

From: [REDACTED]
To: [Making Our Mark](#)
Subject: Re: A - PALS Comments Regarding the New Regional Official Plan
Date: July 2, 2021 9:28:22 AM

Thanks for letting us know. Can you tell us if our comments, and those of others in the public, will be provided to Regional Chair Bradley and Councillors?

Gracia Janes, for PALS Board of Directors

From: Making Our Mark

Sent: Friday, July 2, 2021 9:24 AM

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: A - PALS Comments Regarding the New Regional Official Plan

Good Morning,

This email confirms we are in receipt of your comments.

Thank you,

Regards,

Official Plan Team

From: [REDACTED]

Sent: Thursday, July 1, 2021 10:51 AM

To: Making Our Mark

Cc: [REDACTED]

Subject: A - PALS Comments Regarding the New Regional Official Plan

Preservation of Agricultural Land Society Comments on New Niagara Regional Official Plan

July 1, 2021

By Dr. John Bacher (PhD)

1. Developing New Niagara Regional Official Plan will be a long Process

At the outset, PALS wishes to stress that based on our involvement in the development of a new Niagara Official Plan the process will be quite long. This will be made more difficult by the Province's lengthy planning projection of 30 years in terms of urban need, combined at the same time with the ambitious goal of developing a new official plan, instead of a revision.

The process of developing a Niagara Official Plan was not easy. It lasted from the inception of the birth of the Niagara Region in 1970 until 1982. It also took a lengthy time to develop the most significant amendment to the Niagara Regional Official Plan, its environmental policies. These were approved finally in 2009, after several years of discussion. The final list of Environmental Conservation Areas, (ECA) features, was only approved after two previous lists were publicly circulated. These were chosen on the basis of conformity to provincial criteria for significant woodlands.

It should be hoped that this time, unlike what happened under the existing plan, that the local municipalities will conform to the regional plan. In Niagara Falls most of the areas designated as ECA areas in the Niagara Regional Official Plan, were never designated as such in the local Niagara Fall Official Plan. It is also to be hoped that there will be no ambiguities as weakened the current plan. The most serious is the question of whether identified woodlands are considered to be provincially significant under the relevant Natural Heritage Policies of the

Provincial Policy Statement. (PPS)

2. PALS welcomes larger proposed Agricultural Area in Proposed Official Plan

At the outset PALS welcomes the larger agricultural area proposed in the new plan compared to the existing regional plan. This development is in response to a positive provincial policy initiative in which PALS took part in two consultations, one in Guelph, followed by a second at the Vineland Agricultural Research Station.

A defect in the current regional plan is the large area which is currently in Rural designations. In these lands while agriculture is a permitted use, there is encouragement for estate lot residential development and dry industrial uses. These encourage land use conflicts especially with livestock operations which would be restricted through proximity to residential uses under the Agricultural Code of Practice. Rural estate development also has negative impacts on the environment by discouraging farming which has beneficial impacts for wildlife that use agricultural lands. Such species include wild turkeys, bobolinks, deer and amphibians that use rural drainage features.

PALS has long believed that planning by consents, (ie. severances) is bad land use planning. A good example of this is the protection of archeological resources. While protected through plans of subdivision to some extent, these lands are completely vulnerable to destruction of heritage features by developments of severances for rural estate lots. Such areas are quite vulnerable to loss of archeological resources outside of Fort Erie and Niagara on the Lake, the only municipalities in Niagara that have Heritage Master Plans.

3. PALS comments on proposed Niagara Watershed Plan Goals ahead of July 30th deadline.

There is a July 30, 2021 deadline for comments on the proposed Niagara Watershed Plan, which is part of the current review. This brief will serve as PALS comments on this review . The Niagara Watershed Plan policy has a clear position that watershed plans will be a pre-requisite to be considered before any urban boundary expansion. No watershed plans have been done to evaluate the urban boundary expansions being considered in Fort Erie, Welland and West Lincoln. Any more work on the urban area boundaries features of this plan, should wait until such watershed studies are completed. This should not prevent approval of other aspects of this plan.

4. PALS objects to use of higher population projection than allocated to Niagara Region by Province.

PALS regards the use of a higher population projection by Niagara than that provided by the province as subversive of good land use planning across Ontario. In the past there were often negotiations with the province over an appropriate projection but this regional plan for a higher population figure is unique in terms of the Provincial projection being formally rejected.

Provincial population projections are used by upper tier and single tier municipalities in Ontario for good reasons. Before this was the norm, the total summation of municipal projections vastly exceeded any reasonable projection of provincial population growth. This was an encouragement to urban sprawl and a wasteful use of limited public funds, encouraging the overbuilding of roads and other forms of infrastructure. In the past the provincial Treasury was a major force in insisting on upper tier and single tier municipalities employing allocated projections by the province.

It has been said that exceeding the provincial population projection is permissible since

municipalities are free to exceed provincial targets. This makes sense in terms of environmental policies being more restrictive than the minimal ones established by the province. To reject provincial populations projections is a very different matter. This is simply to evade minimal provincial policies intended to promote good planning. It is not a higher standard of land use planning but a simple evasion of a fundamental element of planning controls.

5. Environmental policies should be approved promptly.

The various environmental policies are a good example of a policy area which needs to be improved before what might be a quite difficult process of developing a new plan is completed. This is because, after the option of what was termed at one stage the "de-designation" of significant forests because of the ash borer impacts, the proposed environmental policies represent stronger ones than those employed currently by the Niagara Region.

From PALS experience, there is one significant change that should be made to environmental policies. This is that peer review of Environmental Impact Studies (EIS) should be required, not just imposed at the discretion of the Regional Planning Director as is now the situation. Peer Reviewers should have access to the site to study actual field conditions. They also should before their review is completed, have draft reports which are subject to public comments.

PALS has found that EIS studies by consultants have had major omissions, which have been proven by field visits supervised by conditions imposed by the Ontario Municipal Board. For instance, in the case of the Garner Road Forest in Niagara Falls, an OMB visit by experts revealed a previously unidentified Species at Risk, the White Wood Aster, and one at the Canadian Motor Speedway site in Niagara Falls found that a proposed naturalization area was already a regenerating Pin Oak woodland. Another in the headwaters of the Ten Mile Creek discovered a vernal pool used by amphibians for breeding, which, in violation of provincial regulations, was proposed to be a storm water management pond.

From PALS experience, municipalities are essentially limited in their planning to protect wildlife to MNR studies of deer wintering areas. There needs to be additional research to document such areas. These could involve monitoring frog calls and calling on naturalist groups to provide habitat information. The various habitat types are all specified by provincial guidelines, which follow those developed by the Nature Conservancies of both Canada and the United States.

6. Proposed need for urban boundary expansions are not logically explained.

From taking part in the current Regional Official Plan consultations, PALS learned that it appears that a 460 hectare urban expansion for residential needs has been determined. At the same time however, this figure was not defended. It was said that it would be subject to change. It was also indicated that it was found that there was a slight need for an expansion for employment lands, although a precise figure was not provided. This does appear to eliminate however, the notion that residential needs can be accommodated through re-designating employment lands. It has been PALS experience that in practice, since employment lands are heavily over-zoned, that this is actually a common practice. In much of Niagara an employment zone on vacant lands is similar in terms of restricting development to an Environmental Protection Area designation. The lands are often abandoned farmland on which, from lack of development pressure, significant forests have become established. The massive employment land urban boundary expansions being proposed by Fort Erie are clearly in conflict with the need projection that has been made.

7. Apart from Welland urban expansions are all disturbing.

The urban expansion for Welland has been the subject of careful planning for over a decade. It conforms moreover to a logical effort to concentrate future urban development in a fashion that a distinguished regional planner, the late Dr. George Nicholson, termed south central Niagara. It also has a linked natural heritage system which provides for wildlife movement and links different features such as streams and woodlands.

The urban expansion proposed in Welland can also be logically serviced by transit. Development on the scale anticipated in West Lincoln and Fort Erie makes a mockery of claims to have a climate change policy, since it seems impossible to service these areas through public transit. It is difficult to conceive how a climate change strategy can have any credibility if the West Lincoln and Fort Erie proposed urban boundary expansions area actually approved.

Fort Erie is planning a 98 hectare urban expansion along the Queen Elizabeth Highway in the heart of an area identified in the regional plan as part of extensive significant forests and wetlands. There is also a combined two part 497 hectare urban expansion composed of Canadian Motor Speedway lands and areas which the proponent of the project was compelled to buy from adjacent farmers. This contains the headwaters of Miller Creek and numerous wetlands which would be surrounded by urban development. There are wooded tracts also which if studied would meet the criteria for provincial significance. There is nothing in terms of need which can be used to justify such a massive expansion of employment lands.

West Lincoln's proposed urban expansion is entirely on Class One and Two Agricultural lands. Some of these would not be immediately developable because of conflicts with the Agricultural Code of Practice. To the north of the proposed expansion are significant livestock farms, which would be negatively impacted if the lands in the area proposed for urban expansion were fully urbanized.

Consultants for supporting the West Lincoln urban expansion at a Zoom meeting stated that any natural heritage features to be eliminated would be compensated by offsetting. This comment was made in response to a suggestion that the features which are protected wetlands be linked to other natural areas and the remaining agricultural area. It was stated that protecting these lands would remove too much land that is needed for urbanization. Such attitudes should result in the Niagara Regional Council revoking the terms which it established for its urban boundary review. The proposed new regional plan's higher population projection than that provided by the province should not be used to justify West Lincoln's urban expansion on class One farmland, which is dotted with significant environmental features such as sink holes, karst formations and provincially significant wetlands.

8. Option C (Natural Heritage) should be combined with phosphorous trading

PALS has always supported strong policies to protect the natural environment, and as part of this approach supports the more restrictive Option C. In this regard, the restrictions which have drawn some of the opposition could be satisfied if compensation is obtained. The 2018 draft guidance for watershed planning in Ontario, states that watershed planning should be undertaken "to consider phosphorous loading and phosphorus concentration targets." This should be done in terms of total phosphorous loadings from all sources-both agriculture and from sewage treatment plants. To achieve a net phosphorous reduction, efforts should be made to examine how some of the heavy sums spent on storm and sanitary disconnections could achieve a larger net reduction if used for such purposes as riparian tree buffer plantings, purchase of conservation easements and acquisition of natural habitats. Such an approach has been used by the South Nation Conservation Authority near Ottawa.

9. The new Regional Official Plan should be developed slowly

In conclusion, PALS stresses that the new Niagara Regional Plan should be developed slowly. Its most disturbing aspects to date are to legitimate urban boundary expansions in West Lincoln and Fort Erie which may have not survived the scrutiny of its existing official plan, especially its requirement for watershed studies on lands proposed for urban expansions.

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