
REPORT TO: Planning and Development Committee

MEETING DATE: Wednesday, October 19, 2016

SUBJECT: Province of Ontario Coordinated Plan Review Submission on the Draft Plans

RECOMMENDATIONS

1. That Regional Council **ENDORSE** Appendix I of this report outlining the specific comments on the Growth, Greenbelt and Niagara Escarpment Plans;
2. That Staff **BE AUTHORIZED** to share the attached comments as endorsed with the Province of Ontario; and
3. That a copy of this report **BE CIRCULATED** to the local area municipalities, Niagara Peninsula Conservation Authority, Niagara Parks Commission, Niagara Home Builders Association, the Region's Agricultural Policy and Action Committee and local MPP's.

KEY FACTS

- Regional Council previously submitted comments and mapping for the Coordinated Plan Review in May and July 2015 to the Province outlining requests that were developed in conjunction with the local municipalities
- The Province has released draft versions of the Growth, Greenbelt, and Niagara Escarpment Plans for comment by October 31, 2016. This report provides comments on these draft Plans which affect Niagara
- The Province has indicated they will review all comments received and finalize the Plans by the end of 2016
- Comments on the draft Plans have been made in consultation with the local municipalities, agricultural and development stakeholders
- The comments are divided into eight themes: Harmony and Alignment, Community Character and Flexibility, Density Targets – Planning by Numbers, Guidance Documents and Clarity, Mapping Clarifications, Provincial Funding, Timing and Transition, and Climate Change.
- Detailed comments to the Province are provided in Appendix I

CONSIDERATIONS

Financial

The Coordinated Plan Review has been undertaken by staff in consultation with a number of stakeholders. All costs for the Review have come from the operating budget of the Planning Department.

The extent of the financial impact that the finalized Plans will have on Niagara Region's budget is not fully understood at this time. Under the current proposals, the Region will likely be required to prepare additional studies in order to complete the Municipal Coordinated Plan Review, update the Regional Official Plan, and undertake additional monitoring to comply with the changes proposed by the Province.

In addition, proposed changes to the Niagara Escarpment Plan land use designations have increased the amount of land in Niagara under the Escarpment Natural Area designation by over 1,100 hectares, to a total of 4,429 hectares across the region. Changes to the Province's Conservation Land Tax Incentive Program (CLTIP) now qualify land designated Escarpment Natural Area (1/5 of a hectare or larger in size) for a 100 per cent property tax exemption. This potentially equals lost tax revenue for local municipalities, as the CLTIP no longer tops-up the lost revenue to municipalities.

When the final plans have been released and the cumulative changes are truly known, staff will update Council with respect to financial impacts.

Corporate

The attached comments have been developed with input from staff across the organization. Staff also met with the Agricultural Policy and Action Committee seeking input and feedback on the draft plans.

Governmental Partners

The Region's response has been shaped through working with local staff from the twelve municipalities, the Niagara Peninsula Conservation Authority, and the Niagara Parks Commission.

Planning staff from the local municipalities have reviewed the attached comments, and shared their locally endorsed comments to be attached as supporting documents for the Region's submission to the Province.

Public and/or Service Users

Throughout the review process, staff have met and encouraged input from private land owners, the development community, agricultural stakeholders, and consultants representing clients with affected lands.

ANALYSIS

Background

Dating back to 2013, seven reports have been prepared outlining Niagara Region's position regarding the following three Provincial planning documents that are included in the Provincial Coordinated Plan Review:

- Growth Plan for the Greater Golden Horseshoe;
- Greenbelt Plan; and
- Niagara Escarpment Plan.

On September 7, 2016, staff presented a report to Planning and Development Committee which compared the Region's previously submitted comments with the updated draft versions of the Provincial Coordinated Plan Review documents which were released by the Province in May 2016. As indicated in that presentation, the Province recognized a number of Niagara's previous asks as part of the current review, including:

- More consistency with regard to policies and definitions across the Plans;
- Greater support for agriculture through updating of policies to reflect agricultural viability;
- Further identification and recognition for complete communities;
- Requirements for key studies such as a Municipal Comprehensive Review;
- Recognition of Ridgeville as a hamlet area; and
- Greater recognition of existing uses in the Greenbelt.

There were also a number of areas that were not recognized from the original requests, they include:

- Areas Removed from Greenbelt;
- Recognition of Special Policy Areas;
- Acceptance of Watercourse Process;
- Clear Guidelines to Outline Policy; and
- Removal of Urban and Agricultural from NEP Development Control Area.

Inaccuracy of mapping has been consistently identified by Niagara Region, however, despite this identification, the direction in this round of the Provincial Coordinated Plan Review has been to amend policy and not the supporting mapping.

Review of Draft Policies

In formulating a response to the Coordinated Plan Review, staff met with representatives from the local municipalities, development and agricultural community, and individual stakeholders. Although there is support for many of the goals outlined in

the draft Plans, the individual policies create certain challenges for implementation in Niagara. Niagara's comments to the Province are grouped into following eight themes:

- Harmony and Alignment;
- Community Character and Flexibility;
- Density Targets – Planning by Numbers;
- Guidance Documents and Clarity;
- Mapping Clarifications;
- Provincial Funding;
- Timing and Transition; and
- Climate Change.

Each of these themes are discussed to provide an overview of the issues and some of the potential solutions that the Province can use to help Niagara grow and prosper.

Harmony and Alignment

Alignment between the three Plans and the 2014 Provincial Policy Statement (PPS) is critical to ensuring the documents work in harmony with each other. The definitions between the draft Plans have been improved - however there remain inconsistencies. For example, each Plan approaches the topic of climate change mitigation and adaptation differently.

Beyond the policies of the draft Plans, it is important that the actions of the Province are supportive of implementation. All Provincial Ministries and Agencies charged with input into land-use planning should be in alignment with their policies, programs and funding. Throughout the review process it has become apparent that not all Ministries and Agencies are aligned. For example, when considering the need to have complete communities, there are instances of Provincial Ministry and Agency funding pulling essential public services such as hospitals and schools out of the built areas and placing them on the periphery of communities. Another example is the implementation responsibilities of the Plans, as two require municipalities to implement and make decisions through their policies; however the Niagara Escarpment Plan is implemented through a separate agency.

Niagara's comments contain recommendations and proposed solutions that would bring greater harmony and alignment between the Plans and the actions of the Province. There are also suggestions for the Province to consider their funding approaches to public services that support complete communities, and a request for the Niagara Escarpment Act to be reviewed to allow municipalities to have development control when uses are permitted by the Plan.

Community Character and Flexibility

Each Region in the Greater Golden Horseshoe (GGH) has experienced a different history, and this is reflected through development. Niagara's past as two separate counties with twenty-six municipalities has shaped the present day urban landscape. Uniquely, Niagara has twenty-seven urban areas, many of which are separated by agricultural and natural areas. These urban communities range from large cities to small villages, many of which have retained their heritage assets.

Other jurisdictions have experienced significant growth over the last twenty years which has led to expansions that consolidated the urban environment across municipalities and Regions. However, Niagara has had low growth and there has been no significant consolidation of the urban landscape. Most communities remain distinct entities.

While Niagara is preparing for the extension of GO rail, protected specialty crop lands are located in proximity to future GO stations, and there is concern with respect to the opportunity leverage major transit investment. Further, the cultural heritage assets in many of Niagara's authentic communities make attractive to many visitors throughout the year.

Added flexibility is needed to help achieve the objectives and goals of the Province. Considering the community character and providing added flexibility in the policies is requested to ensure that Niagara can manage and capitalize future growth, while still maintaining the community character.

Density Targets – Planning by Numbers

When the Growth Plan was introduced in 2006 it set out a vision to better manage growth in the GGH. It introduced a set of six guiding principles that spoke to a diverse range of planning considerations: how land should be developed, how resources should be managed, and how public dollars should be invested. The principles prioritized compact vibrant and complete communities, the wise use of existing infrastructure and natural resources such as land, air and water amongst other topics. The Plan and resulting municipal conformity exercises that occurred brought a consistent, yet challenging approach to land-use planning in the GGH.

While the concept of complete communities are still part of the guiding principles of the draft Growth Plan, the definition for complete communities has been re-written to be less-complete. For example, the word "schools" has been removed as a component of what makes communities complete. The draft plan would appear to be built around an approach to "planning by numbers", through increased requirements for density in greenfield areas, a higher target for intensification in built-up areas, and using population forecasts (which continue to differ with the lower population forecasted by the Ministry of Finance).

The original version of the Growth Plan introduced density targets and intensification rates to 2031 that were aimed at reducing land consumption and loss of valuable farmland. After ten years of implementation, many municipalities across the GGH are still not achieving those original targets. The proposed Growth Plan, which now extends to 2041, has increased the targets - from 40 per cent to 60 per cent for residential intensification in “Built-Up Areas”, and from 50 people and jobs per hectare to 80 people and jobs per hectare in “Greenfield Areas”. This approach is more to be focused on achieving a numerical target rather than the principles of good planning.

While pre-Growth Plan land consumption rates were not sustainable, the target average of 80 persons and jobs per hectare for Greenfield Areas will create densities beyond what is necessary to support required growth. In Niagara, 80 persons and jobs per hectare on the periphery of communities would create development patterns and infrastructure demands that have not been anticipated as well as land-use conflicts related to agricultural lands.

In the comments to the Province, there are recommendations regarding possible reductions in the targets, creation of transition periods to consider development and infrastructure investments made at the previous densities, greater consideration of community character, and a phased approach over a longer period of time to achieve higher densities.

Guidance Documents and Clarity

Throughout the draft Plans there are references to new approaches and studies the Province expects municipalities to undertake to effectively implement the policies and update local and Regional Official Plans. In some cases, such as outlining a standard methodology for land needs assessments or updating guidance on watershed planning, the Province has outlined it will provide this advice (Policy 5.2.2). The draft policies also provide concepts that need further clarification, such as the components to be included in a Municipal Comprehensive Review.

The Province has indicated that supporting documents should be available in 2018 or 2019. These, or at least an outline of what they may contain, should be provided prior to the implementation of the Plans. The forecasted release in 2018 will potentially create situations where municipalities cannot process applications in a timely manner, and may initiate studies that do not comply with the policies, thereby creating missed opportunities and potential legal recourse.

Throughout the recommendations and proposed solutions are requests for additional clarification and direction on the process, criteria, expectations, roles, and responsibilities of these policies and approaches. Ideally much of this information would come prior to Plan implementation, but where that is not possible, an outline should be provided to answer the basic questions of what these studies should consist of and the respective roles of who should undertake the work. An example of this is with regard to

watershed planning, and new requirements that would make this an essential building block in considering settlement areas expansions, infrastructure planning, significant development applications and secondary planning. Further, have greater clarity around all of the requirements of a Municipal Comprehensive Review, instead of policies that refer to the process throughout the Growth Plan would be helpful as Regions undertake or finalize this significant exercise.

Mapping Clarifications

Similar to the guidance documents the Province will undertake mapping of the agricultural and natural heritage system for the GGH. Little guidance or information is provided about the timing and scope of this mapping, who will be involved in the preparation of it, how it should be used, or how it will be maintained over time.

Mapping of the agricultural system, that would include not only the agricultural support network features, but also an assessment of the land base, is a positive step in recognizing the breadth and scope of the agricultural industry. There are concerns that the land base will be accurately mapped in a way that considers the existing land uses and the future ability to use the lands for agriculture, especially in the specialty crop areas. Understanding how this mapping will be used and updated also needs clarification, especially how municipalities might provide input to the Province to ensure that the mapping remains current and does not inhibit a thriving industry that is constantly changing.

Mapping of the natural heritage system also raises many questions, such as the level of detail that the Province will be mapping the information at, the roles of the respective municipalities and conservation authorities, and the ability for new studies and information to be used to ensure that the mapping can be utilized effectively. For example, the Region has recently mapped watercourses in Niagara; this information could be used to help inform the Provincial approach. Further, an understanding of the relationship of the mapping of the Natural Heritage System by the Province and the respective changes this might have on the schedules of the respective Plans is not well understood, especially if it may affect designations in the Plans, such as in the Niagara Escarpment Plan.

Many suggestions are provided in Niagara's comments to the Province that ask for additional clarity and would ensure that all features that the Province intends to map be accurate and be able to be ground-truthed. Having accurate mapping will ensure that the effort the Province is making to map these features is used to best advantage in the implementation process.

Provincial Funding

The draft Plans offer a significant departure from existing planning policy. The changes will require significant studies to be undertaken, and changes to Regional and local official planning documents and infrastructure investment strategies. These changes

come at a cost to the municipalities that cannot be fully known until the draft policies are finalized and further information is provided by the Province as to the scope and scale of some of the changes.

The following are some examples of funding challenges that municipalities in Niagara will face, given the draft policies:

- The Region has already completed a significant amount of work for a current Municipal Comprehensive Review, which may require revision if the proposed policies move forward;
- Niagara has 18 watersheds, all of which may require updated Watershed Plans to inform new master plans for official plans, secondary plans, and water and wastewater planning;
- In assigning density targets, recently completed secondary plans may need to be updated to reflect the change from 50 persons and jobs per hectare to 80 persons and jobs per hectare;
- Providing for the public service facility infrastructure to meet the needs of the new population expected without sufficient funding tools to provide those funds;
- Infrastructure that may have been installed to meet the former targets may now have to be increased within their lifespan window to meet the new densities and population forecasts;
- Costs and programs to be developed in response to climate change are still in development with unknown timelines and costs;
- Additional costs associated with new studies such as contributing to the development and implementation of an agricultural system map is unknown; and
- Updating the Regional Official Plan and local official plans to conform to current policy and consider the results of the required planning studies and approaches will also be required.

With respect to concerns raised over new requirements, the true costs of bringing Regional and local official plans and operations into conformity with the new plans remain unknown. Significant funding tools and sources will, however, be required for municipalities to move forward with plan implementation.

Timing and Transition

Implementation of the Provincial Plans must be reasonable, seamless, and logical. The draft Plans have introduced many new policy approaches and requirements that will require updates to Regional and local official plans, secondary plans, and zoning by-laws. There are also a number of studies that need to be undertaken or updated to conform to the proposed Provincial direction. To implement the Plans without some

form of transition will create many challenges for builders, municipalities, residents and businesses.

It is vital that some form of transition be provided to assist in not only the review of development applications, but also for infrastructure planning and policy development. It is clear that Official Plans will not conform to identified Provincial targets initially. To mitigate the amount of cases taken to the Ontario Municipal Board, a reasonable and achievable transition to meet Provincial targets is necessary. During an absence of a transition period, municipalities will be required to implement Provincial Plans without any guidance to undertake the work, undertake necessary studies and approaches without adequate funding or resources to do so, and confront potential developers without adequate study to effectively determine where and how to grow.

A transitioned approach is necessary, whether it be phasing in the density requirements over a longer period of time, or recognizing existing planning studies and work that has already been undertaken.

Climate Change

Climate change adaptation and mitigation is an underlying theme throughout the Plans. This has been supplemented with the recent release of the Climate Change Action Plan by the Province. The challenge is understanding what effect those further guidelines expected for the Action Plan may have on the policies of the draft Plans, and understanding their interrelationship.

Within the respective Plans are many references to the Action Plan, and specific policies to consider concepts like green infrastructure, net zero communities, low impact development, and greenhouse gas reductions. A challenge is that the approach, policies and terminology are not consistent between the Plans. Further, it is understood that some of the density targets are informed by climate change approaches rather than consideration of complete communities and their distinct circumstances and needs.

Ensuring a consistent approach, as well as one is flexible enough to allow for recognition of new technologies and approaches to climate change mitigation and adaptation, is an important way for the Province and municipalities to enhance their global footprint while ensuring that they remain vibrant communities that people want to live, work, visit and play in.

Next Steps

Upon submission of the attached comments, Regional staff expects to continue working with the Province to advocate for the issues important to Niagara. Provincial staff has indicated that they expect to have the plans finalized by the end of 2016. Staff will keep Council informed with respect to this process moving forward.

ALTERNATIVES REVIEWED

Failure to submit comments will result in a missed opportunity to influence Provincial Plans. The Co-ordinated Plan Review represents a critical time for Niagara Region to provide feedback on how the draft Provincial Plan policies will affect Niagara and offer potential remedies.

ORIGIN OF REPORT

Influencing Provincial Plans is a Strategic Priority identified by Regional Council. This report helps Council in achieving this Priority by identifying specific changes that are required in the draft Plans to help Niagara achieve economic prosperity.

OTHER PERTINENT REPORTS

- Presentation –Coordinated Plan Review - Initial Policy Analysis, September 7, 2016
- PDS-C 13-2016 - Province of Ontario Coordinated Policy Review, June 22, 2016
- PDS 11-2016 - Coordinated Provincial Review Update - Reflections on the Crombie Panel Report
- PDS 31-2015 - *Province of Ontario Coordinated Policy Review Mapping Submission*, July 15, 2015
- PDS 22-2015 - *Province of Ontario Coordinated Policy Review Submission*, May 21, 2015
- PDS-C 4-2015 - *2015 - Coordinated Provincial Plan Review*, April 9, 2015
- ICP 84-2013 - *Niagara Perspectives – Greenbelt Plan Review*, September 19, 2013

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Planning and Development Services

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Acting Chief Administrative Officer

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APPENDICES

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Co-ordinated Plan Review

In May of 2015, the Region submitted initial comments to the Co-ordinated Plan Review with respect to the three plans that apply in the Niagara Region. In July of 2015, detailed mapping was provided to the Province in support of the review process. This submission represents the Region's comments on the draft Growth, Greenbelt and Niagara Escarpment Plans. The comments are the combined input of agricultural stakeholders, home builders, regional and municipal Councils and municipal and conservation authority staff across Niagara. The submission demonstrates leadership in making recommendations to the Provincial Plans that align with Niagara's Strategic Priorities. Senior staff and Regional Council expect to continue working with Provincial colleagues to advance Niagara's priorities.

This submission is organized in two sections. The first section, "Overall Comments", provides a high-level analysis that can be applied to all of the draft plans. The second section, "Plan Specific Comments" provides individual comments on the Growth, Greenbelt and Niagara Escarpment Plans.

Similar to the Region's May 2015 submission, these comments highlight inconsistencies, errors, as well as opportunities for supporting greater economic prosperity and growth, while still protecting the unique landscape in Niagara. We trust that the Province will consider these comments during the final phase of the review, and that going forward; a 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.

Harmony and Alignment

Alignment between the three Plans and the 2014 Provincial Policy Statement (PPS) is critical to ensuring the documents work in harmony with each other. The definitions between the draft Plans have been improved - however there remain inconsistencies. For example, each Plan approaches the topic of climate change mitigation and adaptation differently.

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Many suggestions are provided in Niagara's comments to the Province that ask for additional clarity and would ensure that all features that the Province intends to map be accurate and be able to be ground-truthed. Having accurate mapping will ensure that the effort the Province is making to map these features is used to best advantage in the implementation process.

Provincial Funding

The draft Plans offer a significant departure from existing planning policy. The changes will require significant studies to be undertaken, and changes to Regional and local official planning documents and infrastructure investment strategies. These changes come at a cost to the municipalities that cannot be fully known until the draft policies are finalized and further information is provided by the Province as to the scope and scale of some of the changes.

The following are some examples of funding challenges that municipalities in Niagara will face, given the draft policies:

- The Region has already completed a significant amount of work for a current Municipal Comprehensive Review, which may require revision if the proposed policies move forward;
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- Providing for the public service facility infrastructure to meet the needs of the new population expected without sufficient funding tools to provide those funds;
- Infrastructure that may have been installed to meet the former targets may now have to be been increased within their lifespan window to meet the new densities and population forecasts;
- Costs and programs to be developed in response to climate change are still in development with unknown timelines and costs;
- Additional costs associated with new studies such as contributing to the development and implementation of an agricultural system map is unknown; and
- Updating the Regional Official Plan and local official plans to conform to current policy and consider the results of the required planning studies and approaches will also be required.

With respect to concerns raised over new requirements, the true costs of bringing Regional and local official plans and operations into conformity with the new plans remain unknown. Significant funding tools and sources will, however, be required for municipalities to move forward with plan implementation.

Timing and Transition

Implementation of the Provincial Plans must be reasonable, seamless, and logical. The draft Plans have introduced many new policy approaches and requirements that will require updates to Regional and local official plans, secondary plans, and zoning by-laws. There are also a number of studies that need to be undertaken or updated to conform to the proposed Provincial direction. To implement the Plans without some form of transition will create many challenges for builders, municipalities, residents and businesses.

It is vital that some form of transition be provided to assist in not only the review of development applications, but also for infrastructure planning and policy development. It is clear that Official Plans will not conform to identified Provincial targets initially. To mitigate the amount of cases taken to the Ontario Municipal Board, a reasonable and achievable transition to meet Provincial targets is necessary. During an absence of a transition period, municipalities will be required to implement Provincial Plans without any guidance to undertake the work, undertake necessary studies and approaches without adequate funding or resources to do so, and confront potential developers without adequate study to effectively determine where and how to grow.

A transitioned approach is necessary, whether it be phasing in the density requirements over a longer period of time, or recognizing existing planning studies and work that has already been undertaken.

Climate Change

Climate change adaptation and mitigation is an underlying theme throughout the Plans. This has been supplemented with the recent release of the Climate Change Action Plan by the Province. The challenge is understanding what effect those further guidelines expected for the Action Plan may have on the policies of the draft Plans, and understanding their interrelationship.

Within the respective Plans are many references to the Action Plan, and specific policies to consider concepts like green infrastructure, net zero communities, low impact development, and greenhouse gas reductions. A challenge is that the approach, policies and terminology are not consistent between the Plans. Further, it is understood that some of the density targets are informed by climate change approaches rather than consideration of complete communities and their distinct circumstances and needs.

Ensuring a consistent approach, as well as one is flexible enough to allow for recognition of new technologies and approaches to climate change mitigation and adaptation, is an important way for the Province and municipalities to enhance their global footprint while ensuring that they remain vibrant communities that people want to live, work, visit and play in.

Specific Comments to the Growth Plan

Issue: Achieving 60% intensification within Built-Up Urban Areas

Key Policy: 2.2.2 Built-Up Areas (Growth Plan); 5.2.2 Supplementary Direction (Growth Plan)

Brief Description:

Draft policy would now require that upper-tier municipalities ensure that through their next municipal comprehensive review that a minimum target of 60 percent of all residential development within the overall municipality be within the built-up areas annually (Policy 2.2.2.3). The current Growth Plan identified this minimum target at 40 percent intensification annually.

While in the past the Region has been able to achieve, and even slightly exceed, this target, this is a reflection of how the Built-Up Area boundaries were drawn that included what should have been considered greenfield lands. As the existing pockets of undeveloped or under developed lands in the built-up areas are extinguished, achieving this rate of intensification will become more difficult on an annual basis.

Proposed Solutions & Recommendations:

- Development of a process to update the built boundary, as envisioned in Policy 5.2.2.1(a). The Region requests involvement to help shape the refined boundaries;
- Create a reasonable transition period to consider the planning and infrastructure that have already been planned for and installed to achieve previous Growth Plan targets. The proposed 60 percent intensification target will result in recently constructed infrastructure being undersized for new density requirements;
- Provision, in the very near future, of guidelines and best practices for municipalities to help them achieve this intensification target. For example, brownfields strategy, transit strategies in a two-tier municipal system, and guidelines for achieving higher density in traditionally low-rise areas, intensifying lands within the Urban designation of the Niagara Escarpment Plan area; and for developing higher density greenfield development that can be intensified over time;
- Provision of funding tools and incentives to assist municipalities with achieving greater densities, clean brownfields, undertake studies, and update infrastructure;
- Clarification on sunset clauses of planning decisions that might limit future intensification and redevelopment;
- Development of tools such as training for assisting with “Not in my backyard” (NIMBYism) mentality. This includes when Councillors are faced with anti-development pressure from constituents despite

all best efforts to create effective development that would achieve the Plans goals and benefit the community;

- Limitations for appeal of applications / plans that meet the Plan and community goals; and,
- Consideration of averaging the annual intensification results over a five-year period to better understand the success of existing policy and recognize that many redevelopment projects require a great deal of negotiation, land assembly, site remediation, study and accommodation of the surrounding uses to develop effectively.

Rationale:

Opportunities to gain greater densities in pockets of existing built-up areas can be enhanced through identifying areas of strategic growth. However, there are challenges that exist with redeveloping lands that must be recognized such as land assembly, negotiation, site remediation, etc. It is not clear whether the proposed policy envisions the added efforts to reach development implementation on infill sites, which could potentially add years to the development process.

Based on the requirements of the previous Growth Plan, municipalities have made investments in infrastructure and public service infrastructure to meet that expected level of growth. Without any consideration of transition, challenges may occur during instances where relatively new infrastructure is undersized to accommodate the future intensification. Municipalities' ability to undertake this significant study and investment to update these facilities is limited without some consideration of transition accommodations and funding mechanisms to achieve these greater densities over time.

Niagara has a number of settlement areas that are in or in close proximity to the Niagara Escarpment Plan area. The goals of that Plan are to protect and maintain the view sheds of the escarpment feature; yet intensifying a developed area often means that development will rise in height. The Province must consider these two potentially conflicting goals. Providing municipalities with the required view shed lines, similar to what the National Capital Commission provides the City of Ottawa, would offer communities opportunities to ensure that effective urban design techniques can be employed to gain additional density while protecting some key views of the escarpment feature.

The proposed Growth Plan now requires a number of studies that are either new, or have not been previously completed within Niagara. It is difficult to determine the need for, as well as the effect that the studies will have on the Region's ability to intensify existing built-up areas. Furthermore, delays could result from the studies having to be complete prior to conducting any detailed secondary planning work to realize greater intensification and redevelopment.

Issue: Challenges in Achieving the Greenfields Density Requirement

Key Policy: 2.2.7 Designated Greenfield Areas (Growth Plan); 5.2.8 Other Implementation (Growth Plan)

Brief Description:

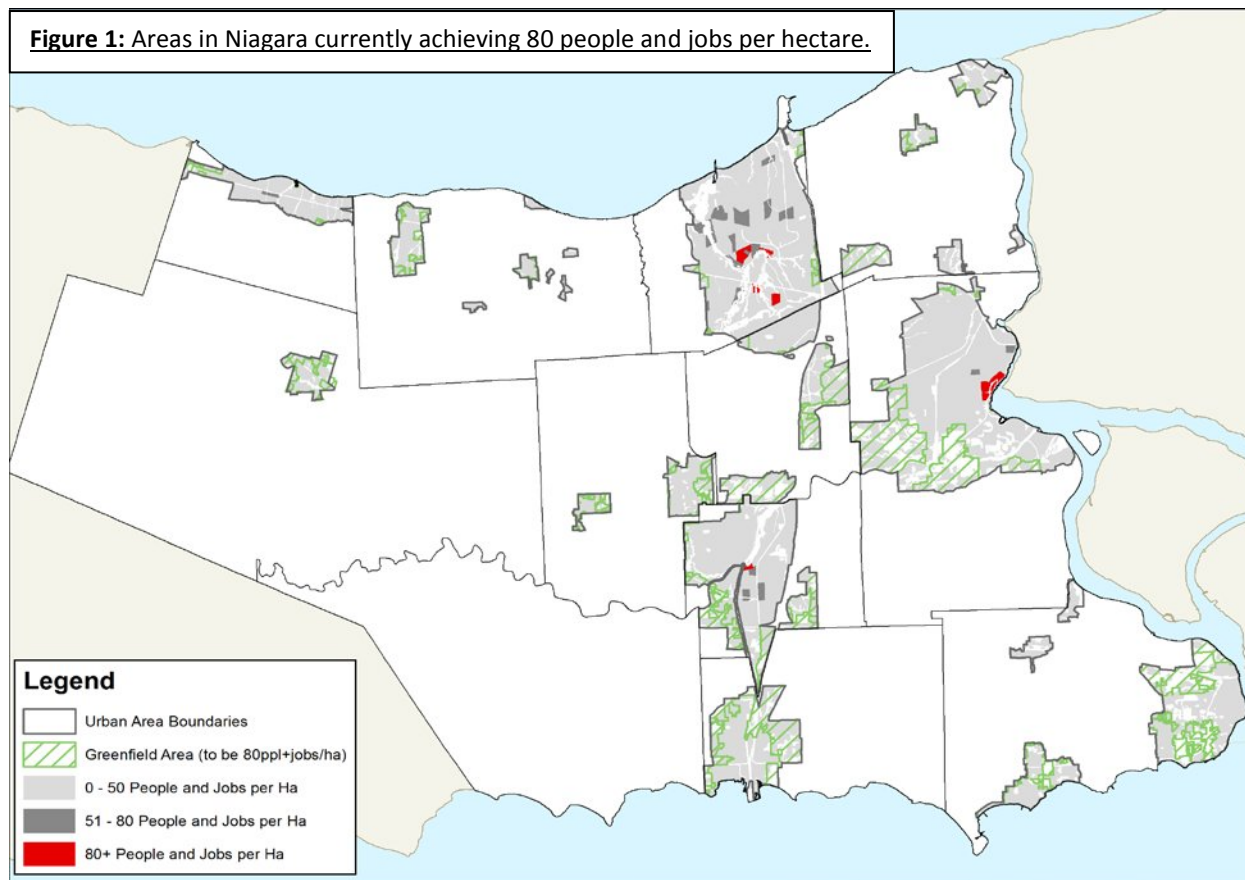
The draft policy would now require upper-tier municipalities to achieve a minimum density target of 80 residents and jobs per hectare by 2041 (Policy 2.2.7.2) calculated over the entire Niagara area. Policy 2.2.7.3 offers a few limited areas that would not be included when calculating this density figure. In the current Growth Plan, this target has been identified as 50 jobs and people per hectare.

Proposed Solutions & Recommendations:

- Create greenfield densities that reflect the existing built form to ensure that the periphery of communities are not more intensive than the downtowns and strategic growth areas. This ensures that our communities are planned in consideration of the context, not just to achieve a number;
- Extend the time period by which upper- or single-tier municipalities should conform to the target of 80 people and jobs per hectare to allow growth to phase-in over a longer time horizon (e.g. 50 in 2031, 60 in 2041, etc.);
- Amend Policy 2.2.4.7 of the Growth Plan by removing the limitation, *'and does not have an Urban Growth Centre'*. This change will permit municipalities, such as Niagara, to request an alternative density that considers the unique geographical landscape and population distribution;
- Encourage municipalities to plan for higher densities in key strategic growth areas. These areas should be well served by frequent and higher order transit and may not be in DGAs;
- Consider requiring the new density for DGAs only on lands that are yet to be planned or developed. This would avoid forcing new development to be constructed at a density greater than 80 people and jobs, to accommodate the shortfall of the existing 50 people and jobs; and,
- Expand the list of features to be excluded from the greenfield density calculation to ensure that the lands reflect an extension of the complete communities concept, as defined in Policy 2.2.1.3 (e.g. public service facilities, parks / trails and recreation facilities, regional / municipal roads / right of ways and transit facilities, and consideration for urban agriculture).

Rationale:

Achieving a blanket density for greenfields in all upper and single tier municipalities across the GGH is not practical given the different servicing levels and existing pattern of development in existing built-up areas. While this level of density might be appropriate in areas of the GTA where significant Provincial and Federal investment in infrastructure and higher order transit has been provided for many years, there are only a few areas in Niagara that approximate this level of density (see Figure 1 below).



As Niagara plans for additional growth and GO train service, there may be key areas for strategic growth that would be capable of receiving this level of density, but they would likely be located within existing built-up areas, not on the periphery of our communities. Additionally, having this significant level of density adjacent to agricultural areas will intensify conflicts with agricultural, especially with regard to NIMBY issues (e.g. spraying, noise from bird bangers, dust).

Niagara attracts people from across the world to visit attractions such as Niagara Falls, historic downtowns, and wineries. The policies must consider the stages of development and roles the various communities have in the context of the GGH before considering one universal policy. Addressing this could be undertaken with the suggested change to Policy 2.2.7.4 to allow for municipalities to request a lower alternative density as part of their Municipal Comprehensive Review (MCR). The creation of a new greenfield boundary line, or a requirement that only new development meet the 80 people and jobs

requirements over time that does not include those lands already built is a more fair and balanced approach.

In order to meet current density targets outlined in the Growth Plan, municipalities have planned lands, public service facilities and infrastructure to meet the required rate of growth. A more timely progression of density requirements is suggested to advance the density by 10% over each decade following 2031 in order to achieve both objectives of higher density and efficiency of resources where it will not create undue burden and financial hardship for municipalities to update infrastructure and services immediately.

Issue: Employment

Key Policy: 2.2.5 Employment (Growth Plan)

Brief Description:

The Province has recognized a need to calculate the density of a community based on the number of people and jobs across a hectare. The policies, however, are more traditional and outline restrictions on conversions of lands (Policy 2.2.5.7 and 2.2.5.8), prohibition of certain uses in employment areas (Policy 2.2.5.5 and 2.2.5.6), direct major office and institutional uses to growth centres (Policy 2.2.5.9), and advocate for a reduction in surface parking in favour of greater transit support (Policy 2.2.5.11). Further clarity is required in the policies, supporting guidelines, funding structures and strategies for economic growth to identify the employment niches communities have across the GGH.

Proposed Solutions & Recommendations:

- Building on the recognition of the need to align land use planning and economic development in Policy 2.2.5.1(c), the Province needs to develop a Provincial Economic Development Strategy for the GGH that would identify the types of employment across the area, and consider future trends and possibilities for each of the upper and single-tiers;
- Development of best-practice guidelines for upper and single tiers to further refine and develop the Provincial Economic Development Strategy to assist in planning for the right types of employment lands to be planned for in the places best suited to this type of development. This would help implement Policy 2.2.5.2 to identify appropriate lands to accommodate the forecasted growth, clarify the needs to maintain sufficient land for employment in Policy 2.2.5.7(c), and provide advice to consider how to transform existing office parks in Policy 2.2.5.10;
- Recognizing all types of employment and sectors, including those that are outside of settlement areas such as agriculture. This recognition should consider the size and scope of employment use that would best fit the character of the area and long-term goals of the Plan. For example, Niagara's largest employment sectors include education (post-secondary as well as elementary / secondary), health (hospitals, doctors and wellness), government (municipal, regional, provincial / federal offices and agencies), tourism (hotels / entertainment), gaming (casinos), and agriculture (farmers / researchers / sales / processing);
- Refining either the Gateway Economic Zone and Centre definition or the mapping on Schedules 2, 5, and 6 to provide clarity that the intended employment uses are permitted within settlement areas as defined or extending along the length of the QEW as currently mapped;
- Clarifying the types of employment areas and uses that may need residential land uses prohibited, such as in Policy 2.2.5.6(b), and those that should be integrated with adjacent non-employment areas such as in Policy 2.2.5.6(c);

- Updating the 'D' Series guidelines from the MOE to ensure that the separation distances suggested reflect new technologies and mitigation techniques to ensure opportunities for greater density and mix of land uses;
- Clarifying the methodology for employment land needs, as identified in Policy 2.2.5.7(c). This would include methodology for budgeting and conversion that could be used in a two-tiered municipal system. This will assist with determining the allocation of forecasted employment growth through a Municipal Comprehensive Review (MCR);
- Researching the best practices for existing office parks to transform over time, with the ability to include a mix of uses where appropriate, instead of being limited to only an intensification of employment uses (Policy 2.2.5.10);
- Ensuring the funding formulas for the introduction of new Provincial Ministry office and institutional developments include contemplation for parking structure(s) and/or connections to transit, to comply with Policies 2.2.5.9 and 2.2.5.11. Requiring extensive parking facilities is not justification for essential community uses to be located on the periphery of communities; and,
- Allowing upper- and single-tier municipalities the opportunity to consider future employment areas past 2041 as part of their MCR process that might offer strategic extensions of servicing and create new prime employment areas.

Rationale:

For example, Niagara has many competitive advantages with regard to our microclimate, natural and cultural heritage features, proximity to the United States border, and shipping potential. Microclimate factors have provided Niagara with a healthy and robust agricultural sector that employs many through the agri-food value chain. The proximity to the United States border provides for industries that deal directly with trade and allow for a healthy flow of tourists to take advantage of one of the natural wonders of the world and other tourism experiences. The presence of the Welland Canal provides excellent opportunities for shipping and trade related to the Great Lakes and beyond.

The Province has taken some key steps to recognize that communities have become more integrated, such as having density requirements for the number of both people and jobs per hectare. They have also recognized that prime employment uses are land intensive and, through their exclusion in the calculations, harmful to achieving overall density objectives. The challenge is that there is little guidance, support or clarification about the need for separate employment lands for each community. This includes the types of uses that need separation, transformation strategies for existing employment areas, and types of uses might be best integrated into the complete community fabric. Further, as the employment section discusses the activity in settlement areas only, it does not fully recognize the employment created through the agricultural industry.

As a key generator of employment uses in communities, the review of these policies provides an excellent opportunity for the Province to consider its own land intensive requirements and funding formulas for facilities, such as hospitals, schools, transit stations, colleges / universities, and provincial service delivery offices. Funding provision for all aspects of a facility (e.g. parking, building, community areas, and ancillary uses), and future uses of the property as a potential community hub needs to be considered to enhance the creation of a complete community.

Challenges of Settlement Area Boundary Expansion Policies: Strategic & Logical Growth

Key Policy: 2.2.8 Settlement Area Boundary Expansions (Growth Plan); 3.1.2 Specialty Crop Area Policies (Greenbelt Plan); 1.7.3 (Urban Area) Boundaries (Niagara Escarpment Plan)

Brief Description:

The draft policy lays out the conditions for the consideration of a settlement area boundary expansion through an upper-tier municipal comprehensive review process. To consider an expansion, the municipality must ensure that the density requirements are met, and the availability of land for development will not exceed 2041 requirements (Policy 2.2.8.1). Where a need for an expansion has been determined, Policy 2.2.8.2 lays out the criteria to consider feasible locations for an expansion. Included within these policies is an indication that:

- Expansions will not happen on Specialty Crop Areas (Policy 2.2.8.2(h)(i));
- Impacts on the agricultural operations or support network would be avoided or mitigated (Policy 2.2.8.2(j));
- Expansions would meet applicable requirements of the Greenbelt and Niagara Escarpment Plans (Policy 2.2.8.2(l)); and,
- There is a prohibition on expansion into the Natural Heritage System identified in the Greenbelt Plan (Policy 2.2.8.2(m)(iv)).

Further, Policy 2.2.8.3(a)(ii) of the Growth Plan indicates that the expansion would be entirely identified as greenfield area.

In the Niagara context, the draft policies pose several implementation challenges, such as:

- Failure to recognize previously fully developed urban uses that have been serviced on the periphery of the settlement areas;
- Failure to recognize the possibility that these urban and serviced areas should be able to be considered to add to the Settlement boundaries and be part of the built-up area that could be intensified in the future;
- Inaccurate presumption that all mapping of the Natural Heritage Areas and Agricultural Areas is correct and accurate, including the Specialty Crop Area which was previously been identified through soil mapping, but not considered for the existing development that may preclude agricultural uses (e.g. a small subdivision of homes); and,

- Lack of coordination between the Greenbelt, Growth, and Niagara Escarpment Plans to recognize the MCR process creates challenges to fulsome implementation.

Proposed Solutions & Recommendations:

- Regarding Policy 2.2.8 settlement area boundary expansions, the Region requests a phasing approach to deal with our excess lands. We request that the Region only need to identify excess lands on our Regional Official Plan schedules and indicate through policy that these lands are “Post 2041” and development is prohibited to the horizon of the plan. We ask that a policy be introduced stating that if there is no requirement for those lands identified as excess lands upon the completion of the next MCR, then those lands will be considered for de-designation. We respectfully request that policy 2.2.8.3 (b) be revised to allow for the Region to identify urban expansion areas and not be required to de-designate lands, but alternatively identify additional excess lands (i.e. “Post 2041”).
- Include a policy that outlines the conditions and criteria upon which an upper-tier municipality may incorporate previously fully developed properties to the settlement area boundary through the MCR process (see Figure 2 below). This will ensure that anomalies and minor rounding out of Urban Area boundaries can be made;
- Align and recognize the MCR process in all Provincial Plans. This recognition should consider how an expanded settlement area boundary determined through a MCR process would effect a change in the schedules of the Plans and shape guidance materials provided by the Province;
- Ensure that the mapping of the Natural Heritage System is accurate and ground-truthed at a scale that is appropriate for development review;
- Establish a LEAR-styled mechanism of determining the soil and land uses within the Specialty Crop Areas of Niagara that would accurately identify agriculturally-related uses and potential; and,
- Develop a process to update Provincial mapping of the Natural Heritage and Agricultural System and Network to ensure that Provincial mapping remains current and reflects the most recent environmental studies.

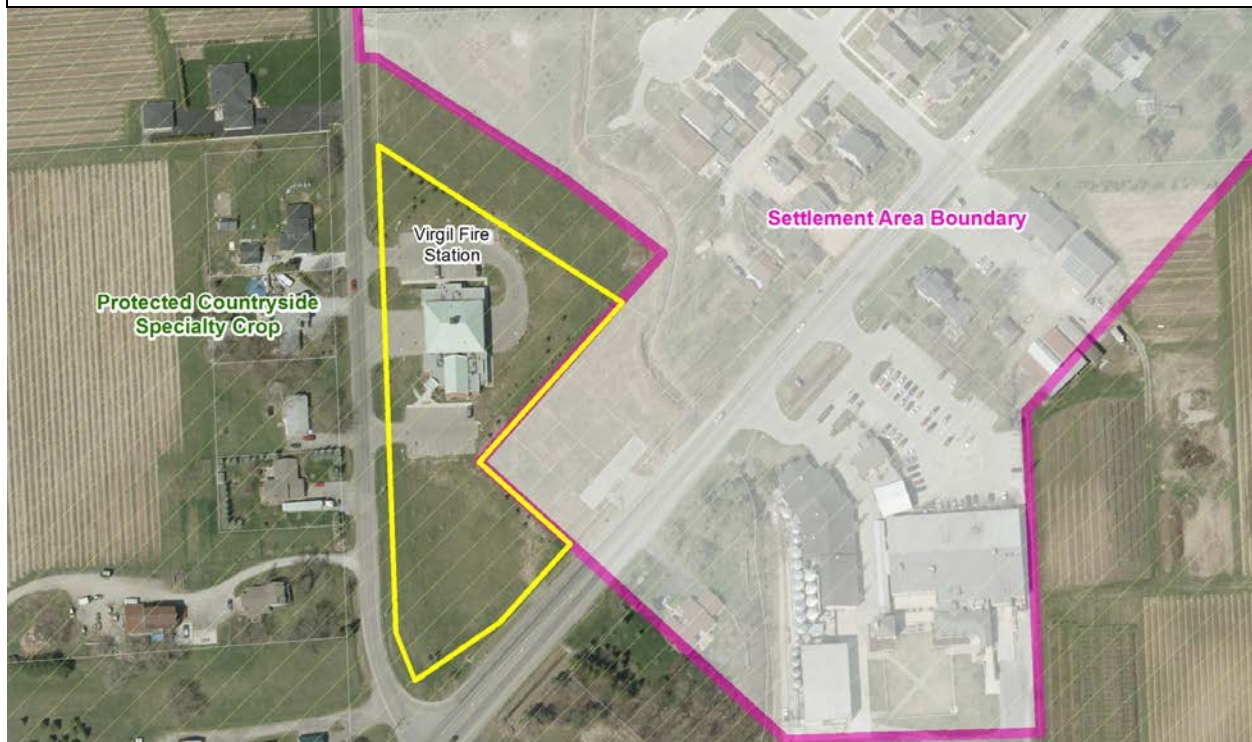
Rationale:

The MCR process is intended to implement the policies of the Growth Plan into the official plan of an upper or single tier. To do this effectively, all Growth Plan policies must be reviewed when considering any potential settlement area boundary expansions. This enables a municipality to be responsible for making minor, logical, and effective adjustments to the boundaries and infrastructure, while simultaneously considering the protection of natural and irreplaceable resources. It also requires that any consideration of expansion be predicated on analysis, need and potential.

With any Provincial policy, there will be exceptions that do not fit the general rule. In Niagara, due to the location of some of our settlement areas within lands considered Specialty Crop Area, there has long been an effort to refrain from expansion that would limit potential agricultural use. There are, however, a number of examples of lands that are on the periphery of our settlement areas that have previously been fully developed in an urban manner and that have been serviced. A MCR is the ideal time to consider if these lands should be included into the settlement area boundary and could be recognized as being part of the built-up boundary.

The challenge is that many of these previously developed lands are designated as non-urban through the Growth, Greenbelt and Niagara Escarpment Plans. For example, a fire station on the edge of Virgil in Niagara on the Lake is designated as Specialty Crop Area. This designation and land use call into question the accuracy of the mapping and does not mirror the intent of the Growth or Greenbelt Plans to utilize Specialty Crop lands for agriculture.

Figure 2: A fire station located within lands designated as Specialty Crop Area (Virgil, Niagara on the Lake).



Although the Province has indicated through the draft Plans that the Agricultural System and Network will be mapped. There needs to be a process in place that will consider not just the soil capacity at a high level, but also the use of the land to ensure that what is being protected is defensible, uses the most accurate mapping and analysis currently available, and allows for logical and effective future implementation of the policies.

Within the Niagara Escarpment Plan area there are lands that may not be officially designated urban, but are serviced and used for that purpose. An example is a seniors care home in the southern part of

Beamsville in Lincoln that has been in existence prior to the establishment of the Niagara Escarpment Plan, but is placed in a policy dilemma. As part of the Co-ordinated Plan Review, there needs to be appropriate policy in all of the Plans that considers potential settlement boundary changes in the schedules of the Provincial Plans to fix these anomalies.

As discussed later in this submission to the Province, the need for accurate mapping of the Natural Heritage system is critical to ensuring not just its protection, but also the reasonable restriction only on those lands where the features actually exist, and not where incorrect mapping has identified a feature. Natural areas are dynamic and must be studied more intensively with the requirements of refined planning studies. There should also be an opportunity to keep the Provincial mapping current and responsive. Similarly, as agriculture is an industry, the needs and requirements of mapping the Agricultural System must remain current and updateable so as not to unduly impact the sector that the policies are intending to support.

Challenges with the Municipal Comprehensive Review Process, Requirements & Implications

Key Policy: 2.2.1.4 Managing Growth (Growth Plan); 2.2.8 Settlement Area Boundary Expansions (Growth Plan); 2.2.5 Employment (Growth Plan); 5.2.1 General Interpretation (Growth Plan); 5.2.3 Co-ordination (Growth Plan); 5.2.4 Growth Forecasts (Growth Plan); 5.2.5 Targets (Growth Plan)

Brief Description:

The concept of the Municipal Comprehensive Review (MCR) was first introduced in the 2006 Growth Plan. Niagara, like many other municipalities, requested greater clarification about what the requirements of the MCR were as part of the initial comments. The Province has updated the policies to indicate that only the upper- and single-tier municipalities should conduct a MCR (Policy 2.2.1.4), but the requirements and components of what this work would entail are distributed throughout the Plan and are not fully outlined.

The definition of a MCR indicates: *‘A new official plan, or plan amendment, initiated by an upper-or single-tier municipality under Section 26 of the Planning Act that comprehensively applies the policies and schedules of this Plan’.*

The Province, in requiring one approach to an MCR, needs to clearly articulate the structure components and implementation requirements of a Municipal Comprehensive Review.

Proposed Solutions & Recommendations:

Policy Improvements:

- Recognition of the need for an outline of the MCR process in the list of supplementary direction to be provided in Policy 5.2.2;
- Recognition that only urban development would preclude future urban intensification is prohibited in the excess lands, and not the ability to use the lands for agriculture, as it may require the construction of a barn, or other types of ‘development’ as envisioned by the definition of the term, as currently outlined in Policy 2.2.8.3(c); and
- Amend Policy 2.2.8.3(b) to clarify where the need for a settlement area boundary has been determined, that excess lands elsewhere are capable of being declared as excess and not de-designated.

Needs within a MCR Outline:

- Summarization, in one place, of all studies (or equivalent) that are required as part of the process;
- Overview of all of the intended results of the process in relation to municipal and Provincial goals and objectives;

- Explanation of how the process will utilize all available information in a two-tier municipal structure. Regard should be given for instances when local municipalities lack resources, or the processes and results of the various studies are not consistent (e.g. asset management planning, public service infrastructure planning, watershed / stormwater management planning, and infrastructure planning);
- Consideration of the various other ‘political’ boundaries that are represented in upper- or single-tier municipalities. These boundaries include school boards, health networks, or conservation authorities and the various needs / processes that pose challenges to finding a single solution;
- Clarification on the inter-relationship and hierarchy between infrastructure, agricultural, and natural systems and how they influence the process; and,
- Provision of a methodology to declare lands as excess and unavailable for development over the next 25 year period.

Rationale:

The MCR is critical for determining how and where growth should be directed. It is referred to in many places within the Growth Plan, but nowhere within the Plan does it clearly outline all of the components, considerations, expectations or anticipated results. If it is to be as defined a comprehensive review, it must consider all policies of the Growth Plan and coordinated Plans that include an understanding of the infrastructure, agricultural, and natural elements, as well as growth areas.

Greater consideration must be placed on how a MCR can be achieved in a two-tiered municipal environment. Considering that the process is intended to include the review of assets, infrastructure and public service facilities that may be shared between upper and local municipal governments and other spheres of government, there needs to be a process to consider all input. For example, shared resources exist with respect to health, educational, and recreational programs, which may include local school boards, health integration networks, and conservation authorities in addition to the local and upper-tier municipal efforts. The timing of these studies, comparability of results, and fiscal viability of the organization to pay the costs could all hamper the thoroughness of the process.

The policies themselves create challenges within a two-tier municipal structure. For example, some municipalities might have land in their settlement areas declared as excess through the MCR process, whereas other lands may be identified as areas for strategic growth. This is complicated by the draft policies that prohibit development on excess lands until 2041. Those municipalities that have declared excess lands would have property owners whose lands would be limited by the prohibition of development on those lands. This would inhibit their ability to make any alterations or additions to their existing uses, changes to the use of existing businesses, or building a barn for continued agricultural use of the property.

Understanding Growth: Infrastructure & Public Service Facilities

Key Policy: 3.2.1 Integrated Planning (Growth Plan); 3.2.2 Transportation – General (Growth Plan); 3.2.3 Moving People (Growth Plan); 3.2.6 Water and Wastewater Systems (Growth Plan); 3.2.7 Stormwater Management (Growth Plan); 3.2.8 Public Service Facilities (Growth Plan)

Brief Description:

The draft policies focus on the integration of infrastructure planning, land use planning and infrastructure investment. While Niagara has taken a similar approach over the last few years, there are a few policy improvements that could strengthen effectiveness, interpretation, and implementation. The draft policies discuss the need for:

- Infrastructure assessments to consider climate change (Policy 3.2.1.2(d) and 3.2.1.4), to which the Province has yet to release guidance relating to how to undertake this;
- Complete streets (Policy 3.2.2.3), with lack of consideration towards the needs of the agricultural community and the use of farm equipment on public roads;
- Active transportation networks between key areas (Policy 3.2.4), without consideration that in areas like Niagara, this could be through agricultural areas where there is potential for user conflicts;
- Water and wastewater infrastructure planning to be undertaken at new intensification and density targets (Policy 3.2.6.2(b)) without consideration for infrastructure that might have recently been installed to meet the previous requirements, and the efficiency of such a quick replacement of that work without a transition;
- Watershed planning and sub watershed studies to be the basis for water and wastewater studies (Policy 3.2.6.2(c)), stormwater management planning (Policy 3.2.7.1(a)) and secondary plans (Policy 3.2.7.2(a)), all of which lack a fulsome description of what is included and the roles of who is responsible to undertake the work in a two-tier municipal system; and,
- Public service facility policies that outline the need for coordination and co-location (Policy 3.2.8) without the commitment of the Province to review its Ministry and Agency funding strategies and practices to ensure the location or relocation of Provincially-funded facilities is contributing to meeting the needs of complete communities.

Proposed Solutions & Recommendations:

- Provide greater clarity about what is the intent of planning for infrastructure that considers ‘a changing climate’ in Policies 3.2.1.2(d) and 3.2.1.4. If the Province intends on producing guidelines or best practices for municipalities, they should include a reference to the Supplementary Direction

under Section 5.2.2, or provide an outline as an example to consider within the Climate Change Section 4.2.10;

- Ensure that recommendations for active transportation choices and complete streets, consider all areas that these policies might be applicable to, including within agricultural areas between the settlement areas to reduce potential land use conflicts. For example, Policy 3.2.2.3 should include the agricultural industry within the list of users of the transportation system to reflect the need to move farm equipment on roadways as part of a more rural complete street cross-section. Further, a policy might be included to encourage greater education of users of active transportation networks suggested in Policy 3.2.4 through agricultural areas that consider normal farm practices such as spraying, noisemakers to discourage birds, and to discourage trespassing on farm fields;
- Include transition policies and potential funding sources that recognize the cost of upgrading recently installed water wastewater infrastructure built at the previous density requirements of the Growth Plan to meet the new requirements over time, in consideration of draft Policy 3.2.6.2(b);
- Outline the requirements for watershed planning, and all of the associated sub-watershed planning, stormwater master plan, and stormwater management plans, as required in a number of policies throughout the Plan, including Policies 3.2.6.2(c), 3.2.7.1(a), and 3.2.7.2(a). The requirements should be clearly outlined to illustrate the requirements of the work, who should best complete this work in a two-tier municipal structure, the respective role of the conservation authority, and transition policies or equivalencies that can be considered as part of land use or infrastructure planning if the requisite studies have not been undertaken. These guidelines, as outlined in the Supplementary Direction Section of 5.2.2, need to be provided within a short time after the draft Growth Plan policies are adopted. This guideline should also consider how studies that are currently underway can be continued while watershed plans are undertaken so as to not jeopardize the implementation of other aspects of this Plan; and,
- Reinforce, through the addition of policy to Section 3.2.8 and a review of existing practices, the need for all public service facility providers to consider the requirements of the Growth Plan when funding the location and relocation of facilities. This will require a complete examination of the policies and procedures of publicly funded facilities, particularly those funded by Provincial Ministries and Agencies that would not contribute to the goals espoused by the draft policies.

Rationale:

Effective integration of infrastructure planning and investment with land use planning will take time, but it is essential to building complete communities and the provision of efficient infrastructure facilities and systems. Due to the nature of the intensive studies required, funding allocations and construction time, planning for infrastructure is done over many years. Similarly, communities are planned over the long-term to guide how growth and development should occur. Given this long-term view, significant

changes introduced by policy, without sufficient clarity, consideration of all users, consideration of transition, and review of inhibiting policies and practices makes implementation difficult and costly.

Addressing climate change is something individuals and communities have been undertaking for years through finding greater efficiencies in operations, recycling, innovations, and purchasing preferences. While there are some references in the Growth Plan with regard to measures to effect climate change, there are policies, such as Policy 3.2.1, that need greater clarity. If the Province intends to produce guidelines and best practices to assist municipalities to enhance their efforts, there should be a reference to this work being completed as part of Section 5.2.2, or greater clarity provided in the policy itself.

As the Growth Plan covers the entirety of the GGH, transportation policies should consider all users of the transportation network, both rural and urban. At times, farmers have to move large equipment using the road network. Design of transportation systems must consider this use, as well as promoting transit and active transportation in the design of complete streets to ensure all users benefit. Similarly, while the promotion of active transportation is widely supported, there are potential land use conflicts that occur that need to be considered. For example, many farmers have experienced people biking through the countryside who have trespassed onto their land to pick fruits, or complaining about the bird bangers or spraying of crops. As the Province is advocating active transportation, there should also be the preparation of materials to educate non-farmer visitors and residents about normal farm practices to lessen the potential user conflicts.

Considering the cost of the investment of infrastructure, both in time and money, there is a need for a consistent policy approach, one that increases over time, as well as recognizes the investments made. If the Province does significantly change the density targets outlined in the Plan as they have proposed, the infrastructure that has recently been installed may be undersized to meet the new requirements. There is a strong need for some transition consideration to ensure resources are used effectively.

There are many new policies with regard to watershed planning, sub-watershed planning, stormwater master plans and stormwater management plans within the Growth and Greenbelt Plans. The policies underscore the importance of watershed planning and sub-watershed plans to be an underlying consideration in preparing water and wastewater master plans, secondary plans, official plans, etc. The Province has indicated that it will be providing further advice on watershed planning, however, there is an immediate need for this information and it should include best practices and various roles of the upper and local municipalities and conservation authority that reflect the various Acts in effect (e.g. Municipal Act, Conservation Authorities Act). The current guidelines are out of date, and therefore any watershed plans that might have previously completed may be subject to review and update. Given that Niagara has eighteen identified watershed areas, the time and resources to undertake this work and have it be the underpinning of official plans, secondary plans and infrastructure planning will take significant time and effort. Guidelines need to be available in a very short time period from the adoption of the Plans. Additionally, there needs to be some transition or flexibility to permit development applications to proceed in the interim.

With regard to public service facilities within policies in Section 3.2.8, there is a need for greater adherence to the Growth Plan policies with regard to location and relocation of facilities, except where there is an issue of health or safety such as a fire station. To be proactive in this regard, the addition of a policy and a complete examination of the Province's policies and procedures across Ministries and Agencies is essential. For example, when reviewing any of the Ministry of Education materials on Accommodation Reviews of schools, there is little consideration of the Growth Plan criteria for locating these services to focus on building complete communities, or focus on strategic growth areas. The concern instead is about board funding models per child and the declaration of extra space. Public service facilities act as hubs within the community and need to be planned as such to encourage greater use and efficiency of the land available. Considerations involved in this full-scale review need to include when funding is allocated by the Ministry, if there is a better method than planning schools by numbers, the impact on the community of the proposed closure, and the location of other supportive social infrastructure facilities in the proposed relocation to support students' early involvement in the larger community.

Achieving Net-Zero Communities

Key Policy: 2.2.1 Managing Growth (Growth Plan); 4.2.10 Climate Change (Growth Plan); 5.2.2 Supplementary Direction (Growth Plan)

Brief Description:

With a focus on climate change mitigation and adaptation, the Province has introduced the goal for municipalities to contribute towards the achievement of net-zero communities. The draft definition for the term is:

Net-Zero Communities

Communities that meet their energy demand through low-carbon or carbon-free forms of energy and offset, preferably locally, any releases of greenhouse gas emissions that cannot be eliminated. Net-zero communities include a higher density built form, and denser and mixed-use development patterns that ensure energy efficiency, reduce distances travelled, and improve integration with transit, energy, water and wastewater systems.

The challenge is that the Province is encouraging municipalities to establish targets, and monitor and report on progress to achieve these goals without clearly outlining the methodology to take, or how this can be done in a developed community.

Proposed Solutions & Recommendations:

- Recognize in Section 5.2.2 that the Province will need to provide greater clarity for municipalities to work towards achieving net-zero communities through the production of guidance documents and the preparation of best practices;
- Identify the scope of a 'community' in the approach to indicate if it is a neighbourhood within a settlement area, a settlement area, municipality or upper-tier municipality;
- Create guidance materials that identify how municipalities can achieve net-zero communities for all types of communities, including undeveloped greenfield areas, developed communities, and agricultural and rural areas;
- Distinguish the inter-relationship between the Growth and Greenbelt Plan policies, other relevant legislation / requirements and the Climate Change Action Plan materials that ensure a seamless approach to achieving results; and
- Create a process to continually update guidance materials to consider new information and technologies as it becomes available.

Rationale:

Upon introducing a new concept into Provincial Plans, it is incumbent on the Province to provide greater tools and best practices for municipalities to achieve these objectives. Understanding the scope of a community, effective tools for implementation, best practice examples that consider both new greenfield development, how to achieve the goals in developed areas, and gain a better understanding of targets suggested by the Province will all help municipalities draft policies in their official plans and establish a monitoring system. Having suggested methodologies to employ will ensure that municipalities are undertaking the fulsome approach that the Province intended, rather than requiring municipalities to undertake work that may have to be supplemented to consider additional techniques. If the Province's intention is to compare and contrast success, it is vital to have one methodology employed. The methodology and best practices should utilize new technologies as they become available, and should not remain static.

Complete Community/NEP Development Control Areas

Key Policy: 2.2.1 Managing Growth (Growth Plan); 2.2.6 Housing (Growth Plan); 2.2.7 Designated Greenfield Areas (Growth Plan); Definitions (Growth Plan); 4.2.7 Cultural Heritage Resources (Growth Plan)

Brief Description:

While the concept of complete communities is discussed in a number of sections within the Plan, there is little in the way of helpful guidance to determine what makes a community complete. Clarity about the scale of the 'community' and if this is to be used at a neighbourhood, settlement area, local or upper-tier municipal level is needed, as well as if it considers how other public bodies contribute to the creation and success of complete communities through the location of public service facilities. Further, the concept of complete communities must consider what makes each community unique. While the cultural heritage resources policies (Section 4.2.7) of the Growth Plan indicates concern for the cultural heritage resources of communities, there is little recognition that these resources will contribute to and strengthen the concept of complete and distinctive communities.

Proposed Solutions & Recommendations:

- Define the scale of a complete community. Presently the definition is unclear about the scale of the concept and if implemented as defined could create neighbourhood competition within a settlement area for features that would make each place 'complete';
- Create a guideline that compares and contrasts the concept of completeness based on the scope of the area that is being examined (e.g. complete neighbourhood, complete settlement area, etc.);
- Reflect and make changes to existing policies and practices across Provincial Ministries and Agencies that control the funding and location of public service facilities, such as hospitals and schools, which can be closed or relocated without considering the concept of complete communities; and,
- Include a policy within Section 2.2.1.3 that recognizes the role and contribution that cultural heritage resources have on creating complete communities, particularly when highlighting distinct characteristics within each community.

Rationale:

Creating complete communities is a logical approach to ensuring the needs of residents and businesses can be met. The challenge that the policy poses is that there are seemingly different concepts of what makes a community complete. Depending on the scale of assessment, an individual neighbourhood may not be considered complete, but its place in a larger context may highlight the important role that provides in regards to a diversity of land uses that another neighbourhood might not offer. The definition would suggest that it could be a place within a city or town and that it can take different forms

depending on the context. Greater clarity would assist municipalities as they prepare their official plans and secondary plans to conform to the new Provincial Plans.

The concept of complete communities is jeopardized by the fact that while municipalities can plan for public service facilities such as schools and hospitals, it is not within the municipal decision-making framework to keep or properly locate these facilities. There are many examples of Provincially funded or supported facilities being located or relocated in Niagara without due consideration for the role or impact it has on the community. The closure of the high school in Niagara on the Lake, relocation of the hospital on the periphery boundary in St. Catharines, recent amalgamation of the high schools in Port Colborne and Fort Erie, location of the Niagara on the Lake campus of Niagara College in Glendale and considered amalgamation of the high school in Grimsby, Lincoln and West Lincoln have and will have a tremendous effect on the concept of complete communities.

The hole left in the building fabric of existing communities that have experienced loss of these facilities and the challenges created by the location and relocation of features on the periphery of settlement areas has a dramatic effect on the supporting businesses and uses that serve the facility users. The policy review needs to consider this issue and should require Provincial Agencies and Ministries to plan for complete communities and consider how their policies and practices support or detract from the concept of complete communities.

Finally, there needs to be further recognition of the role cultural heritage resources make to the fabric of our communities. The inclusion of a policy within Section 2.2.1.3 would recognize this role and ensure that municipalities are planning to ensure communities are complete with the services they offer, while also considering the fabric of the community and the story the cultural heritage resources can tell about the people who lived there. Recognizing the past to build future communities is an essential building block to ensure that communities across the GGH are unique and provide residents and visitors with a variety of experiences and choice.

Specific Comments to the Greenbelt Plan

Vegetation Protection Zones (VPZ)

Key Policy: 3.2.5 Key Natural Heritage Features and Key Hydrologic Features Policies (Greenbelt Plan)

Brief Description:

The purpose of vegetation protection zones is to protect the key natural heritage or hydrologic feature from the impacts of development by outlining a buffer from the feature. Generally, according to Policy 3.2.5.5(b) this protected buffer is intended to be made of natural self-sustaining vegetation. Within this policy section there are some exclusions for agricultural, agricultural-related and on-farm diversified uses in Policies 3.2.5.7, 3.2.5.8 and 3.2.5.9, however there is a need for additional clarity within the policies to ensure they are implemented as intended.

Proposed Solutions & Recommendations:

- Revise Policy 3.2.5.5(b) to read 'Is established to achieve and be maintained as a vegetative buffer that may consist of natural self-sustaining vegetation, agricultural crops, manicured vegetation or some combination thereof, as appropriate'. The types of vegetation planted within VPZs should be flexible to consider the needs and circumstances of the site;
- Reduce all VPZ setbacks for agricultural, agriculturally-related and on-farm diversified uses and buildings in the Greenbelt Plan to 15 meters as outlined in Policy 3.2.5.9(c) as long as best management practices are pursued to protect the feature. This would not only recognize the small farm sizes experienced in the Specialty Crop designation in Niagara, but also recognize the limited supply of quality agricultural land in the GGH. Furthermore, if all VPZ setbacks are not reduced to 15 meters, then Policy 3.2.5.9 should include a condition that exempts it from condition 3.2.5.8(a), as it conflicts with the condition of 3.2.5.9(c);
- Support low-impact development in combination with the use of green infrastructure, as a method of promoting sustainable development; and
- Revise Policy 3.2.5.7 to exempt all agriculture, agriculturally-related, and on-farm diversified uses from the requirement for natural self-sustaining vegetation. This exemption will provide more flexibility towards farmers looking to expand their existing operations through adding value-added uses and ensure the best location can be determined locally for siting buildings.

Rationale:

While the sustainability of natural heritage and hydrologic features is of concern, farmers are experiencing barriers towards agricultural viability caused by restrictive VPZ setbacks and requirements, particularly in Niagara where the size of farm parcels are significantly smaller. Considering the breadth of commodities grown, the range of lot sizes needed for a viable farm and the range of environmental features, it is difficult for a Provincial Plan to properly regulate buffer distances and the vegetation that

should be required on any given parcel. There is a need for greater flexibility locally to better determine the exact buffer required to properly protect the feature and locate buildings.

The proposed policy amendments above will provide clarity and flexibility by permitting agricultural crops as an acceptable vegetation to be grown within VPZs. It will also permit planting next to features to allow for enhanced farm equipment maneuverability, while ensuring crop compatibility. For example, while a vineyard could be located in close proximity to a natural heritage feature, there is often a need for a planted strip of grasses, such as rye grass, along the edge of the feature. As this grass is planted and maintained, it can be mowed when farm equipment is required to be used for harvest, which also limits the creation of habitat for pests that negatively impact the crop such as ladybugs or birds, and protects the natural feature. Therefore, even with a setback, farmers are able to best utilize the land for crop production. Allowing more types of permitted vegetation will provide farmers with the flexibility to grow their operations and optimize crop yield and land available for crop production.

Reducing the minimum VPZ setback from 30 meters to 15 meters will significantly enhance the ability for farmers to place value-added structures on low-impact areas of their properties. By “low-impact”, it is meant in the context that the placement of the structure will have as little burden as possible on both the agricultural land available for crop production, and the environmental features being protected by the VPZ. The reduced minimum setback will assist with broadening the compatible locations on a property where structures can be legally built and ensure the efficient use of valuable land.

Accurate Mapping: Greenbelt Plan Expansion Area (City of Thorold)

Brief Description:

In March of 2015, the City of Thorold submitted information to the Province in respect to the expansion of the Greenbelt boundary for the Lake Gibson area. In June of 2015, the City's report PBS2015-18 noted several properties within the Greenbelt study area that should not be included in the proposed Greenbelt expansion area, which include urban type uses such as the City of Thorold Public Works Yard and the Auto Wreckers business on Beaverdams Road. The Province's proposed Greenbelt Plan addition area mapping shows that these urban type uses identified by the City have been included within the proposed addition area.

Proposed Solution & Recommendation:

Use the City of Thorold's proposed Greenbelt Plan expansion area mapping (see Figure 3 below) to identify the appropriate lands to be included and excluded from the Plan's proposed addition areas.

Figure 3: City of Thorold, land to be included and excluded from the Greenbelt Plan addition.

Rationale:

The expansion of the Greenbelt boundary into these existing urban uses is not what was intended. The lands are fragmented and segregated from natural heritage features and agricultural uses located south of Lake Gibson and they may require additional structures and/or additional ancillary uses in the future. All other lands within this area surrounding the urban land uses are protected with environmental policies and provisions contained in the City's local Official Plan and Zoning By-law.

Accurate Mapping and Guidance: The Agricultural Support Network & Agricultural System

Key Policy: 3.1 Agricultural System (Greenbelt Plan); 4.2.6 Agricultural System (Growth Plan); 5.2.2 Supplementary Direction (Growth Plan)

Brief Description:

The Province is expected to identify the mapping extent of and provide guidance for the Agricultural Support Network and the Agricultural System, as mentioned in policies in both the Greenbelt and Growth Plans. While it is beneficial to map and reflect the entire value chain of the agri-food sector, there is a lack of clarity within the policies for not only how this information will be collected and used, but also maintained over time as well as what information will be provided in the associated guidance.

Proposed Solutions & Recommendations:

- Identify all features within the agricultural value chain that are to be mapped, the process undertaken to collect this data, and a mechanism to ensure the information can be verified on an annual / biannual basis. The identification and selection process should consider the functional operations. Therefore, it should include the main portion of an agricultural operation, as well as the affiliated parcels/businesses, even if they cross municipal boundaries;
- Work with all affected municipalities during the process of creating the methodology that is to be used when defining the Agricultural Support Network and Agricultural System;
- Consider how municipalities and farm organizations can contribute to the mapping and update of the data using local information sources and how this information will be identified in Provincial mapping tools. Where this study has not yet been completed, the Province should identify best practices and potential funding for municipalities to undertake or supplement this work;
- Improve accuracy through ground-truthed mapping of all features, particularly the location of Specialty Crop lands, prime agricultural and rural lands as part of the agricultural land base;
- Provide meaningful resources for municipalities to better evaluate the role of any one feature in the agricultural sector, the potential impact from future development proposals, land use conflict considerations, how to integrate agricultural economic development, and assessment tools to identify and grow clusters within the sector;
- Outline the timing of the mapping and guidance process, and provide municipalities interim materials that can be used to guide local identification processes and consider development applications;

- Ensure that the mapping of the agricultural system and network does not unintentionally limit the ability of the agricultural sector to respond to changing needs, and act in a manner that would grow individual business opportunities; and,
- Defer mapping of the Agricultural Support Network and Agricultural System until the methodology, historical mapping issues, and process for mapping is determined.

Rationale:

Mapping of the agricultural system and network must work in both policy and on-the-ground practice. This requires capturing accurate, logical and seamless data collected through ground-truthed methodologies. Where municipalities have undertaken work to map or evaluate their Agricultural Support Network or Agricultural System, this information should be considered. Moreover, for those municipalities who have not yet done this work, there should be guidelines to conduct this work. While some other upper-tier municipalities have recently undertaken a LEAR study of their agricultural lands, Niagara is in the process of identifying a method of reviewing all of our agricultural lands, including the Specialty Crop lands.

The Province should consider risks of mapping the Agricultural Support Network and Agricultural System to ensure that agricultural operations are not limited from responding to changing needs. Additionally, it is recommended that the Province utilize a methodology to comparatively represent features to showcase the role of agricultural businesses as part of the network. For example, if a simple dot system is used, each feature has one dot, but there is no weighting to showcase smaller facilities from larger ones, or an operation that might have a business address, but include many individual parcels across the land base. Knowing the effect of an operation would assist in understanding not just how the feature would fit in the system, but also provide a better sense of the network, especially if it is used across commodity groups within the agricultural sector. For example, there is a larger impact if a farm equipment repair facility that services many types of equipment closes versus a small farm whose owner decides to retire.

Accurate Mapping: The Natural Heritage System

Key Policy: 3.2 Natural System (Greenbelt Plan); 3.2.5 Key Natural Heritage Features and Key Hydrologic Features Policies (Greenbelt Plan); 4.2.2 Natural Heritage Systems (Growth Plan); 5.2.2 Supplementary Direction (Growth Plan)

Brief Description:

Policies have been added to the Growth and Greenbelt Plans to extend mapping and policies pertaining to the Natural Heritage System designated in the Greenbelt Plan to the entire GGH. The Province has further outlined policies for the identification of the Water Resource System that municipalities will need to fully identify and support through watershed planning. Accurate mapping of the natural system is critical for seamless policy implementation. Mapping accuracy has been an issue when implementing the previous version of the Plans and will continue to be, unless further clarity is provided towards the roles and responsibilities of the Province, municipalities, and conservation authorities as part of the intended process. Information is required to better determine the data that will be used to delineate the system and guide future development.

Proposed Solutions & Recommendations:

- Clarification of the approach taken to map the Natural Heritage System with specific criteria for defining how areas of connectivity are determined. Policy 3.2.2.5 of the proposed Greenbelt Plan and Policy 4.2.2.3 of the proposed Growth Plan allow for municipalities to refine the boundaries of the Natural Heritage System when a municipal official plan is brought into conformity. Therefore, insight into provincial methodology would support the use of these policies;
- Clarification of the long-term roles and responsibilities of each party (Province, municipalities and conservation authorities) towards supplying and maintaining accurate natural heritage features and areas data. The Province should create a figure or table to delineate each mapping feature, and who is responsible to supply and maintain the data;
- Creation of digital mapping at a scale that is appropriate and accurate for the purposes of development review, and can be updated on a regular basis rather than a schedule in a Provincial Plan that is only updated every five or ten years;
- Prioritize the Agriculture Support Network and Agricultural System within the inter-related mapping of the Natural Heritage System;
- Clarification of the requirements for provincially approved mapping, as mentioned within Policy 3.2.5.9 of the Greenbelt Plan. The Province should support the use of Niagara's updated watercourse mapping to ensure accurate policy implementation. Many property owners in Niagara experience limitations towards the ability to utilize their property for desired purposes due to policy restrictions caused by mapping inaccuracies; and,

- Build upon Niagara’s approved watercourse mapping as valuable input in the mapping of the Natural Heritage System and Water Resource System.

Rationale:

The Province is proposing the identification and mapping of two significant systems in the Growth and Greenbelt Plans – the Agricultural System which includes the land base and the Agricultural Support Network, as well as the Natural Heritage System. Data represented within Plan schedules has significant implications on the protection of agricultural and environmental lands, as it assists with determining lands available for agricultural production, environmental protection, and potential future Urban Area expansions. Furthermore, all mapping, whether it be provided or approved by the Province, should be completed at a consistent scale, as mapping at different scales can lead to challenges with interpretation (see Figure 4 below).

Mapping of the agricultural support network, prime agricultural lands, natural heritage features and key hydrologic features must lead to the delineation of systems that are integrated and easily interpreted by a broad audience. It is imperative that features, areas, and systems should be identified through a methodical and transparent process that considers other identified systems and can be digitally updated and refined to incorporate new information. Provincial guidance on how systems and the associated features and areas are identified should be available. An understanding of the respective roles of the Province, municipalities and conservation authorities for providing and updating information in the mapping is also essential to ensure identifications are as accurate and as effective as possible.

Figure 4: Discrepancies between existing provincial data and proposed regional data.

Red = Existing Provincial Data
Blue = Proposed Regional Data

Provincial Policy versus Agricultural Industry Practices & Standards

Key Policy: 4.2.1.3 General Infrastructure Policies (Greenbelt Plan); 4.2.2.2 Sewage and Water Infrastructure Policies (Greenbelt Plan)

Brief Description:

The draft Plans regulate land uses and guide investments for infrastructure over a ten year period. The proposed policy fails to acknowledge the evolving nature of industry standards and requires additional flexibility to guide land use and infrastructure investment, as well as being responsive to the business interests that will make these investments successful.

As an example of this issue, the water needs of agricultural operations differ by commodity. Increasingly, especially in years such as 2016, the need for water for crops is well-documented. A drought year for an annual crop can mean the loss of significant or entire crop yield. Drought for fruit trees, bushes or vines, however, can mean the loss of a perennial crop for several years while the new plant or tree matures to replace ones that have died. To sustain the crops there is a need for untreated water. With new regulations, there is a growing demand for potable water in the fields of fruit farms for hand washing and for value-added component for operations as part of the packing process.

Proposed Solutions & Recommendations:

- Plans must recognize the difference between ‘untreated’ and ‘potable’ water, as well as the significance of each towards the viability of a constantly evolving agricultural sector. This means that references to extension of water and waste water infrastructure to non-Urban Areas may be considered to address the efficient supply of treated water to the agricultural community (Policy 4.2.2.2);
- Where possible, there should be preference towards agricultural infrastructure during instances where it intersects with features that are identified as natural heritage or hydrologic, as discussed in Policies 4.2.1.2(g) and 4.2.1.3;
- Policy references to water takings must recognize the fact that water for agriculture is a necessary component of the industry; and,
- Expansion of infrastructure, including green infrastructure, outside of Urban Areas should be permitted during instances where it assists with meeting the standards and regulations associated to all agriculture.

Rationale:

To increase agricultural feasibility, the policies must recognize that dependence on services which were previously not required, may eventually be necessary before the next 10-year review. It would be contrary to the intent of the Plans for existing uses to be restricted from receiving the infrastructure necessary to meet the requirements of Provincial and Federal standards and regulations. As industry

standards evolve around changes to best management practices, policies must be flexible enough to optimize feasibility of existing uses to achieve standards in a viable manner.

Consultation with stakeholders has shown that in order for the Plans to foster the growth of the agricultural sector, policy must embrace and foster agricultural operations compliance with new standards and regulations. For example, new standards that require the use of potable water to wash produce means increased fiscal burden to farmers without access to piped potable water, as they are now required to truck-in potable water from an external source. While this may be a practical solution for smaller farms, having the ability to consider alternative options provides the flexibility to make informed decisions that meet the needs of the community. Agricultural operations in Niagara have demonstrated a need for reliable, affordable, and convenient access to both untreated and potable water in order to adhere to continually strengthened health and safety standards.

Lot Creation Challenges

Key Policy: 4.6 Lot Creation (Greenbelt Plan)

Brief Description:

In comparison to other municipalities within the Greenbelt Plan area, the average size of a farm parcel within Niagara's Specialty Crop Area is significantly less. Niagara's smaller farm parcels result in a multitude of policy implementation issues when attempting to sever agricultural parcels, and consider setbacks. The Greenbelt Plan policies should be amended to reflect Niagara's unique-sized farm parcels.

Within Specialty Crop and prime agricultural areas, draft Policy 4.6.1b(i) of the Greenbelt Plan permits severances for: *'agricultural uses where the severed and retained lots are intended for agricultural uses and provided the minimum lot size is 16 hectares (or 40 acres) within Specialty Crop Areas...'*. To effectively consider the commodities farmed in Niagara, the minimum size of lots indicated as the remnant parcel could be reduced further, such as is the case for agriculture-related uses mentioned in the next subsection.

Proposed Solution & Recommendation:

Reduce the minimum lot size requirement for remnant parcels in the Specialty Crop Area to recognize the various commodity groups within the Specialty Crop lands and the ability to establish a viable agricultural operation on less land. Examples of such uses include greenhouses, wineries and fruit farms.

Rationale:

Agricultural stakeholders have cited concern with barriers encountered when attempting to purchase and sell agricultural parcels due to the costs of the land base. The proposed language of Policy 4.6.1 limits Niagara's farmers to request adjustments to lot configurations that would reflect the needs of certain commodities that grow within the Specialty Crop Area. A reduction in minimum lot size would help to bridge the gap in relation to the ability to purchase and sell agricultural parcels among farmers within the Plan boundary.

These policy amendments will increase the flexibility of Niagara's farmers, allowing them to remain competitive among all agricultural markets within the Greenbelt Plan area. A reduced minimum lot size will also provide increased opportunity for aspiring farmers to enter into the agricultural sector, fostering the growth of Niagara's continually evolving agri-sector.

Existing Uses within Specialty Crop Areas

Key Policy: 4.5 Existing Uses (Greenbelt Plan)

Brief Description:

In Niagara, the entire Protected Countryside lands of the Greenbelt have an underlying Specialty Crop designation. As Specialty Crop Area is the most restrictive designation, the need for supportive existing use policies is paramount to ensure that existing non-agricultural uses that may have existed before the Greenbelt can continue to grow, change their use, and apply for minor boundary adjustments.

While the policies offer an ability to expand existing buildings and structures, and permit conversions of legally existing uses, there is a caveat in Policy 4.5.3 that allows these changes *‘which bring the use more in conformity with this Plan’*. This caveat is the challenge, in that it presumes that the use can be brought more in line with the Greenbelt Plan.

Proposed Solution & Recommendation:

Within Policy 4.5.3 of the Greenbelt Plan, remove the language, *‘which brings the use more into conformity with this Plan’*.

Rationale:

It should be recognized that expansion to, or change of a legally existing use or facility likely prior to the creation of the Greenbelt Plan, and is unlikely to ever bring the use more into conformity with the Plan. The inclusion of this caveat within the policy unnecessarily limits the effective use of lands that have already been developed for non-agricultural purposes, but may be complementary in nature. Restricting the ability to expand or change uses on properties with legally existing uses does not foster economic viability, which is contrary to the intent of the Plan, but may offer additional choice and amenity to the landscape.

Agricultural Impact Assessment (AIA)

Key Policy: 4.1.1 General Non-Agricultural Use Policies (Greenbelt Plan); 4.2.1 General Infrastructure Policies (Greenbelt Plan)

Brief Description:

The Province has created a new assessment tool called an Agricultural Impact Assessment (AIA), which is to be completed during the consideration of proposals for non-agricultural uses within non-urban lands. While the draft policies would indicate that this tool will be supportive of the agricultural industry through considering the impact of proposed development on existing operations, little information is provided about the study requirements, who is qualified to prepare it, and how it relates to other assessment tools.

Proposed Solutions & Recommendations:

- Clarify the elements of a credible AIA study, including who would be considered a qualified party to conduct an AIA, and who would be a qualified party to review the AIA;
- Provide examples of when a complete AIA study is required or if a scoped AIA study should be considered;
- Develop a standard set of criteria that can be used to analyze and measure the impact of the proposed non-agricultural use on the existing landscape, and the expected results of the AIA and its impact on project feasibility;
- Summarize the transition for municipalities to understand the process while the fulsome guidelines and details are prepared; and,
- Determine the inter-relationship between an AIA and other tools, such as Minimum Distance Separation guidelines, and processes, such as an Environmental Assessment.

Rationale:

It is critical that municipalities understand the expectations and requirements of an AIA in order to successfully produce a workable and effective review of the impact of development on agricultural operations. While there are some examples of an agricultural assessment to consider, it is important to understand the intent and best practices espoused by the Province for this study. To effectively use available resources, and consider future development applications it is important to understand who is a qualified party to carry out an AIA, as well as the criteria and expected results that the study will be measuring. Moreover, the circumstances as to when an AIA is expected should be further delineated, as virtually any application in close proximity to an agricultural parcel could negatively influence or be impact an existing agricultural operation.

AIA's completed during the interim timeframe between the enactment of the proposed Plans and anticipated 2018 guideline release run the risk of being completed by an unqualified party and/or being completed with exclusion of important criteria which may be integral towards determining the impacts of the project. This could result in secondary assessment to be undertaken in order to bridge the gaps left by the initial AIA, resulting in decreased project viability and reduced municipal efficiencies in terms of resources and staff, therefore it is vital that transition approaches are considered.

Challenges with Protecting What is Valuable

Key Policy: 4.2 Policies for Protecting What is Valuable (Growth Plan); 3.2.2.3 Natural Heritage System Policies (Greenbelt Plan); 3.2.4 Key Hydrologic Areas (Greenbelt Plan); 4.3.2 Non-Renewable Resource Policies (Greenbelt Plan)

Brief Description:

Policies within the Growth Plan and Greenbelt Plan designed to protect the environment, including the Natural Heritage System, are firm for a Provincial-level plan. The draft policy blankets lands within and adjacent to Natural Heritage System and Water Resource Systems with large, obstructive setbacks that fail to consider site-specific circumstances. There are many properties that are subject to Natural Heritage System setbacks that actually pose no threat to the disruption or fragmentation of the system.

Proposed Solutions & Recommendations:

- Amend Policy 4.2.2.4 of the Growth Plan to increase the parity and fairness experienced by agricultural property owners who own and operate property within the Natural Heritage System. Policy must be flexible enough to allow for adjustments to the Natural Heritage System relating to evolving agricultural practices and changes to irrigation systems. For example, irrigation systems that are mistakenly represented as a feature within the Natural Heritage System should be able to be removed;
- Amend Policy 4.2.2.4 of the Growth Plan, and Policy 3.2.2.3 of the Greenbelt Plan to include language that recognizes property size, as opposed to use of an arbitrary number that consumes a percentage of “*total developable land*” available on the property;
- Enhance the flexibility for expansions to existing buildings during instances of development or site alteration in key hydrologic features or key natural heritage features. Specifically, Policy 4.2.3.1(e)[i] of the Growth Plan should be amended to remove the language, “*which bring the use more into conformity with this Plan*”;
- Clarify the measurement and monitoring of the quality and quantity of water that enters significant groundwater recharge areas, highly vulnerable aquifers, and significant surface water contribution areas, as outlined within Policy 4.2.3.2 of the Growth Plan, and Policy 3.2.4.1 of the Greenbelt Plan;
- Provide more flexibility to Policies 4.2.2.4 and 4.2.4.1 of the Growth Plan, as well as to Policies 3.2.2.3 of the Greenbelt Plan by recognizing that setbacks on lands adjacent to key hydrologic features and key natural heritage features should not be arbitrary, but rather have the ability to change in the presence of major landforms and features, such as the QEWS;
- Amend Policy 4.2.5.1 of the Growth Plan to include language that recognizes the potential and reality of vandalism, theft, and trespassing to new and existing Public Open Space systems;

- Clarify the recommended types of mitigation efforts that municipalities can take towards the protection of agricultural resources, as outlined within Policy 4.2.6.6 of the Growth Plan; and,
- Produce guidelines and/or a document highlighting the best practices that municipalities can implement in relation to the conservation of mineral aggregate resources, as outlined within Policy 4.2.8.2 of the Growth Plan.
- Clarify the terminology of “expanding operations” in relation to mineral aggregate operations and why the reference to “expanding operations” was removed from Greenbelt Policy 4.3.2.3(c); Policy 4.3.2.5(c); and Policy 4.3.2.9(c). Subsequently, Policy 4.3.2.7 of the Greenbelt Plan added language specifying “new *mineral aggregate operations*”. The implications of this change must be transparent, particularly with how ‘*expanding operations*’ for mineral aggregate operations is defined. For example, an ‘*expanding operation*’ could relate to either the operator, operation license agreement, existing landholdings, or new parcel transactions. Further clarification should be provided to ensure that the intent is clear and there is no room for misinterpretation.

Rationale:

It is important that the Province not lose sight of the intent of the Greenbelt Plan, which aims to prioritize agricultural viability. However, mirrored draft policies within both the Growth Plan and Greenbelt Plan impose significant barriers in regards to property flexibility to those property owners located within or adjacent to Natural Heritage Systems and key hydrological features/areas. The absence of policy leniency suggests that agriculture is second priority to the environment, as blanketed setbacks and policies fail to acknowledge the contextual elements of properties and landscape features around them.

It is equally important that municipalities have a clear understanding of the expectations that the Province has in regards to the implementation of monitoring plans and strategies when dealing with the environment. Measuring water quality and quantity entering significant groundwater recharge areas, highly vulnerable aquifers, and significant surface water contribution areas is not a well-known practice to municipalities and further direction is required.

Recognition of the St. Davids and Queenston Urban Area Boundaries

Key Policy: Proposed Schedule 1 (Greenbelt Plan); Proposed Schedule 2 (Greenbelt Plan); Proposed Schedule 4 (Greenbelt Plan)

Brief Description:

In including the hamlet of Ridgeville in the mapping, the proposed schedules within the Greenbelt Plan have misrepresented the villages of St. Davids and Queenston as hamlets instead of Urban Areas, as recognized in the Regional Official Plan. Both St. Davids and Queenston are located within Niagara on the Lake, and are largely included within the Niagara Escarpment Plan boundary area where they are recognized as Minor Urban Centres.

Proposed Solution & Recommendation:

Remove the hamlet 'dot' and recognize the Urban Areas of both St. Davids and Queenston on all Greenbelt Plan Schedules, just as many other villages, towns and cities have been represented in the Greenbelt area.

Rationale:

Although the Urban Areas of St. Davids and Queenston are largely included within the Niagara Escarpment Plan boundary, the Greenbelt Schedule mapping should accurately represent them. The current mapping of Schedules 1, 2, and 4 of the Greenbelt Plan shows the northwest corner of the village of St. David's as well as a hamlet 'dot' on the rest of it within the Niagara Escarpment Plan Area. Both communities should have their boundaries represented the same as the other Urban Areas featured within the Greenbelt Plan Schedules, such as Virgil (Niagara on the Lake), Camden (Lincoln), and Fenwick (Pelham).

While the Region will be addressing the role of each urban area through the urban structure exercise in updating the Official Plan, it is important to ensure that all of these areas are consistently mapped in Provincial documents.

Specific Comments to the Niagara Escarpment Plan

Issue: NEP Definition Consistency & Plan Harmony

Key Policy: Appendix 2: Definitions (Niagara Escarpment Plan)

Brief Description:

In the Niagara Region's May 2015 submission, it was suggested that all three plans harmonize their definitions with the Provincial Policy Statement (PPS). Many definitions in the NEP now reference the 2014 PPS, however, several definitions that are common across all plans remain out of alignment and in many cases, the NEP does not define terms important to land-use planning or the achievement of objectives and goals in the Growth and Greenbelt Plans.

Proposed Solutions & Recommendations:

- Align existing definitions to the Provincial standard and to the other land use plans – for example the following NEP definitions are not consistent: *habitat of endangered species and threatened species, infrastructure, negative impacts, significant, vegetation protection zone*;
- Remove definitions that could limit the achievements of goals and objectives in the Greenbelt and Growth Plans, including: *height, winery, home industry, home occupation, scenic quality, households, institutional use*; and
- Include definitions that would achieve multiple Plan objectives, such as: *public service facility, low-impact development, and intensification*.

Rationale:

Harmonization of definitions across all Provincial Plans will make policy implementation easier and more successful. It doesn't make sense for two abutting properties in different policy jurisdictions to interpret "negative impacts" differently. Consistency will also ensure that the objectives of intensifying urban areas can be achieved in a manner that not only protects the Escarpment feature but also creates the complete communities that are required by the Province.

Development Control and the NEP Permitting Process

Key Policy: Niagara Escarpment Plan in its entirety.

Brief Description:

It has become increasingly common for the NEP/NEC permitting process to take in excess of one-year. Businesses, including agriculture, operating within the NEP area need to be flexible and able to quickly respond to changing markets and consumer demands. Permit review times need to be reduced.

Proposed Solutions & Recommendations:

- Open the *Niagara Escarpment Planning and Development Act* (RSO 1990) for review; and
- Update the Development Control legislation, transferring planning authority for uses permitted in the NEP to municipalities.

Rationale:

The NEP goes into specific detail with respect to what uses are permitted in each land use designation area. The NEP should continue to define land use for the Niagara Escarpment, however, uses permitted under the NEP's land use policies should be exempt from further NEP approvals. Instead permitting responsibility should be undertaken by municipalities. Once the NEP has outlined that a use is either permitted or not permitted, the municipality can implement the directions of the Plan in the time periods outlined in the *Planning Act*, similar to how municipalities implement the Growth Plan and Greenbelt Plan.

Land owners within the NEP in Niagara are frustrated with a permitting system that in too many cases results in approval times in excess of one-year, even for straight-forward applications. Municipalities are better positioned to carry out site specific permitting, while the NEP is better positioned to direct land use at a broader scale.

Economically, wait times associated with NEP permit approvals have directly related to the failure of business projects and loss of revenue. For example, when grant funding is available with a timeline for project completion, the unpredictability of the NEP process excludes applicants from establishing a completion date and therefore taking advantage of the grant. Further, having to seek permits from the NEC for urban uses within urban areas that would otherwise be permitted and recommended by the Growth Plan hamper the ability of municipalities to plan and build complete communities.

NEP Mapping Accuracy: Including Toe & Brow Identification

Key Policy: Niagara Escarpment Plan Schedule: Map 1 of 9 Niagara Region (Updated & Historic)

Brief Description:

The Niagara Escarpment Commission, as part of the review process, has updated the land use designation mapping and added the toe and brow of the Escarpment. The land use designation changes lack any justification and have greatly increased the amount of Escarpment Natural Lands, and lessened the amount of Escarpment Urban lands, which has the potential to impact tax revenues for municipalities. The illustration of toe and brow mapping raises further accuracy concerns, as features such as the Niagara Gorge and man-made and altered features have been identified as Escarpment Brow.

The Niagara Region schedules in the NEP (both updated and historic) incorrectly show the escarpment brow making a 90 degree turn at the Niagara River and following the river south into Niagara Falls where the brow abruptly ends. Whereas, the Escarpment toe ends at Canada/United States border and does not extend up the Niagara River.

Proposed Solutions & Recommendations:

- Verify the updated designation mapping through ground-truthing and provide rationale for the changes;
- Remove the brow mapping that follows the Niagara Gorge, a separate feature and outside of the Plan area;
- Verify the toe and brow mapping to reflect the actual geological formation of the Niagara Escarpment; and,
- Consider if lands currently under development control but outside of the toe and brow could be better served by inclusion in the Greenbelt and Growth Plans.

Rationale:

The mapping changes have been made to reflect current criteria, however there has been no chance to properly review these mapping changes, as complete detailed mapping has not been available for review during comment period. The toe and brow mapping illustrated by the NEC has identified the upper and lower limits of the Niagara Escarpment feature. The draft mapping indicates that the brow extends to Niagara Falls. The Niagara Gorge and associated Niagara Falls, however, are a separate feature from the Niagara Escarpment. The NEC website includes information regarding the geology of the escarpment, noting that the escarpment begins near Rochester, New York and crosses into, Ontario, Michigan and Wisconsin. The escarpment visibly crosses the Niagara River in Queenston and resumes in Lewiston New York. The Niagara Gorge and Niagara Falls also have their own policies and Provincial

agency which provides oversight (the Niagara Parks Commission). Further to this, the brow mapping along the Niagara River is outside of the current NEP development control area.

Once verified, this toe and brow mapping could be used to identify the limits of the Niagara Escarpment Plan Area and Development Control Area. Those lands that fall outside of this toe and brow mapping could be incorporated into the underlying designation of the Greenbelt Plan or Growth Plan as appropriate. The PPS, Growth Plan, Greenbelt Plan and regional and local official plans have established mechanisms for controlling land use and development. In certain instances, municipal governments and conservation authorities are better resourced to undertake education and enforcement activities, such as the case of implementation of the local tree and forest conservation by-laws.

The following example illustrates escarpment land use designations and brow mapping in the Town of Lincoln. The challenges noted below are applicable to the entire plan area:

- A significant portion of the southern boundary of the NEP area and Greenbelt Specialty Crop area in the Town of Lincoln is a straight line defined by Fly Road (Regional Road 73). While this makes it simple to distinguish the plan boundary, the border lacks scientific justification;
- Lands along Fly Road are mostly designated Escarpment Rural Area, and are in some cases more than 2 kilometers south of the denoted escarpment brow. With the majority of this land being used for active agriculture, these lands are better served by the policies of the Greenbelt Plan;
- Lands on the south side of Fly Road are protected by Specialty Crop policies of the Greenbelt Plan. The Greenbelt Plan affords much more flexibility in terms of value-added agricultural opportunities and rural land use considerations; and,
- Aerial imagery shows agricultural uses on either side of Fly Road (see Figure 5 below), yet two different policy jurisdictions exist. What is good planning on one side of the road might not be given the same consideration on the other side of the road.

Figure 5: Discrepancy in Niagara Escarpment Plan Boundary Area Mapping
A map showing NEC and Greenbelt designations in the Town of Lincoln.

Fly Road (Regional Road 73)

Agriculturally-Related, On-farm Diversified Uses & Winery Policies

Key Policy: 1.3.3.2 (*Escarpment Natural Area*) Permitted Uses (Niagara Escarpment Plan); 2.8 Agriculture (Niagara Escarpment Plan)

Brief Description:

In the PPS, the Province provided accommodation for on-farm diversified uses, and agriculture-related uses on agricultural lands. For the most part, these changes have been incorporated in the draft NEP. However, the draft NEP fails to recognize that wineries are an agriculture-related or on-farm diversified use. While the draft NEP winery policies have been simplified compared to the existing NEP, having separate winery policies is no longer necessary. The new policies for agriculture-related and on-farm diversified uses should be re-written to consider wineries, making the plan more consistent with other provincial planning documents. The PPS, and draft on-farm diversified guidance documents, recognize wineries as a value-added agricultural use, the NEP should be consistent. Further, references to the operations of a facility, such as the hours of operation or the number of events that might be held, should be removed as the focus is on the land uses themselves.

Proposed Solutions & Recommendations:

- Delete the winery specific policies (2.8.8 and 2.8.9);
- Revise the policies in Section 2.8 to be consistent with the policies of the Greenbelt Plan for permitted uses on agricultural lands, compatibility, and development including Policies 3.1.3.1 through 3.1.3.6;
- Revise Policy 1.3.3.2 to enable new agriculture-related and on-farm diversified uses can be established in the Escarpment Natural Area for existing agricultural uses;
- Ensure that restaurants that serve products associated with the original agricultural or agriculture-related use may be permitted in Policy 2.8.7(i);
- Focus on the permissibility of event space, given the context of the site, and not the operations of a particular event, as currently included in Policies 2.8.7(i) and 2.8.9(c)(iv); and,
- Remove the reference to the limit of 2% associated with on-farm diversified uses in Policy 2.8.7(d) to reflect the small size of Niagara farms within the NEP Area.

Rationale:

In 2014 the Province updated the approach to agriculture to recognize that value-added features are essential to allow the industry to grow and thrive. While there are some improvements to the draft policies with regard to recognizing agriculture-related and on-farm diversified uses, there are still limitations in the policies that would inhibit farm operations to begin, grow and continue.

The inclusion of specific winery policies are an example of a challenge with the policies. For example, Policy 2.8.8 states: *'Wineries are permitted as an agricultural related use and/or on-farm diversified use'*. This is a redundant statement, as the Province has been undertaking a process to determine permitted agriculture, agriculture-related and on-farm diversified uses. Policy 2.8.9 adds further restrictions beyond those of Policy 2.8.6 (*Agricultural-related Uses*). It is not equitable for the NEP to restrict agricultural uses associated with grape growing and not other commodity groups.

Within the Escarpment Natural Area (Section 1.3), the only agricultural uses permitted are those which existed prior to June 12, 1985. Policy 1.3.3.2 states that only existing agricultural-related and on-farm diversified uses are permitted (uses existing prior to June 12, 1985). Considering value-added agriculture was not recognized in policy as a subset of agriculture until recently, the suggestion that existing uses from 1985 or earlier are the only permitted examples seems out of sequence.

Agriculture is a diverse and constantly evolving business. It is unrealistic for the NEP to permit agriculture to occur (Policy 1.3.3.1) in the Escarpment Natural Area, while prohibiting new agriculture-related use and on-farm diversified uses. This policy disadvantages agricultural land owners with land that has been designated Escarpment Natural Area.

Permitting restaurants that feature products produced on the agricultural operation as an on-farm diversified use is a natural extension of product sales. With other policies in the on-farm diversified uses section to limit parking and the siting of buildings, this inclusion would respect the needs of agricultural operations to expand, while maintaining the agricultural character of the site.

As there is recognition that special events or activities may happen as part of a winery or on-farm diversified operation, these policies should be focused on the scope and size of the permitted use, given the context of the site. Policies such as 2.8.7.(i), 2.8.9(c)(iii), 2.8.9(c)(iv), and 2.8.9(c)(vi) all discuss the operational components of those uses, such as occasional special events, bus tours, hours of operations, the number of events, and outdoor picnics and barbeques. This focus on operational detail should be removed, as the Commission cannot effectively monitor these details, and some of them would already be covered by existing local by-laws.

Further to this, the 2% lot area limit for on-farm diversified uses (Policy 2.8.7(d)) is flawed in its attempted approach to create a one-size fits all policy for land use. While the one-hectare maximum area (Policy 2.8.7(d)) has its merits, determining area on a percent (%) scale has several problems, especially in Niagara where the average farm size is low. For example, St. Catharines average farm size is 20 acres, and in Niagara on the Lake it is 25 acres. Further, farms in the NEP area are typically comprised of multiple smaller parcels creating the larger 'farm'. A 20 acre tender fruit farm might be 5 or more non-abutting lots, which makes a 2% limit difficult for siting value-added facilities.

The Agricultural System and Agricultural Viability

Key Policy: 2.8 Agriculture (Niagara Escarpment Plan); 4.2.6 Agricultural System (Growth Plan); 5.2.2 Supplementary Direction (Growth Plan); 3.1 Agricultural System (Greenbelt Plan); 4.1.1 General Non-Agricultural Use Policies (Greenbelt Plan)

Brief Description:

The NEP has taken steps toward supporting agricultural viability in acknowledging and permitting agriculture-related and on-farm diversified uses. However, the policies of the NEP do not recognize the Agricultural System identified in the other Plans. Also, the NEP makes reference to preserving the agricultural land base, but is inconsistent in regards to the protection of agricultural uses. The protection of agricultural uses is fundamentally important to the sustainability of agriculture and to support the goals of the NEP, the plan should be updated to reflect this.

Proposed Solutions & Recommendations:

- Reflect Policies 4.2.6 & 5.2.2.2(b) of the Growth Plan and Section 3.1 of the Greenbelt Plan in the NEP with respect to the agricultural system and agricultural system mapping;
- Incorporate agricultural system mapping into the schedules of the NEP; and,
- Ensure the requirement for an AIA is consistently applied with the Greenbelt Plan for non-agricultural uses.

Rationale:

The Province, through the Growth Plan policies, and in meeting with staff from the Ministry of Agriculture, Food and Rural Affairs, has indicated that they will undertake mapping of the Agricultural System. Since this system will include attributes located within the NEP area, it only makes sense for the NEP to build policies into the Plan, similar to those of the Greenbelt Plan, about how a systems approach to agriculture can be implemented.

As a method to protect agricultural uses from issues of conflict, Policy 4.1.1.3 of the Greenbelt Plan requires an AIA for new non-agricultural uses. The NEP only requires AIA's for certain scenarios, such as certain types of infrastructure, as mentioned within Section 2.12, and for mineral aggregate resource applications, as mentioned within Section 2.9. This should be expanded to non-agricultural uses proposed for areas excluding Escarpment Urban Area.

Challenges with the Provincial Climate Change Strategy

Key Policy: 2.2.3 General Development Criteria (Niagara Escarpment Plan); and the Niagara Escarpment Plan in its entirety.

Brief Description:

The Province's Climate Change Strategy and Action Plan have been interwoven throughout the proposed Greenbelt Plan and Growth Plan. The three plans have not taken a consistent approach to integration on this topic. The NEP is the only plan that has defined green infrastructure, however, NEP in contrast to the Growth Plan, does not define a net-zero community. Overall, the NEP also seems to have selected climate change policies that could be easily integrated into the existing plan, and ignored more complex climate change components that might require further study and re-working of the Plan.

Proposed Solutions & Recommendations:

- Harmonize the Province's approach to climate change needs across all planning documents, including the NEP. The NEP should at a minimum be consistent with Section 4.2.10 of the Growth Plan; and,
- Ensure that the NEP can be revised going forward, to incorporate new climate change policies as they are developed.

Rationale:

The understanding of climate change adaptation and mitigation is evolving. With the recent release of the Climate Change Action Plan, it is anticipated that further policies and guidelines will be forthcoming. While the NEP includes particular policies with regard to climate change, such as a recognition of green infrastructure, there has been a selective approach taken. Ensuring consistency between the Plans, to ensure that known approaches are consistent across the Plans, is an important step to ensure goals are achieved. Further, there should also be recognition of the Climate Change Action Plan, and consideration of new technologies, and approaches that might be promoted over time to ensure that the Plan has the needed flexibility to respond appropriately over the next 10-year period.

Challenges with Water Resources and Natural Heritage

Key Policy: 2.6 Development Affecting Water Resources (Niagara Escarpment Plan); 2.7 Development Affecting Natural Heritage (Niagara Escarpment Plan)

Brief Description:

While many of the definitions within the NEP now reference the PPS, there remains significant discrepancies between the water resource and natural heritage policies of the NEP compared to the Greenbelt Plan and PPS.

Proposed Solutions & Recommendations:

- Include definitions for key hydrologic features and key natural heritage features consistent with other Provincial Planning documents;
- Align Policy 2.6.2 of the NEP with Policy 3.2.5.5 of the Greenbelt Plan with respect to proposals for new development within 120 meters of a key natural heritage feature or key hydrologic feature;
- Align Policy 2.6.5 of the NEP with Policies 3.2.5.7, 3.2.5.8 & 3.2.5.9 of the Greenbelt Plan with respect to buildings and setbacks for agricultural operations; and,
- Ensure Policy 2.7.5 of the NEP, which does not have a minimum size for vegetation protection zone, can be aligned with the Greenbelt Plan.

Rationale:

Consistent harmonized policies between all planning documents makes implementation easier and more equitable. Currently, the draft NEP does not mirror the policies of the Greenbelt Plan Growth Plan and PPS with respect to key hydrologic and key natural heritage features. There is no question that these features are important to the greater natural system. Therefore, it only makes sense that the same policies and protections apply to the features, regardless of which policy jurisdiction they fall under.

In many cases, land owners in Niagara own parcels of land that are partially within the NEP area and partially within the Greenbelt Plan area. This creates a situation where different policies are in place for the same feature on the same lot. This is unfair to the land owner and difficult for local staff when the Greenbelt Plan looks to local municipalities for implementation and the NEP relies on NEC staff for implementation.

Issue: Municipal & Site Specific Requests, and Proposed Additions to the NEP

Key Policy: The Niagara Escarpment Plan in its entirety

Brief Description:

The NEC posted two documents on its website with respect to the addition and removal of lands from the NEP:

Site-specific, Urban Use and NEP Boundary Amendments:

http://www.escarpment.org/files/file.php?fileid=fileFIhdvNiMbQ&filename=file_Proposed_Site_Specific_Urban_Boundary_and_Urban_Use_Amendments_April_7_2016.pdf

Additions of Land to Niagara Escarpment Plan Area:

http://www.escarpment.org/files/file.php?fileid=fileUJlxvfuteN&filename=file_Niagara_Escarpment_Plan_Additions_May_2016.pdf

Proposed Solutions & Recommendations:

The Region previously submitted mapping that speaks to several of the 12 sites identified in this NEP's boundary amendment document. The Region's local municipal partners have included commentary on these sites, specific to their municipality in their submissions to the Coordinated Policy Review (see attached where available). The Region is supportive of the position's put forward by the local municipalities.

The NEC's proposed additions to the Plan area (15 areas reviewed across Niagara) only considers one area for inclusion. Based on the Regional and local municipal Council endorsed submissions from 2015, the Region has prepared the response below with respect to the 15 areas reviewed.

Rationale:

The NEC's listing of potential areas for addition includes a comment sheet seeking feedback on the areas proposed. The Niagara Region remains concerned about the process the NEC undertakes when reviewing lands, as the proposed additions review documents as well as several of the NEC's online discussion papers that contain significant errors.

Table 1: Areas Not Recommended for Addition by the NEC

| NEC # | Name | Comment |
|-------|-------------------------------|--|
| N1 | Laurent Wetland Complex | <p>Niagara Region agrees that this area is not suitable for inclusion:</p> <ul style="list-style-type: none"> This area is currently contained within the Greenbelt Plan area, and is protected by Greenbelt policies. |
| N2 | Calaguiro Estates | <p>Niagara Region agrees that this area is not suitable for inclusion:</p> <ul style="list-style-type: none"> The Region and City of Niagara Falls previously submitted comments regarding the lack of suitability of this area for inclusion within the NEP; The area is within the Niagara Falls urban area, and is an existing built residential neighbourhood. |
| N3 | Glendale/York Road | <p>Niagara Region agrees that this area is not suitable for inclusion:</p> <ul style="list-style-type: none"> This area is currently contained within the Greenbelt Plan area, and is protected by Greenbelt policies. |
| N4 | Seaway Haulage Road Woodlands | <p>Niagara Region agrees that this area is not suitable for inclusion:</p> <ul style="list-style-type: none"> This land is owned by the Federal Government (Transport Canada) and managed by the St. Lawrence Seaway Management Corporation, and exempt from Provincial land use planning regulations. |
| N5 | St. David's Road East | <p>The Niagara Region is unsure of what has been reviewed:</p> <ul style="list-style-type: none"> The study area is listed as being in the Town of Niagara on the Lake, whereas the mapping illustrates downtown Thorold and its surrounding area; The lot numbers referenced by the NEC (Pt. lots 87,53,52,40,14) refer to agricultural lands north of the existing Town of St. David's in Niagara on the Lake; The study area mapped (Thorold) is a significant built urban area with a mix of industrial, residential, |

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| | | <p>institutional and commercial uses. The proposed area contains 500+ homes, a paper mill and large secondary school.</p> <p>Neither location, Downtown Thorold, or the Greenbelt designated specialty crop area (Pt. lots 87, 53, 52, 40, 14) north of St. David's is suitable for inclusion in the NEP.</p> |
| N6 | Power Glen Heritage Conservation District | <p>Niagara Region agrees that this area is not suitable for inclusion:</p> <ul style="list-style-type: none"> • This area is split by the urban area boundary (UAB) for the City of St. Catharines. • The area outside the UAB is already within the NEP area. • The area within the UAB has been declared a heritage conservation district by the St. Catharines Official Plan. • This is an existing built area. |
| N7 | Escarpment Decew Falls ESA | <p>Niagara Region agrees that this area is not suitable for inclusion:</p> <ul style="list-style-type: none"> • This area has already been identified by the Greenbelt Plan as an urban river valley. • Lands are provincially owned by OPG and exempt from Provincial land use regulations. |
| N9 | Fonthill Kame Delta Earth Science ANSI | <p>Niagara Region does not agree with the NEC's evaluation of the Fonthill Kame:</p> <ul style="list-style-type: none"> • The Region and Town of Pelham previously submitted comments with rationale of why this study area should be included in the NEP (Please see attached letter from the Town of Pelham - Appendix II) ; • The study area was in the original NEP area; • NEC staff acknowledge that it contains significant Escarpment related features |
| N10 | Fifteen and Sixteen Mile Creek Valley Provincial Life | <p>Niagara Region agrees that this area is not suitable for inclusion:</p> |

| | | |
|-----|---|---|
| | Science ANSI | <ul style="list-style-type: none"> This area is currently contained within the Greenbelt Plan area, and is protected by Greenbelt policies. |
| N11 | Short Hills/St. John's ESA (Cream Street) | <p>Niagara Region agrees that this area is not suitable for inclusion:</p> <ul style="list-style-type: none"> This area is currently contained within the Greenbelt Plan area, and is protected by Greenbelt policies. |
| N12 | Balls Falls Conservation Area | <p>The Niagara Region agrees that this area is not suitable for inclusion:</p> <ul style="list-style-type: none"> The study area is incorrectly referred to as Balls Falls Conservation Area; The lands referenced in the study area are not part of a conservation area, but rather are a mix of privately owned residential lands; Town of Lincoln owned lands and lands owned by the Ontario Heritage Foundation. |
| N13 | Jordan Harbour/Balls Falls ESA | <p>Niagara Region agrees that this area is not suitable for inclusion:</p> <ul style="list-style-type: none"> These lands are partially owned and managed by the Niagara Peninsula Conservation Authority; The study area is designated specialty crop area in the Greenbelt Plan, and is protected by Greenbelt policies. |
| N14 | Beamsville Toe | <p>Niagara Region agrees that this area is not suitable for inclusion:</p> <ul style="list-style-type: none"> The study area contains almost the entire Beamsville urban area; This is an existing built area and subject to the Growth Plan |
| N15 | Grimsby Woodlot Wetland Complex | <p>Niagara Region agrees that this area is not suitable for inclusion:</p> <ul style="list-style-type: none"> This area is currently contained within the Greenbelt Plan area, and is protected by Greenbelt policies; Lands are owned by Rogers Communications, land use is regulated by Industry Canada |

Table 2: Areas Recommended for Addition by the NEC

| NEC # | Name | Comment |
|-------|-------------------------|---|
| N8 | Lathrop Nature Preserve | <p>The Niagara Region does not agree that the entire study area as shown is suitable for inclusion:</p> <ul style="list-style-type: none"> • The Town of Pelham is opposed to the inclusion of the Marlene Stewart Streit Park, which is a municipally owned park; • Bisecting Marlene Stewart Streit Park with part of the lands within the Niagara Escarpment Plan Area and part outside is cumbersome. The proposed addition should follow property lines and not include Marlene Stewart Streit Park in the area proposed for inclusion in the Niagara Escarpment Plan Area; • The name Lathrop Preserve refers to lands donated to the Nature Conservancy of Canada, it is misleading for the NEC to refer to this entire area as the Lathrop Preserve as this area includes Town of Pelham owned lands and lands within private ownership at 1551 Haist Street; • Only the inclusion of lands that are owned by the Nature Conservancy of Canada within the Niagara Escarpment Plan area can be supported for inclusion. |



April 24th, 2015

Chair David Crombie
Land Use Planning Review
Ministry of Municipal Affairs and Housing
Ontario Growth Secretariat
777 Bay Street, Suite 425
Toronto, ON M5G 2E5

RE: Fonthill Kame-Delta ANSI (Area of Natural & Scientific Interest) & Greenbelt Review

Dear Chair Crombie:

On behalf of Pelham Town Council, I am writing to encourage you and the members of the Expert Advisory Panel of the Ontario Land-Use Planning Review to increase the protection of the Fonthill Kame-Delta.

As you may know, the Fonthill Kame-Delta is Niagara's rare, 75-metre-tall landmark that was formed by retreating glaciers 13,000 years ago. At 6 km long, 3 km wide, and nearly 1,000 hectares, the Fonthill Kame boasts the highest point in the Niagara Region and acts as a significant water recharge area and the headwaters of the Twelve Mile Creek. Further, the Kame's microclimatic and soil conditions create an ideal environment for tender fruit production including peaches, sweet and sour cherries, plums and pears.

The Ministry of Natural Resource (MNR) has termed the Fonthill Kame-Delta as "one of the most dominant landforms on the Niagara Peninsula" and has stated that "Due to its size, complexity and glacial history associated with the Niagara Escarpment, MNR considers it to be an important component of Ontario's geological history."

MNR identified the Fonthill Kame as provincially significant in 1976 and as a Provincial "Area of Natural and Scientific Interest" (ANSI) in 1988 as a way to help restrict development for reasons of heritage, science or education.

This distinctive Kame is also protected by either the Niagara Escarpment Commission area or by the 2005 Greenbelt Plan (as Tender Fruit & Grape Lands). In addition, the

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Greenbelt Plan's Non-Renewable Resource Policies specifically established a unique test when considering a new mineral aggregate operation or wayside permit on the Fonthill Kame. (Please see: Non-Renewable Resource Policy 4.3.2.8(b).)

In May 2009, the MNR began a review of the Fonthill-Kame Delta ANSI and recommended significantly reducing the ANSI's coverage to "representative samples." Pelham Council, Niagara Regional Council, Niagara Escarpment Commission, Niagara Peninsula Conservation Authority, scientific experts, dozens of Pelham residents, Tim Hudak, our MPP, and Minister Jim Bradley, St. Catharines MPP, voiced opposition to these changes.

As a result, in early 2010, Pelham received a strong commitment directly from the Minister of Natural Resources, the Hon. Donna Cansfield, MPP: "Please let me assure you that it is our intention to maintain and, where feasible, enhance the current ANSI boundary." (Letter attached.)

After considerable public feedback, research and scientific evaluation, MNR staff identified a new Fonthill-Kame Delta ANSI boundary that expanded the area under protection from 376 hectares (930 acres) to 402 hectares (993 acres). The Ministry wrote: "The three portions of the ANSI capture the remaining areas that best represent the major geological elements of the Fonthill Kame-Delta landform and that are still relatively free from adverse human impacts." (Letter attached.)

This new ANSI boundary links lands to the North and South on the Kame and comprise the only remaining complete transect of the Fonthill-Kame Delta. It also links four key landform elements and captures and protects a series of glacial lake sandbars. It also supports agriculture and agricultural viability.

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Both Pelham Town Council and Niagara Regional Council acknowledged and applauded these 2013 ANSI boundary improvements.

Sadly however, despite these extensive efforts to protect it with an ANSI designation, residential development and aggregate extraction pressures seriously threaten the Kame.

Please be assured that Pelham and Niagara residents are far more interested in protecting and maintaining the Fonthill Kame than in any type of new development or aggregate expansion. That is why the Town remains committed to the existing Urban Boundary and will not support any expansion or significant development in this area.

On behalf of our community and of Town Council, I urge you and all members of the Expert Advisory Panel to build on the recent ANSI re-designation and increase the protection of the Fonthill Kame.

At minimum, since the only complete North-to-South transect of the Kame exists between Effingham and Lookout Streets (from Metler Road to Canboro Road), perhaps the Expert

Advisory Panel would build on the existing Greenbelt policies and ANSI designation and add additional protection to this complete transect area. We would also be exceptionally pleased if you would consider increasing protection of the entire Fonthill-Kame Delta feature as identified with Dr. John Menzies (with the exception of the current Fonthill Urban Boundary Area and a small Hamlet Area for Ridgeville (which was excluded, in error, in the 2005 Greenbelt Plan). (Region Report ICP-26 2013 and Menzies map attached.)

Town and Regional Staff or I would be pleased to work together with you should you have any questions regarding this important matter.

On behalf of Town Council and area residents, I appreciate and applaud your efforts to review Ontario's Land-Use Planning legislation and policies. I implore you to further protect the Fonthill-Kame Delta so that its distinctive features and microclimatic and water recharge functions might be safeguarded for future generations.

Most sincerely yours,



Dave Augustyn
Mayor



CC: Pelham Town Council
Niagara Regional Council
Hon. Jim Bradley, Minister & MPP St. Catharines
Mr. Tim Hudak, MPP, Niagara-West Glanbrook
Ms. Debbie Zimmerman, Niagara Representative, Expert Advisory Panel

Encl.