

# Coordinated Provincial Plan Review Comments

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**Please note: This comprehensive set of comments will be followed by detailed mapping in July that will further define the requests outlined.**

## A TIME FOR CHANGE

Niagara does not fare well in comparison with provincial averages or our GTA neighbours. We need to have an average household income that is on par with the Provincial average (\$56,580 vs. \$74,890 – Stats Can); drastically reduce our unemployment rate of 7.6% (Provincial rate is 6.3%, Stats Can); have our population rate grow to 0.44% rather than our current 0.19% (Stats Can) to lessen the burden on the existing tax base; reduce our social assistance caseload rates that the Province has forecasted will climb 2.75 – 3% over each of the next three years, and generally improve our economic future. To change, we need to think and act differently to not only help Niagara, but also contribute to the rest of the Greater Golden Horseshoe.

## UNLOCKING NIAGARA'S POTENTIAL

Niagara has been a lead promoter and protector of agriculture and has also established itself as a centre for agricultural innovation with the Vineland Research and Innovation Centre. We have a number of strong public institutions, such as Brock University, Niagara College, McMaster University's De Groote School of Medicine, two casinos, Ministry offices, and the Niagara Health System. The region is also a world renowned tourism destination, drawing millions a year to Niagara's natural and created attractions. What has not been done well is to carefully consider how we need to change in order to harness the power of all of these assets and leverage them to help turn Niagara's economy around.

This term of Council is seeking that change in thinking, and has outlined a number of Strategic Priorities that have the intent of creating a Prosperous Niagara. One such opportunity is seen in this Coordinated Review to offer the Province the suggestions and advice to help Niagara unlock our potential through the Provincial Planning framework to better reflect and support Niagara's resources and socio-economic position.

The timing of this coordinated review provides Niagara with an excellent opportunity to ensure that the Provincial vision for the Greater Golden Horseshoe allows flexibility for the Region and in turn the local municipalities to position ourselves for success as we complete our urban vision study, municipal comprehensive review, mobility hubs study, request for GO rail service and transportation and water / wastewater master plans.

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## RE-ESTABLISHING THE NIAGARA ECONOMY

Urban Niagara has great potential that has not yet been fully realized. The Niagara Region needs to be better integrated and keep up with the GTA; this means aligning policy with prosperity and creating a new urban vision that will better position us for future growth and development. To do this effectively, we have been working with our local municipal colleagues to coordinate this review and have a common understanding of our various needs and vision for the future.

The Region will enable prosperity by focusing on investment, innovation and entrepreneurship. Re-establishing a robust Regional Economy will require a different approach – one that better leverages Regional assets to make Niagara a more attractive and competitive place to live, work, visit, and invest. Key messages relate to the movement of people and goods and include enabling the development and expansion of transit and transit supportive infrastructure and development, including daily GO Train service to Niagara and further work on a Niagara Mobility Hub Study.

Niagara is a collective of unique and authentic urban communities and neighbourhoods, but these communities need to be strengthened with development and investment which enhances their character and livability. For example, by adjusting policies to better accommodate the local contexts, we can begin to capitalize on new opportunities for employment, housing and transportation around the proposed GO Train stations that will otherwise not be possible. Through the proposed changes, Niagara has a better chance of developing successful and resilient communities. Regional Council is committed to re-establishing the Niagara Economy; we are confident that supporting the changes in this submission will be a catalyst for prosperity, job growth, development, and a stronger Niagara.

## NIAGARA'S SUBMISSION

This submission is the result of the compilation and analysis of the collective input received from land owners, business owners, regional and municipal councillors and municipal staff across Niagara. The submission demonstrates leadership in making recommendations to the Provincial Plans in line with Niagara's Strategic Priorities. This submission will be followed in July with detailed mapping that will help convey specific issues and considerations, in conjunction with solutions that resolve in congruencies with the established policy / mapping regime. Senior staff and Councillors are anticipating working with their Provincial colleagues at various levels to advance Niagara's interests.

This submission is organized in two sections. The first section, "Overall Comments", provides high-level strategic recommendations for improvements that can be applied to all plans. The second section, "Specific Plan Comments" provides individual comments on the Niagara Escarpment Plan, the Growth Plan for the Greater Golden Horseshoe and the Greenbelt Plan. Data gathered to develop these comments was shaped through the Region's 2013 Review of the Greenbelt Plan in Niagara, feedback received through Imagine Niagara (the Region's award winning five-year Official Plan Review including outreach and engagement with several thousand Niagara residents and businesses), and input from local municipalities and the Niagara Peninsula Conservation Authority.

This submission will highlight errors, inconsistencies applied from the initial policy setting as well as opportunities for greater economic prosperity and growth, while still protecting the unique landscape in

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Niagara. Upon approval, this report will be forwarded to the Province to meet the May 28, 2015 deadline. This submission will be followed by more detailed mapping in July to assist the Province in understanding Niagara's needs.

We trust that the Province will support our strategies and recommendations, and that going forward; this collaborative working relationship will help create strong, prosperous and complete communities in Niagara and beyond.

## Overall Comments

Niagara is on the cusp of change with regard to where and how we plan to grow. The following are significant improvements that could be made to each of the Plans.

### Local Flexibility

Creating a Provincial Plan is inherently difficult, as there are intended results, but when applying those objectives and goals across a number of municipalities and such a large and diverse geographic area, the Plans cannot truly accommodate the needs nor recognize the localized circumstances of each of those places. As a result there is a high risk for failure, especially in such a unique place as Niagara.

While Niagara Region has long supported the concept of strong urban boundaries and the preservation of our agricultural land, the strict language used in the Greenbelt, Growth and Niagara Escarpment Plans limits the ability to effectively support community development, keep up with the GTAH, compete in a Globalized economy, support our farmers, and develop new and expand existing businesses. We respectfully ask for the following changes to be made:

- **Timing of Boundary Changes** - The boundaries of settlement areas in the Growth Plan and the extents of the Greenbelt Plan should be able to be amended at more regular intervals, after thorough review. Niagara Region is at a critical time of change. The Region is currently undertaking an Urban Visioning Strategy to redefine where and how we grow, a Municipal Comprehensive Review to further define the Strategy, Transportation and Water / Wastewater Master Plans to outline existing and future needs, and an analysis of Mobility Hubs to best determine and plan for the expansion of GO rail through Niagara Falls. The timeline to complete this work will extend beyond the time horizon of the Province's Coordinated Review Process. Therefore we ask that boundary changes to the Growth and Greenbelt Plans be permitted upon the completion of our Municipal Comprehensive Review.
  - **Potential Greenbelt Mapping Boundary Changes Being Considered** – In reviewing the relevant Plans, a number of areas were identified for adjustment, some of which will be the subject of more thorough review. There are also areas in Niagara that have been considered for Greenbelt expansion by local municipalities. There needs to be a better process for considering these boundary adjustments after their careful review that does not strictly adhere to the review
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times of the Provincial Plans. The Province should acknowledge each of these areas as areas of potential change while the Region completes its Municipal Comprehensive Review. Please note that a detailed map of the areas will be provided by July to offer further clarity. Areas currently being studied include:

- **Removal from the Greenbelt/Niagara Escarpment Plan and Inclusion in Settlement Areas within the Growth Plan**
    - Lands on the western part of the Town of Grimsby north of the Escarpment;
    - Lands south of Beamsville, extending slightly into the Escarpment and lands on the eastern part of Jordan;
    - Lands to the west of the Glendale interchange (currently owned by the Government of Canada, are also for sale, and are adjacent to the Welland Canal) – part of Canada's national shipping infrastructure, lands to the west of Old Town and lands to the west of St. David's in the Town of Niagara on the Lake;
    - Lands in the Town of Pelham establishing the hamlet of Ridgeville, that also recognize the lands designated as Fonthill Kame by Dr. Menzies and the limitations on significant change to this rural landscape;
    - Lands in the northern part of the City of Niagara Falls extending from the urban area boundary to the municipal boundary
    - Lands in the vicinity of the Virgil Urban Boundary in the general southeast area of this boundary
  - **Addition to the Greenbelt –**
    - Lands in the south of Grimsby, extending to the municipal boundary;
    - Lands surrounding Lake Gibson in the City of Thorold
  - **Removal of Urban Lands From the NEP** - All lands within defined urban boundaries should be subject only to municipal development processes and not have to seek additional approvals through Niagara Escarpment Development Control. Many of the Region's urban areas have unnecessary additional layers of control placed upon them and landowners have to seek permissions through the Niagara Escarpment Commission. With the responsibility for building complete communities under the Growth Plan and approved Official Plans and Zoning By-Laws that can take into account any guidelines put forth by the Commission to protect the Escarpment or its view sheds, municipalities are ably equipped to make planning decisions.
  - **Creation of Special Policy Areas in the Greenbelt that Consider Limited Development** - Developed properties that existed prior to the Greenbelt and Growth Plans should be able to expand, add uses, or even potentially change the use, subject to locally established parameters within defined Special Policy Areas. Many hardships have been placed on existing landowners and communities within the Greenbelt. This limits their potential to develop their lands to make a viable farming operation, recognize long-standing institutional uses, or expand their business to meet changing needs. Often these changes are minor in nature and in keeping with the intent of the Greenbelt Plan principles, but the policies themselves prohibit this flexibility that would often better utilize the existing community built form, services, and municipal servicing
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that is provided. Municipalities should be able to define special policy areas in their Official Plans that allow for limited expansion and development within key areas within the Greenbelt Plan. Examples of areas that would benefit from this type of policy are:

- Lands along Highway 55 in the Town of Niagara on the Lake between Virgil and Old Town;
  - Lands along Victoria Avenue in the Town of Lincoln between the urban boundary of Vineland and the QEW South Service Road, along the north and south side of Second Avenue to the east of Victoria Avenue in Vineland Station, and the area in Vineland along the north side of Culp Road between Victoria Avenue and Twenty-third St.;
  - Lands along Highway 20 in the City of Thorold between Merritville Highway and just west of Cataract Road
- **Recognition of local characteristics and needs** - Due to the very distinct nature of farming in northern Niagara, many of our farm parcels do not match the typical standard size recognized in Provincial Planning documents. It is not uncommon, for example, for vineyards or greenhouse lots to be smaller in size due to the cost of land and the intensive nature of those businesses. The challenge posed by this land size is the application of environmental setbacks imposed by the Provincial policies that can effectively eliminate or limit agriculturally related development on the property and the success of local businesses. Niagara is also home to a high volume of tourists throughout the year and houses four international border crossings. This influx of tourists, and the desire to show the local experience and culture, additional opportunities need to be provided, even on smaller properties, to allow for value-added and culinary tourism uses.

## Alignment of Provincial Plans and Implementation

In addition to the review of these four Plans, there are also a number of other reviews, proposed Bills, and legislation that is being considered. There is a strong need for alignment between all of this work to ensure that the Province and communities can be successful. This is especially true when considering the implementation practices of all Ministries and agencies of the Province, particularly the Ministries of the Environment, Health, Education, Natural Resources, and Transportation and the work of Metrolinx. We respectfully ask for the following:

- **Broader Alignment with the Growth and Greenbelt Plans** – Greater consideration of legislation / policy / regulation changes and implementation efforts by all Provincial Ministries and their Agencies that are in keeping with the goals and objectives of the Greenbelt and Growth Plans is needed. The position of some of the Provincial Ministries and Agencies limit the ability of Niagara communities to achieve the goals of creating complete communities, building economic prosperity, and protecting agricultural land. The following are specific examples the Province will need to resolve as they develop the Policies of the new Plans to try to help municipalities solve these challenges and lessen the incongruences:
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- The 2006 Growth Plan recognized that Niagara would be an ideal location for Improved Inter-Regional Transit to 2031. With continued growth pressure along the QEW corridor, and no expansion of our settlement area boundaries onto farmland without a Municipal Comprehensive Review, the delivery of GO train service to our region in the near term is essential for Niagara's economic prosperity. This is why the Region and local municipalities are working together to create and submit the business plan for GO trains through to Niagara Falls, we are undertaking a Transportation Master Plan, and we are currently undertaking a Mobility Hub Study, all in order to provide the Ministry of Transportation and the Big Move / Metrolinx with the information they require to support the development of GO trains in the short-term.
  - The Ministry of Education recently passed Pupil Accommodation Review Guidelines (PARG) to help Boards of Education to assess the potential closure of schools, and they are using the principle of student programming and success as guidance over a short-term horizon. Planning for a complete community requires municipalities to plan for schools over the long-term as a community hub that can offer social, recreational, and child and adult learning opportunities. Schools are critical infrastructure for achieving competitive urban land, for achieving intensification, and for partnering to develop local commercial and business innovation. This difference in approach reflects a difference in planning over time that leads to school closures in developed neighbourhoods that are targeted for greater density in favour of peripheral schools.
  - The Ministry of Health and Long-Term Care has and is supporting the creation of two new hospitals in Niagara. While the existing hospitals in Niagara needed revitalization, each of the hospitals are on the urban edge of the respective municipality on greenfield lands, putting pressure on existing servicing and infrastructure connections, with little connection to transit. These buildings will require extensive growth of ancillary services around them, leaving the sites of former hospitals in the downtown areas in need of significant redevelopment.
  - The Ministry of Municipal Affairs and Housing sets population and growth targets for municipalities to meet, yet the Ministry of Finance also releases population figures. To 2041, the Growth Plan estimates Niagara will have 613,670 people, whereas the Ministry of Finance forecasts 495,200. This is a difference of 118,470, or almost the population of Welland and Niagara Falls. The age cohorts also differ dramatically from each other. Understanding the needs of planning for growth, municipalities need one set of Provincial numbers, probably somewhere in the middle of these two projections, that also correlate with the numbers provided by Statistics Canada to ensure we have one demographic profile from which to plan. This one set of Provincial numbers will also ensure that Provincial infrastructure and funding projects such as hospitals are not underfunded before construction.
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- The Ministries of Environment and Climate Change and Natural Resources, Fisheries and Forestry provide environmental information, and set regulations for municipalities to follow. The separation distances for sensitive uses from industrial uses should be reconsidered if the Province does indeed want to achieve higher density targets in our urban areas in employment areas, and where change of uses occur. Further, when designating natural features such as watercourses that require a significant setback, there should be a level of ground-truth to these designations that is defensible. The Region and Conservation Authority have been working together in this regard in a significant undertaking to understand our watercourses. The Oak Ridges Moraine Plan provides more flexibility for upper tier municipalities to make more local decisions and it is a necessary change to the Greenbelt Plan that this responsibility be placed on the upper-tier. For example, our analysis of watercourses in Niagara (a two year project of \$250,000) illustrates that, if the Provincial approach to watercourses prevailed, over 700 farms in Niagara on the Lake could never put up another building or addition; a further 2,600 farms would require an Environmental Impact Statement to do any type of addition or building (everything from a deck or shed to a new barn). In most instances, cropland would be removed from production. Yet, Niagara's watercourse mapping tells a very different picture – using the most current data, comprehensive and systematic analysis, and ground-truthing, our work shows that the majority of these features are not key hydrologic features (i.e., they have been constructed for irrigation or drainage) and that they provide very little or no value to the hydrologic or ecological systems. For example, the hydrological/ecological value of an agricultural drain is typically very different from that of a natural stream. Creating a standard methodology to define features and their environmental significance will allow communities to have the tools necessary to protect the sensitive land uses and allow reasonable development to continue. We strongly encourage the policy change on responsibility and support for the Region's Watercourse mapping methodology.
  - **Provincial Funding for Policy Creation, and Community and Agricultural Infrastructure -** Municipalities will need additional funding from the Province to help properly plan for our communities, and build and repair the necessary infrastructure that will support the goals and objectives of the Plans. The Province has been making many significant changes to policy and legislation that will dramatically affect how our communities grow and develop over the coming years. With increasing needs to establish and set benchmarks, the Province is requiring municipalities to undertake additional examination of their success in meeting existing and anticipated targets. Meeting these targets requires significant investment to improve the infrastructure that underlies our communities and rural areas. Keeping this in mind, the Province should consider funding for municipalities for the following:
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- **Building and Redeveloping Community Infrastructure** - Infrastructure to accommodate additional growth and development includes consideration of our water and sewage treatment facilities and the associated pipes and pumping stations; the development and maintenance of roads and bridges that can accommodate a range of transportation options; the provision of recreational infrastructure such as community centres, pools, rinks, parks, paths and trails; recycling and landfill resources and systems; social infrastructure such as our long-term care homes, affordable housing, and child care centres; public health and safety infrastructure including police, fire and ambulance; and cultural infrastructure such as libraries, museums, galleries, and art centres. To build a complete community, all of these types of infrastructure are required. This is a large part of why municipalities end up with aging infrastructure and high debt load— all on the basis of municipal taxes. The need for additional infrastructure is exacerbated in places like Niagara that support a high flow of tourists each year.
  - **Agricultural Infrastructure** – While private business is able to provide some of the needs of the agricultural community, there is a growing need for public dollars to better support the success of the agricultural community. This can be seen in the creation of local community farmer’s markets, and the provision of important research agencies such as the investment in the Vineland Research and Innovation Centre. Farmers in Niagara have also been seeking the provision of agricultural infrastructure that will provide a reliable and feasible system of water for irrigation of their crops no matter the weather of a given year. This is a need that will benefit the whole of the Province, and so should be borne by more than the residents of Niagara.
  - **Policy Changes** - Each change that is made requires municipalities, whether they are upper or lower tier, to amend all of their planning documents to conform to the Provincial Plans, and the associated other changes that are then required to by-laws, practices and regulations. The time and costs to the municipalities to review and revise the appropriate planning documents is staggering but does not even include the costs of providing the associated studies for infrastructure changes and local implementation such as sign by-laws. Each of these elements requires public consultation, review and refinement, and can be appealed, which can in turn incur additional legal costs and resources.
  - **Language, Tools and Mapping** - Consistency in language across Plans and Ministries, meaningful guidelines and tools, and accurate mapping are all necessary for appropriate implementation of the Plans, policies and regulations. When the Province introduced the Greenbelt and Growth Plans, there was confusion about the meaning of some terms and how to apply them. Further, some definitions do not exist at all in the NEC Plan. While greater clarity has been achieved through additional planning studies, such as the planning for the Niagara Economic Gateway Zone and Centre, there is a need for a common
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understanding to ensure adequate alignment and implementation. The following considerations are respectfully suggested:

- **Definitions** - All of the definitions should initially be updated to reflect the PPS 2014. Beyond this, the definitions of simple terms like 'job' or 'municipal comprehensive review', especially when it is a measure that needs to be calculated or a task undertaken, should be made clear. Each municipality was left to determine what jobs and people measurements would include, or a municipal comprehensive review should look like. While we need to consider the local context, a common understanding from the Province of what was desired would offer a measurable platform on which to compare and contrast the success of municipalities against each other.
  - **Associated Guidelines and Tools** – Considering the above, municipalities need the Province to prepare associated guidelines and tools at the time of creation of the policies and requirements to ensure they are practical, can be measured, and are consistent between the Plans and regulations. This will ensure that municipalities can provide a considered response about the requirements expected when the Province comes out with the revised set of policies this winter, and offer municipalities a chance to reflect on how they could make calculations and the information they would need.
  - **Additional Funding Tools and Options** – Beyond the funding supports the Province should offer municipalities; there should also be a thorough examination of additional funding tools and options for municipalities to use. Some positive work in this regard is being considered, as one of the proposed bills that has been brought forward includes suggested changes to the Development Charges Act to bring greater flexibility for municipalities to pay for growth. There should also be a greater investigation of more public / private funding opportunities, such as bonds or tax increment options that are being used elsewhere, or other funding options that will benefit communities seeking greater economic prosperity.
  - **Test Cases** –To ensure the policies work, it is strongly suggested the Province utilize test cases to confirm the policies and requirements are understandable and attainable. It is expected that the testing of the proposed policies and Plans could greatly help municipalities in their implementation, and make sure the Province's intentions are effectively conveyed through policy. This will be especially important should the Province intend to measure such difficult concepts as community resiliency, climate change, and the vibrancy of a community.
  - **Mapping Accuracy** – The maps in the Plans have caused some challenges in their interpretation and misinterpretation, as people give them a high degree of weight. Further, maps have also been effectively used to convey the challenges with policy application, especially when it is unnecessarily rigid. The following examples are provided for consideration:
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- An unintended result of the Greenbelt being mapped at a high scale is that there are a number of properties within Niagara that have multiple Plans affecting single properties. In a couple of cases, the Greenbelt actually goes through a dwelling. While this is understood as an error, it has unintentionally caused municipalities and landowners no end of grief, especially as the policy of the Greenbelt states that the bounds cannot be changed until the ten year review. Niagara Region recommends that minor boundary corrections that don't create developable area be permitted locally to avoid any future challenges to land owners and municipalities.
  - Despite the policy indicating that the Gateway Economic Zone was only applicable in settlement areas, the mapping of the line along the entire extent of the QEW corridor between Niagara Falls and Fort Erie has caused a great deal of confusion.
  - A potential opportunity was not taken to further outline policies for the Major Ports or Border Crossings outlined in the Growth Plan mapping. While it was important to recognize these important lands, it also could offer some additional flexibility and potential resource support to properly plan for these areas.
  - Mapping and policy needs to balance further delineation of the NGTA Corridor against expansions of existing uses. The NGTA Corridor is an area that should be protected from new development pressure, such as the lands along Netherby Road between the 406 and QEW that have currently been identified. However, this area contains existing agricultural uses and limited residential development. Ideally policy would protect lands for future corridor development while exempting certain existing uses from protection policies. The Niagara Region Official Plan has proposed language equipped to deal with these scenarios, but support through Provincial Policy is also required.
  - When key hydrologic features and key natural heritage features were mapped, man-made agricultural drainage ditches with no base flow were classified as a key hydrological feature. Woodlots which are functioning components of farms were classified as key natural heritage features. This problem has compounded to an unacceptable extent in municipalities where farm parcel sizes are significantly lower than the provincial average. For example, in Niagara-on-the-Lake (total approximate area of 12,595ha), 8,995 hectares of land are impacted by watercourse buffers associated with key hydrologic features. This represents 70% of all land in the municipality, and requires affected property owners to undertake an environmental impact statement even for minor changes in agricultural operations. Finally, the mapping of the Fonthill Kame, as well as the policies for its
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protection, need to reflect the work of Niagara Region and our report on the Kame.

## Specific Plan Comments

After review of the individual Plans, and in consultation with local stakeholders, review of comments we have received through planning processes such as the Greenbelt Review and Official Plan consultations, we offer the following specific suggestions and recommendations to improve the Provincial Plans.

### Niagara Escarpment Plan

The Niagara Escarpment Plan (NEP) has played an important role in land use planning in the Niagara Region since its inception. The Plan has evolved with time to reflect changes in land use patterns. The Niagara Escarpment staff have prepared and released a series of discussion papers and mapping on their website that the Commission approved for release. Only through this Review process has Regional staff become aware of proposed changes to the Niagara Escarpment Plan and mapping proposed through Discussion Papers on their website. At no time did staff from the Commission contact the Region or municipalities to let them know of these proposed changes or ask any questions. Many of the comments below reflect that the Commission and staff are far removed from Niagara, and do not know or understand the local context. This removed approach to planning and decisions by the Commission has affected local landowners, businesses and communities greatly, and should be reconsidered. The Niagara Region's submission with respect to the NEP can be categorized under the following areas:

- **Mapping Changes and Proposed Expansions** – The methodology and process for the Niagara Escarpment Commission to propose and make amendments to their mapping needs to be revisited. An NEC discussion paper dated June 19, 2014, *Land Use Designation Criteria Mapping Phase 2 – Niagara Region*, proposes options for amendments to the NEP Land Use Designation Criteria. Further, an NEC discussion paper dated April 17, 2012, *Additions to the Niagara Escarpment Plan Area*, proposes the addition of urban lands to the NEP area. The Niagara Region has a number of concerns about how these scenarios were created, and would like to avoid repercussions associated with increasing the amount of land under restrictive Plan designations. The following are some specific areas of concern in this regard:
    - **Use of Dated Information to Change Designations** - Instead of seeking out current and accurate data, NEC staff have used conceptual buffers illustrating potential natural heritage corridors found in the Environmental section of the Regional Official Plan to project expansions to Escarpment Protection Areas. These buffers were approved almost ten years ago, using data that was relevant then, however this section of the Plan and mapping is slated for an update. The use of outdated data, as well as conceptual mapping of potential features is highly concerning especially if this
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inaccurate data is being used to justify more restrictive land use designations. Any proposed changes should only be made upon current and ground-truthed data.

- **Proposed Expansions to the NEP Area** – A number of expansions were proposed in the discussion paper, including: Calaguire Estates in the urban area of the City of Niagara Falls; General Motors Woodlands in the City of St. Catharines and the Lathrop Nature Reserve in the Town of Pelham. Some of these lands are fully developed, and others are conservation areas. As the majority of these lands are within the urban areas of communities, Niagara Region would respectfully ask the Province not consider adding NEC control in these areas. While we do not see the need for these expansions, there is also a concern of the approach taken to come to the conclusions to include them. Additions, subtractions and resignations of land need to be ground-truthed, not reviewed and revised using aerial imagery. All potential mapping changes to the NEP area should reflect sound science and acknowledge the introduction of additional, potentially overlapping, provincial land use planning documents.
  - **Process** – Under the *Planning Act*, when a municipality is considering a land use change, there are requirements for public consultation and stakeholder engagement. The creation of discussion papers and mapping that could potentially affect landowners, the development of complete and vibrant communities, and overall economic prosperity is something of local concern that should be communicated and consulted upon prior to the release of such detailed discussion papers and mapping.
  - **Flexibility and Interpretation** - The NEP states under section 2.3. “The objective is not to disrupt existing uses”. This policy approach raises a number of concerns with regard to the language used, the possibility for any change to occur, and the opportunity to be misinterpreted by either the staff or the Commission. As there have been several instances in Niagara where existing employment uses (industrial, commercial and institutional) have been denied or discouraged from expanding due to NEP policy, we would respectfully request the following changes:
    - **Language Used** – The term ‘disrupt’ referenced above needs to be removed, as it infers that any change, no matter how slight, could be problematic to protecting the Escarpment features or function. This does not offer residences, businesses, and recreational uses an opportunity to grow, expand, change their use or offer additional amenity. This approach needs to be carefully considered to permit modifications to development where it is appropriate and does not conflict with the intentions of the Plan. The language should be rephrased to be more inviting, within limitations, such as: ‘The objective is to create a balance between development uses and protection of the Escarpment features and function.’
    - **Interpretation** – Through conversations with stakeholders, staff has learned of instances where Niagara Escarpment Commission staff and the community were in support of a proposal, yet the Commission decided against the recommendation, or suggested an alternative might be considered but did not offer guidance. There may be many reasons for these differences of opinion, but applicants deserve a clear understanding about the
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differences between the staff and Commission opinions, and what might be a suitable proposal for that location. Further, the weight of local decision makers should offer significant guidance for the Commission that accounts for the local needs and circumstances of development proposals.

- **Agricultural Viability** – The PPS has changed to recognize the need for agricultural uses to have more flexibility with the introduction of agriculture- related uses and on-farm diversified uses. In consultation with landowners, staff have heard many stories of the rigidity of the NEC with regard to agriculture and agricultural business. Just as proposed for the Greenbelt Plan, agricultural viability must be considered a high priority within the Niagara Escarpment Plan, and the decisions made by the NEC. If, as a result of this process, the Province determines that boundaries of the NEP should change to exclude agricultural lands, and only have one process for agricultural considerations in the Greenbelt area, this would limit the perception of fairness by landowners and businesses that are within the Greenbelt area.
- **Public Use Exemptions** - The Niagara Region respectfully requests that public agency uses be exempted from the requirements of NEP development control. When siting certain public use facilities, such as fire stations, EMS stations or community parks and recreational areas, certain criteria related to service areas, community needs and response times need to be considered. In some instances, these calculations might indicate the most logical location for a public use facility is within the NEP plan area. Other examples, such as trails, are best located within the Escarpment area to offer users the opportunity to experience the beauty of nature. In instances where adequate justification of location can be demonstrated, these uses should be exempt from development control.

## The Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe has played an important role in Niagara, by promoting compact, mixed use development that has more intensively used our existing urban lands. The review of the Plan presents an opportunity to further refine the Growth Plan to help it achieve greater success. The following are respectfully submitted as areas for change with respect to the Growth Plan:

- **Conflicting Priorities and Their Implementation** - The Province has provided a basic understanding of the priority of Provincial planning documents, with the Provincial Policy Statement being the guiding document, and Plans such as the Growth Plan having a higher priority. Sometimes the priorities of each of the policies and Plans conflict and the most restrictive is to be considered. This principle is commonly helpful until communities plan for growth of urban lands and associated infrastructure, and mapping is provided that designates such lands as Provincially Significant, whether it be a natural area or an area of archeological significance. This land is therefore not able to be developed, can inhibit further development due to the fragmented nature of the remaining lands, and makes it difficult to develop and service the lands in a comprehensive and financially sustainable manner. The result is a strain in the development ability of the municipality to effectively plan for growth. For example, wetland mapping, combined with Provincial policies under the *Planning Act* and regulations under the
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*Conservations Authorities Act*, has removed high profile urban lands from development. What is needed is a better understanding of the ecological effect of various types of development or mitigation efforts, and an opportunity to weigh the costs and benefits of the preservation of the Provincially Significant feature in that space versus the other impacts of moving the development elsewhere. Two examples where this might be considered are:

- The employment lands, particularly in the Town of Fort Erie, in the provincially designated Gateway Economic Zone and Centre that have been more recently mapped as containing Provincially Significant Wetlands
  - The careful consideration of the most efficient and effective routes for the transportation network of roads and bridges, and how detours and rerouting could cause other unintended environmental impacts such as increased use of limited natural resources or pollute the air.
- **Timing** – As part of this Review, the Province should consider timing as a critical element of achieving success in any projections for growth and the ability to appeal growth related amendments to Planning documents. Following the approval of the Growth Plan in 2006, Niagara Region underwent a growth management study, and made an amendment to the Region's Official Plan in 2009. The Amendment was subsequently appealed, and only approved by the Ontario Municipal Board in July of 2014. The document intended to provide guidance for local official plans and zoning by-laws has only been in effect for less than a year when the Province is now undertaking this Review. Since the decision of the Board on the Amendment, the Region has begun implementing the policies in the RPPA 2-2009 through several recently initiated, and interconnected, projects: the Municipal Comprehensive Review (growth to 2041), a Mobility Hub study, Transportation Study, Water / Wastewater Study and an Urban Vision study. In consideration of these implementation projects, the Province must recognize that the work to achieve Growth Plan conformity by local municipalities will not be in alignment with the timing of the Provincial Review.
- **Changes Over the Life of the Plan** – Currently, the Growth Plan provides policy direction, population and employment projections based on a static snapshot in time, and targets for density and intensification that are to apply to the entire plan area. Within the nine years since the Plan was developed, there have been a number of significant changes in the economy of the Region, Province and Country, yet the Growth Plan projections and targets envision a constant rate of growth and creation of jobs over time. The success of any municipality to weather the economic loss of major employers, or economic changes that limit the potential growth of certain sectors and the growth of others need to be considered in the Plan. The Region respectfully recommends the Plan consider a range of Growth Projects and Targets. This would offer the Province and municipalities an opportunity to meet the higher targets and projections when the economy is good, and reflect a minimum should circumstances change. This can be implemented by municipalities, as appropriate, to better reflect the dynamic nature of economic and other circumstances that directly impact the actual timing of growth on the ground.
- **Clarifications and Requests for the Growth Plan** - Since the creation of the Growth Plan, there have been a number of challenges in implementing the Plans. As identified earlier in this report, the definitions of a number of words needs to be fully understood to measure them, criteria for success should be considered for certain studies and requirements outlined in the Plan, and full descriptions with examples should be provided about how to calculate certain targets and where to get this information from. Further, if the intention is to streamline the process, this

underlying information provided by the Province will help limit any future appeals of documents, and offer other Ministries and Agencies a common understanding of what to expect to ensure greater alignment overall. The following are some specific considerations that would benefit from greater clarity and outlining of expectations:

- Niagara Region's built boundary has had slight modifications through Niagara Region's Growth Management Strategy (Niagara 2031) and the settlement on the Provincial appeal of RPPA 2-2009. The boundary has been expanded to include smaller settlement areas that were not identified through the methodology provided by the Province in 2008. These minor modifications have been rectified at the Regional and Local levels and should be reflected in the Growth Plan;
- The Niagara Gateway Economic Zone and Centre have been identified through comprehensive study and should be mapped accordingly;
- There needs to be a defined baseline approach that can be consistently applied across municipalities for:
  - Determining municipal land supply;
  - The expected characteristics of a municipal comprehensive review;
  - What a job constitutes (permanent full-time, part-time, short-term contract, occasional, etc.);
  - Calculating density and intensification;
  - How to address MTO areas of influence for greenfield calculation;
  - Attaining complete streets;
  - Better addressing affordable housing;
  - Promoting better urban design and mixed-use; and,
  - Policy frameworks for mobility hubs.
- **The Art and Science of Building Communities** – Making a vibrant, liveable community takes more than the attainment of growth related metrics, it involves place-making. In Niagara we have many distinct communities that offer residents and tourists a unique place to reside, play, learn, create, gather and visit. These places have evolved over time with careful consideration of local needs and aspirations. We have a wealth of festivals and events, attractions, unique features such as the Welland Canal, recreational trails, religious and social organizations and facilities, stories of our past and built features that add depth to our community. These features are not strongly considered in the Growth Plan, yet they are the essential building blocks upon which communities are built. The Province should offer municipalities' flexibility, funding, and support to encourage communities to retain and expand upon those features that make them unique while achieving the objectives of the Growth Plan to ensure we have vibrant communities.

## Greenbelt Comments

In 2013 Niagara Region undertook a review of the Greenbelt Plan in anticipation of the Coordinated Policy Review that looked at its benefits, challenges and opportunities from a Niagara perspective. The review utilized a comprehensive consultation process, drawing on input from stakeholders, elected officials, local municipal staff and member service organizations. The finished product, *Niagara Region's Greenbelt Plan Review*, provides technical planning analysis and assessment of the input from all of

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Niagara's Greenbelt municipalities, was endorsed by Niagara Region Council, and shared with several Provincial ministries as well as the Niagara Escarpment Commission. A copy of the document has been included with this submission. Themes identified in the Niagara Region Greenbelt Plan review focus on a few strategic areas:

- **Open Process of Review and Ongoing Dialogue** – In anticipation of the Review of the Greenbelt, many of the suggestions offered to the Province were to have a very open and consultative process to review the Greenbelt Plan and how it could be strengthened to better support and recognize the agricultural community. The Review envisioned a more open dialogue with the Province, giving landowners an opportunity to voice their opinions generally on the success, challenges and opportunities offered by the Greenbelt, and continue to have this type of ongoing input and questioning as the revised Plan was implemented. The following areas of openness and establishment of dialogue are outlined in the Review:
  - **A Transparent and Collaborative Review Process** - The Consolidated Review process currently being undertaken by the Province has missed many of the opportunities expressed in the Greenbelt Review to really engage with the farming community, be open to all comments and feedback, and come to conclusions only following this consultative process. The workbook and questions offered by the Province, the format of the Regional Town Hall meetings, and the short timeline for comments all limit the opportunities for this open dialogue. This may be why the Town Hall sessions that occurred in places like Niagara were more passionate than other places. The establishment of the Task Force, led by David Crombie, however does include a representative from Niagara that is involved in agriculture. As the Review continues, there are additional opportunities to ensure that the process is more open and collaborative. As recognized in the Review, the Region respectfully requests that the Province consider:
    - Having Provincial staff or members of the Task Force attend site tours with local guides of Greenbelt areas identified as problematic;
    - Sharing the following analysis with municipalities and landowners:
      - The economic impact of the Greenbelt Plan (both positive and negative);
      - An inventory of existing uses within the Greenbelt;
      - Changing demographics as they relate to viable agriculture;
      - A review of other jurisdictions and lessons learned;
    - An examination of whether there is land within the NEP boundary that should be removed and put within the Greenbelt boundary and vice versa; and,
    - Consulting with stakeholders on the appropriate minimum lot size for the Tender Fruit and Grape Area in Niagara.
  - **Establishing and Ongoing Greenbelt Source for Information and Clarification** – While the Review was very clear that there was not a desire to have the Greenbelt



administered or answer to the NEC, a need was expressed regarding a place where land owners can ask questions about, make applications to amend and appeal land uses within the Greenbelt.

- **Introducing Agricultural Viability as a Primary Consideration in the Plan** -The Greenbelt Plan has done an excellent job of preserving the agricultural land base both in Niagara and across Greenbelt municipalities. However, the viability of the agricultural industry needs to be considered if the Province is to achieve the targeted growth in the agri-food sector of 120,000 jobs by 2020. Introducing agricultural viability into the Greenbelt Plan will make it easier for those engaged in the agricultural industry to operate without conflict. When reviewing the Greenbelt Plan, the Province should consider:
    - Including language that reinforces agricultural viability as a vision item and key objective of the Plan;
    - Aligning agricultural definitions and policies to the 2014 PPS, including recognition of the new PPS definitions for “agri-tourism uses” and “on-farm diversified uses”;
    - Recognizing the complex nature of the agricultural system that varies across commodities and create provisions in the Plan for agricultural infrastructure (abattoirs, processing plants, equipment sales and service);
    - Modifying the definition of a key hydrologic feature to distinguish between natural and man-made features;
    - Providing financial support for agriculture including:
      - Investing in the infrastructure of food production;
      - Incentives for adopting new technology, ecological goods and services, conservation easements, etc.;
      - Investing in programs that help encourage agricultural succession planning; and
      - Revisiting tax policies for agriculture, including using tax dollars to fund agricultural incentives.
    - Recognizing that agriculture in Niagara is unique; we need to have a more local approach to be able to mitigate potential challenges with Greenbelt implementation and explore opportunities through these unique qualities. This would help recognize our smaller average farm parcels, need for a more systematic irrigation system, and need for additional large scale processing.
  - **Provide for Greater Supports for Complete Communities** - Opportunities exist for the Greenbelt Plan to play a greater role in helping to contribute to complete communities. These opportunities primarily exist through increased Plan flexibility as well as revisiting the Plan’s Vision and Goals, allowing for a broader range of services and facilities in the Plan area. When reviewing the Greenbelt Plan, the Province should consider:
    - Aligning the Vision, Goals, Policies and Definitions of the Greenbelt Plan with other Provincial Planning documents such as the PPS, Growth Plan, Niagara Escarpment Plan, as well as policies from other Provincial Ministries such as the Ministry of Education, Ministry of Health and Long Term Care, etc.;
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- Introducing flexibility to locate emergency service facilities (Police, Fire, EMS) throughout the Plan area;
  - Allowing opportunities to retain and enhance employment uses within Greenbelt communities, such as policy language that allows for expansions of existing uses; and
  - Incorporating policies that enable the re-purposing of vacant legal non-conforming commercial and industrial uses.
- **Ensure a Streamlined Process with Greater Flexibility in Place-Specific Application** - While the unique nature of Niagara Region's Tender Fruit and Grape Area are recognized in the Greenbelt Plans' Specialty Crop Area, the related policy language is generic to the balance of the Plan's area. The Niagara Region is not the only municipality with unique characteristics that do not mesh with the generic language of the Greenbelt Plan, allowances for local, place specific application of certain policies within the plan should be permitted. When reviewing the Greenbelt Plan, the Province should consider:
    - Refining the structure of responsibility, giving municipalities control over:
      - Location of farm buildings and setback provisions;
      - Key natural heritage and natural feature mapping;
      - Naturalized restoration requirements next to field crops;
    - Considering opportunities to streamline the policies of the Niagara Escarpment Plan with the Greenbelt Plan (many properties straddle both Plan boundaries); and
    - Reviewing average farm sizes in the Tender Fruit and Grape Area and adjusting policies to recognize their smaller size.
  - **Enhance Education and Awareness about the Greenbelt Plan** - Those who have read and use the Greenbelt Plan are likely familiar with its mandate. The Context sets the scene for the Plan, and the Vision and Goals outline the approach to be taken. However, the majority of Ontarians and tourists have had no contact with the actual Greenbelt Plan or its policies. Greater public education needs to be undertaken so that tourists can appreciate and enjoy its function, realities of agriculture (and its industrial nature) can be better understood, and conflicts between agriculture and non-agricultural uses can be minimized. When reviewing the Greenbelt Plan, the Province should consider:
    - Creating a how-to guide or fact sheet for owners of land located within the Greenbelt Plan Area;
    - Enhance education related to:
      - The diversity of farming in Ontario;
      - The role of farmers and landowners in the Greenbelt;
      - The value of best management practices;
      - The environmental benefits of farmed land;
    - Identify and meet with Greenbelt Plan stakeholders regularly (beyond the requirements for a 10 year review); and
    - Increase and promote public awareness about the Greenbelt.
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## Next Steps

Niagara Region is more than willing to help the Task Force and Province make changes and refine the policies in the Greenbelt, Growth, and Niagara Escarpment Plans that will help achieve the shared objectives of building economic prosperity, creating vibrant communities, strengthening the agri-food sector, and protecting the natural features and functions of sensitive elements. To this end, we will be submitting mapping outlining the areas being considered for further review in the Region's Municipal Comprehensive Review that would alter boundaries of the Niagara Escarpment, Greenbelt, and Growth Plans.