdivision includes provision for a variety of housing forms that cater to a wide range of households including single-detached, street townhouse, back-to-back townhouse dwellings and small-scale apartments.

- 1.2** Opportunities for a choice of housing including type, tenure, cost and location shall be provided to meet the changing needs of households throughout the Built-up Area and Greenfield Area. In order to achieve this goal, the City shall support the following:

- 1.2.1** Multiple unit developments, smaller lot sizes and innovative housing forms.

The proposed subdivision includes provision for a variety of housing forms, and lot sizes to cater to a wide range of housing needs. This includes single detached lots in a variety of sizes and configurations, street townhouses and back-to-back townhouses and blocks for multiple-family forms such as small scale apartments.

- 1.2.2** Development of vacant land, and more efficient use of under-utilized parcels and existing housing stock.

The proposed subdivision represents the efficient development of vacant urban lands.

- 1.2.3** The full utilization and consolidation of properties to achieve larger scale and more comprehensive residential development.

The applications propose the comprehensive development of a large consolidated parcel of land.

- 1.3** A variety of ancillary uses may also be permitted where they are compatible with the residential environment and contribute to a complete community. Ancillary uses shall include, but are not limited to schools, churches, nursing homes, open space, parks, recreational and community facilities, public utilities and neighbourhood commercial uses. In interpreting compatibility, ancillary uses will be assessed according to the following principles.

In accordance with this policy, the proposed park and stormwater management facility are permitted within the Residential designation.

- 1.3.2** Ancillary uses with the Greenfield Area shall be provided for through design within secondary plans taking into consideration the above criteria:

Ancillary uses... that have the potential of generating large volumes of traffic are generally encouraged to locate:

- on an arterial or on a collector in proximity to an arterial road in order to minimize disturbances to area residents
- such that area residents can conveniently access the uses by means of walking, cycling, public transit or motor vehicle; and
- in proximity to a transit stop.

The proposed stormwater management facility is a passive use which would not generate any notable traffic volumes. The proposed park is intended to serve local residents and also would not generate any notable traffic volumes as it is in walking distance to the proposed residential areas it is intended to serve.

- 1.5** The development and redevelopment of residential lands in the City shall primarily be by plan of subdivision incorporating a mix and variety of dwellings and supporting uses to foster the development of a complete community. Consents to sever individual

parcels of land shall only be permitted when it can be demonstrated that a plan of subdivision is not necessary to implement the policies of this Plan or applicable secondary plan.

The comprehensive development of the subject lands is proposed by way of a Plan of Subdivision.

- 1.6** Building heights referred to in this Plan through the text and schedules are intended as a general guide. Consideration may be given in specific situations to allow suitable, well designed developments that exceed these height guidelines through an implementing zoning bylaw amendment.

The City initiated Official Plan Amendment subjects the proposed development to an area-specific height provision which restricts building heights within to 10 within a 2km radius of Phosphine Storage on Cytec Industries lands.

- 1.8** All residential development shall require proper and adequate municipal services. The municipality shall promote phased development to maintain logical, outward growth in residential areas in accordance with the policies of Part 3, Section 1.

A Functional Servicing Report has been prepared which details how the development will be serviced. The proposed development connects to the services in the adjacent Forestview Estates subdivision that were installed to services the subject lands and represents the logical extension of residential development.

Greenfield Area

Policies for lands identified as being in the Greenfield Area on Schedule A-2 are found under Part 2, Section 1.15 of the Official Plan. The following is an evaluation of the proposal's conformity to the applicable Greenfield Area policies, with the policies quoted verbatim and an analysis of conformity provided in *italics*.

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

The subject lands were previously designated for industrial development and were not included within the Garner South Secondary Plan area. Notwithstanding, the subject lands will function as an extension of the Secondary

Plan area and represent the continuation of the development patterns and servicing from the Secondary Plan area.

- 1.16.1** The target density of development shall be no less than 53 people and jobs per hectare. The calculation shall be made over the gross developable land area, at a secondary plan scale, which is defined as total land area net of natural heritage areas identified for protection under this Plan, the Regional Policy Plan, any provincial plan or Niagara Peninsula Conservation Authority regulation.

As shown in Table 1, the proposed development represents a density of 57.4 people and jobs per hectare which supports the City's Greenfield density obligations.

- 1.16.2** A diverse range of uses is to be provided including neighbourhood, commercial facilities and community services and employment. These uses shall be located and designed such that they compatibly integrate with the built and natural environments.

The proposed development includes residential uses supported by a park and stormwater management facility. The existing watercourse along the eastern site limit will be contained within a 30 meter corridor which includes a planting buffer ensuring that the proposed development does not impact the watercourse.

- 1.16.3** It is the intent of this Plan that the Greenfield Area develop with a mix of housing types and at transit-supportive densities in order to utilize urban land efficiently and support public transit. To accomplish this, a range of housing types is to be provided in terms of both form and affordability. Multiple unit housing developments are to be integrated into the form of the neighbourhood in accordance with the following:

- (i) Steep gradients of building heights are to be avoided.

All of the proposed residential housing forms are subject to a 10 meter height limit under the Zoning By-law and will be a similar height to other residential dwellings in the Forestview Estates Subdivision located adjacent to the subject lands.

- (ii) High density housing should be located within 250 metres of an arterial road.

"High density housing" is not explicitly defined, however it is generally characterized in the Official Plan as development exceeding 6 storeys. The proposed multiple-unit (apartment) blocks are proposed to be zoned as site-specific R5B which permits heights up to 4 storeys. Accordingly, these blocks are not considered to be high density housing. Nevertheless, these blocks are located

at the intersection of two arterial roads (Beechwood Road and McLeod Road) which is the most appropriate location for these typologies within the proposed development.

1.16.4 Within the Garner South Secondary Plan Area, as shown on Schedule A2, the policies of PART 2, Section 13.56.6 of this Plan shall prevail. In addition, the Secondary Plan shall provide for a distribution and gradation of densities, heights and housing types where lower densities and heights are proximal to the 2km Cytex arc and higher densities are directed to the north and east quadrant of the Secondary Plan Area to assist in the strengthening of the Niagara Square Retail District.

While the subject lands are not within the Garner South Secondary Plan area, the proposed development accommodates the proposed housing densities in the appropriate location.

1.16.5 Street configurations and urban design are to support walking, cycling and the early integration and sustained viability of public transit. Although detailed urban design guidelines may be developed through the secondary planning process, the following policies shall apply as a minimum:

- (i) All collector roads are to be designed to accommodate public transit.

The proposed road network will be comprised of local streets and will be designed accordingly.

- (ii) Transit routes should be designed such that potential users have no more than 300 metres to walk to a transit stop.
- (iii) Neighbourhoods should be designed on a modified or fused grid pattern with interconnected streets. Block lengths should not exceed 250 metres. Along Natural Heritage features which will be accommodating public trails, local roads shall dead end at the feature thus providing a viewshed of the natural area as well as providing direct public access to the trail.

The proposed road network comprises a grid with interconnected streets. A majority of the blocks are approximately 200 meters in length. The most southerly block is approximately 300 meters in length. This block is oriented perpendicular to the other blocks and does not disrupt the main east-west connection through the development. Three of the proposed streets have terminating vistas on open space areas (the park and stormwater management facility).

- (iv) Sidewalks are to be provided on at least one side of a local road and on both sides of a collector or arterial road.

The proposed streets will be designed to the applicable municipal standard.

- (v) Culs-de-sac are discouraged. Abutting culs-de-sac should be connected by parkland or open space. Pedestrian connections are to be provided out of culs-de-sac.

No culs-de-sac are proposed.

- (vi) Off-road trails should connect to the road network seamlessly in order to provide cyclists with on-road or off-road options.

No off-road trails are proposed.

- (vii) Commercial and employment uses are encouraged to provide facilities for bicycle storage and cyclists.

The proposed development does not include commercial or employment uses.

- (viii) Speed control programs should be utilized to reduce traffic impacts within residential neighbourhoods.

The road network does not include any through roads and contains a large number of intersections which help to reduce traffic speeds.

- (ix) Pedestrian connectivity, in addition to a formal trail system, is encouraged to lessen walking distance to public facilities, such as schools, parks and neighbourhood commercial uses.

Pedestrian connectivity will be provided by way of public sidewalks.

7.3 SPECIAL POLICY AREAS

OPA #147 added Policy 13.87 to the City of Niagara Falls Official Plan. Policy 13.87 redesignates the subject property residential, with site specific policies. The following is the full text with an analysis of the various components of the policy:

Policy 13.87 SPECIAL POLICY AREA “87”.

Special Policy Area “87” applies to 18.5 hectares of land on the south side of McLeod Road, east of Beechwood Road. The Residential designation of the lands will come into effect upon approval by the Niagara Region. Notwithstanding the policies contained in Part 2, Section 1, development of the lands will be subject to a 10m height restriction within a 2km radius of Phosphine Storage on Cytec Industries lands as shown on Appendix A to the Cytec Canada Inc. Emergency Response Plan, dated July 23, 2016. A risk assessment shall be prepared and peer reviewed to justify residential use within this radius failing which a more appropriate use will be considered. Any mitigation required through further study to address Provincial D6 Guidelines shall be provided on site. Further, the job replacement for conversion justification contained in Part 2, Policy 8.30 shall be provided prior to redevelopment of the site in conjunction with an application under the Planning Act

Two studies which address the requirement for a risk assessment have been prepared and submitted with the application for Zoning By-law Amendment and Draft Plan of Subdivision:

RWDI conducted a land use compatibility assessment for the subject lands to evaluate any compatibility issues caused by the proposed rezoning of the subject lands. The study investigated the compatibility of the proposed residential development with existing industrial land uses up to 1000 m from the subject lands, including Cytec. The study found that there were no current land uses that will result in significant noise or air quality impacts on the proposed residential development. Specific to Cytec, the study determined that since Cytec meets the minimum setback distance and there is existing residential at locations closer to the facility, it is not expected that Cytec will have an impact on the subject land. The study noted that the Cytec facility does have some taller stacks that have the potential to disperse emissions further afield and could be problematic if high rise development were to occur on the subject land. However, the City has applied a maximum height restriction of 10m to address emergency management requirements so high rise development will not occur or by extension be problematic at the site.

SLR Consulting (Canada) Ltd. (SLR), was retained to conduct a Compatibility / Mitigation Study focusing on air quality, odour, dust, noise, and vibration in support of a Draft Plan of Subdivision and Zoning By-Law Amendment Application. The report evaluates existing and potential land use compatibility and evaluates options to achieve appropriate design, buffering and/or separation distances between the proposed sensitive land uses, including residential uses, and nearby Employment Areas and/or Major Facilities. The report concludes that with the restriction of height to 10 m for the portion of the lands located within the 2 km radius of phosphine storage on Cytec Industries lands, the Project site is anticipated to be compatible with surrounding land uses and will not affect the ability for industrial facilities to obtain or

maintain compliance with applicable Provincial environmental policies, regulations, approvals, authorizations, and guidelines.

Based on the conclusions of the RWDI and SLR Reports, the requirement for the completion of a Risk Assessment has been addressed and the use of the subject property for residential purposes is justified. There is no need for mitigation measures with the incorporation of the 10m height restriction within 2km of the Phosphine storage facility at the Cytec property.

Policy 13.87 requires that the job replacement for conversion justification contained in Part 2, Policy 8.30 shall be provided prior to redevelopment of the site in conjunction with an application under the Planning Act. Part 2, Policy 8.30 requires that the conversion of employment lands meet certain criteria and that the conversion be completed through a Regional Municipal Comprehensive Review. Official Plan Amendment #147 that changed the land use designation from Industrial to Residential with site specific policies implements the Region's Municipal Comprehensive Review. The Niagara Region completed a Land Needs Assessment (also referred to as a Municipal Comprehensive Review) as part of their new Official Plan exercise. The results of the City's Employment Land Strategy, a more detailed review of where the identified employment targets would be accommodated, were incorporated into the Region's Assessment, and ultimately into the Region's New Official Plan which was adopted on June 23, 2022 and approved by the Province on November 4, 2022. OPA #147, and by extension the subject application for Zoning By-law Amendment and Draft Plan of Subdivision that implement the residential designation and therefore conform to this component of the policy.

Part 2, Policy 8.30 also requires that the conversion of employment lands also meet all of the criteria in Policy 8.31. The following provides an analysis of the subject applications in this regard:

8.31.1 there is a need for the conversion;

Schedule G of the Region's Official Plan indicates that the subject property is not located in an employment area. The Region's City's Employment Lands Strategy included an assessment of the subject lands that characterized it as the #1 candidate for conversion from employment lands to non-employment lands due to the fact that the subject site is not viable for employment uses and are therefore not needed to address employment land demand. The Region's land needs assessment concluded that based on population forecasts, there is a need for over 20,000 dwelling units to 2051. The Land Needs Assessment concluded that Niagara Falls requires an additional 310 hectares in order to meet this need. The conversion of the subject lands to residential is therefore needed to assist in meeting housing demand in the City of Niagara Falls.

8.31.2 the lands are not required over the horizon of this Plan for the employment purposes for which they are designated;

The Niagara Falls Employment Lands Strategy concludes that the subject lands are not viable for employment uses and therefore do not contribute to the supply of productive employment lands.

8.31.3 the City will maintain sufficient employment lands to accommodate the forecasted employment growth to 2051;

The Employment Lands Strategy concludes that the City can meet their employment land needs with the conversion of the subject lands to residential.

8.31.4 the proposed uses would not adversely affect the overall viability of the Employment Area or the achievement of the minimum intensification and density targets of this Plan and the Growth Plan, as well as any other applicable policies of this Plan and the Growth Plan;

The subject lands are not located within, or in close proximity to any employment area. The conversion of the lands will therefore not have any impact on the overall viability or employment density within any employment area. The SLR Report concludes that the conversion of the subject lands to residential will not have any impact on the operations or the potential for reasonable expansion or any employment uses outside of employment areas in the vicinity of the subject lands.

8.31.5 there is existing or planned infrastructure in place to accommodate the proposed use; and,

There is an existing sanitary sewer sized to accommodate the proposed development immediately east of the subject site within the Forestview Subdivision. There is an existing watermain with capacity to service the site within McLeod Road, immediately east of the subject site. The on-site watercourse provides an adequate stormwater outlet. There is therefore existing infrastructure in place to accommodate the proposed use.

8.30.6 cross jurisdictional issues, including but not limited to infrastructure, the environment and land supply have been considered.

Cross jurisdictional issues related to land supply were considered through the City's Employment Lands Strategy and the Region's Municipal Comprehensive Review which substantiate that the conversion of the subject lands to residential is warranted. As previously stated, adequate infrastructure capacity exists and services are directly available. The Wetland Catchment Assessment and Headwater Drainage Assessment both conclude that the proposed development will not have any negative impact on the natural environment.

The proposed development application conforms to the policies contained in Section 8.31.

Policy 8.30 also includes criteria for employment land conversions, in addition to those it points to in Section 8.31. Specifically, Policy 8.30 requires that the conversion of employment lands to meet one or more of the following strategic objectives:

- 8.30.1 promotes brownfield redevelopment,
- 8.30.2 addresses issues related to land use incompatibility in accordance with Policy 8.14 of this section,
- 8.30.3 provides affordable housing, or,
- 8.30.4 meets any of the other strategic direction of this Plan.

The subject applications meet the objectives outlined in Section 8.30.2 and 8.30.4. As described elsewhere in this report, the studies completed by RWDI and SLR demonstrate the compatibility between the proposed development and surrounding land uses. The proposed development also meets Strategic Policy Direction outlined in Part 1, Section 2 of the Official Plan. Specifically, the proposed development assists in the achievement of growth objectives for the urban area, natural heritage features, density targets and accommodating growth.

Though not specifically referenced in policy, Staff Report PPD-2023-15 indicates that the Region will require confirmation that a similar number of jobs will be provided on site prior to permitting the residential development on these lands. The subject property has historically been used for agricultural purposes (i.e. cash crops) since at least 1934 and has never been used for employment purposes. Based on the land size, an estimate of 1 job has historically been provided on site for agricultural purposes. The proposed development contains 498 dwelling units. Based on population forecasts contained in Table 4-1 of the Region's 2014 Official Plan, there will be an estimated 2.45 persons per unit (2026) for a total of 1,220 persons.

The most recent Stats Canada Labour Force Survey from December 2022 indicates that an estimated 15.8% of workers work exclusively at home, with 9.6% of workers having a hybrid work arrangement. If this work from home rate is applied to the projected population, the proposed development is estimated to provide approximately 192 jobs. Traditionally, it has been estimated that 5% of dwellings will generate a job. More recently, this estimate has increased to 10% based. Using these more conservative, previously accepted estimates, the proposed residential development would generate between 25 and 50 jobs for people working from home. Using any of the aforementioned estimates, there will be a significant increase in the number of jobs provided on site.

7.3 ENVIRONMENTAL POLICIES

As shown in Schedule A-1 to the City's Official Plan, the subject lands are impacted by the Environmental Protection Area designation (see **Figure 7**).

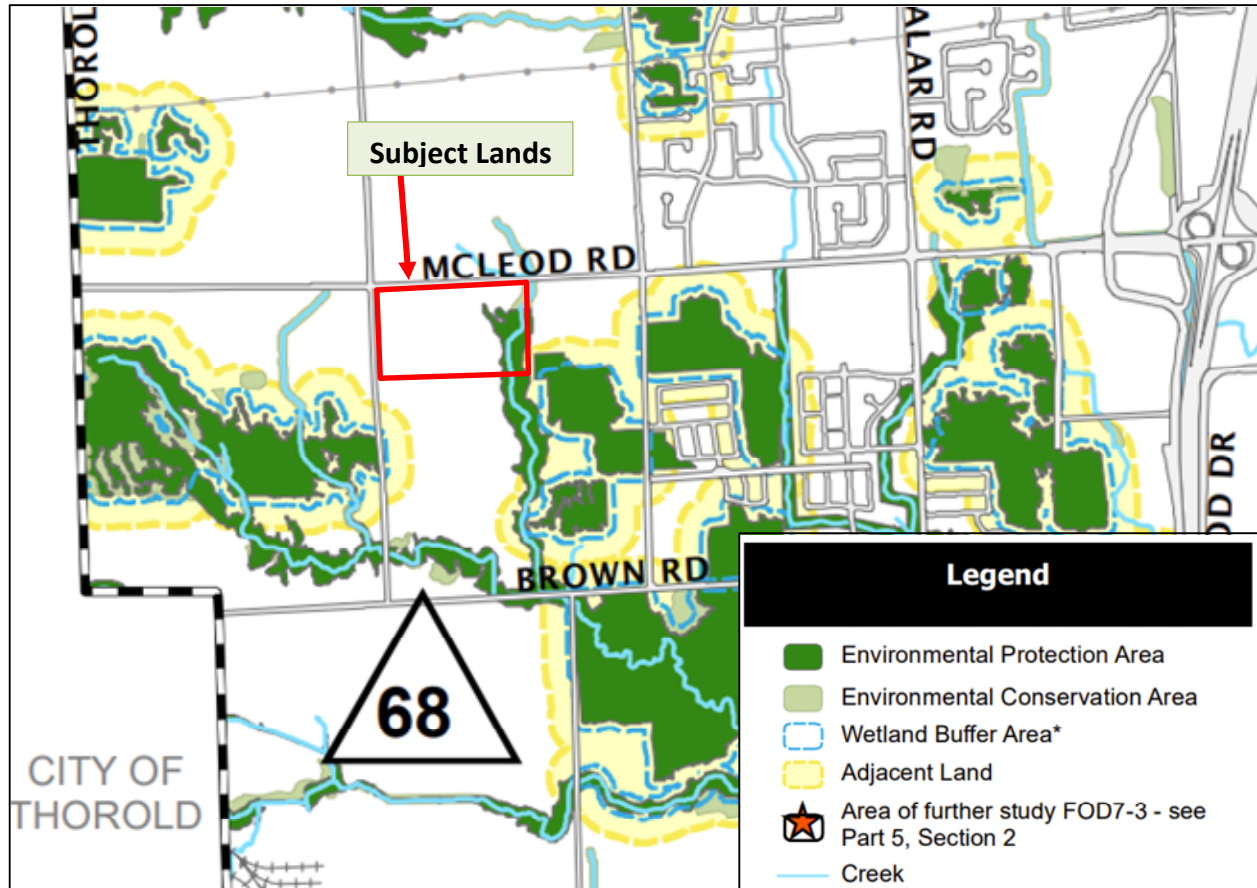


Figure 7 - Excerpt from City of Niagara Falls Official Plan Schedule A-1 - Natural Heritage Features and Adjacent Lands

Policy 11.2.13 states that the Environmental Protection Area designation applies to Provincially Significant Wetlands, NPCA-regulated wetlands greater than 2ha in size, Provincially Significant Life ANSIs, significant habitat of endangered and threatened species, floodways and erosion hazard areas and environmentally sensitive areas. The Environmental Protection Area shown on Schedule A-1 on the subject lands is associated with the former location of the watercourse and associated floodplain which is shown to traverse the eastern portion of the property.

This watercourse has since been realigned and buffer plantings installed in accordance with an NPCA-issued permit (Permit No. 202001142). These works also resulted in the modification of the floodplain within the banks of the creek. Such works are permitted pursuant to Policy 11.12.14 (b) of the Official Plan.

Policy 11.2.20 states that, “Where, as a result of a planning application, new Floodline or stream corridor mapping has been generated to the approval of the Niagara Peninsula Conservation Authority, amendments to this Plan may not be required. However, where the planning application involves a site specific Zoning Bylaw amendment, it shall be amended accordingly.”

The Environmental Protection Area mapping on the subject lands therefore does not need to be modified to reflect current site conditions since the NPCA has reviewed and approved the new floodplain location through the issuance of the NPCA Permit. A 30-meter-wide block containing the creek, the modified floodplain and its associated buffer area will be created through the registration of the subdivision. This block will be interpreted to retain the Environmental Protection designation which will afford long term protection of this feature in accordance with the Official Plan. This block will be appropriately zoned through the Zoning By-law Amendment.

7.4 ENVIRONMENTAL MANAGEMENT

Municipal Infrastructure

The subject property has frontage on two arterial roads as identified on Schedule A-2 of the City’s Official Plan. Policy 1 5.2 requires that the corridors within the City’s jurisdiction shall be of the width provided for in the Official Plan. Policy 1.5.18.4 indicates that City Arterial Roads shall have a general road allowance width of 26 metres. Policy 1.5.19 indicates that the road classification system is the basis for taking road widenings. The McLeod Road and Beechwood Road Rights of Way are presently 20 m wide. To provide the City with the 26m right of way widths prescribed in their Official Plan, the Draft Plan of Subdivision includes 3 m road widenings on each road which represent the developer’s half of the required widening to achieve the Official Plan prescribed right of way width.

7.5 ADMINISTRATION AND INTERPRETATION

7.5.1 Employment Land Conversion

Policies contained in Section 2.10 prescribe the criteria for the conversion of employment lands to non-employment uses. Though the conversion was completed through OPA #147, the following is provided to demonstrate how that process was justified in the context of this Official Plan policy. Specifically, Policy 2.10 requires that it must be demonstrated that:

2.10.1 there is a need for the conversion;

The Region’s Official Plan and the City’s Housing Strategy both demonstrate that there is a need for additional residential lands to accommodate projected population growth.

The Municipal Comprehensive Review concluded that this area was not needed as an employment area. The City's Employment Lands Strategy substantiates that the site is not viable for employment uses and should be redeveloped for non-employment uses.

2.10.2 the City will meet employment targets allocated to the Municipality as documented in this Plan;

The City's Employment Lands Strategy concludes that the City can meet applicable employment targets with the conversion of the subject lands to residential.

2.10.3 the conversion will not adversely affect the overall viability of the employment area and the achievement of the intensification target, density targets and other policies of this Plan;

The subject lands are not located within or in close proximity to an employment area. The conversion of the lands to residential will not have any impact on employment areas in the municipality.

2.10.4 there is existing or planned infrastructure in place to accommodate the proposed use;

The subject lands have access to existing municipal infrastructure with adequate capacity to service the proposed development.

2.10.5 the lands are not required over the long term for the employment purposes for which they are designated; and,

The Employment Lands Strategy concludes that the lands are not viable for employment uses and that they are not required over the long term for employment.

2.10.6 Cross jurisdictional issues, including but not limited to infrastructure, the environment and land supply have been considered.

The City's employment lands strategy considered land supply in the City and informed the Region's Municipal Comprehensive Review which considered Region-wide land supply. Both of these documents support the conversion of the subject lands to residential.

The Wetland Catchment Assessment and Headwater Drainage Assessment both conclude that the redesignation will not impact the natural environment.

The development is adequately serviced by municipal infrastructure.

7.5.2 Subdivision Control

Policies 7.1 and 7.2 under Part 4 of the Official Plan state that development is to proceed by way of a plan of subdivision, except where specific exception apply. The proposed development is accordingly proceeding by way of a plan of subdivision.

Development by way of a plan of subdivision is subject to the following policies in the Official Plan:

- 7.3.1** No development shall be permitted unless it complies with the policies of this Plan, the Regional Official Plan and the requirements of the Planning Act and any Provincial Plans. Prior to the registration of a subdivision plan or issuance of the Land Division Committee's certificate, the development must conform with the appropriate Zoning By-law.

As detailed in this Report, the proposed development is consistent with the Provincial Policy Statement, and conforms with the Growth Plan and the Regional Official Plan. The adoption of the City-initiated Official Plan Amendment to implement the City's Employment Lands Strategy brought the proposal in conformity with the City's Official Plan. A Zoning By-law Amendment has been submitted to implement the proposed development and will be considered concurrently with the Subdivision application.

- 7.3.2** Access to Provincial Highways, Regional roads and the Niagara River Parkway must conform with access requirements of the Provincial Ministry of Transportation, the Regional Municipality of Niagara and Niagara Parks Commission.

No accesses to Provincial Highways, Regional Roads or the Niagara River Parkway are proposed.

- 7.3.3** Any lot created shall have direct frontage on a public road of an acceptable standard of construction.

The proposed lots will have frontage on the proposed public road network.

- 7.3.4** Development shall not create a traffic hazard.

A Traffic Impact Analysis has been submitted with the applications which confirms that the proposed development does not cause any traffic hazard.

- 7.3.5** The applicant must prove to the appropriate authority that sufficient sewer and water services are available for the intended use of the land.

A Functional Servicing Report has been submitted with the applications which confirms that adequate sewer and water services are available to service the proposed development.

- 7.3.6** Development shall be prohibited in significant wetlands and habitat of endangered or threatened species and discouraged in woodlots; and other natural resource areas. Development within or adjacent to a natural heritage resource area or other natural area may be restricted and will be subject to the policies of Part 2, Section 11. The City shall seek the protection of wetlands adjacent to plans of subdivision/condominium through the dedication of the wetland area to the City, Niagara Peninsula Conservation Authority or other public agency or land trust.

The subject property is not impacted by any significant wetlands, habitat of endangered or threatened species or woodlots. The City's Official Plan shows that a portion of the property is impacted by Environmental Protection Area. This area corresponds with the previous location of the floodplain associated with the watercourse that traverses the property. The watercourse has been relocated from its previous location and its floodplain modified accordingly in accordance with a permit issued by the NPCA. A 30 meter wide block (Block 258) which contains the creek, its floodplain and buffer area will retain the existing Environmental Protection designation.

- 7.3.7** Extensions to linear or ribbon development along roadways are to be discouraged except within the Parkway Residential Area.

The proposed development does not constitute linear development.

- 7.3.8** Development will be discouraged where a division of land would interfere with land assembly for the purpose of planned development.

The proposed development does not interfere with land assembly for planned development.

- 7.3.9** Development will be discouraged when it does not comply with the staging policies of this plan.

The subject lands have access to municipal services and their development is therefore appropriate.

8.0 CITY OF NIAGARA FALLS HOUSING DIRECTIONS STUDY

The City of Niagara Falls Housing Needs and Supply Report was presented to Council on June 21, 2021. The report was the first step in the development of actions and initiatives to assist with the provision of affordable housing throughout the City. Some of the key findings of the study relevant to this development application are as follows:

- The City has a significant aging population that will increase the need for accessible housing;
- The most notable change in household composition in recent years is the increase in the proportion of households that are lone-person or single parent;
- A greater emphasis needs to be placed on developing smaller housing typologies;
- Niagara Falls will benefit from providing residents an opportunity to downsize;
- Rents have been rising at a rate that outpaces inflation. This is attributed in part to a low supply of rental housing.
- Rental vacancy rates are consistently below acceptable levels;
- Further opportunities should be provided for higher density housing forms to accommodate the Region's projected growth allocation for Niagara Falls;
- A more flexible and permissive policy framework should be included in the Official Plan to reduce barriers to creating housing.

The conclusions of the Housing Needs and Supply Report substantiate the need for higher density development in the City as a means to supply housing to existing and future residents. The Study supports the need for the requested flexibility in the zoning to permit this needed development.

Phase 2 of the City of Niagara Falls Housing Directions Study, the City's Housing Strategy builds upon findings of the Housing Needs and Supply Report and recommends 21 actions to improve the housing supply in the City. An important consideration with respect to the McLeod Meadows development is Action #3 which suggests the City needs to Support and permit higher -density types of housing.

The Housing Needs and Supply Report found that low -density, single -detached housing made up a large portion of the housing supply in Niagara Falls, while overall, households are decreasing in size and there is an increasing need for more affordable housing units. Higher density housing is important to providing smaller and more affordable units in the form of mid -rise development. The report concludes that an appropriate intensification framework and phasing strategy between the Built-Up Area and Designated Greenfield Area that unlocks intensification opportunities will assist the City in addressing housing need across the continuum and assist in the realization of a more of the type of housing that is most lacking.

The proposed development will assist the City in achieving the objectives of increasing the supply of smaller and medium density units.

9.0 NIAGARA FALLS COMPREHENSIVE ZONING BY-LAW (79-200)

9.1 EXISTING ZONING

The property's existing zoning information is shown as **Figure 8**. A majority of the subject property is zoned as Light Industrial (LI) Zone.

A portion of the property is also zoned as Hazard Lands (HL). This area corresponds with the NPCA-regulated floodplain of the creek in its former location. With the NPCA-approved realignment of this watercourse, its floodplain location was also modified. The floodplain is now contained within the banks of the creek per the approved creek realignment plan (2054-GP, UCC).

A small part of the eastern portion of the property is zoned as Development Holding (DH) Zone.

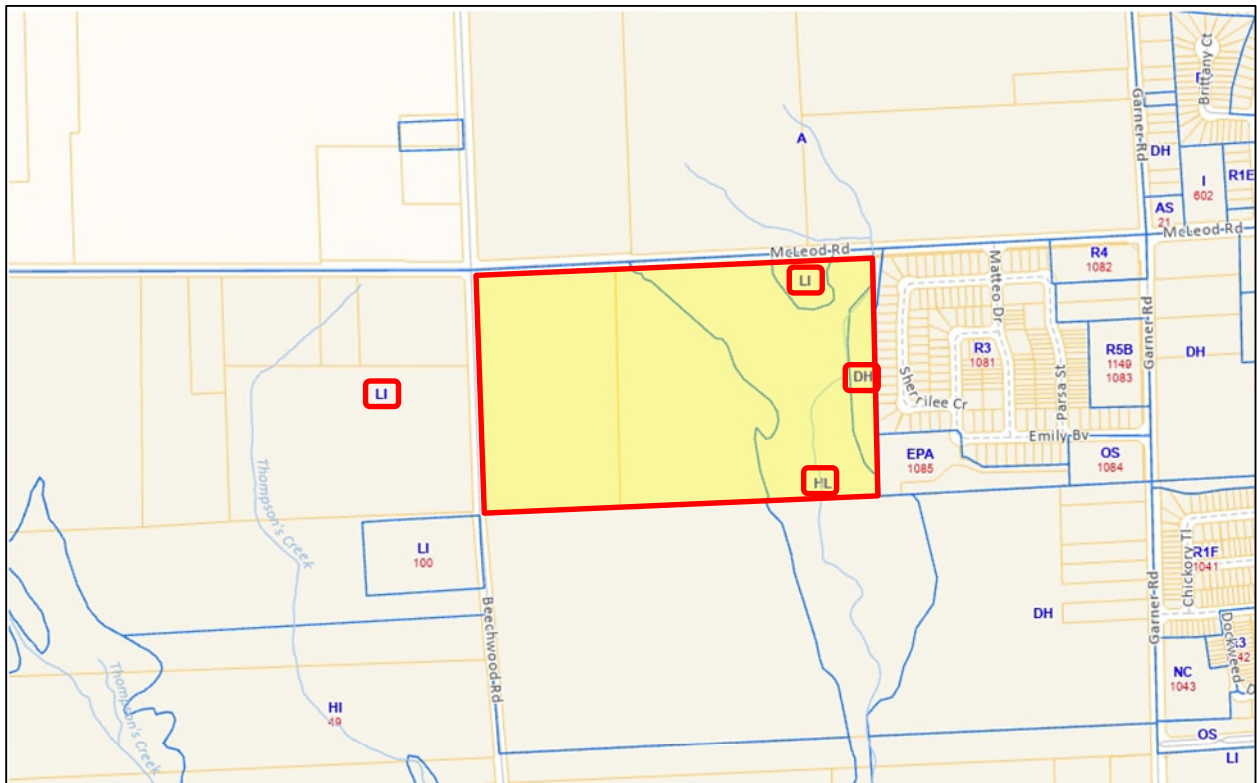


Figure 8 - Existing Zoning Information

9.2 PROPOSED ZONING

The Zoning By-law Amendment proposes to zone the single detached dwellings, reverse frontage and street-townhouse dwellings and back-to-back townhouse dwellings as Residential 3 (R3) Zone. The proposed multiple-unit blocks (Blocks 254-256) are proposed to be zoned as Residential 5B Density (R5B) Zone. The park and stormwater management facility are proposed to be zoned as Open Space (OS) Zone. The block containing the creek and its buffer area are proposed to be zoned as Environmental Protection Area (EPA) Zone.

A Draft Zoning By-law is included in **Appendix II**. **Figure 9** shows the proposed zoning schedule.

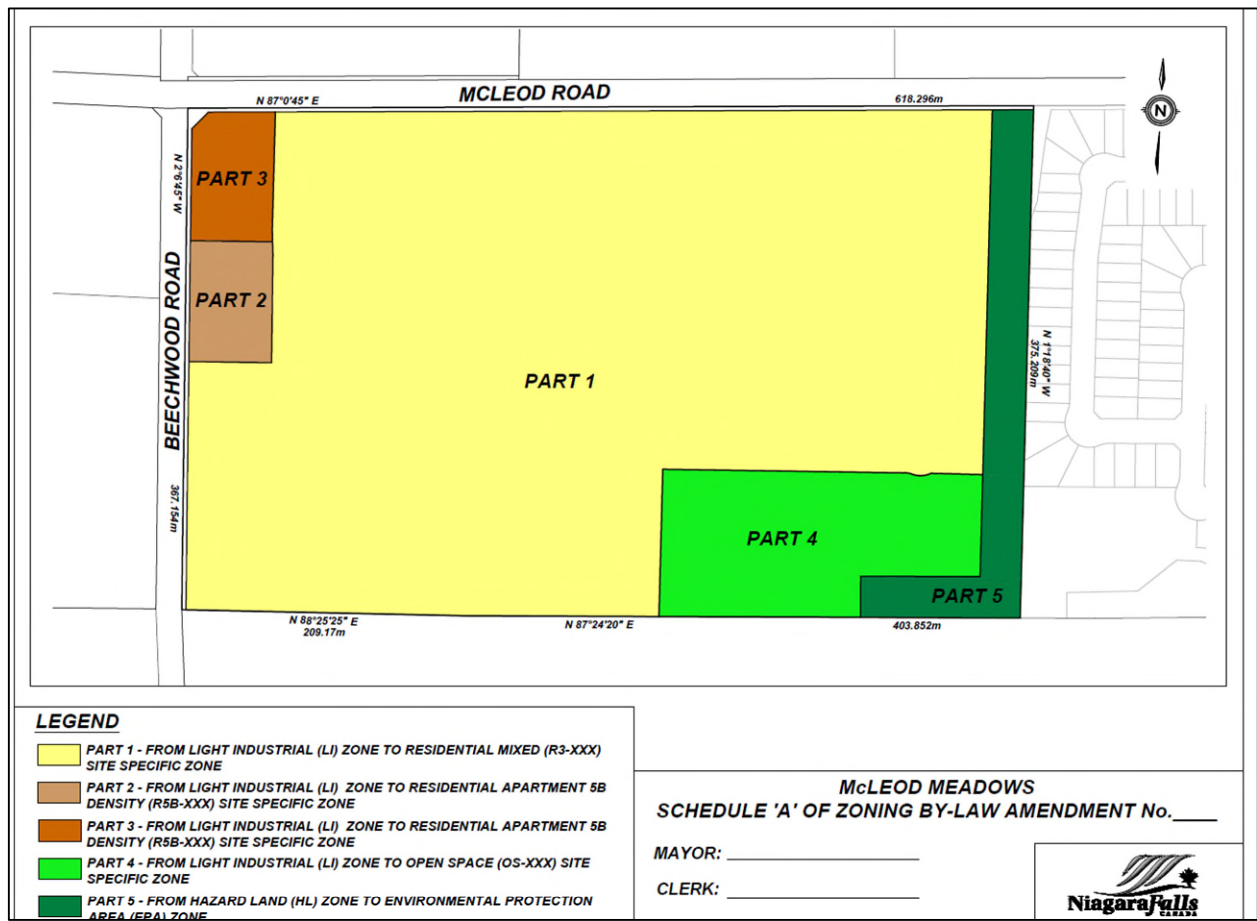


Figure 9 - Existing Zoning Information

9.2.2 Zoning Analysis

Residential Mixed (R3) Zone

The Residential Mixed (R3) Zone permits and regulates a variety of dwelling types ranging from single detached to townhouse dwellings and is therefore an appropriate zoning category for the proposed single-detached, street-townhouse and block townhouse dwellings.

Zoning conformity for each dwelling type is outlined in Tables 2-6, respectively. The requested site-specific relief is detailed and evaluated below.

Site Specific Provisions

Permitted Uses

Back-to-Back Townhouses

The Zoning By-law's definition of an on-street townhouse dwelling ("*a building divided vertically into three or more primary dwelling units and having frontage on an improved street*") does not exclude the proposed back-to-back townhouse dwellings as they are divided vertically into more than three units, and each unit will have frontage on an improved road. However, since the zone provisions for on-street townhouses do not contemplate a back-to-back typology (e.g. rear yard setback requirement) the proposed Zoning will include a definition for back-to-back townhouses in order to apply specific built-form provisions for this typology.

The proposed definition for a back-to-back townhouse dwelling is, "*A townhouse dwelling that contains dwelling units divided vertically from each other by common side walls and common rear walls.*"

The inclusion of back-to-back townhouses supports the provision of innovative housing forms and improves housing choice in the City.

Single Detached Dwellings

Minimum Lot Area

A reduction in lot area from 370m² to 300m² is requested for the single detached lots. The Draft Plan proposes a range of single detached lot sizes ranging from 300m² to over 1,000m². A number of the lots are proposed to be 300m² in area. The requested reduction in minimum lot area will allow for the provision of a range of single detached built-forms and densities which is encouraged in Provincial, Regional and local land use policy documents. A reduction in lot area has the effect of providing for a smaller building envelope and the lots can still functionally accommodate residential development.

Minimum Lot Frontage

A reduction in lot frontage from 12 meters to 10 meters is requested for the single detached lots. A range of lot frontages are proposed within the subdivision and the minimum lot frontage value is reflective of the narrowest lots which are also the lots with the smallest area the range of frontages allow for the provision of a variety of single-detached housing forms and increase housing choice while also creating a varied built-form within the development.

Minimum Rear Yard Depth

A reduction in rear yard depth from 7.5 meters to 7 meters is requested for the single detached lots. The requested provision reflects more modern building standards and is consistent with the rear yard provision for the single detached lots in the adjacent Forestview Estates Subdivision. The proposed rear yard depth provides for an ample private outdoor amenity area and outdoor recreation space is augmented through the provision of a neighbourhood park within the development.

Minimum Interior Side Yard Depth

An additional interior side yard with of 0.9 meters for buildings less than 2 storeys is requested for the single detached lots. This is reflective of modern building practices and reflective of the setbacks approved in newer subdivisions including Forestview Estates. Buildings that are 2 storeys or greater will still be subject to the standard 1.2 meter setback requirement.

Minimum Exterior Side Yard Depth

A reduction in side yard depth from 4.5 meters to 3 meters is requested for the proposed single detached lots. As with the reduction in rear yard setback, the proposed exterior side yard setback reflects more modern building practices and the same exterior side yard setback has been approved elsewhere in the City, including in the adjacent Forestview Estates Subdivision.

Maximum Lot Coverage

Given that the location and bulk of the dwelling is already governed by the applicable height and setback regulations, the maximum lot coverage is redundant. It is therefore requested that this provision be removed.

Street Townhouse Dwellings

Minimum Lot Area and Frontage, Minimum Yards (Front, Rear, Interior Side, Exterior Side)

The requested site-specific minimum lot area, minimum lot frontage, minimum front yard depth, minimum rear yard depth, minimum interior side yard width, and minimum exterior side yard depth provisions reflect more modern built-form standards for townhouse dwellings which have been implemented for more recent developments throughout the City, including in the adjacent Forestview Estates Subdivision and the nearby Warren Woods subdivision. The implementation of these provisions for the proposed development will help to foster a consistent built-form pattern throughout the Garner South area. The reduced front yard for the reverse frontage townhouses will provide a positive street presence for these units and improve the streetscape in this corridor.

Maximum Lot Coverage

Since the bulk and massing of the proposed dwellings is already regulated through minimum setbacks, the maximum lot coverage is a redundant provision and it is therefore requested that the proposed townhouses not be subject to a maximum lot coverage requirement.

Maximum Driveway Width

An increase in maximum driveway width from 60% of the lot frontage to 70% of the lot frontage is requested for the townhouse dwellings. This site-specific provision will allow for the provision of a functionally sized driveway for the townhouse dwellings, having regard for the site-specific reduction in lot frontage.

Back-to-back Townhouse Dwellings

A set of site-specific provisions are included in the proposed site-specific zoning for the back-to-back townhouse dwellings. The proposed zoning provisions have been successfully implemented in other municipalities (i.e. Pelham) for back-to-back townhouse dwellings.

Residential Apartment 5B Density (R5B) Zone

Two different sets of site-specific R5B zone provisions are requested, and are outlined below.

Blocks 254 and 255

The site-specific zoning provisions for blocks 254 and 255 reflect a development concept consisting of two stacked townhouse blocks with surface parking. The proposed site-specific provisions ensure that the blocks can be feasibly developed without the need for additional approvals (i.e. Minor Variances or Zoning By-law Amendments).

Block 256

The site-specific zoning provisions for Block 256 reflect the zoning that was approved for Block 116 in the Forestview Estates Subdivision. As with Blocks 254 and 255, this ensures that this block can be feasibly developed without the need for additional approvals.

Site Specific Relief

Open Space (OS) Zone

The proposed park and stormwater management facility are to be zoned as Open Space Zone. The site-specific Zoning will include a park and stormwater management facility as permitted uses as they are not explicitly defined in the Zoning by-law. Site Specific frontage and area

requirements will also be implemented to recognize the dimensions of the park and stormwater blocks.

Watercourse (Environmental Protection) Zone

Block 258, which contains the creek and associated 30-meter buffer area is proposed to be zoned as Environmental Protection Area (EPA) Zone in accordance with the environmental policies in the City's Official Plan. The watercourse constitutes a conservation use which is a prescribed use for the EPA Zone under Section 18A.1 of the Zoning By-law and no development within this block is proposed, so the regulations under Section 18A.2 of the Zoning By-law do not apply.

Table 2 – Single Detached Zone Conformity

By-law 79-200 – Section 7.8: Residential Mixed Zone

Section 7.8.2 – Regulations for Detached Dwellings	Requirement	Proposed Regulation
Minimum Lot Area	370 square meters	300 square meters
Minimum Lot Frontage	12 meters	10 meters
Minimum Front Yard Depth	6 meters plus 13 meters from the centreline of the original Beechwood road allowance and 15 meters from the centreline of the original McLeod road allowance	No Change
Minimum Rear Yard Depth	7.5 meters	7 meters
Minimum Interior Side Yard Width	1.2 meters	0.9 meters for a building with less than 2 storeys
		1.2 meters for a building with 2 or more storeys
Minimum Exterior Side Yard Width	4.5 meters plus 13 meters from the centreline of the original Beechwood road allowance and 15 meters from the centreline of the original McLeod road allowance	3 meters
Maximum Lot Coverage	45%	Delete
Maximum Height	10 meters	No Change
Maximum Number of Detached Dwellings on a Lot	One only	No Change
Parking Requirement	1 space per unit	No Change
Accessory Buildings and Structures	In accordance with sections 4.13 and 4.14	No Change
Minimum Landscaped Open Space	30% of the lot area	No Change

Table 3 – Street Townhouse Zone Conformity		
By-law 79-200 – Section 7.8: Residential Mixed Zone		
Section 7.8.2 – Regulations for On-street Townhouse Dwellings	Requirement	Proposed Regulation
Minimum Lot Area	200 square meters for each dwelling unit	180 square meters for each dwelling unit
Minimum Lot Frontage	6.5 meters for each dwelling unit	6 meters for each dwelling unit
Minimum Front Yard Depth	6 meters plus 13 meters from the centreline of the original Beechwood road allowance and 15 meters from the centreline of the original McLeod road allowance	3.0 meters
Minimum Rear Yard Depth	7.5 meters	7 meters
Minimum Interior Side Yard Width	3 meters	1.2 meters
Minimum Exterior Side Yard Width	4.5 meters plus 13 meters from the centreline of the original Beechwood road allowance and 15 meters from the centreline of the original McLeod road allowance	3 meters
Maximum Lot Coverage	45%	Delete
Maximum Height	10 meters	No Change
Parking Requirement	1 space per dwelling unit	No Change
Accessory Buildings and Structures	In accordance with sections 4.13 and 4.14	No Change
Minimum Landscaped Open Space	30% of the lot area	No Change
Maximum Driveway Width	60% of the lot frontage	70% of the lot frontage

Table 4 – Back-to-back Townhouse Zoning Conformity

By-law 79-200 – Section 7.8: Residential Mixed Zone

Section 7.8.2 – Regulations for Detached Dwellings	Requirement	Proposed Regulation
Minimum Lot Area	200 square meters for each dwelling unit	120 square meters for each dwelling unit
Minimum Lot Frontage	6.5 meters for each dwelling unit	6.4 meters for each dwelling unit
Minimum Front Yard Depth	6 meters plus 13 meters from the centreline of the original Beechwood road allowance and 15 meters from the centreline of the original McLeod road allowance	No Change
Minimum Rear Yard Depth	7.5 meters	0m
Minimum Interior Side Yard Width	3 meters	1.2 meters
Minimum Exterior Side Yard Width	4.5 meters plus 13 meters from the centreline of the original Beechwood road allowance and 15 meters from the centreline of the original McLeod road allowance	3 meters
Maximum Lot Coverage	45%	Delete
Maximum Height	10 meters	No Change

Table 5 – Multi-unit Zoning Conformity (Blocks 259 & 260)

By-law 79-200 – Section 7.11: Residential Apartment 5B Density (R5B) Zone

Section 7.11.2 – Regulations	Requirement	Proposed Regulation
Minimum Lot Area	200 square meters for each dwelling unit	145 square meters for each dwelling unit
Minimum Lot Frontage	30 meters	No Change
Minimum Front Yard Depth	7.5 meters plus any distance specified in section 4.27.1	6 meters
Minimum Rear Yard Depth	10 meters plus any applicable distance specified in section 4.27.1	6 meters
Minimum Interior Side Yard Depth	½ the height of the building	4.5 meters
Minimum Exterior Side Yard Depth	7.5 meters plus any distance specified in section 4.27.1	3 meters
Maximum Lot Coverage	30%	No Change
Maximum Height of a Building or Structure	10 meters, subject to section 4.7	14.5 meters and 4 storeys
Number of Apartment Dwellings on One Lot	One only	Delete
Parking and access requirements	1.4 spaces per unit	No Change
Accessory Buildings and Accessory Structures	In accordance with section 4.13 and 4.14	No Change
Minimum Landscaped Open Space	35% of the lot area	No Change

Table 6 – Multi-unit Zoning Conformity (Block 261)

By-law 79-200 – Section 7.8: Residential Mixed Zone

Section 7.8.2 – Regulations for Detached Dwellings	Requirement	Proposed Regulation
Minimum Lot Area	200 square meters for each dwelling unit	120 square meters for each dwelling unit
Minimum Lot Frontage	30 meters	No Change
Minimum Front Yard Depth	7.5 meters plus any distance specified in section 4.27.1	4 meters
Minimum Rear Yard Depth	10 meters plus any applicable distance specified in section 4.27.1	No Change
Minimum Interior Side Yard Depth	½ the height of the building	No Change
Minimum Exterior Side Yard Depth	7.5 meters plus any distance specified in section 4.27.1	4 meters
Maximum Lot Coverage	30%	No Change
Maximum Height of a Building or Structure	10 meters, subject to section 4.7	14.5 meters and 4 storeys
Number of Apartment Dwellings on One Lot	One only	Delete
Parking and access requirements	1.4 spaces per unit	No Change
Accessory Buildings and Accessory Structures	In accordance with section 4.13 and 4.14	No Change
Minimum Landscaped Open Space	35% of the lot area	30% of the lot area

10.0 PLANNING POSITION

Applications for Draft Plan of Subdivision and Zoning By-law Amendment application have been submitted for lands in the south-east quadrant of McLeod Road and Beechwood Road in the City of Niagara Falls. The applications proposed the development of the lands with a mix of 217 single detached lots, 18 street-townhouse blocks for 85 townhouse dwellings, 9 blocks for 53 reverse frontage townhouse dwellings, nine back-to-back townhouse blocks for 68 townhouse dwellings, three multiple family residential blocks for 72 dwellings, one park block, one block containing a stormwater management facility, one environmental protection block containing an existing watercourse, blocks for road widenings, 0.3m reserves and daylight triangles. The development will also be provided with an internal public road network.

The Niagara Region completed a Land Needs Assessment (also referred to as a Municipal Comprehensive Review) as part of their new Official Plan exercise. The results of the City's Employment Land Strategy were incorporated into the Region's Municipal Comprehensive Review, and ultimately into the Region's New Official Plan which was adopted on June 23, 2022 and approved by the Province on November 4, 2022. The City's Employment Lands Strategy determined that the subject property was not viable for employment uses and recommended that the property be redesignated to residential. The City of Niagara Falls Council recently approved OPA #147. OPA #147 implements the City's Employment Lands Strategy and changes the Official Plan designation of the subject property from Industrial to Special Policy Area #87 which is a residential designation with site specific policies. The redesignation of the of the subject property to Residential was therefore completed as part of a Regionally led Municipal Comprehensive Review.

The subject lands are currently vacant and have historically been used for agricultural purposes. Lands to the north were recently brought into the urban area for residential development. The lands immediately to the east are currently under development as a residential subdivision (i.e. Forestview Estates). As part of the development of the Forestview Estates subdivision sanitary and water infrastructure was extended to service 9304 McLeod Road.

The watercourse on site and the Provincially Significant Wetland southeast of the site were assessed through a Headwater Drainage Assessment and a Wetland Catchment Assessment. It was determined that the proposed development would not have any negative impact on these features.

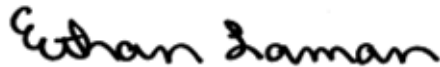
A Traffic Impact Assessment was completed to assess potential impacts of the development on the road network in the area. The report finds that the proposed road network and accesses,

including accesses to Beachwood Road are appropriate and meet TAC guidelines. Overall, there are no traffic concerns associated with the proposed development.

Two reports were completed to assess the compatibility of residential land uses and the proposed development specifically with surrounding land uses. Through the studies, it has been determined that the proposed development will be compatible with surrounding land uses and will not affect the ability for industrial facilities to obtain or maintain compliance with applicable Provincial environmental policies, regulations, approvals, authorizations, and guidelines.


The proposed development supports the accommodation of prescribed growth, improves housing choice, is the logical continuation of existing development patterns which results in the efficient use of urban lands and existing services, and is in the public interest. The applications satisfy the requirements under the *Planning Act*, are consistent with the Provincial Policy Statement, conform to the Growth Plan, the Region of Niagara Official Plan and the City of Niagara Falls Official Plan, represent good planning and should therefore be supported.

Prepared by,



Ethan Laman, B.U.R.Pl.
Junior Planner
Upper Canada Consultants

Reviewed By,

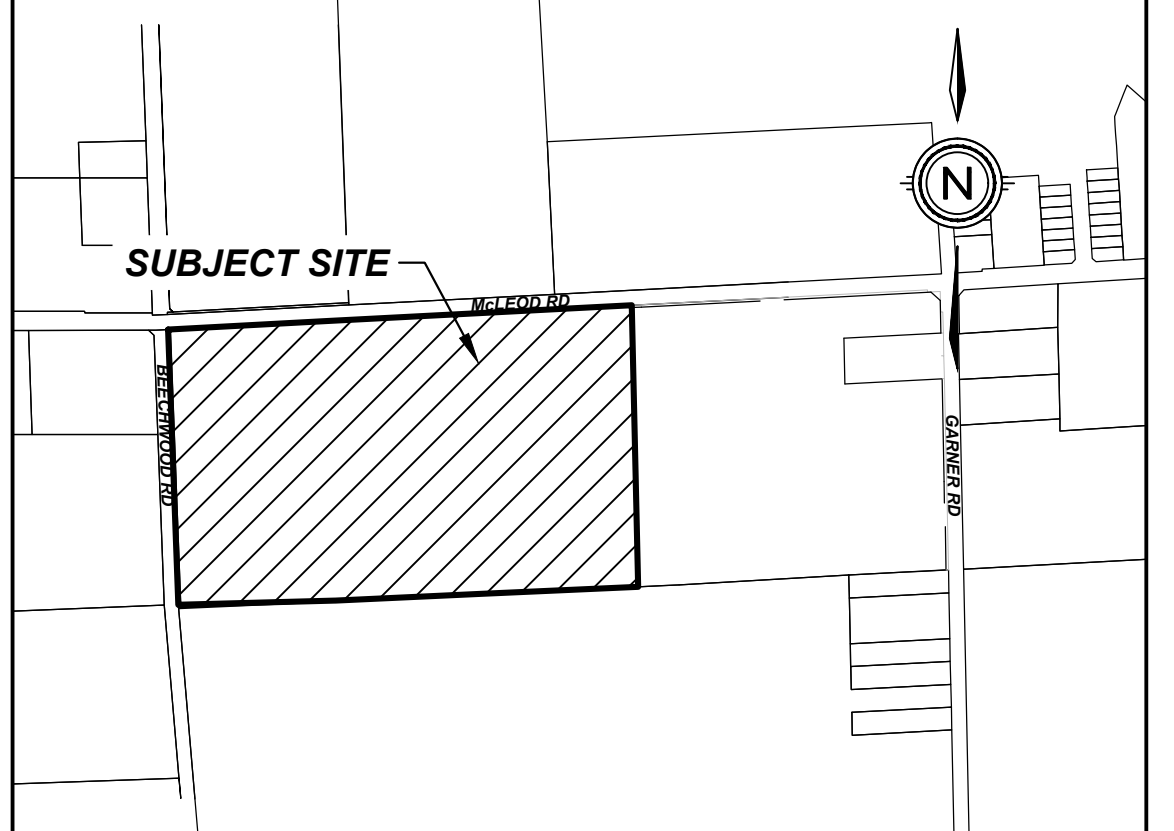
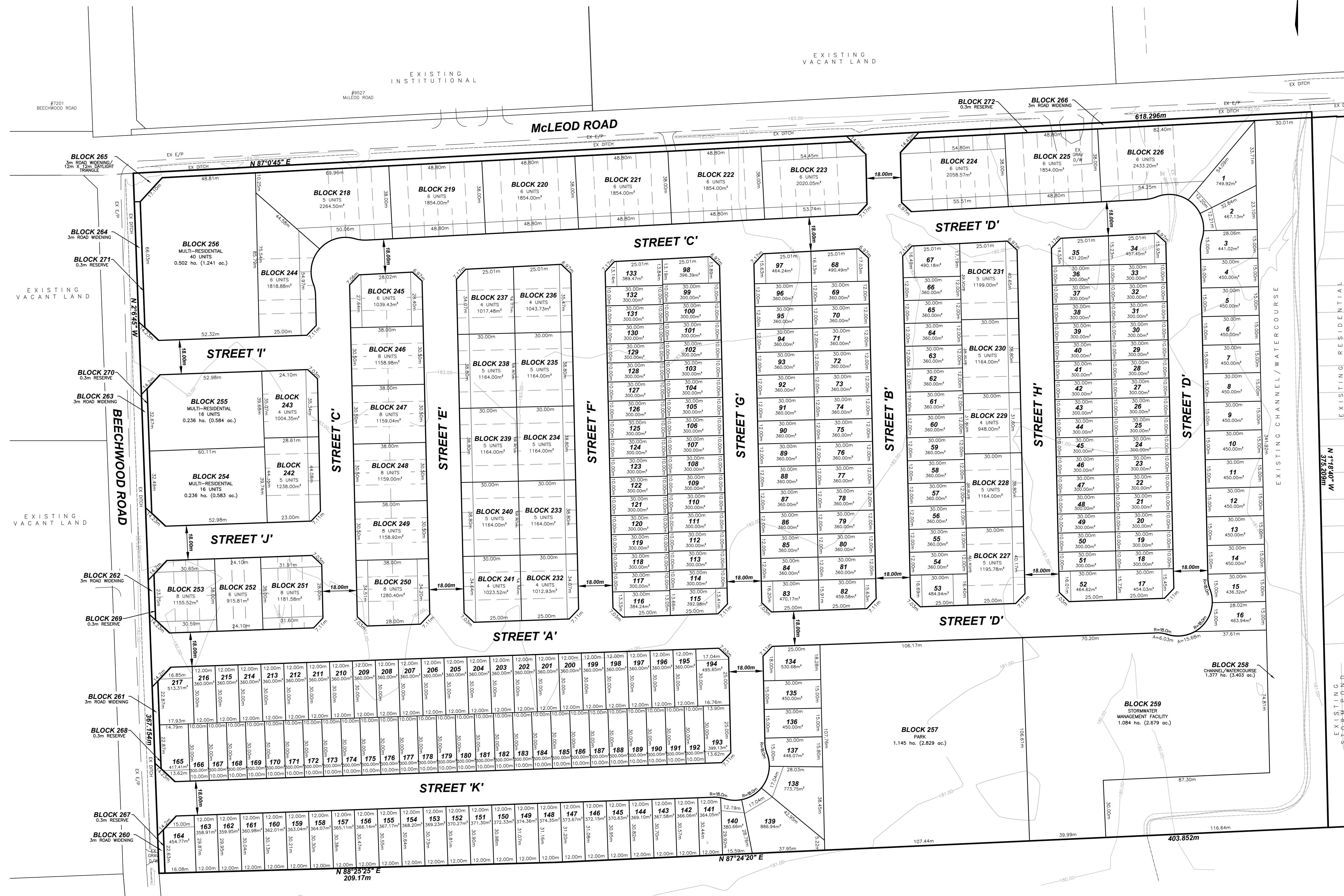


Matt Kernahan, MCIP, RPP
Planning Manager
Upper Canada Consultants

Appendix I
Draft Plan of Subdivision

McLEOD MEADOWS

CITY OF NIAGARA FALLS



KEY PLAN

N.T.S.

DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION

PART 1 & PART 2, PLAN 59R-16846; PART OF LOT 181
GEOGRAPHIC TOWNSHIP OF STANFORD
NOW IN THE
CITY OF NIAGARA FALLS
REGIONAL MUNICIPALITY OF NIAGARA

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY
AUTHORIZE UPPER CANADA CONSULTANTS TO
PREPARE AND SUBMIT THIS DRAFT PLAN OF
SUBDIVISION TO THE CITY OF NIAGARA FALLS
FOR APPROVAL.

800460 ONTARIO LIMITED
DECEMBER 16, 2022
DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF
THE LANDS TO BE SUBDIVIDED ARE
CORRECTLY SHOWN.

Allan J. Heywood
ALLAN J. HEYWOOD
J.D. BARNES LTD.
Dec. 16, 2022
20-16-176
DATE

REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

- | | | |
|-------------|--------------------|-----------------|
| a) SEE PLAN | e) SEE PLAN | i) SILTY SAND |
| b) SEE PLAN | f) SEE PLAN | j) SEE PLAN |
| c) SEE PLAN | g) SEE PLAN | k) FULL SERVICE |
| d) SEE PLAN | h) MUNICIPAL WATER | l) SEE PLAN |

LAND USE SCHEDULE

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
SINGLE FAMILY RESIDENTIAL	LOT 1-217	217	7.764	33.87
REVERSE FRGT STREET TOWN	BLOCK 218-226	53	1.805	7.87
STREET TOWNS RESIDENTIAL	BLOCK 227-244	85	2.081	9.08
B2B TOWNS RESIDENTIAL	BLOCK 245-253	68	1.021	4.45
MULTIPLE FAMILY RESIDENTIAL	BLOCK 254-256	72	0.975	4.25
PARKLAND	BLOCK 257		1.145	5.00
CHANNEL/WATERCOURSE	BLOCK 258		1.377	6.01
STORMWATER MGMT FACILITY	BLOCK 259		1.084	4.73
3.0m ROAD WIDENING/DAYLIGHT	BLOCK 260-266		0.253	1.10
0.3m RESERVE	BLOCK 267-272		0.029	0.13
ROADWAY			5.389	23.51
TOTAL		495	22.923	100.00

DEVELOPABLE AREA: 22.923ha - 1.377ha = 21.546ha
DEVELOPABLE DENSITY = 22.97 units/ha

#	ISSUED FOR APPROVAL	2023-03-01	M.K
	REVISION	DATE	INIT



DRAWING TITLE	DRAFTING	MK
DRAFT PLAN OF SUBDIVISION	DATE	DECEMBER 14, 2022
	PRINTED	MARCH 8, 2023
	SCALE	1:1000
	DWG No.	2054-DP
	REV	0

DENSITY CALCULATIONS:

TARGET DENSITY: MINIMUM 53 PEOPLE AND JOBS PER GROSS HECTARE

UNITS: 2.45 PEOPLE (2026) TOTAL AREA IN Ha: 22.923 Ha - 1.377 Ha. = 21.546
TOTAL NUMBER OF PEOPLE REQUIRED = 1077.30 PEOPLE

PROPOSED:
UNITS: 2.45 PEOPLE X 495 UNITS = 1212.75 PEOPLE
LIVE/WORK/EMPLOYMENT: 495 UNITS X 5% = 24.75 JOBS

TOTAL = 1237.50 PERSONS AND JOBS
NO. OF PEOPLE/TOTAL AREA (ha): 1237.50/21.55 ha = 57.43 PERSONS & JOBS PER HECTARE

Appendix II
Preconsultation Agreement

Proposal			
Brief description of proposal:			
Submit draft plan and zoning by-law amendment application recognizing applications cannot be approved until City approves OPA (re: employment land).			
Proposal:			
217 detached dwellings, 53 reverse frontage street townhouse units (McLeod Road), 85 on-street townhouse units, 68 back-to-back townhouse units, 72 multi-residential units, in addition to a park block, stormwater management pond block, and channel block (for existing watercourse).			
	1 st Phase	2 nd Phase	Other
gross floor area			
building height			
# of dwelling/hotel/commercial units	495 units		
Location			
Brownfield	Greenfield	X	Built-up
			NEP
			Outside Urban Boundary

Designations			
Regional Policy Plan	Urban Area- Settlement Area	Yes	No
Niagara Escarpment Plan	n/a	Yes	No
Official Plan Designation	Industrial, Environmental Protection Area, Environmental Conservation Area, Residential Thompson's Creek traverses site Phase 4- Servicing Plan McLeod & Beechwood- Arterial Rd classification **Note City is bringing forward an OPA for Council's consideration re: Industrial designation.	Yes	No X
Secondary Plan	n/a	Yes	No
Zoning	LI, HL	Yes	No X

Proposed Application(s) (check all applicable)		
Regional Policy Plan Amendment	Zoning By-law Amendment X	Land Division
Niagara Escarpment Commission Amendment Development Permit	Subdivision Approval X	Condominium Approval Vacant Land Standard Common Element Conversion
Official Plan Amendment *City is initiating OPA on lands	Site Plan Approval X *For multi-residential block(s); future pre-consultation meeting needed	

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	
			Agricultural Impact Assessment			
X	X		Air Quality*	X	1	-may need to be peer reviewed at applicant's cost.
	X		Archaeology Assessment	X	1	Stage 1 & 2, Clearance Letter from Ministry
X	X		Conceptual Site Plan, Subdivision Plan	X	2	<u>Zoning By-law Application & Subdivision Application</u> Draft Plan of Subdivision and submit CAD .dwg file to City projection standards.
			Cultural Heritage Impact Analysis			
			Draft Local Official Plan Amendment			
			Draft Regional Policy Plan Amendment			
X	X	X	Environmental Impact Study	X	1	Scope with Region & NPCA
			Environmental Planning Study/Sub-Watershed Study			
			Environmental Site Assessment/Record of Site Condition			
			Farm Operation and Ownership			
			Financial Impact Assessment			
			Floodplain and Hazard Lands Boundary Plan			
			Gas Well Study/Gas Migration Study			
			Geotechnical			
			Hydrogeological Study and Private Servicing Plans			
			Land Use/Market Needs*			
			Mineral Aggregate Resources			
			Minimum Distance Separation 1 & 11			
X	X		Municipal Servicing Study	X	1	To review services and demonstrate capacity. Infrastructure modelling may be required—if required, at applicant's cost
X	X		Noise & Vibration Study*	X	1	Noise- may need to be peer reviewed at applicant's cost.
		X	Other	X	1	NPCA- water balance
			Phasing Plan			

X	X		Planning Justification Report	X	1	Review and analyse applicable Provincial, Regional, and City policies. Discuss affordability policies and provide potential prices/rental rates. Address Servicing Plan as lands are within the Phase 4 area for servicing phasing. Provide draft Zoning By-law amendment. (Note: OPA will be required if City initiated OPA hasn't been initiated prior to application being made).
			Risk Management Study			
X			Road Widening (UPDATED)			<ul style="list-style-type: none"> • McLeod Road - A 4.94m road widening is required. • Beechwood Road- A 2.94m road widening is required. • A 12m-by-12m daylight triangle is required on the southeast corner of McLeod Road and Beechwood Road. -Daylight triangles for roads intersecting with McLeod Road or Beechwood Road to be 7m by 7m. -All remaining daylighting triangles to be 5m by 5m.
X	X		Sensitive Land Use Report	X	1	D6 Analysis- can be in PJR
			Shadow Analysis			
			Shoreline Study			
			Slope Stability Report			
			Soil Report			
X	X		Stormwater Management Plan	X	1	Pre- to post, 5 year storm
X			Transportation Impact Study/Parking Impact Analysis	X	1	TIS- TofR to be discussed with City
X			Tree inventory Preservation Plan	X	1	*dpc
X			Urban Design Brief/Architectural Brief	X	1	Discuss Region's Model Urban Design Guidelines- can be included in PJR
			Urban Design/Landscape Plans			
			Wind Study			

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

Other Issues

- 1) Property is currently designated Industrial. Through the City's Employment Strategy, the lands have been identified for consideration to be designated as residential. The City is initiating an OPA for the redesignation of these lands – it is being brought forward for Council's consideration in March.
- 2) The lands are identified as a Greenfield area. The current proposal would result in a density of 58.58 jobs and people/area.
- 3) The City supports the reverse lot frontages on McLeod.
- 4) The EIS will need to discuss Thompson's Creek (fish habitat) and its buffers, as well as the impact on the abutting PSW, as the buffers are within the subject land.
- 5) The SWM pond abuts the adjacent SWM pond—there is the opportunity for pedestrian crossing and trails. Support park location next to SWM pond.
- 6) Engineering (updated): Please review attached comments.
- 7) Transportation (updated): Please review attached comments.
- 8) Parks: Please review attached comments.
- 9) Fire: Please review attached comments.
- 10) Building: Please review attached comments.
- 11) Zoning: Please review comments (being sent under a separate cover).
- 12) \$500 preconsultation fee to be applied to City Planning fee if application received within a year.

Niagara Region- Amy (Previously provided. Region was not circulated revised plan)

Please see attached comments. Note the Region is accepting payment on their website.

NPCA- Jessica (Previously provided. NPCA was not circulated revised plan)

-Eastern portion of creek is realigned. Supportive of 30 m watercourse block. 2 regulatory tributaries on the west side are proposed to be removed—EIS will need to address their form and function. A scoped EIS with T of R.
 -No negative impact should result to Thompson Creek floodplain due to realignment.
 -SWM pond- may require small scale water balance report. Ecologists (unavailable prior to pre-con) to confirm. Could be inside the scoped EIS.
 -if outlet to feature will require permit.

Site Visit			
Is a site visit necessary to assess the proposal?	Yes X No	Does the owner consent to a site visit?	Yes X No
Incentive Program			
Are there any incentive programs?	Yes No X	What are the details?	
Summary of Issues			
Additional Agencies to be contacted			
HYDRO	PIPELINES	NEC	OTHER <u>Cytec to be circulated application</u>
MTO	NPC	NPCA X	CN

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

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- Julie Hannah	<i>Julie Hannah</i>	March 6, 2023
Regional Planning Staff		
NPCA Staff		
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 *Julie Hannah*

City of Niagara Falls- 2023 Fees

Zoning By-law Amendment \$13,000

Draft Plan of Subdivision \$14,600 (upcoming Council meeting will correct typo in original 2023 fee by-law)

Please refer to the Region's website for current 2023 fees—Regional fees may be paid on-line.

Please refer to the NPCA's website for current 2023 fees.

Building Comments (previously provided):

1. All required Building Permits and Demolition Permits (not excluding any federal / provincial / regional / municipal, heritage approval, site-plan control, hydro-corridor, etc..) to be obtained prior to commencement of any construction / demolition / application-submission in accordance with the Ontario Building Act – Applicable Law, to the satisfaction of the Building Services Division and the Fire Prevention Division.
2. City, Regional and Educational Development charges (not excluding Parkland Dedication Fee, if applicable), will be assessed during the review of the Building Permit(s) application submission.
3. Fire Prevention requires to assess the site proposal as it related to on-site fire-fighting practices, i.e., private fire-route accesses, fire-hydrant locations (private and / or public), fire-department connection(s), etc...
4. Building application submission, spatial-separation fire-protection review shall be conducted.
5. Geotechnical Report (not excluding any seismic data / recommendation / groundwater) shall be provided at building application submission.
6. Additional clarification will be require at the time of building permit with respect to if the townhouse blocks will be designed in accordance with Part 3 vs Part 9 (i.e., Part 9 – less than 600 m² in building area and less than 3-storeys in building height).
7. Please be advised, at future building application submission / review; specified evaluation of Townhouse Building Blocks shall be conducted accordingly (i.e., Part 3 vs Part 9). Any further comments regarding Part 9 Buildings to be provided by Residential Examiner, Jesse Mancino at 905-356-7521, Extension 4220.

Engineering Comments (new):

Zoning By-law Amendment Requirements:

- Functional Servicing Study identifying and ensuring that the municipal infrastructure will adequately service the development as proposed. The study should reference criteria outlined in the MECP's Design Guidelines for Sewage Works and Design Guidelines for Drinking Water Systems, any applicable Ontario Building Code requirements, and municipal design criteria which is available upon request.
- Based on the Functional Servicing Study details, third party infrastructure modelling at applicants' expense may be required to verify available infrastructure capacities. Fees are in accordance with the City's Schedule of Fees.
- Stormwater Management Brief balancing post- to pre-development for the 5-year minor storm event contained and controlled on-site and directed to a suitable outlet. Major storm events may be directed overland to an acceptable outlet.
- Road Occupancy Permit for service connections to be obtained through Sam Mirabelli - (905) 356-7521 ext. 4260.
- Further detailed drawings such as engineering drawings including site plan, site servicing plan, grading plan, sanitary drainage area plan, storm drainage area plan, and photometric plan demonstrating zero trespass to neighbouring properties, as well as an updated functional servicing study and a stormwater management report will be required following ZBA.

Fire Comments (previous):

Fire Department has no concerns or objections to the ZBA. At time of application, Fire Department will need to be circulated on engineered drawings indicating the width of roads including turning radii and the location of fire hydrants.

Parks Comments (previous):

5% Parkland dedication will be provided in the form of land. We don't feel that the proposed location for the parkland in the northwest quadrant of the subdivision best serves the future residents. We request that the parkland be joined with the SWM blocks to create a much larger and more usable public space. We request that pedestrian access be provided through the SWM blocks to join the subdivision to the east with this subject lands. Parkland will need to be fenced, graded, serviced and seeded to the satisfaction of the City of Niagara Falls. A tree preservation report will be required. Any natural areas that may be considered for future dedication to the City of Niagara Falls must have a Management plan implemented in accordance with the City of Niagara Falls Woodland Management Plan.

Transportation Comments (new):

- McLeod Road is a City arterial road with a planned 30m right-of-way. McLeod Road is 20.12m wide abutting the subject lands. A 4.94m road widening is required.
- Beechwood Road is a City arterial road with a planned 26m right-of-way. Beechwood Road is 20.12m wide abutting the subject lands. A 2.94m road widening is required.
- A 12m-by-12m daylight triangle is required on the southeast corner of McLeod Road and Beechwood Road. This is the requirement for a triangle at the intersection of two arterial roads. Daylight triangles for roads intersecting with McLeod Road or Beechwood Road to be 7m by 7m. All remaining daylighting triangles to be 5m by 5m.
 - A traffic impact study is required. The applicant's traffic consultant is requested to contact Municipal Works – Transportation Services to get their terms of reference approved prior to starting the study.
- One new road connection on McLeod Road will be permitted. A secondary road can be provided on Beechwood Road. The new plan has 4 new intersections along Beechwood Road. Staff would limit the number of access points to one new connection (Street A) on Beechwood Road unless a second intersection on Beechwood Road is warranted based on level of service and capacity analysis per the traffic report. Roads to be at minimum setbacks to the McLeod Road and Beechwood Road intersection, per prevailing transportation guidelines. The multi-unit residential blocks will only be granted driveways on the internal subdivision roads. A 0.3m reserve to be applied to the rear lot lines for all residential uses abutting McLeod Road & Beechwood Road, and the side yards of the corner lots with McLeod Road & Beechwood Road.
- For the proposed 10m wide lots, for example, a driveway can be up to 6m wide, given that it can be up to 60% of the lot frontage in a R3 zone, making the front yard 4m wide. Our Parking & Traffic Bylaw prohibits a driver from parking their vehicle within 1.5m of the driveway or curb cut. Transportation staff requests that driveways are located on the opposite side for abutting lots (i.e.; left side driveway for one lot and a right side driveway for the next lot), where possible. The combination of two front yards would enable one vehicle to be legally parked on the street in front of the two homes. This can be dealt with at detailed design.
- General comment that there is an abundance of on-street townhouse in succession of one another, concentrated in the north and western parts of the plan. With narrower lot frontages, de-facto on-street parking prohibitions will be established as the combined front yards of two side-by-side townhomes is insufficient for a parked car, without it encroaching over one or both driveways. One legal on-street parking space may be available at lot lines, where the exterior unit is wider.
- Speed control devices will be required in the neighbourhood. Staff will develop a plan. Devices will be limited to speed cushions, raised crosswalks, and possibly mini traffic circles.
- Currently, Niagara Region Transit does not directly service the subject lands. The nearest bus stop is at McLeod Road and Garner Road. City Planning Staff to forward the formal submission to Niagara Regional Transit (NRT) Staff for comments when a formal plan is submitted

9304 McLeod Road

Niagara Region Preconsultation Comments

Meeting Date:	February 3, 2022
Name of Applicant(s):	800460 Ontario Limited (Eric Henry)
Consultant(s):	Rick Brady
Local/Regional Staff:	Julie Hannah (City), Amy Shanks (Region)
Proposed Development:	Two (2) Proposals: 1) 230 detached dwelling, 96 on-street townhouses, 138 units in apartment dwelling(s), 1 block parkland, 1 block SWM 2) 226 detached dwellings, 128 on-street townhouses, 72 units in an apartment dwelling, 1 block parkland, 1 block SWM

Application Type:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Regional Official Plan Amendment - TBD | <input type="checkbox"/> Draft Plan of Condominium |
| <input checked="" type="checkbox"/> Local Official Plan Amendment - TBD | <input type="checkbox"/> Consent |
| <input checked="" type="checkbox"/> Zoning By-law Amendment | <input type="checkbox"/> Site Plan |
| <input checked="" type="checkbox"/> Draft Plan of Subdivision | <input type="checkbox"/> NEC Application |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Minor Variance |

Reports/Studies Required for Regional Review:

<input checked="" type="checkbox"/> Archeological Assessment
<input type="checkbox"/> Agricultural Impact Assessment
<input checked="" type="checkbox"/> Environmental Impact Study
<input type="checkbox"/> Environmental Site Assessment/Record of Site Condition
<input checked="" type="checkbox"/> Functional Servicing Report
<input type="checkbox"/> Geotechnical Report
<input type="checkbox"/> Grading Plan / Survey
<input type="checkbox"/> Hydrogeological Study
<input type="checkbox"/> Minimum Distance Separation I & II
<input checked="" type="checkbox"/> Land Use Compatibility Study and Noise and Air Quality studies (peer reviewed at owner's expense)
<input checked="" type="checkbox"/> Planning Justification Report
<input type="checkbox"/> Private Sewage System Design/Plan
<input type="checkbox"/> Slope Stability Report
<input checked="" type="checkbox"/> Stormwater Management Report
<input type="checkbox"/> Topographical Study/Survey
<input type="checkbox"/> Transportation Impact Study
<input type="checkbox"/> Tree Inventory Preservation Plan
<input type="checkbox"/> Other:

Regional Review Fees (Fees effective January 1, 2022 to December 31, 2022)

ZBA	\$1,345
Subd.	\$5,340 (base fee) + \$1,850 per hectare + \$1,165 EIS Review Fee (Please note: \$415 EIS ToR review fee will be required to scope ToR; fee will be deducted from EIS review fee) +\$1930.00 SWM Review Fee + any required peer review fees

Site Designation:

Provincial Policy Statement (PPS):	Settlement Area
Greenbelt Plan:	NA
Growth Plan:	Designated Greenfield Area
Niagara Escarpment Plan (NEP):	NA
Regional Official Plan (ROP):	Urban Area (Greenfield) - Gateway Economic Zone (Schedule G1) and identified as Employment Land (Schedule G2)

Planning

- The property is located within a Settlement Area under the Provincial Policy Statement (PPS) and within the Greenfield Area under the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). The property is located within the Urban Area in the Regional Official Plan (ROP).
- The lands are also located within the Gateway Economic Zone (Schedule G1) and identified as Employment Land (Schedule G2) in the ROP. As per Policy 3.A.1.7 of the ROP and Section 2.2.5.9 of the Growth Plan, the conversion of employment areas for non-employment uses is only permitted to occur as part of a municipal comprehensive review. Thus, a Regional Official Plan Amendment will be required prior to any employment land conversion on these lands under these current designations. A separate pre-consultation meeting will be required to establish complete application requirements for a Regional Official Plan Amendment.
- The Region is currently consolidating a final draft of the new Regional Official Plan. Approval of the new Regional Official Plan is currently targeted for Spring 2022. More information is available on the project webpage for the new Regional Official Plan: <https://www.niagararegion.ca/official-plan/>. An updated draft consolidated Official Plan is available here. Policies and designations included in the draft new Regional Official Plan will not be in effect and are not final until the new Regional Official Plan is approved by Regional Council and the Province.
- In addition to any additional studies/requirements that will be identified through a separate pre-consultation meeting for a Regional Official Plan Amendment Application, Regional staff will require the following plans/studies as part of any future applications on the subject property. Please note that these are subject to change depending on the timing of the applications relative to the Regional Official Plan policies in effect when the application is submitted:
 - The proposal should comply with Provincial, Regional and Local OP policies relative to greenfield density targets. A Planning Justification Report, prepared by a Registered Professional Planner, should address the greenfield density target for these lands and the contribution of density for the overall subdivision.
 - The property falls within the potential influence area of existing industrial facilities and industrially-zoned/designated lands. To address land use compatibility concerns associated with these uses, a Land Use Compatibility Study will be required to evaluate the proposal relative to the Province's D-series guidelines.
 - Noise and Air Quality studies will also be required to support this analysis, and identify any mitigation that may be required to address adverse impacts from these nearby land uses. These studies will have to be peer reviewed at the owner's expense.
 - The PPS and ROP both state that development (including the construction of new buildings and structures requiring approval under the *Planning Act*) and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) Criteria for Evaluating Archaeological Potential, the subject lands exhibit high potential for the discovery of archaeological resources due to their proximity (within 300 metres) to past/present watercourses. Accordingly, a Stage 1 and 2 Archeological Assessment will be required. The requirement for any further assessment and the MHTSCI clearance letters will be required to be addressed as a condition of draft plan approval.

Environment

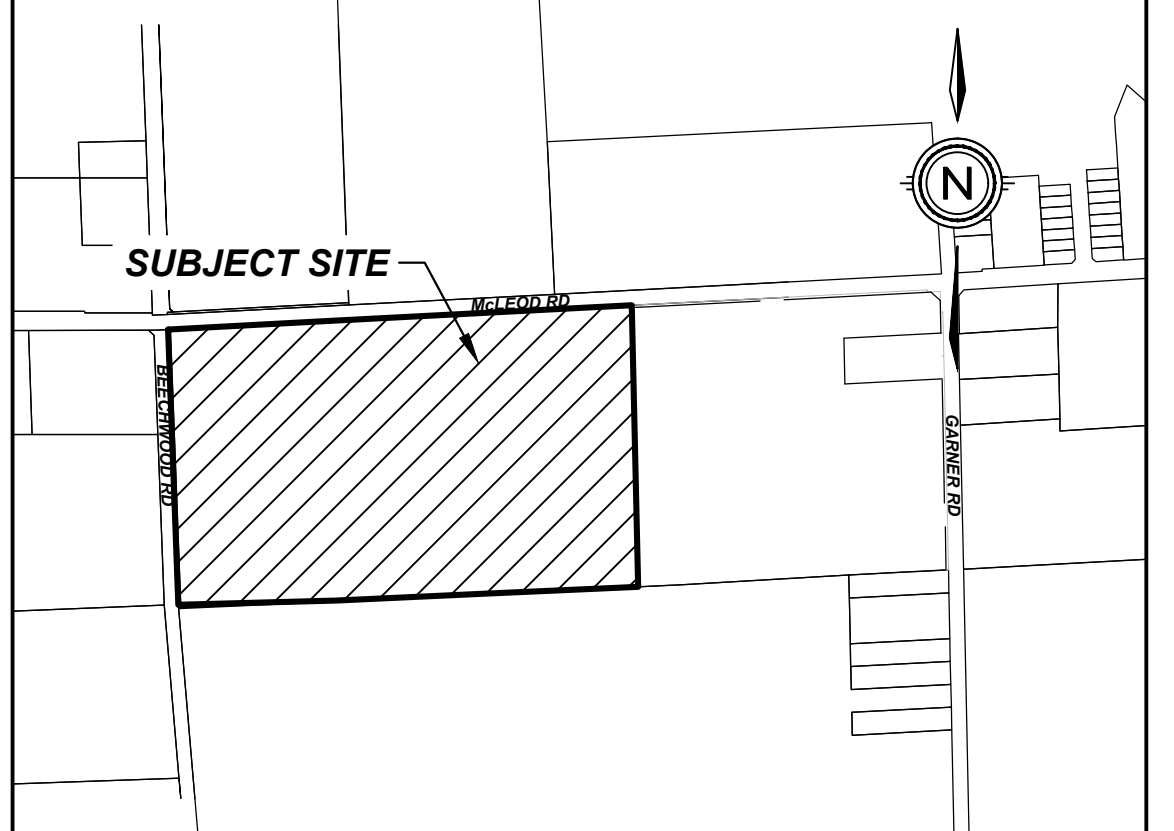
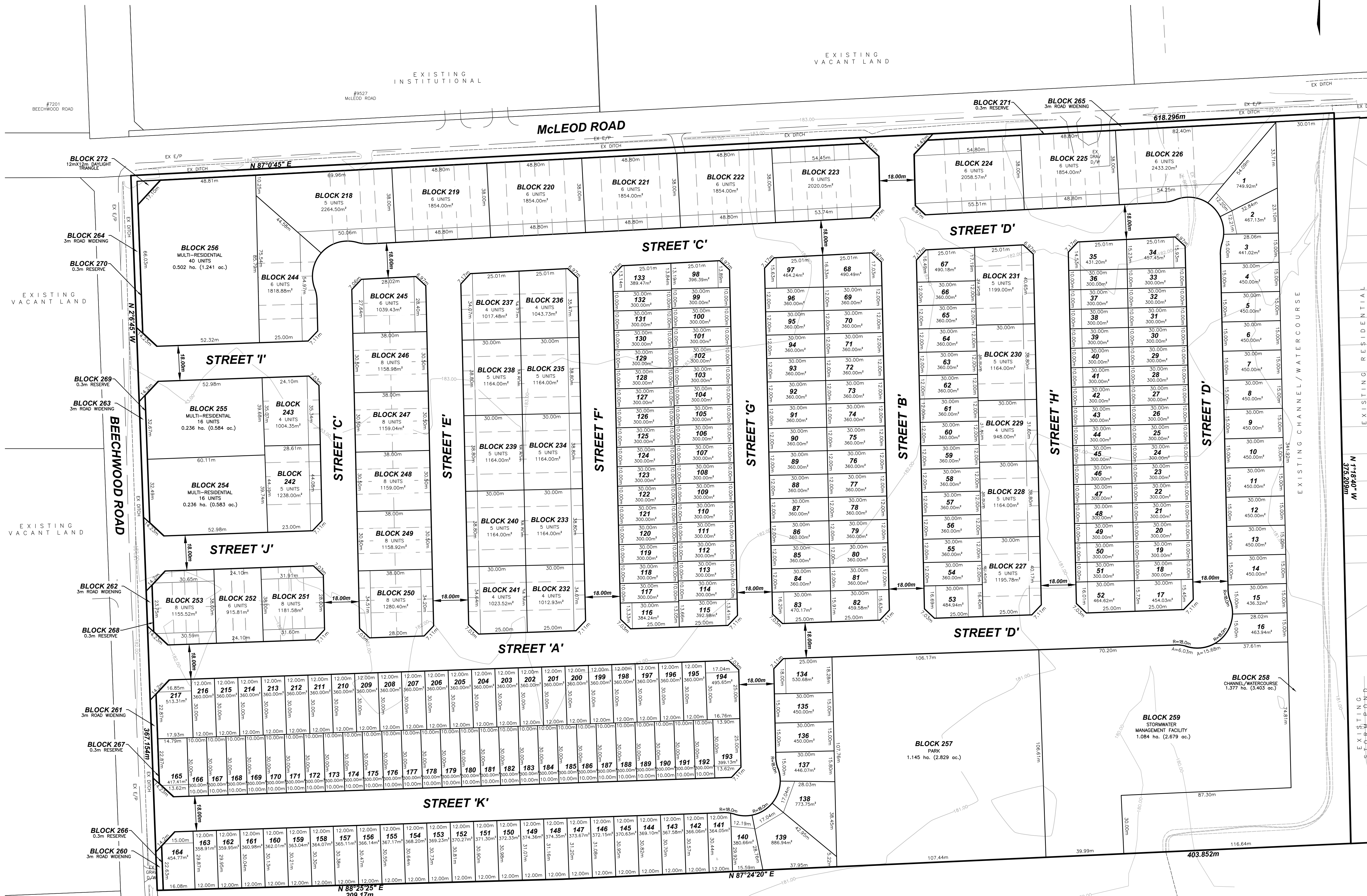
- The following comments are based on current ROP policies and mapping, and are thus subject to change when new ROP is approved and in effect:
 - The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Type 2 (Important) Fish Habitat. Consistent with Regional Official Plan (ROP) policy 7.B.1.15, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 15 m of Type 2 Fish Habitat. The EIS must demonstrate that there will be no significant negative impact on the features or their ecological function.
 - The proposed development is within the above-noted setback. As such, a Terms of Reference for a scoped EIS should be developed consistent with Policy 7.B.2 of the Region's Official Plan. Staff are happy to visit the site to confirm our requirements.
 - Please note that there appears to be Headwater Drainage Features on the property in addition to mapped Fish Habitat that will be required to be assessed by the EIS.

Engineering

- Roads
 - Local- McLeod Road
- Servicing
 - Region staff acknowledge that new water, sanitary and storm services will need to be constructed to service the proposed subdivision. Environmental Compliance Approval's from the Ministry of the Environment, Conservation and Parks will be required for the new municipal sewers.
 - Please be advised that there is an existing Regional trunk watermain located along this section of McLeod Road which is not to be disturbed during future construction works.
 - A Functional Servicing Report should be submitted identifying the expected dry and wet weather flows for the proposed development.
- Stormwater Management
 - The NPCA work permit for creek realignment should be circulated to the Region and the plans should show approved floodplain limits.
 - At the time of future Planning Act Application (i.e. Draft Plan and/or Site Plan), the Region will require a stormwater management report demonstrating the development will not impose negative water quality and quantity impacts on the downstream receiving waterways. The following comments are provided by information purposes to assist the applicant with the preparation of a detailed site plan:
 - Niagara Region will require that stormwater runoff from the development be collected and treated to an Enhanced protection level (i.e. 80% long-term suspended solids removal) prior to discharge from the site (due to proximity to PSW and the downstream Welland River- Type I fish habitat).
 - Niagara Region will require that stormwater runoff from 25mm design storm event be captured and released over a period of 24 hours in order to mitigate the erosion impacts on the downstream watercourse.
 - Niagara Region will require post-development peak flows be attenuated to pre-development levels for all storm events (2-year up to and including the 100-year storm) prior to discharge from the site. Note, a 100-year 24 hour design storm must be included to size a SWM facility storage requirement.
 - Niagara Region will require that a stormwater management report (and the associated \$1930 development >5ha) be submitted to this office indicating in details how the SWM requirement will be achieved. The Report should include the necessary information with respect to the inspection and maintenance requirements.
 - Prior to construction, Niagara Region will require that detailed grading, storm servicing, stormwater management, and construction sediment control plans be submitted to this office for review and approval.
- Waste Collection
 - Recycling: No Limit Blue/Grey Boxes Collected Weekly;
 - Organics: No Limit Green Bins Collected Weekly; and,
 - Garbage: 2 Garbage Bags/Cans Collected Every-Other-Week.
 - Curbside collection only
 - The townhomes and detached dwellings proposed along the future municipal roadways would be eligible for Regional curbside collection, subject to the above noted curbside collection limits. The multi-residential apartment block would not be able to meet the Regional curbside collection limits however it would be eligible for enhanced front end bin collection through the Region provided that the bin is placed in a location which is accessible directly head on by the Regional collection truck. A Regional truck turning template would need to be submitted showing the location of the proposed bin to confirm that Regional waste collection can be provided.

McLEOD MEADOWS

CITY OF NIAGARA FALLS



KEY PLAN

N.T.S.

DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION

PART 1 & PART 2, PLAN 59R-16846; PART OF LOT 181
GEOGRAPHIC TOWNSHIP OF STANFORD
NOW IN THE
CITY OF NIAGARA FALLS
REGIONAL MUNICIPALITY OF NIAGARA

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY AUTHORIZE UPPER CANADA CONSULTANTS TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE CITY OF NIAGARA FALLS FOR APPROVAL.

800460 ONTARIO LIMITED DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED ARE CORRECTLY SHOWN.

Allan J. Heywood
ALLAN J. HEYWOOD DATE
J.D. BARNES LTD. 20-16-176

REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

- a) SEE PLAN
- b) SEE PLAN
- c) SEE PLAN
- d) SEE PLAN
- e) SEE PLAN
- f) SEE PLAN
- g) SEE PLAN
- h) MUNICIPAL WATER
- i) SILTY SAND
- j) SEE PLAN
- k) FULL SERVICE
- l) SEE PLAN

LAND USE SCHEDULE

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
SINGLE FAMILY RESIDENTIAL	LOT 1-217	217	7.764	33.87
REVERSE FRGT STREET TOWN	BLOCK 218-226	53	1.805	7.87
STREET TOWNS RESIDENTIAL	BLOCK 227-244	85	2.081	9.08
B2B TOWNS RESIDENTIAL	BLOCK 245-253	68	1.021	4.45
MULTIPLE FAMILY RESIDENTIAL	BLOCK 254-256	72	0.975	4.25
PARKLAND	BLOCK 257		1.145	5.00
CHANNEL/WATERCOURSE	BLOCK 258		1.377	6.01
STORMWATER MGMT FACILITY	BLOCK 259		1.084	4.73
3.0m ROAD WIDENING	BLOCK 260-265		0.246	1.07
0.3m RESERVE	BLOCK 266-271		0.029	0.13
DAYLIGHT TRIANGLE	BLOCK 272		0.007	0.03
ROADWAY			5.389	23.51
TOTAL		495	22.923	100.00

DEVELOPABLE AREA: 22.923ha - 1.377ha = 21.546ha
DEVELOPABLE DENSITY = 22.97 units/ha

#	ISSUED FOR APPROVAL	2023-02-02	M.K
	REVISION	DATE	INIT



DRAWING TITLE	DRAFTING	MK
DRAFT PLAN OF SUBDIVISION	DATE	DECEMBER 14, 2022
	PRINTED	FEBRUARY 2, 2023
	SCALE	1:1000
	DWG No.	2054-DP
	REV	0

DENSITY CALCULATIONS:

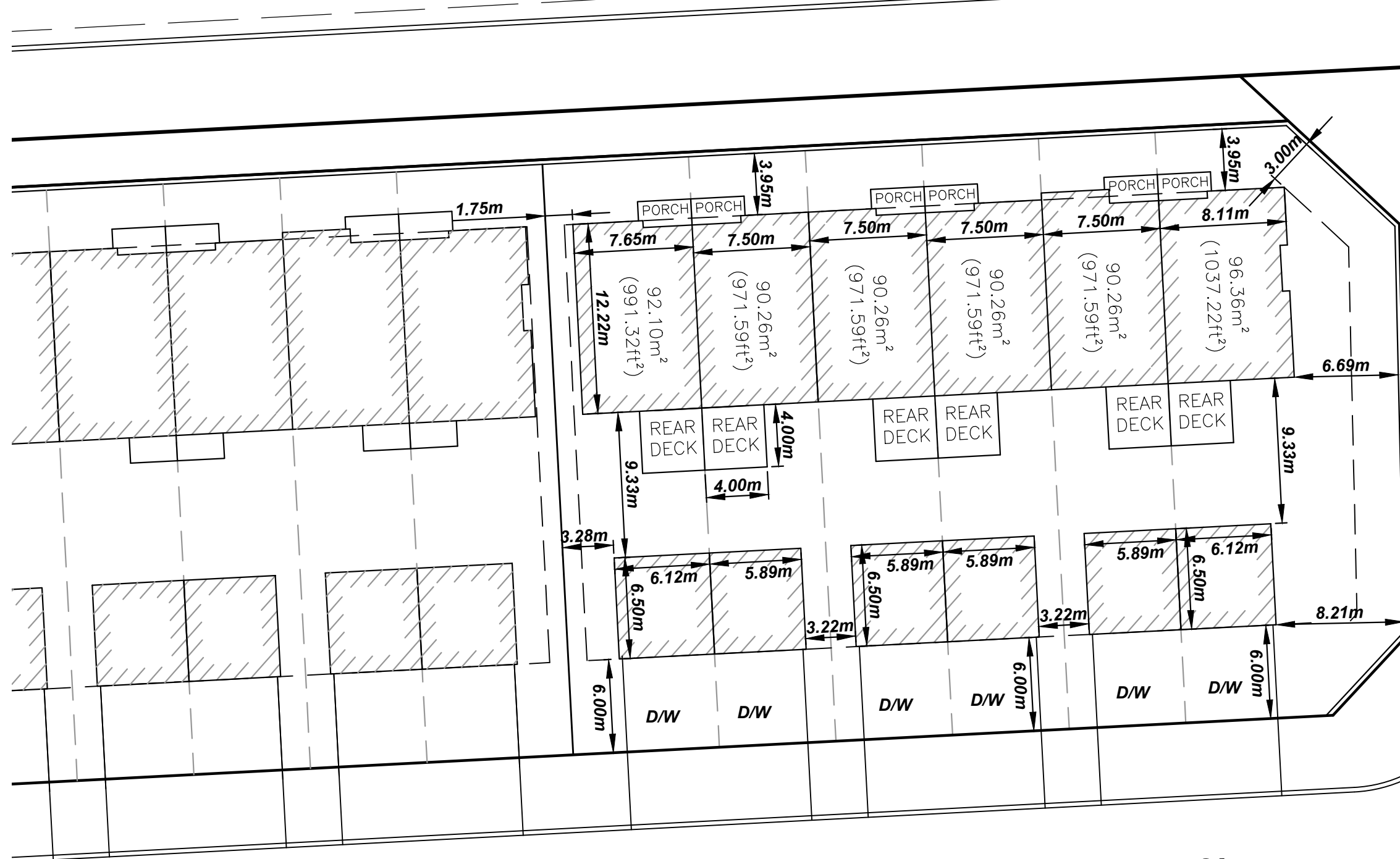
TARGET DENSITY: MINIMUM 53 PEOPLE AND JOBS PER GROSS HECTARE

UNITS: 2.45 PEOPLE (2026) TOTAL AREA IN Ha: 22.923 Ha - 1.377 Ha. = 21.546
TOTAL NUMBER OF PEOPLE REQUIRED = 1077.30 PEOPLE

PROPOSED:
UNITS: 2.45 PEOPLE X 495 UNITS = 1212.75 PEOPLE
LIVE/WORK/EMPLOYMENT: 495 UNITS X 5% = 24.75 JOBS

TOTAL = 1237.50 PERSONS AND JOBS
NO. OF PEOPLE/TOTAL AREA (ha): 1237.50/21.55 ha = 57.43 PERSONS & JOBS PER HECTARE

McLEOD ROAD



STREET 'B'

STREET 'C'



**McLEOD MEADOWS
REVERSE FRONTAGE STREET TOWNS
CITY OF NIAGARA FALLS
TYPICAL LAYOUT**

DATE	2023-02-02
SCALE	1:300 m
REF No.	.
DWG No.	2054

Appendix III
Draft Zoning By-law Amendment

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

A BY-LAW TO AMEND BY-LAW NO. 79-200, to guide the development of the McLeod Meadows Draft Plan of Subdivision (_____).

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

1. The lands that are the subject of and affected by the provisions of this by-law are described in Scheduled 1 of this by-law and shall be referred to in this by-law as the “Lands”. Schedule 1 is a part of this by-law.
2. The lands shall be identified as five parcels, known as Parcels R3-XXX, R5B-XXX, R5B-XXX, OS-XXX, and EPA.
3. The purpose of this by-law is to amend the provisions of By-law No. 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by that by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provision of this by-law are to prevail.
4. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be permitted uses and regulations governing the permitted uses on any of the Lands.
5. The permitted uses of the lands shall be:
 - a. for Parcel R3-XXX:
 - i. The uses permitted in the R3 Zone
 - ii. Back-to-back townhouse dwellings
 1. Back-to-back townhouse dwellings shall be defined as, “A townhouse dwelling that contains dwelling units divided vertically from each other by common side walls and common rear walls.”

- b. For Parcel R5B-XXX, the uses permitted in the R5B Zone
- c. For Parcel R5B-XXX, the uses permitted in the R5B Zone
- d. For Parcel OS-XXX:
 - i. The uses permitted in the OS Zone
 - ii. A public park
 - iii. A stormwater management facility

6. The regulations governing the uses permitted on Parcel R3-XXX shall be as follows:

a. Regulations for Single Detached Dwellings:

- | | | |
|------|----------------------------------|--|
| i. | Minimum Lot Area | 300 square meters |
| ii. | Minimum Lot Frontage | 10 meters |
| iii. | Minimum Rear Yard Depth | 7 meters |
| iv. | Minimum Interior Side Yard Depth | 0.9 meters for buildings
with less than 2 storeys
1.2 meters for buildings
with 2 or more storeys |
| v. | Minimum Exterior Side Yard Width | 3 meters |
| vi. | Maximum Lot Coverage | None |

b. Regulations for On-street Townhouse Dwellings:

- | | | |
|------|--------------------------|---|
| i. | Minimum Lot Area | 180 square meters for
each dwelling unit |
| ii. | Minimum Lot Frontage | 6 meters for each dwelling
unit |
| iii. | Minimum Front Yard Depth | 3.0 meters |
| iv. | Minimum Rear Yard Depth | 7 meters |

- v. Minimum Interior Side Yard Width 1.2 meters
- vi. Minimum Exterior Side Yard Width 3 meters
- vii. Maximum Lot Coverage None
- viii. Maximum Driveway Width 70% of the lot frontage

c. Regulations for Back-to-Back Townhouse Dwellings

- i. Minimum Lot Area 120 square meters for each dwelling unit
- ii. Minimum Lot Frontage 6.4 meters for each dwelling unit
- iii. Minimum Front Yard Depth 6 meters
- iv. Minimum Rear Yard Depth None
- v. The balance of regulations specified for an on-street townhouse dwelling

d. The balance of regulation specified for an R3 use.

7. The regulations governing the permitted uses on Parcel R5B-XXX shall be

- i. Minimum Lot Area 145 square meters for each dwelling unit
- ii. Minimum Front Yard Depth 6 meters
- iii. Minimum Interior Side Yard Width 4.5 meters
- iv. Minimum Exterior Side Yard Width 3 meters
- v. Maximum Height 14.5 meters and 4 storeys
- vi. Maximum Number of Buildings on One Lot None

8. The regulations governing the permitted uses on Parcel R5B-XXX shall be:

- | | |
|---|--|
| i. Minimum Lot Area | 120 square meters for each dwelling unit |
| ii. Minimum Front Yard Depth | 4 meters |
| iii. Minimum Exterior Side Yard Width | 4 meters |
| iv. Maximum Height | 14.5 meters and 4 storeys |
| v. Maximum Number of Buildings on One Lot | None |
| vi. Minimum Landscaped Open Space | 30% of the lot area |

9. The regulations governing the permitted uses on Parcel OS-XXX shall be:

- | | |
|--------------------------|-----------|
| i. Minimum Lot Area | 1 hectare |
| ii. Minimum Lot Frontage | 70 meters |

10. All other applicable regulations set out in By-law No. 79-200 shall continue to apply to govern the permitted uses on the lands, with all necessary changes in detail.

11. No person shall use the Lands for a use that is not a permitted use.

12. No person shall use the Lands in a manner that is contrary to the regulations.

13. The provisions of this by-law shall be shown on Sheet X of Schedule "X" of By-law No. 79-200 by re-designating the Lands from the Light Industrial (LI), Hazard (H) and Development Holding (DH) zones to the R3 and numbered XXX, R5B and numbered XXX, R5B and numbered XXX, OS and numbered XXX and EPA zones.

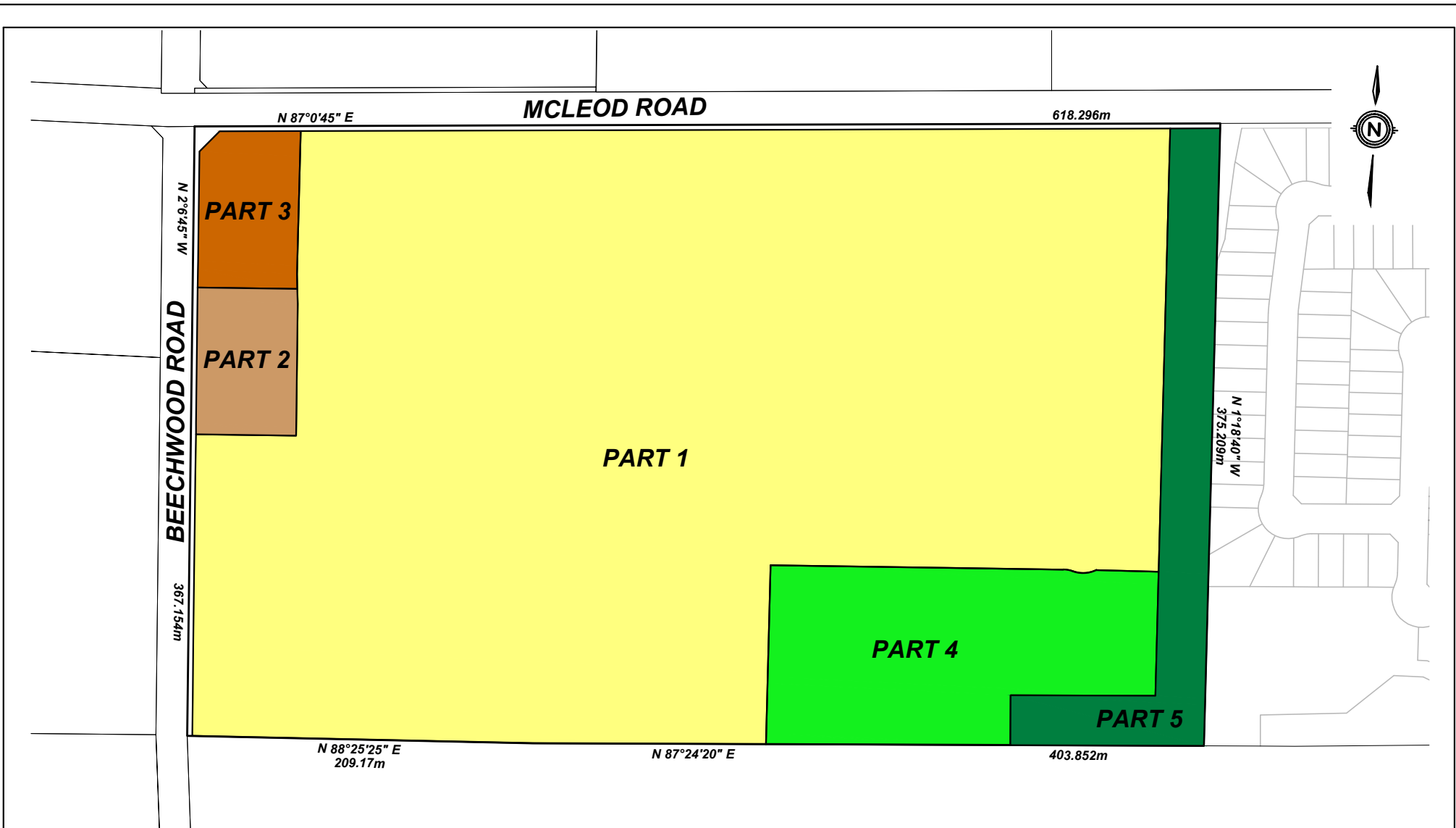
Passed this ____ day of _____, 2023.

READ A FIRST, SECOND AND THIRD TIME THIS ____ DAY OF ____, 2023.

MAYOR

CITY CLERK

Draft



LEGEND

- PART 1 - FROM LIGHT INDUSTRIAL (LI) ZONE TO RESIDENTIAL MIXED (R3-XXX) SITE SPECIFIC ZONE
- PART 2 - FROM LIGHT INDUSTRIAL (LI) ZONE TO RESIDENTIAL APARTMENT 5B DENSITY (R5B-XXX) SITE SPECIFIC ZONE
- PART 3 - FROM LIGHT INDUSTRIAL (LI) ZONE TO RESIDENTIAL APARTMENT 5B DENSITY (R5B-XXX) SITE SPECIFIC ZONE
- PART 4 - FROM LIGHT INDUSTRIAL (LI) ZONE TO OPEN SPACE (OS-XXX) SITE SPECIFIC ZONE
- PART 5 - FROM HAZARD LAND (HL) ZONE TO ENVIRONMENTAL PROTECTION AREA (EPA) ZONE

McLEOD MEADOWS
SCHEDULE 'A' OF ZONING BY-LAW AMENDMENT No. _____

MAYOR: _____

CLERK: _____

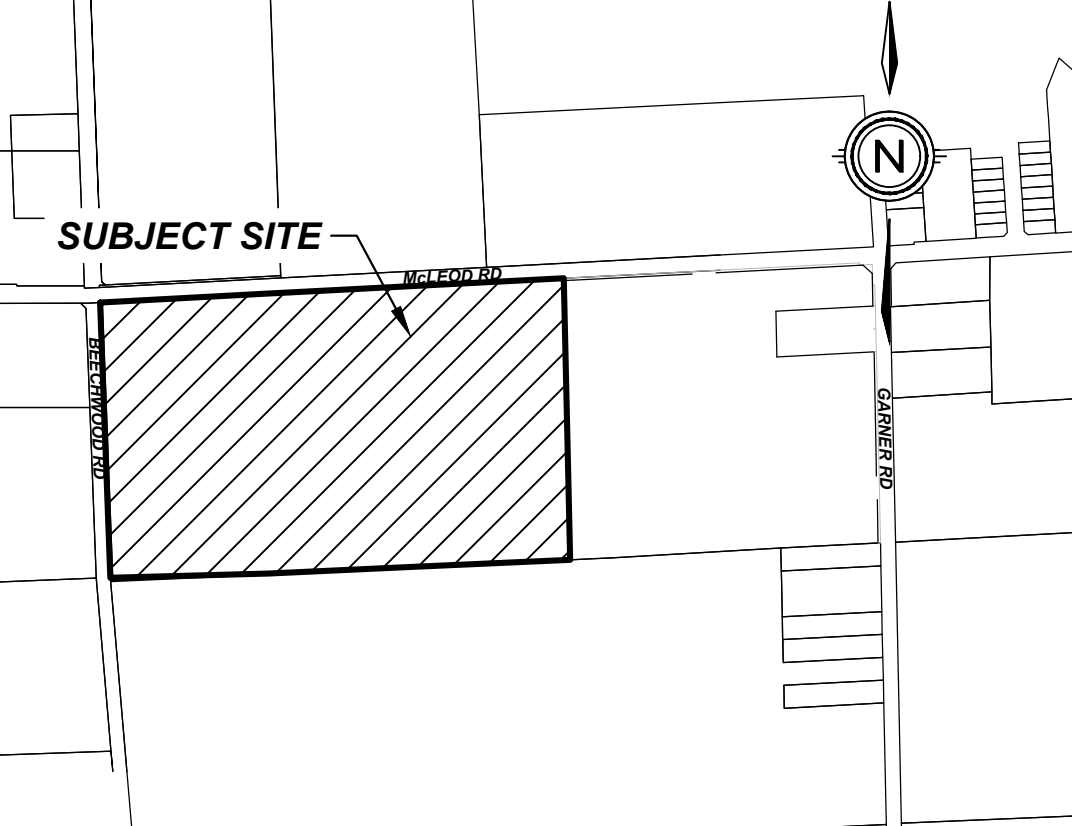


Appendix IV

Draft Plan with Watercourse Dimensions

McLEOD MEADOWS

CITY OF NIAGARA FALLS



KEY PLAN

N.T.S.

DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION

PART 1 & PART 2, PLAN 59R-16846; PART OF LOT 181
GEOGRAPHIC TOWNSHIP OF STANFORD
NOW IN THE
CITY OF NIAGARA FALLS
REGIONAL MUNICIPALITY OF NIAGARA

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY
AUTHORIZE UPPER CANADA CONSULTANTS TO
PREPARE AND SUBMIT THIS DRAFT PLAN OF
SUBDIVISION TO THE CITY OF NIAGARA FALLS
FOR APPROVAL.

800460 ONTARIO LIMITED DATE
DECEMBER 16, 2022

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF
THE LANDS TO BE SUBDIVIDED ARE
CORRECTLY SHOWN.

Allan J. Heywood
ALLAN J. HEYWOOD DATE
J.D. BARNES LTD. 20-16-176
Dec. 16, 2022

REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

- a) SEE PLAN
- b) SEE PLAN
- c) SEE PLAN
- d) SEE PLAN
- e) SEE PLAN
- f) SEE PLAN
- g) SEE PLAN
- h) MUNICIPAL WATER
- i) SILTY SAND
- j) SEE PLAN
- k) FULL SERVICE
- l) SEE PLAN

LAND USE SCHEDULE

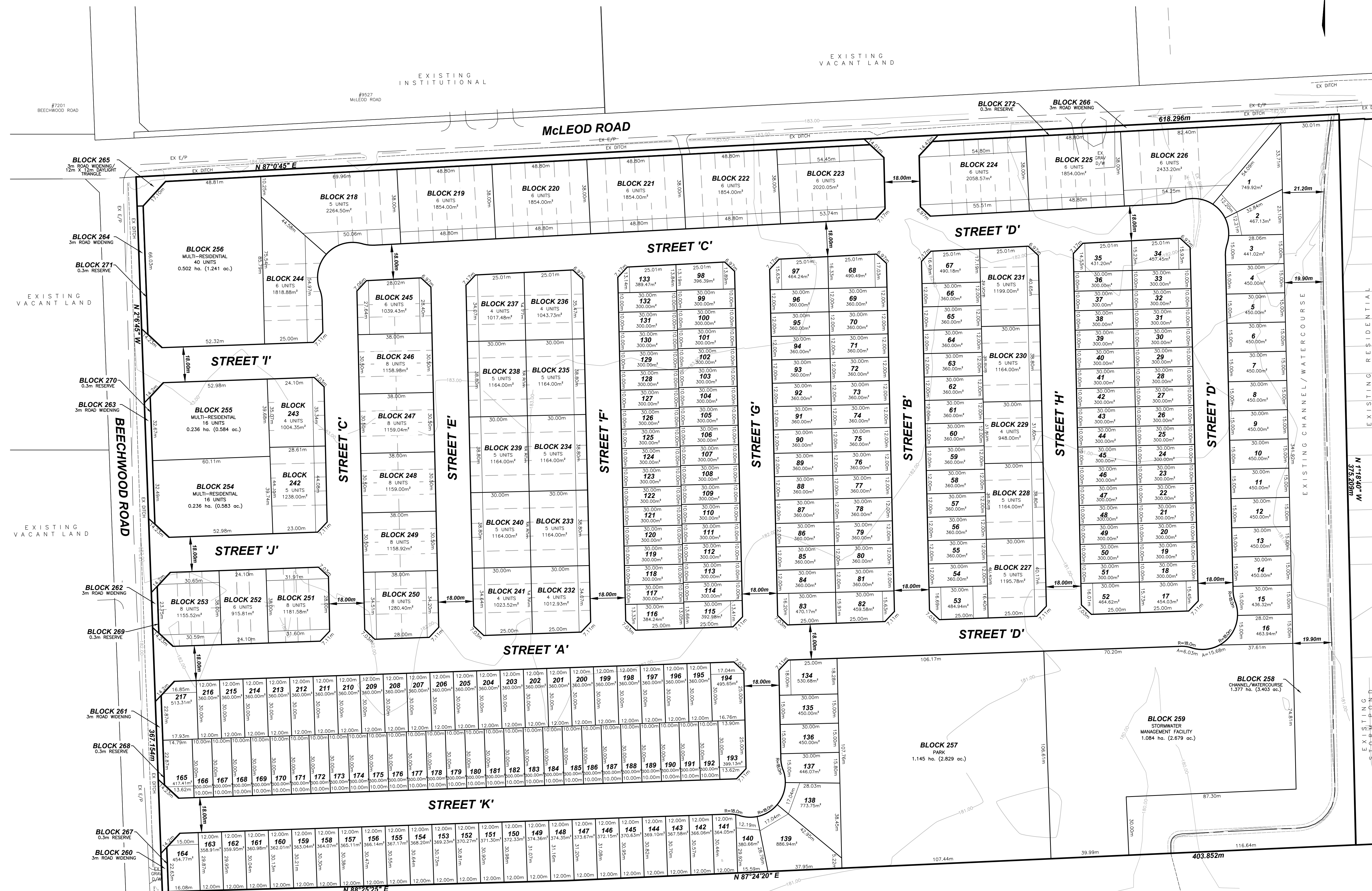
LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
SINGLE FAMILY RESIDENTIAL	LOT 1-217	217	7.764	33.87
REVERSE FRGT STREET TOWN	BLOCK 218-226	53	1.805	7.87
STREET TOWNS RESIDENTIAL	BLOCK 227-244	85	2.081	9.08
B2B TOWNS RESIDENTIAL	BLOCK 245-253	68	1.021	4.45
MULTIPLE FAMILY RESIDENTIAL	BLOCK 254-256	72	0.975	4.25
PARKLAND	BLOCK 257		1.145	5.00
CHANNEL/WATERCOURSE	BLOCK 258		1.377	6.01
STORMWATER MGMT FACILITY	BLOCK 259		1.084	4.73
3.0m ROAD WIDENING/DAYLIGHT	BLOCK 260-266		0.253	1.10
0.3m RESERVE	BLOCK 267-272		0.029	0.13
ROADWAY			5.389	23.51
TOTAL		495	22.923	100.00

DEVELOPABLE AREA: 22.923ha - 1.377ha = 21.546ha
DEVELOPABLE DENSITY = 22.97 units/ha

#	ISSUED FOR APPROVAL	DATE	INIT
0	ISSUED FOR APPROVAL	2023-03-01	M.K
#	REVISION	DATE	INIT



DRAWING TITLE	DRAFTING	MK
DRAFT PLAN OF SUBDIVISION	DATE	DECEMBER 14, 2022
	PRINTED	MARCH 23, 2023
	SCALE	1:1000
	DWG No.	2054-DP
	REV	0



DENSITY CALCULATIONS:

TARGET DENSITY: MINIMUM 53 PEOPLE AND JOBS PER GROSS HECTARE

UNITS: 2.45 PEOPLE (2026) TOTAL AREA IN Ha: 22.923 Ha - 1.377 Ha. = 21.546
TOTAL NUMBER OF PEOPLE REQUIRED = 1077.30 PEOPLE

PROPOSED:
UNITS: 2.45 PEOPLE X 495 UNITS = 1212.75 PEOPLE
LIVE/WORK/EMPLOYMENT: 495 UNITS x 5% = 24.75 JOBS

TOTAL = 1237.50 PERSONS AND JOBS
NO. OF PEOPLE/TOTAL AREA (ha): 1237.50/21.55 ha = 57.43 PERSONS & JOBS PER HECTARE