



PLANNING JUSTIFICATION REPORT

Riverfront Community Master Plan

Official Plan Amendment #117

to the

City of Niagara Falls Official Plan

City of Niagara Falls, Ontario

September 29, 2017

Table of Contents

	Page
1. Purpose	2
2. Summary	2
3. Special Policy Area #56	
4. Riverfront Community	4
5. Review of Policy Planning Framework	13
5.1 Provincial Planning Policy	
a) Provincial Policy Statement (2014)	
b) Growth Plan for the Greater Golden Horseshoe (2017)	
5.2 Niagara Region Official Plan (NROP)	
5.3 City of Niagara Falls Official Plan	
6. Summary	100

1.0 PURPOSE

This report provides planning justification for Official Plan Amendment #117 (OPA #117) to the City of Niagara Falls Official Plan. OPA #117 provides the policy framework supporting development of the proposed Riverfront Community. The boundaries of the Riverfront Community are shown on Figure 1 as are the total holdings of the proponent, GR (CAN) Investments Co.

OPA #117 is proposing to change designations within a specified area of Special Policy Area 56 (SPA #56) of the Niagara Falls Official Plan (see Figure 2). Most of the lands of SPA #56 are currently owned by GR (Can) Investments Co. (GR (CAN)), whose ownership also encompasses lands outside SPA #56. OPA#117 proposes to amend the text within Section 13.56 SPA #56 by adding policy 13.56.1.2 and Section 13.56.8. The detailed land use plan for Riverfront Community will be added to the Official Plan as Schedule G – SPA #56 (see Figure 3). The land use designations shown on Schedule G apply only to those parcels owned by GR (CAN). Roads shown to cross the rail line or Con-Drain are intended to cross those features.

The balance of lands inside SPA #56 but which are not subject to this OPA will maintain their current land use designations and will be subject to further Official Plan Amendments (OPAs) and detailed Environmental Impact Studies (EISs) prior to consideration of any further development applications for those lands. The current designations of the GR (CAN) lands within the SPA #56 boundaries are Residential and Environmental Protection Area. GR (CAN) holdings outside SPA #56 are designated Industrial in the Official Plan.

The EIS prepared with respect to land owned by GR (CAN) identified lands suited for protection as part of the City's Natural Heritage System (NHS). For lands inside OPA #117, the OPA incorporates those recommendations. For lands outside OPA 117, the City may choose to use the NHS designation but this does not form part of this application. The City may choose to incorporate that designation as part of a separate City initiated amendment but this does not form part of the land owner's application. In addition, a ROPA is not proposed nor required.

2.0 SUMMARY

This report provides support for OPA #117 and describes how this amendment appropriately implements the Niagara Falls Official Plan. This report also confirms that no Regional Official Plan Amendment is proposed nor required to implement this local OPA.

Provincial, Regional, and local municipal policies all provide support to this amendment. Other studies and reports were completed by third party consultants at various times that inform the policies needed for this OPA. The relevant Riverfront Community studies are listed below in Section 3.0 and will be referred to throughout this report.

This document provides a planning justification for this proposal, reviewing both the context of the subject lands with surrounding uses, and the policy framework that will inform future use of these lands.

Boundaries Determined by Environmental Requirements

Certain lands outside and in some cases adjacent to the Riverfront Community boundaries owned by GR (CAN) are recommended for protection in the “Riverfront Community Private OPA, Environmental Impact Study”, September, 2017 (EIS) as part of the City's and Region's Natural Heritage System. The Riverfront Community OPA does not include the Core Natural Heritage Features identified in the EIS but instead the OPA boundaries are informed by the findings of the EIS so as to limit development to areas outside the core features and Natural Heritage System.

In the future, the Region may wish to consider changing Schedule C to identify this system and identify the area as EPA rather than the ECA designation that currently applies. No development is proposed inside this core feature.

3.0 SPECIAL POLICY AREA #56

In 2008, the Niagara Falls Official Plan was amended (OPA #81) to create Special Policy Area #56. Within this approved policy, these lands are recognized as an area for future growth. Previous approvals of development in SPA #56 have proceeded for lands north of GR (CAN).

A) Previously Completed and Submitted to the City and available on City's website):

- Draft Background Report, City of Niagara Falls, Thundering Waters Secondary Plan, (October 2015), Macaulay Shiomi Howson Ltd., Amec Foster Wheeler, Paradigm Transportation Solutions, Dougan & Associates, C. Portt & Associates, RWDI, RTKL;
- Revised Report: Stage 1 & 2 Archeological Assessment, Thundering Waters Secondary Plan, City of Niagara Falls, Ontario (May 2016) prepared by Amec Foster Wheeler;
- Built Heritage Report and Cultural Landscape Assessment: Thundering Waters Secondary Plan, East and North of Dorchester Road and West of Progress Street, Niagara Falls, Ontario (March 2016) prepared by Amec Foster Wheeler
- “Air Quality, Noise and Vibration Feasibility Assessment, Version 2.0”, Thundering Waters Secondary Plan (June 23, 2016) prepared by RWDI Consulting Engineers
- Niagara Falls Thundering Waters Development: Functional Servicing Study, GR (Can) Investment Co. Limited, City of Niagara Falls (June 2016) prepared by Amec Foster Wheeler
- “Thundering Waters Transportation Master Plan” (July 2016) prepared by Paradigm Transportation Solutions Limited

B) Studies Completed in Support of Riverfront Community OPA #117:

- “Environmental Impact Study, Riverfront Community Private OPA”, Niagara Falls (September, 2017) prepared by Savanta Inc.;
- Riverfront Community Transportation Master Plan (September, 2017) prepared by Paradigm Transportation Solutions Limited
- “Niagara Falls Riverfront Community Implementation Report - Stormwater, Wastewater, and Water Supply Services” (September, 2017), prepared by Amec Foster Wheeler

- Phase Two Environmental Site Assessment Thundering Waters Development, East & North of Dorchester Road & West of Progress Street, Niagara Falls, Ontario (April 27, 2017) prepared by Amec Foster Wheeler Americas Limited.

4.0 RIVERFRONT COMMUNITY

When developed, OPA #117 is designed to accommodate, approximately:

- 1117 dwelling units, including 238 Seniors' Units
- 2675 people
- 500 hotel units
- 1800 - 2800 jobs

These figures indicate 4475 residents and jobs combined can be accommodated. The Community encompasses approximately 48.6 Ha (120 Ac). However, some lands are currently mapped by MNRF as PSW and may therefore lead to a reduction in net developable land area.

If achieved, these figures equate to approximately 92 - 112 residents and jobs combined per hectare in Riverfront Community. If achieved, this will substantially exceed the minimum combined gross target density of 50 residents and jobs combined per hectare for designated Greenfield Areas established by the Region's Official Plan and 53 residents and jobs combined per hectare established by the local Official Plan. Although not yet applicable to this area, the Provincial target of not less than 80 residents and jobs combined per hectare, as set out in the Growth Plan (2017), can also be achieved.

Context for the "Riverfront Community"

Planning History

These lands were previously converted from Industrial to Residential in 2008 upon adoption of OPA #81. This amendment was designed to recognize lands south of McLeod Road to Chippawa Parkway between Dorchester Road and Stanley Avenue for future residential use while protecting the identified Natural Heritage Features. This amendment created Special Policy Area #56; subsequent amendments have further refined the policy regime of this SPA.

In 2010, further refinements to the Natural Heritage mapping for this area and elsewhere in the City were adopted by the City in OPA #96; the Region approved OPA #96 in November, 2011 and the OMB ordered amendments to OPA #96 on October 24, 2014 (Board decision did not impact Riverfront Community lands).

Figure 1 – Riverfront Community Boundary

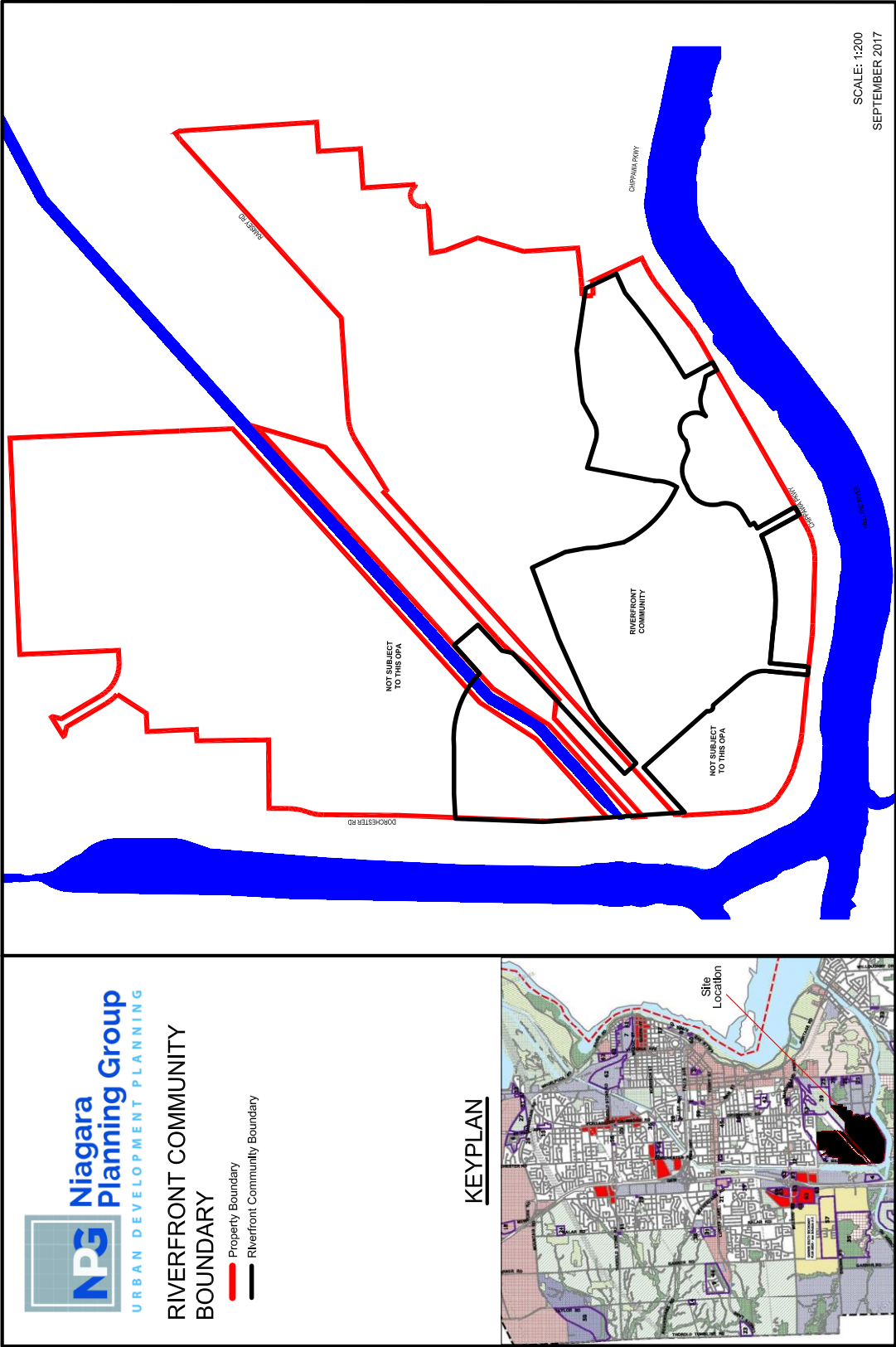
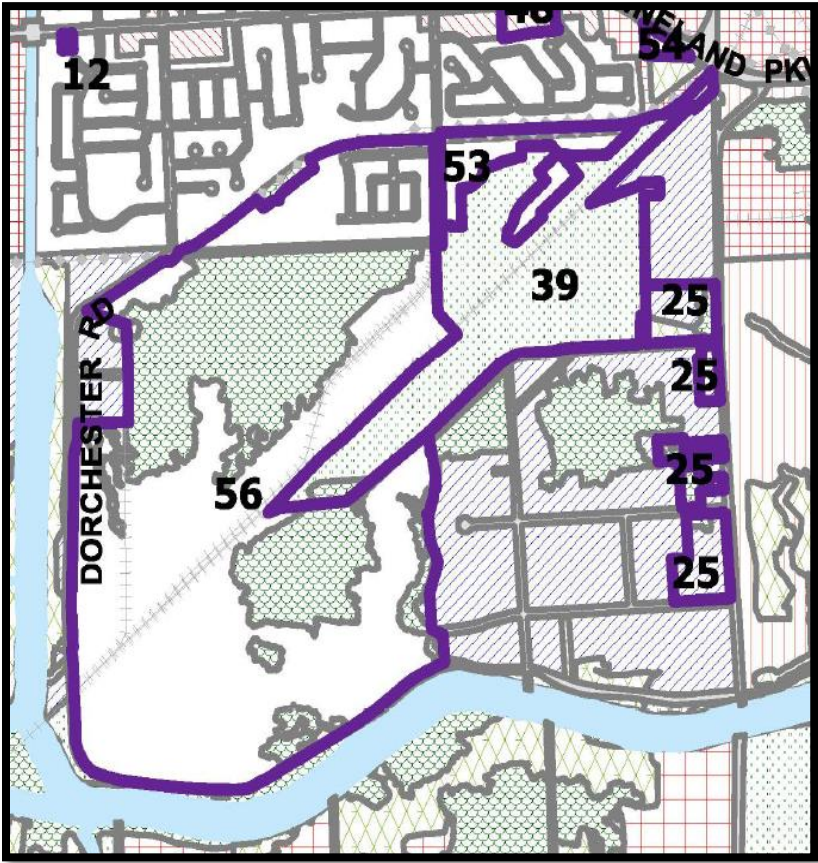


Figure 2 – SPA #56 Boundary – Schedule A to the (City of Niagara Falls) Official Plan



OPA #117 implements the City's intent for development of the area as expressed in OPA #81 to convert the area to non-industrial uses, including residential. The land is located within a unique area in a strategic location in the City of Niagara Falls. These lands are required for development to achieve the City's growth plan. The opportunity was identified when OPA 81 (i.e. SPA 56) was approved; it was clearly recognized as more appropriately developed for uses other than industrial.

Relying on OPA #117, Niagara Falls and Niagara Region can now satisfy their approved growth plans. OPA #117 establishes a framework for future development preferred over the current zoning of the land (see zoning references below in Section 6.0).

Future Promise

This setting provides a tremendous opportunity to create a dynamic new community while protecting and sustaining an important natural landscape nearby. It will meet the Growth Plan requirements and take advantage of its setting to provide an array of housing forms that will meet the needs of a variety of ages and households. This will create an environmentally friendly, energy efficient "green" community that embraces the outdoors and offers a variety of active lifestyle opportunities.

When fully built-out, OPA #117 will have a mix of housing, employment, commercial services, and community and leisure facilities that meets the needs of residents.

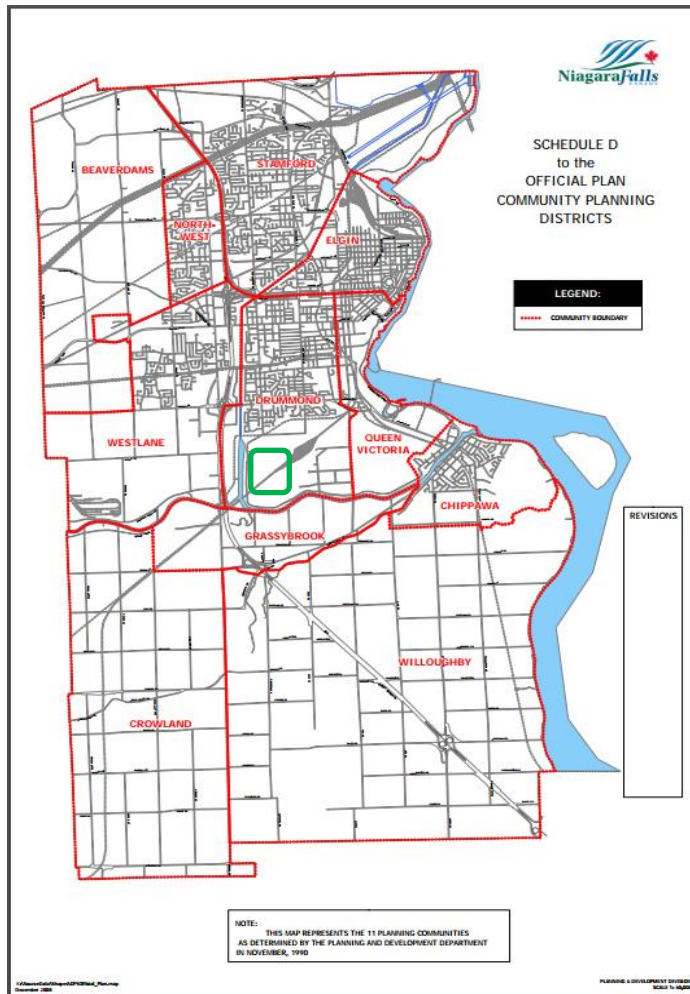


Lands within the SPA #56 area have been the subject of study for over two years, during which time significant consultation occurred with The Region of Niagara and City of Niagara Falls staff, as well as initial consultation with the public. Based on those consultations, a vision and objectives were developed with respect to future development of the lands. The principles and objectives set out for the Riverfront Community OPA #117 are consistent with the Vision and Objectives developed through this earlier consultation (*source: Background Report, City of Niagara Falls*).

Physical Setting

The proposed Riverfront Community is within Special Policy Area #56, within the Drummond Community Area in the southern portion of the City's Urban Area (see Figure 4: "Schedule D to the Niagara Falls Official Plan"). Special Policy Area #56 (roughly shown shaded in light green) is bounded by Oldfield Road to the north, Thundering Waters Golf Course and Stanley Avenue Industrial Business Park to the east, the Welland River to the south and the Ontario Power Generation Inc. (OPG) Canal to the west.

Figure 4: Schedule D – Community Planning Districts



The area of the proposed Riverfront Community contains approximately 48.6 hectares (120 acres) and is predominantly vacant. The Study Area is bisected (diagonally) by the Conrail Drainage Ditch and a lightly used railway line that serves a few industrial operations including one within the SPA #56 boundaries.

To the west of OPA #117 lands is the Ontario Power Generation Inc (OPG) Canal. The lands west of the canal are industrial/employment lands.

To the south is a thin strip of vacant land between the Riverfront Community lands and the Welland River. The currently undeveloped lands south of the Welland River are zoned for Resort Commercial and Environmental Conservation and Environmental Protection.

A portion of the lands to the east are currently designated for Environmental Protection. Lands to the east of Riverfront Community also include lands currently designated, zoned, and used for

industrial/employment land purposes. These industrial lands are known as the Stanley Avenue Industrial Park and include a portion of the GR (CAN) holdings at Progress Street.

A portion of the lands to the north of Riverfront Community are also designated Environmental Protection. In addition, lands to the north of Riverfront Community include lands currently designated, zoned and used for industrial purposes. Most of the area subject to this proposal is zoned for industrial uses.

The Riverfront Community lands are generally flat, containing meadows and cultural thickets with small pockets of wetland and woodland interspersed in this area. Some of these lands appear to have been farmed at least until 1954 (see Map 5 below).

Several maps from *City of Niagara Falls, Thundering Waters Secondary Plan, Draft Background Report (October 2015)* are helpful in providing some visual context for the subject area and surrounding lands:

- 1954 Aerial Shot (See Figure 5)
- Map of Existing Land Uses (See Figure 6)
- Map of Area, Schools, Parks & Community Facilities – showing a variety of existing schools, parks and community facilities within the Dorchester community to the north (See Figure 7).

Figure 5 – Aerial View (1954)
Approximate limits of subject lands shown in red
(Source: University of Toronto, Map Database Library)



Figure 6 – Existing Land Use
(Source: City of Niagara Falls)

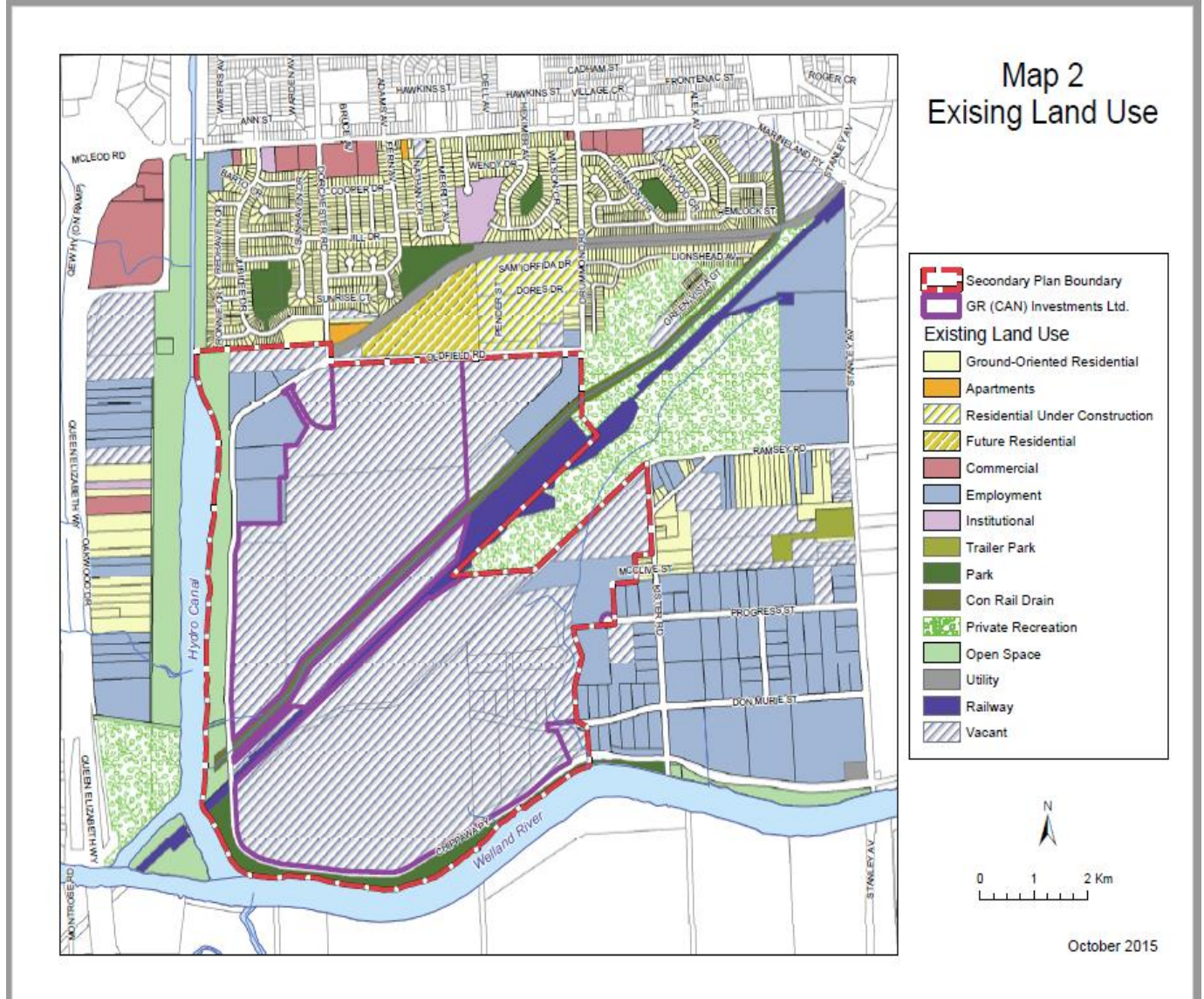
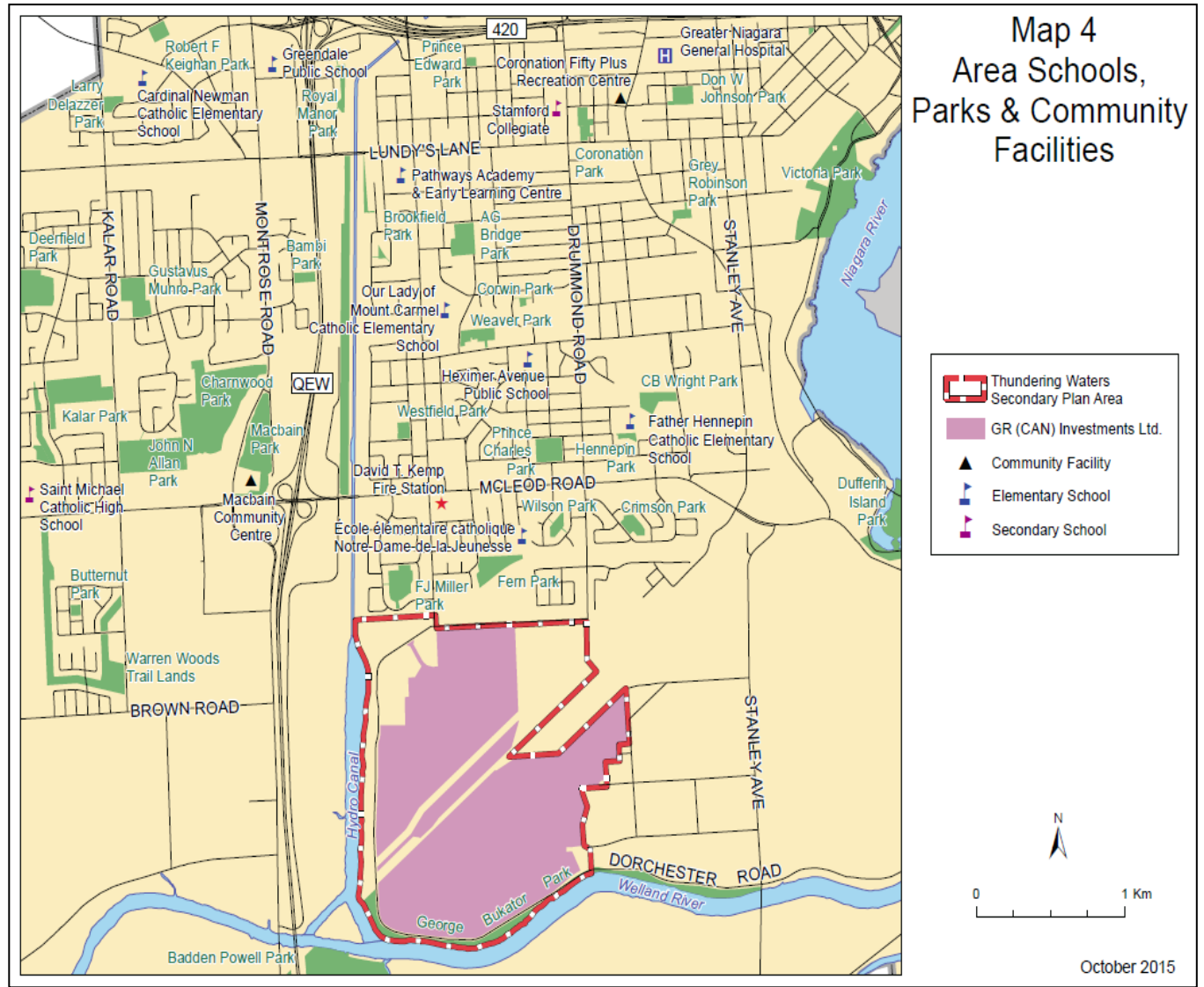


Figure 7 - Area Schools, Parks and Community Facilities



(Source: City of Niagara Falls)

5.0 PLANNING POLICY FRAMEWORK

A comprehensive planning policy framework informed preparation of OPA #117 to the Niagara Falls Official Plan. Four land use planning policy documents make up this framework:

Provincial Planning Policy (Section 5.1)

- Provincial Policy Statement (2014) – also referred to as PPS (2014) this document (Section 5.1.A)
- Growth Plan for the Greater Golden Horseshoe (2017) – also referred to as the Growth Plan (2017) in this document (Section 5.1.B)

Regional Planning Policy (Section 5.2)

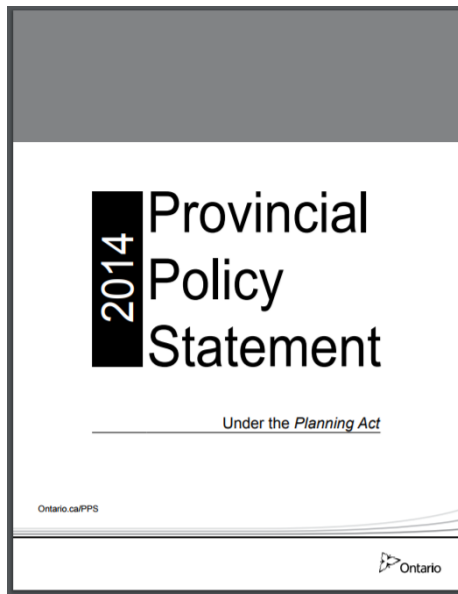
- Niagara Region Official Plan (NROP)

Local Planning Policy (Section 5.3)

- City of Niagara Falls Official Plan (NFOP)

The detailed planning undertaken for this OPA establishes the key policy directions for the lands in Riverfront Community of the City of Niagara Falls Special Policy Area #56. The policies of the OPA are drafted to be consistent with the directions in the PPS (2014), and conform with the Growth Plan (2017), the NROP and the NFOP.

In the following pages, an overview is provided for each of the four policy documents in the framework. The overview highlights the policies in each document relevant to this private initiated OPA and provides an analysis of each of those policies. Reference should be made to the complete policy documents for a full reading of all policies in their full context.



5.1.A Provincial Policy Statement (2014)

The PPS encourages strong and healthy communities to prosper for the economic well-being of Ontarians.

The policies of the PPS are found in Part V of the document and relate to the following general categories:

- Section 1.0 Building Strong Healthy Communities
- Section 2.0 Wise Use and Management of Resources
- Section 3.0 Protecting Public Health and Safety
- Section 4.0 Implementation and Interpretation
- Section 5.0 Figure 1
- Section 6.0 Definitions.

Key policies of the Provincial Policy Statement relevant to OPA #117 are discussed in the following pages.

Relevant Policies and Definitions

Section 1.0 Building Strong Healthy Communities

The policies in Section 1.0 provide direction related to the creation of “efficient land use and development patterns” which support sustainability with the intent of creating “strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

POLICY

"1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

"1.1.1 Healthy, liveable and safe communities are sustained by:

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

ANALYSIS

The lands are located within Special Policy Area #56 and lie within the existing urban area boundary for the City of Niagara Falls. These lands are identified as Greenfield within the Region of Niagara and City of Niagara Falls Official Plans and, based on the City's Phasing strategy, are intended to be among the earlier greenfield lands developed.

The policies for OPA #117 enable development anticipated by the City of Niagara Falls and ensure:

- key environmental features are protected (**13.56.8.2.11**);
- the overall design and character of the community is enhanced in this setting (**13.56.8.7.5**); and
- the density targets for population and employment are met (**13.56.8.2**).

The Riverfront Community will be developed with a mix of housing, employment, commercial services and community facilities integrated with an open space system that meets the needs of residents. The community's amenities and services will also attract visitors.

POLICY

"1.1.3.2 Land use patterns within settlement areas shall be based on:

- a) densities and a mix of land uses which:

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

ANALYSIS

The land use designations proposed in OPA #117 are intended to respect: existing industrial land uses on adjacent lands to the east and west; nearby and adjacent Natural Heritage System lands as determined in the EIS; and, the policies of the PPS, as well as the Growth Plan, Niagara Region Official Plan (NROP) and the Niagara Falls Official Plan (NFOP), while also meeting the density targets for greenfield development set out in those documents.

To achieve the density targets for OPA #117, the policies allow for a mixed commercial/residential use area and a range of residential areas that will contain low, medium, and high density forms of housing (**13.56.8.2**).

POLICY

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

"1.1.3.7 Planning authorities shall establish and implement phasing policies to ensure:

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



ANALYSIS

To achieve the minimum density targets for people and jobs, the Riverfront community will have a compact form, and mix of uses and densities that allow for the efficient use of land, infrastructure, and public service facilities.

Based on policies and mapping within the Niagara Falls Official Plan (NFOP), development of the Riverfront Community would be “In-Phase” with the municipal phasing schedule/mapping for greenfield development within the built-up area of the City of Niagara Falls.

1.2.6 Land Use Compatibility

POLICY

“1.2.6.1 Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities”.

ANALYSIS

The Riverfront Community is located between existing industrial employment lands to the east and to the west, bisected by a lightly used rail line.

The conclusions and recommendations of the “Air Quality, Noise and Vibration Feasibility Assessment, Version 2.0 (June 23, 2016)” prepared by RWDI Consulting Engineers, for the subject lands, indicate that the proposed residential and commercial uses proposed in Riverfront Community lands can be accommodated subject to the recommendations outlined in the report. In accordance with Air Quality, Noise and Vibration Feasibility Assessment, the policies of OPA #117 have been designed to prevent and/or mitigate potential future conflicts between the existing industrial and future commercial and residential uses.

It is anticipated that most potential future conflicts between the existing industrial uses and future commercial uses can be addressed through subdivision design and various technical solutions. However, it is recognized there is always the potential for some fugitive emissions, sounds or vibrations that may be noticeable from time to time. To this end, OPA #117 includes the following policy:

“Notices will be included in subdivision agreement(s), condominium agreements, site plan agreement(s) and purchase and sale agreements where appropriate regarding the proximity of heavy industrial land uses and railway lines to residential dwellings and the possibility that noise and vibration from them may be discernable.”

OPA #117 policies are intended to ensure that development of the Riverfront Community lands:

- Provides a high quality of living and property enjoyment for future residents;

- Integrates with and supports ongoing and future operations of nearby existing industrial lands; and
- Allows for the ongoing and future operations of the existing rail line.

1.3 Employment

POLICY

"1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and consider the needs of existing and future businesses;



- c) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and
- d) ensuring the necessary infrastructure is provided to support current and projected needs".

ANALYSIS

The Riverfront Community envisions a mix and range of land uses in a compact mixed-use development that incorporates compatible employment uses to support a liveable and resilient community. At build-out, the Riverfront Community is planned to accommodate approximately:

- 500 hotel units
- 1800 - 2800 jobs

It is also anticipated that future residents of Riverfront Community will contribute to the labour force needed for the adjacent industrial employment uses.

1.4 Housing

POLICY

"1.4.1 To provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the regional market area, planning

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

- a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;
- b) permitting and facilitating:
 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and
 2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and
- e) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety".

ANALYSIS

When developed, OPA #117 will contain a mix of housing, employment, commercial services and community facilities that meets the needs of its residents and provides services that attract people from all over the world to live or to visit. This community will connect with the rest of the City through the existing arterial road network and transit system. The nearby rail line offers the potential for other transit connections to be explored in future.

At build-out, Riverfront Community is designed to accommodate, approximately:

- 2675 people
- 1117 dwelling units, including 238 Seniors' Units

To provide a mix and range of housing options for future residents of Riverfront Community, OPA #117 will address policy requirements that allow for mixed use areas and low, medium and high-density housing types (**13.56.8.2**).



Policies that allow for Secondary Dwelling Units within single detached, semi-detached and townhouse dwellings to provide rental housing alternatives, will benefit the Riverfront community as well as the City of Niagara Falls.

POLICY

“1.5.1 Healthy, active communities should be promoted by:

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

ANALYSIS

Despite the complexity of planning the development of Riverfront Community and, given their proximity to industrial lands as well as an adjacent and integrated Natural Heritage System, these features also provide a unique opportunity to create:

- 1) A community with an interconnected system of parks, greenways, trails, open space and connections to the natural heritage system; and
- 2) A multi-modal transportation system, including active transportation to access amenities and local jobs within the community and in nearby industrial employment lands.

Additionally, meeting the minimum density targets increases the viability of public transit in serving Riverfront Community.



1.6 Infrastructure and Public Service Facilities

POLICY

"1.6.5 Public service facilities should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and active transportation".

ANALYSIS

As shown on Figure 8 in this document, there are public service facilities near the subject lands. A consideration for the City is confirming if new facilities may be needed on site or nearby in addition to existing facilities. The PPS supports, where appropriate, making the best use of existing infrastructure. Although the anticipated densities meet or exceed established density targets, the total Riverfront Community population will not, for example, be sufficient to warrant new public service facilities such as a hospital and school.

1.6.6 Sewage, Water and Stormwater

POLICY

"1.6.6.1 Planning for sewage and water services shall:

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

2. private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available;
- b) ensure that these systems are provided in a manner that:
 1. can be sustained by the water resources upon which such services rely;
 2. is feasible, financially viable and complies with all regulatory requirements; and
 3. protects human health and the natural environment;
- c) promote water conservation and water use efficiency;
- d) integrate servicing and land use considerations at all stages of the planning process; and
- e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5.

"1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible".

ANALYSIS

Policies contained within Section **13.56.8.4** of OPA #117 are based on and will implement the recommendations of the "Niagara Falls Riverfront Community Implementation Report - Stormwater, Wastewater, and Water Supply Services", prepared by Amec Foster Wheeler for GR (Can) Investment Co. Limited (September, 2017).

A pumping station required to service the Riverfront Community will be provided in accordance with the recommendations of the Amec report and consistent with Policy **13.56.8.4.2(1)**. Water services may be constructed in concert with sanitary services in accordance with these Servicing Reports and Policy **13.56.8.4.2(2)**.

POLICY

"1.6.6.7 Planning for stormwater management shall:

- a) minimize, or, where possible, prevent increases in contaminant loads;
- b) minimize changes in water balance and erosion;
- c) not increase risks to human health and safety and property damage;
- d) maximize the extent and function of vegetative and pervious surfaces; and
- e) promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development".

ANALYSIS

The Amec Servicing Report for the Riverfront Community provides the technical guidance to ensure this policy is appropriately addressed.

1.6.7 Transportation Systems

POLICY

"1.6.7.1 Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.

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

"1.6.7.3 As part of a multimodal transportation system, connectivity within and among transportation systems and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries.

"1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

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

ANALYSIS

It is expected that the densities, mix of uses and planned land use pattern will support a multi-modal transportation system, reduce the need for single occupancy car trips and contribute to a safer more energy efficient transportation network, as addressed in the Paradigm report and in accordance with Policy **13.56.8.4.4** in OPA #117. The Paradigm report considered the land uses and densities anticipated for Riverfront Community in developing their recommendations.

1.6.8 Transportation and Infrastructure Corridors

POLICY

"1.6.8.1 Planning authorities shall plan for and protect corridors and rights-of-way for infrastructure, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.

"1.6.8.3 Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified. New development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities".

1.6.9 Airports, Rail and Marine Facilities

POLICY

"1.6.9.1 Planning for land uses near airports, rail facilities and marine facilities shall be undertaken so that:

- a) their long-term operation and economic role is protected; and
- b) airports, rail facilities and marine facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with policy 1.2.6".

ANALYSIS

There are no regional roads or major transportation corridors existing or planned within the Riverfront Community lands. However, there are City based arterial roads that connect with the rest of the City's road system and to the Regional road system. There is a lightly used rail corridor and adjacent Con Rail drain, which bisect the subject lands.

It is anticipated that most potential future conflicts between the existing rail corridor and future land uses can be addressed through subdivision design and various technical solutions. However, there is a possibility of some sound or vibrations that may occasionally be noticeable. OPA #117 includes a policy to address this, as noted previously under **"1.2.6 Land Use Compatibility"**.



1.8 Energy Conservation, Air Quality and Climate Change

POLICY

"1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns which:

- a) promote compact form and a structure of nodes and corridors;
- b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;
- c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;
- d) focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities;
- e) improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;
- f) promote design and orientation which:
- g) maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation; and
- h) maximizes opportunities for the use of renewable energy systems and alternative energy systems; and

- i) maximize vegetation within settlement areas, where feasible".

ANALYSIS

OPA #117 provides a policy framework where:

- 1) development is focused away from core environmental features while at the same time utilizing this setting to enhance the overall design and character of the community;
- 2) The Riverfront Community will be developed with a mix of housing, employment, commercial services and community facilities that meets the needs of residents and provides services that attract people from outside the community;
- 3) This area will continue to be connected with the rest of the City through its existing arterial road system that will be integrated with the area's transit system and contribute to a vibrant economy for the City and Region. Other connection opportunities should be considered such as the existing railway.

Through Policy **13.56.8.5**, OPA #117 also addresses the Energy, conservation, air quality and climate change policies of the PPS.



2.0 Wise Use and Management of Resources

2.1 Natural Heritage

POLICY

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

"2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

"2.1.3 Natural heritage systems shall be identified in Ecoregions 6E & 7E1, recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas.

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

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

"2.1.5 Development and site alteration shall not be permitted in:

- a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E1;
- b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1;
- c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1;
- d) significant wildlife habitat;
- e) significant areas of natural and scientific interest; and
- f) coastal wetlands in Ecoregions 5E, 6E and 7E1 that are not subject to policy 2.1.4(b)
- g) unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

"2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions."

ANALYSIS

The Savanta EIS identifies core natural heritage areas that will be protected as part of the area's Natural Heritage System (NHS) and recommends NHS enhancements, including opportunities for providing net gains to the NHS when minor adjustments are needed to the boundaries of noted features. When allowed, those minor adjustments are designed to ensure a more efficiently designed community that limits wasteful sprawl while ensuring that core natural features remain untouched. The overarching direction of the EIS and in turn the OPA policies directs development away from the areas that must be protected and where appropriate, provides direction on when enhancements to the NHS must be mandated (**13.56.8.2.11**).

The EIS's conclusions and recommendations (Section 7.0) are addressed in Section **13.56.8.2.11** of OPA #117 and are intended to create a policy framework for Riverfront Community that protects the long-term health and viability of the Natural Heritage System.

2.2 Water

POLICY

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

- a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
- b) minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;
- c) identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed;

- d) maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas;
- e) implementing necessary restrictions on development and site alteration to:
 - 1. protect all municipal drinking water supplies and designated vulnerable areas; and
 - 2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions;
- f) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;
- g) ensuring consideration of environmental lake capacity, where applicable; and
- h) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.”

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

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

ANALYSIS

In addition to relevant advice in the EIS, the Amec Servicing Report provides recommendations for water, wastewater, and storm water, proposing various solutions for storm water management depending on the specific characteristics of the land and needs of those areas. As noted previously, Policies in Section **13.56.8.4** of OPA #117 address these recommendations.

2.6 Cultural Heritage and Archaeology

POLICY

"2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

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

2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.

2.6.5 Planning authorities shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources."

ANALYSIS

Cultural Heritage

As part of previous background research for Special Policy Area #56, a "Built Heritage and Cultural Landscape Assessment (March 2016)" was prepared by Amec Foster Wheeler. The report notes that there are no significant built heritage or cultural heritage landscapes on the subject lands:

Archaeology

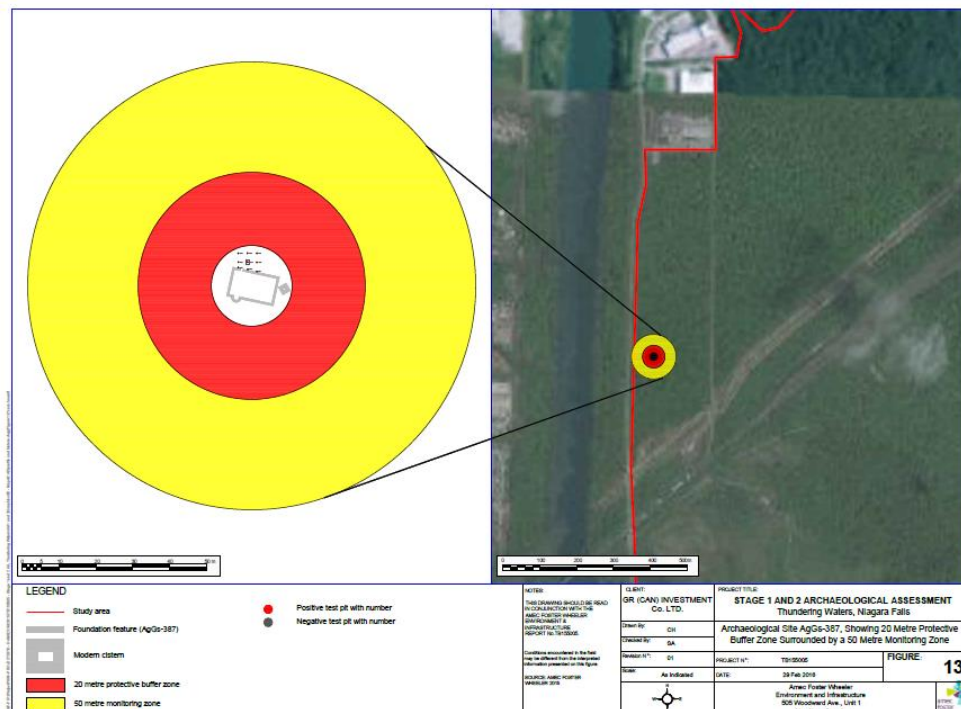
As part of the background research conducted with respect to the development of a Secondary Plan for Special Policy Area #56, a Stage 1 and 2 Archaeological Assessment (May 2016) was prepared by Amec Foster Wheeler. The outcomes and recommendations of that study have informed the development of the policies of OPA #117 **(13.56.8.7.6)**. The Stage 1 & 2 Assessment found foundation ruins in one location north of the Con-Rail Drain near Dorchester Road (see Figure 8).

Based on these results, the report recommended:

“If Site AgGs-387 cannot be avoided and protected, Stage 3 assessment should be conducted in compliance with the MTCS Standards and Guidelines for Consultant Archaeologists (2011)”.

It also recommended a 20 metre radius buffer of no disturbance and a monitoring zone of 50 metres around the protective zone, including monitoring by a licensed archaeologist for any “invasive” activities within the 50 metre zone.

Figure 8: Location of Site of Potential Archaeological Interest



3.0 Protecting Public Health and Safety

3.2 Human Made Hazards

POLICY

"3.2.1 Development on, abutting or adjacent to lands affected by mine hazards; oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.

"3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects".

ANALYSIS

Based on the Amec Phase 2 ESA (April 2017), some site remediation will be required within the Riverfront Community although there are no concerns for long term residential use of the area. The area affected is subject to the Environmental Quality policies established in Part 3 Section 6 of the Official Plan; no new OPA policies are needed to address this matter.

4.0 Implementation and Interpretation

"Official plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required".

ANALYSIS

No conflict between the PPS (2014) Implementation and Interpretation policies and the policies or directions for OPA #117 is identified or anticipated.

SUMMARY OF ANALYSIS FOR PPS (2014)

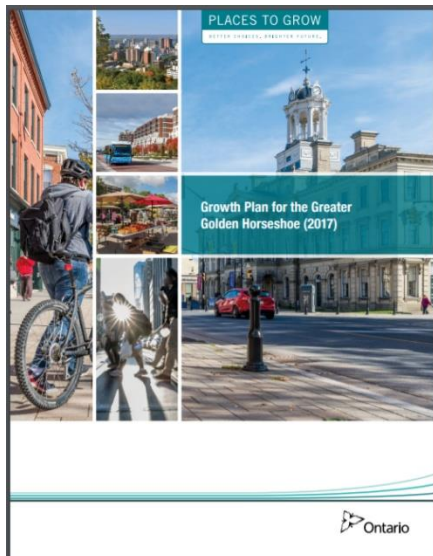
The PPS is issued under the authority of Section 3 of the Planning Act. Section 3 requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act. Therefore, the policies of OPA #117 must be consistent with the policies of the PPS (2014).

The Official Plan Amendment as proposed is consistent with the policies and directions of the PPS.

In establishing the policies of OPA #117, consideration is given to the compatibility of uses – Industrial, Commercial, Residential, Open Space and Trails and a Natural Heritage System. As noted earlier in this report, several studies were completed with respect to the proposed Riverfront Community lands. In general terms, development, subject to conditions and

recommendations set out in these studies, can be accommodated as envisioned for the Riverfront Community.

The policies of the Official Plan Amendment for the proposed development of the Riverfront Community lands have been designed to be consistent with the policies of the PPS (2014) and have incorporated the conclusions and recommendations of the studies undertaken.



5.1.B Growth Plan (2017)

The intent of the Growth Plan, like the PPS, is to create efficient land use and development patterns. The policies of the Growth Plan relevant to Riverfront Community are found in Sections 2-5 of the document and relate to the following general categories:

- Section 2 Where and How to Grow
- Section 3 Infrastructure To Support Growth
- Section 4 Protecting What is Valuable
- Section 5 Implementation and Interpretation

Section 2 Where and How to Grow

The policies of Section 2 are intended to set out the parameters with respect to where and how growth occurs in the Greater Golden Horseshoe (GGH) to ensure the development of healthy, safe and balanced communities.

2.2 Policies for Where and How to Grow

2.2.1 Managing Growth

POLICY

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

Niagara Planning Group
September 29, 2017

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



- c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- d) expand convenient access to:
 - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
 - ii. public service facilities, co-located and integrated in community hubs;
 - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
 - iv. healthy, local, and affordable food options, including through urban agriculture;
- e) ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards;
- f) mitigate and adapt to climate change impacts, build resilience, reduce greenhouse gas emissions, and contribute towards the achievement of low-carbon communities; and
- g) integrate green infrastructure and low impact development."

ANALYSIS

The proposed development of Riverfront Community will help accommodate forecasted growth in Niagara Falls in a well-designed community. It is designed to meet people's needs for a lifetime of daily living by providing: convenient access to an appropriate mix of jobs; local services; public service facilities; and, a full range of housing to accommodate a range of incomes and household sizes.



As noted previously, Riverfront Community will be developed with a mix of uses designed for both residents and visitors.

2.2.5 Employment

POLICY

"2.2.5.3. Retail and office uses will be directed to locations that support active transportation and have existing or planned transit."

"2.2.5.4. In planning for employment, surface parking will be minimized and the development of active transportation networks and transit-supportive built form will be facilitated."



"2.2.5.7. Municipalities will plan for all employment areas within settlement areas, with the exception of any prime employment areas, by:

- a) prohibiting residential uses and limiting other sensitive land uses that are not ancillary to the primary employment use;
- b) prohibiting major retail uses or establishing a size or scale threshold for any major retail uses that are permitted and prohibit any major retail uses that would exceed that threshold; and
- c) integrating employment areas with adjacent non-employment areas and developing vibrant, mixed-use areas and innovation hubs, where appropriate."

"2.2.5.12. The retail sector will be supported by promoting compact built form and intensification of retail and service uses and areas and encouraging the integration of those uses with other land uses to support the achievement of complete communities."

ANALYSIS

The Mixed Use Area of OPA #117 (see Schedule G) is to be designed as a walkable, accessible and compact urban core that provides many employment opportunities in its commercial spaces and hotels.

As noted previously, the conclusions and recommendations of the "Air Quality, Noise and Vibration Feasibility Assessment, Version 2.0 (June 23, 2016)" prepared by RWDI Consulting Engineers, for the subject lands, indicate that the proposed residential and commercial uses in Riverfront Community can be accommodated subject to the recommendations outlined in the report (**13.56.8.7.4**).



2.2.6 Housing

POLICY

"2.2.6.2. Notwithstanding policy 1.4.1 of the PPS, 2014, in preparing a housing strategy in accordance with policy 2.2.6.1, municipalities will support the achievement of complete communities by:

- a) planning to accommodate forecasted growth to the horizon of this Plan;
- b) planning to achieve the minimum intensification and density targets in this Plan;
- c) considering the range and mix of housing options and densities of the existing housing stock; and
- d) planning to diversify their overall housing stock across the municipality".

ANALYSIS

At build-out, the Riverfront Community is designed to accommodate, approximately 2,675 people living in 1,117 housing units including 238 residences designed for seniors. The policies of OPA #117 provide for a full range of housing options, including opportunities for mixed use buildings in the commercial core.

Policies that allow Second Dwelling Units within single detached, semi-detached and townhouse dwellings to provide rental housing alternatives, will be of benefit to the Riverfront Community as well as the City of Niagara Falls.

2.2.7 Designated Greenfield Areas



POLICY

"2.2.7.5. For upper- and single-tier municipalities in the outer ring, the minimum density target for designated greenfield areas contained in the applicable official plan that is approved and in effect as of July 1, 2017 will continue to apply until the next municipal comprehensive review is approved and in effect".

ANALYSIS

In completing the following analysis, reference was made to all policies in the Section noted above but not all those policies are re-produced here to conserve space. They can be referenced at:

[This link will take the reader to placestogrow.ca to find the policies.](http://placestogrow.ca)

Policies in OPA #117 such as **13.56.8.1** and **13.56.8.7.5** are intended to support the achievement of a complete community, addressing the general intent and policies of the Growth Plan (2017). These policies are intended to focus on achieving the following:

- provide a balance of jobs and housing;
- support multiple modes of transportation including transit and active transportation;
- Limit land consumption through compact built form;
- provide a range of housing types;
- Provide hard services through municipal sewage and water; and
- integrate green infrastructure and low impact development.

Although one purpose of the Official Plan Amendment is to provide a policy foundation for achieving Provincial and Regional targets for a balance of people and jobs on the Riverfront Community lands, residents within the proposed community may also provide a nearby local source of labour for the existing neighbouring employment lands.

3 Infrastructure to Support Growth

"Section 3 provides a framework to guide infrastructure and strategic investment decisions to support and accommodate forecasted population and employment growth – particularly in three key areas of transportation, water and wastewater systems and community infrastructure".

ANALYSIS

In completing the following analysis, reference was made to all the policies associated with this Section. These policies are not re-produced here but can be referenced at:

[This link will take the reader to placestogrow.ca to find the policies.](http://placestogrow.ca)

Transportation

The policies of OPA #117 recognize that the combined gross density of the plan must meet or exceed the Province's growth targets. Therefore, the densities, mix of uses and land use pattern anticipated will support a multi-modal transportation system, reduce the need for single occupancy car trips and contribute to a safer more energy efficient transportation network.

Water and Wastewater Services

Sanitary services will be constructed in accordance with the recommendations of the "Niagara Falls Riverfront Community Implementation Report - Stormwater, Wastewater, and Water Supply Services", prepared by Amec Foster Wheeler for GR (Can) Investment Co. Limited (September, 2017). The "Niagara Falls Thundering Waters Development - Functional Servicing Study (FSS), (Amec Foster Wheeler, June 2016)" forms the basis for the more recent Riverfront Community servicing report.

A pumping station required to service the Riverfront Community will be provided in accordance with their recommendations. Water services may be constructed in concert with sanitary services in accordance with the recommendations of the approved Servicing Reports.

Storm Water Management

The Amec report also provides technical guidance to ensure Storm Water Management policies are addressed.

Public Service Facilities

As shown on Map 7 in this document, there are several public service facilities near the subject lands. It is relevant to consider if it is better to serve this area with new facilities on site or with existing nearby facilities. The PPS supports, where appropriate, making the best use of existing infrastructure. Although the anticipated densities meet or exceed established density targets,

the total population within the Riverfront Community will not be sufficient to warrant new public service facilities such as a hospital and school.

4 Protecting What is Valuable

4.2 Policies for Protecting What is Valuable

4.2.1 Water Resource Systems

POLICY

“4.2.1.2. Water resource systems will be identified, informed by watershed planning and other available information, and the appropriate designations and policies will be applied in official plans to provide for the long-term protection of key hydrologic features, key hydrologic areas, and their functions.”

“4.2.1.3. Decisions on allocation of growth and planning for water, wastewater, and stormwater infrastructure will be informed by applicable watershed planning. Planning for designated greenfield areas will be informed by a sub-watershed plan or equivalent.”

4.2.2 Natural Heritage System

“4.2.2.1 The Province will map a Natural Heritage System for the GGH to support a comprehensive, integrated, and long-term approach to planning for the protection of the region’s natural heritage and biodiversity. The Natural Heritage System mapping **will exclude lands within settlement area boundaries** [emphasis added] that were approved and in effect as of July 1, 2017”.

“4.2.2.4 The natural heritage systems identified in official plans that are approved and in effect as of July 1, 2017 will continue to be protected in accordance with the relevant official plan until the Natural Heritage System has been issued.”

“4.2.2.5 In implementing the Natural Heritage System, upper- and single-tier municipalities may, **through a municipal comprehensive review** [emphasis added], refine provincial mapping with greater precision in a manner that is consistent with this Plan.”

“4.2.2.6 Beyond the Natural Heritage System, including within settlement areas, the municipality:

- a) will continue to protect any other natural heritage features in a manner that is consistent with the PPS; and
- b) may continue to protect any other natural heritage system or identify new systems in a manner that is consistent with the PPS.”

ANALYSIS

As noted previously, the Savanta EIS identifies the NHS boundaries to be protected from development on GR (CAN) holdings and informs the OPA #117 boundaries and its associated policies, such as those found in Section 13.56.8.2.11.

The EIS provides recommendations to protect and maintain the NHS including the provision of buffers between this system and developable lands. The policies of OPA #117 address the

conclusions and recommendations of the EIS for those areas impacted inside the OPA boundaries.

4.2.5 Public Open Space

POLICY

"4.2.5.1 Municipalities, conservation authorities, non-governmental organizations, and other interested parties are encouraged to develop a system of publicly-accessible parkland, open space, and trails, including in shoreline areas, within the GGH that:

- a) clearly demarcates where public access is and is not permitted;
- b) is based on a co-ordinated approach to trail planning and development; and
- c) is based on good land stewardship practices for public and private lands."

"4.2.5.2 Municipalities are encouraged to establish an open space system within settlement areas, which may include opportunities for urban agriculture, rooftop gardens, communal courtyards, and public parks".

ANALYSIS

As shown on Map 1 (Riverfront Community Boundary), the lands are situated near the Welland River to the south, the Ontario Power Generation Inc (OPG) Canal to the west and the Stanley Business Park to the east. The Con Rail Drain runs diagonally through and bisects the lands. The drain is to be protected and integrated with the community's open space system.

As found in Policy **13.56.8.2.10**, the open space system will be comprised of trails, greenways and parkland, the locations of which will be finalized during the approval of implementing draft plans of subdivision (**13.56.8.7.3**).

POLICY

"4.2.7 Cultural Heritage Resources

1. Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.
2. Municipalities will work with stakeholders, as well as First Nations and Métis communities, in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources.
3. Municipalities are encouraged to prepare archaeological management plans and municipal cultural plans and consider them in their decision-making."

ANALYSIS

Cultural Heritage

As part of the background research conducted for a Secondary Plan for Special Policy Area #56, a “Built Heritage and Cultural Landscape Assessment (March 2016)” was prepared by Amec Foster Wheeler. The report notes that there are no significant built heritage or cultural heritage landscapes on the subject lands. For more information, refer to the earlier and related PPS analysis in this report.

Archaeology

As part of the background research conducted with respect to the development of a Secondary Plan for Special Policy Area #56, a Stage 1 and 2 Archaeological Assessment (May 2016) was prepared by Amec Foster Wheeler. The outcomes and recommendations of that study informed preparation of OPA #117. For this information, refer to the earlier and related PPS analysis in this report. As well, please refer to Figures 8 in this report.

POLICY

“4.2.9 A Culture of Conservation

This Section of the Growth Plan directs that municipalities develop and implement official plan policies and other strategies to support a number of conservation objectives. The objectives include:

- water conservation including water demand management and water recycling;
- energy conservation, including energy conservation for municipal facilities and land use patterns and urban design standards that encourage and support energy-efficient buildings and opportunities for cogeneration;
- air quality protection;
- integrated waste management; and,
- soil management.”

ANALYSIS

The various policies of OPA #117, as supported by the supporting studies completed, respond to and foster the creation of “a Culture of Conservation”, and do so through policies that protect natural heritage (eg. **13.56.8.2.11** and **13.56.8.3**) and policies that meet or exceed density targets (eg. **13.56.8.1**).

4.2.10 Climate Change

This Section directs that municipalities develop and implement official plan policies and other strategies to support a number of objectives to address climate change. The objectives include:

- Developing policies and identifying action that will reduce greenhouse gas emissions and address climate change adaptation goals including actions such as:
 - “supporting the achievement of *complete communities* as well as the minimum intensification and density targets in this Plan;

- “reducing dependence on the automobile and supporting existing and planned transit and *active transportation*;
- “assessing infrastructure risks and vulnerabilities and identifying actions and investments to address these challenges;
- “undertaking stormwater management planning in a manner that assesses the impacts of extreme weather events and incorporates appropriate green infrastructure and low impact development;
- “recognizing the importance of watershed planning for the protection of the quality and quantity of water and the identification and protection of hydrologic features and areas;
- “protecting the Natural Heritage System and water resource systems;
- “promoting local food, food security, and soil health, and protecting the agricultural land base;
- “develop greenhouse gas inventories for transportation, buildings, waste management and municipal operations; and
- “establish municipal interim and long-term greenhouse gas emission reduction targets that support provincial targets and reflect consideration of the goal of low-carbon communities and monitor and report on progress made towards the achievement of these targets”.

ANALYSIS

OPA #117 responds to the policies of Section 4.2.10 through the planned built form articulated in Sections **13.56.8.1** and **13.56.8.2**, promoting a compact urban form that meet or exceed local and provincial growth targets and is responsive to the limits established by nearby significant environmental features (**13.56.8.2.11**).

SUMMARY OF ANALYSIS – GROWTH PLAN

The Growth Plan for the Greater Golden Horseshoe (2017) provides a long-term framework to inform where and how the Region will grow.

The Growth Plan promotes better use of land and infrastructure by:

- directing growth to settlement areas
- prioritizing intensification
- providing a focus on strategic growth areas

The policies of the proposed OPA #117 for Riverfront Community must conform with the policies and intent of the Growth Plan (2017).

As noted in the Summary for the PPS (2014), the lands that comprise Riverfront Community are somewhat unique in their proximity to both industrial employment lands and a Natural Heritage System. In establishing the policies of OPA #117 consideration must be given to the compatibility of uses – Industrial, Commercial, Residential, Open Space and Trails and a Natural Heritage System.

In general terms, development, subject to conditions and recommendations set out in the supporting studies cited previously, can be appropriately and reasonably accommodated as envisioned for the Riverfront Community lands.

Based on the analysis undertaken for this Planning Justification Report, OPA #117 conforms to the general intent and policies of the Growth Plan (2017).



5.2 Niagara Region Official Plan (NROP)

The Niagara Region Official Plan (NROP) is intended to guide the physical, economic and social development of the Regional Municipality of Niagara. It contains objectives, policies and mapping that to provide for managing growth, growing the economy, protecting the natural environment, resources and agricultural land, and providing infrastructure.

A copy of NROP Schedule A on the following page (Figure 9) shows the unique location of the Riverfront Community within a Designated Greenfield Area located in the existing urban area boundary of the City of Niagara Falls.

Chapters 1 and 2 of the NROP establish the framework and context of the official plan.

Chapter 2.0 Growing the Economy

It is important to provide for economic development and housing to meet the needs of those who live in Niagara. The challenge is to provide a balance between conservation and development. At the Regional scale, there is the opportunity to achieve such a balance, accommodating urban development while conserving resources and protecting the environment.

Tourism plays an important role in Niagara's economy, considered to be an industry with significant growth potential. The Region supports the development and integration of cultural tourism. The NROP recognizes that tourism is one of the main industries in Niagara Falls.

In NROP, seven strategic objectives have been identified along with underlying principles which assist in the attainment of the objectives:

Strategic Objectives

“2.1 To recognize the diversified opportunities and needs in Niagara by balancing both urban development and the conservation of natural resources.

- a) A choice of housing and employment locations.
- b) Development and efficient use of lands within the existing urban boundaries first.
- c) Conservation of natural resources (e.g., fishery habitat, Areas of Natural and Scientific Interest, natural areas, wildlife habitat, waterways, Niagara Escarpment, wetlands, aggregate areas, and woodlots). Minimization of conflicts between incompatible land uses.

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

- a) Importance of water quality (e.g., as a source of drinking water, and for fishery habitat).
- b) Public facilities to protect water quality.
- c) Air quality improvements by good urban design, reduced commuting, and linking residential and employment areas.
- d) Contributions of natural areas (e.g., wetlands)”.

ANALYSIS

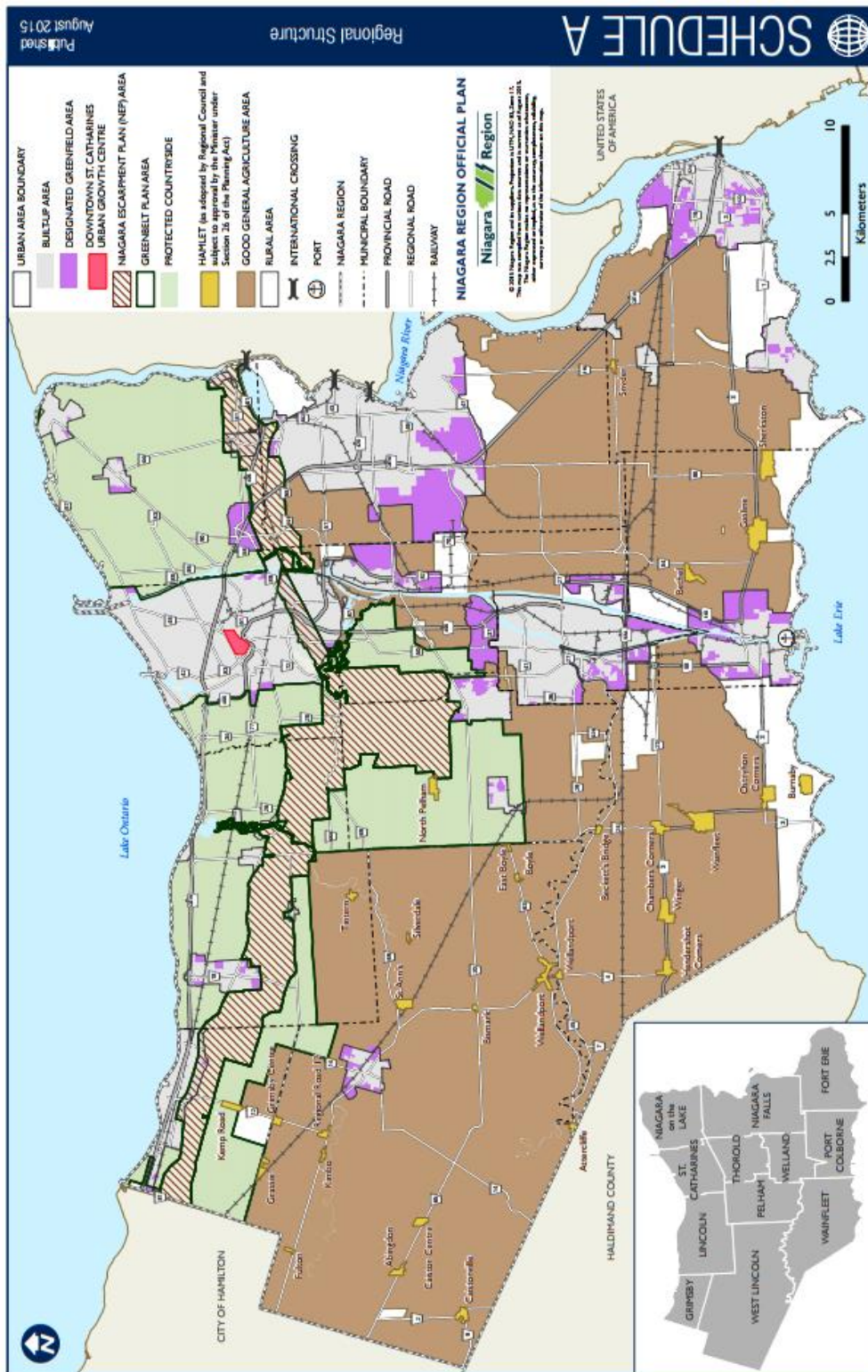
As noted previously in this report, OPA #117 addresses forecasted growth in a well designed community, providing convenient access to an appropriate mix of jobs, local services, public service facilities, and a full range of housing.

The Riverfront Community lands are located within the existing urban area boundary for the City of Niagara Falls. These lands are identified as Greenfield within the City of Niagara Falls Official Plan, and based on the Phasing strategy of the municipality are intended to be among the earlier greenfield lands developed (Phase 2).

This report, highlights key NROP policies, relevant to the subject lands of Official Plan Amendment (OPA) #117, from the following Chapters of the NROP:

Chapter 3 Employment
Chapter 4 Managing Growth
Chapter 7 Natural Environment
Chapter 8 Infrastructure
Chapter 9 Transportation
Chapter 10 Creative Niagara
Chapter 11 Housing and Community Services, and
Chapter 14 Implementation

Figure 9: NROP Schedule A



Chapter 3. Employment

The Study Area is within the Niagara Economic Gateway area which is intended to attract investment and promote employment growth in strategic locations by taking advantage of the unique locational opportunities and linking them with Niagara's market opportunities. Tourism uses and tourism economic development is a priority in the Niagara Economic Gateway zone.

Location of the Niagara Economic Gateway

The Niagara Economic Gateway lands are found on Figures 10 and 11 (Schedules G1 and G2 from the Official Plan) and constitute the lands within the Niagara Economic Gateway.

3.D Commercial Areas

"Policy 3.D.2 Municipalities are encouraged to develop policies which carefully balance the supply of commercial space with the demand for commercial goods and services, placing a particular emphasis on commercial retail goods and services.

"Policy 3.D.7 The Region promotes the "Main Street" form of commercial development, with building facades closer to the street, an efficient use of land, a mix of uses in both new and established areas, and support and access for active transportation.

"Policy 3.D.8 The Region recognizes neighbourhood commercial activities as an integral part of Niagara's residential areas.

"Policy 3.D.10 New commercial development or redevelopment should be assessed in relation to community character and be appropriately located to serve as part of the neighbourhood's existing or proposed fabric. Assessment in relation to community character could include:

- a) The scale of the activity;
- b) The orientation of the development to adjacent land uses; and,
- c) The capacity of the development to operate compatibly with housing.

"Policy 3.D.11 Commercial development and redevelopment projects should be designed to be transit and active transportation friendly".

ANALYSIS

In completing this analysis, reference was made to all the policies under the heading noted. Some objectives and policies are not re-produced here to conserve space but can be referenced at: [The link with take the reader to the Region's Chapter 3 Official Plan Policies.](#)

The proposed Mixed Use areas will promote a "Main Street" form of commercial development (**13.56.8.2.9**) and provide a high standard of urban design (**13.56.8.7.5**) for this important Community Core in a manner intended to define the character of this new community.

Figure 10: NROP - Schedule G1 - Niagara Economic Gateway

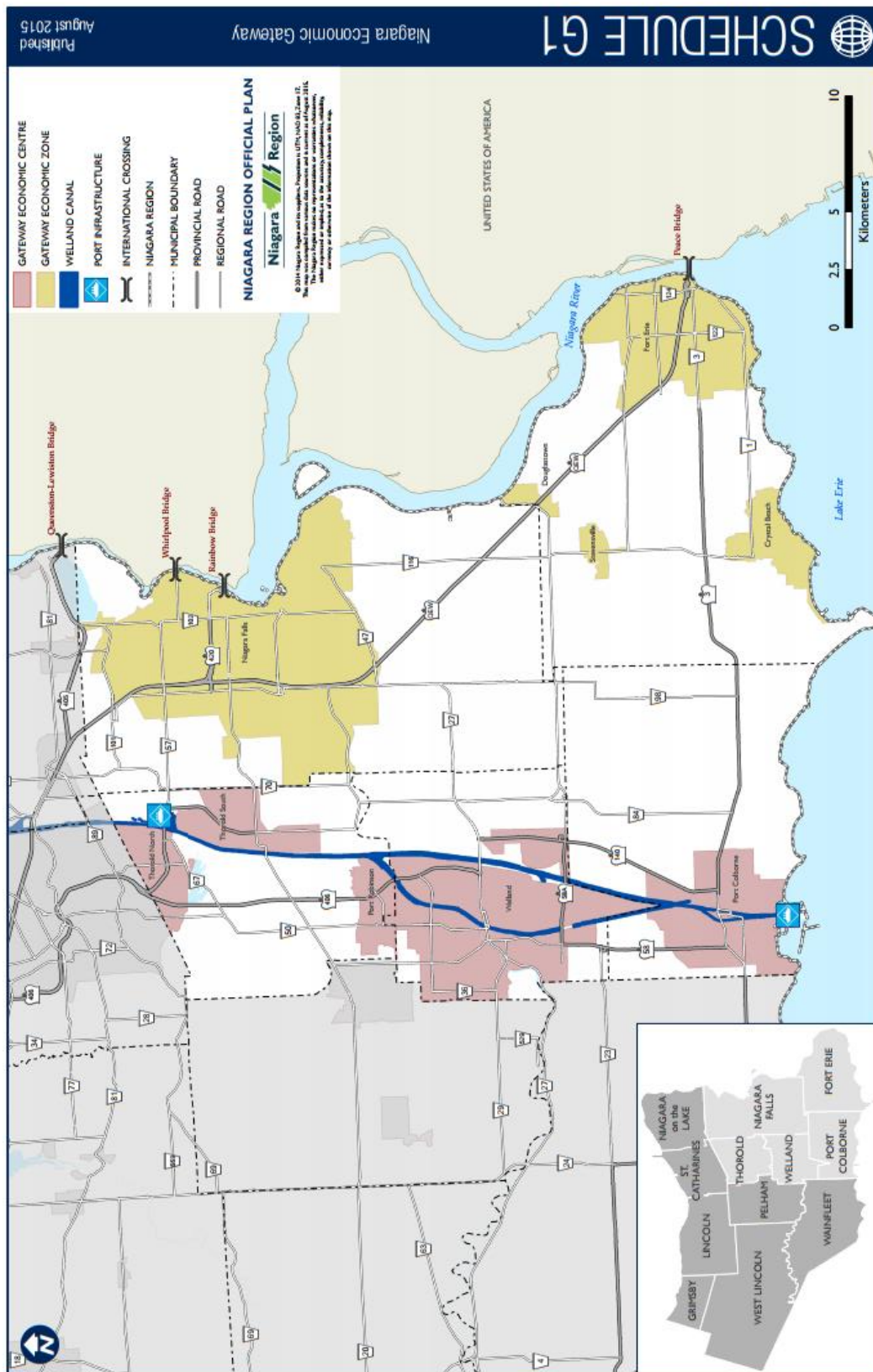
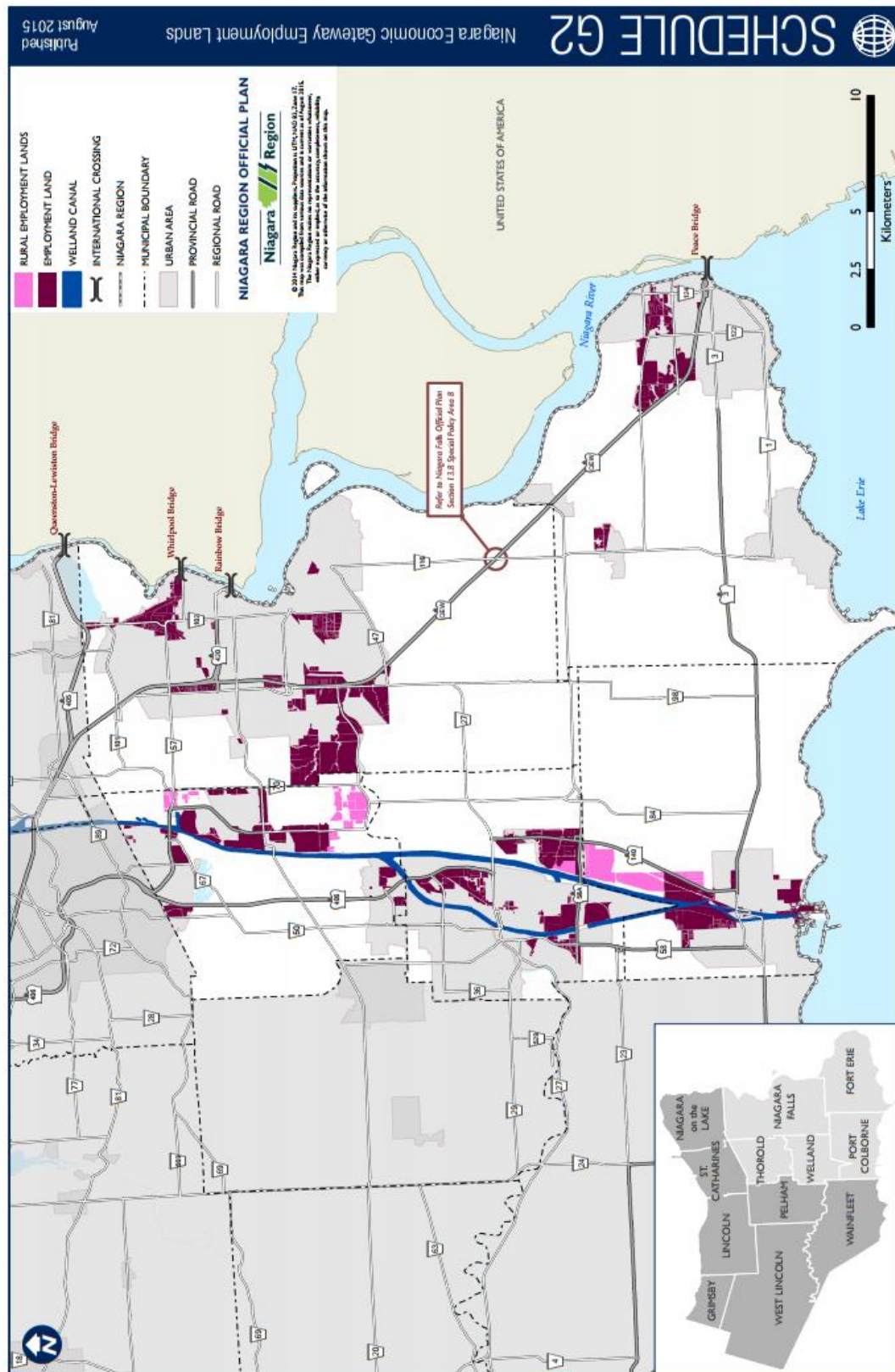
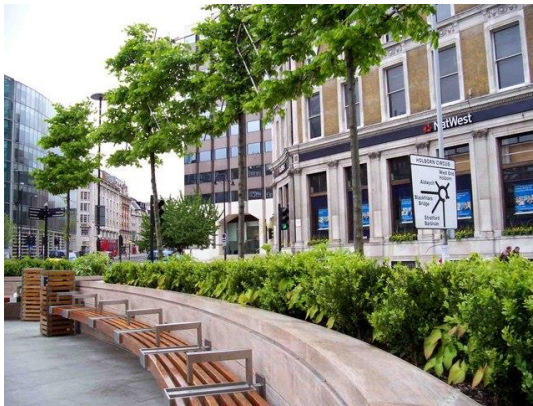


Figure 11: NROP Schedule G2 – Niagara Economic Gateway Employment Lands





Chapter 4.0 Managing Growth

The Region's "Growth Management Objectives" can be summarized as follows:

Growth should be based on developing complete, compact communities that include a diverse mix of land uses, a range of local employment opportunities and housing types, high quality public open spaces, and easy access to local stores and services in a transit supportive, and active transportation friendly urban environment.

4.A Shaping Growth in Niagara

4.A.1 Growth Management Objectives

"The objectives of the Growth Management Policies of this plan are to:

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

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

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

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

4.C.5 Greenfield Development

Policy 4.C.5.1

"Designated Greenfield Areas will be planned as compact, complete communities by:

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

ANALYSIS

In completing this analysis, reference was made to all the policies under the heading noted. Some objectives and policies are not re-produced here to conserve space but can be referenced at: [This link will take the reader to Chapter 4 policies of the Region's Official Plan.](#)

The development of Riverfront Community located within the urban area boundary, is intended to help accommodate forecasted growth on "greenfield land" in a form that is consistent with the requirements for a complete community.

4.C.6 Greenfield Density Target

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

- a) *Wetlands;*
- b) *Coastal wetlands;*

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

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

Policy 4.C.6.2

"The Region, working in collaboration with local municipalities, will identify minimum Greenfield density targets for local municipalities which will achieve the overall Regional density target set out in policy 4.C.6.1".

4.C.7 Achieving the Density Target

Policy 4.C.7.1

"In order to achieve the planned minimum greenfield density target, official plans shall:

- a) Adopt minimum and maximum residential and employment densities in local Official Plans, including distinctions between net and gross density.
- b) Include policies for achieving higher residential and employment densities in greenfield areas.
- c) Include policies for achieving a mix of housing types and residential densities in greenfield areas.
- d) Develop greenfield development guidelines to support local policy direction for greenfield areas".

Policy 4.C.7.2

"The Region will monitor the combined 50 people and jobs per hectare target".

ANALYSIS

The Riverfront Community is planned to exceed the minimum greenfield density target of 50 residents and jobs combined per hectare as currently set out in the Region of Niagara Official Plan. The policies of the OPA provide clarity regarding how these targets will be met (**13.56.8.1** and **13.56.8.2**).

4.F Phasing of Development

4.F.1 Managing the Land Supply to Achieve Efficient Development

"Policy 4.F.1.1 The Region shall adopt policies to address the overall supply of land within Settlement Areas. In so doing the Region shall assess the tools that are available, including planning, to manage the supply of Greenfield lands to achieve the Urban Structure and Growth Management objectives of this Plan. The Regional Phasing Strategy is outlined in Section 14.I of this Plan.

“Policy 4.F.1.2 Local Official Plans shall be amended to implement the Regional phasing strategy accordingly, giving priority to intensification, infilling and completion of existing neighbourhoods and communities.

“Policy 4.F.1.3 Approval of new Greenfield development will occur where both regional and local existing planned infrastructure can be provided in a financially and environmentally sustainable manner and where such development would not be isolated from existing development”.

ANALYSIS

The Riverfront Community lands are surrounded by built-up land to the west, north and east. Based on policies and mapping within the Niagara Falls Official Plan (NFOP), development of the lands would be “In-Phase” with the municipal phasing schedule/mapping for greenfield development within the City of Niagara Falls.

4.G.13 Transportation Corridors

“Policy 4.G.13.1 The Transportation Corridors shown on Schedule A are intended to be the focus for moving people and goods within Niagara and through the Region. The Region’s key Transportation Corridors include:

- a) The Welland Canal;
- b) The Queen Elizabeth Way;
- c) Highway 406;
- d) Other Provincial Highways;
- e) Regional Roads; and
- f) Railways”.

ANALYSIS

There are no regional roads or major transportation corridors existing or planned within Riverfront Community. There is a lightly used rail corridor that bisects the area.



4.I Mixed Use Areas

"Policy 4.I.1 The Region encourages the development of mixed use areas in Niagara. Mixed use areas should be planned to accommodate a variety of complementary land uses, including residential, commercial, employment, recreation, institutional, the Core Natural Heritage System, hydrological features and open space".

ANALYSIS

In completing this analysis, reference was made to all the policies under the heading noted. Many of these policies are not re-produced here to conserve space but can be referenced at:

[This link will take the reader to Chapter 4 Managing-Growth of the Region's Official Plan.](#)

Reference page 4-25 for all the Mixed Use Areas' Policies.

The lands proposed for mixed use are shown on Map 3 (p. 7) and are generally located in the northern third of the Riverfront Community lands, east of Dorchester Road and north of the railway. These lands are intended to create a dynamic community core (**13.56.8.2.9(1)**) that serves the community's needs, providing a diverse range of uses in an attractive pedestrian oriented setting. It will permit a variety of commercial (e.g. Retail, Hotel, Restaurants) and residential uses.



4.J Urban Design and the Public Realm

Policy 4.J.1 “The Region promotes urban design analysis, municipal beautification, streetscape improvements, public art and the establishment of public gardens to ensure our communities remain attractive places, enhance our quality of life, and encourage tourism”.

ANALYSIS

In completing this analysis, reference was made to all the policies under the heading noted. Many of these policies are not re-produced here to conserve space but can be referenced at:

[This is another link to Chapter 4 of the Region's Official Plan.](#) Reference page 4-26 for all the Urban Design Policies.

Development of Riverfront Community will be guided by urban design policies in the Niagara Falls Official Plan and OPA #117. Prior to final approval subdivisions and condominiums, details with respect to urban design will be addressed through preparation of appropriate Urban Design Guidelines (13.56.8.7.5).



Chapter 7.0 Natural Environment

“The Planning Act, the Provincial Policy Statement and the Greenbelt Plan, in conjunction with other Provincial policy, legislation and regulations, set out the Provincial framework for environmental planning and conservation. This Chapter of the Plan addresses this Provincial framework in developing a planning approach tailored to specific conditions in Niagara. Thus, the environmental conservation provisions of the Greenbelt Plan are integrated into the policies set out below”.

Policy Framework

“The policy framework is based on maintaining a Healthy Landscape throughout Niagara, while giving particular attention to natural features of special significance within the broader landscape. This Core Natural Heritage System is an essential component of a Healthy Landscape. Implementation measures also are included.

“The Healthy Landscape policies apply an ecosystem approach based upon the following principles:

- a) Ecosystem Health and Sustainability – to ensure healthy, resilient and self –sustaining ecosystems over the long term while also meeting human needs.
- b) An Ounce of Prevention – to emphasize better up-front planning to avoid problems.
- c) Environmental Protection Plus Enhancement – to protect the existing environment while supporting environmental restoration.
- d) Stewardship Plus Regulation – to combine support for the stewardship activities of landowners, community groups and public agencies with regulations to maintain ecosystem health.
- e) Thinking Globally, But Acting Locally – to address the cumulative effects of individual actions.

“Policy 7.A.1.3 Local municipalities shall be encouraged to:

- a) Adopt by-laws protecting trees and woodlands not covered by the Regional Forest Conservation By-law or delegate their authority to the Region;
- b) Require preparation and implementation of Tree Saving Plans for new development, if needed; and
- c) Integrate natural features and natural vegetation, including the planting of native species, into development.

ANALYSIS

As demonstrated in the Savanta EIS, Riverfront Community lands are proposed to develop outside the recommended NHS. The OPA will not impact core features.

The policies of OPA #117 address the conclusions and recommendations of the EIS, including the identification of **minimum** limits for the NHS.

OPA #117 also includes a tree management policy (**13.56.8.3**) which states:

“Tree saving plans shall be required as part of subdivision and site plan applications to identify existing mature trees located outside the Environmental Protection Areas and associated buffers to preserve and integrate them into the built environment where possible.”

7.A.2 Water Resources

Policies

“Policy 7.A.2.1 Development and site alteration shall only be permitted if it will not have negative impacts, including cross-jurisdictional and cross-watershed impacts, on:

- a) The quantity and quality of surface and ground water;
- b) The functions of ground water recharge and discharge areas, aquifers and headwaters;
- c) The natural hydrologic characteristics of watercourses such as base flow;
- d) Surface or ground water resources adversely impacting on natural features or ecological functions of the Core Natural Heritage System or its components;
- e) Natural drainage systems, stream forms and shorelines; and
- f) Flooding or erosion”.

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

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

“Stormwater management plans shall be prepared in accordance with Policy 7.A.2.1, with the Ontario Ministry of the Environment Stormwater Management Planning and Design Manual 2003 or its successor, and with watershed and/or environmental planning studies for the area.

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

“Policy 7.A.2.9 Development and site alteration shall not have significant adverse impacts on ground water quality or quantity. In areas where development and site alteration could significantly affect ground water quality or quantity the Region shall require further review of potential impacts”.

ANALYSIS

Based on the guidance provided by the Savanta EIS and Amec servicing study, OPA #117 includes policies designed to protect and maintain the function of the Natural Heritage System (**13.56.8.2.11**), to manage on-site storm water (**13.56.8.4.1**), and to protect on-site water resources (**13.56.8.4.1(7)**) in accordance with Regional policy and practice.

7.A.3 Air Quality and Climate Change

“Air pollution is a significant health concern and affects agriculture, natural vegetation and wildlife. Climate change poses significant economic, environmental and health risks. Many of the activities

responsible for greenhouse gas emissions also cause other forms of air pollution. Policies elsewhere in this Plan make a significant contribution to reducing emissions by:

- a) Promoting energy efficiency and alternatives to fossil fuel based energy in Regional facilities and operations;
- b) Emphasizing compact, mixed use development to reduce the need for travel;
- c) Supporting transit, walking and cycling;
- d) Encouraging waste reduction and diversion, use of landfill gas and water conservation; and
- e) Promoting green space, tree planting and natural heritage conservation”.



ANALYSIS

OPA #117 establishes a policy framework where key environmental features are protected (**13.56.8.2.11**) while facilitating development of a community that responds to the objectives of Policy 7.A.3 above. OPA #117 envisions a compact, mixed use community that is designed for and encourages multiple-modes of transportation (including active transportation) and in doing so addresses the Energy, conservation, air quality and climate change policies of the Growth Plan.

7.A.6 Natural Hazards

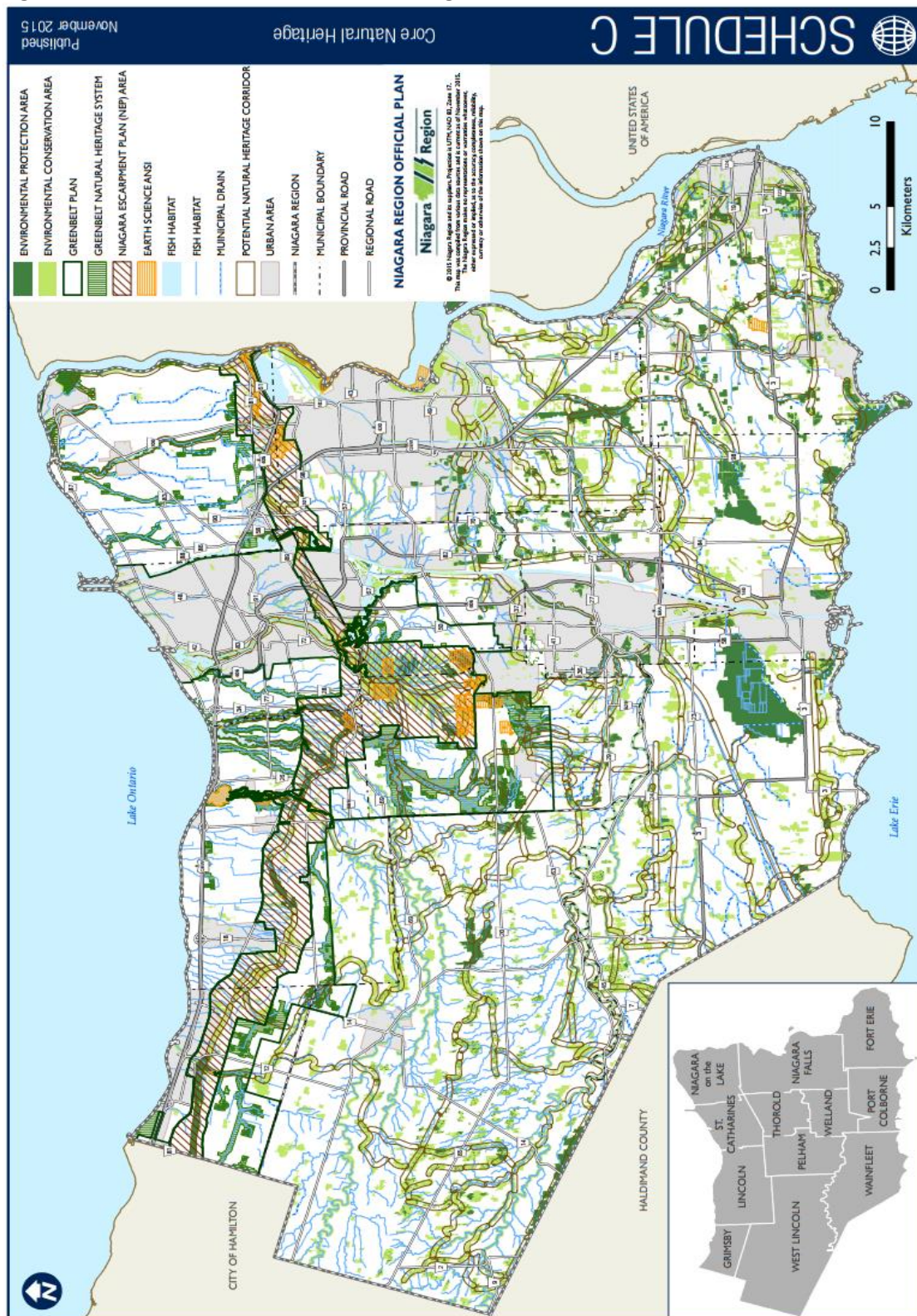
Objectives

“Objective 7.A.6.B To ensure that development and site alteration do not create new hazards, aggravate existing ones, or have negative environmental impacts”.

Analysis

Based on the studies completed to date on the Riverfront Community lands, some site remediation is needed in Riverfront Community but there are no long-term concerns associated with residential use of the site. In addition to the existing policies of the Official Plan (Part 3, Section 6), OPA #117 requires appropriate clearances such as Records of Site Condition that ensures site remediation is completed where needed (**13.56.8.2.11(21)**).

Figure 12 - Schedule C – Core Natural Heritage



7.B The Core Natural Heritage System

Objectives

“Objective 7.B.1 To maintain, restore and, where possible, enhance the long term ecological health, integrity and biodiversity of the Core Natural Heritage System and its contributions to a Healthy Landscape.

“Objective 7.B.2 To recognize the linkages among natural heritage features and ground and surface water resources”.

Policies

“Policy 7.B.1.1 The Core Natural Heritage System consists of:

- a) Core Natural Areas, classified as either Environmental Protection Areas or Environmental Conservation Areas;
- b) Potential Natural Heritage Corridors connecting the Core Natural Areas;
- c) the Greenbelt Natural Heritage and Water Resources Systems; and
- d) Fish Habitat.

“The System generally is shown on Schedule C, which provides an overall indication of provincially and regionally significant natural features and provides the framework for natural heritage planning and development review in Niagara. The Niagara Region Planning and Development Services Department should be contacted for more detailed information. Natural heritage features may be further defined through future studies. Additional Natural Heritage features of local significance may be identified by local municipalities in their planning documents.

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

“Policy 7.B.1.3 Environmental Protection Areas include provincially significant wetlands; provincially significant Life Science Areas of Natural and Scientific Interest (ANSIs); and significant habitat of endangered and threatened species. In addition, within the Greenbelt Natural Heritage System, Environmental Protection Areas also include wetlands; significant valleylands; significant woodlands; significant wildlife habitat; habitat of species of concern; publicly owned conservation lands; savannahs and tallgrass prairies; and alvars.

“Mapping of the significant habitat of endangered and threatened species is not included in the Core Natural Heritage Map although much of this habitat may be found within the Environmental Protection and Environmental Conservation areas shown on the Map. Significant habitat of endangered and threatened species will be identified through the Planning and Development review process. Where such habitat is identified development and site alteration shall be subject to the policies for Environmental Protection Areas”.

“Policy 7.B.1.7 The boundaries of Core Natural Areas, Potential Natural Heritage Corridors and Fish Habitat are shown on Schedule C. They may be defined more precisely through Watershed or Environmental Planning Studies, Environmental Impact Studies, or other studies prepared to the satisfaction of the Region and may be mapped in more detail in local official plans and zoning by-laws. Significant

modifications, such as a change in the classification of a Core Natural Area, or a significant change in the spatial extent or boundaries of a feature, require an amendment to this Plan unless otherwise provided for in this Plan. Only minor boundary adjustments to Environmental Protection Areas will be permitted without Amendment to this Plan”.

Section 7 Policies continued

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

- a) the Ministry of Natural Resources respecting changes to Environmental Protection Areas other than in the Greenbelt Natural Heritage System, where consultation shall only be required respecting those Environmental Protection Areas identified as Provincially Significant Wetlands or Provincially Significant Life Science Areas of Natural and Scientific Interest; or
- b) the Ministry of Natural Resources and the Department of Fisheries and Oceans or its designate respecting changes to Fish Habitat.

“Policy 7.B.1.8 Where, through the review of a planning application, it is found that there are important environmental features or functions that have not been adequately evaluated, the applicant shall have an evaluation prepared by a qualified biologist in consultation with the Region, the local municipality and, where appropriate, the Ministry of Natural Resources and the Niagara Peninsula Conservation Authority. If the evaluation finds one or more natural heritage features meeting the criteria for identification as Core Natural Heritage System components the appropriate Core Natural Heritage System policies shall apply.

“Policy 7.B.1.9 If a feature meeting the criteria for identification as a Core Natural Heritage System component is identified through an evaluation under Policy 7.B.1.8 or through other studies, it shall be considered for inclusion in the Core Natural Heritage System through an amendment to this Plan. Where such a feature is identified on lands involved in an ongoing planning application the appropriate Core Natural Heritage System policies shall apply”.

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

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

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

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

Table 7 1. Guidelines for Environmental Impact Study Requirements

Table 7-1 and the Greenbelt Plan: The Greenbelt Plan provides for some exemptions with respect to <i>development and site alteration</i> within the Protected Countryside. Reference the Greenbelt Plan for applicable policies in relation to infrastructure, shorelines, existing uses, renewable and non-renewable resources.	NATURAL HERITAGE FEATURE	Is an EIS required?	
		<i>Development or site alteration involves lands within the natural heritage feature</i>	<i>Development or site alteration involves adjacent lands</i>
	Areas Identified as Environmental Protection Area (EPA)		
	Provincially Significant Wetland (PSW)	Development not permitted – no EIS	EIS required for development within 120 metres
	Provincially Significant Life Science Area of Natural and Scientific Interest (ANSI)	Development not permitted – no EIS	EIS required within 50 metres
	Significant Habitat of endangered and threatened species	Where habitat requirements are well defined, development not permitted – no EIS. Where habitat requirements not well defined an EIS is required	EIS required for development within 50 metres. Habitat must be defined in consultation with the MNR
	Key natural heritage features within the Greenbelt Natural Heritage System*	Development not permitted – no EIS	EIS required for development within 120 metres
	Areas Identified as Environmental Conservation Area (ECA)		
	Significant Woodlands	EIS required Tree Saving Plan required	EIS required for development within 50 metres
	Significant Wildlife Habitat	EIS required	EIS required for development within 50 metres
	Significant Habitat of Species of Concern	EIS required	EIS required for development within 50 metres
	Critical Fish Habitat (type 1)	EIS required	EIS required for development within 30 metres

	Other Fish Habitat (type 2 and 3)	EIS required	EIS required for development within 15 metres
	Significant Valleylands	EIS required	EIS required for development within 50 metres
	Other Evaluated Wetland	EIS required	EIS required for development within 50 metres
	Other Features in the Greenbelt Plan		
	Key Hydrologic Feature*	Development not permitted – no EIS	EIS required for development within 120 metres

“Policy 7.B.1.12 Notwithstanding Table 7-1, EIS requirements may be waived in accordance with Policy 7.B.2.2 and the waiving requirements outlined in the EIS guidelines.

7.B.2 Environmental Impact Studies

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

ANALYSIS

OPA #117 Exempt from ROPA

The Savanta EIS (“Environmental Impact Study – Riverfront Community Private OPA”, September, 2017”) identifies the Core Natural Areas to be protected and all lie outside the OPA #117 (i.e. (Riverfront Community) boundary. The EIS proposes that these areas be considered Natural Heritage System. At some future point, the Region may wish to change Schedule C to identify these areas as EPA rather than the ECA designation currently mapped.

Policy 7.B.1.11 allows development and site alteration on ECA designated land without amendment to the Regional Official Plan subject to conditions. To the extent that policy is relevant, the Savanta EIS addresses those conditions.

OPA #117 does not propose “significant modifications, such as a change in the classification of a Core Natural Area, or a significant change in the spatial extent or boundaries of a feature” (Policy 7.B.1.7) and therefore does not trigger an amendment to the ROP. Policy 7.B.1.7 also allows that

“only minor boundary adjustments to Environmental Protection Areas will be permitted without Amendment to this Plan”. There are no EPAs currently mapped on Schedule C, therefore, there are no modifications to EPAs proposed by this OPA.

Regarding the allowance for minor boundary adjustments to EPAs “without Amendment to this Plan”, the Region’s Official Plan Schedule C shows ECAs in this area. However, Policy 7.B.1.3 notes that EPAs “include provincially significant wetlands, ...”. Therefore, any PSWs not identified on Schedule C must nevertheless be subject to the relevant policies of the Core Natural Heritage System (7.B.1.8 “If the evaluation finds one or more natural heritage features meeting the criteria for identification as Core Natural Heritage System components the appropriate Core Natural Heritage System policies shall apply”).

While there are no EPAs designated on Schedule C in or near the OPA boundary, there are seven small PSW fragments that lie within or adjacent to that boundary. The Savanta EIS establishes that these fragments should not qualify as PSW and none are identified as part of the recommended Core Natural Heritage System.

Noting again that Policy 7.B.1.7 allows for minor boundary adjustments to EPAs “without Amendment to” the Regional Plan, and that in fact there are no EPAs designated on Schedule C, even if the fragments were mapped on Schedule C as EPA, they would represent “minor boundary adjustments” that do not require a ROPA to ensure they are subject to EPA policies.

Regarding how the Region’s policies address development applications with natural features such as a PSW, Policy 7.B.1.9 is relevant. The feature “shall be considered for inclusion in the Core Natural Heritage System through an amendment to this Plan. Where such a feature is identified on lands involved in an ongoing planning application the appropriate Core Natural Heritage System policies shall apply”. As noted earlier, Policy 7.B.1.3 and this policy clearly articulate the need for the appropriate policies to apply to the feature. However, this alone does not trigger a ROPA requirement but does trigger the need for consideration. That consideration must also account for the other policies noted above and how they are to be applied.

On this basis, OPA #117 and the associated EIS may trigger the Region to **consider** amending Schedule C to change the ECA designation to EPA where appropriate but that amendment, if pursued, would not warrant any change in approach to this OPA. This OPA provides all needed policies to conform with the Natural Heritage policies of the Region’s Official Plan by providing the necessary protection in Section **13.56.8.2.11(5)**.

Regional Policies and MNRF Practice

Regional policies are designed to address the practical reality that PSW files are open files at the MNRF and subject to change without notice. OPA #117 policies acknowledge the need to protect any of the PSW fragments not ultimately removed as PSW. Therefore, these PSW fragments are protected and the Region’s policies are met.

This “open file” practice affirms the Region’s approach to applying EPA policies to PSWs even where they may not be mapped as EPA. The Region’s approach protects these features from development even if they lie well outside a mapped EPA (or ECA). This ensures that minor changes to PSW mapping need not include a ROPA; PSWs are subject to regular scrutiny and change or adjustment.

This planning justification acknowledges the Region’s policy approach is well crafted and notes it is not designed as a “one-way street”. That is, if a PSW is removed or added by the MNRF, no ROPA is needed to ensure the correct policies are applicable on the affected lands.

The Region’s policies (7.B.1.9) provide that if significant changes are ultimately necessary for Schedule C, the merits of those amendments will be subject to a public process. Again, it is relevant to note that the policies of Section 7 allow for minor boundary adjustments to EPAs without amendments and further, conditionally allow for development on ECAs, also without amendment to the ROP.

Therefore, PSW fragments identified inside the OPA #117 boundary do not trigger a ROPA before development can proceed, even if the PSW fragments are proposed for removal by a supporting EIS from the MNRF’s PSW mapping. Policy 13.56.8.2.11(5) continues to identify these pieces as EPA until they are not identified as PSW by MNRF.

Conversely, if it is argued that the recognition by OPA #117 of existing PSW fragments triggers a ROPA in order to include these as EPA, the limited size of these fragments constitutes a “minor boundary adjustment” of the Core Natural Area, an area currently designated ECA. Given that the PSW fragments are protected in policy as EPA (as per 7.B.1.3, 7.B.1.8, and 7.B.1.9 noted above) and recognized in the OPA, a ROPA is not triggered under these circumstances, particularly given the relevant policies that allow development to proceed without amendment to the ROP (i.e. 7.B.1.7 and 7.B.1.11).

OPA #117 Policies

The EIS determined that PSW fragments inside the OPA boundary should be removed from PSW mapping by MNRF.

The EIS concludes that none of these fragments are reasonably considered part of the Core Natural Area, and that development should be permitted on those lands subject to other recommended wetland enhancement policies and programs to compensate for any loss in function for those fragments, if developed. The potential for compensation is addressed in Policies **13.56.8.11.2 (7)** and **(8)**.

Regardless, the proposed OPA policies and land use schedule recognize the PSW fragments currently recognized by MNRF. However, no matter if there are no fragments or several fragments, the EPA policies of the Region’s Plan apply to any PSW found inside the OPA’s boundary even if those PSWs are not specifically mapped on Schedule C – Core Natural Heritage Map of the ROP.

Conclusion: No ROPA Required

MNRF can change wetland maps whenever the evidence establishes that it must. However, based on how the Region's policies are crafted, that does not require the Region to change the Core Natural Heritage schedule with each MNRF release of wetland maps. However, neither will new and relevant information be ignored; if a PSW is identified, the EPA policies apply with or without the designation on Schedule C. All parties must deal with the information as it evolves through the balance of the development review process until a plan is registered for development.

The Region's Section 7 policy framework is designed very effectively to avoid triggering a ROPA each time MNRF changes its wetland maps. This is well-crafted policy that is practical and effective in its approach and implementation.

This policy regime also better protects wetlands from arbitrary mapping inaccuracies and changes and allows for more detailed assessments of these features to continue into the subdivision and development phases of the development review process. These policies effectively and fairly protect the wetlands; the mapping on Schedule C is no more than an approximate starting point for dialogue and certainly in and of itself offers no protection to the wetlands.

Given there is nothing to amend in the Regional Plan, a ROPA is not proposed nor required.

7.D Recreation and Open Space

Objectives for Recreation and Open Space

"Objective 7.D.1.A To ensure sufficient recreational, open space and park areas within the Region to meet the leisure needs and desires of present and future residents and visitors".

ANALYSIS

The open space system is an integral component of the development of Riverfront Community. Lands in the Open Space System will include parkland, trails and greenways, the locations of which will be finalized during the approval of plans of subdivision (**13.56.8.2.10**).

Chapter 8 Infrastructure

"Municipal sewage services and water services are the required form of servicing for development in Urban Areas. All new urban development areas must be provided with separate storm drainage systems.

8.B Water and Wastewater Systems

"Policy 8.B.8 All new development which is proposed to be connected to existing combined sewer facilities shall be served with separated systems within the property limits of the development. The continued

separation of storm and sanitary flows beyond the boundaries of the development will be dependent upon the available capacity within the existing sewer system, the treatment plant and the proximity of suitable storm outlets to the development.

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

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

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

ANALYSIS

OPA #117 responds appropriately to the Region's Official Plan policies for Water and Wastewater Systems (**13.56.8.4**).

As noted previously, services will be constructed in accordance with the recommendations of the Amec servicing report prepared in support of this proposed OPA.

Chapter 9 Transportation

9.A Objectives for Transportation

"Objective 9.A.1 To promote and support safe, convenient, efficient, aesthetic and economical transportation systems for all modes of transport for the movement of people and goods".

"Objective 9.A.4 To actively support the continuation and improvement of the railway system for the movement of both passengers and goods".

"Objective 9.A.6 To ensure that transportation infrastructure contributes to the development of vibrant communities; recognizes the historical context within which it is developed and enhances the public realm by designing pleasing streetscapes and supporting active transportation".

9.B Policies for Transportation

Policy 9.B.9 The Region and local municipalities shall develop policies to promote vibrant and walkable streets and bridges consistent with the Region's Model Urban Design Guidelines on Regional and local roads, respectively.



9.C The Regional Road System

“Policy 9.C.6 The Region encourages and promotes the provision of adequate pedestrian and bicycling facilities in order to promote pedestrian safety, reduce pedestrian vehicle conflicts, and encourage bicycling. In undertaking road improvements, consideration shall be given to:

- a) accommodating safe pedestrian movement, and
- b) bicycling facilities as provided in Chapter 9.F”.

ANALYSIS

In completing this analysis, reference was made to the policies under the headings noted from the Region's Official Plan. These policies are not re-produced here to conserve space but can be referenced at:

[This is a link to Chapter 9 Transportation of the Region's Official Plan.](#)

There are no regional roads or major transportation corridors existing or planned within Riverfront Community.

The Region has adopted the Regional Niagara Bikeways Master Plan and encourages cycling as a part of active living and for tourism. Dorchester Road and Chippawa Parkway in the Study Area are both part of the regional bicycle network (**13.56.8.2.10(5)**).

It is expected that the densities, mix of uses and land use pattern anticipated will support a multi-modal transportation system, reduce the need for single occupancy car trips and contribute to a safer more energy efficient transportation network.

9.E Public Transit

“Policy 9.E.5 Planning of new development areas shall take into consideration bus route planning and pedestrian accessibility to routes.

"Policy 9.E.7 Local official plan studies and Regional and local transportation studies shall include consideration of short and long term public transit aspects".

ANALYSIS

The planned densities for Riverfront Community, mix of uses and land use pattern anticipated will support a multi-modal transportation system, reduce the need for single occupancy car trips and contribute to a safer more energy efficient transportation network.

9.F Active Transportation

"The Niagara Region is committed to meeting the needs of cyclists as part of an overall strategy for transportation, active living, environmental sustainability, improved quality of life, energy conservation, tourism and land use management. This direction is supported by both National and Provincial policies such as Smart Growth initiatives, the Federal Gas Tax Fund, the Planning Act, the Provincial Policy Statement, and the Places to Grow Plan".

9.F.1 Objectives for Bicycling

"Objective 9.F.1.1 To encourage cycling in Niagara and work towards a bicycle-friendly environment as part of an active living/active transportation strategy that improves community health and enhances the overall quality of life".

ANALYSIS

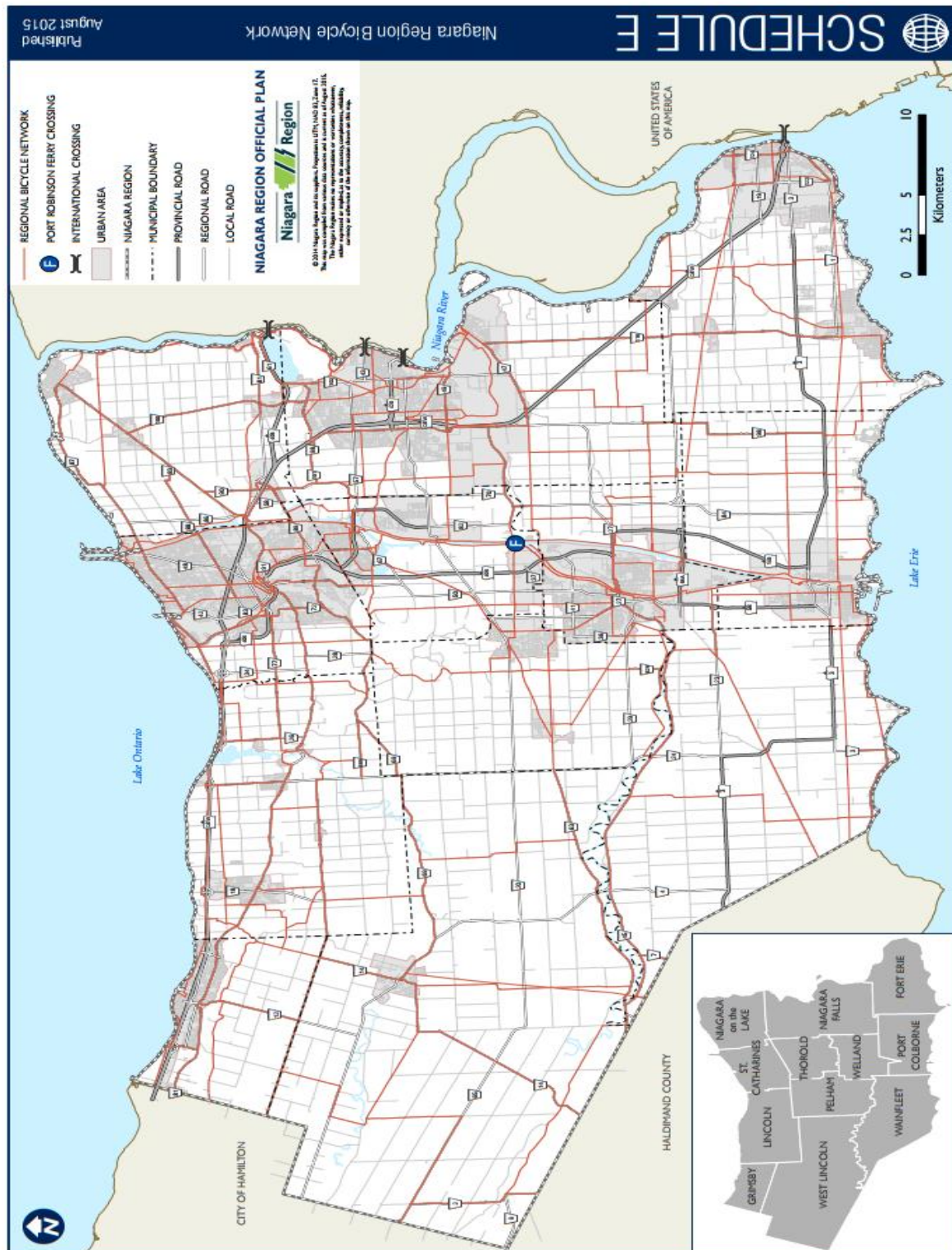
In completing this analysis, reference was made to the policies under the headings noted from the Region's Official Plan. These policies are not re-produced here to conserve space but can be referenced at:

[This is another link to Chapter 9 Transportation in the Region's Official Plan.](#)

Plans for this community are intended to respond well to the Region's Objectives and Policies for Active Transportation. When complete, the community is designed to provide safe and comfortable travel for pedestrians and cyclists within this community and allow for appropriate connections to other parts of Niagara Falls (**13.56.8.2.10**).

The Region has adopted the Regional Niagara Bikeways Master Plan and encourages cycling as a part of active living and for tourism. Dorchester Road and Chippawa Parkway in the Study Area are both part of the regional bicycle network. As noted previously, connections will be made with that network.

Figure 13 NROP Schedule E – Niagara Region Bicycle Network
(approximate site boundary outlined in green)



Chapter 10 Creative Niagara

10.A Creative Niagara

"Policy 10.C.2.1.11 Where an Archaeological Management Plan has not been completed the Region and local municipalities will require applicants to submit an archaeological assessment, should it be determined that the site meets the provincial and federal criteria for determining areas of archaeological potential. Archaeological assessment reports prepared by licensed consultant archaeologists based on clear, reasonable and attainable standards and guidelines as set out by the Ministry of Tourism, Culture and Sport, as well as the terms and conditions of an archaeological license under the Ontario Heritage Act.

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

ANALYSIS

Cultural Heritage

As part of the background research conducted for a Secondary Plan for Special Policy Area #56, a "Built Heritage and Cultural Landscape Assessment (March 2016)" was prepared by Amec Foster Wheeler. The report notes that there are no significant built heritage or cultural heritage landscapes on the subject lands. For more details, reference can be made to the relevant analysis contained in the PPS review earlier in this report.

Archaeology

As part of the background research conducted with respect to the development of a Secondary Plan for Special Policy Area #56, a Stage 1 and 2 Archaeological Assessment (May 2016) was prepared by Amec Foster Wheeler. The outcomes and recommendations of that study have informed the development of the Official Plan Amendments for The Riverfront Community. For more details, reference can be made to the relevant analysis contained in the PPS review earlier in this report.



10.C.2.2 Community Infrastructure

Policy 10.C.2.2.2 The Region encourages and promotes the shared use of schools, parks, community facilities and public open space.

ANALYSIS

As shown on Figure 7 in this document, there are several public service facilities near the subject lands. This phase is not large enough to warrant new public facilities such as a school, indoor recreation complex, or hospital but will make more efficient use of nearby existing services and facilities. As well, consideration for local parks and trails will be given at the subdivision stages to effectively serve the new community.

11.A Residential Areas and Housing

"Policy 11.A.1 The Region encourages the provision of a variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age through the life cycle".

"Policy 11.A.3 The Region encourages housing which allows people to work at home or in relatively close proximity to work".

ANALYSIS

All policies in this Section of the NROP were reviewed but many of these policies are not re-produced here to conserve space. They can be referenced at:

[This is a link to Chapter 11 Housing and Community Services in the Region's Official Plan.](#)

Relevant policies from OPA #117 have been noted elsewhere in this report. Section **13.56.8.1** addresses second Dwelling Units within single detached, semi-detached and townhouse dwellings to provide rental housing alternatives and **13.56.8.2** deals with housing densities and styles contemplated by the OPA.

11.B Community Facilities and Institutions

"Policy 11.B.1 Community facilities include but are not limited to active recreational areas such as parks, arenas and trails, and institutions such as schools, churches and government offices".

ANALYSIS

In completing this analysis, reference was made to the policies under the headings noted from the Region's Official Plan. These policies are not re-produced here to conserve space but can be referenced at:

[This is another link to Chapter 11 Housing and Community Services of the Region's Official Plan.](#)

As shown on Figure 7 in this document, there are several public service facilities in close proximity to the subject lands. Although the anticipated densities meet or exceed established density targets, the total Riverfront Community population will not be sufficient to warrant new public service facilities such as a hospital or school but will benefit from open space and trails.

The open space system is to be comprised of trails, greenways, and parkland, the details for and locations of which will be finalized during the approval of individual draft plans of subdivision (13.56.8.2.10).

Chapter 14 Implementation

Three relevant implementation policies for consideration when evaluating this proposal are noted below:

"Policy 14.E.7

Policy amendments to local Official Plans that are in conformity with the Regional Official Plan may be exempt from Regional approval where they are of local significance and no Regional interest is adversely affected. Applications for a policy amendment to local Official Plans with Regional interests, where a collaborative process has been undertaken between the Region and the Local Municipality, including policies (i) and (ii) below, have been addressed through pre-consultation and review of the draft Local Amendment may also be exempt. Amendments impacting any one of the following areas are not eligible for exemption:

- i. Applications directly and substantially affecting Regional servicing infrastructure: i.e. streets, water, and wastewater;
- ii. Applications that substantially change Regional capital forecasts;
- iii. Urban boundary expansions;
- iv. Applications to convert employment areas and lands that have the potential for adversely affecting the viability of an employment area;
- v. Major applications that will adversely affect Regional traffic flows;
- vi. Major secondary plans;
- vii. Retail applications of Regional scale which have a market area extending two or more municipalities;
- viii. Applications that are not consistent with the Provincial Policy Statement or the Growth Plan for the Greater Golden Horseshoe;
- ix. Applications with cross-boundary impacts.

Within Designated Greenfield areas **a major secondary plan** constitutes an area of 25 hectares or more

"Policy 14.E.8

Site specific amendments to local Official Plans shall be subject to the following policy. The Region as the approval authority for local Official Plans may exempt some local Official Plan amendments involving land use designation changes from Regional approval. Local Official Plan amendments to be considered for exemption will be of local interest only, not extensive or comprehensive in nature and not involving a change to the municipality's urban area boundaries. Only those amendments which satisfy the following criteria are eligible for exemption:

- i. The amendment must be site specific and/or minor in size and nature,
- ii. The amendment conforms to the Regional Official Plan and is consistent with the Provincial Policy Statement,
- iii. The amendment does not impact on any adjacent municipality or conflict with the Niagara Escarpment Plan, and does not require new Regional financing or servicing,
- iv. The Amendment complies with the Region's financial and servicing strategy,

- v. The amendment incorporates any concerns or modifications recommended by the Region to address Regional or Provincial concerns, and
- vi. Any subsequent changes made to the local Official Plan amendment by the local Council in adopting the amendment do not conflict with the Regional Official Plan or previous requirements by the Region.

"Policy 14.E.9

Decisions of Local Official Plan Amendments must be in conformity with the Regional Official Plan. The policies of the Regional Official Plan continue to apply after adoption and approval of the Local Official Plan".

ANALYSIS

Region Approval Not Required

Based on this review of the Riverfront Community proposal, OPA #117 conforms with the Region's Official Plan; those policies will continue to apply after the adoption and approval of this OPA (see Policy 14.E.9). Further, it has been established elsewhere in this report that Riverfront Community represents the next logical step in the progression of urban development within the City.

This part of the analysis addresses why the Official Plan Amendment can be exempt from Regional approval. Policies 14.E.7, and 8 are addressed below. It is our professional opinion that Policy 14.E.8 is more relevant to this proposal than 14.E.7 but both are addressed.

This OPA does not propose any development outside the OPA boundary for a number of reasons. These areas may trigger the need for infrastructure investments that warrant further study prior to proceeding and are outside the community's core area. Other areas outside the OPA boundary should be protected as part of the Region's Natural Heritage System.

Policy 14.E.7

Policy 14.E.7 states that local Official Plan amendments that are of local significance, do not adversely affect Regional interests, and are in conformity with the Regional Plan, may be exempt from Regional approval. The regional interest of concern in this instance is the proposal for a Natural Heritage System (NHS). Because this system is outside the land area proposed for amendment, the amendment itself does not adversely affect the area. However, there is an opportunity for the City and Region to further and more accurately define the NHS based on the Savanta EIS and submitted with this application. The policies of OPA #117 are designed to further enhance and sustain the NHS that will surround this community (**13.56.8.2.11**).

The criteria noted as preventing exemptions are not relevant to this proposal. However, there is a note between policy .7 and .8 that must be addressed. It appears to be a guiding note to aid the reader in defining what constitutes a "Major Secondary Plan". In assessing the relevance of the guideline of 25Ha, consideration must be given to the context of the municipality within which the guideline is applied. For example, for smaller municipalities with highly fragmented land ownership, such as Niagara-on-the-Lake or Lincoln, this may be a reasonable measure that

those municipalities would choose to apply; it may also be helpful to landowners who want to move forward with a comprehensive and well-planned development program.

For Niagara Falls in comparison, 25 Ha represents a much smaller area than would be typically considered “major”.

The Region's policy framework must be workable for all twelve local municipalities so in that context, it is appropriately used as a guide but it is not appropriately applied as the standard that must be used in all cases by all municipalities. There must be a level of reasonableness used given the varying contexts that are found in the Region.

For Niagara Falls, there are other factors to consider as part of the context for this proposal. This proposal adds policies inside the City's existing SPA #56 policy framework. That SPA already guides planning decisions within those boundaries and allows for new development.

In addition, this proposal is limited in scope and applies only to one land owner, not several and does not require a phasing plan. There are no cost sharing implications nor front-ending agreements contemplated; infrastructure improvements triggered by this proposal are costs borne by this developer. Any issues that would be addressed in a Secondary Plan are addressed and considered in OPA #117.

Policy 14.E.8

Policy 14.E.8 deals with site specific OPA's. While the analysis above addresses Policy 14.E.7, this proposal is appropriately considered under the criteria of this policy.

It is site specific in nature given that it applies only to one land owner. This proposal also conforms with the Region's Official Plan and is consistent with the PPS.

The amendment does not impact any adjacent municipality or conflict with the Niagara Escarpment Plan, and does not require new Regional financing or servicing. The Amendment complies with the Region's financial and servicing strategy and will incorporate "*any concerns or modifications recommended by the Region to address Regional or Provincial concerns*". Subsequent changes to this proposed Official Plan amendment by City Council in adopting the amendment must not conflict with the Regional Official Plan or previous requirements by the Region.

Through its own technical review, the Region needs to affirm the position that no Regional interests are *adversely* affected. The need for the Region to review this proposal and comment is acknowledged. However, there is no need for the Region to approve this amendment.

This proposal intends to better define and protect the Natural Heritage System surrounding The Riverfront Community as well as address all recommended mitigation and enhancement requirements to further sustain and enhance the NHS over the long term. It is therefore established through this planning report and the supporting technical studies and their

recommendations that this OPA proposal does not adversely affect Regional interests and in fact, will positively impact those interests.

Summary

Although the area affected by OPA #117 is about 48.6Ha (120 acres), it is not necessary nor appropriate to view this proposal as a Secondary Plan. The area impacted is owned by one owner and is a policy amendment.

As well, the Region's Official Plan encourages Municipalities to use tools such as Secondary Plans when needed but these are not required. The "note" placed between Policy 14.E.7 and 14.E.8 in the document provides guidance for twelve municipalities to use when considering if a Secondary Plan process is useful. A Secondary Plan is not required to advance appropriate development inside the OPA boundary.

Therefore, it is our professional opinion that as per Policy 14.E.7, because this proposal is in conformity with the Region's Official Plan, is a matter of local significance and no regional interest is adversely affected, because it does not require regional approval. Further, as per Policy 14.E.8, the OPA is site specific in nature and satisfies that policy's other criteria.

In conclusion, it is our professional opinion that this local OPA is exempt from the need for Regional approval.

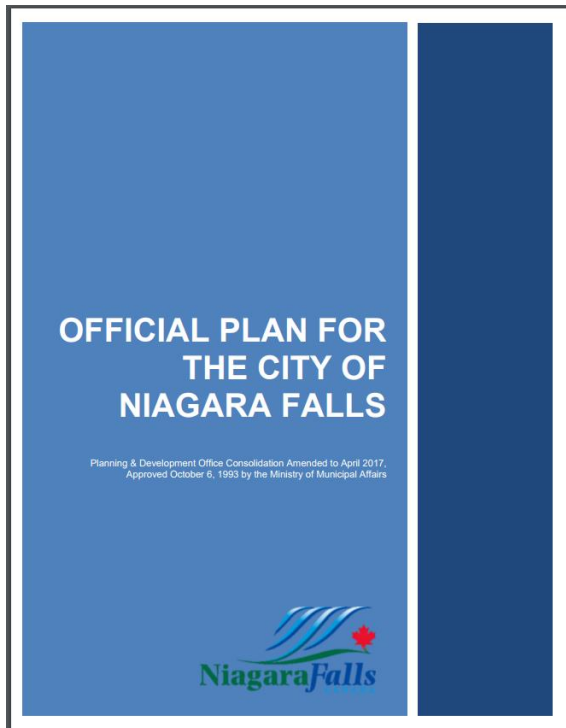
SUMMARY OF ANALYSIS – NIAGARA REGION OFFICIAL PLAN (NROP)

This section of the report summarizes the review of proposed OPA #117 against the policies of the Niagara Region Official Plan, 2014 (NROP).

The NROP is a long-range, region wide planning document that guides the physical, economic and social development of the Niagara Region. Generally, it contains objectives, policies and mapping that implement the Region's approach to managing growth, growing the economy, protecting the natural environment, resources and agricultural land, and providing infrastructure.

As required by the Planning Act, the NROP conforms to the provincial Growth Plan (2006) which provided growth forecasts for all upper- and single-tier municipalities in the Greater Golden Horseshoe. The Growth Plan provides direction on where and how to accommodate forecasted growth. The Growth Plan has been updated. The updated Growth Plan (2017) came into effect July 1, 2017. A review of the Growth Plan (2017) is underway at the Region but policies in the NROP have not yet been revised to reflect revised provincial forecasts or updated population and employment density targets.

Based on the analysis undertaken for this Planning Justification Report, OPA #117 conforms with the general intent and policies of NROP (2014), does not warrant a Secondary Plan process, and does not require Regional approval nor a Regional Official Plan Amendment.



5.3 City of Niagara Falls Official Plan (NFOP)

The Niagara Falls Official Plan has a 20-year vision outlining long term objectives and policies of the City with respect to the growth and development of urban lands; the conservation of natural heritage areas; and the provision of necessary infrastructure.

Strategic Direction

The relevant growth objectives for the City are to:

- direct growth to urban areas and protect the Natural Heritage Areas and their functions,
- to support increased densities,
- to phase infrastructure and development in Greenfield areas,
- to develop Greenfield areas as compact complete communities with a range of housing, employment and public transit,
- to protect prime employment lands for the long term in Industrial designations, and
- to develop transit and pedestrian friendly, sustainable and liveable City through the use of urban design criteria and guidelines.

Residential

The Greenfield Area as shown on Schedule A-2 (which includes the subject lands of OPA #117) is to develop as complete communities at a small scale.

PART 2 - LAND USE POLICIES
SECTION 1 - RESIDENTIAL
SECTION 1.16 - GREENFIELD AREA

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

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

"1.16.1.1 Greenfield densities and housing mix will be monitored by the City annually and reviewed every five years."

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

"1.16.3 It is the intent of this Plan that the Greenfield Area develop with a mix of housing types and at transit-supportive densities in order to utilize urban land efficiently and support public transit. To accomplish this, a range of housing types is to be provided in terms of both form and affordability".



ANALYSIS

In completing this analysis, reference was made to the policies under the headings noted from the City's Official Plan. Some of these policies are not re-produced here to conserve space but can be referenced at: [This is a link to the City's official plan.](#)

OPA #117 proposes to accommodate forecasted growth in a well-designed (**13.56.8.7.5**) community, an appropriate mix of jobs, local services, public service facilities, and a full range of housing to accommodate a range of incomes and household sizes (**13.56.8.2**).

The Riverfront Community lands are located within the existing urban area boundary for the City of Niagara Falls. These lands are identified as Greenfield within the City of Niagara Falls Official Plan, and based on the Phasing strategy of the municipality are intended to be among the earlier greenfield lands developed. With a target density of 80 residents and jobs combined per hectare, Riverfront Community will exceed the City's minimum target density of 53 residents/jobs combined per hectare noted in Policy 1.16.1.



PART 2 LAND USE POLICIES

SECTION 3 COMMERCIAL

"3.1 The commercial hierarchy shall consist of Major Commercial Districts, Minor Commercial Districts and Neighbourhood Commercial facilities to ensure a full range of shopping opportunities are available. The commercial structure is based on established retail patterns and existing and projected floor areas.

"3.1.1 No new districts or major expansions of existing facilities are contemplated, except as provided for in this Plan. The minor rounding out of commercial areas or boundaries which assist in the consolidation of commercial uses, enhance economic viability and improve internal traffic circulation and landscaping may occur without amendment to this Plan".

3.5 GENERAL POLICIES

"3.5.1 Commercial areas will be designed to effectively minimize their incompatibility with adjacent residential, institutional and recreational areas. Appropriate screening and landscaping shall be incorporated on site in order to buffer noise, light, dust or undesirable visual impacts emanating from the commercial uses. Outdoor storage uses and display areas may be provided for seasonal goods where the areas are designed as an integral part of the commercial development and are subject to the appropriate provisions in the Zoning By-law".

Figure 14 - Schedule A to Niagara Falls OP

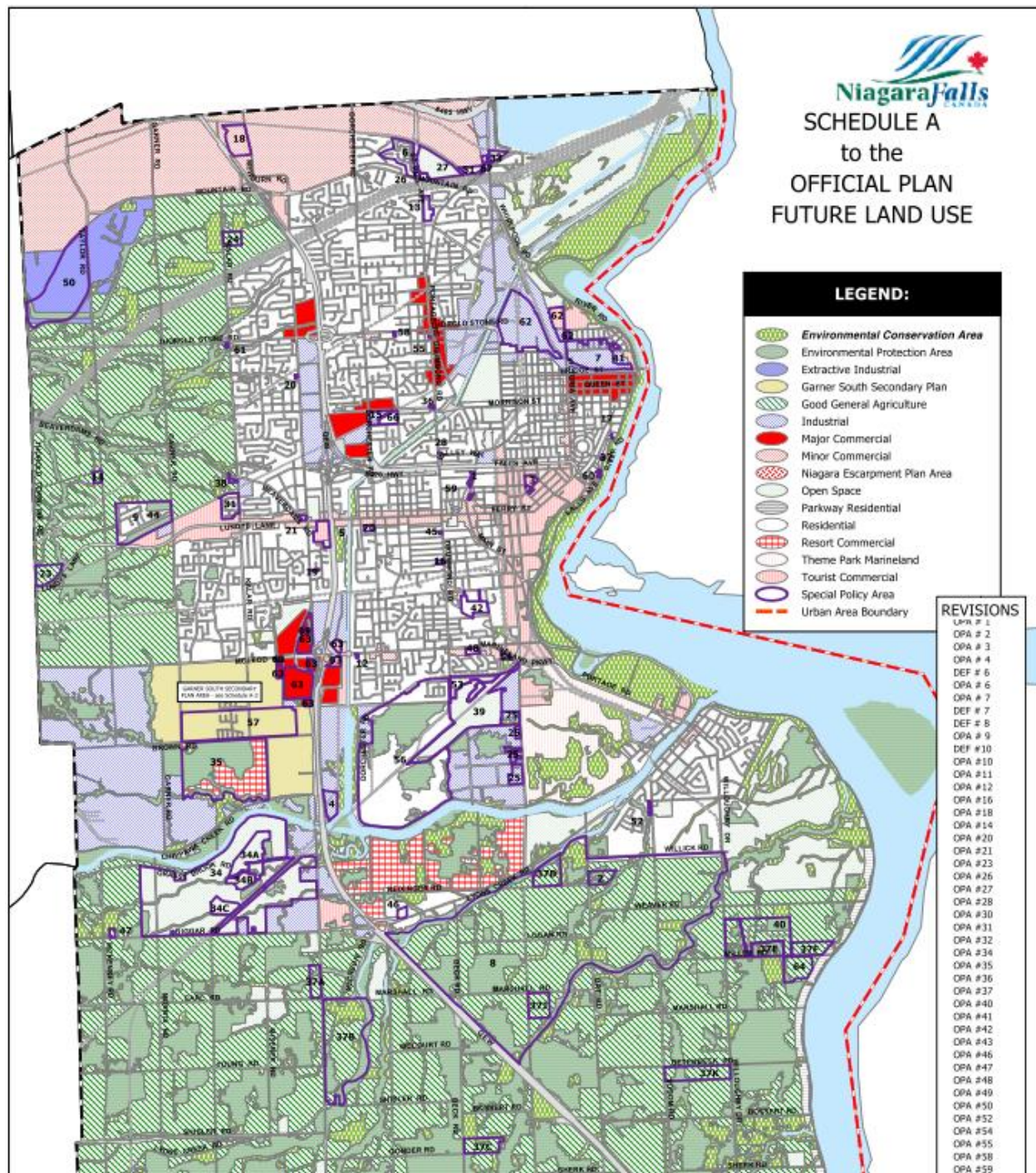
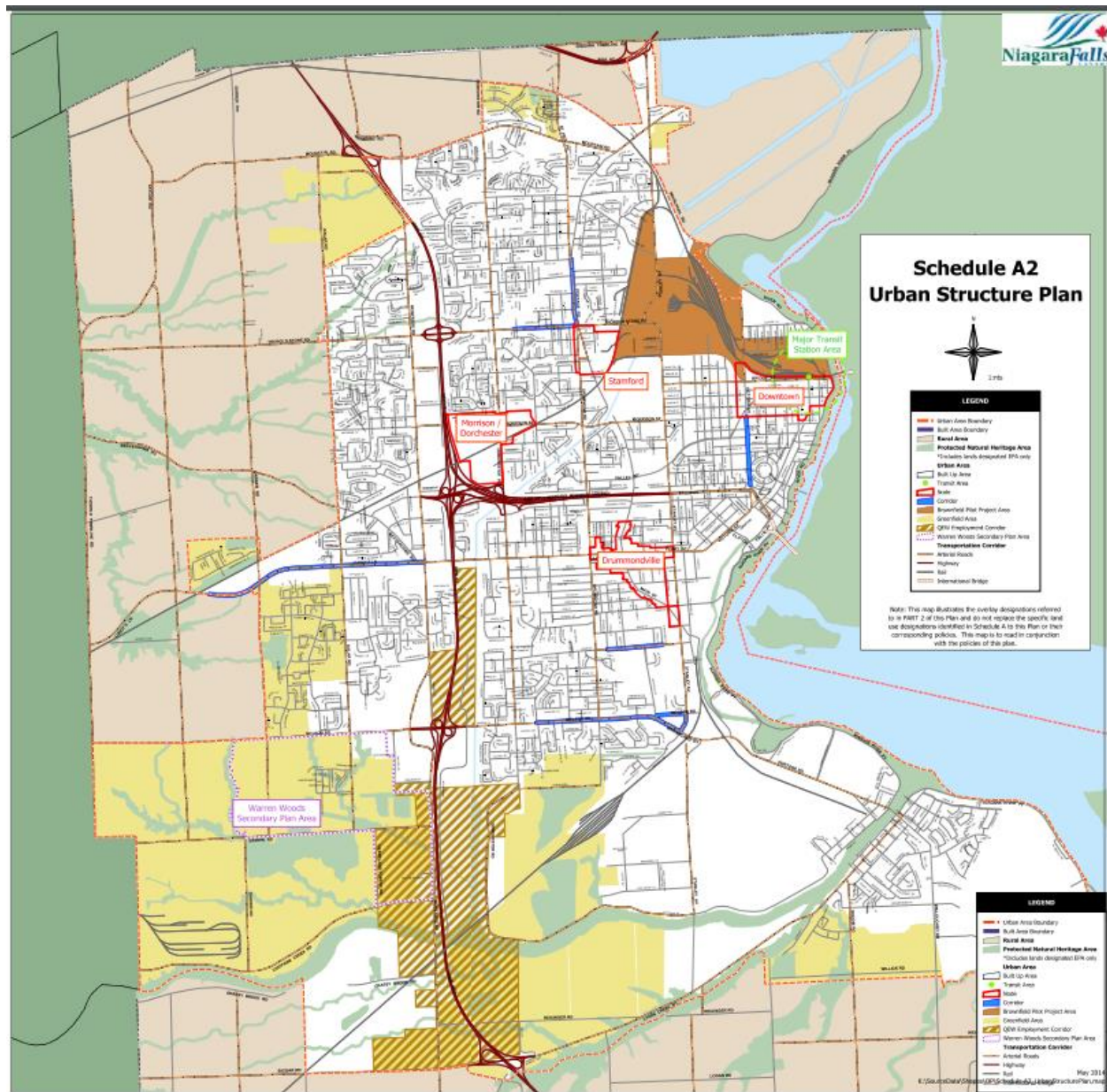


Figure 15: Schedule A2 – Urban Structure Plan



SECTION 4 TOURIST COMMERCIAL

"4.1.4 This Plan also recognizes that the tourism and accommodation sector is a major source of employment for residents of the City and the Region. As such, lands designated Tourist Commercial are considered to be employment lands and the policies regarding conversion of employment lands to non-employment uses contained in PART 4, Sections 2.9 and 2.10 apply except as provided for in this Plan".

4.2 TOURIST DISTRICTS

"4.2.1 Land Uses in the Tourist Commercial designation shall be organized in a complementary fashion. To this end, a hierarchy of tourist districts will be established, consisting of a Central Tourist District and four Satellite Districts as delineated on Schedule E".

"4.2.8 The designation of lands for Tourist Commercial purposes as delineated on Schedule "A" provides for compact growth rather than dispersed development as well as a servicing program aimed at realizing the full potential of each tourist district. Except for minor boundary adjustments, no new Tourist Commercial District or major expansion of an existing district is contemplated during the life of this Plan. However, where such development is proposed, an amendment to this Plan may be considered based on need and the submission of the following studies:

- i. land use study describing the appropriateness of the site for the proposed use, compatibility with surrounding land uses and integration with the established tourist plant;
- ii. traffic impact study addressing the functionality of roads and necessary upgrades;
- iii. servicing report outlining the method of accommodating sanitary and storm water systems; and,
- iv. environmental studies describing any woodlots, fish habitats and watercourses which may be affected by the development.

"4.2.9 Residential uses may be permitted throughout lands designated Tourist Commercial either as standalone or mixed use buildings in order to assist in creating a complete community in accordance with the policies of this section and PART 1, Section 3".

ANALYSIS

In completing this analysis, reference was made to the policies under the headings noted above from the City's Official Plan. Some of these policies are not re-produced here to conserve space but can be referenced at: [This is another link to the City's official plan.](#)

This proposal does not intend to specifically draw on a Tourist Commercial nor a more general Commercial designation. However, it does draw on characteristics of both and this is reflected in the policies contained in the OPA. Policies 4.2.8 and 4.2.9 above best reflect the character intended for the Mixed-Use designation in this OPA. However, the OPA does not intend to designate this core area as a Tourist Commercial District given that it is also designed to serve neighbourhood residents.

The lands designated Mixed-Use in the OPA are intended to create a dynamic community core that serves the community's needs and acts as a tourist draw providing a diverse range of uses in an attractive pedestrian oriented setting. This area will permit a variety of commercial (e.g. Retail, Hotel, Restaurants) and residential uses.

Specifics with respect to design, orientation and types of commercial uses will be addressed through plans of Subdivision/condominium.

GREENFIELD AREA

"8.5 Secondary planning within the Greenfield Area shall provide for industrial uses within the individual plan areas so as to assist in the creation of a complete community at the secondary plan scale and ensure an adequate separation distance is provided between residential and other sensitive land uses and heavy industrial uses.

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

8.6.1 offices;

8.6.2 government services, research and, training facilities;

8.6.3 facilities for the production of alternate energy sources;

8.6.4 prestige industrial uses, including research and development facilities, communications facilities, and manufacturing and processing of fully processed materials deemed not to be obnoxious by reason of dust, odour, fumes, particulate matter, noise and/or excessive vibrations;

8.6.5 commercial facilities such as, but not limited to, restaurants, material suppliers, which are incidental to the employment designation industries and their personnel; and

8.6.6 ancillary retail and service uses which shall not exceed 450 square metres in gross floor area and only where internally integrated as a component of an employment use".

ANALYSIS

Policies 8.5 and 8.6 deal primarily with land use compatibility issues.

The findings of the "Air Quality, Noise and Vibration Feasibility Assessment, Version 2.0 (June 23, 2016)" prepared by RWDI Consulting Engineers for the subject lands have been referenced previously in this report. The residential and commercial uses proposed in Riverfront Community can be accommodated, subject to the report's recommendations. More importantly, this new community can be integrated with the nearby employment areas, providing excellent access to nearby jobs for residents.

SECTION 11 ENVIRONMENTAL POLICIES

11.1 NATURAL HERITAGE SYSTEM

GENERAL POLICIES

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

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

The policies of the Natural Heritage System apply to protect any previously unmapped natural heritage feature identified by an Environmental Impact Study (EIS) regardless of the land use designation applying to such feature in this Plan”.

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

Environmental Impact Studies (EIS)

“11.1.17 An EIS shall be required as part of a complete application under the Planning Act for site alteration or development on lands:

- a) within or adjacent to an Environment Protection Area or Environmental Conservation Area as shown on Schedule A or A-1; or
- b) that contain or are adjacent to a natural heritage feature”.

Environmental Corridors & Ecological Links

“11.1.23 Linkages and natural corridors that provide a connection between natural heritage features can include valleylands, contiguous woodlands and wetlands, creeks, hedgerows, and service corridors. The City shall promote the function of valleylands or stream corridors as natural resource linkages and encourages the protection, naturalization and, wherever possible, the rehabilitation of valleylands or stream corridors in accordance with Niagara Peninsula Conservation Authority Regulations. New development should not interfere with the function of these linkages and corridors and all efforts should be made through design for the enhancement or rehabilitation of natural heritage resource connections”.

“11.1.25 Development or site alteration in or near a natural heritage feature should be designed to maintain and, where possible, enhance the ecological functions of existing linkages. If necessary an alternative corridor may be created through the development process that will function as an ecological link between all natural heritage features in the area (water, wildlife, flora). Alternative corridors must be supported by an EIS that is reviewed by the appropriate authorities and approved by the City or Region.

“11.1.26 On privately owned lands, the City will support and encourage the use of conservation agreements to maintain, enhance or restore linkages between plant and animal species habitat and to protect and improve water quality and quantity; and the management of watersheds”.

ANALYSIS

Previous sections of this report dealt with the Savanta EIS and how it addresses key environmental requirements of the Region's Official Plan. Similarly, the EIS addresses the City's relevant policies, including recommending a Natural Heritage Systems approach when implementing development proposals in Riverfront Community. The EIS addresses ecological links and corridors, identifying where they are needed in the community and these form part of the OPA (see Schedule G and **13.56.8.2.11(13)**).

Water Resources

"11.1.27 Development or site alteration shall not have an adverse impact on ground or surface water quality or quantity. The City, in consultation with the appropriate agencies, may require a hydrogeological study or an environmental impact study for development or site alteration for any proposal that may impact, either locally or cross-jurisdictionally, on:

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

"11.1.30 A stormwater management plan and a sediment and erosion control plan may be required at the discretion of the NPCA as part of a complete application under the Planning Act based on the scale and nature of the proposal and the site specific environmental conditions. These plans shall not be required for a new mineral aggregate operation or an expansion to an existing operation where these matters are adequately addressed through studies prepared to meet the requirements of the Aggregate Resources Act.

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

"11.1.32 Stormwater management facilities shall not be constructed within any EPA or ECA features. A stormwater management facility may be permitted in accordance with Land Use Policies of this Section only where it has been demonstrated through an applicable study, completed to the satisfaction of the City and Region, that there will be no impact on any natural heritage feature or the function of the natural heritage system".

ANALYSIS

OPA #117 responds appropriately to these Water Resources policies (**13.56.8.4.1**).

As noted previously, services will be constructed in accordance with the recommendations of the Amec servicing report prepared in support of this proposed OPA and are required to implement the findings of the Savanta EIS (**13.56.8.2.11**).

Woodlands and Forestry Resources

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

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

“11.1.42 The City supports the protection of woodlands greater than 0.2 hectares in size and individual trees or small stands of trees on private lands that are deemed by Council to be of significance to the City because of species, quality, age or cultural association from injury and destruction through such means as the Region's Tree and Forest Conservation By-law or any similar municipal by-law.

“11.1.43 Good stewardship of urban woodlots and forested areas shall be promoted. The location of treed and wooded areas, including those located outside of significant woodlands, are **illustrated on Appendix III** to this Plan. Where such lands are under private ownership and are contemplated for development, the preservation and maintenance of natural environment conditions will be encouraged to the fullest



extent possible. Where deemed appropriate, the City will consider such measures as bonusing, land purchase, transfer of development rights or land exchanges to safeguard important natural areas.

“11.1.44 The City shall encourage the retention of individual trees or stands of trees wherever possible through development applications including site plan control, plan of subdivision or vacant land condominiums. A Tree Savings Plan may be requested as a condition of development”.

ANALYSIS

As per the recommendations in the EIS, OPA #117 includes a tree management policy (**13.56.8.3**).

Figure 16: “Appendix III – Wooded and Treed Sites”

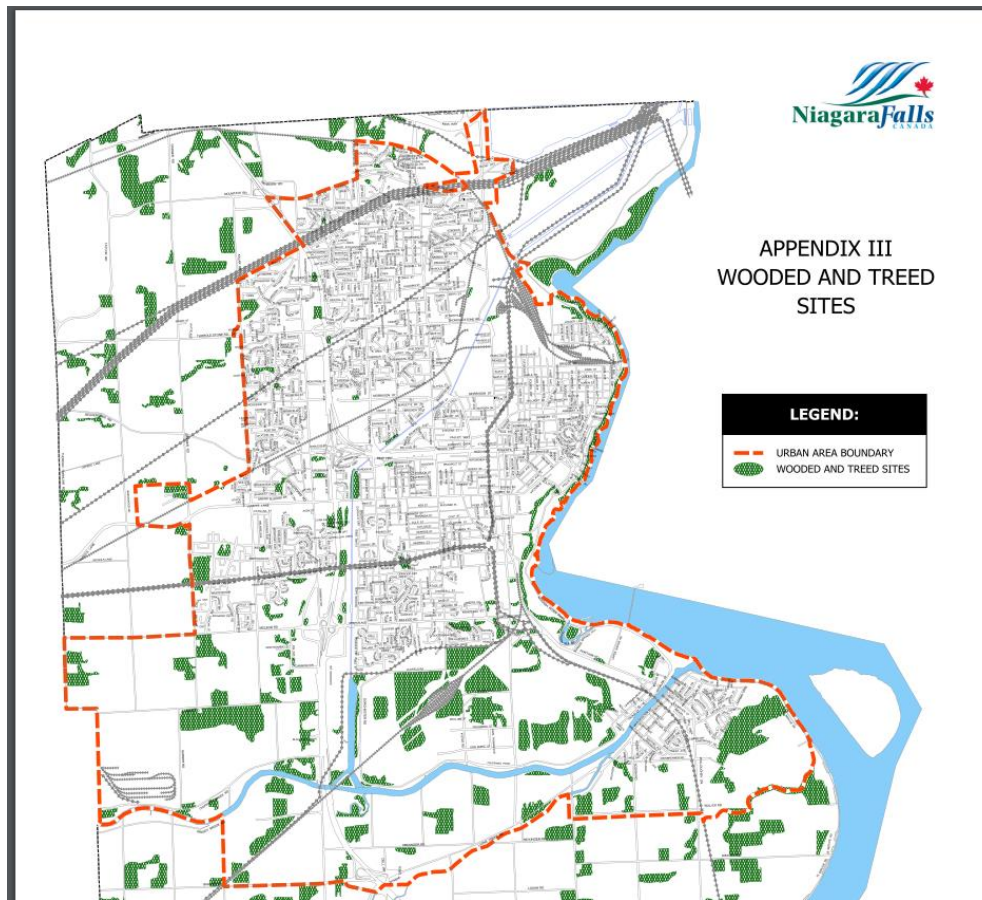
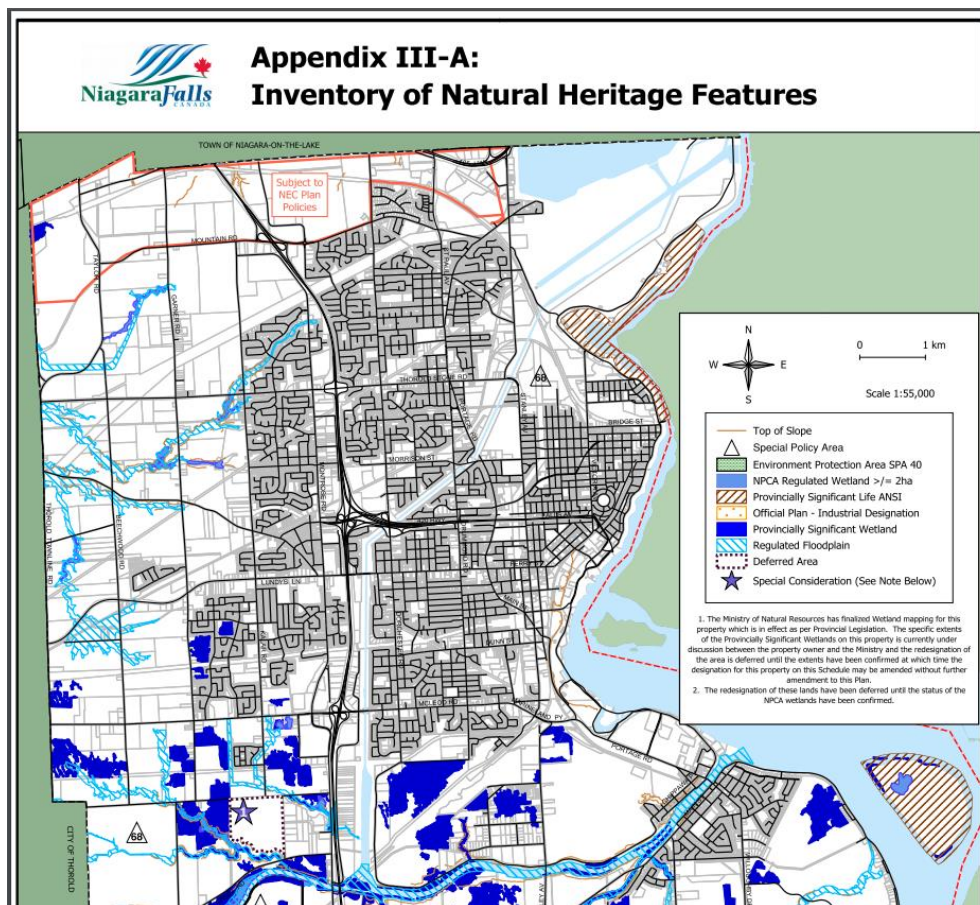
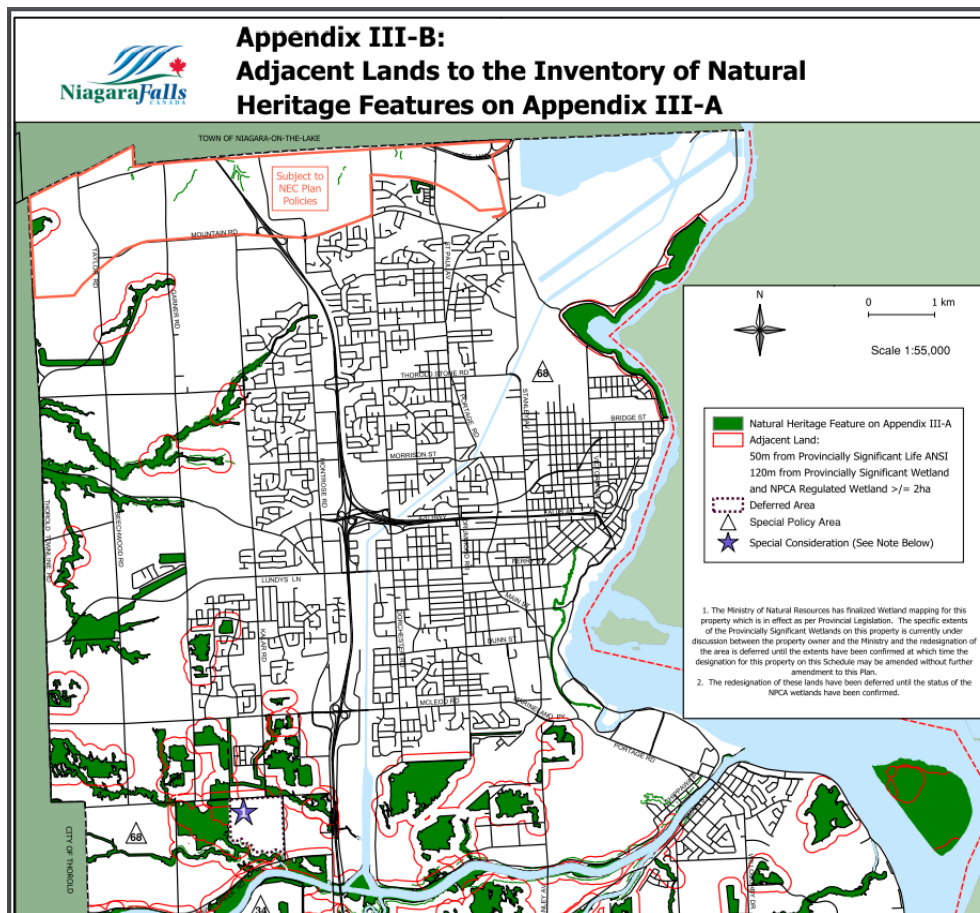


Figure 17: “Appendix III-A - Inventory of Natural Heritage Features”
(approximate site boundary in red)



**Figure 18: “Appendix III-B
Adjacent Lands to the Inventory of Natural Heritage Features on Appendix III-A”**



11.2 ENVIRONMENTAL PROTECTION AREA (EPA) AND ENVIRONMENTAL CONSERVATION AREA (ECA)

GENERAL POLICIES

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

“a) The policies of sections 11.1 and 11.2 shall not apply to the development of those lands subject to the provisions of Section 12.34 of this Plan.

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

“11.2.3 The limits of the EPA and ECA designations and their adjacent lands may be expanded or reduced from time to time as new environmental mapping and studies are produced by the Ministry of Natural

Resources or the Niagara Peninsula Conservation Authority or through site specific applications where produced by qualified environmental consultants and approved by the appropriate authority.

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

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

“11.2.8 Essential public uses of a linear nature including utilities, communication facilities and transportation routes may be permitted to extend through an EPA or ECA designation, or within adjacent lands, where an Environmental Assessment for the proposed use has been approved under Provincial or Federal legislation”.

“11.2.11 Where development is permitted within an ECA or on adjacent lands existing natural linkages between the lands designated ECA and EPA lands, other designated or non-designated natural heritage features shall be maintained. Possible linkages are identified as Potential Natural Heritage Corridors on Appendix III-E to this Plan and are approximate. The exact limits of such linkages shall be assessed and approved through an Environmental Impact Study through development applications or natural area inventories. New linkages, where needed, should form part of applications for development through a land use designation or easement”.

ENVIRONMENTAL PROTECTION AREAS (EPA)

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

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

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

“11.2.16 A minimum vegetated buffer established by an Environmental Impact Study (EIS) shall be maintained around Provincially Significant Wetlands and Niagara Peninsula Conservation Area Wetlands greater than 2 ha in size. A 30m buffer is illustrated on Schedule A-1 for reference purposes. The precise extent of the vegetated buffer will be determined through an approved EIS and may be reduced or

expanded. New development or site alteration within the vegetated buffer is not be permitted. Expansion, alteration or the addition of an accessory use in relation to an existing use within the buffer may be permitted, subject to an approved EIS, where:

- a) the expansion or accessory use is not located closer to the edge of the provincially significant wetland than the existing use; and
- b) the expansion or accessory use cannot be located elsewhere on the lot outside of the designated buffer area”.

ANALYSIS

As per Schedule A-1 (see Figure 19 on following page) to the Niagara Falls Official Plan, lands near or adjacent to the OPA boundary are designated EPA.

Policy 11.2.3 allows for minor “reductions or minor expansions to the limits of EPA or its adjacent lands on Schedule A ... without amendment to this Plan”.

OPA #117 acknowledges there are PSW fragments currently found inside the OPA boundary, as determined by the MNRF. There is extensive dialogue earlier in this report on how to address this in terms of Regional Policy. Similarly, the City’s Official Plan policies allow for a reasonable level of flexibility that can be applied to MNRF’s open file approach to wetland designations. In this case, the supporting Savanta EIS determined that expansion of the current EPA designation is not warranted to include the PSW fragments found inside the OPA boundary (see EIS, Section 7.0 Conclusions and Recommendation and Figures 8 and 12) .

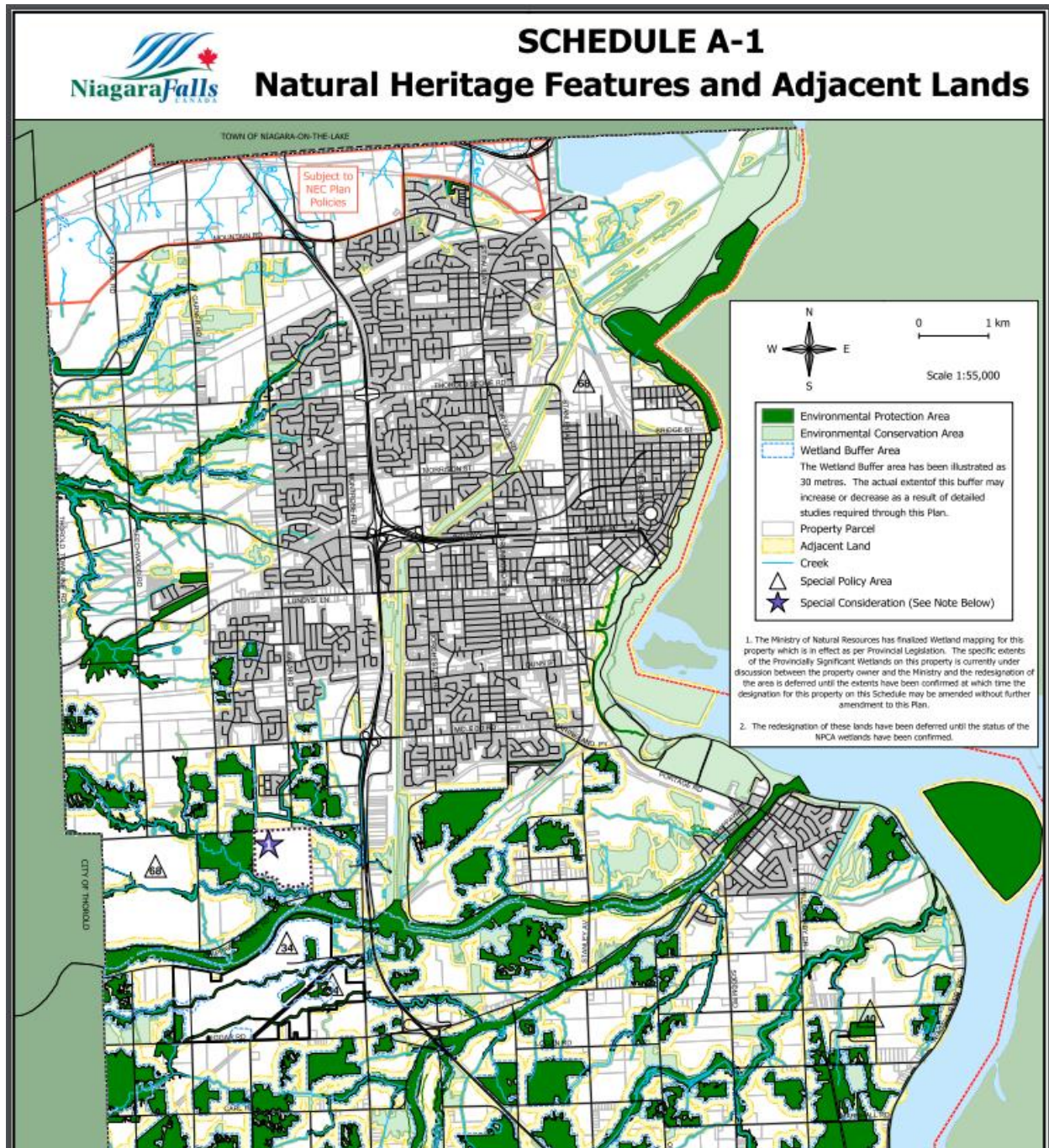
However, the OPA acknowledges the need to apply relevant EPA policies to any lands impacted by a PSW designation unless they are later removed from PSW by the MNRF (OPA Policy **13.56.8.2.11(5)**). The OPA also delineates on Schedule G (see Map 3, p.7 of this report) any PSW fragment that is currently recognized by MNRF, to further guide future implementation plans inside the OPA boundary.

It should be noted that the Savanta EIS identifies the Natural Heritage System that informs the boundary of OPA #117. However, OPA #117 does not include this proposed NHS in its Land Use Schedule.

With respect to buffers, OPA #117 includes the following policy:

“The NHS Designation includes a thirty (30) metre buffer from identified natural heritage features to protect their ecologic and hydrologic functions. The thirty (30) metre buffer may be increased or decreased based on further analysis carried out in subsequent Environmental Impact Studies applicable to subdivision and development applications within this OPA boundary.”

Figure 19: “Niagara Falls OP Schedule A-1 – Natural Heritage Features and Adjacent Lands”



SECTION 12 OPEN SPACE

POLICY

12.1 The uses of land permitted within the Open Space designation include major public parks, conservation areas, cemeteries, golf courses, private clubs, and recreational areas. Uses ancillary to recreational, conservation and open space uses may also be permitted provided such uses will not harm or interfere with the open space nature of the land.

12.5 Council shall encourage the integration and linkage of areas designated Open Space, including those lands along the Welland River and Lyons Creek, lands of the Niagara Parks Commission, and major utility corridors. Where such open space linkages offer recreation or scenic amenities, Council will promote their use through the cooperation and agreement of the appropriate authority and/or landowner for pedestrian walkways, bicycle paths and passive recreational use.

ANALYSIS

Due to the limited development area proposed by OPA #117, there are no lands proposed for designation as Open Space. However, provision for parkland and greenways, including trails and paths, will be made at the subdivision design and zoning stage of the development process (13.56.8.2.10).

SECTION 13 SPECIAL POLICY AREAS

13.56 SPECIAL POLICY AREA "56"

(OPA #81, By-law 2008-72, amended by OPA #100, By-law 2011-067, OMB June 4, 2012)

"Special Policy Area "56" applies to approximately 252 hectares of land located south of McLeod Road and north of Chippawa Parkway, between Stanley Avenue and Dorchester Road. The lands are designated Residential and Environmental Protection Area.

13.56.1

"The Residential policies of this Plan apply to the area designated Residential with a Special Policy Area designation. Development will occur in accordance with a Secondary Plan to be adopted as an amendment to this Plan. The extent of the Residential designations and Environmental Protection Area designations may be affected by the environmental and feasibility studies yet to be completed and will be refined through the Secondary Plan process.

13.56.1.1

"Notwithstanding that development is to occur in accordance with a Secondary Plan, approximately 23 hectares of land located on the northwest quadrant of Oldfield Road and Drummond Road may be developed in advance of a Secondary Plan by way of a plan of subdivision in accordance with the policies contained in Part 2, Section 1.4, Residential and Sections 14.56.2, 14.56.4 and 14.56.5 below".

ANALYSIS

With respect to the Riverfront Community, the policies of Section 13.56 Special Policy Area #56 are proposed for amendment by OPA #117 to guide how this community is to be developed and

ensure conformity with NFOP. Policy 13.56.1.1 noted above for a nearby site north of Oldfield Road, also inside SPA #56, informs the approach proposed for Riverfront Community of the GR (CAN) lands. Private OPA #117 provides policies relevant to all forms of development proposed within the OPA #117 boundary.

For both areas, this policy approach allows development of lands inside SPA #56 to appropriately and independently proceed without the need for a Secondary Plan. The OPA is sufficiently detailed to address the policy requirements for development of this property. It is noted that the land is held by one owner and applies only to 25% of their holdings.

PART 3 ENVIRONMENTAL MANAGEMENT

SECTION 1 MUNICIPAL INFRASTRUCTURE

POLICIES

1.1 PHASING OF GROWTH

"1.1.1 Schedule B illustrates (see copy following page) the Phasing Plan for the City. Lands shall be brought into the development stream in accordance with Schedule B and the policies of this section. Moreover, plans for expansion of existing services, or for new services are to serve growth in a manner that supports the achievement of the greenfield density target and the intensification target of this Plan".

ANALYSIS

These lands are identified as part of the next area (phase 2) for urban growth in the City. Other phase 2 lands are already being developed further east of this site.

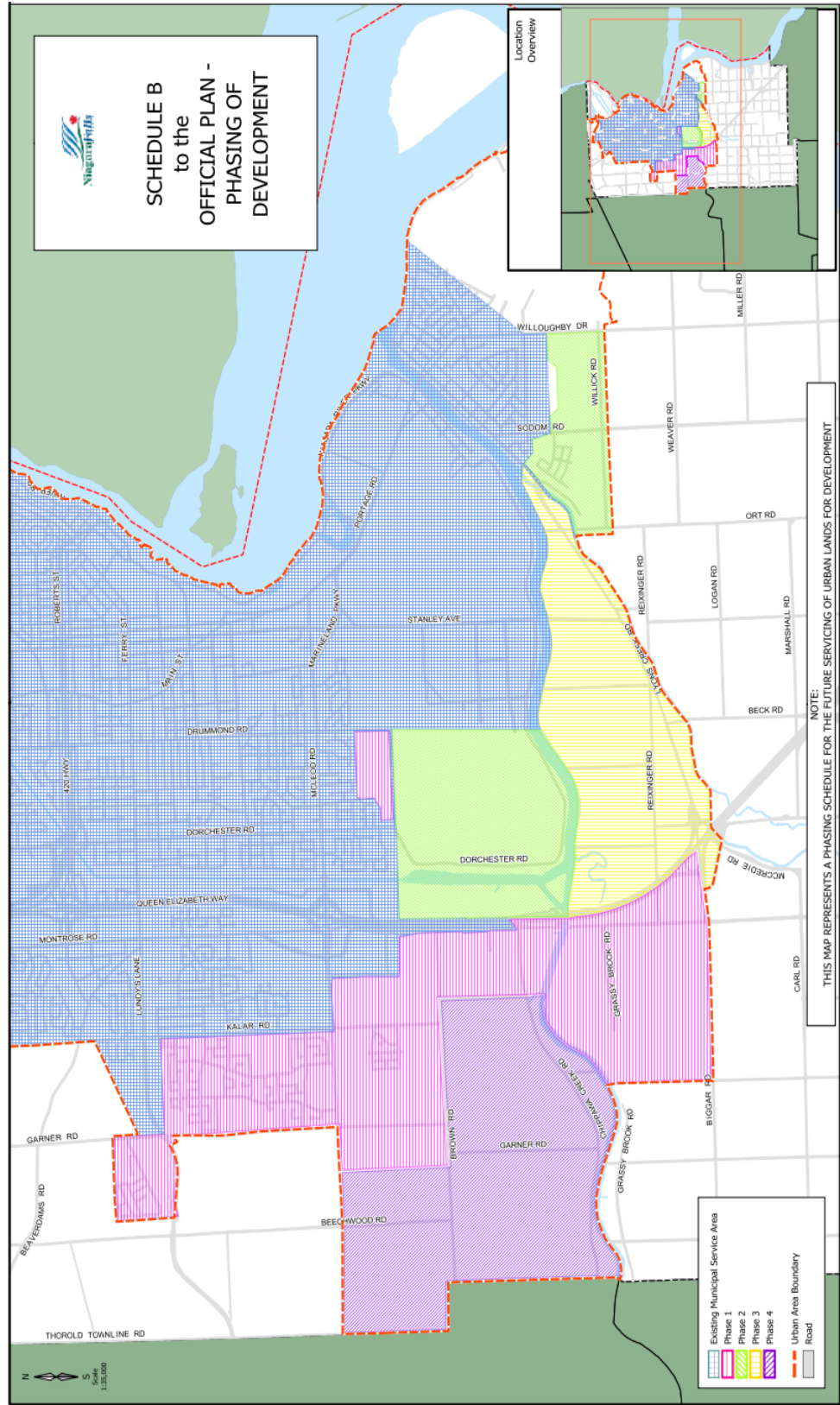
1.2 WATER AND SANITARY SEWAGE

"1.2.4 Development within the urban area shall be accommodated on the basis of full municipal services including sewers, storm sewers, water services and improved roadways. Uses within the urban area shall connect to municipal water and sanitary services, if available".

1.3 STORM DRAINAGE

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

Figure 20: Schedule B – NFOP – Phasing of Development



"1.3.2 Council shall not permit any new development or redevelopment where it would interfere with, or reduce, the drainage capacity of any natural watercourse or agricultural field drainage system, result in any erosion, pollution or drainage problems along watercourses and their tributaries or where it would adversely affect the quality/quantity of ground water or a water recharge/discharge area.

"1.3.4 Storm water management plans shall incorporate the use and creation of naturalized overland systems. Naturalized off-stream ponds and wetlands are encouraged to properly regulate and control water quantity and quality flows going into natural watercourses. In addition to controlling water quality and quantity, such systems shall be as natural as possible to create habitat areas and where applicable, will be used to provide linkages to other natural features".

ANALYSIS

This proposal responds appropriately to the relevant Official Plan policies for Storm Drainage, Water and Wastewater (sanitary).

As noted previously, services will be constructed in accordance with the recommendations of the Amec servicing report prepared in support of this proposed OPA.

1.5 TRANSPORTATION



"The City's transportation system is made up of the following elements:

- Transportation corridors
- Public transit
- Active transportation facilities
- Collector and local road network

"One of the goals of this Plan is to reduce the dependency on passenger vehicles and increase the modal share of public transit and active transportation. It is also a goal of this Plan that the transportation system work seamlessly and efficiently to convey people and goods safely".

COLLECTOR AND LOCAL ROAD NETWORK

"1.5.17 The collector and local road network functions primarily to convey traffic and pedestrians to transportation corridors.

"1.5.18 A hierarchy of roads is contained within the transportation system.

- City arterial roads which will have a width of 26 m, (Section 1.5.18.4)
- Collector roads which will have a width of 20 to 23 m, and (Section 1.5.18.5)
- Local roads are 20 m in width but under special circumstances may be less than 20 m. (Section 1.5.18.6)"

ANALYSIS

There are no regional roads or major transportation corridors existing or planned within the Riverfront Community lands. The Paradigm Report confirms that the collector roads identified on Schedule G will ensure vehicular traffic is appropriately conveyed through the development, allowing for sidewalks and bike lanes where needed, as required by the City's standard road designs.

It is expected that the densities, mix of uses and land use pattern anticipated will support a multi-modal transportation system, reduce the need for single occupancy car trips and contribute to a safer more energy efficient transportation network.

PART 3 ENVIRONMENTAL MANAGEMENT

SECTION 2 PARKLAND STRATEGY

POLICIES

"2.1 In order to accommodate the parkland needs of City residents, a hierarchy of park facilities shall be established. This hierarchy shall be comprised of Neighbourhood, Community and City-wide Parks and shall be developed in accordance with the following standards.

2.1.1 Neighbourhood Parks shall be established to serve the needs of local residents. As far as possible, such parks should be centrally located and readily accessible to the majority of park users and should be designed with extensive street frontage for visibility and safety. Facilities may include active play areas, landscaped passive areas, playgrounds and play fields. Neighbourhood parks shall be provided on the basis of 1.4 hectares per 1000 population and shall be coordinated with elementary school sites wherever possible.

"2.4 In accepting parkland conveyances pursuant to the provisions of the Planning Act the City will ensure that the land is suitable for park development, in accordance with prescribed municipal standards and the following criteria.

2.4.1 Open space shall be designed to respect and integrate with protected natural heritage features. The minimum prescribed buffers shall be provided and maintained as a naturalized area. Playgrounds, sports fields and other forms of active recreational uses shall be setback from buffers and the intervening area planted with vegetation that hinders human traffic.

2.4.2 Active parkland should be designed to accommodate various forms of recreational activities.

2.4.3 Within secondary plan areas, a system of trails and open space should be provided that is integrated with the built environment, with connections to schools and other forms of community infrastructure in order to create a more liveable community.

2.4.4 Park sites should be free and clear of building materials and debris and left in a condition which is satisfactory to the municipality.

2.4.5 Special attention shall be paid to develop parks in such a way to make all services accessible".

ANALYSIS

Parkland needs will be addressed at the plan of subdivision stage. However, this area is designed to integrate its public open space with protected Natural Heritage Features where appropriate and in ways that enhance and sustain those features. A system of trails and open space is intended to provide both recreation and commuter opportunities for pedestrians and cyclists.

PART 3 ENVIRONMENTAL MANAGEMENT

SECTION 4 CULTURAL HERITAGE CONSERVATION

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

ANALYSIS

Cultural Heritage

As part of the background research conducted for the previous Secondary Plan process for Special Policy Area #56, a "Built Heritage and Cultural Landscape Assessment (March 2016)" was prepared by Amec Foster Wheeler. The report notes that there are no significant built heritage or cultural heritage landscapes on the subject lands. For more details, reference can be made to earlier sections of this report addressing the PPS, Growth Plan, and Regional Official Plan.

Archaeology

As part of the background research conducted with respect to the development of a Secondary Plan for Special Policy Area #56, a Stage 1 and 2 Archaeological Assessment (May 2016) was prepared by Amec Foster Wheeler. The outcomes and recommendations of that study have informed the development of OPA #117.

For more details, reference can be made to earlier sections of this report that address the PPS, Growth Plan, and Regional Official Plan and to Figure 8 earlier in this document.

PART 3 ENVIRONMENTAL MANAGEMENT

SECTION 1 MUNICIPAL INFRASTRUCTURE POLICIES

1.1 PHASING OF GROWTH

1.1.1 Schedule B illustrates the Phasing Plan for the City. Lands shall be brought into the development stream in accordance with Schedule B and the policies of this section. Moreover, plans for expansion of existing services, or for new services are to serve growth in a manner that supports the achievement of the greenfield density target and the intensification target of this Plan.

1.1.2 Greenfield Area

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

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

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

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

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

1.1.2.5 Secondary plans shall provide details on the staging of development within the plan areas with respect to uses, residential densities, the extension of services and roads.

ANALYSIS

The lands owned by GR (CAN) are predominantly vacant greenfield and Natural Heritage lands, framed by built-up land to the west (west of the OPG canal), north and east. Given the limited scale and scope of this proposal, there is no need for a phasing plan or policies and therefore no portion of this proposal is premature. OPA #117 addresses all the policy elements a Secondary Plan would otherwise address without the need for phasing. As well, Section 13.56.8.7 of OPA #117 addresses the key elements required to implement this Plan.

SECTION 5 URBAN DESIGN STRATEGY

POLICIES

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



5.2 Streets are a public space that, while conveying motorized traffic, should be designed as a safe, comfortable and convenient environment for the pedestrian and cyclist. Streetscaping should serve to improve the pedestrian experience of an area through the use of amenities such as widened sidewalks, decorative street lighting, rest areas, tree planting and other landscaping features.

5.3 Landscaping and open space amenity areas can provide an opportunity to enhance the visual image of properties along the streetscape and should be incorporated in development projects to complement boulevard plantings. Landscaping can soften dominant building mass, screen noise and visual intrusion, shield against excessive wind and sun and provide various environmental benefits.

ANALYSIS

In completing this analysis, some key policies are reproduced for quick reference by the reader. However, all policies in this Section of the NFOP were reviewed in preparing this analysis. Many policies are not reproduced to conserve space but can be referenced at: [This is another link to the City's official plan.](#) (pp. 3-29 to 3-33).

Development of the Riverfront Community lands will be guided by urban design policies in the Niagara Falls Official Plan and OPA #117. Details with respect to urban design will be addressed through individual Plans of Subdivision/Condominium and Site Plan where appropriate.

ADMINISTRATION AND IMPLEMENTATION

SECTION 3 COMMUNITY SECONDARY PLANS AND NEIGHBOURHOOD PLANS

POLICIES

"3.1 Council may require that a secondary plan be prepared prior to the undertaking of any major development, redevelopment, or where any major proposal will have the potential effect of substantially

altering the pattern of land use in an area. In particular, secondary plans will be prepared for greenfield areas in accordance with Part 2.

"3.2 Secondary plans will be adopted as amendments to this Official Plan. As a result, any land use change to these plans will require an Official Plan amendment in accordance with the provisions of this Plan. Where secondary plans are to be prepared and do not exist at the time of approval of this Plan, development shall be guided by the relevant policies of this Plan".

ANALYSIS

As reflected in the City of Niagara Falls Official Plan, development of these lands is supported. Further, the policies and mapping in the City of Niagara Falls Official Plan has set out a phasing schedule for extension of infrastructure to and development of designated Greenfield lands within the existing urban boundary; this area is now proceeding in accordance with that phasing schedule. Other portions of SPA #56 have been approved for development and are developing under a similar policy regime to that proposed with OPA #117.

As noted earlier, several required studies were completed for SPA #56 and/or more specifically for the Riverfront Community lands. Subject to the conclusions and recommendations of the various studies, the proposed development of Riverfront Community can be accommodated. A privately initiated site-specific amendment to the City of Niagara Falls Official Plan, particularly with respect to Special Policy Area #56, is the most appropriate and efficient policy approach for guiding development of these lands and does not conflict with the intent or policies of the NFOP.

SUMMARY OF ANALYSIS – NIAGARA FALLS OFFICIAL PLAN (NFOP)

The NFOP guides the physical, economic and social development of the City of Niagara Falls. Generally, it contains objectives, policies and mapping that implement the City's approach to managing growth, growing the economy, protecting the natural environment, resources and agricultural land, and providing infrastructure.

As required by the Planning Act, NFOP is consistent with the Provincial Policy Statement (2014). As a lower-tier municipality, the City of Niagara Falls Official Plan (NFOP) must conform to the Region of Niagara Official Plan (NROP). The Province's new Growth Plan (2017) came into effect July 1, 2017. After the Region completes its review of the Growth Plan and revises its Official Plan as needed, the City will then have to do the same to the NFOP.

Development, subject to conditions and recommendations set out in the previously cited studies, can be accommodated as envisioned for the Riverfront Community in OPA #117. Based on the analysis undertaken for this Planning Justification Report, OPA #117 conforms to the general intent and policies of NFOP (2017).

6.0 Summary

In preparing this report, it became clear that the lands within the City of Niagara Falls Special Policy Area #56, and specifically the lands in Riverfront Community, are unique not only in their potential for development but also in the provincial and municipal policy framework directing future development of these lands.

The Riverfront Community lands:

- Are located within the existing urban area boundary;
- Are primarily designated for development in the NROP and NFOP;
- Are near environmental areas designated for protection in the NROP and NFOP, and inform the boundaries of OPA #117;
- Will contribute to the completion of the built environment of the City of Niagara Falls, north of the Welland River and implement the growth plans of the City and Region;
- Are a key part of the City's planned next phase for future growth.

Based on the studies completed, subject to conditions and other requirements set out in study recommendations, development of Riverfront Community lands as proposed is supported. Issues with respect to compatibility between existing industrial uses and future residential uses can be addressed or mitigated, to ensure the ongoing operations of the industrial employment lands while allowing the creation of a dynamic and vibrant community.

Community development can occur while protecting and maintaining the function of the nearby Natural Heritage System with its Core Natural Features. OPA #117 policies are intended to:

- Ensure a high quality of living and property enjoyment for future residents;
- Support the ongoing operations of the existing nearby industrial land; and
- Support, protect, and sustain the ongoing functions of the adjacent Natural Heritage System.

Consistent with the relevant themes and policies of the PPS (2014), Growth Plan (2017), NROP and NFOP, OPA #117 is designed to achieve the following:

- create efficient land use and development patterns, and in greenfield areas, focus on compact form, a mix of uses and increased densities;
- recognize the link between the management of growth and the provision of infrastructure and the need to integrate servicing and land use considerations at all stages of the planning process;
- ensure that development occurs with a density and mix of uses that is appropriate for and efficiently uses existing and planned infrastructure and avoids unjustified and/or uneconomical expansion;
- provide an appropriate range of housing types and densities to meet projected requirements, including affordable housing;
- promote economic development and competitiveness including a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses;

- promote healthy, active communities that include a full range of publicly accessible recreational, open space, and community service facilities;
- ensure that sewage, water and stormwater systems are environmentally and financially sustainable and that the implementation of such systems promotes a culture of conservation;
- design transportation systems that offer a balance of transportation choices and opportunities for multi-modal use with a priority on active transportation and transit;
- protect the natural heritage system and protect, improve and restore the quality and quantity of water;
- conserve significant built heritage resources and cultural heritage landscapes as well as protect archaeological resources;
- establish a culture of conservation including energy efficiency, water demand management, and water recycling, improving air quality, and climate change adaptation; and
- direct development away from areas of natural or human-made hazards.

OPA #117 accomplishes the challenge of accommodating growth plans for the City and Region in a manner that is well designed to meet people's needs for daily living by providing convenient access to an appropriate mix of jobs, local services, public service facilities, and a full range of housing that will accommodate a range of incomes and household sizes.

OPA #117 is consistent with the Provincial Policy Statement (2014) and conforms with the policies of the:

- Growth Plan (2017), and
- Niagara Region Official Plan.

Further, there is no justification or need for an associated Regional Official Plan Amendment nor for Regional approval of this OPA although Regional planning review and comments to the City are expected. The Region and City may later wish to consider initiating amendments to their Official Plans to recognize the EIS recommendations for a Natural Heritage System on lands outside the OPA boundaries.

The key purpose of OPA #117 is to fine tune policies within the NFOP, particularly those policies in the section dealing with Special Policy Area #56, to allow the proposed development while respecting the existing Policy Framework and designating the Natural Heritage System for protection from development. This Official Plan Amendment therefore represents good planning and is in the public interest and should be supported by the approval authority.

Report Prepared By:

John R. Henricks, MCIP, RPP
Principal Planner