

**DRAFT East Smithville Secondary Plan  
Response to Agency Comments**

Niagara Region – October 20, 2020 (K. McCauley)

Comments	Response
<b>PROVINCIAL AND REGIONAL LAND USE DESIGNATIONS</b>	
<p>The lands to the north of St. Catharines Street are within the Designated Greenfield Area and the lands to the south of St. Catharines Street are within the Delineated Built-up Area. The Growth Plan, 2019 requires that a minimum of 50% of all residential development occurring annually within Niagara Region be within the delineated built-up area once a municipal comprehensive review is approved and in effect. The Region is currently preparing a new Official Plan (MCR). Once the new Regional Official Plan is complete, the minimum residential intensification target of 50% will be applicable. The minimum density target within the Designated Greenfield Area is 50 people and jobs per hectare</p>	<p>The land use designations and policies of the Secondary Plan have been applied to ensure that the development within the secondary plan contributes to achievement of the intensification target. The lands within the Designated Greenfield Area are planned to meet the DGA density target of 50 p-j/ha.</p>
<b>EMPLOYMENT LANDS</b>	

<p><b>The employment lands within the East Smithville study area are considered employment lands outside of an employment area and are subject to local consideration for a land use change. The criteria of the PPS (Policies 1.2.6 and 1.3.1) and Growth Plan Policy 2.2.5.14, which requires that the redevelopment of any employment lands will retain space for a similar number of jobs to remain accommodated on site, should be considered to ensure this plan aligns with Provincial policies and directions.</b></p>	<p>The Secondary Plan area is not considered to be within an Employment Area. Therefore, the employment area conversion policies of the Growth Plan, Regional Official Plan and Township Official Plan do not apply. Instead, policy 2.2.5.14 of the Growth Plan which specifies that redevelopment of employment lands that are outside of Employment Areas is permitted provided that the lands will retain space for a similar number of jobs.</p> <p>The Background Report has been revised to accurately reflect these policies, which provide that outside of employment areas, development criteria should be established to ensure that the redevelopment of any employment lands will retain space for a similar number of jobs to remain accommodated on site.</p>
<p><b>ARCHAEOLOGICAL POTENTIAL</b></p>	
<p><b>No identified cultural heritage landscapes of built heritage resources. Not known whether the lands have any archaeological constraints, but an archaeological assessment would be undertaken as a requirement of a subdivision application. Policies of the secondary plan could incorporate this requirements.</b></p> <p><b>According to Provincial screening criteria, the Secondary Plan lands exhibit potential for the discovery of archaeological resources due to</b></p>	<p>The Draft Secondary Plan policies incorporate this requirement through the provision of policies identifying the requirement for such assessment through a subdivision application. Please refer to Section 9.4.</p>

the presence of watercourses on the lands both north and south of St. Catharines Street and proximity to three (3) registered archaeological sites within 300 metres. Based on available aerial imagery, it does not appear that the majority of the study area has been subjected to recent extensive or intensive ground disturbance as defined by the Province.

Section 2.0 Current Conditions/ Sub-Section 2.2 Summary of Technical Reports does not include a review of archaeology or cultural heritage. Information should be summarized in this section.

Prior to any development on the Secondary Plan lands, future applicant(s) and/or owner(s) should be aware that an archaeological assessment will be required. It is Regional practice to require that the completed archaeological assessment(s) be submitted to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for review, and to satisfy Provincial criteria (provided in the form of an acknowledgement letter). Policy to this effect should be included in the Secondary Plan.

**LAND USE COMPATIBILITY – Rail**

<p><b>The Guidelines for New Development in Proximity to Railway Operations (dated May 2013, prepared by Dialog &amp; J.E. Coulter Associates Limited) notes that the noise influence area from a principal main line is 300 metres, and the recommended minimum vibration influence area is considered 75 metres from a railway corridor. Accordingly, any development within 300 metres of the rail line will be subjected to further study; such studies shall align with NPC-300 Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning. Policy to this effect should be included in the Secondary Plan.</b></p>	<p>According to the “Guidelines for New Development in Proximity to Railway Operations” document, the standard recommended building setbacks for new residential development in proximity to railway operations is 30 metres for both a Principle Main Line and a Secondary Main Line, which has been addressed in Section 2.3.5 of the Background Report.</p> <p>The Draft Secondary Plan policies have made considerations for the potential effects of the secondary plan area in close proximity to a railway. Please refer to the Draft Structure Plan and Section 5.</p>
<p><b>LAND USE COMPATIBILITY – Nearby Industrial Facilities/Uses</b></p>	
<p><b>The Background Review notes that the subject lands are located to the south of a number of industrial and commercial businesses. The Review identifies Harbison Walker International as a Class III manufacturing facility, Premier Express Lines as a Class II facility due to outdoor storage and its consideration as a medium scale industrial business, and Stanpac as a Class I industrial facility due to its indoor operations and lack of outdoor storage. These classifications are provided based on the definitions and criteria listed in the D-6 Guidelines (Compatibility between Industrial Facilities). When applying the D-6 Guidelines, the potential influence area from these facilities to sensitive land uses ranges from 1,000 metres (Class III) to 70 metres (Class I), with the minimum separation distance ranging from 300 metres (Class III) to 20</b></p>	<p>The Draft Secondary Plan policies provide wording, throughout the Secondary Plan, for how impacts between residential uses in the Secondary Plan and the industrial uses to the north can be minimized. Please refer to Sections 9.2 and 9.4.</p>

metres (Class I). These Guidelines require that setbacks be measured from the lot lines, unless site-specific zoning or site plan control precludes the use of the setback for any activity associated with the industrial use.

Options for ensuring compatibility include:

1) Should the Township wish to apply the buffer from the extent of the industrial operation's use (i.e. building versus the property line), it is recommended that site specific zoning be applied to limit future expansion, or an amendment to any existing site plans be completed to establish a definitive extent for build-out.

2) Through the redevelopment of the Secondary Plan lands, future land owners will be required to undertake studies to determine compatibility between proposed sensitive land uses and existing industrial and/or commercial land uses. These studies may include assessments of noise and/or air quality applicable to the existing operations, and require additional mitigation measures for the new use.

Further discussion with the Township is required to determine the most appropriate action.

#### MINIMUM DISTANCE SEPARATION

<p><b>The Background Review includes a Minimum Distance Separation (MDS) assessment, which was completed in 2007. According to the current Minimum Distance Separation Document (prepared by the Ontario Ministry of Agriculture, Food and Rural Affairs), MDS setbacks are not required for proposed land use changes within approved settlement areas, as it is generally understood that the long-term use of the land is intended to be for non-agricultural purposes. At the time of establishing new or expanding settlement area boundaries, MDS setbacks apply. Given that the urban area boundary has been established and is not expanding, MDS setbacks do not appear to be applicable; however, Township staff are responsible to calculating and implementing any necessary MDS setbacks and should be consulted accordingly.</b></p>	<p>Surrounding livestock operations will not be impacted by the proposed future development of the subject lands given the existing residential development surrounding the agricultural operations and the removal of the existing agricultural operation within the subject lands to accommodate future residential. Please refer to Section 4 of the Background Report.</p>
<p><b>ENVIRONMENTAL</b></p>	
<p><b>Environmental Planning staff have reviewed the information provided and note the following. An email from the Region dated April 16<sup>th</sup>, 2020 provided additional clarification for the environmental work and study requirements. Specifically, Regional staff requested the completion of:</b></p> <ul style="list-style-type: none"> <li><b>A watercourse characterization for non-Headwater Drainage Features (HDFs) to be completed when flow is present (i.e., during the spring).</b></li> <li><b>A HDF/watercourse assessment</b></li> </ul>	<p>As noted in Section 3.1 of the Background Report and Section 4 of the Natural Heritage Constraints Analysis (Appendix A), Crozier completed a Natural Heritage Constraints Analysis in order to determine the physical and ecological characteristics of the natural heritage features found on the subject lands. The following natural heritage constraints were encountered as a result of field investigations completed on the site in April 2020:</p>

<ul style="list-style-type: none"> <li>• A desktop screening for Species At Risk (SAR) and Significant Wildlife Habitat (SWH) to determine whether the small woodland actually meets significance criteria and confirm if it is providing any significant ecological function as habitat. Depending on the outcome of this assessment, additional EIS work may be required.</li> </ul> <p>Although the East Smithville Secondary Plan Background Report suggests that spring field investigations were completed to inform the Secondary Plan mapping and identification of features, the details of that work have not been forwarded to the Region for review. As such, the Region continues to request the above noted information, in order to confirm that the constraint identification outlined in the Background Report is valid.</p>	<ul style="list-style-type: none"> <li>• A headwater drainage feature (tributary of Twenty Mile Creek) is located on the western half of the subject lands. A water course is also located on the eastern portion of the lands, which connects to Twenty Mile Creek;</li> <li>• Fish habitat were not observed within the tributaries, however, based on the close proximity to the Twenty Mile Creek, there is potential for fish to move upstream onto the property;</li> <li>• The lands located south of St. Catharine's Street and immediately north of the Twenty Mile Creek is partially located within an identified floodplain area;</li> </ul> <p>The Draft Structure Plan has been developed with consideration for this technical work.</p>
<b>URBAN DSEIGN</b>	
<p><b>Section 1.0 Introduction (Page 3)</b></p> <p>-This section recognizes that the secondary plan functions as a future gateway into Smithville from the East. Consideration of how a gateway into Smithville can be achieved visually or physically should be further contemplated through the process.</p>	<p>The Draft Secondary Plan policies provide direction on how identified Gateways are to be addressed. Please refer to Section 4.2.</p>

<p><b>Section 2.0 Current Conditions/ Sub-Section 2.1 Guiding Policies and Studies (Pages 8-22)</b></p> <p><b>-This section does not reference the Township’s Smithville Urban Design Manual. It is an important document that will help to guide the urban design vision for this Secondary Plan. This secondary plan should include urban design guidance for features and elements within the plan not addressed within the Smithville Urban Design Manual.</b></p> <p><b>-Further, this section could provide an inventory and analysis of existing built form typologies within Smithville, including materials and architectural styles. It is recognized that this information may be provided in a later document (i.e. urban design guidelines/policy).</b></p>	<p>The Draft Secondary Plan policies provide additional urban design guidance, which address direction from the Smithville Urban Design Manual. Please refer to Section 4.2</p> <p>The Draft Secondary Plan policies notes the requirement for an urban design brief or guideline for future development applications, and additional direction requiring the demonstration of how proposed future plans of subdivision are to meet the direction of the Township’s Smithville Urban Design Manual.</p>
<p><b>Sub-Section 2.1.5 Parks and Recreation Master Plan, 2010 (Page 19)</b></p> <p><b>-The options provided show SWM ponds, but no parks, trails, corridors, open spaces or linkages to natural heritage features. If options for land use are to be presented then consideration should be given for these land uses and networks are integrated to assist with the creation of a complete community.</b></p> <p><b>It is suggested that these recommendations are presented with another column for how these recommendations can be achieved within the Plan. Barriers to achieving recommendations should also be identified</b></p>	<p>As illustrated on the Draft Structure Plan, linkages have been contemplated between potential trail connections and SWM ponds. In addition, a centralized park has been contemplated. Please also refer to Section 5.6.</p>

<p>including any capital works that may be required to implement the recommendations.</p>	
<p><b>Sub-Section 2.1.6 Trails and Corridors Master Plan, 2012 (Page 19)</b></p> <p><b>-The report notes that trails and corridors are not considered within the secondary plan area. Similar to parks and open spaces, is it suggested that conceptual evaluation of this network is carried out – especially considering that the recommendations of section identified above reference trails and other linkages. For example, the Secondary plan area includes Twenty Mile creek plus some natural heritage features. These represent basic starting points and linkages for a future trail and corridor system.</b></p> <p><b>Sub-Section 2.2.4 Transportation (Page 28)</b></p> <p><b>-This section only discusses access points. There is no discussion of active transportation or the street network itself.</b></p> <p><b>-Although streets are not shown in the land use option drawings, it is suggested that block sizes are connected and supportive of transit and active transportation</b></p> <p><b>-Page 29 notes that front lotting will not be permitted onto the Regional Road. Please clarify what is meant by this statement as buildings may front onto the Regional Road but individual driveway access may not be permitted.</b></p>	<p>As illustrated on the Draft Structure Plan, linkages have been contemplated between potential trail connections and a central park has been conceptualized. Please also refer to Section 5.6 of the Draft Secondary Plan policies.</p> <p>Please refer to Section 7.3 of the Draft Secondary Plan policies.</p>

<p>- Niagara Region is implementing a complete streets approach to the design and function of Regional Roads. If active transportation facilities are considered above and beyond what is existing, the Township should collaborate with the Region to address these.</p>	
<p><b>TRANSPORTATION</b></p>	
<p><b>Regional Transportation staff reviewed the report and provide the following comments. The report identifies a roundabout under construction at St. Catharines Street and Townline Rd. The construction is now complete and the LOS for this intersection should be revised to reflect the implementation of this feature. The study also recommends that a fourth leg be added to the intersection of St. Catharines Street and Townline Road.</b></p> <p><b>There is an additional road connection contemplated between the roundabout and Industrial Park Rd. At this time, the fourth leg of the roundabout or access of Industrial Park Road is a preferable solution until new information is provided to support otherwise.</b></p>	<p>As illustrated on the Draft Structure Plan, a collector road has been conceptualized, with a connection to the roundabout at St. Catharines Street and a connection to industrial Road. Conceptual road network.</p>
<p><b>LAND USE SCENARIOS</b></p>	

<p><b>The Background Review presents three land use options for consideration. These land use options were prepared acknowledging land conditions, constraints and opportunities.</b></p> <p><b>Option 1 and 2 includes a large amount of Low Density Residential (LDR) area. Low density land uses do not represent compact form when applied to singles and semi-detached units. More information is required to determine if the LDR will reflect the land use permissions within the existing OP or if the land use permissions will be broader. Alternatively, medium density could be strategically added to the plan to add more housing and built form options. It will also provide visual diversity to the streetscape and assist in the creation of a complete community.</b></p> <p><b>Please provide additional information on each option in terms of density targets and population/employment forecasts.</b></p>	<p>The Draft Structure Plan as well as the application of the individual land use designations have been informed by these comments. Please refer to the Structure Plan and Section 5 of the Draft Secondary Plan policies.</p>
<p><b>Each concept shows the location for stormwater management ponds. However, it doesn't identify parks or trails. More information on the required amount of parkland to serve the new neighbourhood should be provided.</b></p>	<p>As illustrated on the Draft Structure Plan, a collector road with a connection to the roundabout at St. Catharines Street and a connection to industrial Road has been proposed.</p>

<p><b>More information on the required amount of parkland to serve the new neighbourhood should be provided.</b></p>	<p>Parkland information and how parkland is to serve the neighbourhood has been provided in the Draft Secondary Plan policies. Please refer to Section 5.6.</p>
<p><b>Further to the comment noted above regarding the road network, the Secondary Plan should establish direction for complete streets and active transportation facilities to provide important connections points for trail extensions.</b></p>	<p>As illustrated on the Draft Structure Plan, potential trail connections have been identified. Consideration for active transportation opportunities through connections to trails and natural features has been addressed in the Draft Secondary Plan policies. Please refer to Section 4.2.</p>
<p><b>As noted in the employment lands compatibility section, it may be desirable to expand the commercial/class 1 employment area as a buffer between the industrial park to the north and the future neighbourhood. It may be desirable to expand the commercial/class 1 employment area as a buffer between the industrial park to the north and the future neighbourhood.</b></p>	<p>This has been addressed and illustrated in the Draft Structure Plan. In additions, a 30 m railway setback is applied on either side of the railway, with an additional setback south of the railway, to accommodate a potential trail connection. As further noted in the Draft Secondary Plan policies, the requirement for the completion of studies to the satisfaction of public agencies, has been included.</p>
<p><b>All three land use options suggest a mixed use designation along the south side of St. Catharines Street. Have any other land use designations been explored? A mixed use designation may be impacted by the floodplain and the lack of a complementary land use. At least one option should explore the placement of medium or high density within this block as an alternative. A well designed building could act as a gateway feature for Smithville.</b></p>	<p>As illustrated on the Draft Structure Plan, the initially contemplated mixed use area has been revised and the consideration for higher densities has been addressed in the Draft Secondary Plan policies. Please refer to Section 5.4.</p>

<p><b>The Master Community Plan for Smithville identifies lands to the east of the Industrial Park and north of the study area as being studied for future expansion. If the lands south of the rail line are re-designated to residential, this could impact the future employment uses on these lands should they be brought in the boundary</b></p>	<p>The Draft Secondary Plan policies have made considerations for the place types conceptualized for the Smithville Master Community Plan. The Secondary Plan supports the Master Plan by continuing the mixed use corridor along St. Catharines Street. The node area identified in the Master Plan is supported by the mixed use designation conceptualized around the roundabout area. Mixed Use designation would be compatible with the concept of the node on south side of roundabout. Please refer to the Draft Structure Plan.</p> <p>We have also reviewed the environmental work and features identified on the Secondary Plan, which are consistent with the features identified in the Master Plan.</p>
<p><b>Niagara Region – April 21, 2020 (C. Millar)</b></p>	
<p><b>One of the most significant constraints to the “preferred” Concept Plan as presented at the PIC remains the Ministry D6 separation matter.</b></p>	<p>The Draft Secondary Plan policies provide wording, throughout the Secondary Plan, for how impacts between residential uses in the</p>

**Draft policies and background papers are being released with the May 12 Region PEDC report that will include mapping of draft Employment Areas, which the Harbison Walker Lands are in. The purpose of identifying Employment Areas is to increase awareness and protections from sensitive uses such as residential.**

**The preferred Concept Plan implies the minimum 300m setback to Class III will be taken from the source building, generally that being illustrated in Option 1 of the slides showing D-6 impacts.**

**In the Region's October comments, two options were suggested for dealing with the industrial/residential D-6 buffer requirements. Has any discussion happened with Harbison Walker to address or support the buffer setback to the building over the property line? If so, what was the approach agreed to?**

**As noted in the Region's comments, the other option is for the onus to be on the future development applications to justify a reduced setback; however, this could compromise the land use permissions for both residential and employment. It could also lead to future land use conflict and issues/challenges with implementing the Secondary Plan.**

**These D-6 impacts are seen as a major obstacle as it relates to Harbinson Walker and the potential for types of employment on lands north of the rail line, should they added through the MCP. This matter needs a clear resolution as part of the Secondary Plan process.**

Secondary Plan and the industrial uses to the north can be minimized. Please refer to Sections 9.2 and 9.4.

NPCA – December 11, 2020 (S. Mastroianni)	
Comments	Response
<p><b><i>NPCA mapping indicates that the East Smithville Secondary Plan Study Area consists of the following NPCA regulated features:</i></b></p> <ul style="list-style-type: none"> <li><b><i>Main Channel of Twenty Mile Creek as well as associated tributaries</i></b></li> <li><b><i>Regulatory 100 year floodplain associated with Twenty Mile Creek</i></b></li> <li><b><i>Lower Twenty Mile Creek Wetland Complex associated with the main channel of Twenty Mile Creek. Identified as a Provincially Significant Wetland by the MNRF.</i></b></li> <li><b><i>Valleylands associated with the main channel of the Creek.</i></b></li> </ul> <p><b><i>There may also be areas identified as Karst within the subject area that were identified within the Smithville Subwatershed Planning process.</i></b></p> <p><b><i>Please be advised that the NPCA regulates karst formations as a Hazard land in accordance with Section 7.0 of our Land Use Policy Document.</i></b></p>	<p>These comments have been considered alongside the Smithville Sub-watershed Study documents. As illustrated on the Draft Structure Plan, the Natural Heritage System area has been revised, and are consistent with the Karst mapping and other environmental mapping provided within the Sub-watershed Study documents.</p> <p>The Draft Secondary Plan policies noted the requirement for further environmental studies to be completed to the satisfaction of the NPCA, among the other applicable agencies. It should also be noted that the Background Report provides updated mapping to address the regulated features noted.</p>
<p><b><i>The areas studied within the Constraints Analysis are not representative of the full Secondary Plan area in terms of the NPCA regulated features noted above. The Constraints Analysis does not address the main channel of Twenty Mile Creek (which is a type 1 Fish Habitat) or the associated Provincially Significant Wetlands. Further, the Background Report</i></b></p>	<p>The constraints associated with Twenty Mile Creek are well known and the appropriate land use designations that protect these features are already incorporated into the existing Official Plan (with the exception of potential Karst formations). The Natural Heritage designation in the</p>

<p><b><i>concludes that the subject lands do not contain Significant Valley lands or Significant Wetlands. This statement is a bit misleading as these features do exist within the East Smithville Secondary Plan area. It is unclear as to why the Constraints Analysis only studied smaller areas and did not take into account the entire Secondary Plan area. The NPCA requests further clarity on this matter.</i></b></p>	<p>Official Plan, associated with Twenty Mile Creek are included in the Draft Secondary Plan.</p>
<p><b>The following specific comments relate to our review of the Natural Heritage Constraints Analysis:</b></p> <ol style="list-style-type: none"> <li>1. The Constraints Analysis did not include the full extent of the tributary to Twenty Mile Creek within Study Area A. This study area should be extended to capture the remaining reaches (west, north and east) of the tributary to their full extent or to the property boundary. It is recommended that additional studies be conducted for Area A which includes fish sampling and amphibian surveys to better determine the sensitivity of this feature.</li> <li>2. No study was undertaken of the remaining NPCA regulated features located within the Secondary Plan boundary. Several watercourses are located in the southeastern portion of the Secondary Plan area. Further, one of the watercourses is identified as being potential habitat for Grass Pickerel by DFO and is identified as Type 2 Important Fish Habitat. Additional study of these features is requested.</li> </ol>	<p>The natural heritage features being identified within the greater master planning process coincide with the areas identified as natural heritage features within the Draft Secondary Plan.</p>

<p>3. The Constraints Analysis does not discuss either Twenty Mile Creek (Type 1 Critical Fish Habitat) or the Provincially Significant Lower Twenty Mile Creek Wetland Complex. As these features are within the Secondary Plan additional study and consideration of these features is requested.</p> <p>4. It appears that a Headwater Drainage Feature Assessment report has been completed (by Azimuth Environmental Consulting Inc.) which was summarized within the Constraints Analysis. NPCA staff request that a copy of that Assessment be forwarded to our office for review to assist in ensuring the identification of the features to protect on site is valid and the application of the future buffers (as shown on the Land Use Scenarios) on those features are appropriate.</p>	
<p><b>The NPCA notes that the Smithville Area is known to have potential Karst Topography. Karst formations and the mapping of those features are being addressed within the Smithville Subwatershed Study. The NPCA suggests that consideration of these hazard features be addressed within the Secondary Plan process as these areas have the potential to alter the proposed land use concepts moving forward. The NPCA regulates Karst Formations and may require further assessment of these features through various studies such as Geotechnical Evaluations and EIS work if these features are present.</b></p>	<p>As illustrated on the Draft Structure Plan, the Natural Heritage System area has been revised, and are consistent with the Karst mapping and other environmental mapping provided within the Sub-watershed Study documents.</p>

**NPCA staff suggest that more consideration be given to the fact that a Subwatershed Study is being undertaken which includes the subject area and how these two processes can work in tandem in order to achieve optimum protection to the noted features on site. The work and studies that have currently been done through the Subwatershed Planning process may be of benefit to this process moving forward in order to avoid duplication of effort.**

As illustrated on the Draft Structure Plan, the Natural Heritage System area has been revised, and are consistent with the Karst mapping and other environmental mapping provided within the Sub-watershed Study documents.