

**Susan Rosenthal**  
*susanr@davieshowe.com*  
Direct: 416.263.4518  
Main: 416.977.7088  
Fax: 416.977.8931  
File No. 440128

June 14, 2022

**By E-Mail Only to *clerk@niagararegion.ca***

Planning and Economic Development Committee  
Niagara Region  
1815 Sir Isaac Brock Way  
P.O. Box 1042  
Thorold, ON L2V 4T7

Committee Chair Huson and Members of Committee:

**Re: Request for Inclusion in Settlement Area  
5021 Garner Road, Niagara Falls  
Agenda Item 5.2 – June 15, 2022 Committee Meeting  
PDS 17-2022 Niagara Official Plan: Recommendation Report for Adoption**

We are writing in respect of 5021 Garner Road in the City of Niagara Falls (the “**Subject Property**”). Niagara Falls Park Inc., the current registered owner of the Subject Property, and their new partner CBJ Developments Inc, have concerns with respect to the proposed Official Plan outlined below, and particularly the failure to bring the Subject Property into the City’s urban boundary. A map of the Subject Property is attached to this letter as Appendix “**A**”.

Our client has been involved in the Region’s Settlement Area Boundary Review process since its commencement and has previously requested that the Subject Property be brought into the City of Niagara Falls’ (the “**City**”) urban boundary by letter dated July 1, 2021.

Notwithstanding our client’s request, Regional Staff, in its report dated March 9, 2022 respecting its final recommendations for settlement area expansion, failed to consider the inclusion of the Subject Land into the City’s urban boundary.

As a result, we are writing to request that the Committee amend Regional Staff’s final recommendations outlined in its report dated June 15, 2022 (PDS 17-222) and include the Subject Property into the City’s urban boundary.

Appendix “**B**” to this letter provides a detailed analysis of the Region’s criteria for settlement area boundary expansion requests as it relates the Subject Property. By way of summary:

- The Subject Property is located on the west side of Garner Road, north of Beaverdams Road and is currently being used for agricultural purposes.
- The Subject Property is immediately adjacent to the Fernwood Estate Subdivision on the west side of Garner Road, south of Beaverdams Road, and therefore represents a natural and logical extension of residential lands that are well served by commercial and open space amenities.
- Sanitary services are available at Garner Road and Hendershot Boulevard to service the Subject Property, with adequate capacity available. Additionally, there is water supply available at Garner Road and Fiddlehead Lane, with adequate capacity available.
- The Subject Property has direct access to Garner Road and Beaverdams Road, both of which can accommodate additional traffic from any future development.
- The Subject Property is within walking distance from Lundy's Lane, with the potential for the extension of transit service and active transportation facilities from Lundy's Lane.
- There are no (or negligible) impacts to any environmental and natural features present on the Subject Property.

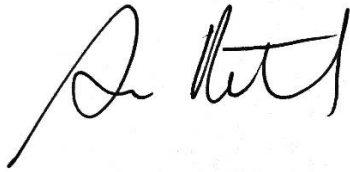
Based upon an analysis of the Region's criteria, the Subject Property is an ideal candidate for settlement area boundary expansion.

Inclusion of the Subject Property will allow for comprehensive planning with proximate residential lands to ensure complete communities that will meet the City and Region's future growth needs.

For the reasons noted above and in the attached analysis, we respectfully request and urge the Committee to amend Regional Staff's recommendations and endorse the inclusion of the Subject Property within the City's urban boundary

We request notice of any decision made by the Committee or Regional Council in respect of this matter.

Yours sincerely,  
**DAVIES HOWE LLP**

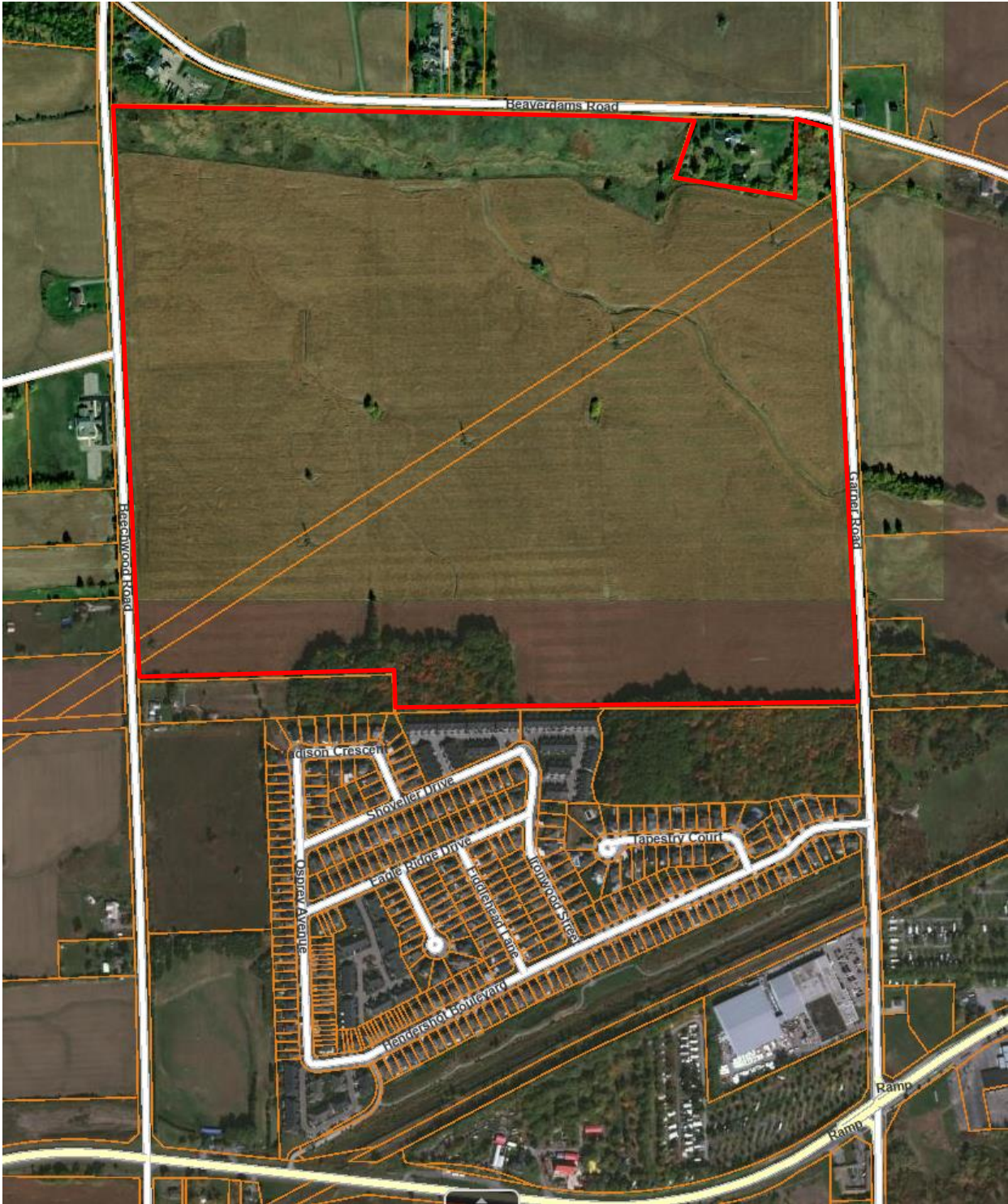


Susan Rosenthal  
Professional Corporation

SR:SL  
encl.: as above

copy: Client

Appendix “A”  
Map of Subject Property



Topic Area	Step 2 - Site Level Analysis - Requests for Consideration		
	Criteria	Criteria Response	Analysis
Sanitary Servicing	What is the capacity to accomdate the parcel or collection of parcels at WWTP during the planning Period?	Available	No capacity issues in this area.
	How easily can a sanitary servicing be made available to the lands?	Highly Feasible	Sanitary services available at Garner and Hendershot.
	When extending sanitary services, what is the level of impact on natural environment, including key hydrologic features and areas?	Negligible Impact	No natural heritage features would be impacted through sewer extension
	In relation to sanitary servicing, how feasibly can the parcel or collection of parcels support additional urban development in its Watershed through mitigating measures?	Available	Parcel can support additional services.



**Attachment 1:  
5021 Garner Road Assessment**

PDS-C 58-2022

Topic Area	Criteria	Criteria Response	Analysis
Municipal Water Supply	What is the feasibility of existing system capacity to accommodate the parcel or collection of parcels with municipal water supply during planning period?	Highly Feasible	No capacity issues in this area.
	How easily can a water supply connection be made?	Highly Feasible	Water supply available at Garner Road and Fiddlehead.
	When connecting water services what is the anticipated level of impact on natural environment, including key hydrologic features and areas?	Negligible Impact	No impact on hydrologic features anticipated.
	In relation to municipal water supply, how feasibly can the parcel or collection of parcels support additional urban development in its Watershed through mitigation or supplemental measures?	Available	Parcel can easily support additional urban development.

Topic Area	Criteria	Criteria Response	Analysis
Transit and Transportation	How well can the parcel or collection of parcels access major transportation corridor such as Provincial Highway, Regional Road, rail or marine systems?	Available	Lundy's Lane is within walking distance of the property.
	How feasibly can a local road network be incorporated for the parcel or collection of parcels, including consideration of environmental matters?	Available	Road connections to Garner Road and Beaverdams Road are possible.
	What is the level of impact to existing road networks and level of service from the addition of the parcel or collection of parcels?	Negligible Impact	Garner Road and Beaverdams road can accommodate the additional traffic.
	What is the feasibility of extending transit services to the parcel or collection of parcels?	Feasible	Transit service could be extended from Lundy's Lane.
	What is the feasibility of extending active transportation facilities to the parcel or collection of parcels?	Feasible	Active transportation services could be extended from Lundy's Lane.

**Attachment 1:  
5021 Garner Road Assessment**

PDS-C 58-2022

Topic Area	Criteria	Criteria Response	Analysis
Environmental Protection and Natural Resources	In terms of Provincial Natural Heritage System, how much the parcel or collection of parcels are affected/impacted?	Less than half shown as NHS	Small wetland in the south portion of the site.
	In considering the parcel or collection of parcels in the context of NHS constraints, and as part of the broader NHS, what level of feasibility would be represented on the parcel or collection of parcels in gaining access to fragmented development parcels (without existing R.O.W frontage)?	Available to NHS identified All lands accessible	Development is not fragmented by features.
	With respect to Watershed Planning and the overall health of the respective Watershed, what is the impact should the parcel or collection of parcels be added to the urban area and developed for urban use?	Negligible Impact	Development could be adequately buffered from features.
	In consideration of potential mitigating measures for watersheds or sub watersheds, what is the level of feasibility related to introducing such measures as enhanced storm water management and increased infiltration opportunity to improve water quality?	Available	Adequate space is available on site to accommodate enhanced stormwater management measures.
	With available information concerning species at risk, what level of impact would be experienced if the parcel or collection of parcels were to be added to the urban area and developed for urban purpose?	Negligible Impact	No species at risk identified on the property.
	What is the impact of including the parcel or collection of parcels on topography and the ability to minimize significant earthworks that could interfere with hydrogeological function?	Minimal Impact	Site has rolling topography that could be incorporated into residential subdivision design.

**Attachment 1:  
5021 Garner Road Assessment**

PDS-C 58-2022

Topic Area	Criteria	Criteria Response	
Agriculture Agri-Food Network	As defined by the PPS, using the range provided, how best are the parcel or collection of parcels described?	Agricultural Area Completely (Class 4-7)	Site is Good General Agricultural.
	What is the level of impact on active livestock operations and MDS setbacks by including the parcel or collection of parcels in the Urban Area?	Outside any Setback	No active livestock operations in the area.
	What is the impact to the broader Agri-Food Network if the parcel or collection of parcels were Urban Area?	Negligible Impact	Site is not a significant contributor to agri food network.

Topic Area	Criteria	Criteria Response	Analysis
Aggregate Resources	In terms of distance/separation of sensitive land use, and in the context of Ministry D6 Guidelines, what level of impact on existing or planned Aggregate (Stone and San & Gravel) operations can be expected if the parcel or collection of parcels were added to the existing Urban Area Boundary? (Within 300m being Critical and beyond 1000m being Negligible)	Critical Impact	Site is within 300 m of a planned quarry expansion.

Topic Area	Criteria	Criteria Response	Analysis
Growth Management	Does including the parcel or collection of parcels meaningfully contribute to a complete community? (2,3)	Highest Contribution	Site would add residential lands to a residential community that is well served by commercial and open space amenities.
	Does inclusion of the parcel or collection of parcels represent a favourable way to achieve the outcome of the Region-identified land needs?	Higher Favourability	Site could positively contribute to addressing the residential land needs of the City.
	What are the planning impacts on neighbouring or nearby lands by including the parcel or collection of parcels in the urban area? (2)	Negligible Impact	Site is adjacent to existinng residential development in tehe City, can be developed without impact to natural heritage features.