



THE REGIONAL MUNICIPALITY OF NIAGARA
PLANNING & ECONOMIC DEVELOPMENT COMMITTEE
FINAL AGENDA

PEDC 6-2019

Wednesday, June 12, 2019

1:00 p.m.

Council Chamber

Niagara Region Headquarters, Campbell West

1815 Sir Isaac Brock Way, Thorold, ON

	Pages
1. <u>CALL TO ORDER</u>	
2. <u>DISCLOSURES OF PECUNIARY INTEREST</u>	
3. <u>PRESENTATIONS</u>	
3.1 <u>Agriculture in Niagara</u> Cathy Mous, Niagara North Federation of Agriculture	3 - 22
3.2 <u>2018 End Of Year Growth Report (Agenda Item 6.1)</u> Greg Bowie, Planner, Planning and Development Services	23 - 34
4. <u>DELEGATIONS</u>	
5. <u>ITEMS FOR CONSIDERATION</u>	
5.1 <u>PDS 23-2019</u> Recommendation Report for Regional Official Plan Amendment (ROPA) 13 - Transportation Policies	35 - 181
5.2 <u>PDS 25-2019</u> Citizen Appointments to Sub-committees – Agricultural Policy & Action Committee, Culture Committee, Smarter Niagara Steering Committee	182 - 184

6. CONSENT ITEMS FOR INFORMATION

- 6.1 PDS 21-2019 185 - 195
2018 End Of Year Growth Report (and **BE CIRCULATED** to the Local Area Municipalities, Niagara Peninsula Conservation Authority, Niagara Home Builders Association, Niagara Industrial Association, local Chambers of Commerce and School Boards)
- 6.2 PDS 26-2019 196 - 267
Implications of Bill 108: *More Homes, More Choice Act, 2019*

7. OTHER BUSINESS

8. CLOSED SESSION

- 8.1 Confidential Report PDS 24-2019
A Matter of Litigation or Potential Litigation - Appeal to the Local Planning Appeal Tribunal of West Lincoln Council Decision on Zoning By-law Amendment Application 1601-001-19, 5154 Regional Road 20, Township of West Lincoln
- 8.2 Confidential Appendix I to Report PDS 25-2019
A Matter Respecting Personal Matters About Identifiable Individuals - Recommended Citizen Appointments to the Agricultural Policy and Action Committee, Culture Committee and Smarter Niagara Steering Committee

9. BUSINESS ARISING FROM CLOSED SESSION ITEMS

10. NEXT MEETING

The next meeting will be held on Wednesday, July 10, 2019, at 1:00 p.m. in the Council Chamber, Regional Headquarters.

11. ADJOURNMENT

If you require any accommodations for a disability in order to attend or participate in meetings or events, please contact the Accessibility Advisory Coordinator at 905-980-6000 (office), 289-929-8376 (cellphone) or accessibility@niagararegion.ca (email).

From: Niagara Region Website

Sent: Thursday, 14 March 2019 15:32:15 (UTC-05:00) Eastern Time (US & Canada)

To: Clerks

Subject: Online Form - Request to Speak at a Standing Committee

Request to Speak at a Standing Committee

To reply, copy the email address from below and put into 'To'. (if resident entered their email address)

Name

Cathy Mous

Address

[REDACTED]

City

Smithville

Postal

[REDACTED]

Phone

[REDACTED]

Email

[REDACTED]

Organization

Niagara North Federation of Agriculture

standing committee

Regional Council

Presentation Topic

Agriculture in Niagara

Presentation includes slides
Yes

Previously presented topic
No

Presenation Details
The Niagara North Federation of Agriculture would like to make a presentation on the importance of the agriculture industry in Niagara. We would also like to highlight the projects the federation has been working on to promote and protect the agriculture industry. At this time the federation would like to thank the region for their continued support of the federation and the agriculture industry

Video Consent
Yes



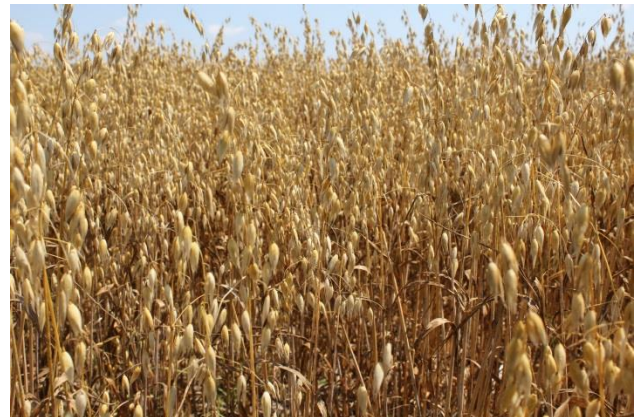
Niagara North Federation of Agriculture



Farming in Niagara

In 2016, Niagara had:

- 1,827 farms
- Total land mass of Niagara is approx. 444,349 acres
- Total area of farms 218,251 acres – 49% of Niagara



Farming In Niagara

- Gross farm receipts (GFR) increased from \$725.8 million in 2011, to \$838.1 million in 2016, a 15.5% increase.
- Total economic impact of \$3.1 billion to Niagara's economy
- Average age of operators rose from 55.2 in 2006 to 56 years in 2016.

Source: Niagara Agriculture Profile 2016

Video



Mission Statement

- The Niagara North Federation of Agriculture is an agricultural organization dedicated to achieving economic and social viability for all Niagara agricultural producers through strong, effective, unified lobbying and communication efforts.



Niagara North Board of Directors

- 14 Directors
- 2 OFA Policy Advisory Council
- President
- 1st Vice President
- 2nd Vice President
- Secretary-Treasurer
- Member Service Representative

Membership

- 1400 Farm Family Members in Niagara
- Over 38,000 Ontario Farm Family Members in the Ontario Federation of Agriculture
- 15 geographic areas
- 52 county and regional federations
- 31 organizational members and affiliates
- 21 trained members service representatives



Events

Niagara Farm Day

- Over 400 visitors
- Over 55 volunteers
- 16 commodities



Events

- Niagara Regional Staff Farm Bus Tour



Events

- 2019 Farm Safety Day
- 55 members in attendance
- Lakeview Orchard Equipment - NOTL



Niagara Agriculture Lifetime Achievement Award

- Started in 2003
- 2019 recipient Albrecht Seeger



A few of the agriculture organizations we support financially and through in-kind contributions and volunteer hours.



WEST NIAGARA FAIR



Niagara North Holstein Club



Niagara North 4-H Association



Niagara North Soil & Crop

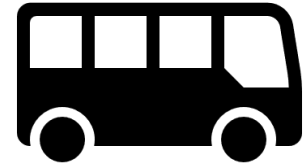


- Farm and field tours
- Field research

West Niagara Agricultural Society



You're Invited



- Niagara Regional Staff Farm Tour
- Thursday, June 20th
- 9am-4pm
- Bench Brewery, Gleaner, dairy goat operation, Moyer famous apple products
- Contact Cathy at c.mous@sympatico.ca for more information and to register

Thank You

- The Niagara North Federation of Agriculture, on behalf of our members, would like to thank the Region of Niagara for your continued support of the agriculture sector and we look forward to continuing this partnership.



END OF YEAR GROWTH REPORT 2018

PDS 21-2019

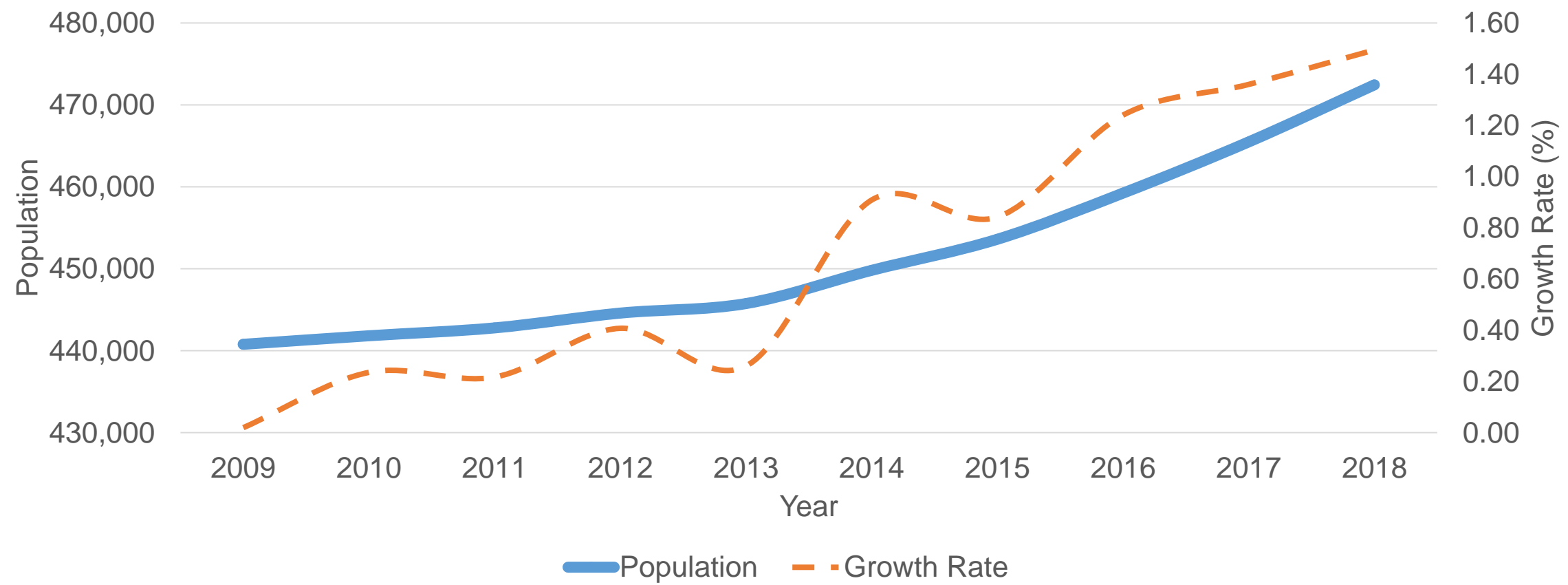
June 12, 2019

OVERVIEW

1. POPULATION TRENDS
2. BUILDING ACTIVITY
3. HOUSING MARKET
4. BUILDING PERMIT VALUES

POPULATION TRENDS

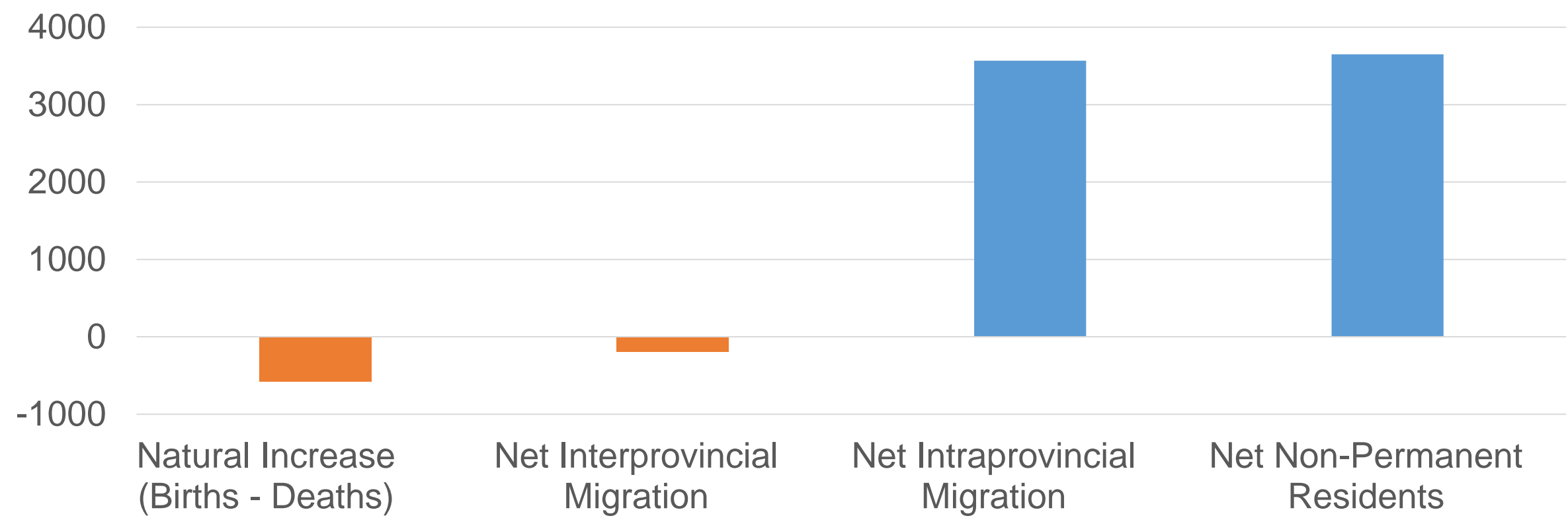
Strongest growth rate and annual increase in over **20** years



Source: Statistics Canada, Annual Demographic Estimates

POPULATION TRENDS

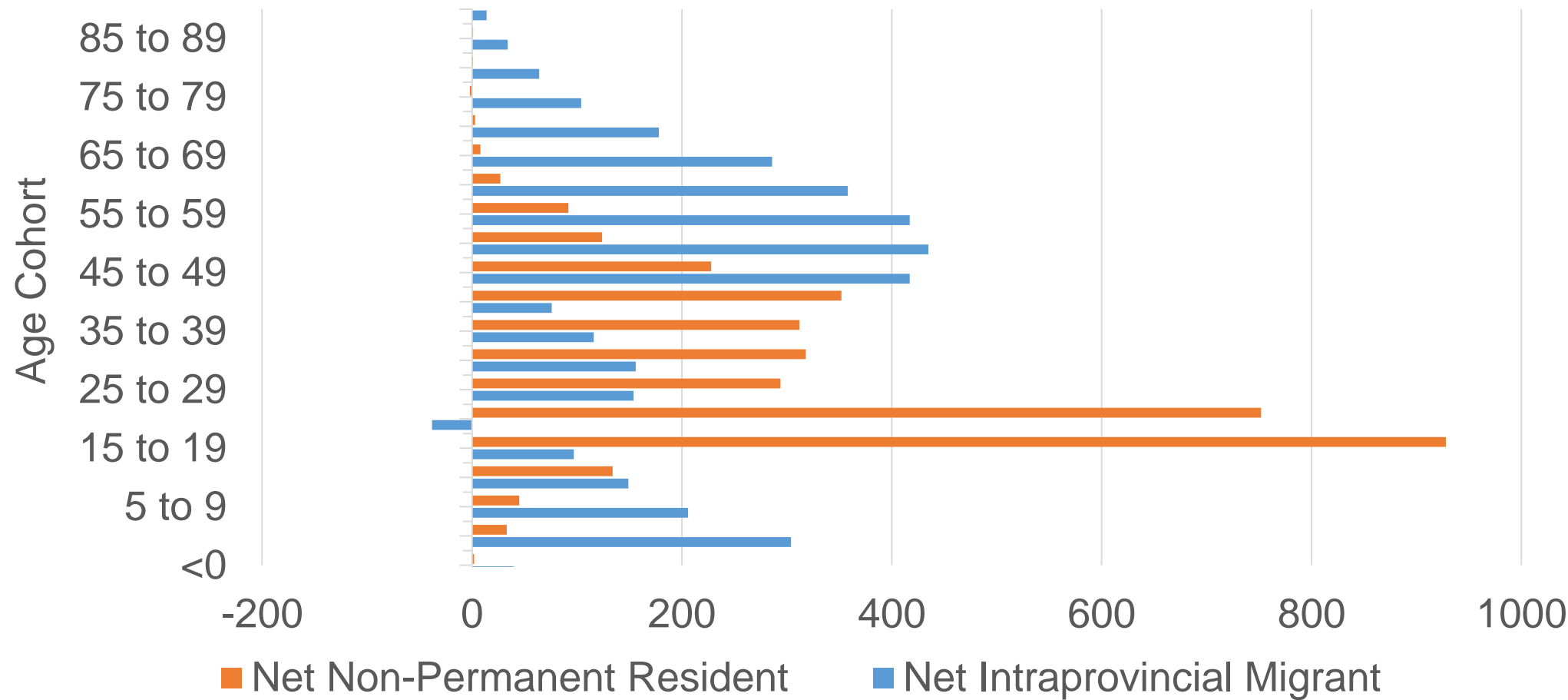
Growth is dependent on migration



Source: Statistics Canada, Table 17-10-0140-01 Components of population change by census division, 2016 boundaries

POPULATION TRENDS

Age Cohorts contrast by migration type

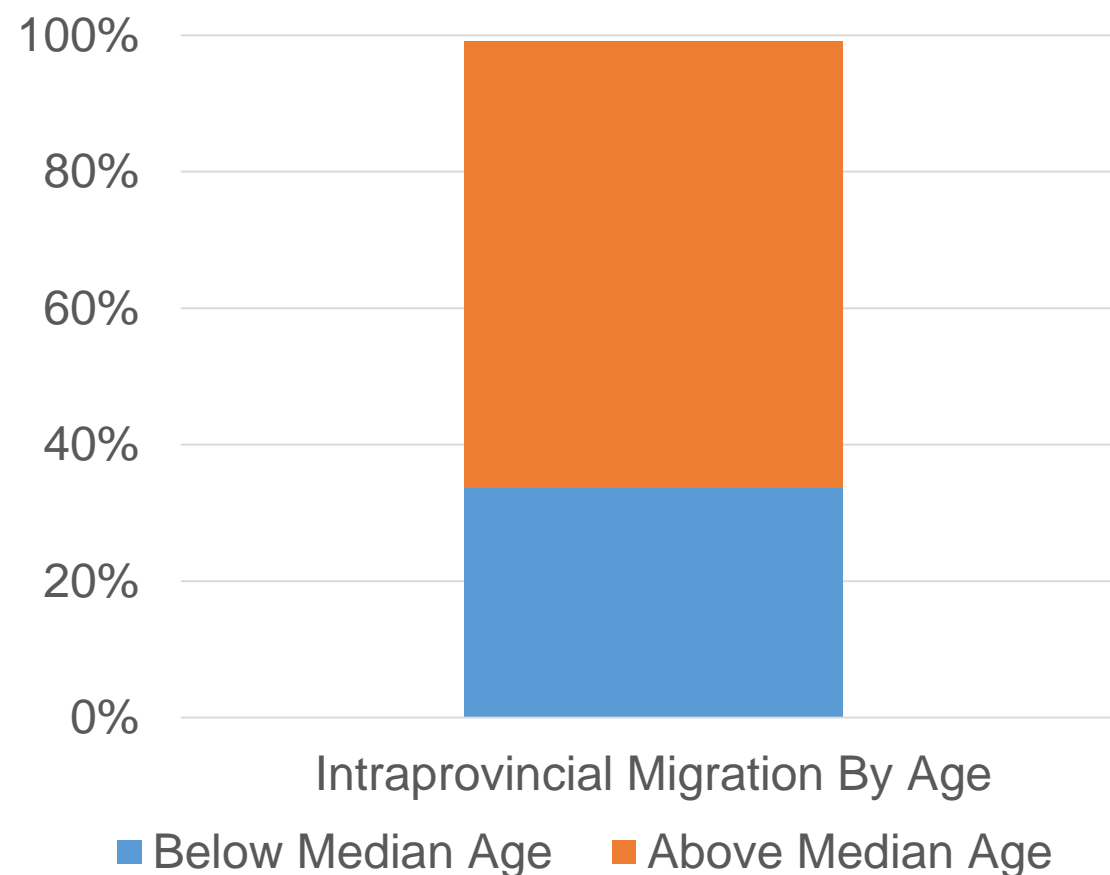


Source: Statistics Canada. Table 17-10-0140-01 Components of population change by census division, 2016 boundaries

POPULATION TRENDS

St. Catharines – Niagara CMA to continue aging

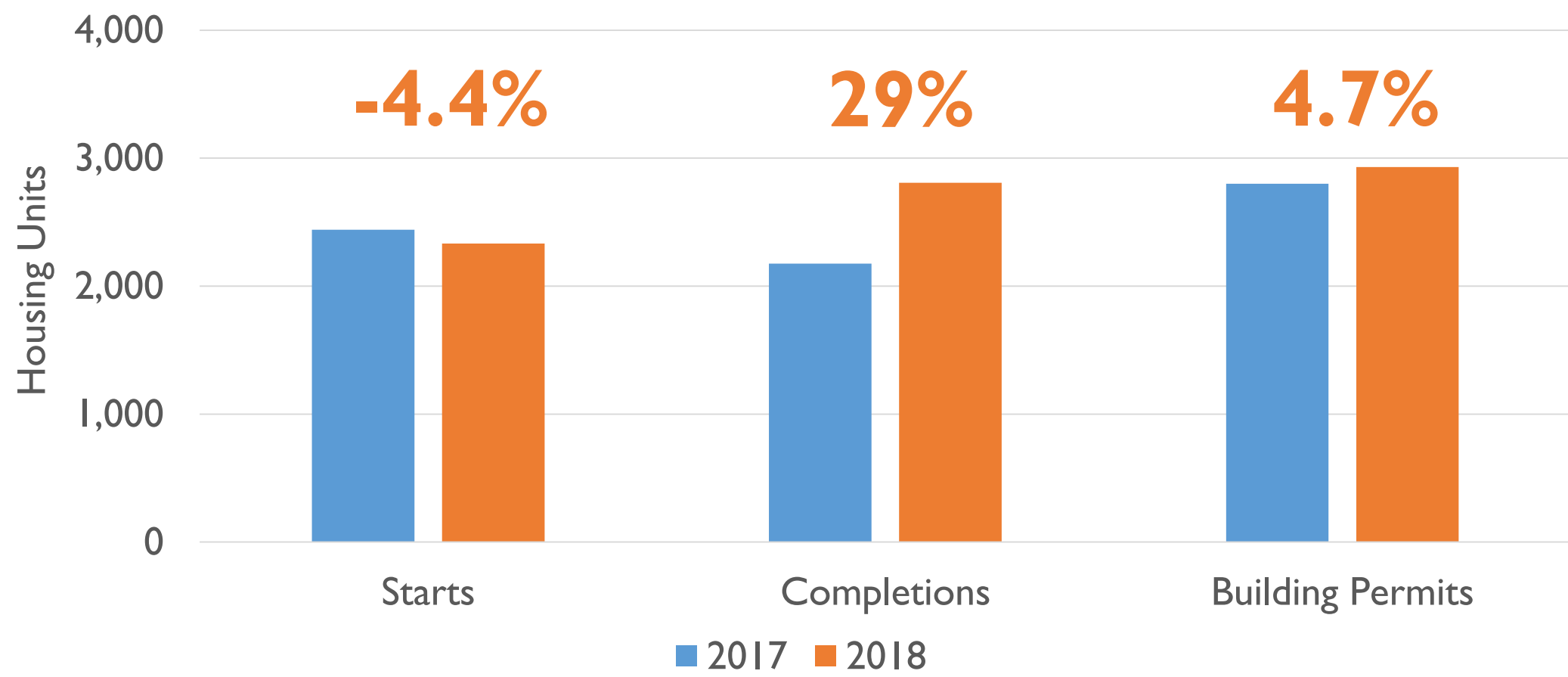
- St. Catharines – Niagara is the **oldest** CMA in Ontario and **third** oldest in Canada (**median age is 45.6**)
- Largest increase in median age in Ontario over the past decade (**+3 years**)
- Pace of aging likely to increase given **65%** of intraprovincial migrants are over the age of 45



Source: Statistics Canada. Table 17-10-0140-01 Components of population change by census division, 2016 boundaries

BUILDING ACTIVITY

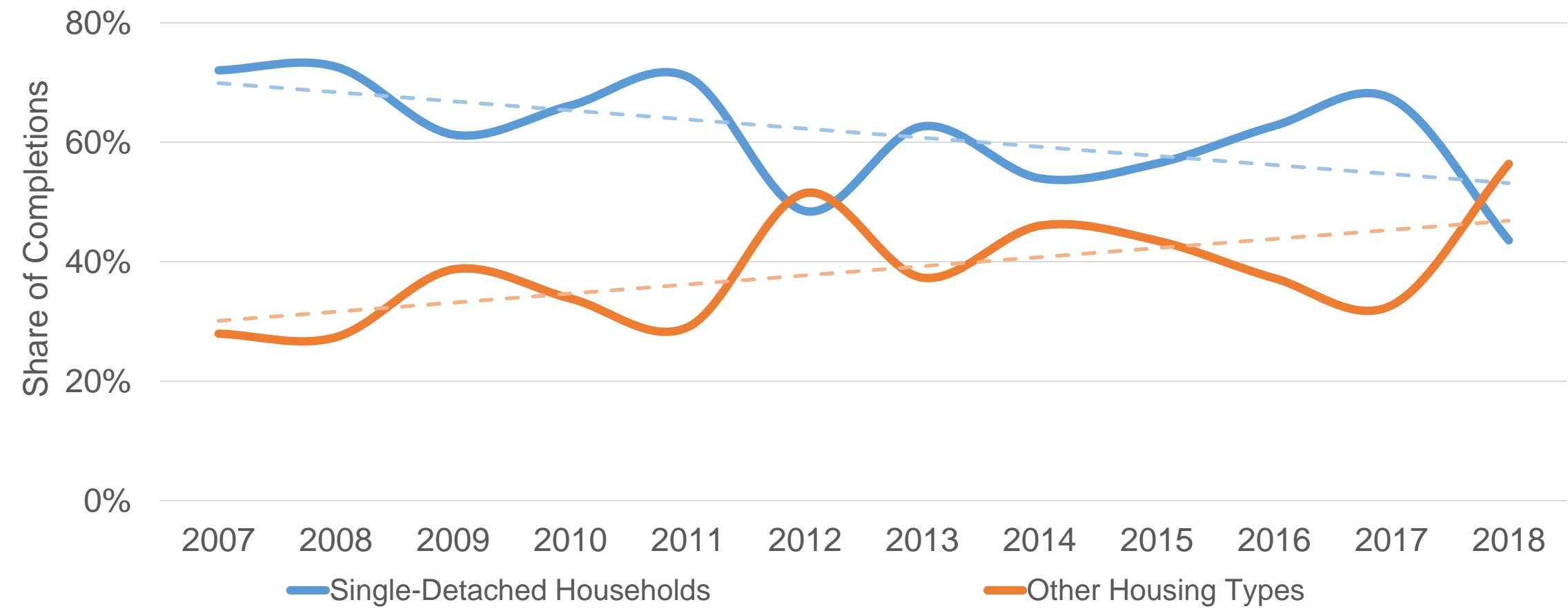
Significant increase in Housing Completions, rebound in Building Permits



Source: CMHC Housing Now Tables (2018), Niagara Region Building Permits (2018)

BUILDING ACTIVITY

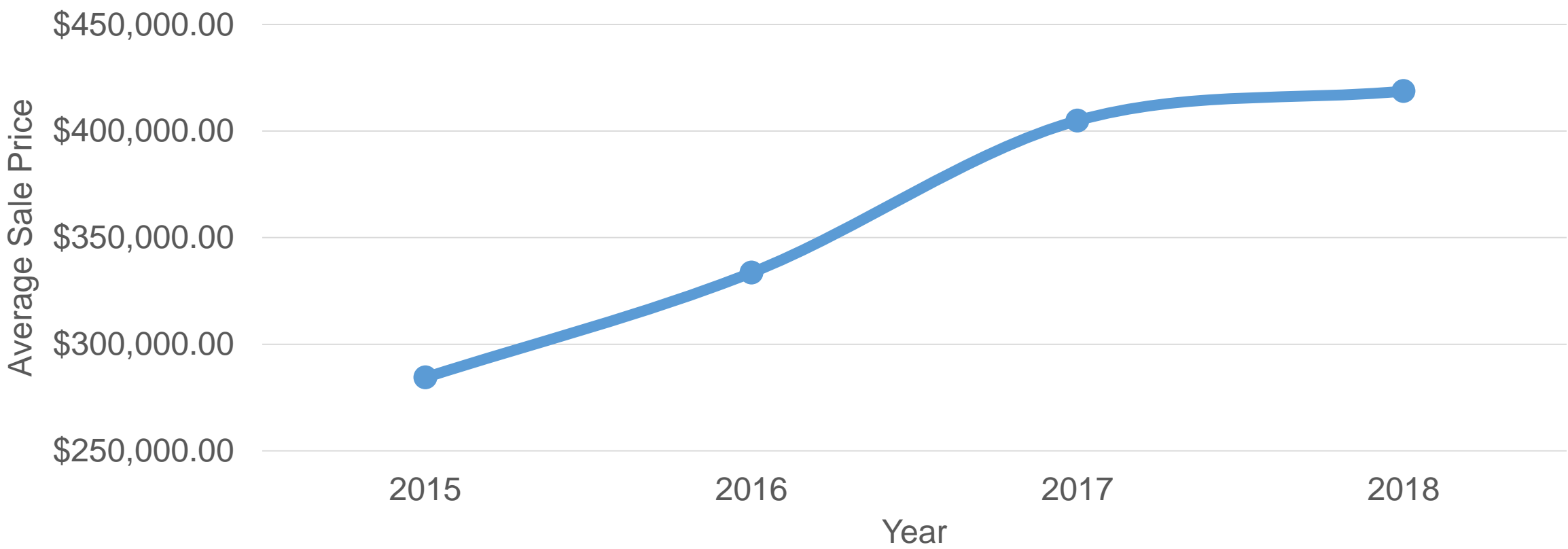
Density is on the 'Rise'



Source: CMHC Housing Now Tables (2018), Niagara Region Building Permits (2018)

HOUSING MARKET

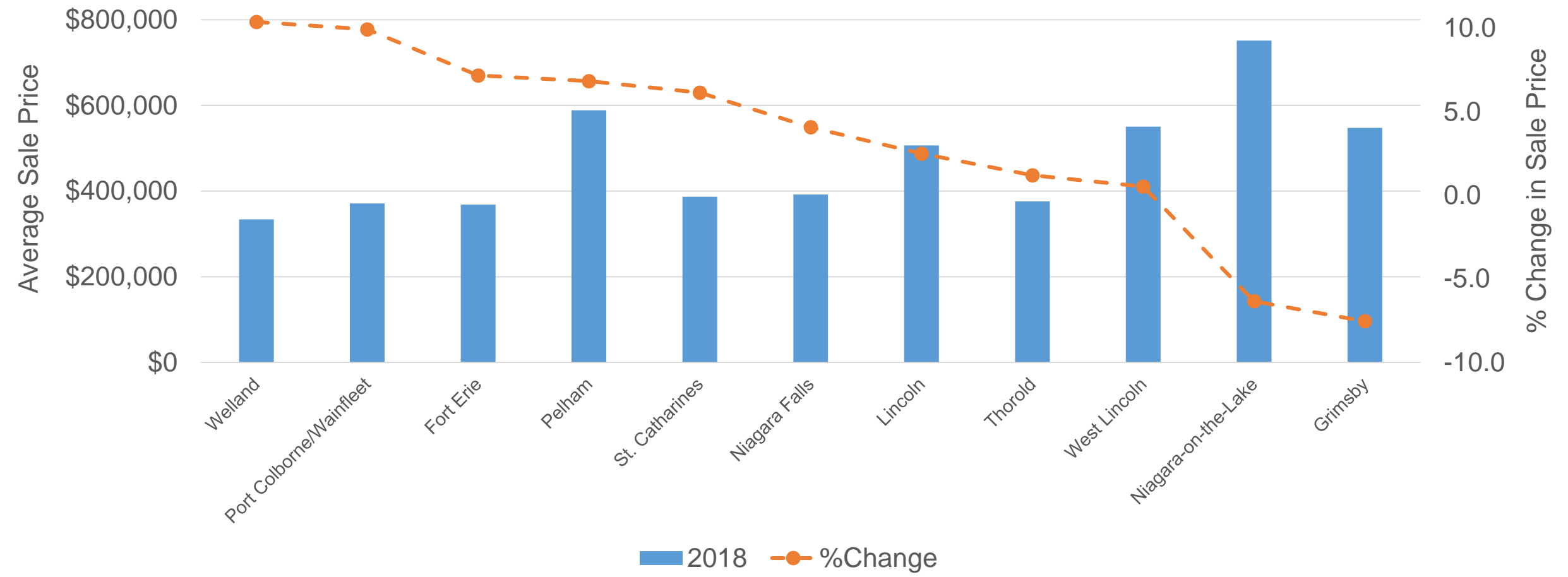
Increase in average sale price slows



Source: Niagara Association of Realtors, Realtors Association of Hamilton-Burlington

HOUSING MARKET

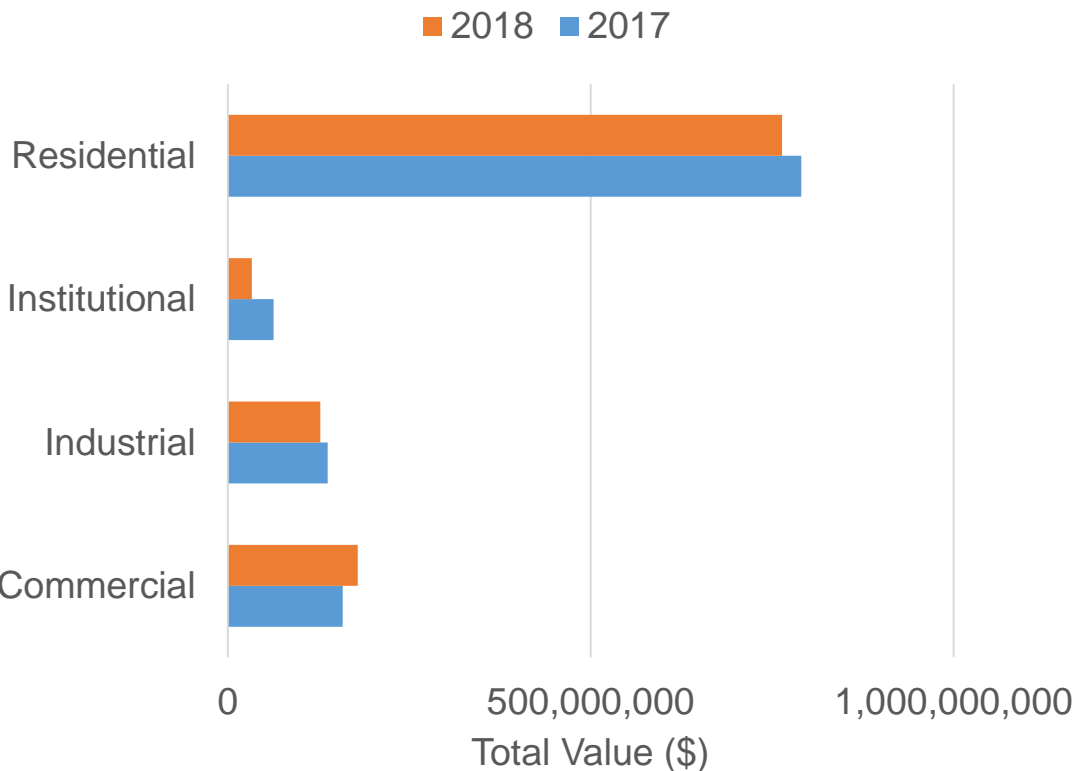
Change in average sale price greatest in affordable markets



Source: Niagara Association of Realtors, Realtors Association of Hamilton-Burlington

BUILDING PERMIT VALUES

\$1.1 billion in projects issued



Top 10 projects by permit value

Municipality	Location	Annual Permit Value (\$)	Development Type
Welland	200 Buchner Road	30,000,000	Industrial
Niagara Falls	6366 Stanley Avenue	16,000,000	Commercial
Port Colborne	1555 Elm Street	15,000,000	Industrial
Fort Erie	2818 House Road	12,500,000	Industrial
Welland	670 Tanguay Avenue	11,000,000	Institutional/Government
St. Catharines	221 Glendale Avenue	10,000,000	Commercial
St. Catharines	89 Meadowvale Drive	8,650,500	Commercial
Fort Erie	2818 House Road	8,000,000	Industrial
Niagara Falls	6650 Niagara River Parkway	8,000,000	Commercial
St. Catharines	59 Church Street	8,000,000	Institutional/Government

Source: Statistics Canada, Building Permit Values, 2018 and Niagara Region Building Permits

QUESTIONS?

Subject: Recommendation Report for Regional Official Plan Amendment (ROPA) 13 – Transportation Policies

Report to: Planning and Economic Development Committee

Report date: Wednesday, June 12, 2019

Recommendations

1. That Regional Official Plan Amendment 13 – Transportation Policies **BE ADOPTED** under Section 26 of the *Planning Act*.

Key Facts

- This Amendment is required to implement the goals, vision, and recommendations of the Niagara Region Transportation Master Plan (TMP), which was approved by Regional Council on July 20, 2017, and to ensure conformity with the new Provincial Growth Plan.
- A clear and focused set of transportation policies in the Regional Official Plan is necessary to support prosperity and growth in the Niagara Region.
- This Amendment will repeal the existing policies of the Regional Official Plan and replace them with a new set of transportation policies.
- Changes to the Amendment were made in response to the comments received from stakeholders and public agencies, including Regional Active Transportation Advocates, several local municipalities, the Ministry of Municipal Affairs and Housing, the Niagara Parks Commission, and the Niagara Escarpment Commission.
- The Minister for the Ministry of Municipal Affairs and Housing is the approval authority for ROPA 13.

Financial Considerations

There are no direct financial implications arising from this report as the cost to process the Amendment was included in the Planning and Development Services Department's Council approved 2019 Operating Budget.

Analysis

Background

In 2015, the "Niagara 2041" initiative launched a series of studies in order to guide population and employment growth to a 2041 planning horizon, and to mitigate the

resulting impact on Regional infrastructure. Specifically, the Region began development of a Transportation Master Plan to define policies, programs, and infrastructure improvements needed to address the Region's transportation requirements, and the undertaking of a Municipal Comprehensive Review to assess the Region's population, housing and employment growth trends in order to inform the policies of the new Regional Official Plan.

The Transportation Master Plan (TMP) received Regional Council approval on July 20, 2017. Its policies emphasize the need to integrate and co-ordinate transportation planning, land use planning, and urban design as part of its implementation. Accordingly, the Region has undertaken the proposed Regional Official Plan Amendment to ensure the recommendations identified in the TMP are properly implemented.

Proposed Regional Official Plan Amendment 13 (ROPA 13) addresses the following key areas:

- Co-ordinated Transportation System Planning;
- Public Transit;
- Active Transportation;
- Complete Streets;
- Transportation Demand Management;
- Regional Road System; and
- Goods Movement.

The draft policies of ROPA 13, which are outlined in Appendix I, will replace the existing policies within Chapter 9 of the Regional Official Plan. These new policies will align with the direction of the TMP, and conform to the new 2019 Provincial Growth Plan for the Greater Golden Horseshoe, which was brought into effect on May 16, 2019. The Amendment further includes additional schedules, updated definitions, and minor adjustments to other sections of the Regional Official Plan to allow for the needed integration between transportation planning, land use planning, and urban design.

If approved, ROPA 13 will equip Niagara Region with current and sound transportation policies to ensure best practices are utilized across the Region in alignment with the ongoing comprehensive review for the new Regional Official Plan.

It is warranted that the existing transportation policies of the Regional Official Plan are revised to align with the TMP to ensure that the direction and recommendations identified in the study are properly implemented. The new Regional Official Plan and its background studies are just commencing, and as such, it is appropriate for the proposed Amendment to the Regional Official Plan to be brought forward at this time.

Public and Stakeholder Consultation

An extensive consultation and engagement strategy was employed as part of the development of the TMP in order to obtain input on relevant transportation issues, constraints, and opportunities. Specifically, the consultation process involved two (2) online surveys, over a dozen public information centres, multiple meetings with stakeholder advisory groups and local area municipalities, and additional meetings with transportation agencies and other stakeholders, including First Nations and Métis representatives.

Following the approval of the TMP, the draft policies and mapping of ROPA 13 were circulated for comment to local municipalities, prescribed agencies, and key stakeholders. In order to answer questions and receive feedback on the draft Amendment from the public, a copy of the Amendment was made available on the Region's website and an Open House was held on November 8, 2017. A Public Meeting was then held during the Planning and Economic Development Committee meeting on November 29, 2017, which provided members of the public an opportunity to speak to the proposed policies and mapping, and allowed staff to provide the Committee with an overview of the Amendment's contents and direction.

On June 6, 2018, an additional Public Meeting was held during the Planning and Economic Development Committee Meeting in accordance with Section 17 of the *Planning Act*. This statutory Public Meeting allowed for further questions and input to be provided by the public and Committee regarding the Amendment. Delegations were made at the Public Meeting by a representative from the Regional Active Transportation Advocacy group, and residents from the Town of Grimsby and City of St. Catharines. These delegations spoke to recommended changes to the policy set in support of active transportation infrastructure. The comments received from the public have been considered as part of the final recommendation.

Additionally, Regional staff has received comments from seven (7) local municipalities, the Ministry of Municipal Affairs and Housing, the Niagara Escarpment Commission, the Niagara Parks Commission, internal departments and committees, and active transportation advocates. A matrix (Appendix II) has been prepared by Regional staff to respond to the comments received. The following section highlights key issues that prescribed commenting agencies and stakeholders have identified in the review of the Amendment.

Planned Corridors Mapping and Policies

Multiple local area municipalities, including the City of Niagara Falls, the Town of Fort Erie, and the Township of West Lincoln, have requested that the Amendment include policies and/or mapping related to planned Provincial and Regional corridors, such as the Niagara-Greater Toronto Area (NGTA) East Corridor.

At the request of the Ministry of Municipal Affairs and Housing, Regional staff has added broad infrastructure corridor policies to ROPA 13 that mirror the requirements of the Provincial Growth Plan. Further, the Amendment identifies the development and planning of specific transportation corridors and their associated infrastructure (Policy 9.B.2).

To add mapping to the Amendment that delineates these identified corridors prior to the determination of their exact boundaries (i.e. through further studies and/or environmental assessments) is premature and is not recommended. The mapping of these corridors may inadvertently date the document and reduce the effectiveness of its policies and mapping.

Complete Streets Approach

Several municipalities, including the City of Niagara Falls, the City of Welland, the Town of Fort Erie, and the Town of Pelham, have requested that policies in the Amendment that direct local municipalities to develop specific Official Plan and/or Zoning By-law provisions be removed or reworded with more flexible terminology. In particular, local municipalities expressed concerns with the required implementation of a complete streets approach.

Policy 3.2.2.3 of the Provincial Growth Plan requires all municipalities to adopt a complete streets approach for the design, refurbishment, or reconstruction of a municipality's existing or planned street network. The Niagara Region has done so through the development of Complete Streets Guidelines that will be used as part of roadway construction and improvements.

The initial circulation of ROPA 13 directed the Region and local municipalities to identify priority corridors for complete streets implementation. Based on Ministry of Municipal Affairs and Housing feedback, the Amendment has been reworded to ensure that complete streets elements are considered for the entire street network (Policy 9.E.1 and Policy 9.E.3). The Amendment continues to provide local municipalities the flexibility of either utilizing the Niagara Region's Complete Streets Design Guidelines or creating their own guidelines that direct the required "complete streets approach". The implementation of complete streets elements will be determined through an evaluation of alternatives as directed by the Municipal Class Environmental Assessment process.

Timeline and Budgeting Commitments

Active transportation groups had requested that the Region strengthen the wording of Policy 9.D.4 to ensure that funding commitment to cycling facilities is provided through the Bicycle Facilities Grant. This matter was discussed by members of the Planning and Economic Development Committee at the Public Meeting held on November 29, 2017.

Additionally, Correspondence Item TSC-C 6-2018 from the Transportation Sub-Committee was brought forward to the Planning and Economic Development Committee for consideration at the statutory Public Meeting in June 2018 regarding funding of bicycle facilities. This item was received and referred to staff for the preparation of this final report.

The Regional Official Plan is a land use planning document and, as such, is not the appropriate vehicle for prioritizing budget items and capital works projects. The purpose of the Regional Official Plan is to provide an overall vision for the Region's transportation infrastructure, and outline its relationship to surrounding land uses and urban design. The TMP, on the other hand, provides both general goals and guidelines for its implementation, and specific measures to realize this vision. Accordingly, Planning and Public Works staff believe that it is more appropriate for matters related to the timing and funding of the Region's Capital Works program to be outlined within the TMP.

The TMP will be reviewed every five (5) years, resulting in potential changes to the Niagara Bikeways Master Plan, the Strategic Cycling Network, and its infrastructure phasing plan. To add these plans to the Amendment may inadvertently date the document and reduce the effectiveness of its policies and mapping. A new policy has been added to the Amendment to reference the recommended actions and schedules of the TMP (Policy 9.F.14).

Modifications to Draft Policies and Schedules

There were approximately 30 modifications made to the draft Amendment following the statutory Public Meeting report (Report No. PDS 27-2018), all of which have been identified in Appendix I. The modifications made were largely minor in nature. Detailed explanations of the more significant revisions are outlined below.

Modification 7: Policy 9.C.2 b)

A new sub-bullet of Policy 9.C.2 has been added to the proposed Amendment. This policy states:

"The Niagara Region supports the expansion of public transit across the region through:

[...]

- b) Permitting infrastructure, including municipal water and wastewater systems, on lands adjacent to or near settlement areas for uses principle or ancillary to transit-supportive uses abutting higher order transit facilities"*

Expanding upon section 4.2.1.2 of the Greenbelt Plan, Policy 9.C.2 b) will provide the Niagara Region better ability to construct and service higher order transit stations near

or adjacent to settlement areas, further facilitating the provision of public transit to, from and within the Niagara Region.

Modification 8: Policy 9.C.8

A new policy has been added to Section 9.C (Public Transit) of the proposed Amendment. The policy states:

“The Niagara Region and its local municipalities should plan lands adjacent to or near existing and planned frequent transit or higher order transit facilities, including those within the Greenbelt Area where such lands have been approved through a Municipal Class Environmental Assessment, to:

- a) provide transit-supportive uses that enable opportunities for improved transit service integration;*
- b) facilitate multimodal connections that encourage a more evenly distributed modal share; and*
- c) support active transportation.”*

Policy 9.C.8 will expand upon policy 2.2.4.10 of the Provincial Growth Plan, increasing the Region’s ability to implement transit-supportive uses on parcels adjacent to or near higher order transit facilities. This policy would also improve the viability of public private partnership opportunities for higher-order transit facilities on these sites.

Modification 25: Policy 9.H.2

A new policy has been added to Section 9.H (Goods Movement) of the proposed Amendment. This policy states:

“The Niagara Region and its local municipalities will ensure the protection of lands adjacent to or near major goods movement facilities and corridors, including those outside of settlement areas and/or within the Greenbelt Area for the expansion of infrastructure and uses ancillary to that of the principle major goods movement facility and/or corridor use while:

- a) avoiding, or where avoidance is not possible, minimizing and mitigating adverse impacts to the agricultural system or other sensitive land uses vulnerable to encroachment;*
- b) require an agricultural impact assessment during instances where infrastructure or uses are proposed within, adjacent to, or near the Greenbelt Area or agricultural system; and*
- c) considering subject lands for designation as provincially significant employment zones.”*

Policy 9.H.2 will provide clarification regarding uses ancillary to major goods movement facilities, such as the Niagara District Airport, as well as the due diligence requirements needed to avoid or minimize adverse impacts of these uses to the Agricultural System and other sensitive land uses. Permitting ancillary uses to major goods movements and facilities would better allow the Region to cater to the demands and stresses associated with projected population and employment growth.

Planning Review

The proposed Amendment has been assessed against the approved planning policy framework and staff is of the opinion that the amendment is consistent with and implements the *Planning Act*, the 2014 Provincial Policy Statement, and the 2019 Growth Plan. Further, the Amendment has been revised to address the comments provided by the Ministry of Municipal Affairs and Housing to ensure alignment with Provincial direction.

Process and Next Steps

After Council adoption, staff will submit the Amendment to the Ministry of Municipal Affairs and Housing for approval under Section 26 of the *Planning Act*. Staff will also issue a notice of adoption in accordance with the *Planning Act* and its regulations. Through the review process, the Province has the ability to make modifications to the Amendment.

Through the approval of Bill 139 (PDS 26-2018), several changes were made to Section 17 of the *Planning Act* with regards to appeals for Official Plans and Official Plan Amendments. Specifically, Subsection 17 (36.5) states that there will be no appeals with respect to a decision on new Official Plans or Official Plan Amendments that are brought forward under Section 26 of the *Planning Act* as they will be subject to the approval authority of the Ministry of Municipal Affairs and Housing. As such, no appeals can be brought forward for ROPA 13.

Local municipalities will be expected to update their local official plans and zoning by-laws following the approval of the Amendment in order to ensure alignment with Provincial and Regional policies and mapping. Given that this Amendment is being brought forward for approval prior to the remaining comprehensive review of the Regional Official Plan, local municipalities will not be expected to update their Official Plans until the new Regional Official Plan is complete.

Alternatives Reviewed

1. **Do not adopt Regional Official Plan Amendment 13.** This alternative is not recommended. This Amendment has been processed to expedite the implementation of the TMP prior to the development of the new Regional Official Plan.
2. **Adopt Regional Official Plan Amendment 13 (Recommended).** This alternative is recommended. ROPA 13 will equip Niagara Region with current and sound transportation policies to ensure best practices are utilized across the region in alignment with the ongoing comprehensive review of the Regional Official Plan. The proposed Amendment was developed through an in-depth and collaborative process with several Regional Departments and local municipalities, and Regional staff is of the opinion that it represents the interests of the municipalities, good planning, and addresses the unique circumstances within Niagara.

Relationship to Council Strategic Priorities

This report supports Council's Business Plan Theme 2 "Healthy Communities" and Theme 5 "Integrated Transportation System".

Other Pertinent Reports

- **PDS 2-2017**, Project Initiation Report, Regional Official Plan Amendment 13 (ROPA 13) -- Transportation Policies, February 22, 2017
- **PDS 50-2017**, Public Meeting Information Report, Regional Official Plan Amendment 13 (ROPA 13) --- Transportation Policies, November 29, 2017
- **PDS 27-2018**, Statutory Public Meeting for Regional Official Plan Amendment No. 13, June 6, 2018

Prepared by:
Alexandria Tikky
Planner
Planning and Development Services

Recommended by:
Rino Mostacci, MCIP, RPP
Commissioner
Planning and Development Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Alexander Morrison, Planner, Long Range Planning, and reviewed by Doug Giles, MCIP, RPP, Director of Community and Long Range Planning.

Appendices

Appendix I	Draft Regional Official Plan Amendment 13
Appendix II	Agency and Public Comments Received
Appendix III	Agency Comment Response Matrix

APPENDIX I

AMENDMENT NO. 13

TO THE OFFICIAL PLAN FOR THE NIAGARA PLANNING AREA

PART “A” - THE PREAMBLE

The preamble provides an explanation of the Amendment including the purpose, location, background, and basis of the policies, and implementation, but does not form part of this Amendment. The Preamble includes:

- Title and Components
- Purpose of the Amendment
- Location of the Amendment
- Background
- Basis for the Amendment
- Implementation

PART “B” – THE AMENDMENT

The Amendment describes the additions and/or modifications to the Official Plan for the Niagara Planning Area, which constitute Regional Official Plan Amendment No. 13.

- Schedule Changes
- Table Changes
- Text Changes

PART “C” – THE APPENDICES

The Appendices provide information, public participation and agency comments relevant to the Amendment, but do not form part of this Amendment.

PART “A” - THE PREAMBLE

TITLE AND ITS COMPONENTS:

This document, when approved in accordance with Section 26 of the Planning Act, 1990, shall be known as Amendment 13 to the Regional Official Plan of the Niagara Planning Area. Part “A” – The Preamble, contains background information and does not constitute part of this Amendment. Part “B” – The Amendment, which consists of text and map changes, constitutes Amendment 13 to the Regional Official Plan of the Niagara Planning Area. Part “C” – The Appendices, does not constitute part of the Amendment. These Appendices contain information related to public involvement and agency comments associated with the Amendment and do not form part of this Plan.

PURPOSE OF THE AMENDMENT

The purpose of this Amendment is to update the existing transportation mapping, definitions and policies of the Regional Official Plan. Specifically, this Amendment is intended to:

1. Conform to the applicable policies of the Provincial Policy Statement (2014) and the Provincial Growth Plan for the Greater Golden Horseshoe (2017).
2. Equip the Niagara Region with current and sound transportation policies that implement and promote best practices for the movement of goods and people throughout the Niagara Region’s transportation system.
3. Ensure that the Regional Official Plan is consistent with the goals, vision, and recommendations identified in the Niagara Region Transportation Master Plan, approved by Regional Council in 2017.

LOCATION OF THE AMENDMENT

This Amendment applies to the entire Niagara Planning Area.

BACKGROUND

In accordance with Section 26 (3) of the *Planning Act*, a special meeting of Regional Council was held on October 10, 2013 in order to initiate a public engagement process known as “Imagine Niagara”, which would inform the comprehensive review of the Regional Official Plan. Through consultation with key community stakeholders, “Imagine Niagara” sought to generate public interest in the review process and provide an opportunity for Niagara residents to outline the future vision for their communities.

Following this public engagement process, the Niagara Region launched the “Niagara 2041” initiative, which included the development of a Transportation Master Plan (TMP). The TMP, which was approved by Regional Council on July 20, 2017, is a comprehensive study that defines policies, programs, and infrastructure improvements needed to address the Region’s transportation and growth requirements until the year 2041. The TMP emphasizes the need to integrate and co-ordinate transportation planning, land use planning, and urban design as part of its implementation in order to reflect the unique needs of the Region’s urban and rural communities.

Accordingly, it is imperative that the existing transportation policies of the Regional Official Plan are revised in co-ordination with the TMP to ensure that the direction and recommendations identified in the study are properly implemented. Given that the new Regional Official Plan and its background studies are only just commencing, it is appropriate for the proposed Amendment to the Regional Official Plan to be brought forward at this time.

BASIS FOR THE AMENDMENT

1. This Amendment implements and conforms to the Provincial Growth Plan for the Greater Golden Horseshoe (2017) and other Provincial Plans with respect to transportation planning across the Niagara Region. The Amendment is consistent with the Provincial Policy Statement (2014) and the Niagara Region Transportation Master Plan.
2. The policies proposed through this Amendment will provide consistency with the goals, vision, and recommendations identified in the TMP, and equip the Region with current and sound transportation policies that will strategically align with the ongoing comprehensive review of the Regional Official Plan.
3. This Amendment will provide new transportation policies which implement and promote best practices for the movement of goods and people throughout the Niagara Region’s transportation system.
4. The new transportation policies within the Amendment will replace the existing policies within Chapter 9 of the Regional Official Plan. The Amendment will also include

new mapping schedules, definitions, and minor modifications to policies in other sections of the Regional Official Plan that will improve its structure and organization.

5. The Amendment is divided into sections, which constitute the Amendment:
 - a) Part I: Modifications to Existing Policies
 - b) Part II: New Policies
 - c) Part III: Definitions
 - d) Part IV: Mapping
6. The Amendment was the subject of a Public Open House and Statutory Public Meeting held under the *Planning Act*. Public and agency comments were addressed as part of the preparation of this Amendment.
7. Based on the Region's review of the *Planning Act*, the Growth Plan for the Greater Golden Horseshoe (2017), the Provincial Policy Statement (2014), the Regional Official Plan, and the Niagara Region Transportation Master Plan, Regional staff is of the opinion that the Amendment is consistent with and aligns with Provincial and Regional policies and plans and, therefore, represents good planning.

IMPLEMENTATION

Chapter 14 – Implementation of the Official Plan for the Niagara Planning Area, shall apply where applicable.

PART “B” – THE AMENDMENT

Amendment 13 To The Official Plan for the Niagara Planning Area

Schedule Changes (attached)

1. “Schedule E – Niagara Region Bicycle Network” is repealed.
2. “Schedule E1 – Transportation Infrastructure” is added to the Plan as “**Schedule E1 – Transportation Infrastructure**”.
3. “Schedule E2 – Strategic Cycling Network” is added to the Plan as “**Schedule E2 – Strategic Cycling Network**”.

Table Changes (attached)

1. Table 9-1 is modified to include “Regional Roads – Minimum Sight Triangle Requirements Table”.

Text Changes

The Official Plan for the Niagara Planning Area is amended as follows:

Part I – Modifications to Existing Policies

1. **Policy 2.D.2.8** is repealed.
2. **Policy 2.D.2.9** is renumbered as **Policy 2.D.2.8**.
3. **Policy 2.D.2.10** is renumbered as **Policy 2.D.2.9**.
4. **Policy 2.D.2.11** is renumbered as **Policy 2.D.2.10**.
5. **Policy 3.A.3.22 c)** is modified to “Preparation of a Regional Goods Movement Study”.
6. **Section 4.G.13 Transportation Corridors** is removed.
7. **Policy 4.G.13.1** is repealed.

8. **Section 4.G.14 District Plans** is renumbered as **Section 4.G.13 District Plans**.

Modification 2

9. **Objective 4.G.14.A.1** to **Objective 4.G.14.A.3** is renumbered to **Objective 4.G.13.A.1** to **Objective 4.G.14.A.3**.

Modification 3

10. **Policy 4.G.14.B** is renumbered to **Policy 4.G.13.B**.

Modification 4

11. **Policy 4.G.14.C.1** is renumbered to **Policy 4.G.14.C.11**.

12. **Policy 10.C.2.3.3** is modified to “When developing or redeveloping leased, operated or owned facilities (buildings or structures) the Region will consider and apply the Region’s Model Urban Design Guidelines and Facility Accessibility Design Standards”.

13. **Policy 10.C.2.3.6** is repealed.

14. **Policy 10.C.2.3.7** is renumbered as **Policy 10.C.2.3.6**.

Part II – New Policies

1. With the exception of Table 9-1, Chapter 9 is repealed in its entirety and replaced with the following policies and objectives:

9. Transportation: Moving People and Goods

The Provincial Growth Plan for the Greater Golden Horseshoe identifies where and provides direction on how growth will occur amid its single- and upper-tier municipalities to a 2041 planning horizon. The Niagara Region is an upper-tier municipality located within the Provincial Growth Plan area and is responsible for the dissemination of its provincially-forecasted growth number amongst its local area municipalities. In order to appropriately accommodate forecasted growth, the Region must plan for and implement a sustainable *transportation system* that has the ability to withstand stresses associated with population growth.

This chapter provides for a safe and efficient *transportation system* for *multimodal* travel for all users. Objectives and policies reflect direction and recommendations outlined within the Niagara Region’s Transportation Master Plan. The Region is committed to improving social equity, protecting short- and long-term economic competitiveness, and reducing greenhouse gas emissions by advancing initiatives which enable comprehensive *active transportation* networks, interconnected public transit systems, and efficient goods movement networks. The Niagara Region remains dedicated to working with its local area municipal partners, agencies, and other public entities on cross-jurisdictional transportation-related matters.

9.A General Objectives

- Objective 9.A.1** Promote and support for a *multimodal transportation system* to enable the movement of goods and people of all ages and abilities to jobs, housing, school, cultural destinations, *public service facilities*, recreational and tourist opportunities, and other *major trip generators*, especially in *strategic growth areas*.
- Objective 9.A.2** Reduce single-occupant vehicle trips by enhancing opportunities for residents, workers, and visitors of all ages and abilities to walk, cycle, take transit and carpool.
- Objective 9.A.3** Support a connected and convenient public transit network throughout the region.
- Objective 9.A.4** Create and enhance interconnected *active transportation* systems and programs.
- Objective 9.A.5** Support the implementation of *complete streets* at regional and local levels.
- Objective 9.A.6** Encourage the most cost-effective and environmentally appropriate modes of sustainable transportation to reduce greenhouse gas emissions.
- Objective 9.A.7** Ensure that agricultural vehicles and equipment are accommodated within the *transportation system* where appropriate.

9.B Coordinated Transportation System Planning

- Policy 9.B.1** The Niagara Region will encourage the implementation of a comprehensive *transportation system* through the co-ordination of land use planning and strategic investments in *infrastructure*.
- Policy 9.B.2** The Niagara Region will work with the *Province*, agencies and local municipalities to plan for, improve, and protect the following *planned corridors* and facilities:
- a) Queen Elizabeth Way (QEW) widenings from Hamilton to Highway 406 and from McLeod Road to Mountain Road;
 - b) Interchanges at Highway 406 and Third Avenue Louth, the Queen Elizabeth Way (QEW) and Glendale Avenue, and Highway 405 and Concession 6/Mewburn Road;
 - c) the Niagara Escarpment Crossing ;

- d) the Niagara-Hamilton Trade Corridor;
- e) the South Niagara East-West Arterial Road/Niagara Greater Toronto Area (NGTA) East Corridor;
- f) the Highway 406 extension to the South Niagara East-West Arterial Road/NGTA East Corridor; and
- g) The roads of the Niagara Parks Commission.

Policy 9.B.3 The Niagara Region, in consultation with local municipalities, will work with the Federal government, the *Province*, Metrolinx, and other stakeholders to improve linkages between the Niagara Regional Transit System and GO Transit.

Policy 9.B.4 The Niagara Region will work with Federal, Provincial and municipal governments to help strengthen the provision of an efficient and safe Provincial Highway network throughout the region.

Policy 9.B.5 The Niagara Region will ensure there is suitable transportation *infrastructure* to support the Region's growth and economic strategy.

Policy 9.B.6 The Niagara Region will ensure that transportation *infrastructure* within the boundaries of the Niagara Escarpment Plan will be designed and located so that the least possible impact occurs on the Escarpment's scenic quality, landform, and existing environmental features.

Policy 9.B.7 The Niagara Region will work with the Niagara Parks Commission to improve linkages between the Niagara Region's *transportation system* and the Niagara Park Commission's *transportation system*.

9.C Public Transit

Policy 9.C.1 Public transit will be a priority for transportation *infrastructure* planning and major transportation investments.

Policy 9.C.2 The Niagara Region supports the expansion of public transit across the region through:

- a) Prioritizing investment in transit *infrastructure* to *strategic growth areas* to optimize return on investment and the efficiency and viability of existing and planned transit service levels;
- b) Permitting *infrastructure*, including *municipal water and wastewater systems*, on lands adjacent to or near *settlement areas* for uses principle or ancillary to transit-supportive uses

abutting *higher order transit* facilities, but outside the Niagara Escarpment Planning Area;

- c) Improving linkages from nearby neighbourhoods to *major trip generators*, including: the Downtown St. Catharines *Urban Growth Centre*, locally designated *strategic growth areas*, *employment areas*, including tourism destinations, *public service facilities*, post-secondary institutions, and *major transit station areas*;
- d) Providing transit linkages within and between *settlement areas* in and outside of the Region to increase the *modal share* of transit;
- e) Improving accessibility to public transit;
- f) Providing park-and-ride facilities that support *multimodal* travel by offering linkages to pedestrian and transit routes, *bicycle infrastructure*, and priority spaces for carpool and car-share vehicles;
- g) Establishing fare and *transit service integration* between local agencies; and
- h) Considering the role public transit plays in reducing greenhouse gas emissions.

Policy 9.C.3 The Niagara Region will leverage public transit to promote *transit-supportive development*.

Policy 9.C.4 The Niagara Region will encourage the provision of *demand-responsive transit service*, where operationally and economically feasible, in local municipalities to serve low-density areas.

Policy 9.C.5 The Niagara Region supports *transit service integration* of municipal transit agencies to provide *frequent transit* service.

Policy 9.C.6 The Niagara Region will ensure *transit service integration* as part of the implementation of inter-municipal regional transit, and will work with transit operators, including the *Province* and Metrolinx, where applicable.

Policy 9.C.7 The Niagara Region will support transit investment for improved services to provide *multimodal* access to *major transit station areas* and reduce *modal share* by single-occupant vehicles.

Policy 9.C.8 The Niagara Region and its local municipalities should plan lands adjacent to or near existing and planned *frequent transit* or *higher order transit* facilities, including those within the *Greenbelt Area* where such lands have been approved through a Municipal Class Environmental Assessment, to:

- a) provide *transit-supportive* uses that enable opportunities for improved *transit service integration*;
- b) facilitate *multimodal* connections that encourage a more evenly distributed *modal share*; and
- c) support *active transportation*.

Policy 9.C.9

Modification 9

The Niagara Region will prioritize and expedite *higher order transit* connections to the Greater Toronto Hamilton Area (GTHA), to promote *intensification* and new employment markets.

Policy 9.C.10

Modification 10

Modification 11

The Niagara Region shall plan to ensure *higher order transit facilities* are supported by and serve adjacent *intensification areas* and *new employment markets*.

Policy 9.C.11

Modification 12

The Niagara Region will examine the feasibility of establishing a West Niagara **T**ransit **T**erminal in order to facilitate *multimodal* connections within the Niagara Region and to the Greater Toronto Hamilton Area (GTHA).

Policy 9.C.12

Modification 13

Modification 14

Local municipalities shall develop secondary plans, or undertake an equivalent planning exercise with reference to the Province's Transit-Supportive Guidelines, to delineate *major transit station areas* for any *confirmed or identified future potential higher order transit facility*. These plans shall include policies that, where appropriate:

- a) support *transit service integration*;
- b) support the implementation of *active transportation-friendly* facilities;
- c) provide for a diverse mix of uses;
- d) prohibit land uses and a built form that would adversely affect the achievement of *transit-supportive* densities; and,
- e) provide alternative *development* standards that promote *transit-supportive uses* and redevelopment.

Modification 15

Policy 9.C.13

Modification 16

The Niagara Region will work with the *Province*, local municipalities, and Metrolinx, where applicable, to support the integration of *active transportation* and public transit. Improvements may include: permitting bicycles on transit vehicles, providing bicycle racks on buses, and providing *bicycle infrastructure* at and to transit *facilities*, public and institutional areas, and *employment areas*.

9.D Active Transportation

Policy 9.D.1

The Niagara Region and local municipalities will ensure that comprehensive *active transportation* networks are integrated into

transportation systems to enable safe and convenient inter- and intra-municipal travel for *active transportation* users.

Policy 9.D.2 The Niagara Region will prioritize the implementation of the Strategic Cycling Network as identified in the Niagara Region’s Transportation Master Plan to advance the implementation of the Niagara Bikeways Master Plan as shown in Schedule E2.

Policy 9.D.3 The Niagara Region will fund the implementation of the Strategic Cycling Network network along Regional Roads through the Niagara Region’s *public works projects* and other funding or cost-sharing opportunities.

Policy 9.D.4 The Niagara Region will support local municipalities in implementing sections of the Strategic Cycling Network that are within their jurisdiction.

Policy 9.D.5 Local municipalities are encouraged to develop Official Plan policies which support *bicycle infrastructure* to ensure a connected and extended bicycle network within the region.

Policy 9.D.6 Local municipalities are encouraged to establish *development standards* **for transit-supportive uses** within *strategic growth areas* that achieve *compact built forms* to promote *active transportation*.

Modification 17 & 18

Policy 9.D.7 The Niagara Region supports the re-purpose of abandoned rail and other linear corridors, including hydro corridors, for off-road trails and recommends that local municipalities consider various means to protect and/or acquire such corridors. The Niagara Region will require early pre-consultation with relevant stakeholders, including TransCanada Pipeline or its designated representative, in the acquisition of abandoned rail and other linear corridors.

Policy 9.D.8 The Niagara Region will work with the Ministry of Transportation and other stakeholders for the provision of *active transportation* infrastructure across the QEW, 400 Series Highways, and other highways.

Policy 9.D.9 The Niagara Region will work with the Niagara Escarpment Commission, local municipalities, property owners, and other stakeholders, where applicable, to protect a continuous pedestrian route generally following the Bruce Trail along the Niagara Escarpment. The role and function of off-road-trails within the Niagara Escarpment Planning Area will be subject to the policies of the Niagara Escarpment Plan.

- Policy 9.D.10** The Niagara Region will implement the recommendations of the Travel Demand Management Study with respect to *active-transportation friendly* facilities.
- Policy 9.D.11** The Niagara Region will have regard to the Niagara Region's Wayfinding Signage for Cyclists Guidelines as part of the design, refurbishment or reconstruction of Regional Roads.
- Policy 9.D.12** The Niagara Region will develop guidelines for local Official Plans and Zoning By-laws that outline minimum provisions for accommodating *active transportation-friendly* facilities in new *development*, redevelopment, and *public work projects*.

9.E Complete Streets

- Policy 9.E.1** The Niagara Region's *Complete Streets Design Guidelines* shall be used in the design, refurbishment, or reconstruction of the Niagara Region's *transportation system* to ensure the needs and safety of all road users are considered and appropriately accommodated.
- Policy 9.E.2** The Niagara Region shall ensure that the Niagara Region's *Complete Streets Design Guidelines* is included as a reference document within the Request for Proposal (RFP) process for Municipal Class Environmental Assessments.
- Policy 9.E.3** Local municipalities shall include policies within Official Plans that ensure that a *complete streets* approach is used in the design, refurbishment, or reconstruction of their planned or existing street network.
- Policy 9.E.4** In the absence of local *complete street* guidelines, local municipalities shall refer to the Niagara Region's *Complete Streets Design Guidelines* for the design, refurbishment or reconstruction of their existing and planned local street network.
- Policy 9.E.5** *Complete streets* elements within local jurisdiction shall be maintained by the *local municipality*.

9.F The Regional Road System

- Policy 9.F.1** As conditions of the approval of a *development* application:
- a) The Niagara Region may acquire from the landowner land required for the *road allowance* as identified in Table 9-1 at no

- cost to the Region free of all encumbrance, encroachments, and improvements unless otherwise agreed to by the Region; and,
- b) The Niagara Region is to be provided with a certificate of an Ontario Land Surveyor noting that all legal survey documentation on the widened *road allowance* is in place.

Policy 9.F.2

The Niagara Region shall require the conveyance of land, at no cost to the Region, as condition of the approval of a *development* application, beyond the designated *road allowance* widths identified in Table 9-1, to accommodate items such as sight triangles, turning lanes, channelization, grade separations, traffic control devices, rapid transit, public transit facilities and rights-of-way, *active transportation facilities* cuts, fills and storm drainage requirements, as required to meet accepted/current engineering design criteria/standards. These do not require an amendment to this Plan.

Modification 19

Policy 9.F.3

Land for Regional Road widenings will be required equally from both sides of the centreline of the designated Regional Road unless existing land uses, topographic features or other physical or environmental constraints necessitate taking greater widening on one side than the other.

Policy 9.F.4

The Niagara Region may acquire, at its own expense, additional land that exceeds the *road allowance* widths identified in Table 9-1, without an amendment to this Plan.

Policy 9.F.5

The Niagara Region will consider the need for noise mitigation measures to address traffic noise from Regional Roads, where required, premised on noise study recommendations per Ministry of the Environment, *Conservation, and Parks* guidelines for the following situations:

Modification 20

- a) New *development* adjacent to a Regional Road; or,
- b) Impact of noise generated by increased traffic on Regional Roads adjacent to established *development*.

Policy 9.F.6

As part of the *development* application process, a *road allowance* not yet owned by the Niagara Region and identified in the Niagara Region's Transportation Master Plan should be protected in the following cases:

- a) A local street that could be ultimately assumed by the Region; and,
- b) Plans for the extension of an existing *road allowance*.

Policy 9.F.7 The Niagara Region will have regard to the Niagara Region's Model Urban Design Guidelines, *Complete Streets Design Guidelines*, and Wayfinding Signage for Cyclists Guidelines when providing comments on *development* applications located along Regional Roads.

Policy 9.F.8 The Niagara Region will plan and protect rights-of-way for the Niagara Region's *transportation system, major goods movement facilities and corridors, active transportation* corridors and transit facilities to meet current and projected needs, while ensuring that *development* is not permitted in *planned corridors* that could preclude or negatively affect the purposes of the corridor.

Policy 9.F.9 Local municipalities, in consultation with the Niagara Region and the Province, shall develop official plan policies that provide protection for *planned corridors* to ensure that decisions on *development* applications will not preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified. .

Modification 21

Policy 9.F.10 The Niagara Region will encourage the co-location of linear *infrastructure* along Regional Roads, where applicable.

Policy 9.F.11 The Niagara Region will consider the separation of transportation modes within corridors.

Policy 9.F.12 As part of the construction, optimization, or expansion of transportation *infrastructure* within the Niagara Region's *agricultural area* and *natural heritage system*, the Niagara Region will require, where applicable:

- a) the preparation of an agricultural impact assessment, or equivalent analysis as part of a Municipal Class Environmental Assessment, that demonstrates that any impacts on the agricultural system have been avoided or, if avoidance is not possible, minimized, and, to the extent feasible, mitigated; and/or
- b) the preparation of an environmental impact study, or equivalent analysis as part of a Municipal Class Environmental Assessment, that demonstrates that any impacts on the ***natural heritage system*** have been avoided or, if avoidance is not possible, minimized, and to the extent feasible, mitigated.

Policy 9.F.13 The Niagara Region and local municipalities shall conform to National Energy Board regulations and provisions in relation to the requirements for *development* within proximity to its pipelines and corridors.

Policy 9.F.14 The Niagara Region's *transportation system* will be implemented as per the recommended actions and schedules of the Niagara Region Transportation Master Plan.

9.G Transportation Demand Management

Policy 9.G.1 The Niagara Region will develop and implement a Travel Demand Management Study that is consistent with the recommendations of the Niagara Region's Transportation Master Plan and the Provincial Growth Plan for the Greater Golden Horseshoe.

Policy 9.G.2 Local municipalities shall develop and implement *TDM* policies to be incorporated into local official plans that are consistent with the future Niagara Region's Travel Demand Management Study.

9.H Goods Movement

Policy 9.H.1 The Niagara Region, in partnership with local municipalities, will develop and implement a Goods Movement Study that is consistent with the recommendations of the Niagara Region's Transportation Master Plan and the Province's Freight-Supportive Guidelines. The Goods Movement Study will take advantage of cross-border trade opportunities, including the Foreign Free Trade Zone, support employment activity, and maximize the use of the Gateway Economic Zone and Gateway Economic Centre.

Policy 9.H.2 The Niagara Region and its local municipalities will ensure the protection of lands adjacent to or near major goods movement facilities and corridors, including those outside of *settlement areas* and/or within the *Greenbelt Area* for the expansion of *infrastructure* and uses ancillary to that of the principle major goods movement facility and/or corridor use while:

- a) avoiding, or where avoidance is not possible, minimizing and mitigating adverse impacts to the agricultural system or other *sensitive land uses* vulnerable to encroachment;
- b) require an agricultural impact assessment during instances where *infrastructure* or uses are proposed within, adjacent to, or near the *Greenbelt Area* or agricultural system; and
- c) considering subject lands for designation as provincially significant employment zones.

Policy 9.H.3

Modification 26

The Niagara Region and its local municipalities will ensure that *development* of lands adjacent to **or near** *major goods movement facilities and corridors* will be compatible with the goods movement function of those facilities and be designed to avoid, mitigate or minimize negative impacts on and from the facilities and corridors.

Policy 9.H.4

The Niagara Region will support the implementation of a *multimodal transportation system*, which accommodates the movement of goods, where identified through the Goods Movement Study.

Policy 9.H.5

The Niagara Region will work with the *Province*, local municipalities, agencies, and transportation service providers to implement a *transportation system* which is able to accommodate agricultural vehicles and equipment, where appropriate.

Policy 9.H.6

The Niagara Region will continue to advocate for highway capacity improvements to address inter-regional and international trade related demands for the purposes of goods movement.

Policy 9.H.7

The Niagara Region will consider, where possible, the protection of abandoned rail corridors for future *freight-supportive* activity.

Part III – Definitions

1. The following definitions are added to Chapter 15 of the Plan:

Airports

means all Ontario *airports*, including designated lands for future *airports*, with Noise Exposure Forecast (NEF)/Noise Exposure Projection (NEP) mapping. (PPS 2014)

Bicycle Infrastructure

means all *infrastructure* and facilities used for cycling, including **bicycle routes** (dedicated, buffered, and separated bike lanes, multi-use paths, **and** off-road trails), and **trip end facilities such as** bicycle parking and storage (**e.g.** bicycle racks and lockers).

Complete Streets

means streets that are planned to balance the needs of all road users, including pedestrians, cyclists, transit-users, and motorists, and are designed for the safety of people of all ages and abilities. (Based on Growth Plan, 2017 and modified for this Plan)

Complete Streets Design Guidelines

means guidelines developed as part of the Niagara Region's Transportation Master Plan which define Regional Road typologies and provide guidance on the implementation of complete streets elements that fall within the public right-of-way.

Demand-responsive Transit Service

means door-to-door transportation service which has flexible routing and scheduling, and can operate either as an “on-demand” service or a “fixed-schedule” service, such as airport shuttles or paratransit services for people with disabilities and the elderly.

Freight-supportive

means *transportation systems* and facilities that facilitate the movement of goods, including policies or programs intended to support efficient freight movement through the planning, design and operation of land use and *transportation systems*. (Based on Growth Plan, 2017 and modified for this Plan)

Frequent Transit

means a public transit service that runs at least every 15 minutes in both directions throughout the day and into the evening every day of the week. (Growth Plan, 2017)

Modification 28

Major Goods Movement Facilities and Corridors

means transportation facilities and corridors associated with the inter- and intra-provincial movement of goods. Examples include: inter-modal facilities, ports, *airports*, *rail facilities*, truck terminals, freight corridors, freight facilities, and haul routes and primary transportation corridors used for the movement of goods. Approaches that are *freight-supportive* may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives. (PPS, 2014)

Major Trip Generators

means origins and destinations with high population densities or concentrated activities which generate many trips (e.g. *urban growth centres* and other downtowns, *major office* and office park, major retail, *employment areas*, community hubs, **large parks and recreational destinations, post-secondary institutions**, other *public service facilities*, and other mixed-use areas). (Growth Plan, 2017)

Modification 29

Marine Facilities

means ferries, harbours, ports, ferry terminals, canals and associated uses, including designated lands for future marine facilities. (PPS, 2014)

Natural Heritage System

means the system comprised of natural heritage features and areas, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. The system can include key natural heritage features, key hydrologic features, federal and provincial parks and conservation reserves, other natural heritage features and areas, lands that have been restored or have the potential to be restored to a natural state, associated areas that support hydrologic functions, and working landscapes that enable ecological functions to continue.

Modification 30

Planned Corridors

means corridors or future corridors which are required to meet projected needs, and are identified through this Plan, preferred alignment(s) determined through the Environmental Assessment Act process, or identified through planning studies where the Ministry of Transportation, Ministry of Energy, Metrolinx or Independent Electricity System Operator (IESO) or any successor to those Ministries or entities, is actively pursuing the identification of a corridor. (Based on Growth Plan, 2017 and modified for this Plan)

Public Service Facilities

means lands, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. Public service facilities do not include *infrastructure*. (Growth Plan, 2017)

Rail Facilities

means rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future *rail facilities*. (PPS, 2014)

Road Allowance

means widths that are intended to accommodate travel lanes, turning lanes, intersections, sidewalks, bicycle lanes, public transit lanes, transit facilities, utilities, *active transportation*, noise control measures, snow storage, drainage measures, curb and gutters, fencing, sidewalks, *cultural tourism* features, landscaping, illumination, signage, street enhancements and other elements noted as compatible with the transportation *system*.

Sensitive Land Uses

means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. *Sensitive land uses* may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities. (Growth Plan, 2017)

Strategic Growth Areas

means, within *settlement areas*, nodes, corridors, and other areas that have been identified by municipalities or the Province to be the focus for accommodating intensification and higher-density mixed uses in a more *compact built form*. *Strategic growth areas* include *urban growth centres*, *major transit station areas*, mobility hubs and other major opportunities that may include infill, *redevelopment*, *brownfield sites*, the expansion or conversion of existing buildings, or *greyfields*. Lands along major roads, arterials or other areas with existing or planned *frequent transit service* or *higher-order transit* corridors may also be identified as *strategic growth areas*. (Growth Plan, 2017)

Transit Service Integration

means the co-ordinated planning or operation of transit service between two or more agencies or services that works to facilitate seamless service for riders. *Transit service integration* can include considerations of service schedules, service routes, information, fare policy, and fare payment. (Growth Plan, 2017)

2. The following definitions in Chapter 15 of the Plan will be modified to the following:

Active Transportation

means any form of self-propelled transportation that relies on the use of human energy such as walking, cycling, inline skating, jogging, or travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices at a comparable speed. (Growth Plan, 2017)

Compact Built Urban Form

means a land-use pattern that encourages efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace and institutional all within one neighbourhood), active transportation, proximity to transit and reduced need for *infrastructure*. *Compact built form* can include detached and semi-detached houses on small lots as well as townhouses and walk-up apartments, multistorey commercial developments, and apartments or offices above retail. Walkable neighbourhoods can be characterized by roads laid out in a well-connected network, destinations that are easily accessible by transit and *active transportation*, sidewalks with minimal interruptions for vehicle access, and a pedestrian-friendly environment along roads to encourage *active transportation*. (Growth Plan, 2017)

Major Transit Station Areas

means the area including and around any existing or planned *higher order transit station* or stop within a settlement area; or the area including and around a major bus depot in an urban core. Major transit station areas generally are defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk.

Multimodal

means the availability or use of more than one form of transportation, such as automobiles, walking, cycling, buses, rapid transit, rail (such as commuter and freight), trucks, air, and marine. (Growth Plan, 2017)

Transit-supportive

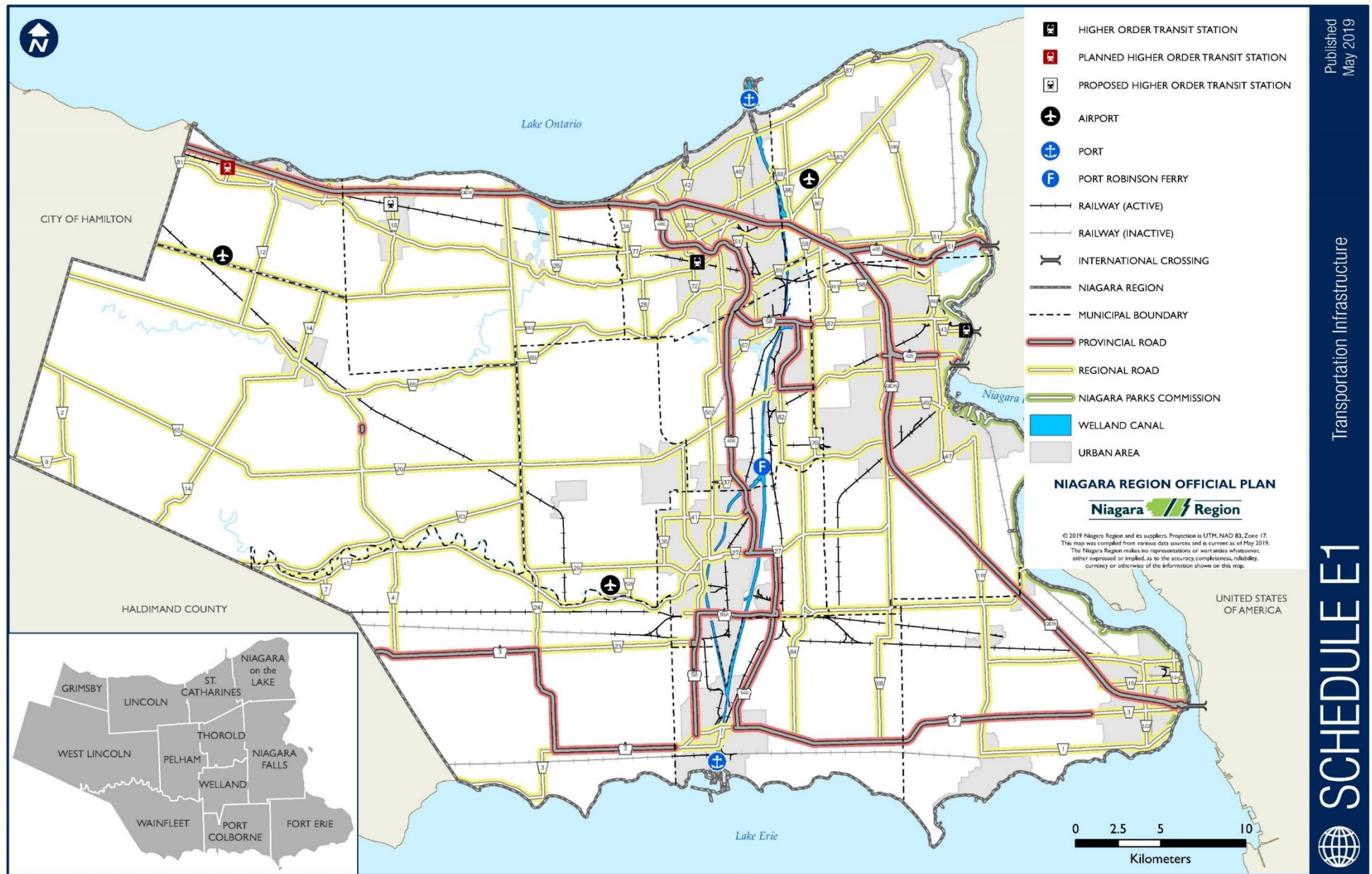
Relating to *development* that makes transit viable and improves the quality of the experience of using transit. It often refers to compact, mixed-use *development* that has a high level of employment and residential densities. *Transit-supportive development* will be consistent with Ontario's Transit Supportive Guidelines. (Growth Plan, 2017)

Part IV: Table 9-1 – Road Allowance Widths

1. That the following “minimum sight triangle requirements” table be added to Table 9-1 of the Plan:

Regional Intersection Type	Minimum Sight Triangle Dimension Requirements
Urban (signalized)	10 metres x 10 metres
Urban (non-signalized)	6 metres x 6 metres
Rural	15 metres x 15 metres

Schedule E1 – Transportation Infrastructure

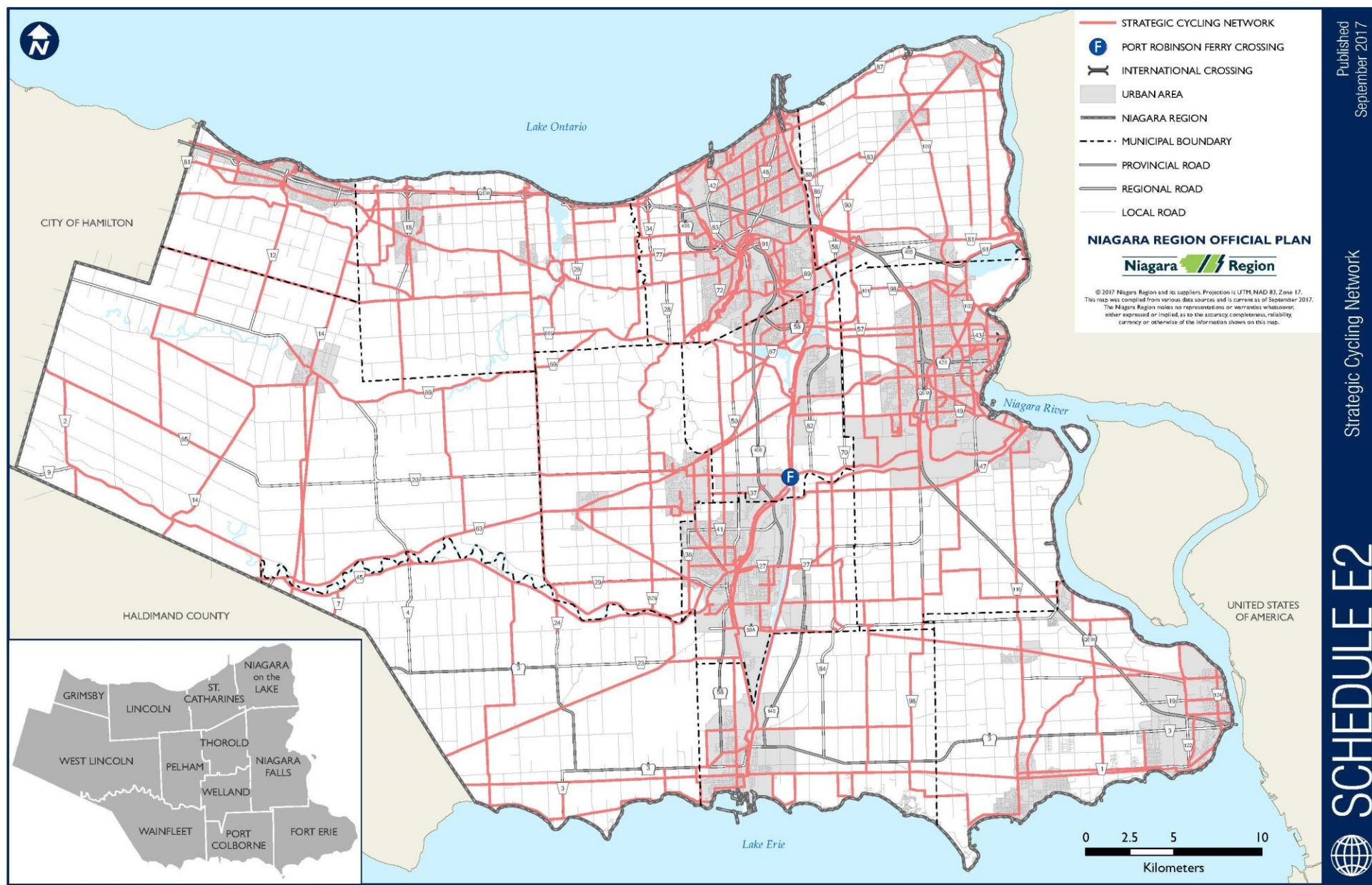


Published
May 2019

Transportation Infrastructure

SCHEDULE E1

Schedule E2 – Strategic Cycling Network



Published
September 2017

Strategic Cycling Network

SCHEDULE E2



APPENDIX II

AGENCY AND PUBLIC COMMENTS RECEIVED

**Ministry of
Municipal Affairs**

**Ministère des
Affaires municipales**

Ministry of Housing

Ministère du Logement

Municipal Services Office
Central Ontario
777 Bay Street, 13th Floor
Toronto ON M5G 2E5
Phone: 416-585-6226
Facsimile: 416-585-6882
Toll-Free: 1-800-668-0230

Bureau des services aux municipalités
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Sans frais : 1-800-668-0230



February 8, 2018

Sent via email only

Alexandria Tikky
Planner, Planning and Development Services
Niagara Region
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7

Dear Ms. Tikky

**Re: Provincial Review Comments
Region of Niagara Draft Transportation Official Plan Amendment 13
MMA File No.: 26-OP-178484**

Thank you for providing the Ministry of Municipal Affairs (MMA) with the opportunity to review and provide comments on the Region's draft Official Plan Amendment 13 (ROPA 13).

MMA staff understand that ROPA 13 is being brought forward as part of the Region's last official plan review and conformity exercise. The purpose of ROPA 13 is to introduce policies into the Regional Official Plan that will replace the existing transportation policies within Chapter 9, as well as update the Plan's other related transportation policies, schedules and definitions. The policies proposed through ROPA 13 are intended to align with the goals, vision and recommendations identified in the Niagara Region Transportation Master Plan.

As part of the One Window Provincial Planning Service, this draft ROPA was reviewed by MMA and the Ministry of Transportation (MTO). The following comments relate to conformity with the Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan), consistency with the 2014 Provincial Policy Statement (PPS) and ministry guidelines such as MTO's Transit-Supportive Guidelines, Freight-Supportive Guidelines and Ontario's Cycling Strategy. Please also refer to the attached table for technical comments on this OPA for consideration.

The Province is overall supportive of the policies and objectives of the ROPA which, among other things, supports a connected transportation network that allows the efficient movement of people and goods and a connected and convenient public transit network throughout the Region.

Major Transit Station Areas

Policy 9.C.11 makes reference to major transit station areas achieving minimum density targets that reflect existing and planned transit service levels. Minimum density targets are only

required for major transit station areas located on a priority transit corridor, which Niagara Region does not have. MMA does however support the Region in identifying a minimum density target for their major transit station areas. To assist in identifying a minimum density target the Region may want to consider policy 2.2.4.4 b) of the Growth Plan.

The Growth Plan contains specific policies which speak to all major transit station areas, including those not located on priority transit corridors. It is recommended that the Region revise policy 9.C.11 to elaborate on how local municipalities will develop land use plans for their major transit station areas and how development will be supported by making reference to applicable criteria listed in policies 2.2.4.8 and 2.2.4.9 of the Growth Plan. The Region and local municipalities may find MTO's Transit -Supportive Guidelines helpful, in particular *Chapter 2.3 on Enhancing Access to Transit*, when developing more detailed frameworks around major transit station areas. This chapter includes effective strategies for design and integration of transit stations.

Complete Streets

Policy 9.E.2 speaks to implementation of complete streets to be considered for Regional Roads meeting a specific list of requirements. Furthermore, policy 9.E.4 indicates that local official plans shall include policies related to the implementation of complete streets. It is unclear how these proposed policies meet policy 3.2.2.3 of the Growth Plan which states that "in the design, refurbishment, or reconstruction of the existing and planned street network, a complete streets approach will be adopted that ensures the needs and safety of all road users are considered and appropriately accommodated". Consideration of complete streets should not be limited to those that satisfy the particular criteria listed in policy 9.E.2.

It is recommended that ROPA 13 utilize an overarching complete streets approach to all roadway design, reconstruction, and refurbishment as per the Growth Plan. To support the Region's objectives set out in Policy 9.E, the Region may find *Chapter 2.2 on Creating Complete Streets* of MTO's Transit Supportive Guidelines helpful, which includes strategies for planning complete streets.

Additionally, MMA staff recommend that the Region consider italicizing defined terms throughout its Official Plan for better clarity (i.e., complete streets).

Infrastructure Corridors

It is recommended that the Region include policies addressing infrastructure corridors. Growth Plan policy 3.2.5 provides direction for the development, optimization, or expansion of existing and planned corridors and supporting facilities.

In a Region with an abundance of natural heritage and agriculture, planning for new or expanded transportation infrastructure may have to demonstrate, where applicable and through an Agricultural Impact Assessment and Environmental Assessment, that any impacts to the Agricultural System, key natural heritage features as well as key water resources have been avoided or at least minimized. The Region should also encourage the co-location of linear infrastructure facilities in order to use land more efficiently and integrate services. Therefore, it is recommended that policies 3.2.5 a), c) and d) of the Growth Plan be included in ROPA 13.

It is also recommended that the Region include policies for existing or planned corridors in accordance with Policy 3.2.5 e) of the Growth Plan by:

- considering increased opportunities for moving people and goods by rail;
- considering separation of modes within corridors; and
- providing opportunities for inter-modal linkages.

Transportation Initiatives Underway

As the Region may know, there are a number of transportation initiatives underway worth noting as they may impact the policies, strategies, and actions proposed in ROPA 13 and future land use and transportation policies.

MTO is undertaking a transportation study to develop the Greater Golden Horseshoe (GGH) Transportation Plan. This work will advance long-term multimodal transportation planning in the GGH and provide planning direction to transportation agencies and service providers for all modes, including highways, railways, regional transit systems, cycling and walking. It is anticipated that this work will be completed in early 2019. For more information, please visit <https://www.gghtransport2051.ca/>.

In addition, the review of Metrolinx's Regional Transportation Plan ("The Big Move") is underway to ensure that it continues to reflect the transportation priorities of the region to 2041. For more information, please visit http://www.metrolinx.com/en/regionalplanning/bigmove/big_move.aspx.

Engagement with Indigenous Communities

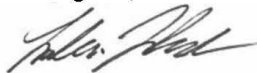
Both the Growth Plan (Policies 5.2.3.3 and 5.2.3.6) and PPS (Policy 1.2.2), encourage planning authorities to coordinate planning matters with Indigenous communities. First Nations and Metis communities, whose interests may be impacted by planning decisions, should be engaged to ensure that they have adequate opportunity to participate fully in the process. The Ministry is interested in understanding any engagement efforts that the Region has undertaken on this proposed amendment. Should the Region adopt ROPA 13, it is requested that information respecting any municipal engagement process be provided to MMA, including any submissions.

Conclusion

Thank you again for providing the opportunity to review draft ROPA 13. MMA staff look forward to continuing to work with Niagara Region staff on this and future work undertaken as part of the Region's new official plan program.

If you have any questions or wish to discuss these comments in more detail, please do not hesitate to contact me by phone at 416-585-7323 or by email at loralea.tulloch@ontario.ca or Louis Bitonti, Senior Planner, by phone at 416-585-6910 or email at louis.bitonti@ontario.ca.

Best Regards,



Lorelea Tulloch
Planner, Community Planning and Development (West)
Municipal Services Office – Central Ontario

Copy: Ministry of Transportation

Attachment 1 – Recommended Revisions to Niagara Region's draft Official Plan Amendment 13

Example – Text highlighted in grey are recommended additions to the proposed policy

Example – Text with strikethrough are recommended deletions

Item No.	OP Section	Provincial Comment	Policy Reference	Recommended Modified Policy
1	9. Transportation: Moving People and Goods	The new Growth Plan for the Greater Golden Horseshoe (Growth Plan) now projects growth to a 2041 planning horizon.	Growth Plan Schedule 3	"The Provincial Growth Plan for the Greater Golden Horseshoe projects significant growth within the Niagara Region by the year to a 2041 planning horizon 2034 ..."
2	9.A.1	The Growth Plan places a higher priority on modes of transportation which reduce reliance on the automobile than it does on offering multimodal access to jobs, housing, schools, cultural, and recreational opportunities, and goods and service. <i>Strategic growth areas</i> is a newly defined term in the Growth Plan, 2017. The new term replaces the 2006 Growth Plan's "intensification areas" and "intensification corridors". We note that the Region is proposing to add the term Strategic Growth Area to their OP through this amendment and have provided a definition that conforms to the Growth Plan.	Growth Plan policy 3.2.2.2 b), 3.2.2.2 d) Growth Plan definition for strategic growth areas	The Region should revise or re-profile its objectives to place a heavier emphasis on Growth Plan policy 3.2.2.2 b) by moving 9.A.1 after 9.A.7. It is recommended that the Region revise policy 9.A.1 to better align with the Growth Plan as follows: "Promote and support all modes of safe transport for the movement of goods and people to jobs, housing, school, culture and recreational opportunities, especially in strategic growth areas intensification areas and areas designated for high-density development ."
3	9.A.2	Rather than stating "all modes of transportation" it is recommended that the Region use their newly added term "multimodal transportation system". Additionally, is it recommended that the Region identify "road, rail, marine and air" as examples because walking and cycling are also modes of transportation not listed. This also aligns with the definition of "multimodal" in the Growth Plan.	Technical; Growth Plan definition for multimodal	"Support a connected multimodal transportation system network that allows the efficient movement of people and goods on all modes of transportation (such as road, rail, marine, and air)."
4	9.B.3 & 9.C.5	The Go Transit system is often referred to as	Technical	For clarity, it is recommend that these policies be

1

		the regional transit system.		revised as follows: "Policy 9.B.3 The Region will work with Metrolinx, the Province and other stakeholders to improve linkages between the Niagara R regional T transit Seystems and GO Transit." "Policy 9.C.5 The Region will encourage transit service integration as part of the implementation of an inter-municipal regional transit system ."
5	New Policy 9.C	The Growth Plan places first priority on public transit for transportation infrastructure planning and major transportation investments.	Growth Plan Policy 3.2.3.1	It is recommended that the following policy be added as 9.C.1: "Policy 9.C.1 Public transit will be the first priority for transportation infrastructure planning and major transportation investments."
6	9.C.1	The Growth Plan speaks to prioritizing high density areas for public transit in order to optimize return on investment as well as efficiency of transit service. Although Policy 9.C.3 speaks to serving low density areas where operationally and economically feasible, it should also be noted that higher density areas will be prioritized from an investment standpoint. The Growth Plan provides for expanded transit to commercial and institutional development in addition to residential and employment. <i>Strategic growth areas</i> is a newly defined term in the Growth Plan, 2017. The new term replaces the 2006 Growth Plan's "intensification areas" and "intensification corridors". We note that the Region is proposing to add the term Strategic Growth Area to their OP through this amendment and have provided a definition that conforms	Growth Plan Policy 3.2.3.2	Recommend revising as follows: "b) Prioritizing areas with existing or planned higher residential or employment densities to optimize return on investment and the efficiency and viability of existing and planned transit service levels;" "bc) Transit service(s) to areas that have achieved, or will be planned to achieve transit supportive residential, commercial, institutional and employment densities;" "cd) Improved linkages from nearby neighbourhoods to major trip generators, including: the St. Catharines urban growth centre, locally designated residential intensification strategic growth areas, employment areas, including tourist location and connection, and major transit station areas;"

2

		to the Growth Plan.		
7	9.C.5	The Growth Plan directs municipalities to work with transit operators, the Province and Metrolinx, where applicable, to support transit service integration within and across municipal boundaries.	Growth Plan 3.2.3.3	Would recommend revising this policy as follows: "The Region will encourage transit supportive integration as part of the implementation of an inter-municipal regional transit system and work with transit operators, the Province and Metrolinx, where applicable."
8	9.C.7 & 9.7.8	It is unclear what is meant by a Go Station Hub.	Technical	Consider clarifying what specifically is meant by this phrase; do these include all GO stations and stops or a particular subset?
9	9.D.1	Planned 'active transportation networks' may intersect provincial highways. For more information on how to plan near provincial highways, please see MTO's Guideline for Municipal Official Plan Preparation and Review found here: http://www.mto.gov.on.ca/english/engineering/management/corridor/municipal-guideline/standards.shtml	Public Transportation and Highway Improvement Act; Technical	The Region and municipalities should consult MTO early in the planning stage when planning active transportation networks around provincial highways. Technical: It is recommended that "local" be added before "municipalities" in this policy to be consistent with how the Region refers to lower-tiers elsewhere.
10	9.D.7	Active transportation routes cross other provincial highways of all designation.	2014 PPS, Section 1.5.1 a)	The phrase 'and other' should be inserted before Highways.
11	Policy 9.F.9	This policy currently states that local municipalities shall develop official plan policies regarding planned corridors in consultation with and to the satisfaction of the Province. As the approval authority for lower-tier official plans, the Region should also be satisfied with these policies. The Region should consider clarifying that development applications will not preclude or predetermine outcomes of planned corridors but rather the decisions made on these applications may have that effect.	2014 PPS, Sections 1.6.8.1, 1.6.8.2 & 1.6.8.3; Growth Plan policy 3.2.5	It is recommended that this policy be revised as follows: "Local municipalities, in consultation with and to the satisfaction of the Region and the Province, shall develop Official Plan policies that provide protection for planned corridors protection to ensure that decisions on development applications will not predetermine or preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified planning and/or implementation of the above-noted transportation facilities. "

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		It is also recommended that this policy be revised to align better with the PPS's planned corridor protection policy.		
12	9.G.1	Recommend revising this sentence to read more clearly.	Technical	"The Region will develop and implement by including in this Plan a comprehensive Transportation Demand Management (TDM) strategy to:"
13	9.G.2	To be consistent with the term "Transportation Demand Management <u>strategy</u> " used in 9.G.1.	Technical	"Local municipalities shall develop and implement TDM policies to be incorporated into local official plans that are consistent with the future TDM Study strategy."
14	9.H.1	To ensure consistency with language used elsewhere in the Region's OP, it is recommended that the "Niagara Gateway Economic Zone" and "Niagara Gateway Economic Centre" be revised accordingly.	Niagara Region OP Policy 3.A.1 and Schedule G; Growth Plan Policy 2.2.5.15	"...The Region's goods movement network will also take advantage of cross-border trade and the Foreign Free Trade Zone, and maximize the use of the Niagara Gateway Economic Zone and Niagara Gateway Economic Centre. " Or "...The Region's goods movement network will also take advantage of cross-border trade and the Foreign Free Trade Zone, and maximize the use of the Niagara Economic Gateway Zone and Niagara Economic Centre. "
15	9.H.3	Recommend revising to clarify that these routes are to be identified specifically for goods movement. The wording in this policy implies that prime employment areas are separate from employment areas which is not the case. Prime employment areas are a subset of employment areas. Additionally, since the Region does not yet have lands designated as prime employment areas, we recommend only indicating employment areas in this policy.	Growth Plan Policies 3.2.4.3	"The Region, in partnership with local municipalities, will identify priority and alternative routes for goods movement into and out of from prime employment and employment areas and other areas of significant commercial activity connecting to the provincial network."
16	9.H.7	Suggest revising to emphasize support for integration of multi-modal goods movement	Growth Plan Policy 3.2.4.2 c)	"The Region will support the development and integration of multi-modal transportation systems

4

		with freight supportive land uses to better align with the Growth Plan. Recommend removing "and people" as this section pertains to Goods Movement. Technical Comment: Remove the quotation mark at the end of the sentence.		and freight supportive land uses to facilitate the movement of goods and people , while ensuring compatibility with adjacent land uses and access to these facilities. ."
17	New Policy 9.H.8	Recommend adding in a policy related to accommodating agricultural vehicles and equipment.	Growth Plan Policy 3.2.4.2 d)	"9.H.8 The Region will work with municipalities, agencies and transportation service providers to develop transportation systems which accommodate agricultural vehicles and equipment, as appropriate."
18	Schedule E-1: Go Transit	Schedule E1 shows three GO Transit stations identified as "major transit stations" and one station identified as "proposed major transit station."		To provide more clarity, please consider: <ul style="list-style-type: none"> - keeping the label 'major transit stations' for the two existing stations (St. Catharines and Niagara Falls) - identifying the planned Grimsby GO station as such to show that it is planned and not existing at this time - Identifying that the "proposed major transit station" (Beamsville station area in Lincoln) as a future recommended station which is not yet committed or funded.
19	Schedule E-1: Transportation Infrastructure	All Niagara Region provincial highways should be shown on Schedule E	2014 PPS Section 1.6.8.1	Revise Schedule E1 to show: <ul style="list-style-type: none"> - Highway 58 extended easterly to Thorold Townline Road - Highway 20 at the south end of Highway 58
20	Active Transportation Definition	It is recommended that this policy be revised to better align with the Growth Plan.	Growth Plan Policy 7	"Active Transportation means any form of self-propelled transportation that relies on the use of human energy such as walking, cycling, inline skating, jogging, or travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed."

Housekeeping Comments:

Throughout	Recommended that "Region" have a capital "R"
9.D.7	As the Ministry of Transportation is only referenced in this policy within Chapter 9, there is no need for an acronym to be established. The Ministry of Transportation is referenced elsewhere, after Chapter 9, in the Official Plan (i.e., definitions) and the acronym is not used. Would suggest removing the acronym.

January 3, 2018

Ms. Alexandria Tikky
Planner
Planning and Development Services
Niagara Region
1815 Sir Isaac Brock Way,
PO Box 1042
Thorold, ON L2V 4T7

Dear Ms. Tikky:

**Re: Proposed Amendment No. 13 to the Region of Niagara Official Plan
 Transportation Policies**

Staff of the Niagara Escarpment Commission (NEC) has reviewed proposed Amendment 13 to the Official Plan for the Niagara Planning Area (ROPA 13) and we offer the following comments. These comments take into consideration the relevant policies of the Niagara Escarpment Plan, 2017 (NEP) which came into effect on June 1, 2017 and the Provincial Policy Statement 2014 (PPS).

Comments on Proposed Policies

Part 2.12 of the NEP contains the revised policies relating to Infrastructure. The objective of this development criterion is "to design and locate infrastructure so that the least possible impact occurs on the Escarpment environment and to encourage green infrastructure and low impact development, where appropriate". ROPA 13 generally supports this objective by encouraging environmentally appropriate modes of sustainable transportation. The proposed policy should be enhanced by also acknowledging that there are locations where transportation infrastructure is discouraged such as in parks, open spaces, the Bruce Trail, prime agricultural areas and Escarpment Natural Areas in order to avoid conflict with NEP policy including Part 2.6.2 e) and Part 2.7.2 e) relating to infrastructure in key hydrologic features and key natural heritage features.

Although the Bruce Trail is identified on Schedule F of the Official Plan, there is no specific reference to it in the Active Transportation policies in ROPA 13. We note that there are trail policies in Chapter 2 of the Official Plan but there is no specific reference to the Bruce Trail. Policy 2.B.2.15 only references "other trails". The NEP supports the establishment of a permanent route for the Bruce Trail and as a footpath, it contributes to active transportation opportunities. Policies to identify and support the Bruce Trail should be considered for incorporation into ROPA 13.

There is a reference in Policy 9.D.6 supporting off-road trails. It is important to indicate in the proposed policy whether these off-road trails would be pedestrian only or if recreational vehicles would be considered. The Bruce Trail is a pedestrian footpath only and the policies of the NEP do not permit intensive trail activities in Escarpment Natural and Escarpment Protection Areas. Only non-motorized trail activities are permitted in these designations.

Proposed policy 9.F.4 states that the Region may acquire additional land for road allowances without an amendment to the Official Plan. Policy 9.C.16 in the existing Official Plan states that an amendment would be required and took into consideration "applicable federal and provincial acts and regulations". If there is no Official Plan amendment, how would the NEC be consulted with respect to road widenings?

Comments on Existing OP policies which are proposed to be deleted/changed

We note that the transportation policies are proposed to be streamlined in comparison to the existing Official Plan policies. In so doing, certain references to the NEP are proposed to be deleted. We do not require the Region's policies to duplicate those of the NEP, but we support clarifying that a different process and infrastructure policies may apply within the Niagara Escarpment Plan Area in terms of planning approvals that relate to transportation routes and infrastructure. For example, Policy 9.C.3 in the existing Official Plan used to reference the NEP with respect rights-of-way but it is proposed to be deleted. Similarly, the need for a Development Permit for road improvements in Policy 9.C.23 and 9.C.31 are also proposed to be removed. We would like to understand why the references to the NEP are proposed to be removed and whether a more general policy in the Region's Official Plan explaining the policy hierarchy between the NEP and the Official Plan is being considered in the alternative. At present, Chapter 1 of the Region's Official Plan, on page 1-8, merely states that the NEP is a "plan of interest" but this does not make clear the implications of the policies of the NEP for transportation-related or other planning matters.

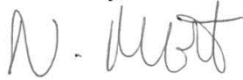
Reference to the environmental assessment process is found in the existing transportation policies (e.g. Policy 9.B.3 and 9.C.23) and reference the need for a Development Permit from the NEC, as noted above. These policies are not found in ROPA 13. Although Chapter 14 of the Official Plan refers to the possible need for an EA in Policy 14.F.3 for municipal infrastructure projects, there is no indication of the role of other agencies, such as the NEC in that process. We would like to better understand the process that the Region would follow in determining the impact of transportation infrastructure on the Niagara Escarpment. Reference to the role of the NEC is only found in Policy 2.B.2.12 b) relating to recreation and tourism. We would like the Region to identify in ROPA 13 that there is a role for the NEC in the EA process for infrastructure, that development permits may be required and that, in the event of a conflict, the policies of the NEP prevail over Regional Official Plan policy, pursuant to Section 14 of the *Niagara Escarpment Planning and Development Act* and consistent with Part III of the PPS with respect to the precedence of the NEP over the PPS and the need for municipal planning decision to not conflict with provincial policy.

There are new policies in the NEP with respect to Scenic Resources and Landform Conservation (Part 2.13). Policy 9.C.5 of the existing Regional Official Plan supports consideration of the impact of road improvements and reconstruction "on the existing landscape". This policy is not contained in ROPA 13 and NEC staff is concerned that the importance of protecting the Scenic Resources and Escarpment Related Landforms of the Niagara Escarpment is not encouraged in the proposed Official Plan amendment.

Thank you for the opportunity to comment on the draft amendment. Please keep us informed as to the next steps in the process for this amendment. Please send us a copy of the staff report that will be sent to your Committee for the statutory public meeting.

If you have any questions, please contact me at 905-877-8363 or nancy.mott@ontario.ca. We would be pleased to arrange a meeting or conference call to discuss NEC comments on the proposed amendment before it is adopted by Regional Council.

Yours truly,



Nancy Mott, MCIP, RPP
Senior Strategic Advisor

c.c. Debbie Ramsay, Manager, NEC

January 10, 2018

Alexandra Tikky, Planner
Niagara Region
Planning and Development Services
1815 Sir Isaac Brock Way, PO Box 1042
Thorold ON L2V 4T7

Dear Ms. Tikky:

Re: Request for Comments
Proposed Regional Official Plan Amendment 13 (ROPA 13)
Updates to the Transportation Policies, Schedules and Definitions

The Niagara Parks Commission (NPC) has reviewed the draft policies stamped received October 5, 2017 and would comment as follows:

NPC is an agency of the Province of Ontario. The mandate of NPC is the preserving and promoting the natural and cultural heritage along the Niagara River corridor. Niagara Parks is also committed to delivering commercially successful products in a way that ensures benefits for everyone (people who travel, the adjacent communities, and the respective natural, social, and cultural environments). The proposed amendment has been evaluated for its potential impacts on the preservation and conservation of the natural and cultural heritage resources within NPC's jurisdiction including Niagara River Parkway (Niagara Boulevard). In this regard NPC is supportive of the overall goals and objectives of the transportation policy amendment which would implement the recently completed Transportation Master Plan.

NPC Requested Revisions:

Schedule Changes:

Schedule E1, Transportation Infrastructure does not identify the Niagara River Parkway as a road in the Region. Niagara River Parkway should be at minimum identified as a Niagara Parks Commission road.

Schedule E2- The Niagara River Parkway is a part of the existing cycling network. The scale of the map makes it difficult to confirm that the entire Niagara River Parkway is identified as part of strategic. Please review and ensure it is included as part of the strategic cycling network.

9. Transportation: Moving People and Goods

Please add:

The Region recognizes that The Niagara Parks Commission's transportation system provides a unique multi-modal, tourist oriented function in the Niagara Region. In order to

Janice Thomson
Chair

THE NIAGARA PARKS COMMISSION
P.O. Box 150, Niagara Falls, ON L2E 6T2
www.niagaraparks.com

Reegan McCullough
Chief Executive Officer

preserve and enhance the tourist oriented function as well as the scenic and natural amenities associated with The Niagara Parks Commission transportation system, access to the Niagara River Parkway is controlled, speed limits may be more restrictive than usual and commercial traffic is restricted.

9.B Coordinated Transportation System Planning

Please add to Policy 9.B.2:

Policy 9.B.2 g) The roads of The Niagara Parks Commission

To support coordination of land use planning that may impact the Niagara River Parkway and strategic infrastructure investments by NPC, the Region and area municipalities, please add the following:

Policy 9.B.6: The Region will work with The Niagara Parks Commission to improve linkages between the regional transportation system and NPC's transportation system.

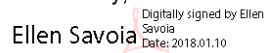
9.D Active Transportation

NPC requests the following be added as Policy 9.D.5

Policy 9.D.8 The Region will encourage The Niagara Parks Commission to develop active transportation infrastructure and supporting policies in alignment with the Strategic Cycling Network.

Thank you for circulating the draft ROPA no. 13 for our review. If you have any questions or would like to discuss our comments with in more detail, please let me know. Please keep NPC informed with regard to this process.

Yours truly,

 Digitally signed by Ellen Savoia
Date: 2018.01.10 17:15:14 -05'00'

Ellen Savoia, MCIP, RPP
Senior Planner



Authorized commenting Agency for



KITCHENER
WOODBIDGE
LONDON
KINGSTON
BARRIE
BURLINGTON

November 29th, 2017

Ms. Alexandria Tikky
Planner, Planning and Development Services
Niagara Region
1815 Sir Isaac Brock Way
P.O. Box 1042
Thorold, ON
L2V 4T7

Via email: Alexandria.Tikky@niagararegion.ca

Dear Ms. Tikky:

**RE: Regional Official Plan Amendment, Niagara Transportation Master Plan
Our File No. PAR 37626**

This letter is in response to notification of the Region's Official Plan Amendment (ROPA) to implement the Niagara Region Transportation Master Plan. We have reviewed the amendment and would request the Region consider the addition of the following:

Amend Policy 9.D.6 by adding:

Where such corridors include the TransCanada Pipeline right-of-way, the Region shall require early consultation with TransCanada or its designated representative for any proposals within 30 metres of its pipeline centreline."

Add Policy 9.F.10:

"TransCanada PipeLines Limited (TransCanada) has high pressure natural gas pipelines crossing the Region. TransCanada is regulated by the National Energy Board (NEB) which has a number of requirements regulating development in proximity to its pipelines. This includes approval requirements for activities within 30 metres of the pipeline centreline such as conducting a ground disturbance, constructing or installing a facility across on or along the pipeline right-of-way, driving a vehicle, mobile equipment or machinery across the right-of-way and the use of explosives."

Thank you for the opportunity to comment. If you have any questions or require any additional information please don't hesitate to contact our office.

Sincerely,

Darlene Presley,
Planning Coordinator
On behalf of TransCanada PipeLines Limited



December 15, 2017

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

**Re: Proposed Regional Official Plan Amendment 13
Transportation Policy Update
Request for Comments**

Dear Ms. Tikky:

Thank you for circulating the draft amendment. City staff – Planning, Municipal Works and Transportation – has reviewed the draft amendment and offer the following comments.

1. Complete Streets

- a) The policies should provide flexibility to the lower tier with respect to implementation in order to allow for specific conditions and circumstances.
- b) The policies should recognize that there will be situations where not all of the elements of complete streets can be implemented. Flexibility should be provided in the policies.

2. Connectivity

- a) The Corridor Protection policies and plans should be part of this amendment as these corridors are part of the overall transportation policy framework.
- b) The Region's Transportation Master Plan includes a 2041 Road network Plan and a Phasing Plan which should be part of the amendment. These plans provide the future conceptual network and how it is to be implemented.
- c) There should be policies that speak to road connections between the southern municipalities and the pending South Niagara Hospital Niagara Falls.

Working Together to Serve Our Community

Planning, Building, &
Development
Ext 4247 Fax 905-356-2354
barnsley@niagarafalls.ca

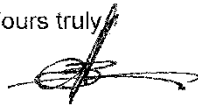
3. Daylight Triangles

- a) The requirements for daylight triangles should be standardized. The City's standards, provided below, are greater than those contained in the proposed amendment and offer specific consideration for roadway classification. Such a discrepancy between upper and lower tier requirements leads to confusion and questions when dealing with development applications. Daylight triangles should be of a size that can provide sightlines and also to provide for sufficient land for infrastructure and streetscape elements.

Road Classification	City	Region (proposed)
Local to Local	5.0 m x 5.0 m	Urban: Signalized = 10 m x 10 m Non-signalized = 6 m x 6m
Collector to Local	5.0 m x 5.0 m	
Collector to Collector	7.0 m x 7.0 m	
Arterial to Local	7.0 m x 7.0 m	
Arterial to Collector	12.0 m x 12.0 m	
Arterial to Arterial	12.0 m x 12.0 m	15.0 metres x 15.0 metres
Outside of Urban Boundary	15.0 m x 15.0 m	

Should you have any questions, please do not hesitate in contacting me. I would appreciate a circulation of the revised amendment in advance of adoption.

Yours truly,



John Barnsley, MSc, MCIP, RPP
Manager of Policy Planning

JB:rm

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Alex Tikky
Planner, Planning and Development Services
Niagara Region
1815 Sir Isaac Brock Way, Thorold ON L2V 4Y6

**Proposed Regional Official Plan Amendment 13 (ROPA 13)
Updates to the Transportation Policies, Schedules and Definitions
City of Thorold Comments**

Thank you for providing the City of Thorold the opportunity to review and provide comments on the Region's proposed transportation policies, schedules and definitions.

The City is supportive of the proposed policies and the direction they provide to the Region, the local municipalities and agencies for the support and implementation of active transportation, complete streets, public transit and an integrated transportation system.

To further support the goals and objectives of the policies and for clarification the City offers the following comments for consideration:

General

1. It is understood that this proposed amendment is proceeding prior to the Region preparing a new Official Plan. Is it intended that the local municipalities will need to amend their Official Plans following the Province's approval of ROPA 13 or is the Region considering allowing local conformity after the new Regional Official Plan is approved? The City would prefer that flexibility be provided in terms of local implementation to allow for staff and financial budgeting to prepare to undertake the work.
2. The City encourages the Region to consider funding opportunities to assist municipalities with the cost of preparing an Official Plan amendment to conform with ROPA 13. As suggested above, flexibility for implementation would be appreciated.

Policies

1. Policy 9.F.7 mentions the Region's Model Urban Design Guidelines as a tool for providing comments on development applications along Regional Roads. Given that the guidelines were adopted in 2005 and there has been a significant amount of provincial policy changes as well as new best practices, does the Region intend to update this document?

City of Thorold

P.O. Box 1044, 3540 Schmon Parkway, Thorold, Ontario L2V 4A7

www.thorold.com

Tel: 905-227-6613

2. Policy 9.F.9 notes that local municipalities shall develop Official Plan policies to provide corridor protection to not predetermine or preclude the planning of the 'above noted' transportation facilities. Please confirm what the 'above noted' is referring to. It is suggested that this policy be revised for clarification.
3. Policy 9.G.1 – Is the intention of this policy to provide direction to the Region to include policies in the ROP in the future that address TDM? If this is the intent, the City suggests revising the wording of the policy to the following:

"The Region will develop a Transportation Demand Management strategy and will include policies in this Plan to implement the strategy. The strategy will aim to:

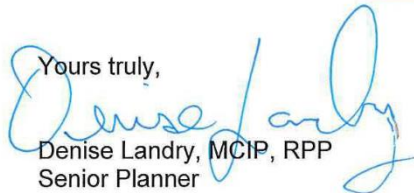
- a) Reduce trip distances and time;
 - b) Increase alternative uses to the automobile;
 - c) Prioritize active transportation, transit and goods movement over single-occupant automobile;
 - d) Expand infrastructure to support active transportation; and
 - e) Consider the needs of major trip generators."
4. Policy 9.G.1 and 9.G.2 refer to a Transportation Demand Management strategy and study. It is suggested that the language be consistent and that only one term be used (strategy or study).
 5. Is the Goods Movement Study referenced in Policy 9.H.1 anticipated to inform future Regional Official Plan policy and if so, is the timing of the study anticipated to align with the new Regional Official Plan?

Mapping

1. It is our understanding that Highway 20, between Highway 58 and the City of Thorold and City of Niagara Falls municipal border is owned by the Province and is managed by the Ministry of Transportation.

If you would like to discuss the comments provided in this letter please do not hesitate to contact the undersigned at denise.landry@thorold.com or at extension 248.

Yours truly,

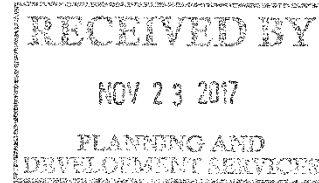

Denise Landry, MCIP, RPP
Senior Planner

cc: Manoj Dilwaria, Chief Administrative Officer



City of Welland
Infrastructure and Development Services
Planning and Building Division
60 East Main Street, Welland, ON L3B 3X4
Phone: 905-735-1700 Ext. 2251 | **Fax:** 905-735-8772
Email: devserv@welland.ca | www.welland.ca

November 20, 2017



Alexandria Tikky, Planner
Planning and Development Services
Niagara Region, Planning and Development Services
1815 Sir Isaac Brock Way, PO Box 1042,
Thorold, Ontario
L2V 4T7

Dear Ms. Tikky:

**RE: Comments on Proposed ROPA 13
Updates to Transportation Policies, Schedules and Definitions**

Thank you for circulating the draft Official Plan Amendment. City Staff are generally supportive of the principles of this Amendment, and we look forward to continue to move forward in partnership with the Region on these important transportation matters. As per your request, below please find the City of Welland's comments regarding the above referenced proposed Regional Official Plan Amendment.

Policy Specific Comments

Objective 9.A.5 – Active transportation encompasses more than walking and cycling. Consideration should be given to using walking and cycling and use of public transit as examples.

Policy 9.B.2.a) - Consideration should be given rewording this Policy to read: "Queen Elizabeth Way (QEW) widening from the eastern most boundary of the Region."

Policy 9.B.2.b) – Not all examples provided are interchanges on Highway 406.

Policy 9.B.4 – Reference to Provincial Freeway network should be changed to Provincial Highway network.

Policy 9.C.1(c) – As an urban growth centre is defined on page 10 of the proposed Amendment it is not necessary to specify the City of St. Catharines in this Policy.

Bridging the past, present and future

RE: Comments on Proposed ROPA 13
Updates to Transportation Policies, Schedules and Definitions

November 20, 2017

Policy 9.D.6 – Second sentence in Policy should read: “The Region encourages local municipalities to consider various means to protect and/or acquire such corridors.”

Policy 9.H.1 – Reference to Niagara Economic Zone and Niagara Economic Centre should be changed to Niagara Gateway Economic Zone and Centre.

Policy 9.H.1 – Reference to Niagara Economic Zone and Niagara Economic Centre should be changed to Niagara Gateway Economic Zone and Centre.

General Comments

Although this is a Regional Official Plan, there are a number of policies throughout the body of the Plan (e.g. 9.C.11, 9.D.1, 9.E.4, 9.E.5, 9.E.6, 9.F.9, 9.G.2, 9.H.2) that obligate local municipalities by using wording such as “local municipalities shall”. Wording which obligates local municipalities should be removed from all Policies.

I trust this information is of assistance. Should you have any questions, please do not hesitate to contact us. If necessary, we would be willing to meet with Regional Staff to discuss these comments further.

Yours truly,



Erik Nickel, P.Eng.
Acting General Manager, Infrastructure and Development Services/City Engineer



Planning and Development Services

December 19, 2017

Sent Via MAIL
(and Email to: alexandria.tikky@niagararegion.ca)

Region of Niagara
Planning and Development Services
1815 Sir Isaac Brock Way, Box 1042
Thorold Ontario, L2V 4T7

Attention: Alexandria Tikky, Planner

Dear Ms. Tikky:

Re: Request for Comments – Proposed Regional Official Plan Amendment 13 (ROPA 13): Updates to the Transportation Policies, Schedules and Definitions

Thank you for circulating the draft Official Plan Amendment. Town Staff are generally supportive of the principles of this Amendment, and we look forward to continue to move forward in partnership with the Region on these important transportation matters. As per your request, below please find the Town of Fort Erie staff comments regarding the above referenced proposed Regional Official Plan Amendment.

Schedules

There are policies related to the Niagara Greater Toronto Area East Corridor (NGTA) within the amendment – this proposed corridor should be illustrated on Schedule E1, as the Ministry of Municipal Affairs requires just about all Planning Act applications located within or adjacent to be circulated to the Ministry for their review.

The Region continues to identify the Stevensville to Bridgeburg Corridor as part of their strategic bike network (Schedule E2), while the Town is greatly supportive of this initiative, have CP or CRX been consulted about this being identified for cycling/trail purposes? If not, this is something the Region may want to consider.

Policy Specific Comments

Objective 9.A.5 – Active transportation encompasses more than walking and cycling. Consideration should be given to using examples; perhaps a more generic statement can be made that doesn't specify certain types of active transportation and is more consistent with the Active Transportation definition.

Policy 9.B.2 – An additional subsection “g” should be included that steps outside of only those provincial identified corridors, to name *“any other corridor that may have the capacity to serve in a transportation function complimentary to provincial and regional transportation systems planning, such as those identified in PPS 2014 section 1.6.8.4 and section 9.D.6 herein.”* .Examples of “other corridors” in this context would include rail and hydro corridors, that if decommissioned, hold great potential for transportation alternatives.

Policy 9.B.3 - For inclusiveness, the Town is suggesting the wording include reference to local municipalities with the following modification, *“The Region, in consultation with local municipalities, will work with Metrolinx, the Province and other stakeholders....”*.

Policy 9.C.1b – Currently, a number of transit agencies provide links or community bus service to areas that do not or will never achieve a density to support service provision. The support of such areas cannot be ignored, and should be addressed in this policy to ensure connection and public equity.

Policy 9.C.3 – Elevate the demand-responsive transit service by replacing the word “encourage” with “supports”. This in relation to such communities as Stevensville, for example.

Policy 9.D.2 – The reference to both the Strategic Cycling Network and Niagara Bikeways Master Plan is confusing. Which plan is being implemented? What is the difference between the two Plans? Should there be an additional schedule showing the Niagara Bikeways Master Plan area?

Policy 9.D.6 – Second sentence in Policy should read: “The Region supports local municipalities in their efforts to protect and/or acquire such corridors.” This topic goes back to the *PPS 2014 section 1.6.8.4* referenced earlier and it would be appropriate for the Region to state “support” as a means of elevating significance. It is shown on the Region’s schedules and therefore is interpreted as supportive.

Policy 9.D.7 – The word “over” in the policy should be more generic as not all crossings are “over” the highway. A suggestion for wording being more generic could be, *“...the provision of safe active transportation crossings of 400 series highways.”*

Policy 9.H.1 – Reference to Niagara Economic Zone and Niagara Economic Centre should be changed to Niagara Gateway Economic Zone and Centre.

Definitions

“Active Transportation” – The Town has some concern with the definition, specifically the wording “other powered devices” currently proposed in the Region’s amendment. While similar, there is subtle difference as it relates to “other mobility devices”. The Growth Plan (2017) defines active transportation as:

"Human-powered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices **moving at a comparable speed.**" (PPS, 2014) (Emphasis added)

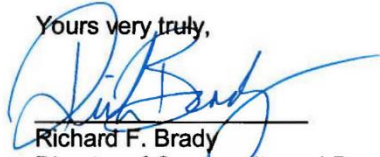
Town Staff would be more supportive of using this type of language (PPS 2014), as it appears to link speed of "other mobility devices" to that of motorized wheelchairs. Common concerns over e-bikes, golf carts, snowmobiles and "other mobility devices" that are not truly AT or accessibility related, are exploiting the AT infrastructure networks and pose a higher degree of risk to intended AT users.

General Comments

Although this is a Regional Official Plan, there are a number of policies throughout the body of the Plan (e.g. 9.C.11, 9.D.1, 9.E.4, 9.E.5, 9.E.6, 9.E.7, 9.F.9, 9.G.2, 9.H.2) that obligate local municipalities by using wording such as "local municipalities shall". Wording which obligates local municipalities should be reviewed and used only when absolutely necessary. It is noted the Growth Plan 2017 policies do not use the word "shall".

I trust this information is of assistance. Should you have any questions, please do not hesitate to contact Lindsay Richardson, Senior Community Planner at lrichardson@forterie.ca. We would be pleased to meet with Regional Staff to discuss these comments further.

Yours very truly,



Richard F. Brady
Director of Community and Development Services
rbrady@forterie.ca
RB:lr



4800 South Service Road
Beamsville, ON L0R 1B1
TEL (905) 563-8205
FAX (905) 563-6566

December 21, 2017

CN: 3-5-02-12

Alexandria Tikky
Niagara Region
Planning & Development Services
1815 Sir Isaac Brock Way, PO Box 1042
Thorold, ON L2V 4T7

Dear Ms. Tikky:

**Re: Proposed Regional Official Plan Amendment 13 - Updates to the
Transportation Policies, Schedules and Definitions**

At a meeting of the Planning Committee held on December 11, 2017, the following recommendation was adopted:

"For the reasons outlined in PL 17-86, it is hereby recommended:

1. That a copy of PL 17-86 regarding Regional Official Plan Amendment 13 be forwarded to Regional Planning and Development Services; and
2. That Regional Planning and Development Services be advised that the Town supports the proposed Regional Official Plan Amendment 13."

At a meeting of Council held on December 18, 2017, the above noted recommendation was approved. A copy of Report PL 17-86 is attached.

Yours sincerely

A handwritten signature in blue ink that reads "M. Cocchiara".

Monika Cocchiara
Senior Policy & Development Planner

MC:dc
Attach.

website: www.lincoln.ca



e-mail: info@lincoln.ca



Planning and Development Department

TO:	Planning Committee
MEETING DATE:	December 11, 2017
SUBJECT / REPORT NO:	Proposed Regional Official Plan Amendment 13 - Updates to the Transportation Policies, Schedules and Definitions Report PL 17-86
PREPARED BY:	Monika Cocchiara Senior Policy and Development Planner
SUBMITTED BY:	Kathleen Dale, MCIP, RPP Director of Planning and Development

RECOMMENDATIONS:

For the reasons outlined in PL 17-86, it is hereby recommended:

1. That a copy of PL 17-86 regarding Regional Official Plan Amendment 13 be forwarded to Regional Planning and Development Services; and
2. That Regional Planning and Development Services be advised that the Town supports the proposed Regional Official Plan Amendment 13.

EXECUTIVE SUMMARY:

This report provides a recommendation to Committee and Council regarding Regional Official Plan Amendment 13, pertaining to replacing and enhancing the existing transportation policies, schedules and definitions.

HISTORICAL BACKGROUND:

The Niagara Region's Transportation Master Plan (TMP) is a planning document that defines policies, programs, and infrastructure improvements required to address transportation and growth needs from today through to 2041. The TMP addresses needs for all travel modes, including walking, cycling, transit, automobiles, and goods movement. The TMP is needed to ensure that growth is accommodated in a sustainable way, and that transportation decisions foster economic prosperity.

The TMP emphasizes the need to integrate and co-ordinate transportation planning, land use planning, and urban design as part of its implementation to reflect the unique needs of the Region's urban and rural communities.

An amendment to the Regional Official Plan (ROP) is being brought forward under Section 26 of the *Planning Act*, as it is considered an update to the ROP to conform to provincial policies. Updating the transportation policies within the ROP is a key component of the

implementation of the TMP recommendations. The proposed amendment will replace and enhance the existing transportation policies within Chapter 9 of the ROP, as well as update and amend the Plan's other related transportation policies, schedules and definitions. The policies proposed through the amendment will provide consistency with the goals, vision, and recommendations identified in the TMP, and ensure that the Region has current and sound transportation policies that will strategically align with the ongoing comprehensive review of the Regional Official Plan.

The Region has requested that local municipalities review the draft amendment and mapping and forward comments by early January 2018.

FINANCIAL – STAFFING – LEGAL CONSIDERATIONS:

Financial:

There are no financial requirements as a result of the consideration of this report.

Staffing:

There are no additional staffing requirements anticipated because of the consideration of this report.

Legal:

There are no legal implications anticipated as a result of the consideration of this report.

RELEVANT CONSULTATION:

The draft amendment has been posted on the Region of Niagara website and public open house events were held in March and April of this year to raise awareness and receive feedback. Local regional municipalities and provincial agencies have been engaged throughout the process and are given the opportunity to review the draft amendment and provide comments. All feedback is considered toward the development of the new transportation policies.

STAFF COMMENTS:

Regional Amendment 13 (ROPA 13) updates and enhances the Region's transportation policies to be more in line with the goals, vision and recommendations identified in the Region's Transportation Master Plan, as well as conform to Provincial legislation, including the new Growth Plan for the Greater Golden Horseshoe.

Planning Staff is of the opinion that the proposed policy framework appropriately implements a sustainable transportation system that builds, preserves and enhances liveable communities, healthier lifestyles and greater economic competitiveness.

In addition to the enhancement of the existing transportation policies, "Complete Streets" policies were added. Local municipalities are to identify priority roads for the implementation

of complete streets. The Region will work with local municipalities to implement complete streets elements, such as multi-use paths, street lighting, and missing sidewalk links along Regional Roads. The Town's Official Plan does refer to the implementation of complete streets under the Transportation objectives of Section 6 and under the Urban Design Principles of Section 8.

The addition of Schedule E1, "Transportation Infrastructure" recognizes the proposed major transit station in Beamsville, which is consistent with the goals and vision of the Region's Go Hub and Transit Stations Study and draft Secondary Plan for this area, as well as with the policies and future transit station mapping in the Town's Official Plan.

The addition of Schedule E2, "Strategic Cycling Network" is also consistent with the Town's Official Plan with regards to the location of bikeway paths in the Town.

The updated definitions are consistent with the Town's Official Plan, as many of these terms in the Town's Official Plan refer to the definitions in the Provincial Policy Statement or Regional Official Plan.

Planning Staff is of the opinion that ROPA 13 is consistent with the objectives and policies of the Lincoln Official Plan to provide a safe and adequate system for the movement of people and goods, including active transportation. The updated policies, schedules and definitions are consistent with the Town's Official Plan. On this basis, Planning Staff recommend that Committee and Council support the Region's approval of the proposed Regional Official Plan Amendment 13 (ROPA 13).

ALTERNATIVES FOR CONSIDERATION:

None.

ALIGNMENT TO CORPORATE PLAN:

The Roads, Transportation and Traffic Strategy identified in the Corporate Plan adopted by Town Council encourages deliberate and purposeful planning resulting in improved road conditions, travel options, safety and convenience. This strategy also supports Regional transportation initiatives. As such, the policies proposed through ROP Amendment 13 will result in increased alignment with the Corporate Plan.

ATTACHMENT:

Appendix A: Draft Amendment 13: To the Official Plan for the Niagara Planning Area, including Draft Table 9-1 & Draft Schedules E1 and E2.

Proposed Regional Official Plan Amendment 13: Update to Transportation Policies

Executive Summary:

The purpose of this report is to provide Council with information regarding proposed Regional Official Plan Amendment 13 which will update the transportation policies in the Region Official Plan to reflect the recently approved Regional Transportation Master Plan.

Background:

The Region recently completed a Transportation Master Plan (TMP). The TMP defines policies, programs and infrastructure improvements needed to address the Region's transportation and growth requirements until the year 2041. In order to incorporate the recommendations of the TMP, Regional staff initiated an amendment to the Regional Official Plan transportation policies to provide consistency with the goals, vision and recommendations identified in the TMP.

Committee may recall that the Director of Public Works & Utilities provided a report on the September 5, 2017 meeting agenda which provided information and recommendations relating to the Regional TMP. The report was received for Council's information and forwarded to the Region in response to their request for comments on the TMP.

The Town has a further opportunity to provide input and have been requested to comment on proposed Regional Official Plan Amendment 13. The proposed draft amendment has been included as Appendix A.

Staff Comments:

The proposed amendment was circulated to the Community Planning and Development, Public Works and Utilities and Recreation, Culture and Wellness Departments for review and comment. The following comments have been provided:

From the Department of
 **Community Planning
& Development**

20 Pelham Town Square P.O. Box 400 • Fonthill, ON L0S 1E0 p: 905.892.2607 f: 905.892.5055
pelham.ca

Proposed Regional Official Plan Amendment 13: Updates to Transportation Policies
December 4, 2017

- Section 9.D Active Transportation does not include support for local Active Transportation Master Plans. Policy 9.D.3 indicates that the Region will fund the implementation of the Niagara Bikeways Master Plan along Regional roads. The draft policies should be amended to reflect support, funding and alignment with local Active Transportation Plans also. In addition, Section 9.D Active Transportation is weighted heavily toward cyclists (4 of 7 policies). The draft policies should be amended to recognize other users as well.
- In Section 9 Complete Streets, Policy 9.E.7 indicates that the Region will work with local municipalities to implement complete street elements, such as multi-use paths, street lighting and missing sidewalk links along Regional roads. Staff suggest that this policy be clarified as to who will be funding these elements on Regional roads. Further, Policy 9.E.8 indicates that elements of complete streets that fall under local jurisdiction shall be maintained by the local municipality. Staff request clarification of what is meant for “those elements that fall under local jurisdiction” and have concerns about the additional cost burden this may cause for local municipalities. This concern was similarly expressed in the September Committee Report regarding the TMP.
- In addition, Section 9A General Objectives should include direct reference to accessibility and age-friendly. Staff recognize that these items have been addressed indirectly in the definition of “complete streets”, however would like to see these items included in the objectives also. Further, staff suggest the need to provide accessible and age-friendly features be included in Policy 9.E.2 as a criteria for consideration of a complete street.
- With respect to Section 9C Public Transit, the Region must provide services that are currently being offered in small rural municipalities and recognize that it may not be as economically feasible as for larger municipalities. Transit must support all employment areas (ie. Fenwick, Fonthill, Ridgeville, etc.) in small municipalities. Staff have particular concern with Policy 9.C.3 which indicates that the Region will encourage the provision of demand-responsive transit service, where operationally and economically feasible, in local municipalities to serve low-density areas. Public transit must be available to all, including seniors and families living in rural communities that may not require accessible transit. There are a growing number of healthy seniors staying in their rural homes longer as they cannot afford to move elsewhere. Public transit is a major part of quality of life for all residents.



Proposed Regional Official Plan Amendment 13: Updates to Transportation Policies
December 4, 2017

- Finally, Staff note that Schedule E1 Transportation Infrastructure shows the portion of the Steve Bauer Trail between Murdoch Street and Church Street as Railway (Inactive). Some of this portion of the former railway has already been converted into a recreational trail and the remainder is anticipated in the future.

Prepared by: Shannon Larocque, MCIP RPP, Senior Planner

Reviewed by: Barbara Wiens, MCIP RPP, Director of Community Planning and Development

Alternatives:

Committee may direct staff not to forward the report to the Region in response to the request for comments. Failure to provide comments to the Region by January 3, 2018 will result in the assumption that the Town has no comment or objection to the proposed amendment.

Committee may provide additional comments and direct staff to forward them to the Region in response to the request for comments.

Recommendation:

THAT Committee receives this report for information; and

THAT staff forward a copy of this report to the Region of Niagara Planning and Development Services in response to the request for comments.



20 Pelham Town Square P.O. Box 400 • Fonthill, ON L0S 1E0 p: 905.892.2607 f: 905.892.5055
pelham.ca

DATE: December 4, 2017

REPORT NO: PD-165-17

SUBJECT: **Recommendation Report
Regional Transportation Policies**

CONTACT: Madyson Yule, Planner II
Brian Treble, Director of Planning and Building

OVERVIEW:

- **Regional Staff and consultants presented a detailed Transportation Master Plan to Regional Public Works Committee in July of 2017 entitled “How We Go.”**
- **In order to implement the Transportation Master Plan, Regional Planning Staff have commenced a Regional Official Plan Amendment process (ROPA 13).**
- **Township Planning and Public Works staff write this report at this time to ensure that all important transportation actions for West Lincoln have been appropriately incorporated into ROPA 13.**
- **This report is written to request that Regional Staff ensure that ROPA 13 incorporates all required transportation projects and a commitment to a timeline to ensure sustained growth can continue in West Lincoln for the benefit of the whole region.**

RECOMMENDATION:

1. That, Report PD-165-17, regarding “Regional Transportation Policies”, dated December 4, 2017, be RECEIVED; and
2. That, Committee and Council endorses this report and recommends that this report be forwarded to Regional Planning Committee and Regional Council as the Townships comments.

ALIGNMENT TO STRATEGIC PLAN

- **Value:** To control and monitor growth in accordance with Official Plan and Growth Management Strategy.
- **Objective:** Working with the Region of Niagara, other government planning bodies, and developers to create a long-term growth strategy which supports the essence of the small rural community of West Lincoln.

BACKGROUND:

The Region has undertaken an extensive amount of work in order to implement the growth and employment targets for the Niagara Region to 2041. The Transportation Master Plan was one key component of the Region's work on this long range growth plan project. It is important to integrate and coordinate the transportation plan, land use planning, and urban design to controls and to monitor growth within West Lincoln.

The Transportation Master Plan is a comprehensive strategic planning document that defines policies, programs, and infrastructure improvements required to address transportation and growth needs from today through to 2041. The Transportation Master Plan will address needs for all travel modes, including walking, cycling, transit, automobiles, and goods movement. The Transportation Master Plan began in the fall of 2015 where the first stage established a Vision and Context, The second stage took place between the spring and summer of 2016, and Transportation Master Plan Opportunities in Niagara were identified; Transportation Master Plan Supporting Strategies were developed in the third stage of the summer/fall of 2016, and the Region finalized the fourth stage where the Transportation Master Plan was presented in July 2017. Throughout each stage of the TMP, stakeholders, and the public were consulted and provided opportunities for input.

In alignment with the Transportation Master Plan, Regional Planning staff informed Regional council of the intent to initiate an Amendment to the Regional Official Plan to replace and enhance the outdated existing transportation policies in Chapter 9 of the Regional Official Plan with comprehensive policies developed as part of the Transportation Master Plan. The Amendment (ROPA 13) will be brought forward under Section 26 of the Planning Act, as it is considered an update to the Official Plan to conform to provincial policies.

CURRENT SITUATION:

Planning Staff and Council members have attended an Open House and Public Meeting for ROPA 13, as well as Planning Committee for The Regions Transportation Master Plan. Significant details and a commitment to transportation improvements in West Niagara are an important component of this work.

ROPA 13 should be detailed enough to adequately implement all components of "How We Go" in a timely fashion. As a result, this report is being written to highlight specific concerns and details that Regional Staff should review and incorporate into ROPA 13 with commitment to dates and details to implement the "How We Go" Transportation Master Plan.

"The Township of West Lincoln will be a community that values our heritage, preserves our environmental and natural resources, fosters entrepreneurial spirit and provides excellent quality of life"

The Transportation Master Plan is both an important guiding policy document and a technical support document that defines the transportation services and infrastructure requirements to accommodate planning growth, changing travel characteristics and emerging technologies over the next 25 years. The approval of the Transportation Master Plan allows the planning momentum from the region to continue planning and building for a better Niagara Region as a whole.

The Township of West Lincoln requests commitment from the Region on the following matters within the Transportation Master Plan which relate to West Lincoln, as well as the proposed timeframes for these projects, which are outlined in the implementation section of the TMP, to be included in ROPA 13:

- a) That within the 2018-2019 time period the Region will finalize The **Niagara Trade Corridor Sub-Committee** (Regional/Provincial/Federal) as defined, as a committee which will be responsible to the Niagara Transportation Steering Committee and be comprised of Regional councillors, Municipal Councillors, Public Works Staff, and Planning Staff to ensure that the long term transportation infrastructure requirements such as the Niagara-Hamilton Trade Corridor and Niagara Escarpment Crossings are strongly advocated at both the Provincial and technical levels for approval, funding and implementation.
- b) The Region completed a **Niagara Escarpment Crossing** Transportation Study in 2016, which identified the need to improve road crossing of the Escarpment to allow for safe and efficient movement of trucks. The recommendation includes a new escarpment crossing and improving the operation of the existing crossings.
1. Download Mountain Road (Grimsby) and Mountain Street (Lincoln) from regional to municipal jurisdiction so that provisions can be made to reduce truck traffic in the built up areas along these roadways.
2. Extend Bartlett Avenue (Grimsby) from Main Street East to Mud Street East. The extension alignment must include significant improvements to the Park Road corridor.

The Projected Transportation improvements for **Niagara Escarpment Crossing** within the Niagara Region should include more details regarding implementation of the project as well as a projected date to be finished within the Regional Official Plan Amendment 13. The Niagara Escarpment Crossings Project is within the Regions Road Action plan which is expected to be completed in the short term phase outlined in the Transportation Master Plan, which has a timeline set by the Region of 2017-2021. More details regarding the Niagara Escarpment

“The Township of West Lincoln will be a community that values our heritage, preserves our environmental and natural resources, fosters entrepreneurial spirit and provides excellent quality of life”

Crossings should be defined and incorporated in the Regional Official Plan Amendment.

- c) "How We Go" states that The Niagara Region, in conjunction with The Ministry of Transportation, and City of Hamilton shall undertake a role and function study that defines future role and corridor (trade corridor, international/inter-regional travel corridor), opportunities (road improvements including the Smithville Bypass) and implementation strategies (jurisdiction, costs, timing) The Niagara Region has a timeframe of 2018-2019 for the **Regional Road 20/Highway 20 role and Function study**. The Region has a deadline for this project to be completed within the short term timeframe, which will be completed between 2017-2021. More details regarding Regional Road 20/Highway 20 role and function study are requested to be incorporated into ROPA 13.
- d) The Regions action plan states that the Region would like to Advocate and work with the Ministry of Transportation for capacity improvements to accommodate inter-regional and international travel demand, which includes building a new Niagara-Hamilton Trade Corridor. The Niagara Hamilton Trade Corridor which connects Niagara Region from Fort Erie to Hamilton in the vicinity of the Hamilton Airport/Highway 403, would address the more immediate demands of moving goods in and through Niagara in the absence of the full NGTA corridor. The TMP Action Plan has set out to have these works completed within the medium/ long term timeframes. (between 2022-2041) The Region should incorporate more details of this project including associated timelines within the Regional Official Plan Amendment 13.
- e) The Smithville by-pass was identified as one of the 5 sub-areas identified in the Regional Transportation Master Plan. These subareas were identified based on their current and anticipated future traffic demands and history of traffic operations or safety concerns.

Since it has not yet been established how the Smithville bypass is to be configured, this subarea analysis was put on hold. Although the subarea analysis was not conducted for the Smithville Bypass, consideration of the bypass has identified that several transportation initiatives that may be interconnected and as such should be addressed. Based on these considerations, the following is recommended:

1. That the Region and the Township of West Lincoln establish the preferred routing for the Smithville Bypass, either on the north side or south side of downtown Smithville, and conduct the subarea analysis to establish local traffic impacts and identify required infrastructure and operational

"The Township of West Lincoln will be a community that values our heritage, preserves our environmental and natural resources, fosters entrepreneurial spirit and provides excellent quality of life"

- improvements;
- 2. That the Region continue working with Hamilton, Halton, Peel and Waterloo Regions to advocate for a Niagara-GTA corridor as an alternate route to the QEW, connecting Fort Erie to the GTA through south Niagara (previously known as the Mid-Peninsula highway); and
- 3. That the Region undertake Phases 3 and 4 of the Municipal Class Environmental Assessment (EA) process (Schedule C) to develop a preferred alignment and preliminary design for the Bartlett Avenue Extension.

Township staff feel that the Smithville By-pass as part of sub-area 5 within the 10 year road capital improvement program should be better described with reference to the new 25 year horizon timelines and how it is going to be implemented in the Regional Official Plan Amendment 13.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

INTER-DEPARTMENTAL COMMENTS

Township Planning Staff, Public Works Staff have worked jointly to prepare this report and compare against the "How We Go" Master Transportation Plan.

Township Planning and Public Works staff will be working closely to ensure that required Regional Transportation Infrastructure is part of ROPA 13.

CONCLUSION

Overall, Planning Staff request confirmation that the items noted in this report will be implemented through the Regional Official Plan Amendment 13. Growth in West Niagara requires these infrastructure improvements within a reasonable timeline and as such they should be incorporated into ROPA 13 with specific detail.

Staff will monitor the progress of ROPA 13 and will seek future Committee and Council support as required.

ATTACHMENTS

- 1. Regional Council Presentation
- 2. ROPA 13 Recommendation Report
- 3. Draft ROPA 13

"The Township of West Lincoln will be a community that values our heritage, preserves our environmental and natural resources, fosters entrepreneurial spirit and provides excellent quality of life"

Prepared by:

**Madyson Yule, B.A.
Planner II**

**Brian Treble, RPP, MCIP
Director of Planning and Building**

**Carolyn Langley
Clerk/Acting CAO**

“The Township of West Lincoln will be a community that values our heritage, preserves our environmental and natural resources, fosters entrepreneurial spirit and provides excellent quality of life”



www.niagaracca.org

c/o David Hunt
59 Berkwood Pl.
Fonthill, Ontario
L0S 1E2

December 11, 2017

Mr. Frank Fabioano
Niagara Region,
1815 Sir Isaac Brock Way ,
P.O. Box 1042, Thorold, Ontario
L2V 4T7

Re: Proposed Regional Policy Plan Amendment No. 13

Dear Mr. Fabioano:

The Niagara Cycling Clubs Alliance (NCCA) is a recently formed non-profit group of six bicycle clubs all within the Niagara Region, with an overarching aim of getting more people safely on bikes. We have a combined membership of about 800 individuals and represent a broad spectrum of cycling including on-road racing, recreation touring and off-road mountain biking.

We recognize the importance of Official Plan policies to set a direction on achieving community values and giving teeth to important quality of life aspects within municipalities. Our passion is cycling and therefore we are pleased with many aspects in the proposed plan that are bicycle friendly such as the policies on complete streets, public transit, transportation demand and systems management and the separate section on active living.

Our comments and suggestions below are informed by the working group of five Regional Active Transportation Advocates, who have met with Regional staff on this project, and four of whom are members of NCCA clubs. We agree with the policy gaps below that this group has identified between the proposed Plan Amendments and the recently approved Niagara Region Transportation Plan (TMP) and the current bicycle transportation objectives, policies and mapping as approved in the existing Regional Official Plan (By-Law 33-2010).

Regional Active Living Advisory Committee – It is important to have cycling expertise and champions within government in the form of an active living advisory committee. This has been one of the hallmarks of almost every Bicycle Master Plan in the past, including Niagara's since 1995. Therefore, the proposed policy amendment should include appropriate wording to continue support for this type of advisory committee.

Cycle Tourism – Cycle tourism has a significant economic benefit to Niagara and is one of the reasons used to justify cycling infrastructure and programs. Local cyclists in our clubs appreciate the resources and expenditures on cycle tourism since we also get to use those facilities. Therefore, we agree that the following tourism enhancements should be included in the new amendments:

General Objective 9.A.1 – Add the words “**and tourist**” after the word recreational in the second line as follows:

Promote and support all modes of safe transport for the movement of goods and people to jobs, housing, school, culture, recreational **and tourist** opportunities, especially in intensification areas and areas designated for high-density development.

Policy Section 9.D Active Transportation – An additional policy would be beneficial to support cycle tourism in a consultative partnership manner as follows:

Niagara supports the promotion and delivery of active tourism including cycling and hiking in the region and will work in collaboration with other key partners by consulting such organizations as Venture Niagara, Brock University, Metrolinx, and the Ministry of Tourism, Culture and Sport, to enhance and expand Niagara as a premier active tourism destination.

Intermodal Inclusiveness – Active living components such as cycling and walking should clearly be part of any intermodal policy considerations. Therefore, it is suggested that the following items be incorporated into the proposed amendments:

Objective 9.A.2 - after the word “road” in the 2nd sentence add the words “**trails, sidewalks**” as follows:

Support a connected transportation network that allows the efficient movement of people and goods on all modes of transportation (road, **trails, sidewalks**, rail, marine, and air).

Objective 9.A.3 - add the words “**offering mobility choice and**” after the words “dependency by” as follows:

Reduce automobile dependency by **offering mobility choice and** enhancing opportunities for residents, workers, and visitors to walk, cycle, take transit and carpool.

9.C Public Transit, Policy 9.C.1.f) - add the word “**intermodal**” after the words “Park-and-ride” and the words “**and bicycles**” after the word “vehicles” as follows:

f) Park-and-ride **intermodal** facilities with priority spaces for carpool, carshare vehicles **and bicycles**;

9.C Public Transit, New Modal Integration Policy - add the following policy to emphasize the importance of a comprehensive intermodal approach as follows:

The Niagara Region will work with local municipalities, Provincial transit authorities and other interested parties to fully integrate bicycling and transit for utilitarian, recreational and tourism purposes by allowing users to access both modes of transportation through intermodal opportunities that offer a full range of supportive infrastructure and programs (e.g. allowing bicycles on transit vehicles during off-peak periods, bicycle racks on buses, bicycle lockers at major transit stops, sheltered/secure bicycle parking facilities at public and institutional workplaces and for bike and ride tourist/recreational/utilitarian trips, and bicycle route connections to key transit stations).

Expenditures and Cost Incentives – Public expenditures should include a full cost benefit analysis that addresses health and environmental aspects as well as direct costs. Also, any cost sharing incentives should be clearly defined to have maximum effects. Therefore, we agree that the following modifications be included:

Objective 9.A.7 - a broader interpretation of costs should be included by replacing the word “**financially**” with the words “**cost effective**” and by pluralizing the word **modes** as follows:

Encourage the most **cost effective** and environmentally appropriate **modes** of sustainable transportation to reduce greenhouse gas emissions.

Policy 9.D.4 – It is critical that Regional financial support be continued to local municipalities for bicycle infrastructure components of the Regional Bicycle Network that fall on local municipal roads. The TMP recommended that this grant envelope be increased from \$200,000 per year to \$1 million. Therefore, it is recommended that proposed Policy 9.D.4 be revised by adding the following wording “**and cost share with**” after the word “support” as follows:

The Region will support **and cost share with** local municipalities in implementing sections of the Niagara Bikeways Master Plan that are within their jurisdiction, with a priority for elements identified in the Strategic Cycling Network

Schedule E2 Implementation Targets – Setting implementation targets will allow a means of measuring progress. The infill corridors of the Strategic Cycling Network are based on a 10 year horizon which should be recognized, while completion years should also be set for the entire Regional Bicycle Network in Schedule E2.

Schedule E2, Bicycle Routes – Bicycling routes in the Strategic Cycling Network in Schedule E2 should duplicate those in the Strategic Cycling Network map in both the approved TMP and the Strategic Cycling Network Development Technical Paper. Any missing bicycle routes in Schedule E2 should be included.

Policy 9.D.1, Cross-Border Connections – Niagara enjoys many cross-border active living connections with adjacent jurisdictions and regions through such agencies as Metrolinx, the Niagara Parks Commission, the Greenbelt Foundation, Waterfront Regeneration Trust and Bruce Trail Association. These organizations provide route links that enrich active living tourism and provide our club members with a wider variety of cycling destinations and rides.

Therefore, it is recommended that the following sentence be added to the end of proposed Policy 9.D.1 “...**and connections to adjacent municipalities and regions outside Niagara, including cross-border locations.**”

Policy 9.D.1, and Safety – How can a government body, or anyone ensure the safety of the travelling public? Safety can be enhanced as much as possible but there are no guarantees due to many uncontrollable variables. Liability concerns would indicate that the word “ensure” be deleted and replaced by the words “**help strengthen**”. The same concern can be applied to proposed Policy 9. B.4.

Therefore, new wording for Policy 9.D.1 is suggested as follows:

The Region and municipalities will ensure that comprehensive active transportation networks are integrated into transportation planning to **help strengthen** safe, effective travel for pedestrians, cyclists, and others among neighbourhoods and between strategic growth areas, major trip generators, and transit stations **and connections to adjacent municipalities outside Niagara, including cross-border locations.**

Bicycle Routes Off the Regional Bicycling Network:

The Niagara Region is one of the best areas in the Province for cycling due to its high density of paved bicycle friendly back roads, and off-road trails. One look at the Niagara Region Bicycling Map gives testament to this reality. Additional space for cyclists and hikers in the form of paved shoulders would make these on-road routes more attractive and safer. Therefore, the current Official Plan Policy 9.F.5 that directs

the Region to provide 0.5 to 1.5 metre shoulders on all Regional Roads where possible should be continued as a new proposed policy in Section 9.D Active Transportation as follows:

Off of the Strategic Bicycling Network, the current practice of providing an extra 0.5 to 1.5 metres of paved shoulder along Regional Roads will be continued where possible.

Trip-End Bicycle Facilities:

Cyclists need to have their bicycles locked up securely at key destinations and have change facilities available at certain locations such as employment centres. These types of trip-end facilities stand to greatly encourage cycling trips for all purposes. Therefore, we agree with having the following new policy to be included in proposed Section 9.D Active Transportation:

Regional and local municipal policies and zoning provisions shall be amended to require that all proposed new development and infrastructure undertakings considered at the Environmental Assessment and/or planning approval stages, incorporate minimum provisions for safe and secure short term and long term bicycle parking and end-of-trip change facilities in high activity areas, such as work places, higher density residential development and public facilities.

Five E's - Engineering, Encouragement, Education, Enforcement, and Evaluation

Applying the five E's to incorporate a more bicycle and active living friendly environment gives cyclists and hikers a measure of comfort that their mobility concerns will be addressed in a holistic, comprehensive manner. A new policy should be included in proposed section 9.D that recognizes the importance of the five E's as follows:

The Region will apply a comprehensive approach to providing walking and cycling friendly environments by incorporating the five E's (Engineering, Encouragement, Education, Enforcement, and Evaluation) in all related delivery and life cycle activities (e.g. planning, design, construction, operations and maintenance). Recognized planning and design standards will be used and partnerships established with other appropriate service delivery bodies like the Niagara Region Police Service, Regional Public Health, Heart Niagara and Venture Niagara for enforcement, education and promotion initiatives.

Protected Intersections

All cyclists know that added attention and precaution is needed at intersections where multiple turning movements increases the risk of collisions. Any increased policy focus at these sites would be most welcomed, and the proposal below to include it within the

Complete Streets sections seem appropriate. Therefore, it is recommended that the first sentence in proposed Policy 9.E.2 be modified by deleting the word “**should**” and including the words “**including protected intersections, will**” as follows:

The implementation of complete streets including protected intersections will be considered for Regional Roads that meet any of the following requirements:

Proposed Policy 9.F.7 - Strengthen Reference to Niagara Region Model Urban Design Guidelines and Complete Streets Design Guidelines:

The above design guidelines all include support for cycling infrastructure and active living. We would agree with any wording to make these guidelines more enforceable. It is therefore recommended that the words “**have regard to**” be deleted and replaced by the words “**conform with**” in Policy 9.F.7 as follows:

The Region will **conform with** the Niagara Region Model Urban Design Guidelines and Complete Streets Design Guidelines when providing comments on development applications located along Regional Roads.

Policy 9.G.1 - Prioritizing Sustainable, Active Living Road Users through Transportation Demand Management (TDM)

The tool box for TDM strategies includes sustainable, active living modes of transportation such as cycling and walking. These vulnerable means of mobility would also deserve added attention from a safety and climate change perspective. Therefore, the order of listing various approaches can be important and we agree with the recommendation that proposed Policy 9.G.1 be modified to give clear priority to the most vulnerable road users by revising the order of elements at the end of the first sentence, and by including an additional element and wording as follows:

**“...to implement these strategies in the following order of priority:
c) to become a),
d) to become b),
b) to become c),
new element identified below to become d),
a) to become e), and
e) to become f)”**

An additional element to providing a comprehensive TDM strategy could include considerations to:

“d) Consider the provision of incentives and rewards for sustainable travel trips”.

Suggested wording for proposed Policy 9.G.1 would therefore read as follows:

The Region will include in this Plan a comprehensive Transportation Demand Management (TDM) strategy, developed and implemented by these approaches in the following order of priority:

- a) Prioritize active transportation, transit, and goods movement over the single-occupant automobile;**
- b) Expand infrastructure to support active transportation;**
- c) Increase alternative uses to the automobile**
- d) Consider the provision of incentives and rewards for sustainable travel trips;**
- e) To reduce trip distances and time;**
- f) Consider the needs of major trip generators.**

Thank you for the opportunity to provide our thoughts on this important policy amendment to the Official Plan. Please feel free to contact us for any questions or points of clarification. We also wish to be notified of any future meetings, reports or discussions on this proposed Amendment, including future notice of Council's decision. Please e-mail any future communications to David Hunt, at jordave@cogeco.ca

Yours sincerely,

David Hunt, for:
NCCA Clubs

Cc Niagara Cycling Clubs Alliance:

Amici per la Vita Niagara Cycling Club, Marcus Klein, President
Bikefit Sunflower Squad Inc., Sarah Pineau, President
Forza Niagara Cycling Inc., John Rikkerink, President
Niagara Freewheelers Bicycle Touring Club Inc., Rita Dillon, President
Shorthills Cycling Club Inc., Jeff Kerton, President
St. Catharines Cycling Club, Wally Tykoliz, President

Regional Active Transportation Advocates: David Hunt, Drew Semple, Bob Romanuk, Tom Whitelaw and Ken Forgeron

Regional Councillors: Alan Caslin, Brian Baty, Tony Quirk and Bruce Timms

Regional Staff: Alexandria Tikky, Planning and Development Services Department
Rob Salewytsch, Regional Public Works Department
Lisa Gallant, Regional Public Health Department

Members of the Regional Active Transportation Sub-Committee
(c/o Rob Salewytsch)



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Wally Tykoliz
c/o David Hunt
59 Berkwood Pl.
Fonthill, Ontario
L0S 1E2

May 29, 2018

Mr. Frank Fabioano
Niagara Region,
1815 Sir Isaac Brock Way ,
P.O. Box 1042, Thorold, Ontario
L2V 4T7

**Re: Proposed Regional Policy Plan Amendment No. 13
Comments and Recommendations on the 2nd Draft of
Regional Transportation Policies**

Dear Mr. Fabioano:

This written submission on the above topic is in response to the Region's Notice of Public Meeting on June 6, 2018 and follows up on our earlier letter dated December 11, 2017. We appreciated Niagara Region's response to that submission which excepted some of our suggestions and we would now like to address those key areas not accepted and which we feel deserve reconsideration.

As in our previous comments, we are thankful for the analysis and work conducted by the five Regional Active Transportation Advocates and our comments and suggestions in this letter are informed by their directions. The NCCA's combined membership of about one thousand cyclists realize the importance to our sport and hobby of a comprehensive Regional Policy Plan that supports the growth of safe cycling.

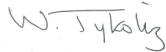
There are nine policy areas in the re-drafted amendment which did not fully incorporate our previous suggestions. Appendix 1 contains the detailed wording of our recommendations and which we feel should be included in the Official Plan amendment to realize the full potential benefits of an active transportation system.

- 1. Integration of Bicycle Parking, Travel and Public Transit**
- 2. Network Implementation Target**
- 3. Financial Incentives to Local Municipalities to Help Build a Regional Network**
- 4. Active Transportation Infrastructure Across Provincial Highways**
- 5. Accommodation of Uses Within Regional Roads Rights-of-Way**

- 6. Incorporation of the Five E's**
- 7. Support for the Regional Active Transportation Sub-Committee (ATSC)**
- 8. Broad Support for Bicycle Tourism, and**
- 9. Definition for Bicycle Infrastructure.**

Thank you for this opportunity to once again provide our comments on this important topic. Please feel free to contact us for any questions or points of clarification. We also wish to be notified of any future deliberations on this proposed Amendment, including Council's final approval. Please e-mail any future communications to the undersigned.

Yours sincerely,



Wally Tykoliz,
President, Niagara Cycling Clubs Alliance
wallytykoliz@cogeco.ca

Cc Niagara Cycling Clubs Alliance Presidents:

Amici per la Vita Niagara Cycling Club, Marcus Klein, President
Bikefit Sunflower Squad Inc., Sarah Pineau, President
Forza Niagara Cycling Inc., John Rikkerink, President
Niagara Freewheelers Bicycle Touring Club Inc., Rita Dillon, President
Shorthills Cycling Club Inc., Jeff Kerton, President
St. Catharines Cycling Club, Wally Tykoliz, President

Regional Active Transportation Advocates: David Hunt, Drew Semple, Bob Romanuk, Tom Whitelaw and Ken Forgeron

Regional Councillors: Alan Caslin, Brian Baty, Tony Quirk, Bruce Timms, Dave Augustyn, Henry D'Angela

Regional Staff: Alexandria Tikky, Planning and Development Services Department
Lisa Gallant, Jackie Jervais, Regional Public Health Department
Carolyn Ryall, Regional Public Works Department

Members of the Regional Active Transportation Sub-Committee
(c/o Carolyn Ryall)

Appendix 1 Recommendations

1. Integration of Bicycle Parking, Travel and Public Transit:

- “That in Policy 9.C.2.e), in addition to car-pool and car-share spaces, priority spaces also should be provided for bicycles at park-and-ride facilities. At transit stations, bicycle parking spaces shall be located near the front of station entrances for security and visibility reasons.”
- “That proposed Policy 9.C.12 be revised to ensure that bicycle infrastructure be provided at and to transit facilities, public and institutional areas, and employment areas.” *Regional staff appear to support this recommendation, but the Niagara Parks Commission should also be added to the list of transit partners.*

2. Network Implementation Target:

- “That Schedule E2 be modified to identify the “Potential Infill Corridors” that were developed through the TMP process and approved by Regional Council.”
- “That Policy 9.D.2 be further modified as follows:

Policy 9.D.2 The Niagara Region will prioritize the implementation of the Strategic Cycling Network as identified in the Niagara Region’s Transportation Master Plan (TMP). Over the next 10 years the “Potential Infill Corridors” identified through the TMP process, and as identified on Schedule E2, will become the focus for construction in order to advance the implementation of the Niagara Bikeways Master Plan as shown in Schedule E2.”

3. Financial Incentives to Local Municipalities to Help Build a Regional Network:

- “That Policy 9.D.4 be modified as follows:

Policy 9.D.4 The Niagara Region will support and cost share, where possible, with local municipalities in implementing sections of the Strategic Cycling Network that are within their jurisdiction, with an initial priority for elements identified in the Strategic Cycling Network i.e. Potential Infill Corridors identified on Schedule E2.”

4. Active Transportation Infrastructure Across Provincial Highways:

- “That proposed Policy 9.D.8 be revised to delete the word “encourage” and replace it with the words “provide for” to ensure the provision of active transportation facilities across Provincial Highways.” *Regional staff appear to support this recommendation.*

5. Accommodation of Uses Within Regional Roads Rights-of-Way:

- “That proposed Policy 9.F.2 be modified to add “active transportation facilities” to the list of possible uses that would be considered within Region Road allowances that are conveyed to it as a condition of approval of a development application.”
- “That proposed Policy 9.F.8 be modified to add “active transportation corridors” to the list of possible uses that would be considered for protection within Regional Roads rights-of-way planned corridors.” *Regional staff appear to support this recommendation.*

6. Incorporation of the Five E’s

- “That a new Objective or Policy be included in proposed sections 9.A or 9.D that recognizes the importance of the five E’s as follows:

That the Region will apply a comprehensive, partnership approach to providing active living, friendly environments by incorporating recognized parameters that include engineering, encouragement, education, enforcement, and evaluation in all related program delivery activities including planning, design, construction, operations and maintenance.”

7. Support for the Regional Active Transportation Sub-Committee (ATSC):

- “That the following new Policy be included in Section 9.D:

The Niagara Region will continue to provide a means for obtaining community input and expertise through a consultative forum on all matters related to active living.”

8. Broad Support for Bicycle Tourism:

- “That a new Objective in Section 9.A or new Policy in Section 9.D be added to the Amendment stating:

Niagara supports the promotion and delivery of cycling tourism in the region and will work in collaboration with other key partners (e.g. Venture Niagara, Brock University, Niagara Parks Commission, Metrolinx, Ministry of Tourism, Culture and Sport) to enhance and expand Niagara as a premier cycle tourism destination in the Province.”

9. Definition for Bicycle Infrastructure:

- “That the wording changes suggested below in underline and ~~cross-outs~~ be made to the definition of bicycle infrastructure in Part III- Definitions:

Bicycle Infrastructure

means all *infrastructure* and facilities used for cycling, including bicycle routes (e.g. dedicated, buffered, and separated bike lanes, multi-use paths, ~~and~~ off-road trails) trip end facilities such as ~~and~~ bicycle parking and storage (such as e.g. bicycle racks and lockers) and other cycling supportive items such as bike repair stations and priority signal lights.”

November 24, 2017

Mr. Frank Fabiano
Regional Clerk
1815 Sir Isaac Brock Way
P.O. Box 1042, Thorold, Ontario
L2V 4T7

Dear Mr. Fabiano;

***RE: Preliminary Comments and Recommendations on
Proposed Regional Policy Plan Amendment 13:
Transportation Policies***

We are a group of active transportation advocates. The primary focus of our comments is the Active Transportation section of Amendment 13 to the Regional Official Plan. We believe that active transportation and public transit are important factors in creating healthy communities. We also believe that the development of a safe and integrated active transportation network can contribute to economic development, the protection of the environment and social equity, all of which are fundamental to establishing sustainable communities.

The changes proposed in this submission (attached as Appendix 1) are intended to strengthen the proposed active transportation, and other, policies contained in Amendment 13. The changes proposed also provide clearer implementation targets and offer some additional more detailed tools for achieving the General Objectives in the Amendment. The proposed changes reflect policies that are already contained in the existing Transportation Section of the Regional Official Plan (Section 9.F) or in the Transportation Master Plan recently approved by Council (October, 2017). These existing policies are important. We were therefore disappointed that many were not retained in the proposed Amendment apparently in the interests of creating a more flexible, less directive, bare bones policy set. In our view some more clarity and direction is required if the Region wants to be successful in implementation.

While we have identified several policy improvements which we believe are important, we believe that the proposed Transportation Policies contain many strong components. We commend the Region for creating policies that emphasize an integrated network of transportation modes. We also recognize and applaud the policy direction to enhance the active transportation network and infrastructure. It is hoped that our suggested changes will help make these good proposed policies even better.

We wish to conclude by thanking Public Works and Planning Department staff for meeting with our group on November 16 to discuss our concerns in a positive and constructive manner. We look forward to further discussion. It is requested that we be notified of any future meetings, reports or discussions on this proposed Amendment, including future notice of Council's decision. Please e-mail any future communications to our group in care of David Hunt, at jordave@cogeco.ca

Yours truly;

David Hunt, Drew Semple, Bob Romanuk, Tom Whitelaw and Ken Forgeron
Regional Active Transportation Advocates

Attachment: Appendix 1

C: Regional Councillors Alan Caslin, Brian Baty, Tony Quirk and Bruce Timms
Alexandria Tikky, Planning and Development Services Department
Rob Salewytch, Regional Public Works Department
Lisa Gallant, Regional Public Health Department
Members of the Regional Active Transportation Sub-Committee (c/o Rob Salewytch)

Appendix 1

Preliminary Comments and Recommendations on Proposed Regional Official Plan Amendment 13: Regional Transportation Policies

9.A General Objectives

1. There is an opportunity under proposed 9.A General Objectives to incorporate promotion and support for bicycle tourism. **It is recommended in proposed Objective 9.A.1, second line, to take out the word “and” just before the word recreational and add the words “and tourist” after the word recreational”.**
2. Proposed Objective 9.A.2 should provide for a more complete list of modes of transportation. Therefore, **it is recommended that the following be added after the word “road” in the 2nd sentence: “trails, sidewalks”.**
3. Proposed Objective 9.A.3 should be revised to provide added assistance in reducing automobile dependency. **It is recommended that the words “offering mobility choice and” be added after the words “dependency by”.**
4. In proposed Objective 9.A.7 the word “financially” is limited and narrow and is tied to the definition of monetary cost, rather than an assessment of the costs and benefits which may involve benefits that may be hard to measure like improved health outcomes or environmental enhancement. Therefore, **it is recommended that a broader definition be used and that the words “cost effective” replace the word “financially”.** We also believe that there is more than one mode that can be environmentally appropriate (e.g. walking, cycling or transit) **therefore the word “mode” should be pluralized to “modes”.**

9.C Public Transit

5. Proposed Policy 9.C.1.f) appears to focus primarily on automobiles at park and ride facilities. Such facilities could be part of other transit type stations or mobility hubs where other modes of transportation also should be accommodated. Provision should be made, and support given, for better multi-modal integration of the bicycle with other modes of transportation such as public transit. For those who choose to ride their bicycles to new mobility hubs like the ones being planned in Grimsby, Beamsville, St. Catharines and Niagara Falls, **it is recommended that the word “intermodal” be added after the words “Park-and-ride” and that the words “and bicycles” be added after the word “vehicles”.**

6. New Policy Needed: Modal Integration:

A new, more detailed policy is needed in proposed Section 9.C Public Transit, on the need to integrate bicycling and transit for utilitarian, recreational and tourism cycling. The proposed policies in this section seem too vague. Wording similar to current Policy 9.F.9 in the Regional Official Plan seems more appropriate, except that the requirement should also apply to Regional and Provincial initiatives that are, or will be, providing new intermodal transit opportunities. Therefore, **it is recommended that the following policy be added to proposed Section 9.C Public Transit:**

“Local municipalities, the Niagara Region and Provincial transit authorities should integrate bicycling and transit for utilitarian, ~~and~~ recreational and tourism purposes by allowing users to access both modes of transportation through intermodal opportunities. Some Strategies that might be considered include: allowing bicycles on transit vehicles during off-peak periods, bicycle racks on buses, bicycle lockers at major transit stops, sheltered/secure bicycle parking facilities at public and institutional workplaces and for bike and ride tourist/recreational/utilitarian trips, and bicycle route connections to key transit stations”.

9.D Active Transportation

7. In proposed Policy 9.D.1 and the preamble in Section 9 Transportation: Moving People and Goods, three suggestions are offered to address issues of potential municipal liability and the need for broader connectivity to areas outside of Niagara.

- a. We believe that certainty can never be given that “ensures” safe travel for AT or any other transportation network users. There will always be elements of risk due in most part to unpredictable human behavior, despite efforts to make a travel way as safe as possible. Therefore, **it is recommended that the words “to ensure” be deleted and replaced by the words “help strengthen”.** We also note that the same concern can be applied to proposed Policy 9.B.4 and would **recommend that appropriate wording be considered to avoid the notion of ensuring safety.**
- b. This proposed policy also appears to focus only on a region-wide network that connects neighbourhoods, strategic growth areas, major trip generators and transit stations in Niagara alone. As described however in current Policy 9.F.6 and outlined on Schedule D in the Regional Official Plan, the network also provides important connections to areas outside Niagara, including key cross border destinations via international bridge crossings. Moreover, integration with other agencies’ and authorities’ transportation initiatives is a critical planning and implementation requirement including, at minimum, Metrolinx, the Niagara Parks Commission, the Greenbelt Foundation, Waterfront Regeneration Trust and Bruce Trail Association. Therefore, **it is recommended that the following sentence be added to the end of proposed Policy 9.D.1:**

“...and connections to adjacent municipalities outside Niagara, including cross-border locations, as well as inter-regional systems for cycling and hiking.”

As the third suggestion supported by the rational in b. above **it is also recommended that the preamble in Section 9. Transportation: Moving People and Goods be modified in the first paragraph of the last sentence as follows:**

“...within the Niagara Region, across the Greater Toronto and Hamilton area, and beyond”.

8. Proposed Policies 9.D.2 and 9.D.3 appear to provide some general direction on the implementation over time of priority bicycling routes identified in the TMP. However, current Objective 9.F.10 in the Regional Official Plan goes further in committing the Niagara Region to a target of completing the bicycling network over a 15 year period. It is important to set implementation targets as one metric in measuring Niagara’s commitment to AT development. **It is recommended that proposed Schedule E2 be modified to identify the “Potential Infill Corridors” that were developed through the TMP process and approved by Regional Council.** This priority network serves as a 10 year capital infrastructure spending guide needed to complete the priority network of cycling routes across Niagara. Unless this is identified in the Official Plan there is no legal mechanism to achieve this target. Unlike the Official Plan approved under the *Planning Act*, the TMP can be changed without public consultation since it has no legal status. **It is also recommended that the proposed Strategic Cycling Network in Schedule E2 be made the same as that in the Strategic Cycling Network map in both the approved TMP and the Strategic Cycling Network Development Technical Paper (assumed to be the same) as at least 10 routes in these latter maps were omitted from Schedule E2.**
9. Proposed Policy 9.D.4 is quite troubling as it appears to abandon Niagara’s leadership role and longstanding financial commitment, through incentives, to complete the Regional bicycling network where local or other non-Regional roads are involved. Through current approved Policy 9.F.3, Niagara has been considered a leader in the Province in incentivizing Regional AT development. At least two other Regions and Counties (York and Essex) in the Province have followed Niagara’s lead by providing financial support (Essex \$3.5m annually, York Region \$500,000 annually) to local municipalities that assist in developing Regional networks. For example, this practice is formalized in the York Region Official Plan (Policy 7.2.6). Local municipalities, however, are still expected to identify, develop and build a finer grid of bicycling routes that connect and serve local neighbourhoods, downtowns, employment areas, commercial development, etc. These local networks should dovetail with the broader Regional network that connects to its partner municipalities and adjacent regions. Therefore, **it is recommended that proposed Policy 9.D.4 be revised by adding the following wording after the word “support”: “and cost share with”.**

10. Providing AT Opportunities Off the Regional Bicycling Network:

We are somewhat disappointed that past, and possibly current, practice to provide additional pavement width on roadway shoulders, is not being recognized as it has in currently approved Policy 9.F.5. We believe there is considerable value in considering such provision on future Regional roads projects that may not be identified today on the bicycling network. There are many bicycle friendly roads as identified in the Region's Bicycle Map, that are off the Regional Network, but frequently used by cyclists. As we all know, road rehabilitation and reconstruction opportunities do not come along often and could take up to 20 or more years to be revised. **It is recommended that the following wording be added as a new proposed policy in Section 9.D Active Transportation:**

"Off the Strategic Bicycling Network, the current practice of providing an extra 0.5 to 1.5 metres of paved shoulder along Regional Roads will be continued where possible."

This would support and bolster future Regional efforts through "Complete Streets" considerations to provide additional safe space for more vulnerable road users who may walk or ride along Regional roads.

11. Supportive Bicycling-Related Infrastructure:

An important way to encourage and support higher levels of AT activity, including commuter cycling, is to provide dedicated trip end accommodations such as parking and change facilities. This can happen as part of the review of all proposed new development and infrastructure undertakings at the Environmental Assessment and planning approval stages. These elements currently are identified in parts of approved Regional Policies 9.F.8 and 9.F.12. Also, to support this work, local comprehensive Zoning By-laws should be required to include zoning provisions for key land use zones requiring both short term and long term bicycle parking facilities. The *Proposed Model Bicycle Parking Zoning Provisions for Niagara*, developed by the Policy Task Force, RNBC, 2013 give guidance to this request. Car parking requirements are routinely addressed in Zoning By-laws so bicycle parking should not be treated any differently. In light of the above information, **it is recommended that the following new policy be included in proposed Section 9.D Active Transportation:**

"Regional and local municipal policies and zoning provisions shall be amended to require that all proposed new development and infrastructure undertakings considered at the Environmental Assessment and/or planning approval stages, incorporate minimum provisions for safe and secure short term and long term bicycle parking and end-of-trip change facilities in high activity areas, such as work places, higher density residential development and public facilities, at minimum."

12. Revised Policy on Bicycle Tourism:

Niagara is widely recognized as the premiere bicycle tourism destination in the Province. The Greater Niagara Circle Route is just one example of a major attraction for touring and local cyclists. Bicycle tourism has a major, positive economic impact in the Niagara community broadly and its importance has been showcased in various economic studies, including recent work produced by Brock University and Venture Niagara, the latter being a key lead in promoting bicycle tourism with Niagara Region's expertise and assistance. The growing presence and success of the Bike Train first provided by VIA and now Metrolinx is evidence of the importance of bicycle tourism. Also, six of Niagara's twelve local municipalities have received Bicycle Friendly Community designation status provincially while several other remaining municipalities are in the process of applying. This all helps to position Niagara favourably for attracting even more visitors that are cycling tourists.

In light of the above information, it is important that the Region continue encouraging and supporting bicycle tourism. Some of the elements of the current approved Policy 9.F.11 should be carried forward in the new Amendment. Therefore, **it is recommended that the following policy be included in proposed Section 9.D Active Transportation:**

"Niagara supports the promotion and delivery of cycling tourism in the region and will work in collaboration with other key partners (e.g. Venture Niagara, Brock University, Metrolinx, Ministry of Tourism, Culture and Sport) to enhance and expand Niagara as a premier cycle tourism destination through such features as the Niagara Bike Train, Wine Route, Greater Niagara Circle Route and other trail networks, connections and facilities; as well as a route signage strategy, mapping and web site information".

13. Incorporating the Five E's to support bicycling:

There are many cycling manuals that urge the incorporation of the five E's (Engineering, Encouragement, Education, Enforcement, and Evaluation) to have a meaningful approach to encourage more people to cycle and do so in a safe manner. These elements are also used by the Share the Road Cycling Coalition to help define Bicycle Friendly Communities in Ontario. They are mentioned as recommended actions in the TMP, Section 6.1 on Active Living, and are also included in the current approved Official Plan policies. **It is therefore recommended that a new policy be included in proposed section 9.D that recognizes the importance of the five E's as follows:**

"The Region will apply a comprehensive approach to providing walking and cycling friendly environments by incorporating the five E's (Engineering, Encouragement, Education, Enforcement, and Evaluation) in all related delivery and life cycle activities (e.g. planning, design, construction, operations and maintenance). Partnerships will be established with other appropriate service delivery bodies like the Niagara Region Police Service, Regional Public Health and Heart Niagara for enforcement and education initiatives."

14. Role of the Regional Active Transportation Sub-Committee (ATSC):

Current Policy 9.F.1 in the Regional Official Plan formally recognized the role and importance of the former RNBC (now ATSC) to support Regional standing committees and Council on all matters related to cycling. The TMP as recently approved by Council, recommends continued support for the new ATSC. Therefore, **it is recommended that a new policy be included in the Official Plan proposed section 9.D that reflects the Terms of Reference for the ATSC as approved by Regional Council. Also, the importance of forming partnerships with bicycling stakeholders should be emphasized in this policy, including offering its expertise and support for the work of Venture Niagara in bicycle tourism promotion on behalf of the Region, local municipalities and related agencies with an interest in tourism.**

9.E Complete Streets

15. New Policy on Protected Intersections:

Proposed Policy 9.E.2 outlines seven “complete streets” requirements that should be considered for all Regional Roads. One requirement that appears to be missing, and one getting a lot of attention in transportation planning discussions across the Province is safer road intersection treatment. Busy intersections are key locations where major collisions and fatalities occur particularly affecting vulnerable road users. Therefore, **it is recommended that the first sentence in proposed Policy 9.E.2 be modified by deleting the word “should” and including the words “..., including protected intersections, will...”.**

9.F The Regional Road Systems

16. Implementation of the Niagara Region Model Urban Design Guidelines and Complete Streets Design Guidelines:

Proposed Policy 9.F.7 indicates that the Region will “have regard to” these guideline documents when commenting on development applications located along Regional Roads. These guideline documents are central to a proposed new direction in community planning (i.e. “complete streets” and “complete communities”) as required in Provincial and Regional planning documents. Given their importance, they should not be merely referenced, but implemented. The use of the words “have regard to” is considered more general, non-prescriptive and discretionary in application than the use of the words “shall conform with”. **Therefore, it is recommended that the words “have regard to” be deleted and replaced by the words “conform with”.**

9.G Transportation Demand Management and Transportation Management Systems

17. Prioritizing Road Users in Transportation Planning:

The Region is applauded for including proposed new TDM policies to accommodate all road users in a safer, more efficient manner. Lessons can be learned from the City of Vancouver, described as the most livable City in Canada, which has been a model in its TDM approach from both policy and implementation standpoints. In its transportation planning work a central tenant has been to prioritize the most vulnerable road users over single occupant vehicles. This too appears to be an important principle in Niagara's proposed TDM policies. However, there may be some inherent conflicts with some other strategies in proposed Policy 9.G.1 including strategy a) which focuses on trip distance and time which could result in higher roadway speeds that make it unsafe for vulnerable road users. This may perpetuate past practice that seemed to prioritize cars and trucks over "people", particularly more vulnerable road users. Therefore, **it is recommended that proposed Policy 9.G.1 be revised to give clear priority to the most vulnerable road users. The following revisions are suggested. That the end of the first sentence include:**

"...to implement these strategies in the following order of priority:

- c) to become a),**
- d) to become b),**
- b) to become c),**
- a) to become d), and**
- e) to remain as e)"**

An additional element to providing a comprehensive TDM strategy could include considerations to:

"f) Provide incentives and rewards for sustainable travel trips"

May 29, 2018 (Revised)

Ann-Marie Norio
Acting Regional Clerk
Regional Municipality of Niagara
1815 Sir Isaac Brock Way
P.O. Box 1042, Thorold, Ontario
L2V 4T7

Dear Ms. Norio;

***RE: Comments and Recommendations on the 2nd Draft of
Proposed Regional Official Plan Amendment 13(ROPA 13):
Regional Transportation Policies***

The Regional Active Transportation Advocates submitted comments and recommendations to your Office on November 24, 2017 regarding the above subject. We are pleased with the consultations on various draft amendment documents afforded us by staff and with Regional Councillors who we have approached through separate meetings. Our previous comments were also discussed in a meeting with the Regional Active Transportation Sub-Committee.

In terms of the 2nd draft of ROPA 13 circulated in late May, 2018, we are pleased to find that some of our suggestions were accepted in whole or part. However, we now would like to address a number of outstanding issues including some critical areas [*] of the re-drafted policies which either do not or only partially address our original recommendations. Our shared objective is to achieve a safe and integrated regional active transportation network. Our outstanding concerns relate to:

- **Integration of Bicycle Parking, Travel and Public Transit,**
- ***Network Implementation Target,**
- ***Financial Incentives to Local Municipalities to Help Build a Regional Network,**
- ***Active Transportation Infrastructure Across Provincial Highways,**
- **Accommodation of Uses Within Regional Roads Rights-of-Way,**
- **Incorporation of the Five E's,**
- ***Support for the Regional Active Transportation Sub-Committee (ATSC),**
- ***Broad Support for Bicycle Tourism, and**
- **Definition for Bicycle Infrastructure.**

Our more detailed comments and 12 recommendations are set out in Appendix 1.

We understand that a formal Public Meeting under the *Planning Act* will be held in the Regional Council Chambers on June 6, 2018. We do intend to be present at the public meeting and will notify you in advance if we intend to make a formal presentation to highlight the attached comments and recommendations. Also, we would like to be notified of any future

discussions on the proposed Amendment, as well as its formal adoption by Council. Please e-mail any future communications to our group in care of Ken Forgeron at ken.forgeron@gmail.com

Thank you for your attention to our concerns.

Yours truly;

A handwritten signature in black ink that reads "Ken Forgeron". The signature is written in a cursive, flowing style.

Ken Forgeron, David Hunt, Drew Semple, Bob Romanuk and Tom Whitelaw
Regional Active Transportation Advocates

Attachments: Appendix 1

C: Regional Councillors Alan Caslin, Brian Baty, Tony Quirk, Dave Augustyn, Henry D'Angela and Bruce Timms
Alexandria Tikky, Planning and Development Services Department
Lisa Gallant and Jackie Gervais, Regional Public Health Department
Carolyn Ryall, Regional Public Works Department
All members of the Regional Active Transportation Sub-Committee (c/o Carolyn Ryall)
Wally Tykoliz, President, Niagara Cycling Clubs Alliance

Appendix 1

Comments and Recommendations on the 2nd Draft of Proposed Regional Official Plan Amendment 13 (ROPA 13): Regional Transportation Policies

Our comments and recommendations on the 2nd draft of proposed ROPA 13 are presented below in the order in which they are set out in the draft Amendment document. The more critical issues of concern are highlighted with an asterisk [*].

1. Integration of Bicycle Parking, Travel and Public Transit- Policy 9.C.2.e) and Policy 9.C.12

Policy 9.C.2.e) provides a number of important supports and linkages to better integrate public transit with a number of other strategic goals outlined. Sub-section e) provides for park-and-ride facilities that support multimodal travel with linkages to pedestrian and transit routes, bicycle infrastructure, and priority spaces for carpool and car-share vehicles. Priority spaces also should be provided for bicycles to support the “1st mile, last mile” multi-modal transportation option. This is particularly important for the proposed new Mobility Hub Stations in Grimsby, Beamsville, St. Catharines and Niagara Falls. Bicycle parking spaces should be located near the front of transit station entrances where security and visibility are best, rather than at the back of the lot.

Therefore, it is **recommended**:

- a.) That in Policy 9.C.2.e), in addition to car-pool and car-share spaces, priority spaces also should be provided for bicycles at park-and-ride facilities. At transit stations, bicycle parking spaces shall be located near the front of station entrances for security and visibility reasons.**

Proposed Policy 9.C.12 addresses a number of important integration approaches including bicycles on transit vehicles, bicycle racks on buses, bicycle infrastructure at transit facilities, public and institutional areas, and employment areas.

We believe that while it is important to provide such supports “at” such facilities and areas, it also is important to provide them “to and from” these facilities and areas. Also, the Niagara Parks Commission should be recognized as a key transit partner along with others listed in this policy.

Therefore, it is **recommended**:

- b.) That proposed Policy 9.C.12 be revised to ensure that bicycle infrastructure be provided at and to transit facilities, public and institutional areas, and employment areas. Also, the Niagara Parks Commission should be added to the list of transit partners.

2. *Network Implementation Target – Policy 9.D.2.

Proposed Policies 9.D.2 and 9.D.3 appear to provide some general direction on the implementation over time of priority bicycling routes identified in the TMP. However, current objectives in the Regional Official Plan go further in committing the Niagara Region to a target of completing the bicycling network over a 15 year period.

This priority network serves as a 10 year capital infrastructure spending guide needed to complete the priority network of cycling routes across Niagara. Unless this is identified in the Official Plan there is no Council commitment to help achieve this target. Unlike the Official Plan approved under the *Planning Act*, the TMP is a weaker guidance document that may be changed without formal public consultation.

We strongly believe that it is important for the Regional Official Plan to set clear implementation targets for the near term and longer term completion of the Strategic Bicycling Network identified on Schedule E2. Performance monitoring is an important Regional Planning function and assists in measuring policy implementation and effectiveness. Within the Strategic Bicycle Network, the TMP clearly prioritizes and identifies what should be constructed first over a 10 year period i.e. the “Potential Infill Corridors”. This should be highlighted on Schedule E and the 10 year implementation target should be stated in policy.

Therefore, it is **recommended**:

- a.) That Schedule E2 be modified to identify the “Potential Infill Corridors” that were developed through the TMP process and approved by Regional Council.
- b.) That Policy 9.D.2 be further modified as follows:

Policy 9.D.2 The Niagara Region will prioritize the implementation of the Strategic Cycling Network as identified in the Niagara Region’s Transportation Master Plan (TMP). Over the next 10 years the “Potential Infill Corridors” identified through the TMP process, and as identified on Schedule E2, will become the focus for construction in order to advance the implementation of the Niagara Bikeways Master Plan as shown in Schedule E2.

3. *Financial Incentives to Local Municipalities to Help Build a Regional Network – Policy 9.D.4.

Proposed Policy 9.D.4 continues to be quite troubling as it appears to abandon Regional Council's leadership role and longstanding financial commitment, through incentives, to complete the Regional Bicycling Network on roads or trails where local or other non-Regional roads are involved. Through current approved policies in the Regional Official Plan, Niagara has been considered a leader in the Province in incentivizing Regional AT development. At least two other Regions and Counties (York and Essex) in the Province have followed Niagara's lead by providing financial support (Essex \$3.5m annually, York Region \$500,000 annually) to local municipalities that assist in developing Regional networks. Local municipalities, however, are still expected to identify, develop and build a finer grid of bicycling routes that connect and serve local neighbourhoods, downtowns, employment areas, commercial development, etc. These local networks should dovetail with the broader Regional network that connects to its partner municipalities and adjacent regions.

The notion of providing modest financial incentives to local municipalities is an important "principle" that we believe still belongs in the Regional Official Plan. On the other hand, the annual "amount and timing" of incentive funding available, including criteria for its distribution, should be set out in the Transportation Master Plan. Moral "support" alone by the Region as set out in the proposed new policy certainly is not nearly as effective as financial "incentives and support". This plays out with other financial incentives programs that the Region has for waterfront enhancement, brownfield redevelopment, downtown revitalization, etc.

Therefore, it is **recommended**:

a.) That Policy 9.D.4 be modified as follows:

Policy 9.D.4 The Niagara Region will support and cost share, where possible, with local municipalities in implementing sections of the Strategic Cycling Network that are within their jurisdiction, with an initial priority for elements identified in the Strategic Cycling Network i.e. Potential Infill Corridors identified on Schedule E2.

4. *Active Transportation Infrastructure Across Provincial Highways- Policy- 9.D.8

The proposed policy indicates that the Niagara Region will work with MTO and other stakeholders to encourage the provision of active transportation infrastructure across Provincial Highways. Ontario's recently released new Cycling Strategy as set out in MTO's latest policy document "CycleON Action Plan 2.0" commits the Province to start including cycling infrastructure in provincial highway construction projects using the province-wide

cycling network as a foundation. This commitment is evident in the recent decision to redesign St. David's Road to include long awaited new AT facilities over Highway 406.

Therefore, it is **recommended**:

- a.) That proposed Policy 9.D.8 be revised to delete the word “encourage” and replace it with the words “provide for” to ensure the provision of active transportation facilities across Provincial Highways.**

5. Accommodation of Uses Within Regional Roads Rights-of-Way- Policies 9.F.2 and 9.F.8

Policy 9.F.2 makes provision for a wide variety of uses (e.g. public transit facilities) within Region Road allowances that are conveyed to it as a condition of approval of a development application. Policy 9.F.8 indicates that the Region will plan and protect rights-of-way for the Niagara Region's transportation system. We would argue that this transportation system and the list of uses also should include active transportation facilities that are envisioned as part of the Strategic Cycling Network identified on Schedule E. Also, the Niagara Parks Commission should be identified as another key transit partner given its WEGO transit service along the Parkway.

Therefore, it is **recommended**:

- a.) That proposed Policy 9.F.2 be modified to add “active transportation facilities” to the list of possible uses that would be considered within Region Road allowances that are conveyed to it as a condition of approval of a development application.**
- b.) That proposed Policy 9.F.8 be modified to add “active transportation corridors” to the list of possible uses that would be considered for protection within Regional Roads rights-of-way planned corridors.**

6. Incorporation of the Five E's – New Objective or Policy Proposal in 9.A General Objectives or 9.D. Active Transportation

Most current cycling manuals and active transportation plans incorporate the five E's (Engineering, Encouragement, Education, Enforcement, and Evaluation/Planning) to have a more meaningful approach to encourage more people to cycle and do so in a safe manner. These elements are also used by the Share the Road Cycling Coalition to help define Bicycle Friendly Communities in Ontario. They are mentioned as recommended actions in the

Regional TMP, Section 6.1 on Active Living, and are also included in the current approved Official Plan policies.

We believe that the Regional Official Plan is a document that can set direction on community values and related programs, not just on land use matters. Therefore, as part of its scope, it may express factors such as those embedded in the Five E's. Expressions and support by Regional staff for many broad community values already are contained within the first paragraph of the preamble, in Objective 9.A.4 and Objective 9.A.6 of the modified draft of the Official Plan Amendment, noted in bold as follows:

"9. Transportation: Moving People and Goods

...In order to appropriately accommodate forecasted growth, the Region must plan for and implement a **sustainable transportation system** that has the ability to withstand stresses associated to population growth..."

"Objective 9.A.4 Create and enhance interconnected *active transportation* systems and **programs."**

"Objective 9.A.6 Encourage the most **cost-effective** and **environmentally appropriate** modes of **sustainable transportation** to **reduce greenhouse gas emissions."**

The Region appears to be committed to improving **social equity**, protecting short- and long-term **economic competitiveness**, and **reducing greenhouse gas emissions** by advancing initiatives which enable comprehensive *active transportation* networks, interconnected public transit systems, and efficient goods movement networks.

It is therefore **recommended:**

- a.) That a new Objective or Policy be included in proposed sections 9.A or 9.D that recognizes the importance of the five E's as follows:

That the Region will apply a comprehensive, partnership approach to providing active living, friendly environments by incorporating recognized parameters that include engineering, encouragement, education, enforcement, and evaluation in all related program delivery activities including planning, design, construction, operations and maintenance.

7. ***Support for the Regional Active Transportation Sub-Committee (ATSC) – New Policy in Section 9.D**

Current Policy 9.F.1 in the Regional Official Plan formally recognizes the role and importance of the former RNBC (now ATSC) to support Regional standing committees and Council on all matters related to cycling. The TMP as recently approved by Council, recommends continued support for the new ATSC. Regional Planning staff, on the other hand, does not believe that the Official Plan should determine the role or function of Council's committees.

While we are confident that the Region still values public and agency input for its policy and program development/implementation, it would be helpful if such value were identified in the Plan without naming any particular committee, its specific role or function. The Amendment could simply provide support for a consultative process and input from the community through a forum for public and agency input.

Therefore, it is **recommended**:

a.) That the following new policy be included in Section 9.D:

The Niagara Region will continue to provide a means for obtaining community input and expertise through a consultative forum on all matters related to active living.

8. ***Broad Support for Bicycle Tourism - New Objective in Section 9.A or new Policy in Section 9.D.**

Niagara is widely recognized as the premiere bicycle tourism destination in the Province. The Greater Niagara Circle Route is just one example of a major attraction for touring and local cyclists. Bicycle tourism has a major, positive economic impact in the Niagara community broadly and its importance has been showcased in various economic studies, including recent work produced by Brock University and Venture Niagara, the latter being a key lead in promoting bicycle tourism with Niagara Region's expertise and assistance. The growing presence and success of the Bike Train first provided by VIA and now Metrolinx is evidence of the importance of bicycle tourism. Also, six of Niagara's twelve local municipalities have received Bicycle Friendly Community designation status provincially while several other remaining municipalities are in the process of applying. This all helps to position Niagara favourably for attracting even more visitors that are cycling tourists.

In light of the above information, it is important that the Region continue encouraging and supporting bicycle tourism across the region. **The Regional Official Plan must speak to all of Niagara's tourist areas and assets.** While Chapter 2 in the Official Plan does provide objectives and policies in support of tourist travel and activities in some parts of Niagara,

they apply only on a limited area basis to the Twenty Valley/Jordan Harbour Tourism Area, Niagara Wine Country and related Wine Route, as well as the Greater Niagara Circle Route trail system. Also, the Bruce Trail, an important AT route across Niagara, is a walking trail on which cycling is strictly prohibited.

In conclusion, some of the broader tourism related elements in Section 9.F of the current approved Official Plan should be carried forward in the new Amendment. It is important to include a supportive statement for cycle tourism in general, which would be all inclusive of this important economic driver for the region.

Therefore, it is **recommended**:

- a.) That a new Objective in Section 9.A or new Policy in Section 9.D be added to the Amendment stating:

Niagara supports the promotion and delivery of cycling tourism in the region and will work in collaboration with other key partners (e.g. Venture Niagara, Brock University, Niagara Parks Commission, Metrolinx, Ministry of Tourism, Culture and Sport) to enhance and expand Niagara as a premier cycle tourism destination in the Province.

9. Part III-Definitions - Bicycle Infrastructure

We believe that this definition is a very important one to include in the proposed policy set but requires more detail on a somewhat broader range of uses that make up bicycle infrastructure and support facilities for active transportation. There is little content change provided by Planning staff in the proposed new definition compared to the former draft definition.

Therefore, it is **recommended**:

- a.) That the wording changes suggested below in underline and ~~cross-outs~~ be made to the definition of bicycle infrastructure in Part III- Definitions:

Bicycle Infrastructure
means all *infrastructure* and facilities used for cycling, including bicycle routes (e.g. dedicated, buffered, and separated bike lanes, multi-use paths, and off-road trails), trip end facilities such as and bicycle parking and storage (such as e.g. bicycle racks and lockers) and other cycling supportive items such as bike repair stations and priority signal lights.

APPENDIX III

NIAGARA REGION COMMENT RESPONSE MATRIX

	Name/Title	Organization	Reference within ROPA 13	Agency Comment(s)	Planning and Development Services Response
1	Loralea Tulloch Planner, Community Planning and Development	Ministry of Municipal Affairs and Housing	General	<p>It is recommended that the Region include policies addressing infrastructure corridors. Growth Plan policy 3.2.5 provides direction for the development, optimization, or expansion of existing and planned corridors and supporting facilities.</p> <p>In a Region with an abundance of natural heritage and agriculture, planning for new or expanded transportation infrastructure may have to demonstrate, where applicable and through an Agricultural Impact Assessment and Environmental Assessment, that any impacts to the Agricultural System, key natural heritage features as well as key water resources have been avoided or at least minimized. The Region should also encourage the co-location of linear infrastructure facilities in order to use land more efficiently and integrate services. Therefore, it is recommended that policies 3.2.5 a), c) and d) of the Growth Plan be included in ROPA 13.</p> <p>It is also recommended that the Region include policies for existing or planned corridors in accordance with Policy 3.2.5 e) of the Growth Plan by:</p> <ul style="list-style-type: none"> • considering increased opportunities for moving people and goods by rail; • considering separation of modes within corridors; and • providing opportunities for inter-modal linkages. 	<p>New Policies 9.F.10 and 9.F.12 have been added to the Amendment to address policies 3.2.5.1 a), c) and d) of the Provincial Growth Plan.</p> <p>New Policy 9.H.7, which directs the Region to consider the protection of abandoned rail corridors to optimize future goods movement activity, has been added to the Amendment to address policy 3.2.5.1 e) i. of the Provincial Growth Plan.</p> <p>New Policy 9.F.11, which directs the Region to consider the separation of modes within corridors, has been added to the Amendment to address policy 3.2.5.1 e) ii. of the Provincial Growth Plan.</p>

2	Loralea Tulloch Planner, Community Planning and Development	Ministry of Municipal Affairs and Housing	General	Recommended that “Region” have a capital “R”.	For consistency, the Amendment has been revised to state “Niagara Region” when referencing the corporation of the Regional Municipality of Niagara. The term has remained lower-case when referencing the region as a geographic entity.
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3	Loralea Tulloch Planner, Community Planning and Development	Ministry of Municipal Affairs and Housing	General	<p>Both the Growth Plan (Policies 5.2.3.3 and 5.2.3.6) and PPS (Policy 1.2.2), encourage planning authorities to coordinate planning matters with Indigenous communities. First Nations and Metis communities, whose interests may be impacted by planning decisions, should be engaged to ensure that they have adequate opportunity to participate fully in the process. The Ministry is interested in understanding any engagement efforts that the Region has undertaken on this proposed amendment. Should the Region adopt ROPA 13, it is requested that information respecting any municipal engagement process be provided to MMA, including any submissions.</p>	<p>The Amendment is based on the Niagara Region Transportation Master Plan (TMP), which was approved by Regional Council in 2017. As part of the preparation of the TMP, the Niagara Region had:</p> <ul style="list-style-type: none"> • Notified ten (10) First Nations and Metis contacts of the initiation of the project as part of a letter, dated January 25, 2016, to the Ministry of the Environment and Climate Change. • Made a series of phone calls regarding aboriginal consultation to the aforementioned First Nations and Metis contacts between June 6, 2016 and July 20, 2016. • Held a consultation meeting with the Six Nations of the Grand River on January 18, 2017. <p>In addition, the draft policies for Regional Official Plan Amendment No. 13 were also circulated to First Nations and Metis representatives along with a separate response form to help expedite feedback on the proposal. To date, the Region has not received any submissions from First Nations or Metis representatives with regards to the Amendment.</p>
4	Loralea Tulloch Planner, Community Planning and Development	Ministry of Municipal Affairs and Housing	9. Transporta tion Moving People and Goods	<p>The new Growth Plan for the Greater Golden Horseshoe (Growth Plan) now projects growth to a 2041 planning horizon. [Recommended policy modification]:</p> <p>“The Provincial Growth Plan for the Greater Golden Horseshoe projects significant growth within the Niagara Region by the year to a 2041 planning horizon 2031...”</p>	<p>The preamble to “Chapter 9. Transportation Moving People and Goods” has been reworded as suggested.</p>

5	Lorelea Tulloch Planner, Community Planning and Development	Ministry of Municipal Affairs and Housing	9.A General Objectives	The Region should revise or re-profile its objectives to place a heavier emphasis on Growth Plan policy 3.2.2.2 b) by moving 9.A.1 after 9.A.7.	Staff believe that the current positioning of Objective 9.A.1 is appropriate, as it provides the broadest scope of direction when compared to the other Niagara Region transportation system objectives.
6	Lorelea Tulloch Planner, Community Planning and Development (West)	Ministry of Municipal Affairs and Housing	Objective 9.A.1	<p>The Growth Plan places a higher priority on modes of transportation which reduce reliance on the automobile than it does on offering multimodal access to jobs, housing, schools, cultural, and recreational opportunities, and goods and service.</p> <p>Strategic growth areas is a newly defined term in the Growth Plan, 2017. The new term replaces the 2006 Growth Plan's "intensification areas" and "intensification corridors". We note that the Region is proposing to add the term Strategic Growth Area to their OP through this amendment and have provided a definition that conforms to the Growth Plan.</p> <p>"Promote and support all modes of safe transport for the movement of goods and people to jobs, housing, school, culture and recreational opportunities, especially in strategic growth areas intensification areas and areas designated for high-density development."</p>	Objective 9.A.1 has been reworded as suggested.
7	Lorelea Tulloch Planner, Community Planning and Development	Ministry of Municipal Affairs and Housing	Objective 9.A.2	<p>Rather than stating "all modes of transportation" it is recommended that the Region use their newly added term "multi-modal transportation system". Additionally, is it recommended that the Region identify "road, rail, marine and air" as examples because walking and cycling are also modes of transportation not listed. This also aligns with the definition of "multimodal" in the Growth Plan.</p> <p>"Support a connected multimodal transportation system network that allows the efficient movement of people and</p>	<p>Former Objective 9.A.2 has been removed from the Amendment due to its similarity to Objective 9.A.1.</p> <p>Please note that the definition for "multi-modal transportation system" has been removed from the proposed Amendment as the Niagara Region's current Official Plan already defines the terms "multi-modal" and "transportation system", respectively.</p>

				goods on all modes of transportation (such as road, rail, marine, and air).”	
8	Loralea Tulloch Planner, Community Planning and Development	Ministry of Municipal Affairs and Housing	Policy 9.B.3	<p>The Go Transit system is often referred to as the regional transit system.</p> <p>For clarity, it is recommend that [this policy] be revised as follows:</p> <p>“Policy 9.B.3 The Region will work with Metrolinx, the Province and other stakeholders to improve linkages between the Niagara Regional Transit Systems and GO Transit.”</p>	Policy 9.B.3 has been reworded as suggested.
9	Loralea Tulloch Planner, Community Planning and Development	Ministry of Municipal Affairs and Housing	Section 9.C Public Transit	<p>The Growth Plan places first priority on public transit for transportation infrastructure planning and major transportation investments.</p> <p>It is recommended that the following policy be added as 9.C.1:</p> <p>“Policy 9.C.1 Public transit will be the first priority for transportation infrastructure planning and major transportation investments.”</p>	New Policy 9.C.1 has been added to the Amendment to indicate that transit planning and implementation will be a priority in Regional transportation planning. The remaining policies within this section have been renumbered.

10	Loralea Tulloch Planner, Community Planning and Development	Ministry of Municipal Affairs and Housing	Policy 9.C.1	<p>Recommend revising as follows:</p> <p>“b) Prioritizing areas with existing or planned higher residential or employment densities to optimize return on investment and the efficiency and viability of existing and planned transit service levels;”</p> <p>“bc) Transit service(s) to areas that have achieved, or will be planned to achieve transit supportive residential, commercial, institutional and employment densities;”</p> <p>“ed) Improved linkages from nearby neighbourhoods to major trip generators, including: the St. Catharines urban growth centre, locally designated residential intensification strategic growth areas, employment areas, including tourist location and connection, and major transit station areas;”</p>	<p>Policy 9.C.2* has been reworded to generally reflect the recommended wording of this comment.</p> <p>Former Policy 9.C.1 b) has been removed from the Amendment due to its similarity to Policy 9.C.2 a)*.</p> <p>*previously Policy 9.C.1</p>
11	Loralea Tulloch Planner, Community Planning and Development	Ministry of Municipal Affairs and Housing	Policy 9.C.5	<p>The Go Transit system is often referred to as the regional transit system.</p> <p>For clarity, it is recommend that [this policy] be revised as follows:</p> <p>“Policy 9.C.5 The Region will encourage transit service integration as part of the implementation of an inter-municipal regional transit system.”</p>	<p>Policy 9.C.6* has been reworded as suggested.</p> <p>*previously Policy 9.C.5</p>
12				<p>The Growth Plan directs municipalities to work with transit operators, the Province and Metrolinx, where applicable, to support transit service integration within and across municipal boundaries.</p> <p>Would recommend revising this policy as follows:</p>	<p>Policy 9.C.6* has been reworded as suggested.</p> <p>*previously Policy 9.C.5</p>

				“The Region will encourage transit supportive integration as part of the implementation of an inter-municipal regional transit system and work with transit operators, the Province and Metrolinx, where applicable.”	
13	Loralea Tulloch Planner, Community Planning and Development	Ministry of Municipal Affairs and Housing	Policy 9.C.7 & Policy 9.C.8	<p>It is unclear what is meant by a Go Station Hub.</p> <p>Consider clarifying what specifically is meant by this phrase; do these include all GO stations and stops or a particular subset?</p>	<p>For clarification, Policies 9.C.9* and 9.C.10** have removed the term GO Station Hub to make reference to higher order transit facilities and connections, the definition of which makes refers to heavy rail, light rail, and buses in dedicated rights-of-way.</p> <p>*previously Policy 9.C.7 **previously Policy 9.C.8</p>
14	Loralea Tulloch Planner, Community Planning and Development	Ministry of Municipal Affairs and Housing	Policy 9.C.11	Policy 9.C.11 makes reference to major transit station areas achieving minimum density targets that reflect existing and planned transit service levels. Minimum density targets are only required for major transit station areas located on a priority transit corridor, which Niagara Region does not have. MMA does however support the Region in identifying a minimum density target for their major transit station areas. To assist in identifying a minimum density target the Region may want to consider policy 2.2.4.4 b) of the Growth Plan.	<p>Policy 9.C.12* has been reworded to remove references to achieving minimum density targets for major transit station areas. No further changes to the policy are required.</p> <p>*previously Policy 9.C.11</p>
15				The Growth Plan contains specific policies which speak to all major transit station areas, including those not located on priority transit corridors. It is recommended that the Region revise policy 9.C.11 to elaborate on how local municipalities will develop land use plans for their major transit station areas and how development will be supported by making reference to applicable criteria listed in policies 2.2.4.8 and 2.2.4.9 of the Growth Plan. The Region and local municipalities may find MTO’s Transit -Supportive Guidelines helpful, in particular Chapter 2.3 on Enhancing Access to Transit, when	<p>Policy 9.C.12* has been reworded to include the criteria of policy 2.2.4.9 of the Growth Plan.</p> <p>Policy 9.C.2**, which addresses the expansion of public transit across the Niagara Region, largely addresses the criteria outlined in policy 2.2.4.8 of the Growth Plan.</p> <p>New Policy 9.D.6 has also been added to the Amendment to support transit-oriented development</p>

				developing more detailed frameworks around major transit station areas. This chapter includes effective strategies for design and integration of transit stations.	standards in major transit station areas that accommodate active transportation modes. *previously Policy 9.C.11 **previously Policy 9.C.1 c)
16	Loralea Tulloch Planner, Community Planning and Development	Ministry of Municipal Affairs and Housing	Policy 9.D.1	<p>Planned ‘active transportation networks’ may intersect provincial highways.</p> <p>For more information on how to plan near provincial highways, please see MTO’s Guideline for Municipal Official Plan Preparation and Review found here: http://www.mto.gov.on.ca/english/engineering/management/corridor/municipal-guideline/standards.shtml</p> <p>The Region and municipalities should consult MTO early in the planning stage when planning active transportation networks around provincial highways.</p> <p>Technical: It is recommended that “local” be added before “municipalities” in this policy to be consistent with how the Region refers to lower-tiers elsewhere.</p>	Policy 9.D.1 has been reworded to refer to “local municipalities”.
17	Loralea Tulloch	Ministry of Municipal	Policy 9.D.7	Active transportation routes cross other provincial highways of all designation. The phrase ‘and other’ should be inserted before Highways.	Policy 9.D.8* has been reworded. *previously Policy 9.D.7

18	Planner, Community Planning and Development	Affairs and Housing		As the Ministry of Transportation is only referenced in this policy within Chapter 9, there is no need for an acronym to be established. The Ministry of Transportation is referenced elsewhere, after Chapter 9, in the Official Plan (i.e., definitions) and the acronym is not used. Would suggest removing the acronym.	<p>Policy 9.D.8* has been reworded as suggested.</p> <p>*previously Policy 9.D.7</p>
19	Loralea Tulloch Planner, Community Planning and Development	Ministry of Municipal Affairs and Housing	Policy 9.E.2 & Policy 9.E.4	<p>Policy 9.E.2 speaks to implementation of complete streets to be considered for Regional Roads meeting a specific list of requirements. Furthermore, policy 9.E.4 indicates that local official plans shall include policies related to the implementation of complete streets. It is unclear how these proposed policies meet policy 3.2.2.3 of the Growth Plan which states that “in the design, refurbishment, or reconstruction of the existing and planned street network, a complete streets approach will be adopted that ensures the needs and safety of all road users are considered and appropriately accommodated”. Consideration of complete streets should not be limited to those that satisfy the particular criteria listed in policy 9.E.2.</p> <p>It is recommended that ROPA 13 utilize an overarching complete streets approach to all roadway design, reconstruction, and refurbishment as per the Growth Plan. To support the Region’s objectives set out in Policy 9.E, the Region may find Chapter 2.2 on Creating Complete Streets of MTO’s Transit Supportive Guidelines helpful, which includes strategies for planning complete streets.</p> <p>Additionally, MMA staff recommend that the Region consider italicizing defined terms throughout its Official Plan for better clarity (i.e. complete streets).</p>	<p>Defined terms have been italicized throughout the Amendment.</p> <p>Policy 9.E.1 has been reworded to indicate that a complete streets approach will be adopted for the “design, refurbishment, or reconstruction” of the entirety of the Niagara Region’s road network.</p> <p>Former Policies 9.E.2 and 9.E.6 have been removed from the Amendment, and the policies in this section have been renumbered.</p> <p>Policy 9.E.3* has been reworded to conform to policy 3.2.2.3 of the Growth Plan.</p> <p>*previously Policy 9.E.4</p>

20	Loralea Tulloch Planner, Community Planning and Development	Ministry of Municipal Affairs and Housing	Policy 9.F.9	<p>This policy currently states that local municipalities shall develop official plan policies regarding planned corridors in consultation with and to the satisfaction of the Province. As the approval authority for lower-tier official plans, the Region should also be satisfied with these policies.</p> <p>The Region should consider clarifying that development applications will not preclude or predetermine outcomes of planned corridors but rather the decisions made on these applications may have that effect.</p> <p>It is also recommended that this policy be revised to align better with the PPS's planned corridor protection policy.</p> <p>It is recommended that this policy be revised as follows:</p> <p>"Local municipalities, in consultation with and to the satisfaction of the Region and the Province, shall develop Official Plan policies that provide protection for planned corridors protection to ensure that decisions on development applications will not predetermine or preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified planning and/or implementation of the above noted transportation facilities."</p>	Policy 9.F.9 has been reworded as suggested.
21	Loralea Tulloch Planner, Community Planning and Development	Ministry of Municipal Affairs and Housing	Policy 9.G.1	<p>Recommend revising this sentence to read more clearly. [Recommended policy modification]:</p> <p>"The Region will develop and implement by including in this Plan a comprehensive Transportation Demand Management (TDM) strategy to."</p>	Policy 9.G.1 has been reworded as suggested.
22	Loralea Tulloch	Ministry of Municipal	Policy 9.G.2	To be consistent with the term "Transportation Demand Management <u>strategy</u> " used in 9.G.1.	Policies 9.G.1 and 9.G.2 have been reworded to reflect the terminology used within the TMP, which refers to a " <u>Travel</u> Demand Management <u>Study</u> ".

	Planner, Community Planning and Development	Affairs and Housing		“Local municipalities shall develop and implement TDM policies to be incorporated into local official plans that are consistent with the future TDM Study strategy.”	
23	Loralea Tulloch Planner, Community Planning and Development	Ministry of Municipal Affairs and Housing	Section 9.H Goods Movement	Recommend adding in a policy related to accommodating agricultural vehicles and equipment. “9.H.8 The Region will work with municipalities, agencies and transportation service providers to develop transportation systems which accommodate agricultural vehicles and equipment, as appropriate.”	New Policy 9.H.5 has been added to the Amendment to address this comment.
24	Loralea Tulloch Planner, Community Planning and Development	Ministry of Municipal Affairs and Housing	Policy 9.H.1	To ensure consistency with language used elsewhere in the Region’s OP, it is recommended that the “Niagara Gateway Economic Zone” and “Niagara Gateway Economic Centre” be revised accordingly. “...The Region’s goods movement network will also take advantage of cross-border trade and the Foreign Free Trade Zone, and maximize the use of the Niagara Gateway Economic Zone and Niagara Gateway Economic Centre.” Or “...The Region’s goods movement network will also take advantage of cross-border trade and the Foreign Free Trade Zone, and maximize the use of the Niagara Economic Gateway Zone and Niagara Economic Centre ”	Policy 9.H.1 has been reworded as suggested.
25	Loralea Tulloch Planner, Community Planning and Development	Ministry of Municipal Affairs and Housing	Policy 9.H.3	Recommend revising to clarify that these routes are to be identified specifically for goods movement. The wording in this policy implies that prime employment areas are separate from employment areas which is not the case. Prime employment areas are a subset of employment areas. Additionally, since the Region does not yet have lands	Former Policy 9.H.3 has been removed from the Amendment due to its similarity to Policy 9.H.1 .

				<p>designated as prime employment areas, we recommend only indicating employment areas in this policy.</p> <p>“The Region, in partnership with local municipalities, will identify priority and alternative routes for goods movement into and out of from prime employment and employment areas and other areas of significant commercial activity connecting to the provincial network.”</p>	
26	Loralea Tulloch Planner, Community Planning and Development	Ministry of Municipal Affairs and Housing	Policy 9.H.7	<p>Suggest revising to emphasize support for integration of multi-modal goods movement with freight supportive land uses to better align with the Growth Plan.</p> <p>Recommend removing “and people” as this section pertains to Goods Movement.</p> <p>Technical Comment: Remove the quotation mark at the end of the sentence.</p> <p>“The Region will support the development and integration of multi-modal transportation systems and freight supportive land uses to facilitate the movement of goods and people, while ensuring compatibility with adjacent land uses and access to these facilities.”</p>	<p>Policy 9.H.4* has been reworded.</p> <p>*previously Policy 9.H.7</p>
27	Loralea Tulloch Planner, Community Planning and Development	Ministry of Municipal Affairs and Housing	Schedule E1	<p>Schedule E1 shows three GO Transit stations identified as “major transit stations” and one station identified as “proposed major transit station.”</p> <p>To provide more clarity, please consider:</p> <ul style="list-style-type: none"> • keeping the label ‘major transit stations’ for the two existing stations (St. Catharines and Niagara Falls) • identifying the planned Grimsby GO station as such to show that it is planned and not existing at this time 	<p>Schedule E1 has been revised as suggested.</p>

				<ul style="list-style-type: none"> Identifying that the “proposed major transit station” (Beamsville station area in Lincoln) as a future recommended station which is not yet committed or funded 	
				<p>All Niagara Region provincial highways should be shown on Schedule E.</p> <p>Revise Schedule E1 to show:</p> <ul style="list-style-type: none"> Highway 58 extended easterly to Thorold Townline Road Highway 20 at the south end of Highway 58 	Schedule E1 has been revised as suggested.
28	Loralea Tulloch Planner, Community Planning and Development	Ministry of Municipal Affairs and Housing	Chapter 15 Definitions	<p>It is recommended that this policy be revised to better align with the Growth Plan.</p> <p>“Active Transportation means any form of self-propelled transportation that relies on the use of human energy such as walking, cycling, inline skating, jogging, or travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed.”</p>	The definition for “active transportation” has been reworded as suggested.

	Name/Title	Organization	Reference within ROPA 13	Agency Comment(s)	Planning and Development Services Response
29	Nancy Mott Senior Strategic Advisor	Niagara Escarpment Commission	General	Part 2.12 of the NEP contains the revised policies relating to Infrastructure. The objective of this development criterion is "to design and locate infrastructure so that the least possible impact occurs on the Escarpment environment and to encourage green infrastructure and low impact development, where appropriate". ROPA 13 generally supports this objective by encouraging environmentally appropriate modes of sustainable transportation. The proposed policy should be enhanced by also acknowledging that there are locations where transportation infrastructure is discouraged such as in parks, open spaces, the Bruce Trail, prime agricultural areas and Escarpment Natural Areas in order to avoid conflict with NEP policy including Part 2.6.2 e) and Part 2.7.2 e) relating to infrastructure in key hydrologic features and key natural heritage features.	<p>New Policy 9.F.12 has been added to the Amendment to address transportation infrastructure improvements within the agricultural and natural heritage system.</p> <p>New Policy 9.B.6 has been added to the Amendment to address transportation infrastructure improvements within the Niagara Escarpment Plan boundaries.</p>
30	Nancy Mott Senior Strategic Advisor	Niagara Escarpment Commission	General	Although the Bruce Trail is identified on Schedule F of the Official Plan, there is no specific reference to it in the Active Transportation policies in ROPA 13. We note that there are trail policies in Chapter 2 of the Official Plan but there is no specific reference to the Bruce Trail. "Policy 2.B.2.15 only references "other trails". The NEP supports the establishment of a permanent route for the Bruce Trail and as a footpath, it contributes to active transportation opportunities. Policies to identify and support the Bruce Trail should be considered for incorporation into ROPA 13.	New Policy 9.D.9 has been added the Amendment to support the development of the Bruce Trail.

31	Nancy Mott Senior Strategic Advisor	Niagara Escarpment Commission	General	<p>Reference to the environmental assessment process is found in the existing transportation policies (e.g. Policy 9.B.3 and 9.C.23) and reference the need for a Development Permit from the NEC, as noted above. These policies are not found in ROPA 13.</p> <p>Although Chapter 14 of the Official Plan refers to the possible need for an EA in Policy 14.F.3 for municipal infrastructure projects, there is no indication of the role of other agencies, such as the NEC in that process. We would like to better understand the process that the Region would follow in determining the impact of transportation infrastructure on the Niagara Escarpment. Reference to the role of the NEC is only found in Policy 2.8.2.12 b) relating to recreation and tourism. We would like the Region to identify in ROPA 13 that there is a role for the NEC in the EA process for infrastructure, that development permits may be required and that, in the event of a conflict, the policies of the NEP prevail over Regional Official Plan policy, pursuant to Section 14 of the Niagara Escarpment Planning and Development Act and consistent with Part III of the PPS with respect to the precedence of the NEP over the PPS and the need for municipal planning decision to not conflict with provincial policy.</p>	<p>Transportation infrastructure improvements will be subject to the requirements of the Environmental Assessment Act and its regulations. The Act will outline the required consultation process for each public works project. If such improvements are located within the Niagara Escarpment Plan boundaries, they will also be subject to the policies of the Niagara Escarpment Plan, whose policies and mapping determine when and where development permits will be required.</p> <p>Staff note that the Region is currently in the process of drafting a new Official Plan. The new Official Plan will contain sections which outline where the policies of the Niagara Escarpment Plan take precedence during instances of conflict with the policies of the Regional Official Plan. In the interim, this matter is already provided for within the Provincial Policy Statement.</p> <p>No changes to the Amendment are required at this time.</p>
32	Nancy Mott Senior Strategic Advisor	Niagara Escarpment Commission	General	<p>There are new policies in the NEP with respect to Scenic Resources and Landform Conservation (Part 2.13). Policy 9.C.5 of the existing Regional Official Plan supports consideration of the impact of road improvements and reconstruction "on the existing landscape". This policy is not contained in ROPA 13 and NEC staff is concerned that the importance of protecting the Scenic Resources and Escarpment Related Landforms of the Niagara</p>	<p>New Policy 9.B.6 has been added to the Amendment to address the impact of transportation infrastructure on the scenic resources of the Niagara Escarpment.</p>

				Escarpment is not encouraged in the proposed Official Plan amendment.	
33	Nancy Mott Senior Strategic Advisor	Niagara Escarpment Commission	Policy 9.D.6	There is a reference in Policy 9.D.6 supporting off-road trails. It is important to indicate in the proposed policy whether these off-road trails would be pedestrian only or if recreational vehicles would be considered. The Bruce Trail is a pedestrian footpath only and the policies of the NEP do not permit intensive trail activities in Escarpment Natural and Escarpment Protection Areas. Only non-motorized trail activities are permitted in these designations.	New Policy 9.D.9 has been added to the Amendment to specify that off-road trails in the Niagara Escarpment Planning Area are subject to the policies of the Niagara Escarpment Plan.
34	Nancy Mott Senior Strategic Advisor	Niagara Escarpment Commission	Policy 9.F.4	Proposed policy 9.F.4 states that the Region may acquire additional land for road allowances without an amendment to the Official Plan. Policy 9.C.16 in the existing Official Plan states that an amendment would be required and took into consideration "applicable federal and provincial acts and regulations". If there is no Official Plan amendment, how would the NEC be consulted with respect to road widenings?	The Region would only acquire additional lands that exceed the road allowance widths identified in Table 9-1 by recommendation of a Municipal Class Environmental Assessment, upon which the Niagara Escarpment Commission would be able to provide input. No change to the Amendment is required.

	Name/Title	Organization	Reference within ROPA 13	Agency Comment(s)	Planning and Development Services Response
35	Ellen Savoia Senior Planner	Niagara Parks Commission	Section 9 Transportation: Moving People and Goods	<p>Please add:</p> <p><i>The Region recognizes that The Niagara Parks Commission's transportation system provides a unique multi-modal, tourist oriented function in the Niagara Region. In order to preserve and enhance the tourist oriented function as well as the scenic and natural amenities associated with The Niagara Parks Commission transportation system, access to the Niagara River Parkway is controlled, speed limits may be more restrictive than usual and commercial traffic is restricted.</i></p>	The preamble to "Chapter 9 Transportation: Moving People and Goods" has been reworded to generally address this comment. Specifically, the preamble now states that the Region will remain dedicated to working with its local area municipal partners, agencies, and other public entities on cross-jurisdictional transportation-related matters.
36	Ellen Savoia Senior Planner	Niagara Parks Commission	Policy 9.B.2	<p>Please add to Policy 9.B.2:</p> <p><i>The roads of The Niagara Parks Commission</i></p>	New sub-bullet 'g)' has been added to Policy 9.B.2 .
37	Ellen Savoia Senior Planner	Niagara Parks Commission	Section 9.B Coordinated Transportation System Planning	<p>To support coordination of land use planning that may impact the Niagara River Parkway and strategic infrastructure investments by NPC, the Region and area municipalities, please add the following:</p> <p><i>Policy 9.B.6: The Region will work with The Niagara Parks Commission to improve linkages between the regional transportation system and NPC's transportation system.</i></p>	New Policy 9.B.7 has been added to the Amendment to address the co-ordination of the Niagara Region and Niagara Parks Commission transportation systems.

38	Ellen Savoia Senior Planner	Niagara Parks Commission	Section 9.D. Active Transporta tion	<p>NPC requests the following be added:</p> <p><i>Policy 9.D.8: The Region will encourage The Niagara Parks Commission to develop active transportation infrastructure and supporting policies in alignment with the Strategic Cycling Network.</i></p>	<p>New Policy 9.B.7 has been added to the Amendment to direct the Region and the Niagara Parks Commission to co-ordinate on improvements to their respective transportation systems, which includes improvements to active transportation linkages.</p> <p>Although the Region supports the Niagara Parks Commission in developing policies that are in alignment with the Niagara Region's Strategic Cycling Network, staff do not believe that this policy is required as part of the Niagara Region Official Plan. No change to this Amendment is required.</p>
39	Ellen Savoia Senior Planner	Niagara Parks Commission	Schedule E1	Transportation Infrastructure does not identify the Niagara River Parkway as a road in the Region. Niagara River Parkway should be at minimum identified as a Niagara Parks Commission road.	Schedule E1 has been revised as suggested.
40	Ellen Savoia Senior Planner	Niagara Parks Commission	Schedule E2	The Niagara River Parkway is a part of the existing cycling network. The scale of the map makes it is difficult to confirm that the entire Niagara River Parkway is identified as part of strategic. Please review and ensure it is included as part of the strategic cycling network.	Schedule E2 has been revised to include all bicycle routes identified within the Strategic Cycling Network mapping of the Transportation Master Plan.

	Name/Title	Organization	Reference within ROPA 13	Agency Comment(s)	Planning and Development Services Response
41	Darlene Presley Planning Coordinator, MHBC	TransCanada PipeLines Limited	Policy 9.D.6	Amend Policy 9.D.6 by adding: “Where such corridors include the TransCanada Pipeline right-of-way, the Region shall require early consultation with TransCanada or its designated representative for any proposals within 30 metres of its pipeline centreline”.	Policy 9.D.7* has been reworded to generally address this comment. Specifically, to require early pre-consultation with relevant stakeholders, including TransCanada Pipelines or its designated representative, in the acquisition of abandoned rail and other linear corridors. *previously Policy 9.D.6
42	Darlene Presley Planning Coordinator, MHBC	TransCanada PipeLines Limited	Section 9.F Regional Road System	Add Policy 9.F.10 [that states]: “TransCanada PipeLines Limited (TransCanada) has high pressure natural gas pipelines crossing the Region. TransCanada is regulated by the National Energy Board (NEB) which has a number of requirements regulating development in proximity to its pipelines. This includes approval requirements for activities within 30 metres of the pipeline centreline such as conducting a ground disturbance, constructing or installing a facility across on or along the pipeline right-of-way, driving a vehicle, mobile equipment or machinery across the right-of-way and the use of explosives”.	New Policy 9.F.13 has been added to the Amendment to generally address this comment.

	Name/Title	Organization	Reference within ROPA 13	Agency Comment(s)	Planning and Development Services Response
43	John Barnsley, Manager, Policy Planning	City of Niagara Falls	General	The Corridor Protection policies and plans should be part of this amendment as these corridors are part of the overall transportation policy framework.	<p>New Policies 9.F.10 and 9.F.12 have been added to the Amendment to address the infrastructure corridors policies of the Growth Plan.</p> <p>The development and planning of specific transportation corridors and their associated infrastructure are identified in Policy 9.B.2, and will be accomplished through the direction of the Region's Transportation Master Plan (TMP).</p> <p>New Policy 9.F.14 has been added to the Amendment to reference the recommended actions and schedules of the TMP.</p>
44	John Barnsley, Manager, Policy Planning	City of Niagara Falls		The Region's Transportation Master Plan includes a 2041 Road network Plan and a Phasing Plan which should be part of the amendment. These plans provide the future conceptual network and how it is to be implemented.	<p>The TMP will be reviewed every five (5) years, resulting in potential changes to the 2041 Road Network Action Plan. To add these plans to the Amendment may inadvertently date the document and reduce the effectiveness of its policies and/or mapping.</p> <p>New Policy 9.F.14 has been added to the Amendment to reference the recommended actions and schedules of the TMP.</p>
45	John Barnsley, Manager, Policy Planning	City of Niagara Falls		There should be policies that speak to road connections between the southern municipalities and the pending South Niagara Hospital Niagara Falls.	Any improvements or expansions to the street network in this area will be identified and implemented through the TMP's Road Network Action Plan and Recommended Road Capital Investments. No change to the Amendment is required.

46	John Barnsley, Manager, Policy Planning	City of Niagara Falls	9.E. Complete Streets	<p>The policies should provide flexibility to the lower tier with respect to implementation in order to allow for specific conditions and circumstances.</p> <p>The policies should recognize that there will be situations where not all of the elements of complete streets can be implemented. Flexibility should be provided in the policies.</p>	<p>Policy 3.2.2.3 of the Growth Plan requires municipalities to adopt a complete streets approach for the design, refurbishment, or reconstruction of a municipality's existing or planned street network. To conform to the Growth Plan, Policies 9.E.1 and 9.E.3* have been reworded to ensure that complete streets elements are considered as part of roadway improvements. The implementation of these elements will be determined through an evaluation of alternatives as directed by the Municipal Class Environmental Assessment process.</p> <p>Policy 9.E.4**, therefore, provides municipalities the flexibility of either creating their own complete streets guidelines or utilizing the Niagara Region's Complete Streets Design Guidelines as part of the required "complete streets approach".</p> <p>Relatedly, former Policies 9.E.2 and 9.E.6 have been removed from the Amendment to ensure conformity with the Growth Plan.</p> <p><small>*previously Policy 9.E.4 **previously Policy 9.E.5</small></p>
47	John Barnsley, Manager, Policy Planning	City of Niagara Falls			

48	John Barnsley, Manager, Policy Planning	City of Niagara Falls	Table 9-1 Daylight Sight Triangle	<p>The requirements for daylight triangles should be standardized. The City's standards, provided below, are greater than those contained in the proposed amendment and offer specific consideration for roadway classification. Such a discrepancy between upper and lower tier requirements leads to confusion and questions when dealing with development applications. Daylight triangles should be of a size that can provide sightlines and also to provide for sufficient land for infrastructure and streetscape elements.</p> <table><tr><th>Road Classification</th><th>City</th><th>Region (proposed)</th></tr><tr><td>Local to Local</td><td>5 m x 5 m</td><td rowspan="4">Urban: Signalized = 10 m x 10 m</td></tr><tr><td>Collector to Local</td><td>5 m x 5 m</td></tr><tr><td>Collector to Collector</td><td>7 m x 7 m</td></tr><tr><td>Arterial to Local</td><td>7 m x 7 m</td></tr><tr><td>Arterial to Collector</td><td>12 m x 12 m</td><td>Non-signalized = 6 m x 6 m</td></tr><tr><td>Arterial to Arterial</td><td>12 m x 12 m</td><td rowspan="2">Rural = 15 m x 15 m</td></tr><tr><td>Outside of Urban Boundary</td><td>15 m x 15 m</td></tr></table>	Road Classification	City	Region (proposed)	Local to Local	5 m x 5 m	Urban: Signalized = 10 m x 10 m	Collector to Local	5 m x 5 m	Collector to Collector	7 m x 7 m	Arterial to Local	7 m x 7 m	Arterial to Collector	12 m x 12 m	Non-signalized = 6 m x 6 m	Arterial to Arterial	12 m x 12 m	Rural = 15 m x 15 m	Outside of Urban Boundary	15 m x 15 m	<p>The proposed “Minimum Sight Triangle Requirements Table” added to Table 9-1 of the Regional Official Plan outlines the safety standards established by the Region’s Public Work Department and will apply only to roads within the Region’s jurisdiction. No change to the table is required.</p>
Road Classification	City	Region (proposed)																							
Local to Local	5 m x 5 m	Urban: Signalized = 10 m x 10 m																							
Collector to Local	5 m x 5 m																								
Collector to Collector	7 m x 7 m																								
Arterial to Local	7 m x 7 m																								
Arterial to Collector	12 m x 12 m	Non-signalized = 6 m x 6 m																							
Arterial to Arterial	12 m x 12 m	Rural = 15 m x 15 m																							
Outside of Urban Boundary	15 m x 15 m																								

	Name/Title	Organization	Reference within ROPA 13	Agency Comment(s)	Planning and Development Services Response
49	Erik Nickel City Engineer/Acting General Manager of Infrastructure and Development Services	City of Welland	General	Although this is a Regional Official Plan, there are a number of policies throughout the body of the Plan (e.g. 9.C.11, 9.O.1, 9.E.4, 9.E.5, 9.E.6, 9.F.9, 9.G.2, 9.H.2) that obligate local municipalities by using wording such as "local municipalities shall". Wording which obligates local municipalities should be removed from all Policies.	<p>Policy 3.2.2.3 of the Growth Plan requires municipalities to adopt a complete streets approach for the design, refurbishment, or reconstruction of a municipality's existing or planned street network. To conform to the Growth Plan, Policies 9.E.1 and 9.E.3* have been reworded to ensure that complete streets elements are considered as part of roadway improvements. The implementation of these elements will be determined through an evaluation of alternatives as directed by the Municipal Class Environmental Assessment process.</p> <p>Policy 9.E.4**, therefore, provides municipalities the flexibility of either creating their own complete streets guidelines or utilizing the Niagara Region's Complete Streets Design Guidelines as part of the required "complete streets approach".</p> <p>Relatedly, former Policies 9.E.2 and 9.E.6 have been removed from the Amendment to ensure conformity with the Growth Plan.</p> <p>The remaining policies identified in this comment are either similarly intended to conform to the requirements of the Growth Plan or have been included within the Amendment to ensure municipalities are undertaking consistent, best practices throughout the Niagara Region. No further changes to these policies are required.</p> <p><small>*previously Policy 9.E.4</small> <small>**previously Policy 9.E.5</small></p>

50	Erik Nickel City Engineer/Acting General Manager of Infrastructure and Development Services	City of Welland	Objective 9.A.5	Active transportation encompasses more than walking and cycling. Consideration should be given to using walking and cycling and use of public transit as examples.	Objective 9.A.4* has been reworded. *previously Objective 9.A.5
51	Erik Nickel City Engineer/Acting General Manager of Infrastructure and Development Services	City of Welland	Policy 9.B.2 a)	Consideration should be given rewording this Policy to read: "Queen Elizabeth Way (QEW) widening from the eastern most boundary of the Region."	The corridors identified in the policy were specifically referenced in the Region's Transportation Master Plan (TMP). The requested change in wording would include road networks not currently envisioned in the TMP. No change to this policy is required.
52	Erik Nickel City Engineer/Acting General Manager of Infrastructure and Development Services	City of Welland	Policy 9.B.2. b)	Not all examples provided are interchanges on Highway 406.	Policy 9.B.2 b) has been reworded to clarify the intent of the policy.
53	Erik Nickel City Engineer/Acting General Manager of Infrastructure and Development Services	City of Welland	Policy 9.B.4	Reference to Provincial Freeway network should be changed to Provincial Highway network.	Policy 9.B.4 has been reworded as suggested.
54	Erik Nickel City Engineer/Acting General Manager of Infrastructure and Development Services	City of Welland	Policy 9.C.1 c)	As an urban growth centre is defined on page 10 of the proposed Amendment it is not necessary to specify the City of St. Catharines in this Policy.	In order ensure consistency between the Niagara Region's Official Plan and its various supporting documents, the reference to the City will be retained. For these same reasons, Policy 9.C.2 c) has been reworded to state "Downtown St. Catharines Urban Growth Centre".

55	Erik Nickel City Engineer/Acting General Manager of Infrastructure and Development Services	City of Welland	Policy 9.D.6	Second sentence in Policy should read: 'The Region encourages local municipalities to consider various means to protect and/or acquire such corridors.'	The word “recommend” more strongly reflects the intent of Policy 9.D.7* . No change to the policy is required. *previously Policy 9.D.6
56	Erik Nickel City Engineer/Acting General Manager of Infrastructure and Development Services	City of Welland	Policy 9.H.1	Reference to Niagara Economic Zone and Niagara Economic Centre should be changed to Niagara Gateway Economic Zone and Centre.	Policy 9.H.1 has been reworded.

Name/Title	Organization	Reference within ROPA 13	Agency Comment(s)	Planning and Development Services Response
57	Richard F. Brady Director of Community and Development Services	Town of Fort Erie	General Although this is a Regional Official Plan, there are a number of policies throughout the body of the Plan (e.g. 9.C.11, 9.O.1, 9.E.4, 9.E.5, 9.E.6, 9.E. 7, 9.F.9, 9.G.2, 9.H.2) that obligate local municipalities by using wording such as "local municipalities shall". Wording which obligates local municipalities should be reviewed and used only when absolutely necessary. It is noted the Growth Plan 2017 policies do not use the word "shall".	<p>Policy 3.2.2.3 of the Growth Plan requires municipalities to adopt a complete streets approach for the design, refurbishment, or reconstruction of a municipality's existing or planned street network. To conform to the Growth Plan, Policies 9.E.1 and 9.E.3* have been reworded to ensure that complete streets elements are considered as part of roadway improvements. The implementation of these elements will be determined through an evaluation of alternatives as directed by the Municipal Class Environmental Assessment process.</p> <p>Policy 9.E.4**, therefore, provides municipalities the flexibility of either creating their own complete streets guidelines or utilizing the Niagara Region's Complete Streets Design Guidelines as part of the required "complete streets approach".</p> <p>Relatedly, former Policies 9.E.2 and 9.E.6 have been removed from the Amendment to ensure conformity with the Growth Plan.</p> <p>The remaining policies identified in this comment are either similarly intended to conform to the requirements of the Growth Plan or have been included within the Amendment to ensure municipalities are undertaking consistent, best practices throughout the Niagara Region. No further changes to these policies are required.</p> <p><small>*previously Policy 9.E.4 **previously Policy 9.E.5</small></p>

58	Richard F. Brady Director of Community and Development Services	Town of Fort Erie	Objective 9.A.5	Active transportation encompasses more than walking and cycling. Consideration should be given to using examples; perhaps a more generic statement can be made that doesn't specify certain types of active transportation and is more consistent with the Active Transportation definition.	Objective 9.A.4* has been reworded. *previously Objective 9.A.5
59	Richard F. Brady Director of Community and Development Services	Town of Fort Erie	Policy 9.B.2	An additional subsection "g" should be included that steps outside of only those provincial identified corridors, to name <i>"any other corridor that may have the capacity to serve in a transportation function complimentary to provincial and regional transportation systems planning, such as those identified in PPS 2014 section 1.6.8.4 and section 9.0.6 herein."</i> Examples of <i>"other corridors"</i> in this context would include rail and hydro corridors that if decommissioned, hold great potential for transportation alternatives.	The corridors identified in the policy were specifically referenced in the Transportation Master Plan (TMP). The requested change in wording may include road networks not currently envisioned in the TMP. No change to this policy is required. Policy 9.D.7* addresses the protection and potential reuse of abandoned rail and hydro corridors for active transportation, and new Policy 9.H.7 has been added the Amendment to provide for the protection of abandoned rail corridors for future freight activity. *previously Policy 9.D.6
60	Richard F. Brady Director of Community and Development Services	Town of Fort Erie	Policy 9.B.3	For inclusiveness, the Town is suggesting the wording include reference to local municipalities with the following modification, <i>"The Region, in consultation with local municipalities, will work with Metrolinx, the Province and other stakeholders ..."</i>	Policy 9.B.3 has been reworded as suggested.
61	Richard F. Brady Director of Community and Development Services	Town of Fort Erie	Policy 9.C.1 b)	Currently, a number of transit agencies provide links or community bus service to areas that do not or will never achieve a density to support service provision. The support of such areas cannot be ignored, and should be addressed in this policy to ensure connection and public equity.	Former Policy 9.C.2 b) has been removed from the Amendment due to its similarity to Policy 9.C.2 a)* . Policy 9.C.2 a)* has been reworded to clarify strategic growth areas will be <i>prioritized</i> for transit service. *previously Policy 9.C.1 a)
62	Richard F. Brady Director of Community and Development Services	Town of Fort Erie	Policy 9.C.3	Elevate the demand-responsive transit service by replacing the word "encourage" with "supports". This in relation to such communities as Stevensville, for example.	No change to the policy is required.

63	Richard F. Brady Director of Community and Development Services	Town of Fort Erie	Policy 9.D.2	The reference to both the Strategic Cycling Network and Niagara Bikeways Master Plan is confusing. Which plan is being implemented? What is the difference between the two Plans? Should there be an additional schedule showing the Niagara Bikeways Master Plan area?	The Strategic Cycling Network is identified within the TMP and identifies gaps and underserved areas within the Niagara Bikeways Master Plan that should be developed within a shorter-term horizon. Both of these networks are outlined within Schedule E2 of the Amendment. For clarification, Schedule E2 has been retitled to the “Niagara Bikeways Master Plan” rather than the “Strategic Cycling Network”.
64	Richard F. Brady Director of Community and Development Services	Town of Fort Erie	Policy 9.D.6	Second sentence in Policy should read: "The Region supports local municipalities in their efforts to protect and/or acquire such corridors." This topic goes back to the <i>PPS 2014 section 1.6.8.4</i> referenced earlier and it would be appropriate for the Region to state "support" as a means of elevating significance. It is shown on the Region's schedules and therefore is interpreted as supportive.	The term “support” may imply a level of financial commitment the Region is not able to make at this time. No change to the policy is required.
65	Richard F. Brady Director of Community and Development Services	Town of Fort Erie	Policy 9.D.7	The word "over" in the policy should be more generic as not all crossings are "over" the highway. A suggestion for wording being more generic could be, " <i>...the provision of safe active transportation crossings of 400 series highways.</i> "	Policy 9.D.8* has been reworded. *previously Policy 9.D.7
66	Richard F. Brady Director of Community and Development Services	Town of Fort Erie	Policy 9.H.1	Reference to Niagara Economic Zone and Niagara Economic Centre should be changed to Niagara Gateway Economic Zone and Centre.	Policy 9.H.1 has been reworded.
67	Richard F. Brady Director of Community and Development Services	Town of Fort Erie	Schedule E1	There are policies related to the Niagara Greater Toronto Area East Corridor (NGTA) within the amendment. This proposed corridor should be illustrated on Schedule E1, as the Ministry of Municipal Affairs requires just about all Planning Act applications located within or adjacent to be circulated to the Ministry for their review.	The South Niagara East-West Arterial Road/Niagara Greater Toronto Area (NGTA) East Corridor is identified in Policy 9.B.2 , and a conceptual outline of the corridor is identified in “Map 6: 2041 Road Network” of the TMP.

					<p>As outlined in the TMP, the exact boundaries of the NGTA East Corridor must be determined through a Phase 2 Environmental Assessment. To add mapping to the Amendment that delineates this corridor prior to the completion of this study may inadvertently date the document and reduce the effectiveness of its policies and mapping.</p> <p>New Policy 9.F.14 has been added to the Amendment to reference the recommended actions and schedules of the TMP.</p>
68	Richard F. Brady Director of Community and Development Services	Town of Fort Erie	Schedule E2	<p>The Region continues to identify the Stevensville to Bridgeburg Corridor as part of their strategic bike network (Schedule E2), while the Town is greatly supportive of this initiative, have CP or CRX been consulted about this being identified for cycling/trail purposes? If not this is something the Region may want to consider.</p>	<p>Although CP was invited to stakeholder meetings as part of the development of the TMP, Regional staff has not met with CP or CRX regarding future implementation of the biketrail.</p>
69	Richard F. Brady Director of Community and Development Services	Town of Fort Erie	Section 15 Definitions	<p>"Active Transportation"- The Town has some concern with the definition, specifically the wording "other powered devices" currently proposed in the Region's amendment. While similar, there is subtle difference as it relates to "other mobility devices".</p> <p>The Growth Plan (2017) defines active transportation as: "Human-powered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids, including motorized wheelchairs and other power assisted devices moving at a comparable speed." (PPS, 2014) (Emphasis added)</p> <p>Town Staff would be more supportive of using this type of language (PPS 2014), as it appears to link speed of "other mobility devices" to that of motorized wheelchairs.</p>	<p>The definition for "active transportation" has been reworded as suggested.</p>

				Common concerns over e-bikes, golf carts, snowmobiles and "other mobility devices" that are not truly AT or accessibility related, are exploiting the AT infrastructure networks and pose a higher degree of risk to intended AT users.	
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	Name/Title	Organization	Reference within ROPA 13	Agency Comment(s)	Planning and Development Services Response
70	Shannon Larocque Senior Planner, Community Planning and Development	Town of Pelham	Section 9.A General Objectives	Section 9.A General Objectives should include direct reference to accessibility and age-friendly. Staff recognize that these items have been addressed indirectly in the definition of “complete streets”, however would like to see these items included in the objectives also. Further, staff suggest the need to provide accessible and age-friendly features be included in Policy 9.E.2 as a criteria for consideration of a complete street.	Objectives 9.A.1 and 9.A.2* has been reworded to include people “of all ages and abilities”. Former Policy 9.E.2 has been removed to conform to the Provincial Growth Plan. *previously Objective 9.A.3
71	Shannon Larocque Senior Planner, Community Planning and Development	Town of Pelham	Section 9.C Public Transit	The Region must provide services that are currently being offered in small rural municipalities and recognize that it may not be as economically feasible as for larger municipalities. Transit must support all employment areas (i.e. Fenwick, Fonthill, Ridgeville, etc.) in small municipalities	Former Policy 9.C.1 b) has been removed from the Amendment due to its similarity to Policy 9.C.2 a)* . Policy 9.C.2 a)* has been reworded to clarify strategic growth areas will be <i>prioritized</i> for transit service. *previously Policy 9.C.1 a)
72	Shannon Larocque Senior Planner, Community Planning and Development	Town of Pelham	Policy 9.C.3	Staff has particular concern with Policy 9.C.3 which indicates that the Region will encourage the provision of demand-responsive transit service, where operationally and economically feasible, in local municipalities to serve low-density areas. Public transit must be available to all, including seniors and families living in rural communities that may not require accessible transit. There are a growing number of healthy seniors staying in their rural homes longer as they cannot afford to move elsewhere. Public transit is a major part of quality of life for all residents.	Understanding that prioritization for transit service will occur in areas that are most able to sustain it, demand-responsive transit allows for alternative service delivery in areas with very low demand for public transportation. The intent of this policy is to encourage the Region and its local municipalities to explore means of utilizing emerging and existing technology to decrease the cost of providing demand-response transit service and increase convenience to travelers. No change to this policy is required.
73	Shannon Larocque Senior Planner, Community Planning and Development	Town of Pelham	Section 9.D Active Transporta tion	Section 9.D Active Transportation does not include support for local Active Transportation Master Plans. Policy 9.D.3 indicates that the Region will fund the implementation of the Niagara Bikeways Master Plan along Regional roads. The draft policies should be amended to reflect support,	The implementation of local Active Transportation Plans is outside of the Region’s immediate jurisdiction, and as such, the Region cannot specifically commit to the funding of these plans.

				funding and alignment with local Active Transportation Plans also.	
74				<p>In addition, Section 9.D Active Transportation is weighted heavily toward cyclists (4 of 7 policies). The draft policies should be amended to recognize other users as well.</p>	<p>The following changes to the Amendment partially address this comment:</p> <ul style="list-style-type: none">• Language has been added to Objectives 9.A.1 and 9.A.2* to refer to people “of all ages and abilities” to establish that the design, refurbishment and construction of the Region’s street network should consider the needs of all users;• New Policy 9.D.9 has been added to the Amendment to address active transportation infrastructure and trails within the Niagara Escarpment Plan boundary and within the Niagara Parks Commission’s right-of-ways; and <p>Further, it is expected that through the development of a Travel Demand Management (TDM) Study, the Region will be given further direction to address the needs of active transportation users. New Policy 9.D.10 links the development of the TDM Study and the implementation of active transportation-friendly infrastructure and facilities.</p> <p><small>*previously Objective 9.A.3</small></p>

75	Shannon Larocque Senior Planner, Community Planning and Development	Town of Pelham	Policy 9.E7	Policy 9.E.7 indicates that the Region will work with local municipalities to implement complete street elements, such as multi-use paths, street lighting and missing sidewalk links along Regional roads. Staff suggest that this policy be clarified as to who will be funding these elements on Regional roads.	Former Policy 9.E.7 has been removed from the Amendment. No change to the Amendment is required. Please note that the Operating Policies Review Technical Paper, which was prepared as part of the development of the Niagara Region's Transportation Master Plan (TMP) outlines specific capital costs the Region may contribute towards complete street elements along Regional Roads within Downtown and/or Business Improvement Areas.
76	Shannon Larocque Senior Planner, Community Planning and Development	Town of Pelham	Policy 9.E.8	Policy 9.E.8 indicates that elements of complete streets that fall under local jurisdiction shall be maintained by the local municipality. Staff request clarification of what is meant for "those elements that fall under local jurisdiction" and have concerns about the additional cost burden this may cause for local municipalities. This concern was similarly expressed in the September Committee Report regarding the TMP.	It is the current practice for the Region to maintain transportation infrastructure between the curbs of Regional Roads. The Region is also responsible for the design, installation, and maintenance of lighting along Regional Roads. Infrastructure or other complete streets elements located outside of the "curb-to-curb" right-of way are expected to be maintained by the local municipality or by another designated public or private body.
77	Shannon Larocque Senior Planner of Community Planning and Development	Town of Pelham	Schedule E1	Staff note that Schedule E1 Transportation Infrastructure shows the portion of the Steve Bauer Trail between Murdoch Street and Church Street as Railway (Inactive). Some of this portion of the former railway has already been converted into a recreational trail and the remainder is anticipated in the future.	Schedule E1 has been revised to address this comment.

Name/Title		Organization	Reference within ROPA 13	Agency Comment(s)	Planning and Development Services Response
78	Madyson Yule, Planner II, Planning and Building	Township of West Lincoln	General	<p>The Township of West Lincoln requests commitment from the Region on the following matters within the Transportation Master Plan which relate to West Lincoln, as well as the proposed timeframes for these projects, which are outlined in the implementation section of the TMP, to be included in ROPA 13:</p> <p>That within the 2018-2019 time period the Region will finalize The Niagara Trade Corridor Sub-Committee (Regional/Provincial/Federal) as defined, as a committee which will be responsible to the Niagara Transportation Steering Committee and be comprised of Regional councillors, Municipal Councillors, Public Works Staff, and Planning Staff to ensure that the long term transportation infrastructure requirements such as the Niagara-Hamilton Trade Corridor and Niagara Escarpment Crossings are strongly advocated at both the Provincial and technical levels for approval, funding and implementation.</p>	<p>The Niagara Region's Official Plan does not determine the role or function of Council's committees as such polices may inadvertently date the document and reduce the effectiveness of its policies. No change to the Amendment is required.</p>

79	Madyson Yule, Planner II, Planning and Building	Township of West Lincoln	General	<p>The Region completed a Niagara Escarpment Crossing Transportation Study in 2016, which identified the need to improve road crossing of the Escarpment to allow for safe and efficient movement of trucks. The recommendation includes a new escarpment crossing and improving the operation of the existing crossings:</p> <ol style="list-style-type: none"> 1. Download Mountain Road (Grimsby) and Mountain Street (Lincoln) from regional to municipal jurisdiction so that provisions can be made to reduce truck traffic in the built up areas along these roadways. 2. Extend Bartlett Avenue (Grimsby) from Main Street East to Mud Street East. The extension alignment must include significant improvements to the Park Road corridor. <p>The Projected Transportation improvements for Niagara Escarpment Crossing within the Niagara Region should include more details regarding implementation of the project as well as a projected date to be finished within the Regional Official Plan Amendment 13. The Niagara Escarpment Crossings Project is within the Regions Road Action plan which is expected to be completed in the short term phase outlined in the Transportation Master Plan, which has a timeline set by the Region of 2017-2021. More details regarding the Niagara Escarpment Crossings should be defined and incorporated in the Regional Official Plan Amendment.</p>	<p>The undertaking of an Environmental Assessment for the Niagara Escarpment Crossing is identified within the 2041 Road Network Action Plan of the Region's Transportation Master Plan (TMP). The TMP will be reviewed every five (5) years, resulting in potential changes to the phasing of the action plan. To add specific timeframes within the Amendment may inadvertently date the document and reduce the effectiveness of its policies and mapping.</p> <p>New Policy 9.F.14 has been added to the Amendment which makes reference to the recommended actions and schedules of the TMP. No further changes to the Amendment are required.</p> <p>Township staff are encouraged to contact the Niagara Region Public Works Department to discuss the direction and status of the Niagara Escarpment Crossing.</p>
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80	Madyson Yule, Planner II, Planning and Building	Township of West Lincoln	General	<p>“How We Go” states that the Niagara Region, in conjunction with The Ministry of Transportation, and City of Hamilton shall undertake a role and function study that defines future role and corridor (trade corridor, international/inter-regional travel corridor), opportunities (road improvements including the Smithville By-pass) and implementation strategies (jurisdiction, costs, timing). The Niagara Region has a timeframe of 2018-2019 for the Regional Road 20/Highway 20 role and Function study. The Region has a deadline for this project to be completed within the short term timeframe, which will be completed between 2017-2021. More details regarding Regional Road 20/Highway 20 role and function study are requested to be incorporated into ROPA 13.</p>	<p>The TMP will be reviewed every five (5) years, resulting in potential changes to the 2041 Road Network Action Plan. To add specific timeframes within the Amendment may inadvertently date the document and reduce the effectiveness of its policies and/or mapping.</p> <p>New Policy 9.F.14 has been added to the Amendment which makes reference to the recommended actions and schedules of the TMP. No further changes to the Amendment are required.</p> <p>Township staff are encouraged to contact the Niagara Region Public Works Department to discuss the direction and status of the Role and Function Study.</p>
81	Madyson Yule, Planner II, Planning and Building	Township of West Lincoln	General	<p>The Regions action plan states that the Region would like to Advocate and work with the Ministry of Transportation for capacity improvements to accommodate inter-regional and international travel demand, which includes building a new Niagara-Hamilton Trade Corridor. The Niagara Hamilton Trade Corridor which connects Niagara Region from Fort Erie to Hamilton in the vicinity of the Hamilton Airport/Highway 403, would address the more immediate demands of moving goods in and through Niagara in the absence of the full NGTA corridor. The TMP Action Plan has set out to have these works completed within the medium/ long term timeframes. (between 2022-2041) The Region should incorporate more details of this project including associated timelines within the Regional Official Plan Amendment 13.</p>	<p>The TMP will be reviewed every five (5) years, resulting in potential changes to the 2041 Road Network Action Plan. To add specific timeframes within the Amendment may inadvertently date the document and reduce the effectiveness of its policies and/or mapping.</p> <p>New Policy 9.F.14 has been added to the Amendment which makes reference to the recommended actions and schedules of the TMP. No further changes to the Amendment are required.</p> <p>Township staff are encouraged to contact the Niagara Region Public Works Department to discuss the direction and status of the Niagara-Hamilton Trade Corridor.</p>

82	Madyson Yule, Planner II, Planning and Building	Township of West Lincoln	General	<p>The Smithville by-pass was identified as one of the 5 sub-areas identified in the Regional Transportation Master Plan. These subareas were identified based on their current and anticipated future traffic demands and history of traffic operations or safety concerns.</p> <p>Since it has not yet been established how the Smithville bypass is to be configured, this subarea analysis was put on hold. Although the subarea analysis was not conducted for the Smithville Bypass, consideration of the bypass has identified that several transportation initiatives that may be interconnected and as such should be addressed. Based on these considerations, the following is recommended:</p> <ul style="list-style-type: none"> • That the Region and the Township of West Lincoln establish the preferred routing for the Smithville Bypass, either on the north side or south side of downtown Smithville, and conduct the subarea analysis to establish local traffic impacts and identify required infrastructure and operational improvements; • That the Region continue working with Hamilton, Halton, Peel and Waterloo Regions to advocate for a Niagara-GTA corridor as an alternate route to the QEW, connecting Fort Erie to the GTA through south Niagara (previously known as the Mid-Peninsula highway); and • That the Region undertake Phases 3 and 4 of the Municipal Class Environmental Assessment (EA) process (Schedule C) to develop a preferred 	<p>The TMP will be reviewed every five (5) years, resulting in potential changes to the 2041 Road Network Action Plan. To add specific timeframes within the Amendment may inadvertently date the document and reduce the effectiveness of its policies and/or mapping.</p> <p>New Policy 9.F.14 has been added to the Amendment which makes reference to the recommended actions and schedules of the TMP.</p> <p>Township staff are encouraged to contact the Niagara Region Public Works Department to discuss the status and direction of the Smithville By-pass.</p>
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				<p>alignment and preliminary design for the Bartlett Avenue Extension.</p> <p>Township staff feels that the Smithville By-pass as part of sub-area 5 within the 10 year road capital improvement program should be better described with reference to the new 25 year horizon timelines and how it is going to be implemented in [ROPA 13].</p>	
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Name/Title		Organization	Reference within ROPA 13	Agency Comment(s)	Planning and Development Services Response
83	Denise Landry, MCIP, RPP Senior Planner	City of Thorold	General	It is understood that this proposed amendment is proceeding prior to the Region preparing a new Official Plan. Is it intended that the local municipalities will need to amend their Official Plans following the Province's approval of ROPA 13 or is the Region considering allowing local conformity after the new Regional Official Plan is approved? The City would prefer that flexibility be provided in terms of local implementation to allow for staff and financial budgeting to prepare to undertake the work.	According to Section 27 (2) of the Planning Act, local municipalities would be expected to update their local official plans and zoning by-laws within one year of the approval of the Amendment. Given that this Amendment is being brought forward for approval prior to the remaining comprehensive review of the Official Plan, however, local municipalities will generally be given the flexibility with regards to the timing of these amendments.
84	Denise Landry, MCIP, RPP Senior Planner	City of Thorold	General	The City encourages the Region to consider funding opportunities to assist municipalities with the cost of preparing an Official Plan amendment to conform to ROPA 13. As suggested above, flexibility for implementation would be appreciated.	The Region is not currently in a position to offer financial support for the implementation of local Official Plan Amendments. Support in terms of staff resources (i.e. "model policies", staff meetings or discussions, policy review) may be possible. Being mindful of workloads, staff encourage local area municipal planners to connect with the Region's Planning and Development Services Department once capacity has been allotted towards undertaking a ROPA 13 conformity exercise.
85	Denise Landry, MCIP, RPP Senior Planner	City of Thorold	Policy 9.F.7	Policy 9.F.7 mentions the Region's Model Urban Design Guidelines as a tool for providing comments on development applications along Regional Roads. Given that the guidelines were adopted in 2005 and there has been a significant amount of provincial policy changes as well as new best practices, does the Region intend to update this document?	At this time, it is anticipated that an update to the Region's Model Urban Design Guidelines will align with the approval of the new Regional Official Plan. It is anticipated that Policy 9.F.7 will be revised to reflect any changes or updates to Regional guidelines or policies prior to the approval of the new Regional Official Plan.
86	Denise Landry, MCIP, RPP Senior Planner	City of Thorold	Policy 9.F.9	Policy 9.F.9 notes that local municipalities shall develop Official Plan policies to provide corridor protection to not predetermine or preclude the planning of the 'above noted' transportation facilities. Please confirm what the	Policy 9.F.9 has been reworded.

				'above noted' is referring to. It is suggested that this policy be revised for clarification.	
87	Denise Landry, MCIP, RPP Senior Planner	City of Thorold	Policy 9.G.1	<p>Policy 9.G.1 -Is the intention of this policy to provide direction to the Region to include policies in the ROP in the future that address TOM? If this is the intent, the City suggests revising the wording of the policy to the following:</p> <p>"The Region will develop a Transportation Demand Management strategy and will include policies in this Plan to implement the strategy. The strategy will aim to:</p> <ul style="list-style-type: none"> a) Reduce trip distances and time; b) Increase alternative uses to the automobile; c) Prioritize active transportation, transit and goods movement over single-occupant automobile; d) Expand infrastructure to support active transportation; and e) Consider the needs of major trip generators." 	No change to this policy is required.
88	Denise Landry, MCIP, RPP Senior Planner	City of Thorold	Policy 9.G.1 & Policy 9.G.2	Policy 9.G.1 and 9.G.2 refer to a Transportation Demand Management strategy and study. It is suggested that the language be consistent and that only one term be used (strategy or study).	Policies 9.G.1 and 9.G.2 have been reworded to reflect the terminology used within the Region's Transportation Master Plan (TMP), which refers to a " <u>Travel</u> Demand Management <u>Study</u> ".
89	Denise Landry, MCIP, RPP Senior Planner	City of Thorold	Policy 9.H.1	Is the Goods Movement Study referenced in Policy 9.H.1 anticipated to inform future Regional Official Plan policy and if so, is the timing of the study anticipated to align with the new Regional Official Plan?	While the TMP recommends that the Region undertake a Goods Movement Study, a timeline for the study has not yet been determined.
90	Denise Landry, MCIP, RPP Senior Planner	City of Thorold	Schedule E1	It is our understanding that Highway 20, between Highway 58 and the City of Thorold and City of Niagara Falls municipal border is owned by the Province and is managed by the Ministry of Transportation.	Schedule E1 has been revised to address this comment.

	Name/Title	Organization	Reference within ROPA 13	Agency Comment(s)	Planning and Development Services Response
91	David Hunt, Drew Semple, Bob Romanuk, Tom Whitelaw, and Ken Forgeron	Regional Active Transportation Advocates	General	<p>It is therefore recommended...that a new Objective or Policy be included in proposed sections 9.A or 9.D that recognizes the importance of the five E's as follows:</p> <p>That the Region will apply a comprehensive, partnership approach to providing active living, friendly environments by incorporating recognized parameters that include engineering, encouragement, education, enforcement, and evaluation in all related program delivery activities including planning, design, construction, operations and maintenance.</p>	The role of the Niagara Region's Official Plan is to provide direction regarding land use planning matters within the Niagara Region. It is, therefore, not within the scope of the Official Plan to provide policies or requirements related to the "Education, Enforcement, or Evaluation" of cycling related matters. No changes to the Amendment are required.
92	David Hunt, Drew Semple, Bob Romanuk, Tom Whitelaw, and Ken Forgeron	Regional Active Transportation Advocates	General	<p>In conclusion, some of the broader tourism related elements in Section 9.F of the current approved Official Plan should be carried forward in the new Amendment. It is important to include a supportive statement for cycle tourism in general, which would be all inclusive of this important economic driver for the region. Therefore, it is recommended...that a new Objective in Section 9.A or new Policy in Section 9.D be added to the Amendment stating:</p> <p>Niagara supports the promotion and delivery of cycling tourism in the region and will work in collaboration with other key partners (e.g. Venture Niagara, Brock University, Niagara Parks Commission, Metrolinx, Ministry of Tourism, Culture and Sport) to enhance and expand Niagara as a premier cycle tourism destination in the Province.</p>	Objective 9.A.1 speaks to the promotion and support of a multimodal transportation system that enables, among other things, recreational and tourist opportunities. Further objectives and policies beyond those already provided for in the Amendment or the specific tourist areas identified in Chapter 2 is not required at this time.

93	David Hunt, Drew Semple, Bob Romanuk, Tom Whitelaw, and Ken Forgeron	Regional Active Transportation Advocates	Policy 9.C.2 e)	<p>Policy 9.C.2.e) provides a number of important supports and linkages to better integrate public transit with a number of other strategic goals outlined. Sub-section e) provides for park-and-ride facilities that support multimodal travel with linkages to pedestrian and transit routes, bicycle infrastructure, and priority spaces for carpool and car-share vehicles. Priority spaces also should be provided for bicycles to support the “1st mile, last mile” multi-modal transportation option. This is particularly important for the proposed new Mobility Hub Stations in Grimsby, Beamsville, St. Catharines and Niagara Falls. Bicycle parking spaces should be located near the front of transit station entrances where security and visibility are best, rather than at the back of the lot.</p> <p>Therefore, it is recommended:</p> <p>That in Policy 9.C.2.e), in addition to car-pool and car-share spaces, priority spaces also should be provided for bicycles at park-and-ride facilities. At transit stations, bicycle parking spaces shall be located near the front of station entrances for security and visibility reasons.</p>	Staff are uncertain what “priority spaces for bicycles at park-and-ride facilities” refers to. General design standards regularly places bicycle parking near structures or building entrances. No change to the policy is required.
94	David Hunt, Drew Semple, Bob Romanuk, Tom Whitelaw, and Ken Forgeron	Regional Active Transportation Advocates	Policy 9.C.12	<p>Therefore, it is recommended:</p> <p>That proposed Policy 9.C.12 be revised to ensure that bicycle infrastructure be provided at and to transit facilities, public and institutional areas, and employment areas. Also, the Niagara Parks Commission should be added to the list of transit partners.</p>	<p>Policy 9.C.13* has been reworded as suggested.</p> <p>*previously Policy 9.C.12</p>

95	David Hunt, Drew Semple, Bob Romanuk, Tom Whitelaw, and Ken Forgeron	Regional Active Transportation Advocates	Section 9.D. Active Transportation	Therefore, it is recommended...that the following new policy be included in Section 9.D: The Niagara Region will continue to provide a means for obtaining community input and expertise through a consultative forum on all matters related to active living.	No change to the Amendment is required.
96	David Hunt, Drew Semple, Bob Romanuk, Tom Whitelaw, and Ken Forgeron	Regional Active Transportation Advocates	Policy 9.D.2	Therefore, it is recommended...that Policy 9.D.2 be further modified as follows: The Niagara Region will prioritize the implementation of the Strategic Cycling Network as identified in the Niagara Region's Transportation Master Plan (TMP). Over the next 10 years the "Potential Infill Corridors" identified through the TMP process, and as identified on Schedule E2, will become the focus for construction in order to advance the implementation of the Niagara Bikeways Master Plan as shown in Schedule E2.	On recommendation of the Municipal Class EA, the TMP will be updated every five (5), which may result in potential changes to the Niagara Bikeways Master Plan and Strategic Cycling Network. Staff believe that it is more appropriate for matters related to the timing and funding of the Region's Capital Works program to be outlined within the TMP. New Policy 9.F.14 has been added to the Amendment to reference the recommended actions and schedules of the TMP.
97	David Hunt, Drew Semple, Bob Romanuk, Tom Whitelaw, and Ken Forgeron	Regional Active Transportation Advocates	Policy 9.D.4	Therefore, it is recommended...that Policy 9.D.4 be modified as follows: The Niagara Region will support and cost share, where possible, with local municipalities in implementing sections of the Strategic Cycling Network that are within their jurisdiction, with an initial priority for elements identified in the Strategic Cycling Network i.e. Potential Infill Corridors identified on Schedule E2.	The use of the word "support" in Policy 9.D.4 allows the Region flexibility to provide funding where possible, while encompassing other forms of support and co-ordination. The York Region Official Plan policy referred to in this comment, similarly uses the term "partner" for this purpose. No changes to the Amendment are required. Staff continue to believe that it is more appropriate for matters related to the funding of the Region's Capital Works program to be outlined within the TMP.
98	David Hunt, Drew Semple, Bob Romanuk, Tom	Regional Active	Policy 9.D.8	Therefore, it is recommended:	Policy 9.D.8 has been reworded.

	Whitelaw, and Ken Forgeron	Transportation Advocates		That proposed Policy 9.D.8 be revised to delete the word “encourage” and replace it with the words “provide for” to ensure the provision of active transportation facilities across Provincial Highways.	
99	David Hunt, Drew Semple, Bob Romanuk, Tom Whitelaw, and Ken Forgeron	Regional Active Transportation Advocates	Policy 9.F.2	<p>Policy 9.F.2 makes provision for a wide variety of uses (e.g. public transit facilities) within Region Road allowances that are conveyed to it as a condition of approval of a development application. Policy 9.F.8 indicates that the Region will plan and protect rights-of-way for the Niagara Region’s transportation system. We would argue that this transportation system and the list of uses also should include active transportation facilities that are envisioned as part of the Strategic Cycling Network identified on Schedule E. Also, the Niagara Parks Commission should be identified as another key transit partner given its WEGO transit service along the Parkway.</p> <p>Therefore, it is recommended:</p> <p>That proposed Policy 9.F.2 be modified to add “active transportation facilities” to the list of possible uses that would be considered within Region Road allowances that are conveyed to it as a condition of approval of a development application.</p>	Policy 9.F.2 has been reworded as suggested.
100	David Hunt, Drew Semple, Bob Romanuk, Tom Whitelaw, and Ken Forgeron	Regional Active Transportation Advocates	Policy 9.F.8	<p>Therefore, it is recommended:</p> <p>That proposed Policy 9.F.8 be modified to add “active transportation corridors” to the list of possible uses that would be considered for</p>	Policy 9.F.8 has been reworded as suggested.

				protection within Regional Roads rights-of-way planned corridors.	
101	David Hunt, Drew Semple, Bob Romanuk, Tom Whitelaw, and Ken Forgeron	Regional Active Transportation Advocates	Definitions	<p>Therefore, it is recommended...that the wording changes suggested below in underline and cross outs be made to the definition of bicycle infrastructure in Part III- Definitions:</p> <p>Bicycle Infrastructure means all infrastructure and facilities used for cycling, including <u>bicycle routes (e.g. dedicated, buffered, and separated bike lanes, multi-use paths, and off-road trails), trip end facilities such as and bicycle parking and storage (such as e.g. bicycle racks and lockers) and other cycling supportive items such as bike repair stations and priority signal lights.</u></p>	The definition for “bicycle infrastructure” has been reworded.
102	David Hunt, Drew Semple, Bob Romanuk, Tom Whitelaw, and Ken Forgeron	Regional Active Transportation Advocates	Schedule E2	<p>Therefore, it is recommended:</p> <p>That Schedule E2 be modified to identify the “Potential Infill Corridors” that were developed through the TMP process and approved by Regional Council.</p>	<p>As stated, Regional staff believe that it is more appropriate for matters related to the timing and funding of the Region’s Capital Works program to be outlined within the TMP.</p> <p>New Policy 9.F.14 has been added to the Amendment to reference the recommended actions and schedules of the TMP.</p>

Name/Title		Organization	Reference within ROPA 13	Agency Comment(s)	Planning and Development Services Response
103	Wally Tykoliz	Niagara Cycling Clubs Alliance	General	<p>That a new Objective or Policy be included in proposed sections 9.A or 9.D that recognizes the importance of the five E's as follows:</p> <p>That the Region will apply a comprehensive, partnership approach to providing active living, friendly environments by incorporating recognized parameters that include engineering, encouragement, education, enforcement, and evaluation in all related program delivery activities including planning, design, construction, operations and maintenance.</p>	The role of the Niagara Region's Official Plan is to provide direction regarding land use planning matters within the Niagara Region. It is, therefore, not within the scope of the Official Plan to provide policies or requirements related to the "Education, Enforcement, or Evaluation" of cycling related matters. No changes to the Amendment are required.
104	Wally Tykoliz	Niagara Cycling Clubs Alliance	General	<p>That a new Objective in Section 9.A or new Policy in Section 9.D be added to the Amendment stating:</p> <p>Niagara supports the promotion and delivery of cycling tourism in the region and will work in collaboration with other key partners (e.g. Venture Niagara, Brock University, Niagara Parks Commission, Metrolinx, Ministry of Tourism, Culture and Sport) to enhance and expand Niagara as a premier cycle tourism destination in the Province.</p>	Objective 9.A.1 speaks to the promotion and support of a multimodal transportation system that enables, among other things, recreational and tourist opportunities. Further objectives and policies beyond those already provided for in the Amendment or the specific tourist areas identified in Chapter 2 is not required at this time.
105	Wally Tykoliz	Niagara Cycling Clubs Alliance	Policy 9.C.2 e)	That in Policy 9.C.2.e), in addition to car-pool and car-share spaces, priority spaces also should be provided for bicycles at park-and-ride facilities. At transit stations, bicycle parking spaces shall be located near the front of station entrances for security and visibility reasons."	Staff are uncertain what "priority spaces for bicycles at park-and-ride facilities" refers to. General design standards regularly places bicycle parking near structures or building entrances. No change to the policy is required.

106	Wally Tykoliz	Niagara Cycling Clubs Alliance	Policy 9.C.12	That proposed Policy 9.C.12 be revised to ensure that bicycle infrastructure be provided <u>at and to</u> transit facilities, public and institutional areas, and employment areas.” <i>Regional staff appear to support this recommendation, but the Niagara Parks Commission should also be added to the list of transit partners.</i>	Policy 9.C.13* has been reworded as suggested. *previously Policy 9.C.12
107	Wally Tykoliz	Niagara Cycling Clubs Alliance	Section 9.D. Active Transportation	That the following new Policy be included in Section 9.D: The Niagara Region will continue to provide a means for obtaining community input and expertise through a consultative forum on all matters related to active living.	No change to the Amendment is required.
108	Wally Tykoliz	Niagara Cycling Clubs Alliance	Policy 9.D.2	That Policy 9.D.2 be further modified as follows: Policy 9.D.2 The Niagara Region will prioritize the implementation of the Strategic Cycling Network as identified in the Niagara Region’s Transportation Master Plan (TMP). Over the next 10 years the “Potential Infill Corridors” identified through the TMP process, and as identified on Schedule E2, will become the focus for construction in order to advance the implementation of the Niagara Bikeways Master Plan as shown in Schedule E2.	On recommendation of the Municipal Class EA, the TMP will be updated every five (5), which may result in potential changes to the Niagara Bikeways Master Plan and Strategic Cycling Network. Staff believe that it is more appropriate for matters related to the timing and funding of the Region’s Capital Works program to be outlined within the TMP. New Policy 9.F.14 has been added to the Amendment to reference the recommended actions and schedules of the TMP.
109	Wally Tykoliz	Niagara Cycling Clubs Alliance	Policy 9.D.4	That Policy 9.D.4 be modified as follows: Policy 9.D.4 The Niagara Region will support and cost share, where possible, with local municipalities in implementing sections of the Strategic Cycling Network that are within their jurisdiction, with an initial priority for elements	The use of the word “support” in Policy 9.D.4 allows the Region flexibility to provide funding where possible, while encompassing other forms of support and co-ordination. The York Region Official Plan policy referred to in this comment, similarly uses the term “partner” for this purpose.

				identified in the Strategic Cycling Network i.e. Potential Infill Corridors identified on Schedule E2.	No changes to the Amendment are required. Staff continue to believe that it is more appropriate for matters related to the funding of the Region's Capital Works program to be outlined within the TMP.
110	Wally Tykoliz	Niagara Cycling Clubs Alliance	Policy 9.D.8	That proposed Policy 9.D.8 be revised to delete the word "encourage" and replace it with the words "provide for" to ensure the provision of active transportation facilities across Provincial Highways." Regional staff appear to support this recommendation.	Policy 9.D.8 has been reworded.
111	Wally Tykoliz	Niagara Cycling Clubs Alliance	Policy 9.F.2	That proposed Policy 9.F.2 be modified to add "active transportation facilities" to the list of possible uses that would be considered within Region Road allowances that are conveyed to it as a condition of approval of a development application.	Policy 9.F.2 has been reworded as suggested.
112	Wally Tykoliz	Niagara Cycling Clubs Alliance	Policy 9.F.8	That proposed Policy 9.F.8 be modified to add "active transportation corridors" to the list of possible uses that would be considered for protection within Regional Roads rights-of-way planned corridors." <i>Regional staff appear to support this recommendation.</i>	Policy 9.F.8 has been reworded as suggested.
113	Wally Tykoliz	Niagara Cycling Clubs Alliance	Definitions	That the wording changes suggested below in <u>underline</u> and cross-outs be made to the definition of bicycle infrastructure in Part III- Definitions: Bicycle Infrastructure means all <i>infrastructure</i> and facilities used for cycling, including <u>bicycle routes (e.g. dedicated, buffered, and separated bike lanes, multi-use paths, and off-road trails) trip end facilities such as and bicycle parking and storage (such as e.g. bicycle racks and lockers) and other cycling</u>	The definition for "bicycle infrastructure" has been reworded.

				<u>supportive items such as bike repair stations and priority signal lights.</u>	
114	Wally Tykoliz	Niagara Cycling Clubs Alliance	Schedule E2	That Schedule E2 be modified to identify the “Potential Infill Corridors” that were developed through the TMP process and approved by Regional Council.”	<p>As stated, Regional staff believe that it is more appropriate for matters related to the timing and funding of the Region’s Capital Works program to be outlined within the TMP.</p> <p>New Policy 9.F.14 has been added to the Amendment to reference the recommended actions and schedules of the TMP.</p>

Subject: Citizen Appointments to Sub-committees – Agricultural Policy & Action Committee, Culture Committee, Smarter Niagara Steering Committee

Report to: Planning and Economic Development Committee

Report date: Wednesday, June 12, 2019

Recommendations

That the recommendations contained in Confidential Appendix I to Report PDS 25-2019, **BE APPROVED**, confirming the citizen appointments for the remainder of this term of Council to the Agricultural Policy and Action Committee, Culture Committee and Smarter Niagara Steering Committee.

Key Facts

The following are key points for consideration with respect to this report:

- On September 13, 2018, Council authorized the extension of existing sub-committee citizen appointments until no later than May 31, 2019, pending the completion of a committee review included in the independent external governance audit being conducted by Dr. Andrew Sancton.
- On December 6, 2018, Dr. Sancton provided recommendations resulting from the committee review as part of his First Report to Council (CL-C 72-2018)
- The practice has been for the staff representative(s) responsible for a subcommittee to meet with all or some of the Regional Councillors appointed to that subcommittee for the purposes of reviewing submitted applications and recommending candidates for appointment.
- This Report contains the recommended selection of candidates for appointment to the Agricultural Policy and Action Committee, Culture Committee and Smarter Niagara Steering Committee.

Financial Considerations

The financial implications relating to the appointment process of advisory committee members include the use of administrative resources and staff and Councillors' time required to review applications for consideration.

Analysis

At the Council meeting of September 13, 2018, Council approved the following recommendations from Report GM 19-2018 with respect to the citizen appointments to sub-committees:

1. That the existing citizen appointments to Council's current sub-committees, **BE EXTENDED** until no later than May 31, 2019, pending completion of the Committee review and that where appointees are unable to continue, the quorum for the committees be adjusted accordingly to reflect the reduced number of members.

The practice has been for the staff representative(s) responsible for a sub-committee to meet with all or some of the Regional Councillors appointed to that sub-committee for the purpose of reviewing the submitted applications and recommending candidates for appointment.

The recommended appointments for the Agricultural Policy and Action Committee, Culture Committee and Smarter Niagara Steering Committee are attached as Confidential Appendix I to this report for consideration.

Alternatives Reviewed

None.

Relationship to Council Strategic Priorities

N/A – Pending the development of Council's new Strategic Priorities.

Other Pertinent Reports

- GM 19-2018, dated September 13, 2018, respecting Extension of Sub-Committee Citizen Appointments
- CL-C 72-2018, dated December 6, 2018, respecting Niagara Region Independent External Governance Auditor First Report
- CLK 05-2019, dated February 20, 2019, respecting Recommendations from Independent External Governance Auditor – First Report

Prepared by:
Ann-Marie Norio
Regional Clerk

Submitted by:
Ron Tripp, P. Eng.
Acting Chief Administrative Officer

Appendices

Confidential
Appendix I

Recommended Citizen Appointments to the Agricultural Policy and
Action Committee, Culture Committee and Smarter Niagara
Steering Committee

Subject: 2018 End Of Year Growth Report

Report to: Planning and Economic Development Services Committee

Report date: Wednesday, June 12, 2019

Recommendations

1. That Report PDS 21-2019 **BE RECEIVED** for information; and
2. That a copy of Report PDS 21-2019 **BE CIRCULATED** to the Local Area Municipalities, Niagara Peninsula Conservation Authority, Niagara Home Builders Association, Niagara Industrial Association, local Chambers of Commerce and School Boards.

Key Facts

- The purpose of this report is to inform Planning and Economic Development Services Committee and Council about 2018 growth and development trends in Niagara Region.
- Population growth in 2018 was greater than any year in the previous decade. In 2018, Niagara's population increased by approximately 7,000 people (1.49% growth rate) to 472,448 people.
- Data relating to Housing Starts, Completions and Building Permits show a shift towards higher density housing from single detached dwelling types.
- The average sale price for all homes in Niagara increased by 3.4%, significantly lower than the unusually high 21% combined increase over 2016 and 2017.
- For a second consecutive year, the total value of building permits issued in Niagara Region exceeded \$1 Billion.

Financial Considerations

There are no direct financial implications associated with this report.

Metrics in this report inform Niagara's financial strategies. Increased residential, commercial and industrial development in Niagara, combined with increasing property assessments, has a direct impact on revenues collected by the Region.

Analysis

Annual Growth Report Overview

Since 2017, Planning and Development Services has released Mid-Year and End-of-Year reports focused on growth and development trends in Niagara. The Growth Report represents an opportunity to update Regional Council on growth and development trends across Niagara's communities.

This report highlights trends between 2017 and 2018 related to growth in population, housing and building permits. While previous versions of the semi-annual growth report have discussed development applications and economic development trends, recent reports to Planning and Economic Development Services Committee covered both topics in detail (identified in Other Pertinent Reports as the end of this report.).

Population and Housing

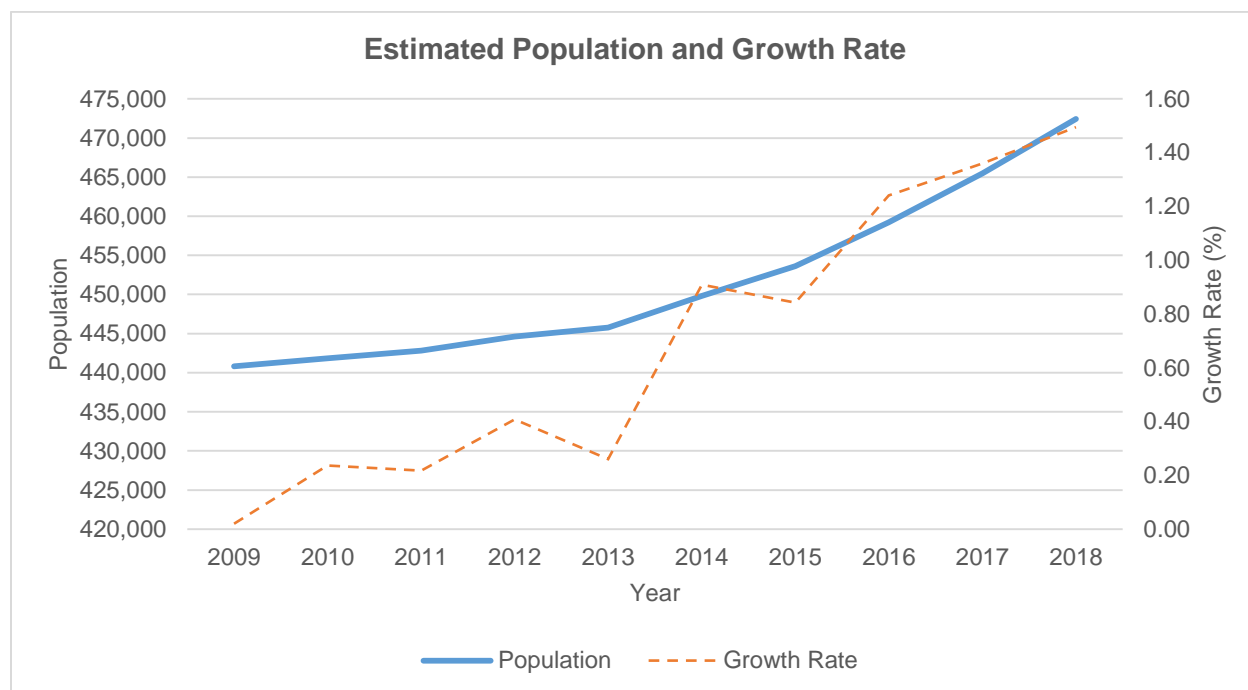
Annual Population Estimates

Niagara Region's population has been increasing steadily since 2009 and reached an estimated population of 472,448 people as of July 1st 2018. This represents an increase of nearly 7,000 more people than 2017 and an annual growth rate of 1.49%.

The Region's annual population growth rate has increased consistently in recent years, starting at 0.02% in 2009 and reaching 1.24% in 2016, followed by 1.36% in 2017 and 1.49% in 2018. In general, the Region's growth rate has been rising since 2014 and is required to do so until 2041 to achieve Provincial planning forecasts.

Figure 1 shows the annual population estimate and associated growth rate between 2009 and 2018.

Figure 1: Estimated Population and Growth Rate (2009-2018)



Source: Statistics Canada, Annual Demographic Estimates: Subprovincial Areas

Components of Population Growth and Demographic Trends

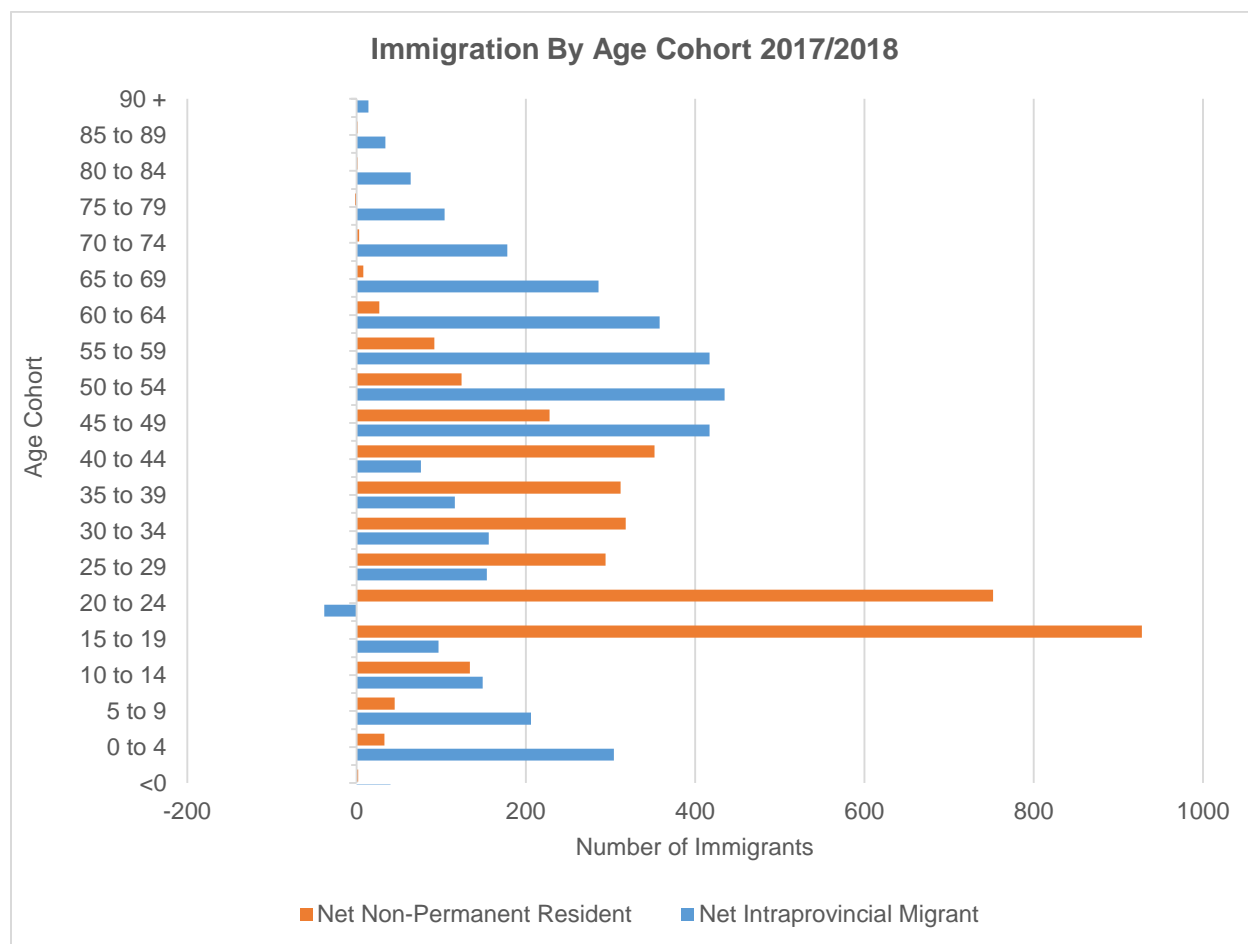
Niagara's population growth is driven entirely by international and intraprovincial migration.

Niagara's natural population change was a decrease of 577 people (meaning 577 more people died than were born in Niagara). The Region grew by 4,163 people from international migration and 3,567 people from intraprovincial migration. Without the benefit of international and intraprovincial migration, Niagara would be in population decline.

The majority of intraprovincial migrants moving into Niagara are between the ages of 45 to 69, increasing Niagara's median age and compounding a naturally-aging demographic. On the other hand, an even greater number of non-permanent residents in the 15 to 24 year old range are coming to Niagara. These non-permanent residents are likely attending post-secondary education institutions (Brock University and Niagara College) and leaving Niagara after completion.

Figure 2 shows the age breakdown of net non-permanent residents and net intraprovincial migrants.

Figure 2: Immigration to Niagara Region by Age Cohort 2017/2018



Source: Statistics Canada. Components of population change by census division, 2016 boundaries

The St. Catharines-Niagara Census Metropolitan Area (CMA), which includes most of Niagara,¹ has the third highest median age (45.6) and third highest share of persons aged 65 and older amongst all CMAs in Canada (22.1%). In addition, St. Catharines-Niagara CMA has the third lowest share of persons aged 15 to 64 years of age (63.9%) – also known as the working age population.

In addition, the St. Catharines-Niagara CMA had the greatest increase in median age over the past decade for Ontario (+3 years) and has increased by +1.5 years since the 2016 Census. Considering the majority of permanent intraprovincial migrants moving

¹ The St. Catharines-Niagara CMA excludes Grimsby and West Lincoln. When looking at the entire Niagara Census Division (which includes all 12 local municipalities), the average age falls outside of the top 10 oldest Census Divisions in Canada. Based on the 2016 Census, the Census Division had an average age of 43.8 where as the St. Catharines – Niagara CMA had an average of 44.1.

into Niagara are above 45 years of age, it is anticipated that the average age will continue to increase due to natural demographic change and migration trends.

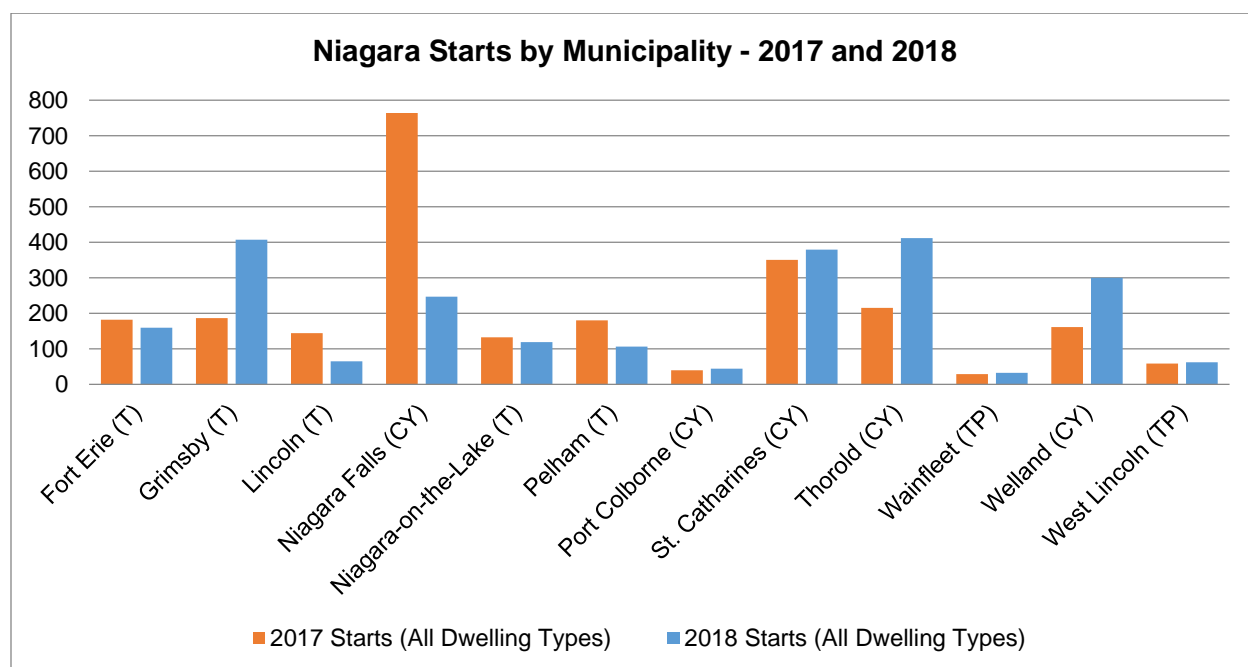
Housing Developments

2,332 dwelling units began construction in 2018 (figure 3). While this was a 4% decline compared to the 2,440 dwellings started in 2017, it is still well above the average starts between 2006 and 2015, which were less than 1,500 per year.

Housing completions increased 29% to over 2,800 completed units (figure 4). This is the highest number of unit completions in over 15 years and is driven largely by medium and high density development (908 townhomes and 533 apartment units).

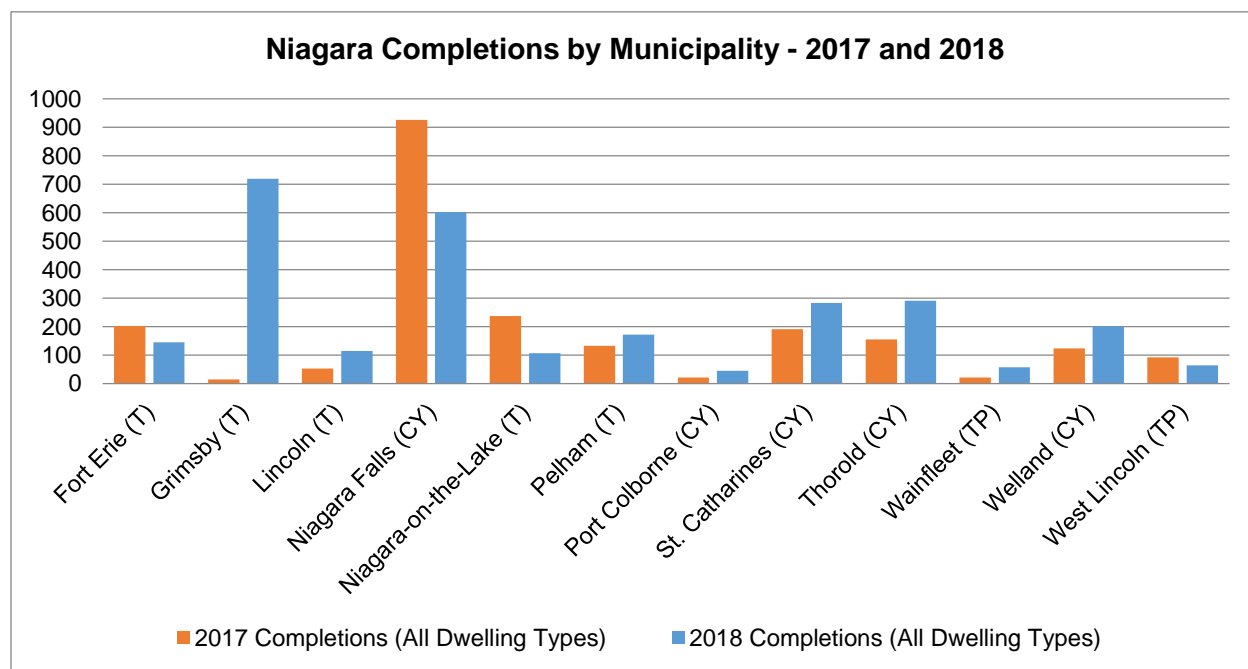
Building permit issuance for residential units also increased 5% between 2018 and 2017 (figure 5). Again, the trend here has been a shift towards higher density development rather than single detached dwellings. Nearly 3,000 dwelling unit building permits were issued in 2018. This will result in sustained starts and completions through 2019 and beyond as higher density housing (especially apartment units) take more time to complete than lower density housing types.

Figure 3: Housing Starts by Municipality (2017/2018)



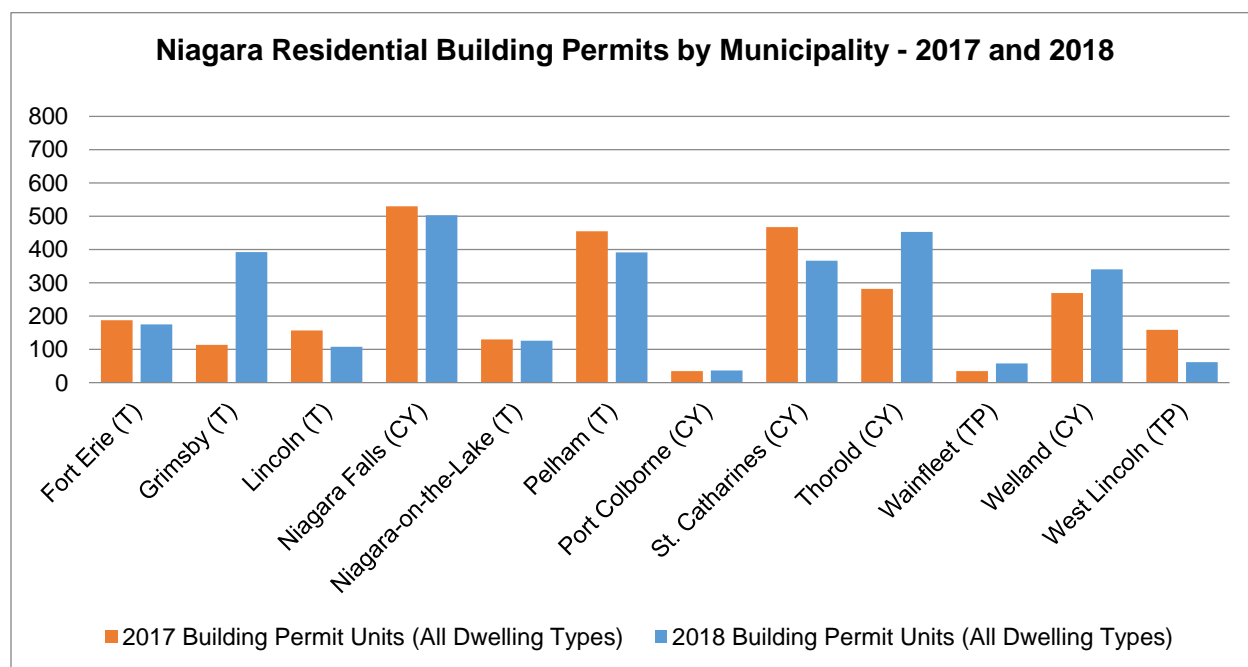
Source: CMHC Housing Now Report

Figure 4: Housing Completions by Municipality (2017/2018)



Source: CMHC Housing Now Report

Figure 5: Housing Units Issued Via Building Permit by Municipality (2017/2018)

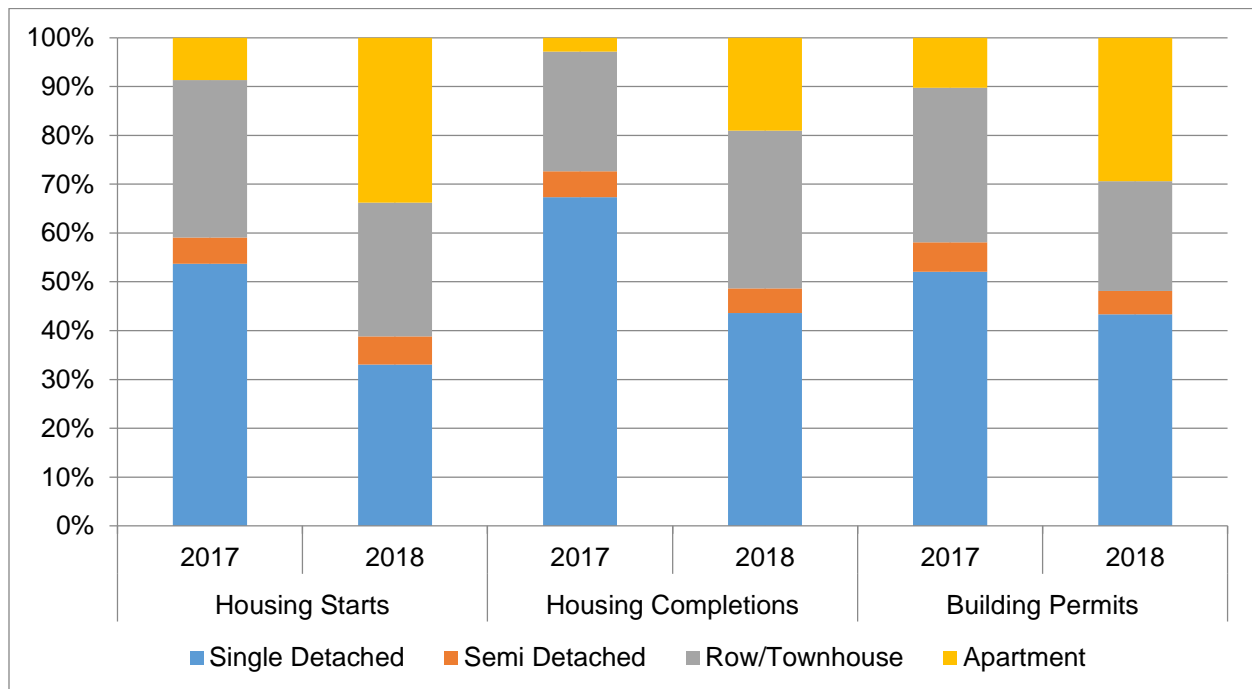


Source: Niagara Region Planning and Economic Development Building Permits

Housing Diversity

A notable change between 2017 and 2018 is the increase in higher density housing types. Housing starts, completions and building permits all had less than 50% share of single detached dwellings. Whereas in 2017, and for most years previously, single detached dwellings made up over 50% in those categories. The largest shift in 2018 was towards apartment units. Figure 6 highlights the one-year shift towards higher density development for Housing Starts, Housing Completions and Building Permits.

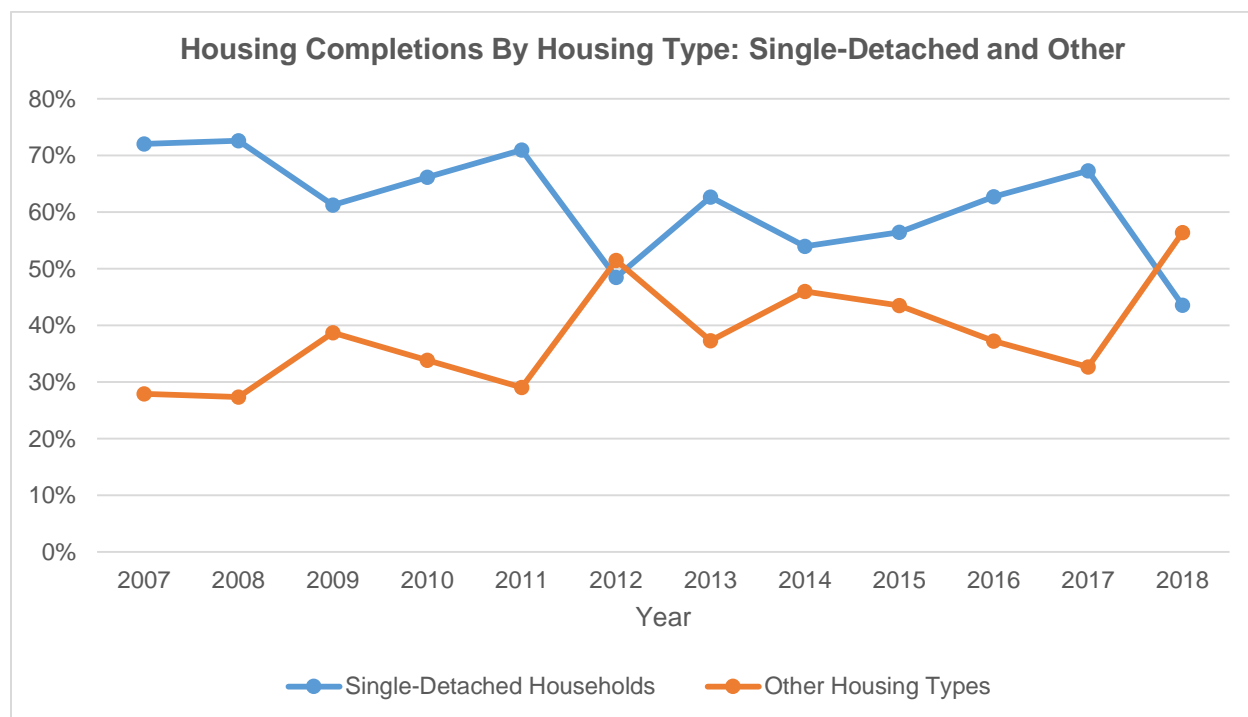
Figure 6: Proportion of Housing Units by Development Stage (2017/2018)



Source: CMHC Housing Now and Niagara Region Planning and Economic Development Building Permits

Figure 7 highlights a twelve-year trend in housing completions, showing how the gap between percent of single detached households and other housing types has narrowed over time and switched in 2018. By the end of 2018, the number of high-rise units in development reached a 25-year high. As land across the Region continues to develop and housing prices continue to increase, the share of higher density development in the coming years is likely to increase.

Figure 7: Housing Completions by Housing Type (2007-2019)



Source: CMHC Housing Now (2007-2018)

Housing Market

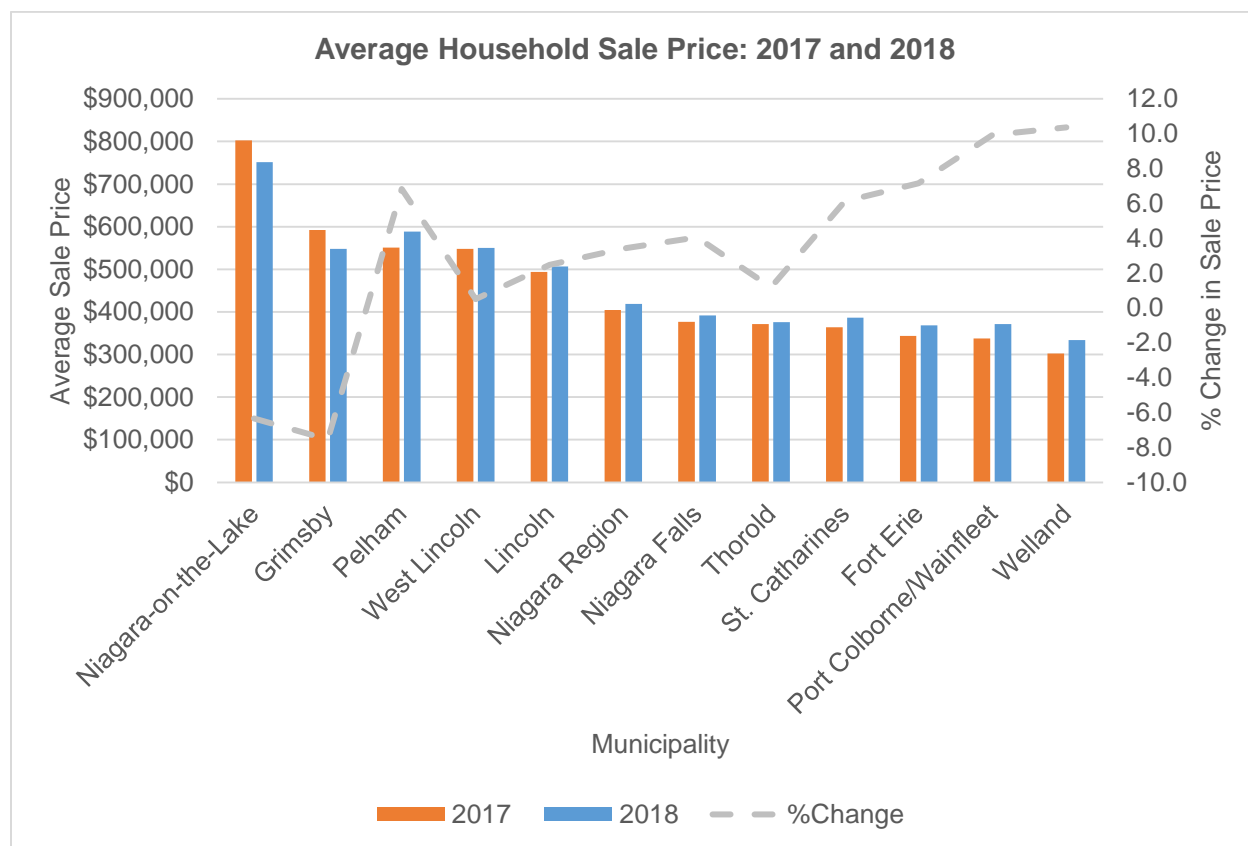
The average sale price for a home in Niagara continued to grow in 2018, increasing 3.4% to an average cost of \$418,751. While this increase is less than the 17% increase in 2016, or the 21% increase in 2017, the increase still has a significant impact on housing affordability in Niagara, especially first-time homebuyers who are looking to enter the housing market.

The two municipalities with the highest average sale price in 2017, Niagara-on-the-Lake and Grimsby, experienced a decline in average price between 2017 and 2018. The three municipalities with the lowest average sale price in 2017 (Welland, Fort Erie and Port Colborne/Wainfleet²) experienced the highest average price increase.

Figure 8 highlights the average sale price and percentage change for each municipality between 2017 and 2018.

² The Niagara Realty Association reports on Port Colborne and Wainfleet together, therefore they are listed as one in the report and in Figure 8.

Figure 8: Average Sale Price and % Change by Municipality (2017/2018)



Source: Niagara Realty Associate and Realty Association of Hamilton-Burlington

The number of home sales in Niagara decreased by 11% between 2017 and 2018. CMHC notes that this is likely due to the new mortgage rules as well as a cooling housing market. CMHC forecasts that sales should remain consistent in 2019 and 2020³.

Building Permit Values

Building Permit Values

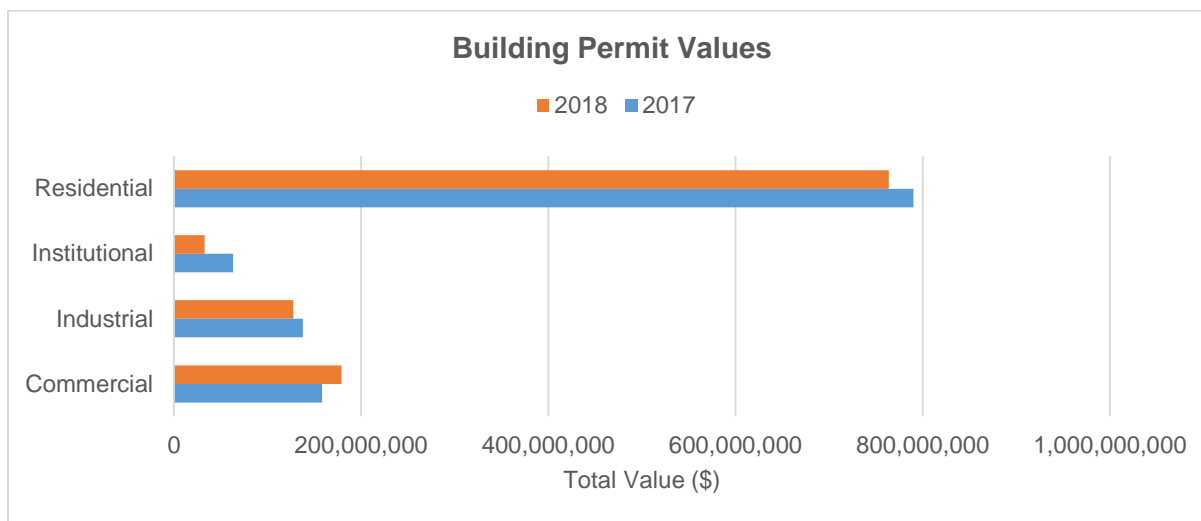
Building permit values for residential and non-residential uses remained above \$1 Billion for consecutive years. While building permit value for Industrial (-7.3%), Institutional (-48%) and Residential (-3.3%) all saw declines between 2017 and 2018, Commercial building permits increased 13.1%. The cumulative year-over-year decrease was -4%. Overall, \$1.1 Billion worth of permits were issued in 2018.⁴

³ CMHC Housing Market Outlook: Central Ontario, Fall 2018.

⁴ This figure is calculated by taking the Statistics Canada CMA Building Permit data and adding municipally-collected data for West Lincoln and Grimsby.

Figure 9 highlights the changes in building permit values for residential and non-residential uses).

Figure 9: Building Permit Values (2017/2018)



Source: Statistics Canada, Niagara Region Planning and Economic Development Building Permits

Highest Value Building Permits Issued in 2018:

Below is a table showing the 10 highest non-residential building permits issued in 2018. There was a good mix between industrial, commercial and institutional/government. Developments at Innio in Welland (200 Buchner Road, formerly GE) continue to top industrial investments for the Region.

Municipality	Location	Permit Value (\$)	Development Type
Welland	200 Buchner Road	30,000,000	Industrial
Niagara Falls	6366 Stanley Avenue	16,000,000	Commercial
Port Colborne	1555 Elm Street	15,000,000	Industrial
Fort Erie	2818 House Road	12,500,000	Industrial
Welland	670 Tanguay Avenue	11,000,000	Institutional/Government
St. Catharines	221 Glendale Avenue	10,000,000	Commercial
St. Catharines	89 Meadowvale Drive	8,650,500	Commercial
Fort Erie	2818 House Road	8,000,000	Commercial
Niagara Falls	6650 Niagara River Parkway	8,000,000	Commercial
St. Catharines	59 Church Street	8,000,000	Institutional/Government
West Lincoln	177 West Street	8,000,000	Institutional/Government

Source: Niagara Region Planning and Economic Development Building Permits

Alternatives Reviewed

The End of Year Growth Monitoring report is meant to highlight trends in growth and development across Niagara based on the most current and complete data available. No alternatives were considered.

Relationship to Council Strategic Priorities

This report was prepared to show how development, and proactive planning for development, is leading towards stronger economic prosperity in our communities across the Niagara Region.

Other Pertinent Reports

- PDS 9-2017: Niagara Region Annual Growth Monitoring Report
- PDS 25-2018: Niagara Region End of Year 2017 Growth Monitoring Report
- PDS 3-2019: Development Applications Monitoring Report – 2018 Year End
- ED 5-2019: Niagara Economic Update

Prepared by:

Greg Bowie
Planner
Planning and Development Services

Recommended by:

Rino Mostacci, MCIP, RPP
Commissioner
Planning and Development Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Isaiah Banach, Manager of Long Range Planning, Blake Landry, Ec.D. Manager, Economic Research & Analysis and reviewed by Brian Dick, MCIP, RPP, Senior Planner, Long Range Planning.

Subject: Implications of Bill 108: *More Homes, More Choice Act, 2019*

Report to: Planning and Economic Development Committee

Report date: Wednesday, June 12, 2019

Recommendations

1. That Report PDS 26-2019 **BE RECEIVED** for information;
2. That staff **BE DIRECTED** to continue to provide detailed comments on Bill 108 and any associated matters, as needed;
3. That a copy of Report PDS 26-2019 **BE CIRCULATED** to local area municipal Planning Directors, Area Treasurers, CAOs, and MPPs; and
4. That staff **REPORT** any further material legislative changes in Bill 108 that may arise in the future to Council.

Key Facts

- The purpose of this report is to provide a synopsis of the proposed amendments in *Bill 108 – More Homes, More Choice Act, 2019*.
- On May 2, 2019, Ministry of Municipal Affairs and Housing (MMAH) announced its 'Housing Supply Action Plan' and concurrently introduced *Bill 108: More Homes, More Choice Act, 2019*.
- Bill 108 proposes to amend 13 pieces of legislation, overlapping a number of Provincial Ministries. It will have a significant impact on the Region's land use planning function and administration of development charges.
- Commenting periods on Bill 108 matters were limited, and concluded June 1, 2019.
- Regional staff applied Corporate's One Team approach to review Bill 108, including regular correspondence with internal departments, local area municipal planners, and drafting submissions to the Province in a timely manner.
- Regional staff comments submitted to the Province through the Environmental Registry of Ontario (ERO) are included as appendices to this report. Also included is a May 29, 2019 letter from the Region's development charge consultant, Watson and Associates Economists Ltd. The Watson letter was submitted to the ERO on behalf of many municipal clients and is provided here for information.

Financial Considerations

There are no financial considerations directly linked to this report.

Proposed amendments in Bill 108 may reduce the amount of development-related charges collected by Niagara Region and its local municipalities. This could result in less available funding for Regional programs and initiatives and may result in deferral of growth-related capital infrastructure.

The changes identified may have significant financial impact for the Region. The full cost and administrative burden cannot be determined without additional details that will be found in the regulations which have not been released.

Analysis

On May 2, 2019, the MMAH announced the 'Housing Supply Action Plan' (<https://www.ontario.ca/page/more-homes-more-choice-ontarios-housing-supply-action-plan>).

The stated intent of the Plan is to cut red tape and make housing more affordable. The Plan includes amendments to 13 Acts (in Bill 108) as well as changes to the Building Code and the introduction of the 2019 Growth Plan (in effect May 16, 2019). The Building Code changes and Growth Plan are not the subject of this report.

Bill 108 would reverse several of the *Planning Act, 1990*, and *Ontario Municipal Board Act, 1990*, (now *Local Planning Appeal Board Act, 2017*) changes made by the previous Government through *Bill 139: Building Better Communities and Conserving Watersheds Act, 2017*. The Bill 139 changes have been in effect since April 2018. A description of the Bill 108 changes are provided in this report.

A significant change is the proposed new method for collecting fees for parkland and other soft services. Regional staff is note that the new method will not lead to appropriate parkland contribution or adequate recovery of growth-related soft costs.

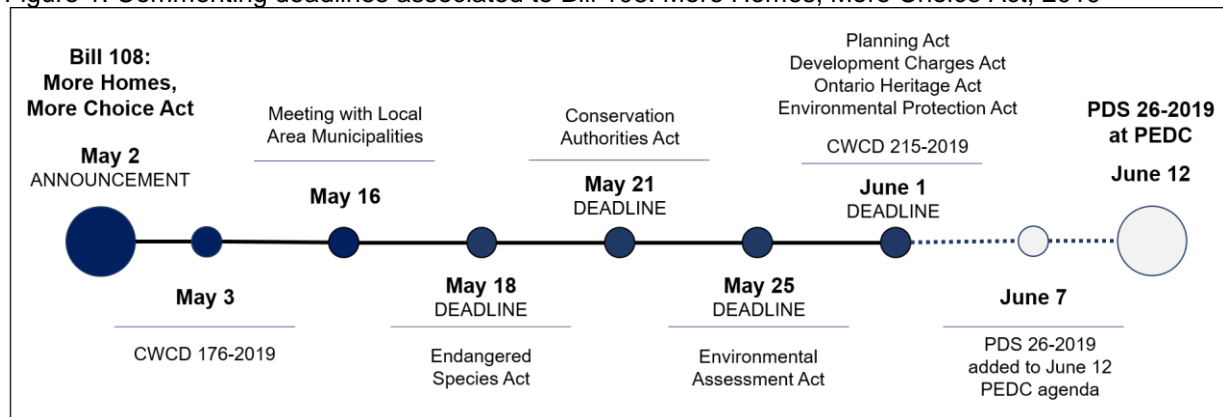
Not all legislation in Bill 108 was open for comment to the Province. The Environmental Registry (ERO) had seven postings for comment, relating to the following Acts:

- *Conservation Authorities Act, 1990*
- *Development Charges Act, 1997*
- *Endangered Species Act, 2007*
- *Environmental Assessment Act, 1990*
- *Environmental Protection Act, 1990*
- *Ontario Heritage Act, 1990*
- *Planning Act, 1990*

Submissions on the above-noted Acts were staggered, with the last ending on June 1, 2019.

Figure 1 illustrates the Bill 108 commenting deadlines and Regional/local municipality consultation.

Figure 1: Commenting deadlines associated to Bill 108: More Homes, More Choice Act, 2019



Regional staff's comments are attached to this Report.

Regional staff deployed a One Team approach to assemble internal comments, as well as liaise with local area planning directors through hosting a roundtable discussion.

The following sections provide an overview of the Bill 108 key changes.

Conservation Authorities Act, 1990

Bill 108 proposes a new function and responsibility for Conservation Authorities (CAs).

Presently, CAs primarily provide technical and advisory services to municipalities relating to watersheds, floodplains, and environmental practices.

The new function would include mandatory programs and services administered by CAs, including:

- Programs and services related to the risk of natural hazards.
- Programs and services related to the conservation and management of lands owned or controlled by the authority, including any interest in land registered on title.

- Programs and services related to the authority's duties, functions and responsibilities as a source protection authority under the *Clean Water Act, 2006*.
- Programs and services related to the authority's duties, functions and responsibilities under an Act prescribed by the regulations.

These responsibilities may not significantly alter the role and function of the Niagara Region Conservation Authority; however, it could affect the agency's budget forecasts and allocations. Therefore, responsibilities outlined within the Environmental Protocol between the NPCA and Niagara Region may have to be revisited.

Another proposed change is the exemption of low-risk development activities from CA review. Regional staff support this revision, as it should improve the timeliness for municipal review of simple applications, and allow the NPCA to dedicate its effort on more complex applications.

There were two separate ERO postings relating to the *Conservation Authorities Act, 1990*, amendments:

- The Ministry of Natural Resources and Forestry (MNRF) "Focusing conservation authority development permits on the protection of people and property" (<https://ero.ontario.ca/notice/013-4992>); and
- The Ministry of the Environment, Conservation, and Parks (MECP) "Modernizing conservation authority operations - Conservation Authorities Act" (<https://ero.ontario.ca/notice/013-5018>).

Those comments are included as **Appendix 1 and 2**.

Environmental Protection Act, 1990, regulation

The MECP is proposing to introduce a new regulation under the *Environmental Protection Act, 1990*, titled, "Environmental Compliance Approval in respect of Sewage Works Regulation" (<https://ero.ontario.ca/index.php/notice/019-0005>) to enable prescribed persons to alter sanitary collection and stormwater systems.

Currently, the *Environmental Protection Act, 1990*, permits prescribed persons to undertake alterations to sanitary and stormwater systems within the terms and conditions in Environmental Compliance Approvals (ECAs).

The proposed regulation would permit developers who enter into an agreement with the municipality to construct sewage works that the municipality may own under the municipality's ECA.

The regulation would apply to municipalities who have ECAs with pre-authorizations, if specific conditions are met. Developers must enter into an agreement with the municipality, and the work must meet the conditions of the municipality's ECA.

Municipalities who do not have pre-authorization conditions in their existing ECAs will be required to amend their ECA if they wish to take advantage of this proposed regulation. Until a municipality has an ECA with pre-authorizations, developers are required to obtain separate ECAs for sewage collection works.

The proposed regulation may have limitations in the Region's two-tier wastewater system. Niagara Region has ECAs for its infrastructure, including the sewage pumping stations (SPS), and the local municipalities have separate ECAs for its sanitary sewers and infrastructure. The proposed pre-authorized system would be more effective in municipalities where all related infrastructure is controlled by one level of government.

Staff have sought clarification from the MECP regarding how the term "prescribed persons" will be applied in cases, such as Niagara's, where there may be joint ownership for a new system-wide ECA with pre-authorizations.

Regional staff's comments on the *Environmental Protection Act, 1990*, regulation is included as **Appendix 3**.

Endangered Species Act, 2007

Proposed amendments to the *Endangered Species Act, 2007* follow the transfer of provincial administration from the MNRF to the MECP, which came in to effect in October 2018.

In January 2019, MECP published a discussion paper to gather feedback on challenges associated with the *Endangered Species Act, 2007* and provide insight and direction for future revisions. The commenting period for this paper concluded in March 2019 and the Region submitted a response prior to that date.

In April 2019, MECP opened for comment its "10th Year Review of Ontario's Endangered Species Act: Proposed changes" (<https://ero.ontario.ca/notice/013-5033>). The MECP stated that these proposed changes are based on feedback collected through the MECP's earlier discussion paper exercise.

A significant proposed change is the introduction of a "Species at Risk Conservation Fund", which will be administered by a newly established Crown agency called the "Species at Risk Conservation Trust". The fund allows proponents to pay towards practices or other activities that help to protect a specie prescribed on the Conservation Fund Species list. At the time of writing this report, the MECP has not yet prescribed the Conservation Fund species list.

While conceptually this has merit, providing proponents with the option to pay into a fund in lieu of fulfilling species protection requirements could however reduce accountability and make it easier to proceed with activities that harm vulnerable species. Staff recommend the establishment of an effective mitigation hierarchy at the time of Conservation Fund application should the MECP proceed with a fund.

Staff further suggest that MECP undertake a bona fide analysis of staffing and resourcing requirements associated with the *Endangered Species Act, 2007* changes. As written, it is unclear whether amendments will help address common complaints in Niagara relating to the Ministry's timely review and comment on information requests submitted to local district offices.

Staff's submissions on the *Endangered Species Act, 2007* are included as **Appendix 4**.

Environmental Assessment Act, 1990

In April 2019, the MECP posted two EROs in relation to modernizing Ontario's Environmental Assessment Program:

- ERO #013-5101 titled, "Discussion paper: modernizing Ontario's environmental assessment program" (<https://ero.ontario.ca/notice/013-5101>); and
- ERO #013-5102 titled, "Modernizing Ontario's environmental assessment program – Environmental Assessment Act" (<https://ero.ontario.ca/notice/013-5102>).

The discussion paper (ERO #013-5101) explains key features of the Environmental Assessment Program and MECP's immediate and long-term vision.

The second posting (ERO #013-5102) initiates immediate changes to the *Environmental Assessment Act* identified in the discussion.

Niagara Region's Public Works and Planning and Development Services departments collaborated closely in submitting comments, which are enclosed as **Appendix 5**.

A key change proposed through Bill 108 is the exemption of low-risk Class Environmental Assessments (EAs) from the *Environmental Assessment Act, 1990*. Delegated exemption authority would belong to certain Crown entities and provincial ministries who are lead proponents of the Class EA. Eligibility for exemption would be determined during EAs' pre-screening process.

Bill 108 also proposes new restrictions on the application of Part II Orders for Class EAs. Proposed amendments limit the eligibility for a Part II Order considered by the Minister, except if the Minister may prevent, mitigate, or remedy adverse impacts

towards Aboriginals or treaty rights, or other matters of provincial significance as prescribed by regulation.

The regulation has not yet been released; thus it is unknown what may be considered matters of provincial significance that warrant a Part II Order.

Planning Act, 1990, Development Charges Act, 1997, and Local Planning Appeals Tribunal Act

Bill 108 proposes a series of interrelated amendments to the *Planning Act, 1990*, *Local Planning Appeal Tribunal Act, 2017*, *Development Charges Act, 1997*, and *Ontario Heritage Act, 1990*.

ERO comments on the *Planning Act, 1990* and *Development Charges Act, 1997* were made to <https://ero.ontario.ca/notice/019-0016> and <https://ero.ontario.ca/notice/019-0017>, respectively. The Province did not seek comments on the amendments to the *Local Planning Appeal Tribunal Act, 2017*.

Key changes by theme are set out in the following subsections.

Reduced time to review and decide planning matters

The proposed amendments would reduce planning application review and approval periods, as illustrated in Table 1 below.

Table 1: Proposed changes to planning application review and approval periods.

	Pre-Bill 139	Bill 139 (current)	Bill 108 (proposed)	Proposed change
Official Plan / Official Plan Amendment	180 days	210 days	120 days	- 90 days (3 months)
Zoning By-law Amendment	120 days	150 days	90 days	- 60 days (2 months)
Plan of Subdivision	180 days	180 days	120 days	- 60 days (2 months)

Niagara Region and local area municipalities strive to meet current planning application timelines. However, in some cases, it can be difficult to meet these timelines, particularly in recent years when Niagara Region has experienced a greater number of applications.

The compressed timelines will strain internal operation deadlines. For example, in order to meet the Region's reporting requirements, staff recommendation reports are circulated internally 30 days before Regional Standing Committee meetings. Thus, staff review is shortened by an additional 30 days. This would result in Regional staff having an effective total of 60 days to review and provide comment on a complex zoning by-law amendment, or 90 days to review and provide recommendation on an entirely new lower-tier official plan.

The reduction in application review time will challenge the ability for Niagara Region and local municipalities to complete a comprehensive review and conduct meaningful consultation and co-ordination.

Staff caution that these reduced timeframes could result in a lower quality of work, or the need for additional staffing.

The ability to appeal non-decisions at an earlier date, combined with the changes to Local Planning Appeal Tribunal (described further below), may lead to the need to dedicate more staff resources to addressing appeals in lieu of other priorities. If the shortened review dates remain as proposed, the Region seeks an additional amendment that would permit a pause in review time in cases where there are outstanding municipal requests of developers for revised or supporting documents needed as part of the development application.

Revisions to notice requirements for Plan of Subdivisions

The proposed amendments to the *Planning Act, 1990* would eliminate the requirement for an approval authority (i.e. the local municipality, in most cases) to give notice to prescribed persons or bodies prior to making a decision on a Plan of Subdivision application.

Currently, notice given to prescribed persons or bodies prior to a decision on this type of application is required through either (1) providing notice of the application, or (2) hosting a statutory public meeting.

The proposed amendment would merge these processes and have notice through notice of statutory meeting as required by regulation, which has not yet been released.

The Region requested that the forthcoming revised regulation continue to require approval authorities to provide notice to prescribed persons or bodies both prior to and following a decision. This requirement is good practice since it improves fairness and transparency for interested stakeholders.

Revisions to the Local Planning Appeal Tribunal (LPAT) and appeal process

Bill 108 proposes amendments to rules relating to how hearings are conducted, how evidence may be presented, and permissions for examination and cross-examination of witnesses. These changes return to a practice similar to what existed with the Ontario Municipal Board (OMB) prior to Bill 139.

The changes would return to evidence-based hearings. Under the present version of the *Planning Act, 1990*, appeals to the LPAT could be made only on grounds of non-conformity or non-consistency with Provincial policies or official plans. Proposed changes would allow appellants to set the reasons for appeal based on planning principles.

New restrictions would limit third party appeals of Plans of Subdivisions and certain official plan and official plan amendments. This change is supported by Staff; it will give greater autonomy to municipal decision-making and lead to faster approvals for Plans of Subdivision. For the same reason, the Region supports the retention of limitations on appeals of certain Official Plan Amendments that require Minister approval.

The restriction to adduce evidence and call and cross-examine witnesses would be removed. However, the new rules would allow the LPAT to limit both evidence and expert witnesses prior to a hearing at its discretion. There would be rules on non-parties (participants) to allow them to make submissions in writing only.

Bill 108 places additional emphasis on mediation – the Tribunal can now direct parties to participate. Additionally, for most appeals, Case Management Conferences must include a discussion of resolving issues through mediation or other dispute resolution process.

Some elements of the Bill 139-era LPAT process would be retained. For example, Case Management Conferences are still required for parties prior to a hearing, unless a settlement is reached. Additionally, Official Plan Amendments undertaken by a municipality as a conformity exercise to provincial policy and approved by the Minister are ineligible for appeal. This is particularly important for Niagara Region as it is undertaking a new comprehensive Official Plan.

Adjustments to Development Charges (DCs)

Bill 108 proposes a restructuring of the collection and use of soft-service DCs through amendments to the *Development Charges Act, 1997* and *Planning Act, 1990*.

Currently, funds obtained through DCs are used to pay for growth-related costs associated with most new or upgraded public services and infrastructure. Bill 108 would change that for “soft services” – they would no longer be eligible for collection through

DCs, and instead would be collected through a different funding mechanism – a Community Benefits Charge By-law (described further in the next section).

The Region currently collects soft service development charges in the following categories (which would no longer be eligible for DC collection under the proposed scheme):

- General Government
- Emergency Medical Service
- Long Term Care
- Provincial Offences Act
- Health
- Social Housing

DCs could be charged only for hard services. Below are the categories in which the Region can charge DCs:

- Water and wastewater services
- Stormwater (the Region does not provide this service and thus does not charge a related DC)
- Roads
- Electrical power (the Region does not provide this service and thus does not charge a related DC)
- Police and Fire (the Region does not provide a Fire service and thus does not charge a related DC. It has a Police service charge)
- Transit (the Region currently does not charge a related DC for this service)
- Waste Diversion
- Other prescribed services (none have been named at this time)

Under the existing system, the Region collects DCs from developers and allocates these funds to relevant projects during the annual budget process. Based on the 2019 approved budget and current revenue projections, the Region is projecting \$538M in DCs collected for the 2019-2028 period, as shown in Table 2 below.

Table 2: Projected forecast of annually collected Regional DCs.

Summary of Regional Development Charge Collections (\$Ms)											
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	Total
DCs Collected - Hard Service	41.03	42.73	43.59	44.46	45.35	46.26	47.18	48.13	49.09	50.07	457.88
DCs Collected - Soft Service	3.33	7.95	8.11	8.27	8.44	8.61	8.78	8.96	9.13	9.32	80.90
Total	44.36	50.69	51.70	52.73	53.79	54.86	55.96	57.08	58.22	59.39	538.79

The 2019-2028 capital program planned to be funded from these revenue sources (including funding already in reserve funds) is shown in Table 3 below.

Table 3: Projected DC fund allocation towards Regional Capital Programs.

Summary of Capital Programs Funded from Development Charges (\$Ms)											
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	Total
DCs Collected - Hard Service	56.36	31.40	31.91	44.96	62.07	62.34	36.44	51.35	19.42	17.94	414.19
DCs Collected - Soft Service	29.32	0.93	-	-	-	-	-	-	-	-	30.25
Total	85.67	32.33	31.91	44.96	62.07	62.34	36.44	51.35	19.42	17.94	444.44

The DC collection process for hard services would change too. Instead of collecting DCs at the time of building permit (which is generally done), DCs would be calculated and collected at the time an applicant submits a Site Plan (or rezoning application, if a Site Plan is not required). The charge would be fixed at that rate, with municipalities limited to charging a prescribed interest rate, until issuance of a building permit or occupancy (depending on type of development).

Site plan approval can occur considerably earlier than building permit approval; the DCs collected by the Region at that time would not benefit from indexing between these two points in time. Thus, there may be a mismatch between the need for services and the funds received to pay for them.

DCs payable for rental, industrial, institutional, commercial and non-profit housing units would be payable over six installments, with prescribed interest. Instead of collecting the entire fee at the time of building permit, one-sixth of the fee would be collected at first occupancy and the balance would be collected in one-sixth increments for the next five years on the anniversary of the initial collection.

In addition to the increased administrative burden, there will be an impact on cash flow. It is estimated that the Region collects DCs on over 100 of these property types each year. The delayed cash flow may result in either a delay in the implementation of capital projects, increased debt requirements (which could result in downward pressure on the Region's credit rating) and associated cost to accommodate the loss of cash flow, or an increased pressure on the taxpayer.

Community Benefits Charge

As noted above, Bill 108 proposes a new mechanism, a “Community Benefits Charge”, (CBC) for municipalities to collect funds relating to soft services. In the current *Development Charges Act, 1997*, these form part of the development charge and are collected in full at the time of building permit.

In addition to replacing the DC soft services, a CBC By-law will replace the bonusing provisions for increased density contained in section 37 of the *Planning Act, 1990*, and the “alternative” parkland dedication rate based on number of units set out in sections 41 and 51.1 of the *Planning Act, 1990*.

Municipalities would still be able to collect “traditional” parkland dedication or fees for 5% or 2% of the land under 42(1) of the *Planning Act, 1990* if it has not passed a CBC By-law.

Regional staff note that municipalities may not be able to collect sufficient parkland dedication regardless of whether it implements a CBC By-law or keeps a traditional parkland by-law (since a traditional rate is insufficient, particularly for multi-storey projects).

The financial impacts of implementing a CBC is unknown; the Province has not released its regulations that would allow municipalities to understand the impact.

Until a municipality implements a CBC, existing section 37 and parkland dedication fees as prescribed in the *Planning Act, 1990*, continue to apply. Prior to implementing a CBC, a municipality must pass a CBC By-law that is informed by a CBC Strategy. The contents of a CBC Strategy are unknown and will be prescribed at a future date.

The amount that a municipality can collect from a single property-specific CBC is capped at a percentage of the properties’ current market value. The CBC cap percentage is unknown and will be prescribed at a future date.

In regards to determining a property’s value, the municipality is responsible for conducting the initial appraisal. Property owners can object to an appraisal if they disagree with its outcome. If an objection occurs, additional appraisals are undertaken by the property owner and municipality to determine a value. Disputes over appraisals are common in other planning cases; Staff note that the CBC appraisal process may be the same, leading to substantial costs and time burden to municipalities.

Staff also caution using land value as a method of assessing soft servicing costs since providing services may be unrelated to appraised value. For example, the cost of playground equipment needed in a new neighbourhood is the same, regardless of

whether the value of property is high or low. Land values across Niagara vary drastically and are not always linked to population or employment within that geography.

The Bill 108 changes would also allow municipalities to accept “in-kind contributions” towards the payment of a CBC; qualifications for eligible in-kind contributions will be identified by regulation at a later date.

Further, the proposed changes will require a municipality to either spend or allocate at least 60% of its total collected CBC within one year of its collection. This may be challenging depending on how areas are built-out, or where a CBC is collected through a mix of monetary and in-kind contributions.

Staff are unsure how a revised DC system, CBC By-laws and parkland dedication by-laws will work in a two-tier system. This may add complexity to the development fee structure, rather than simplify it as intended by the Province.

The legislation allows only one CBC By-law to be in effect at a time. It is unclear whether different rates may be applied to different areas or classes of development. If not, inequities would likely result between different communities.

The changes identified may have significant financial impact for the Region. The full cost and administrative burden cannot be determined without additional details that will be found in the regulations which have not been released.

Development Permit Systems

A development permit system (DPS) is a development application tool that would replace other application processes (i.e. zoning, minor variance, and site plan). The intended purpose is to use a DPS to make the application process simpler and quicker. DPS are optional, and have not been widely used in the Province since their introduction in 2007.

Bill 108 proposes to expand the Minister’s powers to *require* a municipality to implement a DPS within a specified area and within a specified amount of time. For example, the Minister may require a municipality to implement a DPS within a Major Transit Station Area (MTSA).

Scoped implementation to implement “inclusionary zoning”

Inclusionary zoning is a set of policies introduced in April 2018 through Bill 139 and proposed for modifications in Bill 108.

Instead of voluntarily implementing inclusionary zoning (which has not been done in Niagara), inclusionary zoning would be restricted to those areas that are MTSAs, within a DPS area, or in response to an order made by the Minister.

Additional Residential Units

Bill 108 proposes a new set of policies required for official plans to authorize second units in detached, semi-detached and row houses and in ancillary structures.

Ontario Heritage Act, 1990

Amendments to matters relating to Part IV of the *Ontario Heritage Act, 1990*, (<https://ero.ontario.ca/notice/019-0021>) dramatically shift the role and authority for lower-tier municipal Councils to designate and permit alterations to heritage properties.

In the current *Ontario Heritage Act, 1990*, the Conservation Review Board (CRB) would hear an objection to a Council's decisions on heritage matters. The CRB's role is to provide Council with a recommendation to uphold or reverse its decision on the objected subject matter.

Through Bill 108, an objection by the property owner would be heard by the LPAT instead of the CRB. The LPAT would make a final decision on the matter, in contrast to the current CRB process of sending a recommendation to Council for further determination.

In Bill 108, heritage matters eligible for appeal to the LPAT include decisions on:

- applications to alter/demolish heritage buildings, structures, or attributes;
- designating by-law; and
- applications to repeal a designating by-law.

Staff advise that the LPAT hearing process will be more complex. As well, Staff recommends that the LPAT commit to resourcing its adjudicators with heritage expertise to hear these cases, particularly since these matters have not traditionally been before the LPAT or OMB.

Niagara Region's Enterprise and Resource Management Services and Planning and Development Services departments collaborated closely in submitting *Ontario Heritage Act, 1990*, comments, which are enclosed as **Appendix 6**.

Watson and Associates Economists Ltd. Comments

Watson is a consulting firm that undertakes a significant amount of municipal development charge work, including for the Niagara Region. Watson provided the Region a copy of their May 29, 2019 ERO submission outlining their view on the proposed changes to the *Development Charges Act, 1997*. The Watson submission is enclosed as **Appendix 7**.

Alternatives Reviewed

The purpose of this report is to provide a summary on implications associated to proposed amendments through Bill 108. There are no other alternatives for Regional Council to consider at this time.

Staff will update Council on Bill 108-related matters as they occur.

Relationship to Council Strategic Priorities

Doing Business Differently

Proposed amendments through Bill 108 will impact the way Niagara Region conducts its core functions and daily business operations.

Specifically, amendments to the *Planning Act, 1990* and *Development Charges Act, 1997* will expedite planning-related decisions, as well as modify the collection development-related costs through DCs and CBCs.

Further, proposed revisions to the *Conservation Authorities Act, 1990*, *Endangered Species Act, 2007*, and *Environmental Protection Act, 1990*, could potentially influence the roles and responsibilities of program service delivery between Niagara Region, its local area municipalities, and external stakeholders.

Other Pertinent Reports

- CWCD 176-2019
- CWCD 215-2019

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This report was prepared in consultation with Alexander Morrison, Planner, Margaret Murphy, Associate Director of Budget Planning and Strategy, Robert Fleming, Senior Tax and Revenue Analyst, and reviewed by Diana Morreale, MCIP, RPP, Director of Development Approvals.

Appendices

Appendix 1	Niagara Region comments - Focusing conservation authority development permits on the protection of people and property (ERO #013-4992)	Pages 17 - 20
Appendix 2	Niagara Region comments – Modernizing conservation authority operations – Conservation Authorities Act (ERO #013-5018)	Pages 21 - 23
Appendix 3	Niagara Region comments - Environmental Compliance Approval in respect of Sewage Works Regulation (ERO #019-0005)	Pages 24 - 25
Appendix 4	Niagara Region comments – 10 th Year Review of Ontario’s Endangered Species Act (ERO #013-5033)	Pages 26 - 35
Appendix 5	Niagara Region comments – “Discussion Paper: Modernizing Ontario’s Environmental Assessment Program” (ERO #013-5101) and “Modernizing Ontario’s Environmental Assessment Program - Environmental Assessment Act” (ERO #013-5102)	Pages 36 - 49
Appendix 6	Niagara’s comments: Bill 108 – More Homes, More Choice Act, 2019 regarding the <i>Planning Act, 1990</i> (ERO 019-0016), <i>Development Charges Act, 1997</i> (ERO 019-0017); and <i>Ontario Heritage Act, 1990</i> (ERO 019-0021)	Pages 50 - 63
Appendix 7	Watson and Associates Economists Ltd. letter Re: Bill 108: Potential Changes to the Development Charges Act	Pages 64 - 72



Planning and Development Services
1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

May 21, 2019

Mr. Alex McLeod
Natural Resources Conservation Policy Branch
300 Water Street
Peterborough, ON
K9J 8M5
Canada

Dear Mr. McLeod,

Re: ERO Registry Number 013-4992

Thank you for the opportunity to provide input on regulation changes to the *Conservation Authorities Act, R.S.O.1990* as posted by the Ministry of Natural Resources and Forestry. The following are Niagara Region staff comments on the proposed changes.

Niagara Region staff are generally supportive of the updates being made to update definitions, consolidating the existing regulations into one, exempting low-risk developments from permitting requirements, and reporting on service delivery. Niagara Region staff are cautious of reducing regulatory restrictions between a wetland and where a hydrological connection has been severed, as there have been increases of flooding due to climate change impacting communities across Ontario over the past several years.

Staff are also aware of the opportunity to comment on the proposal to modernize the *Conservation Authorities Act, R.S.O.1990* and will be providing comments to the Ministry of the Environment, Conservation and Parks on this matter under a separate cover.

If you have any questions please don't hesitate to contact me at (erik.acs@niagararegion.ca) or 905-980-6000 ext.3610.

Respectfully submitted,

Erik Acs
Manager of Community Planning

Focusing conservation authority development permits on the protection of people and property

ERO number: 013-4992

Draft Document Proposed Changes	Niagara Region Staff Comments
<p>Prohibited activities set out in Section 28 of the <i>Conservation Authorities Act</i> as amended by Schedule 4 of the <i>Building Better Communities and Conserving Watersheds Act</i>, 2017 include:</p> <ul style="list-style-type: none"> • Development in areas related to natural hazards such as floodplains, shorelines, wetlands and hazardous lands (i.e. lands that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock); and • Interference with or alterations to a watercourse or wetland. <p>The Ministry is proposing to create a regulation further defining the ability of a conservation authority to regulate prohibited development and other activities for impacts to the control of flooding and other natural hazards.</p> <p>This regulation would replace <i>Ontario Regulation 97/04</i>, which governs the content of conservation authority regulations under the Section 28(1) of the Act, as well as existing conservation authority regulations (<i>O.Reg. 42/06</i>, <i>O.Reg. 146-148</i>, <i>O.Reg. 150-153</i>, <i>O.Reg. 155-172</i>, <i>O.Reg. 174-182</i>, and <i>O.Reg. 319/09</i>) to ensure consistency in requirements across all conservation authorities.</p>	<p>Niagara Region staff supports this approach, and would agree that a singular regulation for the 36 conservation authorities across the province would be appropriate to ensure consistency.</p> <p>Further information on how local flexibility will be accounted for needs to be addressed by the Province, as each watershed across the Province is unique.</p>
<p>Update definitions for key regulatory terms to better align with other provincial policy, including: “wetland”, “watercourse” and “pollution”</p>	<p>Niagara Region staff supports the update of key regulatory terms and suggests that where applicable existing PPS definitions be used to help ensure consistency between projects under the <i>Planning Act</i> and projects under the <i>Conservation Authorities Act</i>.</p>

Defining undefined terms including: “interference” and “conservation of land” as consistent with the natural hazard management intent of the regulation	<p>Niagara Region staff supports this suggestion and suggests the following definitions be considered:</p> <p>Conservation of Land - The protection, management or restoration of lands within the watershed ecosystem for the purpose of maintaining or enhancing the natural features and ecological functions and hydrological functions, within the watershed. (Conservation Ontario, 2008) Conservation of land includes all aspects of the physical environment, be it terrestrial, aquatic, biological, botanic or air and the relationship between them (611428 Ontario Ltd. vs. Metropolitan Toronto and Region Conservation Authority).</p> <p>Interference - Any anthropogenic act or instance which hinders, disrupts, degrades or impedes in any way the natural features or hydrologic and ecologic functions of a wetland or watercourse. (Conservation Ontario, 2008)</p>
Reduce regulatory restrictions between 30m and 120m of a wetland and where a hydrological connection has been severed	With increased risk of flooding due to climate change, the importance of wetland protection is crucial. Reducing the regulatory restrictions for development near a wetland will increase risks for new structures and therefore should remain as they are.
Exempt low-risk development activities from requiring a permit including certain alterations and repairs to existing municipal drains subject to the <i>Drainage Act</i> provided they are undertaken in accordance with the <i>Drainage Act</i> and <i>Conservation Authorities Act</i> Protocol	Niagara Region staff supports this proposal and would further suggest that additional agricultural activities, including agricultural buildings be exempted from these permitting requirements.
Allow conservation authorities to further exempt low-risk development activities from requiring a permit provided in accordance with conservation authority policies	Niagara Region staff supports this suggestion (see above).
Require conservation authorities to develop, consult on, make publicly available and periodically review internal policies that guide permitting decisions	Niagara Region staff supports this suggestion. In order to be transparent to the public, making publicly available the policies that guide permitting decisions is important.

	However, rather than using “periodically” with respect to timelines associated with reviewing these policies, they should be reviewed every 10 years.
Require conservation authorities to establish, monitor and report on service delivery standards including requirements and timelines for determination of complete applications and timelines for permit decisions	Niagara Region staff supports this suggestion, and finds that reporting on service delivery, in addition to transparency, also assists with tracking and projecting growth. Timelines for complete applications and permit decisions should be made publically available.

May 21, 2019

Ms. Carolyn O'Neill
Great Lakes Office
40 St Clair Avenue West
Floor 10
Toronto, ON
M4V1M2
Canada

Dear Ms. O'Neill

Re: ERO Registry Number 013-5018

Thank you for the opportunity to provide input on the *Conservation Authorities Act, R.S.O. 1990* changes posted by the Ministry of the Environment, Conservation, and Parks. The following are Niagara Region staff comments on the proposed changes.

Niagara Region staff are generally supportive of the updates being made to defining the mandatory programs and services, increasing transparency, establishing transition periods, enabling the Minister to investigate a conservation authority, and clarifying board members responsibilities.

Staff are also aware of the opportunity to comment on the proposal to streamline and focus conservation authorities development permitting and role in municipal review and will be providing comments to the Ministry of Natural Resource and Forestry on this matter under a separate cover.

We are hopeful these comments can be addressed prior to the release of the final *Bill 108, More Homes, More Choice Act, 2019*. If you have any questions please don't hesitate to contact me at (erik.acs@niagararegion.ca) or 905-980-6000 ext.3610.

Respectfully submitted,

Erik Acs
Manager of Community Planning

Modernizing the conservation authorities operations-Conservation Authorities Act
ERO number: 013-5018

Draft Document Proposed Changes	Niagara Region Staff Comments
Clearly define the core mandatory programs and services provided by conservation authorities to be, natural hazard protection and management, conservation and management of conservation authority lands, drinking water source protection (as prescribed under the <i>Clean Water Act</i>), and protection of the Lake Simcoe watershed (as prescribed under the <i>Lake Simcoe Protection Act</i>)	<p>Niagara Region staff supports this suggestion.</p> <p>Clearly defining the core mandatory programs and services is recommended to eliminate differences in program and service delivery. This proposed change would create consistency across the province and provide certainty on what services are provided on a mandatory basis, and what services can be provided through a memorandum of understanding.</p> <p>In addition to the above proposed changes, clearly defined funding mechanisms for core programs should also be established.</p>
Increase transparency in how conservation authorities levy municipalities for mandatory and non-mandatory programs and services. Update the <i>Conservation Authorities Act</i> , an Act introduced in 1946, to conform with modern transparency standards by ensuring that municipalities and conservation authorities review levies for non-core programs after a certain period of time (e.g. 4-8 years)	<p>Provincial funding to conservation authorities varies across the provinces 36 conservation authorities. Some authorities have budgets which are provincially funded by as much as 58% of total cost. Based on 2017 data, in Niagara the Niagara Peninsula Conservation Authority budget is funded 3% by the Province and 71% by municipal levies.</p> <p>Therefore it is important that programs and services operating are beneficial to the conservation mandate and reviewed periodically. With an increase in cost for the mandatory programs (drinking water source protection and management of natural hazards) it is unlikely non-mandatory programs will be able to run due to budget constraints. It is recommended that the Province encourage conservation authorities to explore opportunities to generate revenue using existing conservation authority assets.</p>
Establish a transition period (e.g. 18-24 months) and process for conservation authorities and municipalities to enter into agreements for the delivery of non-mandatory	Niagara Region staff supports this suggestion, and would further add that the transition period apply to both entering agreements as well as exiting existing or future agreements.

programs and services and meet these transparency standards	
Enable the Minister to appoint an investigator to investigate or undertake an audit and report on a conservation authority	Niagara Region staff supports this suggestion.
Clarify that the duty of conservation authority board members is to act in the best interest of the conservation authority, similar to not-for profit organizations.	<p>Niagara Region staff supports this suggestion.</p> <p>Ensuring greater clarity of board members duty is an important objective raised in the Auditor General's Special Audit Report of the Niagara Peninsula Conservation Authority (2018). It is important for the Province to clarify and provide guidance to conservation authority board members on how to balance their roles and effectively deliver programs and services.</p>
<p>Proposing to proclaim un-proclaimed provisions of the <i>Conservation Authorities Act</i> related to:</p> <ul style="list-style-type: none"> • fees for programs and services • transparency and accountability • approval of projects with provincial grants • recovery of capital costs and operating expenses from municipalities (municipal levies) • regulation of areas over which conservation authorities have jurisdiction (e.g., development permitting) • enforcement and offences • additional regulations. 	<p>Niagara Region staff supports the proposal to proclaim portions of Section 21 of the Conservation Authorities Act, but has concerns with respect to the Minister regulating maximum fee amounts.</p> <p>As the geography of the conservation authorities varies according to each watershed, the delivery of programs incurs a different cost across the 36 conservation authorities in Ontario. Fees need to reflect local realities.</p>

Delivered electronically

Subject: Niagara Region comments – Environmental Compliance Approval in respect of Sewage Works Regulation (ERO #019-0005)

Date: May 28, 2019

To: Eugenia Chalambalacis, Business Transformation Branch
Ministry of the Environment, Conservation and Parks

From: Phill Lambert, Director
Infrastructure Planning and Development Engineering, Niagara Region

Kindly accept this letter as Niagara Region's comments in response to Ministry of the Environment, Conservation and Parks (MECP) Environmental Registry of Ontario (ERO) posting "Environmental Compliance Approval in respect of Sewage Works Regulation" (<https://ero.ontario.ca/notice/019-0005>).

Niagara Region's comments

In it's current state, Niagara Region has a two-tier water and wastewater system. There are approximately 112 Sewage Pumping Station and 11 Wastewater Treatment Plants (WWTP) owned and operated by the Niagara Region which each have separate individual Environmental Compliance Approvals (ECAs). None of these ECAs have pre-authorizations.

Niagara Region's local area municipalities own and operate the wastewater collection systems/sewers. Older sewers may not have ECAs as they pre-date this approval process. Newer sewers will typically have specific ECAs that are associated with development applications like Draft Plan of Subdivision Applications for new housing and commercial developments.

The proposed regulation does not translate well for a two-tier wastewater system, as Niagara Region has separate ECAs for the sewage pumping stations (SPS) and the local municipalities have ECAs for their separate pieces of the sanitary sewers.

These would need to be combined to be effectively assessed and evaluated with a new ECA for the SPS including all the upstream sewers as well as consideration for the entire sewer system for each WWTP. However, these combined assets have two separate ownership parties, being Niagara Region and the local municipalities. It is not clear how the "prescribed persons" will be applied in this case when there could be joint ownership for a new system-wide ECA with pre-authorizations.

Niagara Region currently completes the technical engineering review and recommends approval for draft ECAs for both new sanitary sewers and storm sewers for all the local municipalities through an agreement with the MECP known as the Transfer of Review Program. The MECP provides the formal approval with an ECA for the new storm and/or sanitary sewers, but the majority, if not all of the engineering review is completed by the Niagara Region. This approval process generally takes on average 5 weeks from draft ECA submittal to MECP to receipt of the hard copy of the final approved ECA.

Regional staff have been informed by the development industry that a direct submission to the MECP for an ECA (not using the Transfer of Review Program) can take up to 6 months to 1 year for receipt of the hard copy of the final approved ECA.

It is regional staff's understanding that this Transfer of Review process will continue until Niagara's municipalities have new ECA with pre-authorization conditions for the sanitary collection system. At this point in time, it is unclear how to achieve this future state, as the standards do not exist yet, nor does the applicable legislation.

Niagara Region recognizes that the MECP will have to undertake additional work on this initiative in order to resolve details and determine additional regulations. Regional staff looks forward to future opportunities to consult with the MECP on these related matters.

Respectfully submitted and signed by



Phill Lambert, P. Eng.

Director, Infrastructure Planning and Development Engineering
Niagara Region

cc.

Catherine Habermehl, Acting Commissioner, Public Works, Niagara Region
Joseph Tonellato, Director of Water and Wastewater Services, Public Works, Niagara Region
Jason Oatley, Manager of Wastewater Quality and Compliance, Public Works, Niagara Region



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Delivered electronically

Subject: Niagara Region Comments – 10th Year Review of Ontario’s
Endangered Species Act (ERO 013-5033)

Date: May 17, 2019

To: Public Input Coordinator, Species Conservation Policy Branch
Ministry of the Environment, Conservation and Parks

From: Diana Morreale, MCIP, RPP
Director, Development Approvals, Niagara Region

Thank you for the opportunity to comment on the proposed changes to the *Endangered Species Act* (ESA). Please accept this submission in response to Environmental Registry of Ontario (ERO) posting #013-5033. This submission contains two parts:

- 1) This cover letter highlighting key comments provided by Niagara Region Environmental Planning staff; and
- 2) A table containing staff’s policy-specific comments and/or recommendations.

Staff suggest that updates to the legislation could include a robust analysis of staffing and resourcing requirements. Currently, one of the most frequently received complaints is the time it takes for developers or their agents to receive feedback from the Ministry of Environment, Conservation and Parks (MECP), and formerly the Ministry of Natural Resources and Forestry (MNR), on information requests submitted to local district offices. This is especially problematic for those species requiring further study within specific timing windows.

The proposed establishment of a “Species at Risk Conservation Fund” should require a mitigation hierarchy. Staff caution that providing proponents with the option to pay into a fund in lieu of fulfilling species protection requirements may reduce accountability and make it easier to proceed with activities that harm vulnerable species. A mitigation hierarchy, based in science, is recommended if a “conservation fund” is established.

Additional comments are provided for your consideration in the attached table. Regional staff appreciate the opportunity to provide these comments. Please contact me if you have any questions or require additional information.

ERO # 013-5033
Niagara Region Staff Comments
May 17, 2019

Respectfully submitted and signed by



Diana Morreale, MCIP, RPP
Director of Development Approvals
Niagara Region

Attachments: Comment Table (ERO 013-5033)

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**Proposed revisions to the Endangered Species Act
Niagara Comments to ERO #013-5033**

Prepared by: Niagara Region, Planning & Development Services

Section #	Proposed Endangered Species Act revisions Text = Province removed <u>Text</u> = Province added	Niagara's comments
CLASSIFICATION OF SPECIES		
3	Committee of the Status of Species at Risk in Ontario	
3(4)	<p>Qualifications</p> <p>A person may be appointed to COSSARO only if the Minister considers that the person has relevant expertise that is drawn from,</p> <ul style="list-style-type: none"> a) a scientific discipline such as conservation biology, <u>ecology, genetics, population dynamics, taxonomy, systematics or genetics wildlife management</u>; or b) <u>community knowledge or</u> aboriginal traditional knowledge. 2007, c. 6, s. 3 (4). 	A member of the Committee on the Status of Species at Risk in Ontario (COSSARO) to include individuals with "community knowledge" could open COSSARO to those that do not have adequate scientific expertise. Species protections should be informed by science and/or aboriginal traditional knowledge alone.
5	Rules for Classification	
5(4)	<p><u>Criteria for classification</u></p> <p><u>The criteria for assessing and classifying species as endangered, threatened or special concern species under paragraph 1 of subsection 4 (1) shall include considerations of,</u></p> <ul style="list-style-type: none"> a) <u>the species' geographic range in Ontario; and</u> b) <u>the condition of the species across the broader biologically relevant geographic range in which it exists both inside and outside of Ontario.</u> 	Consideration of climate change on species habitat should also be incorporated into the <i>Endangered Species Act</i> update, as should consideration of cumulative impacts.
5(5)	<p><u>Same</u></p> <p><u>If consideration of the condition of the species both inside and outside of Ontario under clause (4) (b) would result in a species classification indicating a lower level of risk to the survival of the species than would result if COSSARO considered the condition of the species inside Ontario only, COSSARO's classification of a species shall reflect the lower level of risk to the survival of the species.</u></p>	Many of the species listed on the Species at Risk in Ontario (SARO) list are at the northern extent of their range, especially species identified in the Niagara Region. This proposed change may lessen their protection or provide them no protection moving forward. This is especially problematic in the face of climate change because healthy populations at the northern extent of their range will help species adapt.
7	Species at Risk in Ontario List	
7(4.1)	<p><u>Same</u></p> <p><u>The 12-month period referred to in subsection (4) applies with respect to any report from COSSARO received by the Minister in 2019 before the day</u></p>	The Act currently provides that a regulation must be made under section 7 to list species on the SARO list within three months of the Minister receiving a report from COSSARO classifying the species. The changes as

Proposed revisions to the Endangered Species Act
Niagara Comments to ERO #013-5033
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Section #	Proposed Endangered Species Act revisions <u>Text</u> = Province removed <u>Text</u> = Province added	Niagara's comments
	<u>subsection 5 (1) of Schedule 5 of the <i>More Homes, More Choice Act, 2019</i> comes into force.</u>	proposed will extend this timeframe from three to 12 months. There is concern that this delay could cause negative impacts to the species and the habitat it requires to fulfill its life processes. Staff caution that three months, as opposed to 12 months, is an appropriate timeframe for creation of the required protection regulation(s) and should continue to be implemented as-is.
8 Risk of Imminent Extinction or Extirpation		
8(3)	<p>Same</p> <p><u>If COSSARO has reported to the Minister its classification of a species as an extirpated, endangered, threatened or special concern species but the Species at Risk in Ontario List has not yet been amended in accordance with section 7 to reflect the classification, the Minister, if of the opinion that credible scientific information indicates that the classification may not be appropriate, may require COSSARO to,</u></p> <ul style="list-style-type: none"> <u>a) reconsider the classification; and</u> <u>b) not later than the date specified by the Minister, submit a second report to the Minister under section 6 which shall either confirm the classification of the species in the first report or reclassify the species.</u> <p>Subsection (2) applies, with necessary modifications, if COSSARO has reported to the Minister its classification of a species as an extirpated, endangered, threatened or special concern species but the Species at Risk in Ontario List has not yet been amended in accordance with subsection 7 (4) to reflect the classification. 2007, c. 6, s. 8 (3).</p>	Decisions about species protections should be supported by adequate science.
8(4.2)	<p><u>Timing of amendments to regulation</u></p> <p><u>If the Minister requires under subsection (3) that COSSARO reconsider its classification of a species set out in a first report made under section 6,</u></p> <ul style="list-style-type: none"> <u>a) the requirement under subsection 7 (4) for the Ministry official to make and file an amendment to the Species at Risk in Ontario List within 12 months after the day the first report is received no longer applies with respect to the species; and</u> <u>b) the Ministry official shall, not later than 12 months after the day the second report is received from COSSARO in accordance with clause (3) (b), make and file an amendment to the Species at Risk in Ontario</u> 	For species that are not yet on the SARO list, or are listed as special concern, the proposed changes provide that the species would not be added to the SARO list, or listed to a more sensitive status, during COSSARO's reassessment. This could potentially suspend all or some of the species-specific prohibitions in section 9 (individual species protections) and section 10 (habitat protections) for a period of up to three years. Meanwhile, negative impacts to the species and its habitat could occur. Three months, as opposed to 12 months, is an appropriate timeframe for

**Proposed revisions to the Endangered Species Act
Niagara Comments to ERO #013-5033**

Prepared by: Niagara Region, Planning & Development Services

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	<u>List so that it accurately reflects information relating to the species contained in the second report.</u>	creation of the required protection regulation(s) and should continue to be implemented as-is. Staff further opine that maintaining a consistent approach provides a level of certainty to stakeholders and such long, open-ended timeframes may also create tension for municipal planning staff and other stakeholders.
8.1 Temporary Suspension of Protections Upon Initial Listing		
8.1(1)	<u>Subject to subsections (2) and (3), the Minister may, by regulation, order that, as of the day a species is listed on the Species at Risk in Ontario List as an endangered or threatened species for the first time, the application to the species of all or some of the prohibitions in subsections 9 (1) and 10 (1) shall be temporarily suspended.</u>	The proposed changes give the Minister the power to make regulations limiting the application of protections to a species. Staff recommend leaving this function with COSSARO. At a minimum, the requirement to post any proposals on the Environmental Bill of Rights (EBR), or alternative government website as noted in section 11(5), for public consultation should be maintained.
8.1(3)	<u>Criteria</u> <u>The Minister may make an order under subsection (1) only if,</u> <u>a) before the report was submitted by COSSARO under section 6, the species was not listed as an endangered or threatened species on the Species at Risk in Ontario List;</u> <u>b) the Minister is of the opinion that,</u> <u>i. the application of the prohibitions would likely have significant social or economic implications for all or parts of Ontario and, as a result, additional time is required to determine the best approach to protecting the species and its habitat, and</u> <u>ii. the temporary suspension will not jeopardize the survival of the species in Ontario; and</u> <u>c) the Minister is of the opinion that the species meets at least one of the following criteria:</u> <u>i. the species is broadly distributed in the wild in Ontario,</u> <u>ii. the amount, quality and availability of the species' habitat in Ontario is not currently limiting its survival or recovery in Ontario,</u> <u>iii. addressing the primary threats to the species is not currently possible or feasible and additional time is needed to assess the best approach to addressing those threats,</u>	What constitutes "social or economic implications" should be defined, perhaps within the codes of practice, standards or guidelines referred to in Section 48.1.

**Proposed revisions to the Endangered Species Act
Niagara Comments to ERO #013-5033**

Prepared by: Niagara Region, Planning & Development Services

Section #	Proposed Endangered Species Act revisions Text = Province removed <u>Text</u> = Province added	Niagara's comments
	<p><u>iv. successfully reducing the primary threats to the species requires the cooperation of other jurisdictions and additional</u></p> <p><u>v. any other criteria prescribed by the regulations made by the Lieutenant Governor in Council.</u></p>	
8.1(5)	<p><u>Period of suspension</u></p> <p><u>An order under subsection (1) shall provide that the period of suspension,</u></p> <p><u>a) begins immediately upon the species being listed on the Species at Risk in Ontario List as endangered or threatened, as the case may be;</u></p> <p><u>and</u></p> <p><u>b) ends on the date set out in the order which shall be no later than three years after the day on which the species....</u> policy to insert missing piece</p>	It is staff's opinion that suspension of all or some of the species-specific prohibitions for a period of up to three years not acceptable. Staff opine that the required protection regulation(s) should continue to be implemented as-is.
PROTECTION AND RECOVERY OF SPECIES		
11 Recovery Strategies		
11(5)	<p>Same</p> <p>Subsection (4) does not apply to a strategy if, before the time limit set out in subsection (4) expires, the Minister publishes a notice on the environmental registry established under the Environmental Bill of Rights, 1993 <u>a website maintained by the Government of Ontario</u> that,</p> <p>a) states that the Minister is of the opinion that additional time is required to prepare the strategy because of,</p> <p>i. the complexity of the issues,</p> <p>ii. the desire to prepare the strategy in co-operation with one or more other jurisdictions, or</p> <p>iii. the desire to give priority to the preparation of recovery strategies for other species;</p> <p>b) sets out the Minister's reasons for the opinion referred to in clause (a); and</p> <p>c) provides an estimate of when the preparation of the strategy will be completed. 2007, c. 6, s. 11 (5).</p>	Staff are concerned that the important function of public consultation will be removed if the Minister will no longer be required to notify the public on the environmental registry established under the Environmental Bill of Rights. It is important that the public is given the ability to provide comments. Staff recommend reverting back to the original process.
11(11)	Five-year review of progress	Five year review us a best practice for a variety of Acts. The five-year review process is essential to ensure the

**Proposed revisions to the Endangered Species Act
Niagara Comments to ERO #013-5033**

Prepared by: Niagara Region, Planning & Development Services

Section #	Proposed Endangered Species Act revisions Text = Province removed <u>Text</u> = Province added	Niagara's comments
	Not later than five years after a statement is published under subsection (8), the Minister shall ensure that a review is conducted of progress towards the protection and recovery of the species. 2007, c. 6, s. 11 (11).	action plan established by the government is effectively making progress towards the protection and recovery of listed species. Staff recommend maintaining this requirement. The five-year review should be consistent with other Ontario legislation (i.e Planning Act requires 5 year review of OP).
12.1 Government Response Statements		
12.1(3)	<u>Time limit</u> <u>A government response statement shall be published within nine months after the recovery strategy or management plan is made available to the public, subject to subsection (4).</u>	The current time requirements prescribed by the <i>Endangered Species Act</i> related to developing Government Response Statements is reasonable. Any further delay could create uncertainty for stakeholders. If additional time is authorized, the process for doing so should be well documented, transparent and based in science.
12.1(6)	<u>Priorities</u> <u>If government response statements have been published under this section in respect of more than one species, the Minister may, in implementing actions under subsection (5), determine the relative priority to be given to the implementation of actions referred to in those statements.</u>	Staff recommend that criteria be set out in regulation as to how priorities will be determined.
AGREEMENTS, PERMITS AND OTHER INSTRUMENTS		
16.1 Landscape Agreements		
16.1(1)	<u>Landscape Agreements</u> <u>An agreement entered into under this section shall meet the following requirements:</u> <ol style="list-style-type: none"><u>1. The agreement authorizes a party to the agreement to carry out multiple activities throughout a geographic area of the Province identified in the agreement.</u><u>2. The authorized activities would otherwise be prohibited under section 9 or 10 with respect to one or more species specified in the agreement (the impacted species) and listed on the Species at Risk in Ontario List as an endangered or threatened species.</u>	From our understanding the proposed changes will allow the Minister to enter into landscape agreements with persons undertaking multiple activities. Such an approach does not lend itself to addressing site-specific concerns and therefore, staff recommend omitting this proposed change from the updated Act. It is unclear how these landscape agreements will impact or work with the Municipalities current development approval process.

**Proposed revisions to the Endangered Species Act
Niagara Comments to ERO #013-5033**

Prepared by: Niagara Region, Planning & Development Services



Section #	Proposed Endangered Species Act revisions Text = Province removed <u>Text</u> = Province added	Niagara's comments
	<p><u>3. The agreement requires that the authorized party execute specified beneficial actions that will assist with the protection or recovery of one or more species specified in the agreement (the benefiting species) that exist within the identified geographic area and are listed on the Species at Risk in Ontario List as an endangered, threatened or special concern species.</u></p>	
FUND		
20.1 Species at Risk Conservation Fund		
20.1(1)	<p><u>Species at Risk Conservation Fund</u></p> <p><u>A fund is hereby established under the name Species at Risk Conservation Fund in English and Fonds pour la conservation des espèces en péril in French, subject to any conditions that may be prescribed by the regulations.</u></p>	Staff caution creating a Risk Conservation Fund will be problematic without a "mitigation hierarchy". A mitigation hierarchy based in science, is recommended if a "conservation fund" is put in place.
20.1(3)	<p><u>Designation of conservation fund species</u></p> <p><u>The Minister may by regulation designate species that are listed on the Species at Risk in Ontario List as conservation fund species for the purpose of the Fund.</u></p>	The process for determining which species are eligible to be designated as conservation fund species should be transparent and based in science.
ENFORCEMENT		
21 Enforcement Officers		
21(1)	<p>Enforcement officers</p> <p><u>The Minister may appoint persons or classes of persons as enforcement officers for the purposes of this Act.</u></p> <p>The following persons are enforcement officers for the purposes of this Act:</p> <ol style="list-style-type: none"> 1.—Every person who is a conservation officer for the purposes of the Fish and Wildlife Conservation Act, 1997. 2.—Every person designated by the Minister as a park warden for a provincial park. 3.—Such other persons or classes of persons as may be appointed or designated by the Minister as enforcement officers for the purposes of this Act. 2007, c. 6, s. 21 (1). 	Staff recommend clarifying who will be given responsibility for enforcing the <i>Endangered Species Act</i> .

**Proposed revisions to the Endangered Species Act
Niagara Comments to ERO #013-5033**
Prepared by: Niagara Region, Planning & Development Services



Section #	Proposed Endangered Species Act revisions Text = Province removed <u>Text</u> = Province added	Niagara's comments
MISCELLANEOUS		
55 Exemption by Regulation		
55(3)	<p><u>Transitional regulations</u> Description of habitat</p> <p><u>The Lieutenant Governor in Council may make regulations with respect to any transitional matters resulting from the enactment of Schedule 5 to the <i>More Homes, More Choice Act, 2019</i>.</u></p> <p>Without limiting the generality of clause (1) (a), a regulation under that clause prescribing an area as the habitat of a species,</p> <p>a) may describe the area by,</p> <p> i. describing specific boundaries for the area,</p> <p> ii. describing features of the area, or</p> <p> iii. describing the area in any other manner;</p> <p>b) may prescribe areas where the species lives, used to live or is believed to be capable of living; and</p> <p>c) may prescribe an area that is larger or smaller than the area described by clause (b) of the definition of "habitat" in subsection 2 (1). 2007, c. 6, s. 55 (3).</p>	<p>Consideration of applications currently underway through the <i>Endangered Species Act</i> process is recommended. Training of municipal planning staff with respect to the changes should also be prioritized.</p>

Delivered electronically

Subject: Niagara Region comments – Modernizing Ontario’s Environmental Assessment Program – Discussion Paper and Environmental Assessment Act amendments (ERO #013-5101 and #013-5102)

Date: May 24, 2019

To: Sharifa Wyndham-Nguyen, Client Services and Permissions Branch

From: Catherine Habermehl, Acting Commissioner
Public Works, Niagara Region

Thank you for the opportunity to comment on the proposed changes to the *Environmental Assessment Act*. Please accept this submission in response to Environmental Registry of Ontario (ERO) postings on matters regarding the “Discussion Paper: Modernizing Ontario’s Environmental Assessment Program” (ERO #013-5101) and “Modernizing Ontario’s Environmental Assessment Program - Environmental Assessment Act” (ERO #013-5102).

Niagara Region’s Public Works and Planning and Development Services staff have undertaken a joint review of proposed materials contained in these postings.

This cover letter is accompanied by three (3) attachments. Each attachment contains comments offered by respective review teams as listed below:

Attachment 1 – response to ERO #013-5101

Public Works - Transportation Services Division comments towards the Ministry of Environment, Conservation and Parks (MECP) Discussion Paper: Modernizing Ontario’s Environmental Assessment Program.

Attachment 2 – response to ERO #013-5101

Public Works – Waste Management Services and Water Wastewater Services comments towards MECP’s Discussion Paper: Modernizing Ontario’s Environmental Assessment Program.

Attachment 3 – response to ERO #013-5102

Planning and Development Services comments towards MECP’s Modernizing Ontario’s Environmental Assessment Program – Environmental Assessment Act.

In general, regional staff is supportive of the MECP’s efforts to modernize the Ontario Environmental Assessment Program and sees significant value in streamlining the process to reduce burdens associated to time, effort, and cost. The creation of project lists and the relaxation of capital cost methodology for determining project schedules

should simplify the process to plan for and deliver capital improvement projects; cost is not always a precursor to the magnitude of the impacts present.

Further, a defined Terms of Reference for major transportation projects should aid coordination efforts amongst the various tiers of government while undertaking of large-scale cross-jurisdictional capital work projects. Regional staff agree that a clearly defined Terms of Reference is an effective tool that can be utilized to ensure that all necessary studies are completed and required duties to consult are fulfilled.

Additional comments for your consideration are provided in the attachments. Regional staff appreciate the opportunity to provide these comments. Please contact me if you have any questions or require additional information.

Respectfully submitted and signed,



Catherine Habermehl

Acting Commissioner, Public Works
Niagara Region

Attachments:

1. Public Works – Transportation Services Division comments
(ERO #013-5101)
2. Public Works – Waste Management and Water Wastewater Services comments
(ERO #013-5101)
3. Planning and Development Services comments
(ERO #013-5102)

ATTACHMENT 1 - ERO #013-5101

Discussion Paper: Modernizing Ontario's Environmental Assessment Program

Prepared by: Transportation Services Division, Public Works



Introduction

The Ministry of the Environment, Conservation and Parks' (MECP) *Discussion Paper* opens with the overall context that Environmental Assessment (EA) process in Ontario has not fundamentally changed in almost 50 years; instead, it has only been the subject of infrequent updates. Overall, it is generally accepted there is an identifiable need to revisit the EA process to ensure it aligns with contemporary thinking and more importantly includes future-proofing for years to come.

Noted Takeaways

While the Municipal Class EA process provides a tried-and-tested framework, some of its key principles need revision and below are some of the noted takeaway items through reviewing the *Discussion Paper*.

Capital Cost Threshold and Schedule Application

The application of a capital cost threshold to determine the appropriate level of assessment for road projects; a threshold that neither reflects the scale of potential environmental effects nor has been updated consistently to account for multiple fluctuations contributing to those costs. The periodic amendments to the Municipal Class EA document have sought to tweak the process, but have not significantly addressed certain key structural issues such as the ways in which Schedules are applied to different undertakings.

Niagara Region therefore supports a movement to revisit the Provincial EA program; however, any changes should be deeply rooted in the desire to facilitate a more nuanced evaluation of potential environmental effects in an ever-changing context, improve engagement among all parties involved, and ultimately lead to better decisions. Cost should not be a qualifier for determining the level of engagement or analyses required.

Process Improvement Beneficiaries and Leading Statements

The rationale immediately presented in the *Discussion Paper* highlights a perception that the process is "discouraging job-creators from coming to Ontario to do business". This statement at once focuses on a specific beneficiary, while the *Discussion Paper* does not seem to provide concrete evidence to support this. Further statements used in the introduction to the *Discussion Paper* such as "reduce red tape and burden" and "find efficiencies" are also terms likely to gain a heightened level of attention among EA practitioners.

Niagara Region understands the perception stated within the *Discussion Paper* but does not believe that this should be the sole beneficiary stated. The EA process has encumbered Regional and Municipal staff through comprehensive and time-consuming processes to gain approval for needed capital projects and ultimately costing the public/tax-payers more. Niagara Region supports reducing "red tape" and "finding efficiencies" but state that it should be to support more than just job-creators; it should benefit the public through efficient delivery of capital projects currently delivered under the EA process.

Early Actions and Low-Risk Projects

The *Discussion Paper* presents some "early actions" to address elements perceived to be "in critical need of attention". One of these is the required level of assessment attributed to "low-

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Discussion Paper: Modernizing Ontario's Environmental Assessment Program

Prepared by: Transportation Services Division, Public Works



risk" projects, which are specifically defined by their likelihood to create negative environmental effects.

The paper proposes to immediately exempt low-risk projects from requiring an EA, citing the examples of routine activities such as snow-plowing and de-icing operations. These particular examples and similar routine or emergency maintenance activities are specifically identified in the Municipal Class EA document as Schedule A (or at best A+) undertakings, meaning they are likely to have minimal adverse environmental effects and may proceed to implementation without following the EA process in its entirety.

Niagara Region supports the relaxation of requirements for low-risk projects and the introduction of low-risk project definition.

The Region as well supports the development of a project list to determine which projects require the rigors of a comprehensive EA. The concept of increasing the rigors for private developments and the need to undertake an EA is also supported given the potential array of impacts in which private developments may have.

Part II Orders/Bump-Up Requests

An early identified is a modernization of the Part II Order request process, namely the mechanism by which formal objections are made. There is evidence provided in the *Discussion Paper* that the average time for a decision has been 266 days. This timeframe leads to long delays created by requests either unrelated to the project or unsubstantiated in many cases. The *Discussion Paper* suggests a move towards prioritizing concerns related to "matters of provincial importance or a constitutionally protected Aboriginal or treaty right", which is in keeping with the threshold used by the streamlined provincial Transit Project Assessment Process. It is also suggested that very low-risk activities be exempted from Part II Order requests, with a need to provide more clarity on defining which matters are eligible and confirming deadlines for requests and decisions.

It is Niagara Region's stance that these objectives are generally supported, but it remains to be seen how this is applied in practice and the extent to which it appropriately limits public participation by exempting certain projects. It remains vital that adequate opportunities are provided to allow those truly affected by projects to provide meaningful input and know that their feedback will be used to inform decision-making.

One notable action suggested in the Province's discussion paper is that Ontarians are given priority by limiting Part II Order requests to only those that live in Ontario. This seems like a very complex issue to tackle and one that could prove extremely difficult to enforce – it is also unclear whether this is really a priority issue that requires direct intervention or this action may result in a case whereby the expert entity does not participate in the process by providing comments.

Modernization Objectives

Overall Vision: The "Vision for a Modern Environmental Assessment Program" is focused on four key objectives laid out in the following subsections:

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Discussion Paper: Modernizing Ontario's Environmental Assessment Program

Prepared by: Transportation Services Division, Public Works



Objective A) Ensure better alignment between the level of assessment and the level of environmental risk associated with a project.

Regarding the first objective, the key action suggested is to move to a "project list" similar to other jurisdictions and indeed the framework used for federal EA. The intent here is to scale the level of assessment for a project to the likelihood and nature of its potential environmental effects.

From Niagara Region's perspective, this move makes sense; however, the detail will be in the types of projects that make the list. One of the concerns broadly levelled at changes under the Canadian Environmental Assessment Act (CEAA 2012) was the significant reduction in eligible projects. Consideration should be given to categorizing the projects as follows:

Subject to EA:

- Construction of a new roadway within a new right-of-way.
- Construction of an existing roadway with a new alignment within a new right-of-way.
- Construction of an existing roadway resulting in a change of classification/designation.
- Construction of a new or existing roadway requiring improvements to a stormwater drainage channel or outlet.
- A tiered approach could be applied to the projects subject to EA starting from screening to a full EA depending on the level of risk identified during the screening.

Not Subject to EA:

- Rehabilitation of an existing roadway.
- Reconstruction of an existing roadway within an existing right-of-way.
- Reconstruction of an existing roadway with a new alignment within an existing right-of-way.
- Intersection improvements.
- Construction of a new or existing roadway not requiring improvements to a stormwater drainage channel or outlet.

Objective B) Eliminate duplication between environmental assessments and other planning and approvals processes.

On the second objective, the desire is to reduce duplication between the Federal and Provincial EA processes to create a "one-project-one-review" framework. This also has merit providing that the various legislative requirements can be aligned under one process, as it reduces the need to consult and produce documentation on the same project twice. In this case, much remains to be seen on the outcome of Bill C-69 to implement a new Federal Impact Assessment Act; however, it is hoped that federal and provincial agencies can effectively collaborate to develop a framework that respects the interests of all affected parties. An interesting point is also raised that duplication with other provincial processes should be phased out, with reference to certain Planning Act requirements among others.

Niagara Region supports the concept of developing a one-project-one-review process for provincial and federal requirements and recommends further that the municipal and provincial requirements for EA processes be combined to extend the one-project-one-review concept.

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Prepared by: Transportation Services Division, Public Works



Objective C) Find efficiencies in the environmental assessment process and related planning, and approvals processes to shorten timelines from start to finish.

Regarding the third objective, the suggested action is to create a "one window" system that combines planning and permitting requirements to reduce the overall timeframes to get to implementation. This presents somewhat of a logistical challenge based on the level of detail typically associated with the planning and permitting phases. One of the key purposes of an EA is essentially to gain consent at the strategic planning level, based on a preliminary understanding of the project and its anticipated environmental effects, mitigation and monitoring requirements. This level of detail is often insufficient to obtain permits and approvals, because there are certain design details sought by review agencies that necessarily require further refinement during detail design. If the required level of design to obtain those permits and approvals was rolled into the EA process, it could serve to make the completion of EA studies more complex and time-consuming, with a potential delay on strategic planning decisions. That being said, if sufficient information is reasonably available at the EA stage for certain permits or approvals, then increased opportunities for discussing and obtaining those during the process should be explored.

One action Niagara Region supports is the proposal to create clearer documentation on provincial requirements for EA documentation and consultation. Any actions that help to clarify expectations and create a better EA process for proponent and public alike can only be a positive step. The idea of creating sector-relevant Terms of Reference for certain types of EAs with commonalities is an interesting one, providing that it includes sufficient flexibility to account for the specific context of each project within those frameworks. Some level of standardization across similar studies may be worthwhile for Class EA studies for example, where the self-assessment nature of the study can lead to differing interpretations across Ontario in how requirements are met beyond minimum specified requirements.

Furthermore, the alignment of the site plan application process and the EA process should be better defined. Niagara Region recommends to update and streamline the planning act and similar acts that may be involved in the EA process or to develop a policy that allows the EA process to override the site plan application process given that a site plan application may sit dormant for many years without expiration and could contradict the findings of an EA which was undertaken afterwards.

The Region also supports an update to the requirements of various government agencies that are involved in the EA process including Ministry of Natural Resources and Forestry, Ministry of Tourism, Culture and Sport for better understanding and effective and early engagement to support cost and time savings.

Objective D) Go digital by permitting online submissions.

Lastly, the fourth objective to "go digital" by creating a centralized registry is perhaps secondary to more fundamental principles, but nonetheless potentially welcome. In keeping with wider societal trends, there is an increasing need (and some would say environmental obligation) to reconsider providing hard copies of EA studies in the context of widespread internet access, established use of project websites and other forms of social media. Digital transmission of project materials potentially allows for a wider audience to be reached and is already well-utilized by proponents and even expected by the public. Notwithstanding, there is a need to consider

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**Discussion Paper: Modernizing Ontario's
Environmental Assessment Program**

Prepared by: Transportation Services Division, Public Works



inclusive accessibility to materials and respect that certain groups or communities may prefer (or even require) different forms of consumption. While there may be a shift towards full digitization, it therefore remains to be seen if physical materials may be completely phased out.

In addition, Niagara Region supports the move to digital submissions for consultation on EA projects as well. A general stakeholder registry in which the Ministry holds for all consultation and not just the indigenous peoples could streamline this process. This registry could be the responsibility of the stakeholders to provide updated contact information as roles change at the various stakeholders. This should ensure that all stakeholders have the onus put on them to be consulted with and it will also greatly reduce the efforts of those complete EAs to compile and confirm that each stakeholder list for each assignment is accurate and complete.

ATTACHMENT 2 - ERO #013-5101

Discussion Paper: Modernizing Ontario's Environmental Assessment Program

Prepared by: Waste Management Services & Water Wastewater Services, Public Works



Reference in Discussion Paper	Niagara's comments
<i>Ensure better alignment between the level of assessment and the level of environmental risk associated with a project.</i>	
In order to focus on higher risk activities, the province is proposing to modernize the Environmental Assessment (EA) program to immediately exempt these low risk projects. (p. 10)	Niagara Region requests MECP to clarify who has the authority to determine which projects are considered 'low risk'.
Ontario is considering moving to a project list, identifying which projects are subject to an EA. (p.15)	<p>Niagara Region supports moving to a project list model as a means of improving clarity and predictability in the EA process.</p> <p>The process of developing the project list must be transparent and include clear criteria. Stakeholder input should be sought early and throughout the development of this list. It is recommended to include a requirement for periodic reviews of the list to ensure it is working effectively.</p>
What kind of projects should require EA in Ontario? (p.16)	<p>An EA (EA) should be required for all projects that pose known or potentially significant environmental risks or where there is uncertainty about potential impacts.</p> <p>Niagara Region recommends the Ministry of Environment, Conservation, and Parks (MECP) develop a screening process or ranking/scoring matrix to determine sensitivities and potential threats/AOCs to determine whether an EA is necessary/required.</p> <p>With respect to waste management projects, there should be differentiation between stabilized landfills and the traditional landfilling sites, considering the more benign environmental impacts associated with stabilized waste. Waste management projects with demonstrated controlled, mitigated or low risk environmental impacts should be considered for exemption from individual EAs.</p>

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Discussion Paper: Modernizing Ontario's Environmental Assessment Program

Prepared by: Waste Management Services & Water Wastewater Services, Public Works



Reference in Discussion Paper	Niagara's comments
Are there some types of projects where a streamlined assessment process is appropriate?	The streamlined assessment process can be appropriate for routine projects with known, predictable and manageable impacts. Implementing appropriate thresholds for effects is critical in determining the types of projects that require individual or streamlined assessment to ensure that the process is proportional to a project's impacts.
<i>Eliminate duplication between EAs and other planning and approvals processes.</i>	
Ontario will work with the federal government to ensure one-project, one review, in order to eliminate duplication and provide applicants with more predictable and consistent timelines. (p.18)	Niagara Region supports of the elimination of redundant EA requirements and encourages a streamlined process that consolidates EA-related consultation, reporting, and meetings.
What could a one-project-one-review process look like for projects in Ontario subject to both provincial and federal requirements? (p.18)	<p>A one-project-one-review process will require a review of the requirements for both levels of government to identify opportunities for integration. The end result should be a process that allows for one set of documentation that integrates the substantive considerations of relevant approval processes and satisfies the requirements for all relevant agencies.</p> <p>An online system may facilitate this by allowing a guided step-by-step process that addresses applicable approvals for each project.</p>
Can you identify any other examples of provincial processes that could be better integrated?	Other opportunities for integration include coordinating timelines for all government review processes and public input to create clarity and increase predictability for both proponents and the public.
What other actions can the ministry take to eliminate duplicative or redundant processes or approvals?	The ministry may consider looking for opportunities to delegate responsibility to another jurisdiction or find equivalencies in other approval processes. In the elimination of similar, duplicative processes, the more comprehensive, rigorous process should take precedence.

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Discussion Paper: Modernizing Ontario's Environmental Assessment Program

Prepared by: Waste Management Services & Water Wastewater Services, Public Works



Reference in Discussion Paper	Niagara's comments
<i>Find efficiencies in the EA process and related planning, and approvals process to shorten the timelines from start to finish.</i>	
What could a coordinated one-window approach look like for Ontario projects? (p.24)	A coordinated one-window approach could take the form of step-by-step, online process, where each piece of documentation or technical report is submitted to all relevant agencies for approval at each stage of the process.
Can you identify any areas in the EA process that could be better streamlined with the municipal planning process or with other provincial processes? (p.24)	<p>Niagara Region supports efforts by the Province to streamline the environmental approval and other approval processes. Under existing circumstances, a single permit delays the entire EA process. An updated approval process could mitigate delays to EA timelines and reduce complexity for project proponents and stakeholders.</p> <p>All projects, whether municipal or provincial, that focus entirely on efficiency upgrades should be considered for reduced timelines to facilitate uninterrupted service to residents.</p>
What advantages and disadvantages do you see with the ministry's EA process being the one-window for other approval/permit processes? (p.24)	A potential advantage to the one-window approach would be having consistent reviewers throughout the EA and subsequent review processes.
Inadequate consultation activities may result in significant concerns being identified by interested parties at later stages in the process, triggering the need for further information/studies or changes to the proposal. Inadequate consideration of concerns raised through consultation may also increase the likelihood of a Part II Order request for a project. (p. 25)	<p>Niagara Region suggests mandatory engagement with MECP/EC early in the EA process to demonstrate appropriate project scope and requirements.</p> <p>Further, Niagara Region requests clarification in regards to MECPs expectations on what is considered to be 'adequate' or 'inadequate' consultation.</p>

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Discussion Paper: Modernizing Ontario's Environmental Assessment Program

Prepared by: Waste Management Services & Water Wastewater Services, Public Works



Reference in Discussion Paper	Niagara's comments
To improve the timelines related to EA and reduce uncertainty, we could consider clarifying our expectations with respect to complete and accurate documentation through guidance. (p.25)	For proponents and stakeholders that do not routinely engage in the EA process, the provision of accessible guidance documents and well-articulated procedures would be beneficial and is encouraged.
What areas of the EA program could benefit from clearer guidance from the ministry? (p. 25)	Niagara Region requests MECP clarify or provide a list of agencies required to be included during consultation. Through previous experiences, staff note that each EA project varies and up to discretion of proponent. This could result in inadvertently excluding agencies from the EA consultation process.
What other actions can we take to reduce delays and provide certainty on timelines for environmental assessment? (p. 25)	Niagara Region suggests MECP to explore means to better incorporate social media and digital technologies into the consultation process, in favour of newspaper advertisements which have a limited outreach and can be costly.
Ontario could consider developing template Terms of Reference for various sectors. (p. 26)	Niagara Region supports the development of templates for Terms of Reference for various sectors to increase efficiency and reduce process complexity; however, cautions that this Terms of Reference may not be a 'one-size-fits-all' practice.
What are the advantages and disadvantages of using sector-based terms of reference? (p.26)	Using sector-based terms of reference will expedite review by the MECP and other agencies, as all proponents' submissions will be similarly structured. It will also increase consistency, as projects with similar benefits and risks should be treated the same way. Templates should be developed in close consultation with the relevant sectors.
We could consider implementing a review service standard (p.27)	Niagara Region is supportive of the implementation of a review service standard, as a means of providing greater clarity about project requirements and timelines.
Are there other ways we could improve our review timelines? (p.27)	<p>Niagara Region recommends providing a guaranteed turnaround timeline, or outline of service level, to facilitate project scheduling. Clearly defined start and end dates for all phases would reduce uncertainty.</p> <p>Further, Niagara Region suggests MECP assign personnel as a 'touchpoint contact' throughout life of an EA project.</p>

ATTACHMENT 2 - ERO #013-5101

Discussion Paper: Modernizing Ontario's Environmental Assessment Program

Prepared by: Waste Management Services & Water Wastewater Services, Public Works



Reference in Discussion Paper	Niagara's comments
<i>Go digital by permitting online submissions.</i>	
Potential opportunities involve creating a new electronic registry specific to the EA program or integrating EA into existing online platforms. (p.29)	Providing an online EA registry would improve transparency and accessibility for proponents and members of the public. As with the Canadian EA Registry, the resulting searchable database of completed and ongoing projects is a valuable resource.
How would you like to be consulted on EA projects? (p.29)	<p>Niagara Region welcomes the opportunity to be consulted on relevant EA projects. Early notification of projects that are initiated within the Niagara region, through email or existing bulletin systems, is preferable. Municipal governments are key stakeholders in projects within their boundaries and should be included in each key stage of the EA process.</p> <p>Other potential avenues for consultation include the development of sector-specific working groups, consisting of government representatives, proponents and stakeholders, to consult on sector-specific policies and the establishment of an advisory group to solicit and coordinate public, industry and government input.</p>
Would an online EA registry be helpful for you in submitting an EA or accessing EA information? (p.29)	<p>Niagara Region supports moving to an online registry system for submitting and accessing EAs. This would provide a consistent, centralized system for documenting, storing and organizing EAs. An online approach can also facilitate increased efficiency and decreased response times.</p> <p>As an organization, Niagara Region is continually seeking ways to reduce waste. Moving to an online registry could significantly reduce paper consumption and waste.</p>
What type(s) of EA project information would you like to access online? (p.29)	<p>Niagara Region recommends that the provincial EA website include the following information:</p> <ul style="list-style-type: none"> • A searchable database of projects in all stages (i.e. in process, completed, cancelled, etc.) • A project page with a summary of project details (i.e. brief description, reference number, project status, etc.)

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Discussion Paper: Modernizing Ontario's Environmental Assessment Program

Prepared by: Waste Management Services & Water Wastewater Services, Public Works



Reference in Discussion Paper	Niagara's comments
	<ul style="list-style-type: none"> • Links to project documents, including notices of public hearings, terms of reference and other relevant records. • Links to relevant legislation and explanations of the EA process • A mechanism for tracking a project's progress.
<p>Are there any existing online tools that would be appropriate to use for EA information? (p.29)</p>	<p>Integrating online mapping tools into the environmental process may assist proponents and interested stakeholder in identifying potential effects and appropriately characterizing sites.</p> <p>Drawing on existing resources, such as the Land Information Ontario Metadata Management tool, the Ontario Natural Heritage mapping tool and the Ontario Well Records map, the Province could bring relevant mapping tools to the EA process. Working towards creating a comprehensive mapping resource that provides information about topography, geologic and soil characteristics, the location of water resources and other key natural and heritage features could increase efficiency and improve the quality of EAs.</p>

Section #	Proposed Environmental Assessment Act revisions Text = Province removed <u>Text</u> = Province added	Niagara's comments
PART II.1 CLASS ENVIRONMENTAL ASSESSMENTS		
15.3 Non-application of Act, certain undertakings		
15.3 (1)	<u>Non-application of Act, certain undertakings</u> <u>A class environmental assessment as it is approved or amended may provide that this Act does not apply with respect to one or more undertakings within the class, including as a result of the evaluation of screening criteria specified within the class environmental assessment.</u>	Who determines the screening criteria? Is it the proponent or will it be included in the MCEA document?
15.4 Amendment of an approved class environmental assessment		
15.4 (1)	<u>Amendment of an approved class environmental assessment</u> <u>The Minister may amend an approved class environmental assessment in accordance with this section.</u>	If an Environmental assessment has been approved what criteria will the Minister be using to determine justifying an amendment to the approval?
16 Order to comply with Part II		
16 (4.1)	<u>Grounds for order</u> <u>After considering the matters set out in subsection (4), the Minister may issue an order under subsection (1) or (3) only if the Minister is of the opinion that the order may prevent, mitigate or remedy adverse impacts on,</u> a) <u>the existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the Constitution Act, 1982; or</u> b) <u>a prescribed matter of provincial importance.</u>	Will the Act include a definition of "provincial importance"?

Delivered electronically

Subject: Niagara's comments: Bill 108 – More Homes, More Choice Act, 2019 regarding the *Planning Act, 1990* (ERO 019-0016), *Development Charges Act, 1997* (ERO 019-0017); and *Ontario Heritage Act, 1990* (ERO 019-0021)

Date: May 31, 2019

To: **John Ballantine**
Municipal Finance Policy Branch, Ministry of Municipal Affairs and Housing

Lorraine Dooley
Ministry of Tourism, Culture and Sport

Planning Act Review
Provincial Planning Policy Branch

From: **Rino Mostacci, MCIP, RPP**
Commissioner of Planning and Development Services, Niagara Region

Kindly accept this letter on behalf of the Commissioner of Planning and Development Services of the Regional Municipality of Niagara (the "Region") in response to proposed amendments to the *Development Charges Act, 1997*, *Ontario Heritage Act, 1990*, and *Planning Act, 1990*, through the Ministry of Municipal Affairs and Housing (MMAH) *Bill 108: More Homes, More Choice Act, 2019* (referred to as "Bill 108").

Some comments in this letter reflect feedback shared by staff at the Region's local area municipalities; however, views expressed in this letter are only those of the Region's Commissioner of Planning and Development Services.

Comments in this letter are submitted collectively in response to the following Environmental Registry of Ontario ("ERO") postings:

- ERO #019-0016: "*Bill 108 - (Schedule 12) – the proposed More Homes, More Choice Act: Amendments to the Planning Act*"
- ERO #019-0017: "*Bill 108 - (Schedule 3) – the proposed More Homes, More Choice Act: Amendments to the Development Charges Act, 1997*"
- ERO #019-0021: "*Bill 108 - (Schedule 11) – the proposed More Homes, More Choice Act: Amendments to the Ontario Heritage Act*"

This submission contains two parts:

- 1) This cover letter highlighting key areas of interest.
- 2) A table containing specific comments and recommendations on the *Development Charges Act, 1997* amendments (ERO #019-0017).

The Region supports some of the proposed changes

The Region supports the objective of creating more housing, a greater mix of housing and the effort to improve housing affordability for homeowners and tenants.

The Region supports the following amendments in Bill 108:

- Limiting third-party appeals on certain planning applications, such as Plans of Subdivision, as it enables greater autonomy in municipal decision-making and faster approvals.
- Retaining limitations on appeals of Minister-approved official plan amendments, for the same reasons.
- Retaining mandatory Case Management Conferences prior to a LPAT hearing.
- Granting the LPAT authority to require parties to participate in mediation or dispute resolution prior to scheduling a hearing.
- Enabling the LPAT to set and charge different fees for different classes of persons and types of proceedings, as long as this is used to improve access to justice.
- Requiring notice to property owners of Council's decision to list their property as heritage.

Recommendations that are *Not* in Bill 108

Single-window planning system for Niagara Region

In the Commissioner's view, the best way to get planning approvals done faster would be through some form of a single-window planning service in Niagara Region. This model could follow a similar structure to that in the County of Oxford, set out in section 77 of the *Planning Act, 1990*.

This structure should retain the local municipal planning function, with the same or similar roles between the Region and local municipalities. The difference would be in the organization's structure, the sharing of information, and how service is delivered.

This would be consistent with the governments' objective to eliminate red tape and expedite the planning review and approval process.

MMAH should be better resourced

In the past, MMAH and other Ministries have delayed planning approvals. The Region has experienced inconsistent and unpredictable service delivery when working with Ministry staff.

The Region suggests MMAH improve its internal resourcing and staff complement to assist with review of files circulated to it for Ministry review.

Bill 108 contains reduced timelines for municipal staff to review various planning applications (a concern that is noted further below).

A similar effort for reduced Ministerial review time should be made. As a starting point, it would be helpful for MMAH to have a public set of service delivery expectations for planning application review.

Municipalities and the development community would significantly benefit from improved service delivery and transparency from MMAH. This would improve municipal staff's ability to advance recommendations to its Council.

Establish a “sunset clause” for inactive planning applications

The *Planning Act, 1990*, should be amended to introduce a “sunset clause” for previously approved and long-inactive Plan of Subdivisions and Site Plans.

The Region and its local area municipalities have several applications that were approved 10 or more years ago that have had little or no activity since that time. Plans approved many years ago often do not reflect current planning policy or best planning practice.

The introduction of a sunset clause would allow municipalities to better manage and implement good planning practice by reviewing lapsed applications under current policy.

Likewise, removing long-standing, inactive applications would assist capital works planning. It does not make sense to hold services for an approved but inactive plan. A sunset clause would have the effect of freeing capacity of these services for use by other development that is proceeding.

Establish a “review pause” for outstanding municipal requests on planning applications

The *Planning Act, 1990*, should be amended to permit a pause in review time in cases where there are outstanding municipal requests of developers for revised or supporting documents needed as part of the development application.

Municipalities should not bear the consequence of a lapsed review time period due to an applicant's inability to provide sufficient information. Municipalities rely on supporting documents during application review to produce evidence-based recommendations to Council.

Concern with shortened timelines for planning approval and notice

Niagara strongly opposes proposed *Planning Act, 1990* amendments to shorten review and approval timelines.

The reduced time will strain the ability for municipal staff to complete a comprehensive review and conduct meaningful consultation and co-ordination.

These reduced timeframes could result in a lower quality of work or the need for additional staffing. This change, combined with the revisions to Local Planning Appeal Tribunal, will require municipalities to dedicate more staff time and resourcing towards addressing appeals, rather than traditional business priorities.

Retain notice requirements for Plan of Subdivision

Proposed amendments to subsection 51(20) of the *Planning Act, 1990* eliminates the requirement for an approval authority to give notice to prescribed persons or bodies prior to making a decision on a Plan of Subdivision application.

We ask that the forthcoming revised regulation continue to require approval authorities to provide notice to prescribed persons or bodies both prior to and following a decision. This requirement is good practice since it improves fairness and transparency for interested stakeholders.

Changes to Development Charge (DC) process

Concern with administration and collection of DCs in proposed process

The Region has significant concerns with the proposed six-year phase-in of hard service development charges for rental and non-profit housing, and non-residential development.

The Region and its local area municipalities do not have the staffing or technological resources in place to support these proposed changes. The Region strongly recommends the government delay this amendment to allow for proper planning and consultation in order to better implement these major transitions and set up new processes.

Under the current DC administrative framework, there is frequently one point in the process where municipalities must engage the applicant in relation to collecting development-related costs. Under the proposed incremental system, municipalities will need to engage the developer/applicant up to 10 points in the process, as well as organize and potentially fund a land appraisal under the community benefit charge by-law. The Region requests that the current administrative framework be maintained.

Niagara Region and its local area municipalities will need to transform current business processes if the proposed amendments to the *Development Charges Act, 1997*, and *Planning Act, 1990*, are implemented. It will be a major administrative burden to collect DC payments through 6 installments, as well as keep track of interest owed to the municipality. This may require the use of additional agreements registered on title, which will incur further costs and administration to municipalities.

Niagara Region and its local municipalities will be challenged to track applicants/businesses over many years, particularly during instances where a business goes bankrupt, is sold or moves. This would inadvertently force municipalities to allocate additional staffing and resources towards responsibilities to administer and enforce the collection of these payments.

Considerable financial impacts of new DC regime

The *Development Charge Act, 1997* changes are likely to have significant financial impact for the Region. The full cost and administrative burden cannot be determined without the regulations. The following analysis is based on information currently available.

At this time, the Region collects funds through DCs and allocates these funds to relevant projects during the annual budget process. Based on the 2019 approved budget and current

revenue projects, the Region is projecting \$538M in DCs collected for the 2019-2028 period, as shown in Table 1 below.

Table 1: Projected forecast of annually collected Regional DCs.

Summary of Regional Development Charge Collections (\$Ms)											
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	Total
DCs Collected - Hard Service	41.03	42.73	43.59	44.46	45.35	46.26	47.18	48.13	49.09	50.07	457.88
DCs Collected - Soft Service	3.33	7.95	8.11	8.27	8.44	8.61	8.78	8.96	9.13	9.32	80.90
Total	44.36	50.69	51.70	52.73	53.79	54.86	55.96	57.08	58.22	59.39	538.79

The 2019-2028 capital program planned to be funded from these revenue sources (including funding already in reserve funds) is shown in Table 2 below.

Table 2: Projected DC fund allocation towards Regional Capital Programs.

Summary of Capital Programs Funded from Development Charges (\$Ms)											
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	Total
DCs Collected - Hard Service	56.36	31.40	31.91	44.96	62.07	62.34	36.44	51.35	19.42	17.94	414.19
DCs Collected - Soft Service	29.32	0.93	-	-	-	-	-	-	-	-	30.25
Total	85.67	32.33	31.91	44.96	62.07	62.34	36.44	51.35	19.42	17.94	444.44

The impact on cash flow that the proposed DC calculation and collection will have on municipalities will be significant. It is estimated that the Region collects DCs on over 100 of these property types each year. The delayed cash flow will result in either a delay in the implementation of capital projects, increased debt and associated cost to accommodate the loss of cash flow, or increased pressure on the taxpayer.

Establish criteria for “rental” applications eligible for 6-year incremental DC payments.

MMAH should establish specific criteria for “rental housing development” applications that would qualify for incremental DC payments under section 26.1 of the *Development Charges Act, 1997*.

Changes proposed in Bill 108 do not identify a specified threshold or amount of rental units that would qualify a proposed application as a “rental housing development”. The Region is concerned that a predominantly privately-owned development, with few or even one rental unit, would qualify, which would not uphold the legislative intent.

Community Benefits Charge (CBC)

Concern with the calculation and application of a CBC

Many key details and components related to the implementation of a CBC have not been provided by the Province. The true financial impacts of this tool, and the Region's ability to recover soft service costs and parkland will be unknown until these are released.

The Region requests that MMAH consult with municipalities and allow comment on draft regulations associated with Bill 108. This would allow municipalities to analyze and determine impacts of a CBC and try to address anticipated budgeting and other issues prior to implementation.

Land value appraisal process is illogical

We anticipate problems with the proposed CBC land value appraisal process for determining soft servicing costs.

First, the value of the property may not necessary reflect its required servicing needs. Therefore, a CBC will not adjust based on an applications proposed intensity or scale. This could create a void between the soft service funds spent by a municipality and the amount collected.

Second, Niagara Region and its local area municipalities are concerned about using land value as a method of assessing soft servicing costs since providing services is not usually related to its appraised value. For example, the cost of playground equipment needed in a new neighbourhood is the same, regardless of whether the value of the property is high or low. Land values across Niagara vary drastically and are not always linked to population or employment within that geography.

Third, land value is subjective and appraisals are often contested. Land values can be unpredictable, volatile, and significantly influenced by external factors. Land appraisals can become outdated quickly and are easily subjected to scrutiny and contention. Niagara cautions that conflict around appraisals in other planning cases are common and that this process may result in substantial incurred costs and undue burden to municipalities.

Establish criteria for eligible CBC “in-kind contributions”

The MMAH should establish eligibility requirements for “in-kind contributions” in lieu of cash on a remaining CBC balance.

Further, the Region requests clarification on whether in-kind contributions collected by municipalities count towards its 60% annual spending/allocation requirement, or if this requirement pertains solely to cash.

Clarification needed on the contents and expectation of a CBC Strategy

The Region requests clarification on the contents, requirements, and expectations of a CBC Strategy. The Region suggests that a CBC Strategy could be structured similar to a DC Background Study.

Clarification needed on the CBC cap and its interest rates

The Region will better understand the true financial impacts of a CBC once the CBC cap percentage and its associated interest rate is set out by regulation. Niagara requests that MMAH consult further with municipalities before prescribing the CBC cap and interest rate, as the cap must support a municipality's ability to attain revenue neutrality.

Niagara recommends that the prescribed CBC cap be equal to or greater than 5%; if the CBC cap were less than 5%, a CBC would be a less favourable tool for implementation than the parkland dedication amount currently permitted in the *Planning Act, 1990*.

Relationship between DCs and CBCs in a two-tier municipal structure

Niagara requests clarification in regards to the relationship between the implementation of CBC and DC collection within a two-tier government structure. For example, if a lower-tier municipality implements a CBC, how this will influence the ability for the upper-tier municipality to collect its applicable DC.

As proposed, it is unclear whether these tools are able to co-exist if implemented by separate municipal bodies in the same geography.

Unfavourable restrictions on parkland fee collection

Niagara does not support revisions to the calculation of a parkland dedication fee through restricting a municipality's ability to request an alternative fee beyond the traditional 5% / 2% amount of land calculation.

The traditional parkland dedication rate does not work for developments of higher density since the site area is fixed regardless of the proposed use or development intensity. Therefore, the same 5% area (fee) would apply to a site regardless of whether it is approved with a 3 storey or 20 storey building, notwithstanding that the needs for service is greater with a 20 storey building.

Municipalities should have the ability to request an alternative fee dependent on the proposed scale/intensity of the application in relation to the site.

The Region has concern that municipalities will not be able to collect sufficient parkland dedication regardless of whether it keeps a traditional parkland by-law (since a traditional rate is insufficient, particularly for multi-storey projects) or implements a CBC By-law.

Revisions to decisions and objections to Part IV heritage matters

Council should retain authority over heritage, not the LPAT

Proposed amendments grant authority to the LPAT to manage and decide on heritage matters.

Niagara has serious concern with proposed amendments that reduce municipal Council's decision-making authority. Niagara recommends that municipal Council's retain this authority on all Part IV heritage matters.

Further, the Region does not support broadening the scope and type of hearings managed by the LPAT. The inclusion of heritage matters under the LPATs authority will add complexity to the heritage process, as well as incur additional staff resources and costs to both municipalities and applicants.

LPAT adjudicators should have heritage expertise

The LPAT should commit to resourcing its adjudicators with expertise to hear heritage-related cases since these matters have not traditionally been before the LPAT or OMB.

Conclusion

Additional comments on proposed amendments to the *Development Charges Act, 1997*, is provided in the enclosed tables.

The Region appreciates the opportunity to provide these comments. Please contact myself if you have questions or require additional information.

Respectfully submitted and signed by



Rino Mostacci, MCIP, RPP
Commissioner of Planning and Development Services
Niagara Region

Attachment:

Comment table: Niagara Region's comments towards proposed amendments to the *Development Charges Act, 1997* (ERO #019-0017)

ATTACHMENT

Bill 108: proposed amendments to the *Development Charges Act, 1997* (ERO #019-0017)

Commissioner of Planning and Development Services of the Regional Municipality of Niagara



Section #	Proposed <i>Development Charges Act, 1997</i> revision Text = Province removed <u>Text</u> = Province added	Niagara Region's comments
PART II: DEVELOPMENT CHARGES		
2 Development charges		
2(3)	Same An action mentioned in clauses (2) (a) to (g) does not satisfy the requirements of subsection (2) if the only effect of the action is to, <ul style="list-style-type: none"> a) permit the enlargement of an existing dwelling unit; or b) permit the creation of up to two additional dwelling units as prescribed, subject to the prescribed restrictions, in prescribed classes of existing residential buildings. 1997, c. 27, s. 2 (3); or prescribed structures ancillary to existing residential buildings. <p>Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 2 (3) of the Act is amended by striking out "or" at the end of clause (a), by adding "or" at the end of clause (b) and by adding the following clause: (See: 2016, c. 25, Sched. 1, s. 1)</p> <p>c) permit the creation of a second dwelling unit, subject to the prescribed restrictions, in prescribed classes of proposed new residential buildings.</p>	Expanding this exemption would increase the cost of growth-related infrastructure passed on to the existing tax base.
2(3.1)	<u>Exemption for second dwelling units in new residential buildings</u> <u>The creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, is, subject to the prescribed restrictions, exempt from development charges.</u>	
2(4)	Ineligible services <u>What services can be charged for</u> A development charge by-law may not impose development charges to pay for increased capital costs required because of increased needs for a service that is prescribed as an ineligible service for the purposes of this subsection. 2015, c. 26, s. 2 (2); only for the following services: <ul style="list-style-type: none"> 1. <u>Water supply services, including distribution and treatment services.</u> 	The Province has not provided sufficient information to determine the true impact to existing DC By-laws. Regional staff do not support this revision, as it will create significant administrative inefficiencies for municipalities. Municipalities will be required to pass a separate Community Benefit Charge By-law under the <i>Planning Act, 1990</i> to recover growth-related costs associated to soft services.

ATTACHMENT

Bill 108: proposed amendments to the *Development Charges Act, 1997* (ERO #019-0017)

Commissioner of Planning and Development Services of the Regional Municipality of Niagara



Section #	Proposed <i>Development Charges Act, 1997</i> revision Text = Province removed <u>Text</u> = Province added	Niagara Region's comments
	<ol style="list-style-type: none"> 2. <u>Waste water services, including sewers and treatment services.</u> 3. <u>Storm water drainage and control services.</u> 4. <u>Services related to a highway as defined in subsection 1 (1) of the <i>Municipal Act, 2001</i> or subsection 3 (1) of the <i>City of Toronto Act, 2006</i>, as the case may be.</u> 5. <u>Electrical power services.</u> 6. <u>Policing services.</u> 7. <u>Fire protection services.</u> 8. <u>Toronto-York subway extension, as defined in subsection 5.1 (1).</u> 9. <u>Transit services other than the Toronto-York subway extension.</u> 10. <u>Waste diversion services.</u> 11. <u>Other services as prescribed.</u> 	<p>Further, municipalities would have to maintain two separate by-laws in order to recover growth related-costs previously included under the <i>Development Charge Act, 1997</i>.</p>
5 Determination of development charges		
5(3)	<p>Capital costs, inclusions</p> <p>The following are capital costs for the purposes of paragraph 7 of subsection (1) if they are incurred or proposed to be incurred by a municipality or a local board directly or by others on behalf of, and as authorized by, a municipality or local board:</p> <ol style="list-style-type: none"> 1. Costs to acquire land or an interest in land, including a leasehold interest. 2. Costs to improve land. 3. Costs to acquire, lease, construct or improve buildings and structures. 4. Costs to acquire, lease, construct or improve facilities including, <ol style="list-style-type: none"> i. rolling stock with an estimated useful life of seven years or more, and ii. furniture and equipment, other than computer equipment, and iii. materials acquired for circulation, reference or information purposes by a library board as defined in the <i>Public Libraries Act</i>. 	<p>Although the Region is not responsible for library services, removal of library materials from eligible costs may result in reduced services levels or increase in growth-related costs passed on to the existing tax base.</p>

ATTACHMENT

Bill 108: proposed amendments to the *Development Charges Act, 1997* (ERO #019-0017)

Commissioner of Planning and Development Services of the Regional Municipality of Niagara



Section #	Proposed <i>Development Charges Act, 1997</i> revision Text = Province removed <u>Text</u> = Province added	Niagara Region's comments
	5. Costs to undertake studies in connection with any of the matters referred to in paragraphs 1 to 4. 6. Costs of the development charge background study required under section 10. 7. Interest on money borrowed to pay for costs described in paragraphs 1 to 4. 1997, c. 27, s. 5 (3).	
5(5)	<p>Services with no percentage reduction</p> <p>The services referred to in paragraph 8 of subsection (1), for which there is no percentage reduction, are the following:</p> <ul style="list-style-type: none"> 1. Water supply services, including distribution and treatment services. 2. Waste water services, including sewers and treatment services. 3. Storm water drainage and control services. 4. Services related to a highway as defined in subsection 1 (1) of the <i>Municipal Act, 2001</i> or subsection 3 (1) of the <i>City of Toronto Act, 2006</i>, as the case may be. 5. Electrical power services. 6. Police services. <p>Note: On a day to be named by proclamation of the Lieutenant Governor, the English version of paragraph 6 of subsection 5 (5) of the Act is repealed and the following substituted: (See: 2019, c. 1, Sched. 4, s. 14)</p> <ul style="list-style-type: none"> 6. Policing. 7. Fire protection services. —7.1 Toronto-York subway extension, as defined in subsection 5.1 (1). —7.2 Transit services other than the Toronto-York subway extension. —8. Other services as prescribed. 1997, c. 27, 	<p>Establishing a prescribed reduction for hard service costs would increase the cost of growth-related infrastructure passed on to the existing tax base.</p> <p>The Region notes that current DC background calculations already factor a reduction for benefit to existing development.</p>
9.1 Transitional matters respecting community benefits under <i>Planning Act</i>		
9.1(1)	<p><u>Transitional matters respecting community benefits under <i>Planning Act</i></u></p> <p><u>By-law remains in force</u></p> <p><u>Despite subsection 9 (1), a development charge by-law that would expire on or after May 2, 2019 and before the prescribed date shall</u></p>	<p>The Province has not provided sufficient information to determine the true impact to existing DC By-laws.</p> <p>The Region suggests the Province prescribe a date 5 years after May 2, 2019 to allow for municipalities that have recently passed a by-law after May 2, 2019 to be transitioned accordingly.</p>

ATTACHMENT

Bill 108: proposed amendments to the *Development Charges Act, 1997* (ERO #019-0017)

Commissioner of Planning and Development Services of the Regional Municipality of Niagara



Section #	Proposed <i>Development Charges Act, 1997</i> revision Text = Province removed <u>Text</u> = Province added	Niagara Region’s comments
	<u>remain in force as it relates to the services described in subsection (3) until the earlier of,</u> a) <u>the day it is repealed;</u> b) <u>the day the municipality passes a by-law under subsection 37 (2) of the <i>Planning Act</i> as re-enacted by section 9 of Schedule 12 to the <i>More Homes, More Choice Act, 2019</i>;</u> <u>and</u> c) <u>the prescribed date.</u>	Further, the absence of an adequate transition policy will create additional confusion and red tape for developers (i.e., multiple DC by-laws with multiple policies, specifically in a two-tier municipal structure).
9.1(2)	<u>By-law deemed to expire</u> <u>Unless it is repealed earlier, a development charge by-law that would expire on or after the prescribed date is deemed to have expired as it relates to the services described in subsection (3) on the earlier of,</u> a) <u>the day the municipality passes a by-law under subsection 37 (2) of the <i>Planning Act</i> as re-enacted by section 9 of Schedule 12 to the <i>More Homes, More Choice Act, 2019</i>;</u> <u>and</u> b) <u>the prescribed date.</u>	
26.1 Certain types of development, when charge payable		
26.1(2)	<u>Same</u> <u>The types of development referred to in subsection (1) are the following:</u> 1. <u>Rental housing development.</u> 2. <u>Institutional development.</u> 3. <u>Industrial development.</u> 4. <u>Commercial development.</u> 5. <u>Non-profit housing development.</u>	As proposed, it is unclear how the inclusion of (2) institutional; (3) industrial; and (4) commercial developments in this section will create additional affordable housing supply.
26.1(3)	<u>Six annual instalments</u> <u>A development charge referred to in subsection (1) shall be paid in equal annual instalments beginning on the earlier of the date of the issuance of a permit under the <i>Building Code Act, 1992</i> authorizing occupation of the building and the date the building is first occupied, and continuing on the following five anniversaries of that date.</u>	<p>This new process will significantly increase municipal administration burden to maintain payment schedules and engage with applicants.</p> <p>Proposed revisions will require the Region to develop an entirely new payment installment tracking system. The Region will be required to maintain hundreds of new payment schedules each year.</p>

ATTACHMENT

Bill 108: proposed amendments to the *Development Charges Act, 1997* (ERO #019-0017)

Commissioner of Planning and Development Services of the Regional Municipality of Niagara



Section #	Proposed <i>Development Charges Act, 1997</i> revision Text = Province removed <u>Text</u> = Province added	Niagara Region's comments
		<p>The Region requests the Province to provide insight in regards to how municipalities will fund these new payment installment tracking systems, and whether provincial funding will be provided to assist with implementation.</p> <p>The Province should clarify instances where municipalities are expected to enter into agreements with installment payees to ensure sufficient financial security.</p>
26.1(5)	<p><u>Notice of occupation</u></p> <p><u>A person required to pay a development charge referred to in subsection (1) shall, unless the occupation of the building in respect of which the development charge is required is authorized by a permit under the <i>Building Code Act, 1992</i>, notify the municipality within five business days of the building first being occupied.</u></p>	<p>This change will significantly increase municipal administrative burden, as it requires municipalities to monitor occupancy dates to ensure compliance with this section.</p>
26.1(7)	<p><u>Interest</u></p> <p><u>A municipality may charge interest on the instalments required by subsection (3) from the date the development charge would have been payable in accordance with section 26 to the date the instalment is paid, at a rate not exceeding the prescribed maximum interest rate.</u></p>	<p>Interest alone will likely not sufficiently offset the financial impact experienced by municipalities caused by delayed payments.</p> <p>Additionally, this revision will further compound the municipal administrative burden, as municipalities are responsible to maintain payment schedules.</p>
26.1(8)	<p><u>Unpaid amounts added to taxes</u></p> <p><u>Section 32 applies to instalments required by subsection (3) and interest charged in accordance with subsection (7), with necessary modifications.</u></p>	<p>The Region cautions that during instances of default DC payment, the responsibility of payment would transfers from the developer to subsequent property owner/purchaser.</p> <p>During instances of default on payments, upper-tier municipalities would need to coordinate with lower-tiers to have amounts added to tax. This coordination will require additional municipal staffing and resourcing.</p>
26.1(9)	<p><u>Change in type of development</u></p> <p><u>If any part of a development to which this section applies is changed so that it no longer consists of a type of development set out in subsection (2), the development charge, including any interest</u></p>	<p>Municipalities will be responsible to monitor changes in development uses to ensure collection compliance as described in this section. This will inevitably increase municipal administrative burden on staffing and resourcing.</p>

ATTACHMENT

Bill 108: proposed amendments to the *Development Charges Act, 1997* (ERO #019-0017)

Commissioner of Planning and Development Services of the Regional Municipality of Niagara



Section #	Proposed <i>Development Charges Act, 1997</i> revision Text = Province removed <u>Text</u> = Province added	Niagara Region's comments
	<u>payable, but excluding any instalments already paid in accordance with subsection (3), is payable immediately.</u>	
26.2 When the amount of development charge is determined		
26.2(1)	<p><u>When amount of development charge is determined</u></p> <p><u>The total amount of a development charge is the amount of the development charge that would be determined under the by-law on,</u></p> <p><u>a) the day an application for an approval of development in a site plan control area under subsection 41 (4) of the <i>Planning Act</i> was made in respect of the development that is the subject of the development charge;</u></p> <p><u>b) if clause (a) does not apply, the day an application for an amendment to a by-law passed under section 34 of the <i>Planning Act</i> was made in respect of the development that is the subject of the development charge; or</u></p> <p><u>c) if neither clause (a) nor clause (b) applies,</u></p> <p><u>i. in the case of a development charge in respect of a development to which section 26.1 applies, the day the development charge would be payable in accordance with section 26 if section 26.1 did not apply, or</u></p> <p><u>ii. in the case of a development charge in respect of a development to which section 26.1 does not apply, the day the development charge is payable in accordance with section 26.</u></p>	<p>The Region notes that municipalities will be responsible to track planning application dates in order to verify applicable DCs. This will increase municipal administrative burden.</p> <p>The Region cautions that changing the DC calculation date effectively reduces the amount collected by the municipality through the charge. This will inadvertently increase the cost of growth-related infrastructure passed on to the existing tax base, or limit municipal fiscal capacity to deliver growth-related infrastructure.</p>
26.2(5)	<p><u>Exception, prescribed amount of time elapsed</u></p> <p><u>Clauses (1) (a) and (b) do not apply in respect of,</u></p> <p><u>a) any part of a development to which section 26.1 applies if, on the date the first building permit is issued for the development, more than the prescribed amount of time has elapsed since the application referred to in clause (1) (a) or (b) was approved; or</u></p> <p><u>b) any part of a development to which section 26.1 does not apply if, on the date the development charge is payable, more than the prescribed amount of time has elapsed since the application referred to in clause (1) (a) or (b) was approved.</u></p>	<p>The Region recommends the Province consider including a specific time elapsed clause.</p> <p>Should a time elapsed clause be introduced, the Region requests the Province to consult with municipalities to determine an appropriate timeframe.</p>

May 29, 2019

Mr. John Ballantine
Manager, Municipal Finance Policy Branch
Ministry of Municipal Affairs and Housing
13th Floor, 777 Bay Street
Toronto, Ontario
M5G 2E5

Dear Mr. Ballantine:

Re: Bill 108: Potential Changes to the Development Charges Act

On behalf of our many municipal clients, by way of this letter we are summarizing our perspectives on the changes to the *Development Charges Act* (D.C.A.) as proposed by Bill 108.

Watson & Associates Economists Ltd.

Watson & Associates Economists Ltd. is a firm of municipal economists, planners and accountants, which has been in operation since 1982. With a municipal client base of more than 250 Ontario municipalities and utility commissions, the firm is recognized as a leader in the municipal finance/local government field. The firm's Directors have participated extensively as expert witnesses on development charge (D.C.) and municipal finance matters at the Local Planning Appeal Tribunal (formerly known as the Ontario Municipal Board) for over 37 years.

Our background in D.C.s is unprecedented including:

- carrying out over one-half of the consulting work completed in Ontario in the D.C. field during the past decade; and
- providing submissions and participating in discussions with the Province when the D.C.A. was first introduced in 1989 and with each of the amendments undertaken in 1997 and 2015.

Changes to Eligible Services

The Bill proposes to remove “soft services” from the D.C.A. These services will be considered as part of a new “community benefits charge” (discussed below) imposed under the Planning Act. Eligible services that will remain under the D.C.A. include water, wastewater, stormwater, services related to a highway, policing, fire, transit and waste diversion.



As provided below (a detailed summary is provided in Appendix A), Province-wide this change would remove 20% of annual collections from the D.C.A.

Table 1 - Development Charge Collections - 2013 to 2017

Service Category	Total Collections 2013 to 2017	Annual Average Collections	Percentage of Total
Services Continued Within D.C.A.	\$ 8,069,285,661	\$ 1,613,857,132	80%
Services to be Moved to Community Benefits Charge	1,967,192,671	393,438,534	20%
Total	\$10,036,478,333	\$ 2,007,295,667	100%

Since it is unclear as to the potential ability to replace these revenues with the proposed community benefits charge, a number of concerns are raised:

- Many municipalities have constructed facilities for these various services, and the ability to recoup the annual debt charges is in question. This lost revenue may shift the burden directly onto existing taxpayers.
- A number of municipalities enter into agreements to have the developing landowner fund certain services (e.g. parkland development) and provide D.C. credits at the time of building permit issuance. It is unclear how a municipality is to honour these commitments given the new revenue structure.
- Many municipalities have projects for these services in progress. The lost funding may put these projects in jeopardy.
- Many municipalities have borrowed D.C. revenues from another D.C. service to fund these expenditures. Once again, it is unclear how to fund these balances.
- Municipalities have concerns with the potential of the Minister to limit the scope of eligible services for which community benefits charges could be imposed through regulation, particularly as this might relate to future funding plans based on this revenue source.

Waste Diversion

The Bill would remove the mandatory 10% deduction for this service.

This change will be helpful to municipalities in funding this service. Moreover, the ability to forecast the increase in needs over a period longer than 10 years will allow municipalities to better determine the long-term average increase in needs.



Payment in Installments Over Six Years

The Bill proposes that rental housing, non-profit housing and commercial/industrial/institutional developments pay their development charges in six equal annual payments commencing the earlier of the date of issuance of a building permit or occupancy. If payments are not made, interest may be charged (at a prescribed rate) and may be added to the property and collected as taxes.

As the proposed changes to the D.C.A. are to facilitate the Province's affordable housing agenda, it is unclear why these installment payments are to be provided to commercial, industrial and institutional developments. Table 2 presents the number of non-residential building permits issued annually by Ontario municipalities over the period 2012 to 2017. Based on the past six years, municipalities would be managing installment collections on almost half a million building permits.

Table 2 - Non-residential Building Permits Issued - 2012 to 2017

Service	2012	2013	2014	2015	2016	2017	Total
Permits Issued	67,795	75,182	76,189	79,070	86,158	82,640	467,034

Source: Financial Information Returns - 2012 to 2017

Based on the above:

- Administration of this process to undertake annual collections, follow up on delayed payments, and pursue defaulting properties would increase administrative staffing needs significantly. If an ability to recover these administrative costs is not provided, then this would be a direct impact on property taxes.
- It is unclear what security requirements the municipality may impose. As the building permit is most often taken out by the builder, there is a disconnect with the potential owner of the building. We would recommend that the D.C.A. provide the ability to either receive securities or be able to register the outstanding collections on title to the property.
- The delay in receiving the D.C. revenue will impact the D.C. cashflow. As most of these "hard services" must be provided in advance of development occurring, it will require increased debt and borrowing costs. Added interest costs will place upward pressure on the D.C. quantum.

When the D.C. Amount is Determined

The Bill proposes that the D.C. amount for developments proceeding by site plan approval or requiring a zoning by-law amendment, shall be determined based on the D.C. charge in effect on the day of the application for site plan approval or zoning by-law amendment. If the development is not proceeding via these planning approvals,



then the amount is determined the earlier of the date of issuance of a building permit or occupancy.

Based on the above:

- We perceive the potential for abuse with respect to the zoning change requirement. A minor change in a zoning would activate this section of the D.C.A. and lock-in the rates. This would give rise to enhancing the land value of the property as it has potentially lower D.C. payments.
- D.C.s tend to increase in subsequent five-year reviews, because the underlying D.C.A. index does not accurately reflect the actual costs incurred by municipalities. Locking-in the D.C. rates well in advance of the building permit issuance would produce a shortfall in D.C. revenue, as the chargeable rates will not reflect the current rate (and therefore current costs) as of the time the development proceeds to be built. If municipalities are being required to maintain these charges, then the D.C.A. should provide for adjustment to reflect changes in actual costs, allow for ease of amendment between review periods, and index charges based on actual cost experience.
- There should be a time limit established in the D.C.A. as to how long the development takes to move from site plan application, or zoning application, to the issuance of a building permit. There is no financial incentive for the development to move quickly to building permit if this is not provided. Although the D.C.A. indicates that the Minister may regulate this, if no regulation is provided then the rates would be set in perpetuity.

Second Dwelling Units in New Residential Developments or Ancillary to an Existing Dwelling Unit are to be Exempt from Paying Development Charges

We perceive that imposing an immediate exemption for a second unit in a new home will cause considerable problems for existing agreements with developers. Potential impacts could include:

- For existing agreements and in certain circumstances, the developer may not recover the full amount of the agreed-to funding.
- Alternatively, the municipality may have to recognize the potential funding loss. The municipality then must generate the funding even though these expenditures were not planned. This may cause direct impacts on debt levels, tax/use rates or delays in future funding given the added net costs to build the infrastructure.
- The potential arises for the conditions within these agreements to now be challenged in court in light of the provincial regulation changes, giving rise to considerable legal expense, delays in development (given the uncertainty of the outcome) and loss of confidence in negotiating future agreements.



- Note also that, with respect to allocation of capacity for water and wastewater servicing, there may be further impacts given Environmental Assessment approvals for targeted development levels.
- Increasing the number of statutory exemptions also results in a revenue loss for municipalities that have to be funded from non-D.C. funding sources, thus increasing the obligation on property taxes.

Soft Services to be Included in a New Community Benefits Charge Under the Planning Act

It is proposed that a municipality may, by by-law, impose community benefits charges against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment in the area to which the by-law applies. These services may not include those authorized by the D.C.A. Various provisions are proposed as follows:

- *Before passing a community benefits charge by-law, the municipality shall prepare a community benefits charge strategy that, (a) identifies the facilities, services and matters that will be funded with community benefits charges; and (b) complies with any prescribed requirements.*
- *Land for parkland purposes will be included in this charge.*
- *The amount of a community benefits charge payable shall not exceed an amount equal to the prescribed percentage of the value of the land as of the valuation date.*
- *The valuation date is the day before building permit issuance.*
- *Valuations will be based on the appraised value of land. Various requirements are set out in this regard.*
- *All money received by the municipality under a community benefits charge by-law shall be paid into a special account.*
- *In each calendar year, a municipality shall spend or allocate at least 60 per cent of the monies that are in the special account at the beginning of the year.*
- *Requirements for annual reporting shall be prescribed.*
- *Transitional provisions are set out regarding the D.C. reserve funds and D.C. credits.*

The proposed changes are limited, in that the details are left to be defined by Regulation. As such:

- More information is needed, as there are several key items to be included as part of the regulations; i.e. what items are to be included in community benefits charge strategy and what percentage of the “value of land” is to be eligible for collection.
- Depending on what is to be included in the community benefits charge strategy, this may be undertaken at a similar time as the D.C. background study. As



noted, however, it is unclear as to the prescribed items to be included along with the process required to adopt the strategy and the by-law.

- The potential for future parkland is minimized by including it as part of the charge along with all other “soft services.”
- Concern is raised regarding what prescribed percentage of the land value will be allocated for the charge. If the same percentage is provided for all of Ontario, then a single family lot in Toronto valued at \$2 million will yield 20 times the revenue of a \$100,000 lot in eastern Ontario. Given that building costs for the same facilities may only vary by, say, 15%, the community benefits charge will yield nominal funds to pay for required services for most of Ontario. As such, if prescribed rates are imposed, these should recognize regional, in not area-municipal, distinctions in land values.
- It is unclear how the community benefits charge will be implemented in a two-tier municipal system. Given that both the upper and lower tiers will have needs, there is no guidance on how the percentage of the land value will be allocated or how the process for allocating this would occur. Obviously, land values will vary significantly in urban versus semi-urban communities (e.g. in York Region, land value in Markham is significantly higher than in Georgina), so that the upper tier needs may only take, say, 30% of the allotted value in the urban areas but 75% to 90% of the allotted semi-urban or rural values.
- Given the need for appraisals and the ability of the applicant to challenge the appraisal, a charging system based on land values will be extremely cumbersome and expensive. It is unclear how appraisal costs are recovered and the appraisals may become significant costs on each individual property.

By-laws That Expire After May 2, 2019

The Bill provides in subsection 9.1 (1) that a development charge by-law expiring on or after May 2, 2019 and before the prescribed date shall remain in force as it relates to the soft services being moved to community benefits charges.

Confusion is produced by this section of the Bill. There are many municipal D.C. by-laws (over 70) currently set to expire between May and August of this year. Until the Bill is passed into law, these D.C. by-laws will need to be replaced by new ones. This section of the Bill should be amended to reflect that the new D.C. rates in effect at the time of the new legislation coming into force will continue so as to not present confusion over rates as of May 2, 2019 versus rates passed under these new D.C. by-laws.

Conclusions/Observations

In late 2018/early 2019, the Province invited many sectors to participate in the Province’s Housing Supply Action Plan. This process included specialized Development Charges and Housing Affordability Technical Consultations undertaken to provide input to this Action Plan. From those discussion sessions undertaken with members of the development/building community, it was acknowledged that there are



challenges for the development/building community to address the housing needs for certain sectors of the housing market. Rental housing is one example of an area where the low profit margins and high risks may limit participation by developer/builders; however, there clearly does not appear to be a Province-wide concern with D.C. rates that would warrant a wholesale reduction/elimination of D.C.s for any particular service. Arising from those discussions it was expected that these matters would be the focus of the legislated changes; however, Bill 108 has varied significantly from that target:

- The Bill makes wholesale changes to the D.C.A. which will restrict revenues collected from all forms (and all prices) of housing. Hence, the target is no longer rental or affordable housing focused. Where municipalities have been developing D.C. policies and programs to address affordable housing needs directly, the loss of D.C. funding will make these programs unaffordable due to the overall revenue lost.
- The Bill has introduced changes to collections and locking in rates, which directly benefit commercial, industrial and institutional developments, that were not part of the Province's Housing Supply Action Plan. It is unclear why this has been introduced. The six-payment plan for this sector is expected to be expensive and cumbersome to administer.
- Many transitional items have not been addressed and it is unclear whether the developing land owner is responsible for potential revenue losses or whether that will be the responsibility of the municipality. These matters need to be addressed, otherwise time and money will be spent clarifying these matters in the courts.
- The Regulations to define the new community benefits charges have not been circulated with the Bill; hence, the magnitude of the impact cannot be calculated. It is anticipated, however, that a significant amount of revenue will be lost along with additional lands for park purposes. This either places a direct burden onto taxpayers or will reduce service levels significantly for the future.

Yours very truly,

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Appendix A

Development Charge Collections 2013 to 2017



Appendix A: Development Charge Collections 2013 to 2017

Development Charge Collections - 2013 to 2017

Service	2013	2014	2015	2016	2017	Total	Average Annual
Services Continued Within D.C.A.							
Development Studies	\$ 6,785,229	\$ 7,539,525	\$ 9,634,244	\$ 9,536,538	\$ 11,607,836	\$ 45,103,372	\$ 9,020,674
Fire Protection	19,100,753	23,624,512	24,765,253	27,313,942	26,978,473	121,782,933	24,356,587
Police Protection	16,473,155	18,511,592	20,652,998	18,378,613	20,548,089	94,564,447	18,912,889
Roads and Structures	459,358,776	612,034,803	690,333,195	779,050,973	719,779,061	3,260,556,808	652,111,362
Transit	76,809,022	132,348,600	130,908,057	132,489,696	136,970,102	609,525,477	121,905,095
Wastewater	226,276,592	326,853,930	366,627,394	442,003,774	377,008,100	1,738,769,790	347,753,958
Stormwater	35,407,598	37,192,646	36,127,040	52,679,456	53,577,620	214,984,360	42,996,872
Water	249,052,732	324,843,966	373,922,202	474,822,033	513,942,477	1,936,583,410	387,316,682
GO Transit	7,594,651	9,005,572	10,515,931	9,837,550	10,461,361	47,415,065	9,483,013
D.C.A. Continued Services	\$ 1,096,858,508	\$ 1,491,955,146	\$ 1,663,486,314	\$ 1,946,112,574	\$ 1,870,873,119	\$ 8,069,285,661	\$ 1,613,857,132
Services to Be Included Within New Section 37 Community Benefits Charge							
Emergency Medical Services	\$ 3,112,736	\$ 4,765,936	\$ 5,128,696	\$ 4,840,840	\$ 5,773,536	\$ 23,621,744	\$ 4,724,349
Homes for the Aged	3,073,247	2,939,550	3,743,039	3,595,331	4,297,427	17,648,594	3,529,719
Daycare	2,499,810	3,301,019	3,088,376	1,760,689	2,473,840	13,123,734	2,624,747
Housing	17,947,287	18,658,790	19,786,738	16,116,747	21,684,247	94,193,809	18,838,762
Parkland Development	64,269,835	88,966,081	84,900,635	73,762,908	87,751,688	399,651,147	79,930,229
Library	28,579,595	33,673,639	32,963,569	33,161,869	34,690,844	163,069,516	32,613,903
Recreation	113,885,296	139,822,233	162,878,471	165,794,581	160,313,825	742,694,406	148,538,881
General Government	12,050,045	12,270,754	12,829,713	21,443,520	8,654,142	67,248,174	13,449,635
Parking	1,906,154	3,594,036	4,821,705	3,986,887	3,947,438	18,256,220	3,651,244
Animal Control	18,224	16,511	44,952	23,839	15,205	118,731	23,746
Municipal Cemeteries	38,942	69,614	55,007	170,736	108,145	442,444	88,489
Other	100,284,812	88,219,453	84,354,637	82,829,254	71,435,996	427,124,152	85,424,830
Services to be Moved to Community Benefits Charge	\$ 347,665,983	\$ 396,297,616	\$ 414,595,538	\$ 407,487,201	\$ 401,146,333	\$ 1,967,192,671	\$ 393,438,534
Total	\$ 1,444,524,491	\$ 1,888,252,762	\$ 2,078,081,852	\$ 2,353,599,776	\$ 2,272,019,452	\$10,036,478,333	\$ 2,007,295,667

Source: Financial Information Returns - 2013 to 2017