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**Subject:** Local Official Plan Amendment No. 26 - Employment and Institutional Related Policy Amendments – City of St. Catharines

**Report to:** Planning and Economic Development Committee

**Report date:** Wednesday, March 10, 2021

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## Recommendations

1. That Official Plan Amendment No. 26 to the City of St. Catharines Official Plan (Garden City Plan) **BE APPROVED**, as modified in Appendix 2 of this report;
2. That all parties **BE NOTIFIED** of Regional Council's decision in accordance with *Planning Act, 1990* requirements;
3. That staff **ISSUE** a declaration of final approval of Official Plan Amendment No. 26, 20 days after notice of Council's decision has been given, provided that no appeals have been filed against the decision; and
4. This report **BE CIRCULATED** to the City of St. Catharines

## Key Facts

- This Report provides Regional Council with Staff's recommendation for approval of the City of St. Catharines' (the "City") local Official Plan Amendment No. 26 ("OPA 26"), as modified.
- OPA 26 was adopted by the City of St. Catharines Council on November 30, 2020 and subsequently sent to the Region for consideration.
- OPA 26 relates to Employment Lands and Employment Areas, which are Regional matters. The *Growth Plan* requires upper-tier municipalities, in consultation with lower-tier municipalities, to designate all Employment Areas and protect them for appropriate employment uses over the long-term.
- City and Region staff have been working cooperatively on employment planning for many years. OPA 26, as modified, is consistent with the Region's ongoing employment work.

- OPA 26 identifies six Employment Areas. A seventh location is identified as Employment Land with a special study area. Additional land use changes are made to four areas. All changes are supported by Regional staff and align with the Region's work.
- The Region made several minor modifications to the version of OPA 26 passed by the City. These changes do not alter the intent of OPA 26 or the basis of the City's approval. City staff support the minor modifications.
- OPA 26, as modified, is consistent with and conforms with applicable Provincial policy. The Amendment strengthens the long-term protection of the City's Employment Areas.

## **Financial Considerations**

There are no direct financial implications arising from this report.

The cost to process OPA 26 is accommodated within the Planning and Development Services Department Operating Budget.

In the event Council's decision is appealed to the Local Planning Appeal Tribunal, additional resources will be needed. In such case, a further report on financial implications will be provided.

## **Analysis**

### Employment Planning Context

The Growth Plan for the Greater Golden Horseshoe, 2019 (Amendment 1, 2020) ("*Growth Plan*") and Provincial Policy Statement, 2020 ("PPS, 2020") gives direction to the Region to identify and plan for "Employment Areas".

Employment Areas are defined in those Plans as "areas designated in an official plan for clusters of business and economic activities including, but limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities."

The Region uses the term “Employment Lands” for parcels designated for employment uses within a local municipal official plan and/or zoning by-law. Employment Lands may be located within or outside of an Employment Area. Employment Lands located outside of Employment Areas typically have or are designated for employment uses that can be more easily integrated with other land uses.

Identifying and planning for Employment Areas provides predictability and stability for employment investment, including the protection from sensitive land uses that may impact business operations. Employment Areas are intended to be protected over the long-term.

The Region is the approval authority over Employment Area matters. Retaining and protecting Employment Areas is a Provincial interest; it is therefore the Region’s interest in how St. Catharines undertook its Employment study and met Provincial policy requirements.

#### Region’s Employment Policy Work

The Region has been working on its Employment Policy development for several years and will be further reporting on that work in April 2021.

The Region has had a tremendous amount of consultation during this process with municipal partners, industry groups, stakeholders, and the public. Background study and data collection completed during earlier phases of the employment strategy work have been valuable on informing employment policy development.

By definition, the Region has Employment Areas. The Region’s forthcoming work will include mapping that identifies draft Employment Areas and policies for these areas across the Region.

The *Growth Plan* requires municipalities designate Employment Areas in their Official Plans. It also requires the Region to consult with local municipalities in the process of Employment Area identification.

The Region’s work on developing new employment policies has been extensive. Considerable effort has gone into developing draft policies that will respond to current Provincial policy direction, enhancing protections where needed, including future protections, and providing flexibility on potential future changes.

Regional staff support OPA 26 (with minor modifications, as described later) as it aligns with the Region's employment work.

### St. Catharines Employment Study

The City has been working on its employment planning for many years.

The City's study work considered the types of employment use, size of cluster, strategic location with respect to transportation access or separation from sensitive uses, to determine and define its Employment Areas. Designation of Employment Areas is usually representative of a municipality's key or strategic interest and location in order to protect for continued use.

Protection in this context is referring to guarding against encroachment of sensitive uses (such as residential) that may create conflicts and threaten operational activity that is otherwise a part of normal practice shared by those within the cluster.

The employment study, leading to OPA 26, was the City's opportunity to review the current status of all its clusters of Employment Land. OPA 26 is the result of this work, which identifies and defines the boundaries of clusters of employment uses.

Regional staff were involved at various intervals throughout the City's study work to provide comments and discuss conformity-related matters.

### Official Plan Amendment No. 26 and Modifications

OPA 26, as adopted, is attached as **Appendix 1**.

OPA 26, with the Region's proposed modifications, is attached as **Appendix 2**.

A list of the modifications is attached as **Appendix 3**.

A summary describing OPA 26 is outlined below, followed by Regional comments.

- **OPA 26 identifies and designates six Employment Areas for the protection of existing Employment Land clusters for long-term provision of Employment Land jobs.**

Region staff support the boundaries of the City's Employment Areas shown in OPA 26. The Employment Areas align with the Region's current employment work for the Niagara Official Plan.

- **OPA 26 proposes redesignation of other existing Employment Lands to permit alternative residential and mixed use development.**

As part of the City's employment study, City staff considered 10 requests for land use changes to non-employment uses. The City's OPA 26 recommendation report includes analysis of these requests. A link to the City's report is provided at the end of this Report.

Two of the ten requests were supported by City Staff for a redesignation to non-employment uses. One was the former industrial lands at 282 and 285 Ontario Street (Ontario and Carlton Streets, close to the downtown). The second was a site west of the St. Catharines Hospital on Fourth Ave. Both sites were recommended for redesignation to mixed use.

Additionally, City Staff supported a third site, located north of St. Paul's Street West and east of First Street, for a redesignation to a special study area. This is described further in the next section.

City Council adopted OPA 26 with these 3 site changes. No other requests for redesignation were supported by City Staff or adopted by City Council.

Region staff do not object to the three changes noted above.

- **OPA 26 establishes an Employment Land Special Study Area to allow for potential future redesignation to mixed use.**

As noted above, the First Street lands are redesignated in OPA 26 as a Special Study Area. The Special Study Area contemplates mixed use development with certain permissions for "a similar number of jobs to remain accommodated on site". Development of these lands will be required to proceed by way of Secondary Plan.

The Region made minor changes to the policy language to better conform with the *Growth Plan*. The modifications do not change the premise of the policy.

- **OPA 26 introduces an “Institutional” designation for several sites, including Brock University, Hotel Dieu Shaver Hospital and the St. Catharines Hospital site at Fourth Avenue.**

The City introduced an Institutional use designation to better capture the nature of these sites as large scale institutional-type uses. Regional staff support these designations.

The Region made a minor modification related to the Brock University lands to better conform to the Council-endorsed Brock District Plan.

An additional technical modification is included to add a section heading in the General Policy text for consistency with a change to Schedule D1. The added policy serves to direct users to the two separate Garden City District Plans where the institutional designation has been added and policy relating to these specific sites is found.

- **OPA 26 permits a minor increase in the floor space percentage for permitted accessory retail/service commercial, office and recreation uses for all designated Employment Lands. It also identifies one specific location for a further percentage increase from that which is already being increased.**

Region staff support the minor increase in floor space percentage. A technical change has been made to clarify the specific location to which the more significant percentage increase applies.

- **Administrative Modifications**

Two additional minor administrative modifications are made to include the amendment number (OPA 26) in Part A Preamble and the re-ordering of paragraph numbering due to the other changes noted above.

#### OPA 26 Modifications Summary

Region staff support OPA 26, as modified. For the reasons outlined above, the modifications are minor and do not change the purpose of OPA 26 as adopted by the City. The changes better align OPA 26 with provincial policy and the Region’s ongoing employment work.

City staff were consulted on the recommended modifications and are supportive of the modifications.

## Planning Review

OPA 26 must be consistent with and conform to Provincial, Regional and local planning policy. Below is commentary on these policies.

### Provincial Policy Statement, 2020

The *PPS, 2020* provides direction on land use planning to promote sustainable, strong communities, a strong economy, and a clean and healthy environment. *PPS, 2020* took effect on May 1, 2020.

The *PPS, 2020* encourages efficient development patterns that optimize the use of land, resources and public investment in infrastructure, and public service facilities by promoting a mix of housing, employment, recreation, parks and open spaces. It encourages active transportation and transit before other modes of travel.

*PPS, 2020* policies direct the protection and enhancement of natural heritage features and systems, cultural heritage and archaeological resources, and the wise use and management of resources.

Policies 1.3.1 direct planning authorities to promote economic development and competitiveness by providing an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs.

Policies 1.3.2 provide specific direction for Employment Areas. In particular, Policy 1.3.2.1 directs municipalities to plan for, protect and preserve Employment Areas for current and future uses. Policy 1.3.2.5 sets out policies for the conversion of lands to non-employment uses, subject to specific criteria.

Regional staff have reviewed OPA 26 against *PPS, 2020* policies and find that OPA 26, as modified, is consistent with *PPS, 2020* direction on:

- Managing and directing land use to achieve efficient and resilient communities;
- Addressing land use compatibility through designation of Employment Areas;
- Providing for appropriate residential and mixed use housing options within the community leading to long-term prosperity for the City.

Regional staff are satisfied that OPA 26, as modified, is consistent with the *PPS, 2020*.

## A Place to Grow - Growth Plan for the Greater Golden Horseshoe, Amendment 1, 2020

The *Growth Plan* sets out the long-range growth management framework for the Greater Golden Horseshoe area. The *Growth Plan* supports Ontario's vision of building stronger, more efficient, prosperous communities.

The *Growth Plan*, policy 2.2.1.4 a) recognizes that a diversity of land use, includes employment uses, as components of a *complete community*. This relates to the City and Region's desire to protect land for employment uses for the long-term.

Similar to the *PPS, 2020*, the *Growth Plan* contains Policy 2.2.5.1 that promotes economic development and competitiveness by making more efficient use of existing Employment Areas.

Policy 2.2.5.5 provides that municipalities should designate and preserve lands within *settlement areas* located adjacent to or near *major goods movement facilities and corridors*, as areas for manufacturing, warehousing and logistics, and appropriate associated uses and ancillary facilities. OPA 26 designates Employment Areas around the QEW interchange, in close proximity to QEW and Hwy 406 corridors, and along the Welland Canal.

Policy 2.2.5.6 sets out as follows:

*Upper- and single-tier municipalities, in consultation with lower-tier municipalities, will designate all employment areas in official plans and protect them for appropriate employment uses over the long-term. For greater certainty, employment area designations may be incorporated into upper- and single-tier official plans by amendment at any time in advance of the next municipal comprehensive review.*

Policy 2.2.5.14 provides as follows:

*Outside of employment areas, development criteria should be established to ensure that the redevelopment of any employment lands will retain space for a similar number of jobs to remain accommodated on site.*

The OPA 26 policy applicable to the Special Policy Area were developed with consideration of Growth Plan Policy 2.2.5.14. Specifically, the City and Region seek that space for a similar number of jobs remain accommodated on site.



Regional staff have reviewed OPA 26 against the policies of the *Growth Plan*, and find the policies conform to *Growth Plan* policies direction on:

- Managing growth in the existing urban settlement area;
- Enhancing protection of employment for the long-term by designating Employment Areas in consultation with the Region;
- Adding to the diversity of employment and housing options by providing mixed use and residential through re-designation of certain Employment Lands; and
- Contributing and supporting the achievement of complete community principles.

Regional staff are satisfied that OPA 26, as modified, conforms to the *Growth Plan*.

#### Greenbelt Plan, 2017

OPA 26 applies to lands contained entirely within St. Catharines urban area. Thus, Greenbelt Plan policies are not applicable to OPA 26.

#### Current Regional Official Plan

The current Niagara Region Official Plan (“ROP”) Chapter 3 – Employment, has policies directing local municipalities to provide a range and mix of employment use across the Region (Rural, Commercial and Employment).

OPA 26 identifies Employment Areas within the City’s urban settlement area. This was done by identifying the congregation of existing or planned employment types that would share similar interest in ensuring their long term ability to operate without being compromised by adjacent or encroaching land uses deemed more sensitive.

Policy 3.C.1 of the ROP provides as follows:

*“The Region and the local municipalities will ensure economic competitiveness by: ...*

*“c) Planning for, protecting and preserving employment areas for current and future use.”*

Policy 3.C.2 and 3.C.4 provide more specific direction. These policies are under review for conformity with the in-effect *Growth Plan*.

As previously noted, the Region's forthcoming Employment work and the Niagara Official Plan will provide Employment Areas designations and policies across the Region.

Region staff are satisfied that OPA 26, as modified, conforms to the current Region Official Plan. Further, OPA 26 aligns with the work being completed through the Region's new Official Plan.

#### City of St. Catharines Official Plan

The City's Official Plan (referred to as the "Garden City Plan") is a comprehensive framework of policies and guiding principles that seeks to manage and direct the future orderly and efficient long term development and growth of the City.

Garden City Plan section 10.1 contains Employment policies, including those that recognize the need for protecting Employment Lands for the long term provision of jobs in a variety of employment settings.

Section 10.3.1 sets out the different designations for Employment Land being, "General Employment" and "Business Commercial Employment". The Employment Areas designated by the City include both designations, which provides for a full range of employment types identified under the City's Employment policies.

Having diversity of employment is a component of a complete community and providing long term protection through designating Employment Areas provides assurance to manufacturing and businesses that their operations are being guarded from encroachment of sensitive uses.

As noted above, the Region and City have communicated regularly through the Region's Employment Strategy work, the City's Employment Study and the OPA 26 process.

Regional staff support the designation of the six identified Employment Areas, and the additional changes made through OPA 26, which align with the Region's ongoing work on the Niagara Official Plan.

#### Consultation

Consultation on the Region's Employment work has been ongoing and extensive. In 2018, the Region initiated its "Employment Strategy" background work, having retained

MHBC and urbanMetrics to undertake a critical review of regional employment land uses.

In 2019, the Region hosted a series of consultations with municipal staff, industry stakeholders and economic development offices. Also at this time, Regional staff held individual meetings with municipal planning staff for further input and refinement of local interest.

This material was presented at 4 public information centres in November 2019. Following that, another Region-led industry stakeholder meeting was held in February 2020 by planning and economic development staff to present and answer industry-specific questions.

Additional consultation continued with an online employment survey in July 2020. Subsequently, individual meetings with local municipal planning staff was held in September-October 2020.

Also in October 2020, the Region's employment work was presented as part of a public webinar series for the new Niagara Official Plan.

At the same time, several additional meetings were held with local municipalities to discuss employment designations and uses.

In February 2021, a further round of individual meetings with local planning staff was held, covering a number of topics, including employment matters.

In addition to the meetings with local staff and the public, Regional staff have had many meetings with individual landowners and their consultants to discuss site-specific employment matters.

The Region and City have worked collaboratively to ensure their respective work aligns, particularly that relating to Employment Area designations.

As the City progressed with OPA 26, City and Region staff held several OPA 26-specific meetings. These included discussions on land use changes, process, and conformity with the *PPS, 2020* and the *Growth Plan*. Also discussed were matters of Regional interest such as alignment with the Brock District Plan and the City's desire for re-designation of specific sites for mixed-use purposes.

As previously noted, OPA 26 is the culmination of many years of work on employment planning. Following initiation of the City's Employment Study and background research, their findings and recommendations were presented a virtual Open House meeting conducted with the City's EngageSTC interactive digital platform on August 17, 2020.

Written comments submitted through the City's public consultation process were included in the City's Recommendation Report PBS-178-2020.

Additional written correspondence was received and made available to local Council prior to the virtual Statutory Public Meeting held November 30, 2020. Eleven oral submissions were made at the Meeting.

Regional staff carefully reviewed and considered these submissions and comments in preparing this Report. A link to these submissions is provided at the end of this Report.

After reviewing the submissions, Regional staff are not recommending any substantive changes to OPA 26 as approved by St. Catharines (only minor modifications, as set out above).

### Conclusion

The Region has worked cooperatively with the City on employment planning for many years. Regional staff support OPA 26, as adopted by City Council, subject to the minor modifications outlined in this report. The changes are supported by City staff.

Regional staff recommend approval of OPA 26, as modified. OPA 26 sets out the boundaries of Employment Area clusters across the City, providing long-term protection for these uses. The Amendment is consistent with and conforms to the *PPS, 2020* and the *Growth Plan* and policies of the Region Official Plan. Furthermore, OPA 26, as modified, aligns with the Region's ongoing employment work for its new Niagara Official Plan.

### **Alternatives Reviewed**

Option 1: Council may choose not to approve OPA 26. This approach is not recommended as the amendment is consistent with and conforms to Provincial and Regional planning documents. Further, Regional staff have worked cooperatively with the City and agree with OPA 26, as modified. The work to define and show their Employment Areas is a requirement under the *Growth Plan* and reflect the draft

employment work of the Region. The outcome of the OPA 26 process includes input from public agencies, stakeholders, the public and Regional staff.

Option 2: Council may choose to approve OPA 26 without the modifications. This approach is not recommended as the modifications are appropriate and do not change the intent, purpose or outcome of the Amendment. The modifications serve to clarify wording, align with *Growth Plan* policy, and reflect the Region's employment work. The modifications are supported by City staff.

Option 3: Council may choose to modify OPA 26 further, for specific sites, in response to public submissions. All submissions received by City Council were considered when it made its decision to approve OPA 26 in November 2020. Regional staff do not propose any substantive modifications to this City decision.

### **Relationship to Council Strategic Priorities**

Approval of OPA 26 supports the following Regional Council strategic priorities:

- Supporting Businesses and Economic Growth
- Healthy and Vibrant Community
- Responsible Growth and Infrastructure Planning

Employment planning for location, protection and compatibility are critical to ensuring access to a broad range of jobs within close proximity to the residents, as well as contributing to a complete community. The identified Employment Areas will protect these uses over the long-term and contribute to supporting a strong economy for the City. OPA 26 addresses this objective.

### **Other Pertinent Reports**

There are no other Regional reports directly related to the City's OPA 26 exercise. Background reports on the Region's employment work include PDS 14-2020 (PEDC May 13, 2020) and PDS 21-2020 (PEDC July 15, 2020) and are available through the Planning and Economic Development Committee Agenda dates noted above.

The City's Corporate Report No. PBS-178-2020 and Appendices are available on the City's website.

Access is available at the Report link provided below.

Report [PBS-178-2020](#)

Written submission made to St. Catharines are available in two locations at the above link:

- Appendix 9 (grouped together in link as “Appendices 5 to 9”)
- Additional Correspondence re. Council Agenda Item 6.1

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**Appendices**

Appendix 1	OPA No. 26 to the City of St. Catharines Official Plan (as adopted)
Appendix 2	OPA No. 26 to the City of St. Catharines Official Plan (as modified for approval)
Appendix 3	Modification List