



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

PEDC 2-2020

Wednesday, February 12, 2020

1:00 p.m.

Council Chamber

Niagara Region Headquarters, Campbell West

1815 Sir Isaac Brock Way, Thorold, ON

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	Pages
1. <u>CALL TO ORDER</u>	
2. <u>DISCLOSURES OF PECUNIARY INTEREST</u>	
3. <u>PRESENTATIONS</u>	
4. <u>DELEGATIONS</u>	
5. <u>ITEMS FOR CONSIDERATION</u>	
5.1 <u>PDS 2-2020</u> Value Added and Winery Policies in the Niagara Escarpment Plan A presentation will precede consideration of this item.	3 - 52
5.2 <u>ED 2-2020</u> Brock University LINC	53 - 60
6. <u>CONSENT ITEMS FOR INFORMATION</u>	
6.1 <u>PDS-C 1-2020</u> Public Realm Investment Program 2020 Launch	61 - 95
6.2 <u>PDS 3-2020</u> Ecological Land Classification Mapping Update	96 - 99

**7. OTHER BUSINESS****8. NEXT MEETING**

The next meeting will be held on Wednesday, March 11, 2020 at 1:00 p.m. in the Council Chamber, Regional Headquarters.

**9. ADJOURNMENT**

If you require any accommodations for a disability in order to attend or participate in meetings or events, please contact the Accessibility Advisor at 905-980-6000 ext. 3252 (office), 289-929-8376 (cellphone) or [accessibility@niagararegion.ca](mailto:accessibility@niagararegion.ca) (email).



# POLICIES, REGULATIONS AND PROCESSES

## Wineries in Niagara Region

MHBC Planning  
Niagara Region Council Meeting  
February 12, 2020

# OUTLINE

- 1 Regional and Economic Context
- 2 Legislative and Policy Context
- 3 Case Study Review
- 4 Best Practice Research
- 5 Analysis and Recommendations



# 1. Regional Economic Context

The Canadian wine and grape industry is a significant contributor to the Canadian economy in terms of employment, revenue and tourism. Ontario is the largest producer of wine grapes and wine in Canada with the most vineyards (90%) being located in the Niagara Peninsula.<sup>1</sup>

The economic impact of the the Agri-Food Industry in Niagara includes:<sup>2</sup>

93% of  
Ontario's  
Grapes

\$1.4 Billion  
Annually

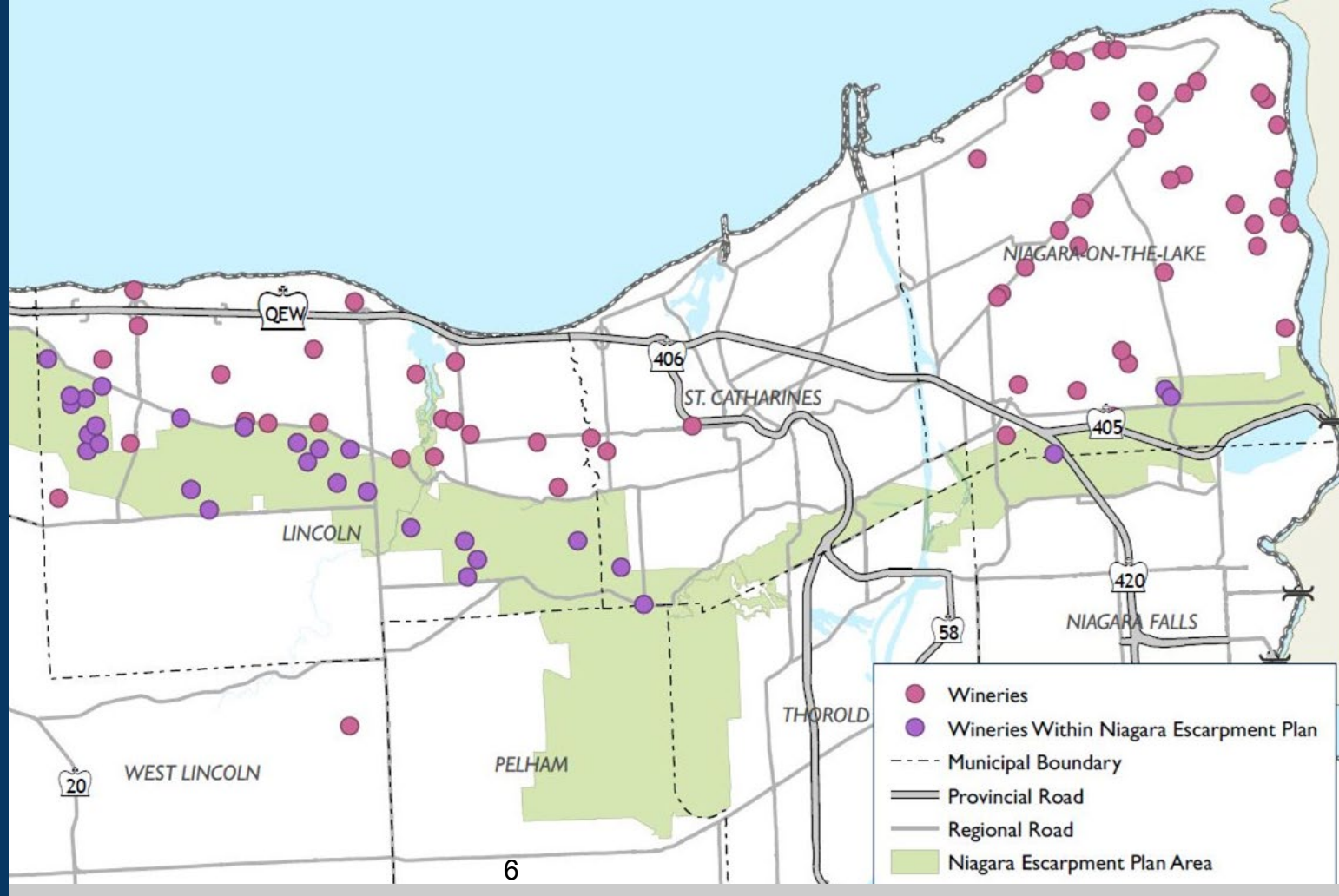
20,000  
Associated  
Jobs

3.7 Million  
Visitors  
Annually

1. A. Franke, Rimerman + Co. LLP Report, March 2017.
2. Canadian Vintners, Canada Economic Impact Report, 2015.

Map of Niagara Region wineries within and outside of the Niagara Escarpment Plan area (PDS 1-2018).

Source: Niagara Region, 2017.



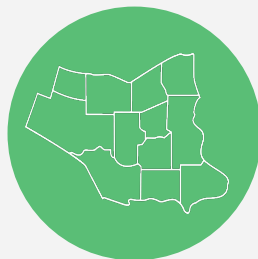
## 2. Legislative and Policy Context

### Wineries and Related Economic Development



#### PROVINCIAL POLICY

- PPS
- Growth Plan
- Green Belt Plan
- Niagara Escarpment Plan
- OMAFRA Guidelines



#### REGIONAL POLICY

- Regional Official Plan



#### LOCAL POLICY

- Local Official Plans
- Zoning By-laws



#### DEVELOPMENT CONTROLS

- Niagara Escarpment Commission

# Evolution of NEP Policy Scope

*Agricultural uses*

*Small scale comm. uses  
accessory to agriculture*

*Small scale comm. and  
industrial development  
servicing agriculture*

*Wineries and cideries*

*Winery incidental facilities*

*Winery events*

*On-farm diversified uses*

*Agriculture related uses*

1985 NEP								
1994 NEP								
2005 NEP								
2017 NEP								

# Niagara Escarpment Plan

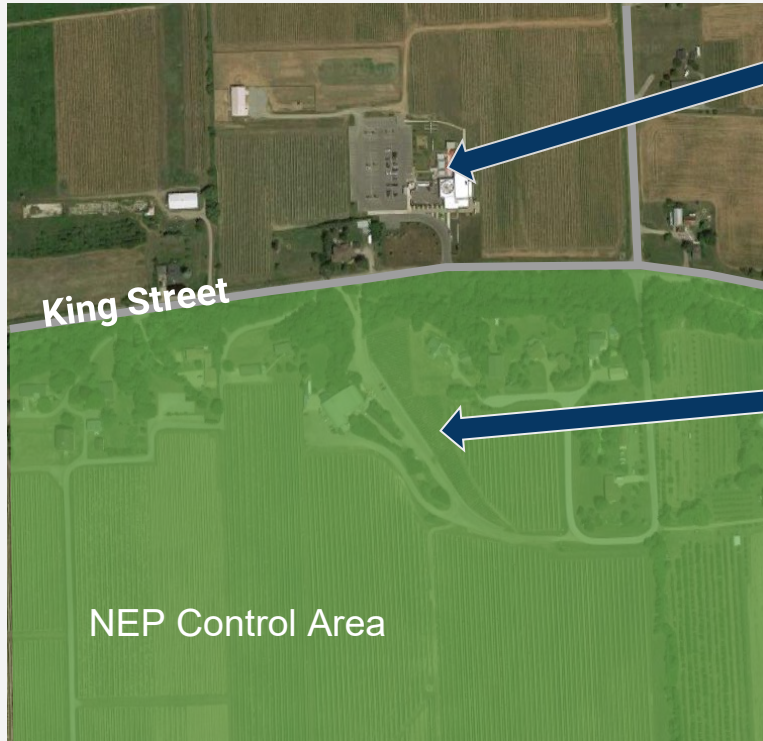
## Accessory Agricultural Designations

Agricultural -Related Uses	On-farm Diversified Uses	Wineries
<ul style="list-style-type: none"><li>• Compatible with surrounding agricultural operations</li><li>• Appropriate to available rural services</li><li>• Use existing buildings, structures and facilities</li><li>• Buildings compatible with open landscape character</li><li>• The gross floor area shall not exceed 3,200 square metres</li></ul>	<ul style="list-style-type: none"><li>• Located on an active farm</li><li>• Limited impact in prime agricultural areas</li><li>• Limited to up to 2% of a farm lot to a max. of 10,000 square metres</li><li>• GFA limited to 20% of the maximum area allowed for on-farm diversified uses</li><li>• Land shall not be severed from the farm lot</li></ul>	<ul style="list-style-type: none"><li>• May be agriculture-related use or on-farm diversified use</li><li>• Single accessory facility to sell wine with limited food service within winery building (no expansions to parking or vehicle access)</li><li>• Permitted uses accessory to winery include retail sales and tasting area and sale of gift/promotional products</li></ul>

# Difference Among Policies

	OMAFRA Guidelines	Niagara Escarpment Plan
<b>Agriculture-related Use Size Limits</b>	No limits on size	Maximum 3200 sq. m. GFA
<b>On-Farm Diversified Use Size Limits</b>	2% up to 10,000 sq. m. total site area	2% up to 10,000 sq. m.
	20% up to 2000 sq. m. (of 2%) of total floor area.	20% up to 2000 sq. m. (of 2%) of total floor area.
	50% discount on footprint for existing building (built prior to 2014).	No discount for existing buildings.
<b>Winery Use Type</b>	Winery is considered <b>agriculture-related use</b> when using grapes from the local area	No clear criteria to determine winery classification
	Winery is considered <b>on-farm diversified use</b> when using either local or imported grapes	

### 3. Case Study Review



#### **Redstone Winery, 4245 King Street, Beamsville**

Lot Area:	14.7 ha
Building GFA:	1,498m <sup>2</sup>
Retail/Hospitality GFA:	645m <sup>2</sup>

#### **Malivore Winery, 4260 King Street, Beamsville**

Lot Area:	15.3 ha
Building GFA:	413m <sup>2</sup>
Retail/Hospitality GFA:	129m <sup>2</sup>



# Comparison of Permitted Uses

## Outside of NEP

- Agriculture
- Agricultural conservation use
- Agriculture produce processing accessory to an agricultural use
- Agriculture produce stand accessory to an agricultural use
- Agriculture produce warehouse and/or shipping accessory to a greenhouse
- Agricultural research accessory to an agricultural use
- Conservation use, save and except any buildings
- Equestrian facility
- Farm winery accessory to an agricultural use
- Estate winery
- Accessory amphitheater
- Greenhouse
- Hobby farm
- Kennel accessory to an agricultural use or residential use
- Large animal veterinary clinic
- Private grain storage and drying facility accessory to an agricultural use
- Single detached dwelling
- Bed and breakfast establishment
- Farm help house
- Group home
- Home occupation
- Private home daycare

## Within NEP

- Agricultural uses
- Agriculture-related uses and on-farm diversified uses, in prime agricultural areas.
- Existing uses.
- Single dwellings.
- Mobile or portable dwelling unit(s) accessory to agriculture.
- Forest, wildlife and fisheries management.
- Licensed archaeological fieldwork.
- Infrastructure.
- Accessory uses (e.g., a garage, swimming pool, tennis court, ponds or signs).
- Home occupations and home industries.
- Recycling depots for paper, glass and cans etc., serving the local community.
- Bed and breakfast.
- Nature preserves owned and managed by an approved conservation organization.

# 4. Best Practice Review

## Approaching Wineries in Other Jurisdictions

	Prince Edward County	Napa County	Okanagan Valley	Niagara Region (within the NEP)
Maximum GFA for retail and tastings	Lesser of 75m <sup>2</sup> or 25 % of the total winery floor area (Farm)  400 m <sup>2</sup> (Estate)	No regulations	5% of total parcel area	0.004% of total parcel area (NEP)
Food service facilities	No regulations	No regulations	No regulations	Limited food service facilities only (NEP)
Development of new buildings	No regulations	No regulations	No regulations	Existing buildings should be used where possible (NEP)

# Best Practice Review

## Approaching Wineries in Other Jurisdictions

	Prince Edward County	Napa County	Okanagan Valley	Niagara Region (within the NEP)
<b>Maximum GFA for retail and tastings</b>	Lesser of 75m <sup>2</sup> or 25 % of the total winery floor area (Farm)  400 m <sup>2</sup> (Estate)	No regulations	5% of total parcel area	0.004% of total parcel area (NEP)
<b>Food service facilities</b>	No regulations	No regulations	No regulations	Limited food service facilities only (NEP)
<b>Development of new buildings</b>	No regulations	No regulations	No regulations	Existing buildings should be used where possible (NEP)

# 5. Analysis

## Key Findings on Impact of NEP Policies and Regulation

1. Harmonize definitions of agricultural -related uses and on-farm diversified uses with the PPS, 2014.
2. Remove winery-specific policies.
3. Remove policies regulating the size, scale and operation of accessory retail and restaurant uses on wineries.
4. Remove limitations on the size of all accessory uses on wineries in the NEP.
5. Limit conditions of NEC permits to those which address land use and not operational matters outside of the NEC's jurisdiction.

# Recommendations

## Harmonizing NEP Policies to Support Economic Development

1. Harmonize definitions of agricultural -related uses and on-farm diversified uses with the PPS, 2014.
2. Remove winery-specific policies.
3. Remove policies regulating the size, scale and operation of accessory retail and restaurant uses on wineries.
4. Remove limitations on the size of all accessory uses on wineries in the NEP.
5. Limit conditions of NEC permits to those which address land use and not operational matters outside of the NEC's jurisdiction.



# THANK YOU



**MHBC**  
P L A N N I N G  
U R B A N D E S I G N  
& L A N D S C A P E  
A R C H I T E C T U R E





# CONTACT

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**Subject:** Value Added & Winery Policies in the Niagara Escarpment Plan

**Report to:** Planning and Economic Development Committee

**Report date:** Wednesday, February 12, 2020

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## **Recommendations**

1. That Council **DIRECT** Regional Planning Staff to initiate the amendment process to the Niagara Escarpment Plan, aimed at creating a consistent provincial policy and regulatory regime for agricultural based businesses in Niagara; and
2. That Report PDS 2-2020 **BE CIRCULATED** to the Ontario Federation of Agriculture, Ontario Craft Wineries/Wine Council of Ontario, Grape Growers of Ontario, Town of Grimsby, Town of Lincoln, Town of Niagara on the Lake, Town of Pelham, City of St. Catharines, City of Thorold and the City of Niagara Falls.

## **Key Facts**

- The purpose of this report is to seek the support of Council to undertake an amendment to the Niagara Escarpment Plan, continuing with efforts to streamline Provincial regulations for agricultural based businesses;
- When the Niagara Escarpment Plan was updated in 2017, Regional Council requested that the Province align the policies of the Plan with other Provincial plans in Niagara, such as the Greenbelt Plan.
- Policies associated with agricultural-related uses, on-farm diversified uses, and wineries in the Niagara Escarpment Plan area are more restrictive than the Province's Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, which are intended to implement the Provincial Policy Statement;
- As the Region continues to develop the new Niagara Official Plan, one component is related to implementing the 2014 Provincial Policy Statement which permits agri-tourism, agriculture related and on-farm diversified uses; and
- These inconsistencies place agricultural based businesses in the NEP area at a disadvantage, with smaller maximum building sizes, and restricted building and site uses;

## **Financial Considerations**

There are no direct financial implications for the organization. There is no application fee for an application to amend the Niagara Escarpment Plan (NEP).

## **Background**

In January of 2018, Regional staff were directed by Council (PDS 1-2018) to initiate discussions with the Province and Niagara Escarpment Commission (NEC) with respect to interpretations of the winery policies in the NEP. Prior to this report, staff and Council had been actively engaged with the Province through consultations on the development of the 2017 NEP.

As the Region proceeds with work on the new Niagara Official Plan, one of the matters Planning Staff wish to resolve is the discrepancy in value-added policies. MHBC Consulting was retained to undertake an assessment of the Niagara Escarpment Plan winery policies to inform the Official Plan work and further discussions with the Province (appendix 3).

After sharing MHBC's findings with senior Provincial Officials, the path outlined to move forward involves the Region proposing an amendment to the NEP, to resolve the policies of the NEP affecting Niagara that do not align with Provincial guidelines.

## **Economic Development**

Agri-business is a priority sector in Niagara both culturally and economically with an employment impact of approximately 20,000 jobs and a GDP impact of \$1.4B. In recent years, Niagara's farms continue to diversify and produce higher value agricultural outputs. In order to support a viable future for this sector, there is a need for consistently applied policies and regulations that allow these businesses to evolve and adapt to progressive industry changes and opportunities. The impact of growth in value-added and on-farm diversified will be realized in more than just the agri-business sector. It will have impact that reaches across our tourism sector, our primary producers, and our labour market.

## **Analysis**

The Niagara Escarpment is home to a diverse range of agricultural operations many having on-farm diversified uses<sup>1</sup>, including 29 of Niagara's approximate 100 wineries

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<sup>1</sup> On-farm diversified uses: means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-Farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that provide value added products. (PPS 2014)

(see Appendix I). Creating and maintaining a hospitable environment for the agricultural sector is important for the local economy and long term preservation of agricultural lands. The Region's Official Plan contains objectives (Objective 5.A.7) aimed at supporting uses that enable farming and farmers to:

- a) *Become more competitive, sustainable and environmentally friendly;*
- b) *Adapt to new and changing markets;*
- c) *Diversify into and take advantage of new agricultural opportunities;*
- d) *Improve the understanding of agriculture by the general public; and*
- e) *Broaden operations to diversify economic activity and add value to their primary products.*

Additionally, Objective 5.A.8 aims *"to encourage a wide range of farm diversification uses in appropriate locations and at a scale suitable to the farm and the agricultural area where they contribute to profitable and economically sustainable agriculture."*

Niagara Region was the first municipality in the Province to create value-added agricultural policies, influencing what became a new Provincial direction allowing the diversification of agriculture to allow on farm processing and sales. In 2017, when the Greenbelt Plan and Growth Plan were updated, they adopted the Province's approach to *agriculture-related uses*<sup>2</sup> and *on-farm diversified uses* as outlined in section 2.3.3.1 of the Provincial Policy Statement (PPS). The proposed 2019 PPS does not suggest changes to this policy.

Despite the clear Provincial direction, further outlined in the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) document titled *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas*, under the current Provincial policy regime, agriculture operators in the NEP area face stricter regulations and additional operational oversight compared to operators in the Greenbelt Plan and Growth Plan areas.

When the Ministry of Natural Resources and Forestry (MNRF) circulated the draft version of the 2017 NEP for comment, the Region responded to the Province and stated:

*"While the draft NEP winery policies have been simplified compared to the existing NEP, having separate winery policies is no longer necessary. The new policies for agriculture-related and on-farm diversified uses should be re-written to consider wineries, making the plan more consistent with other provincial planning documents."*

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<sup>2</sup> Agriculture-related uses: means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity. (PPS 2014)

*The PPS, and draft on-farm diversified guidance documents, recognize wineries as a value-added agricultural use, the NEP should be consistent. Further, references to the operations of a facility, such as the hours of operation or the number of events that might be held, should be removed as the focus is on the land use. (PDS 29-2016, October 19, 2016)”*

- In response to ongoing agricultural community concerns, report PDS 1-2018 (*Niagara Escarpment Plan Agriculture Policies*, January 10, 2018) was brought to Regional Council seeking direction for staff to initiate discussions with the Niagara Escarpment Commission (NEC) to resolve multiple agriculture policy items.
- The NEC responded with an April 18<sup>th</sup> report titled *The Niagara Escarpment Plan and Provincial Agricultural Policy* where they concluded that in NEC staff’s view, policies aimed at promoting additional rural development through the spread of commercial and tourist (other than outdoor/eco-tourism) uses would not be in keeping with the purpose and objectives of the NEP.
- Due to the NEC’s staff response, and difficulties experienced when dealing with the Commission, Staff and Council raised the issue with OMAFRA at the Association of Municipalities of Ontario (AMO) Conference in 2018, and met subsequently with OMAFRA, MNRF and the Ministry of Municipal Affairs and Housing (MMAH).
- In January of 2019, the Ontario Federation of Agriculture (OFA) wrote a letter of support for the Region’s request (Appendix II), stating: “*OFA supports Niagara Region’s proposal for changes regarding how agriculture-related uses, on-farm diversified uses, and wineries are permitted in the Niagara Escarpment Plan*”. Further stating: “*The Niagara agri-food sector has an annual total economic impact of \$3 billion and employs 17,500 people with untapped economic potential to create new jobs and expand. OFA fully endorses Niagara Region’s proposal and encourages these changes to the Niagara Escarpment Plan and Niagara Escarpment Commission to reduce red tape and support the thriving agri-food economic powerhouse in the Niagara Region*”.

#### Niagara Escarpment Plan Amendment Process

The NEP derives its authority from the *Niagara Escarpment Planning and Development Act (NEPDA)*, 1990. Under the NEPDA, any person or public body can request an amendment to the Plan through an application to the Niagara Escarpment Commission (NEC). There is no cost to make an application.

While the application is made via the NEC, ultimately, the final decision is made by the Minister of Natural Resources and Forestry or Cabinet.

#### Next Steps

Upon Council’s direction, Regional Planning Staff will initiate the amendment process to the NEP including the preparation of the requisite material and justification to support

the review and consideration of the application. Staff will provide updates at key milestones to ensure Council and stakeholders are aware of the progress of the application.

## **Alternatives Reviewed**

NA.

## **Relationship to Council Strategic Priorities**

This initiative is aligned with Council's priority to support businesses and economic growth. Specifically objective 1.1 which aims to provide supports and improve interactions with businesses to expedite and navigate development processes.

## **Other Pertinent Reports**

PDS 31-2015: 2015 Coordinated Policy Review Comment Submission

PDS 29-2016: Province of Ontario Coordinated Plan Review Submission on the Draft Plans Appendix 1

PDS 1-2018: Niagara Escarpment Plan Agriculture Policies

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### **Prepared by:**

Erik Acs, MCIP, RPP  
Manager of Community Planning  
Planning and Development Services

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### **Recommended by:**

Rino Mostacci, MCIP, RPP  
Commissioner  
Planning and Development Services

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### **Submitted by:**

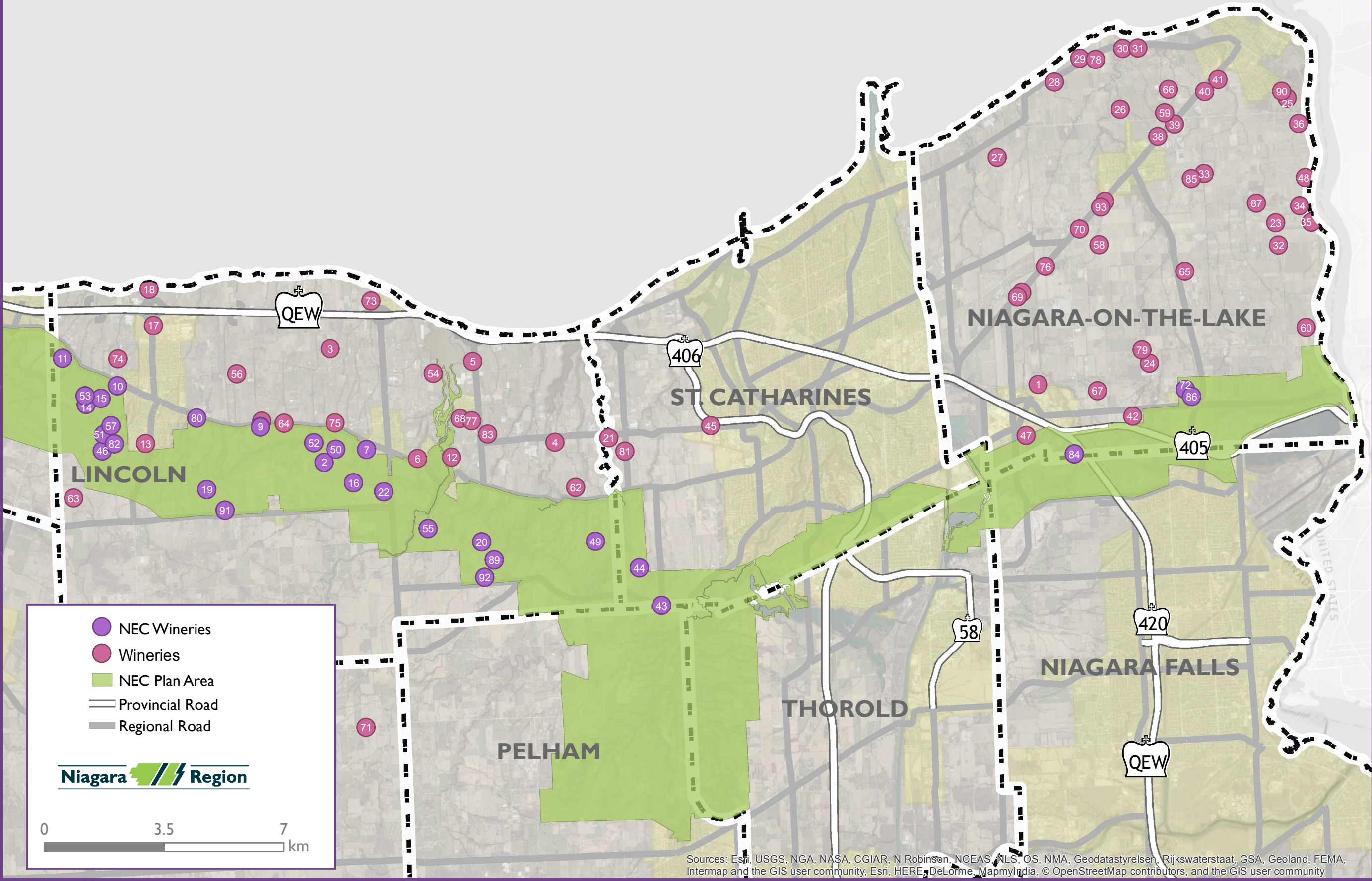
Ron Tripp, P.Eng.  
Acting Chief Administrative Officer

*This report was prepared in consultation with Katie Young, Planner, Aimee Alderman, MCIP, RPP. Planner, with input from Kelly Provost, Economic Development Officer, and reviewed by Doug Giles, Manager of Community & Long Range Planning.*

## **Appendices**

Appendix I	Map Showing Wineries in Niagara	Page 6
Appendix II	Letter from Ontario Federation of Agriculture	Page 7
Appendix III	MHBC Report on NEC Policies	Page 9





LABEL #	WINERY NAME
1	Maleta Estate Winery
2	Ridgepoint Wines
3	Royal Demaria Wines
4	Creeside Estate Winery
5	Harbour Estates Winery
6	Stoney Ridge Cellars
7	Kacaba Vineyards
8	Red Stone Winery
9	Malivoire Wine Company
10	Daniel Lenko Estate Winery
11	Peninsula Ridge Estates Winery Ltd.
12	Cave Spring Cellars
13	Mountain Road Wine Company
14	Angels Gate Winery
15	Thirty Bench Vineyards
16	Vineland Estates Winery
17	Magnotta Winery Estates Ltd.
18	Legends Estate Winery
19	De Sousa Wine Cellars
20	Flat Rock Cellars
21	13th Street Winery
22	Featherstone Estate Winery
23	Marynissen Estates
24	Coyote's Run Estate Winery
25	Peller Estates
26	Domaine Vagners Winery
27	Small Talk Vineyards
28	Palatine Hills Estate
29	Konzelmann Estate Winery
30	Strewn Winery
31	Sunnybrook Farm Estate Winery
32	Frogpond Farm Organic Winery
33	Caroline Cellars
34	Inniskillin Wines Inc.
35	Riverview Cellars
36	Lailey Winery
37	Truis Winery
38	Pillitteri Estates Winery
39	Joseph's Estate Wines
40	Stratus Winery
41	Jackson-Triggs Niagara Estate
42	Chateau des Charnes
43	Henry of Pelham Family Estate Winery
44	Hemder Estate Wines
45	Harvest Estate Wines
46	Fielding Wines Ltd.
47	Niagara College Teaching Winery
48	Reif Estate Winery
49	Rockway Glen Estate Winery
50	Tawse Winery
51	The Organized Crime Winery
52	Megalomaniac John Howard Cellars of Distinction
53	Rosewood Estates Winery and Meadery
54	Alvento Winery
55	Calamus Estate Winery
56	Cornerstone Estate Winery
57	Hidden Bench Vineyards and Winery
58	Cattail Creek Family Estate Winery
59	Rancourt Winery
60	The Ice House Winery
61	Southbrook Vineyards
62	16 Mile Cellar
63	Aure Wines
64	Back 10 Cellars
65	Between the Lines
66	Big Head Wines
67	Colaneri Estate Winery
68	DiProfo Wines
69	The De Moura Winery Way
70	Diamond Estates Winery
71	Domaine Queylus
72	Five Rows Craft Wine
73	The Foreign Affair Winery
74	The Good Earth Food and Wine Co.
75	GreenLane Estate Winery
76	The Hare Wine Co.
77	Honsberger Estate Winery
78	NOMAD at Hinterbrook Winery
79	Icellars Estate Winery Inc.
80	Kew Vineyards
81	King's Court Estate Winery
82	Mike Weir Winery
83	Pearl Morissette
84	Perridiso Estate Winery
85	Pondview Estate Winery
86	Ravine Vineyard Estate Winery
87	Reimer Vineyards
88	Rennie Estate Winery
89	Sue-Ann Staff Estate Winery
90	Two Sisters Vineyards
91	Vieni Estates Inc.
92	Westcott Vineyards
93	Wayne Gretzky Estates

March 14, 2019

The Honourable John Yakabuski  
Ministry of Natural Resources and Forestry  
99 Wellesley St. W, 6th Floor  
Toronto, ON  
M7A 1W3

The Honourable Steve Clark  
Ministry of Municipal Affairs and Housing  
777 Bay St., 17th Floor  
Toronto, ON  
M5G 2E5

Dear Minister Yakabuski and Minister Clark,

**RE: Niagara Region Recommendations for Niagara Escarpment Plan Agricultural Policies**

The Ontario Federation of Agriculture (OFA) is Canada's largest voluntary general farm organization, representing more than 38,000 farm family businesses across Ontario. These farm businesses form the backbone of a robust food system and rural communities with the potential to drive the Ontario economy forward.

OFA supports Niagara Region's proposal for changes regarding how agriculture-related uses, on-farm diversified uses, and wineries are permitted in the Niagara Escarpment Plan (NEP, 2017). As indicated in their submission, grape and associated wine production is the biggest driver behind Niagara's agri-food sector. The local economy depends on creating and maintaining a hospitable environment for this sector and long-term preservation of agricultural lands. Policies that hinder farm and agri-food business viability and the ability to fully use their land for agricultural uses are to be condemned. Policies that actively deter agricultural uses, agriculture-related uses, agritourism uses and on-farm diversified uses have no place in the Niagara Escarpment Plan or its companion plans.

OFA supports Niagara Region's request that all winery-specific policies in the NEP be removed. While all of Ontario's other land-use planning documents recognize wineries as an equal use to other agriculture-related on-farm diversified uses, the NEP continues to place wineries under a different policy framework. These inconsistencies create additional red tape and stifle business growth and innovation. In particular, the 29 wineries operating under the jurisdiction of the NEP must operate under a *different* set of regulations than the 67 outside of the NEP area in the Niagara Region, not to mention those in the rest of Ontario. It is unnecessary and puts wineries in the NEP area at competitive disadvantage.



OFA's position aligns with Niagara Region's recommendations and urges the NEP to address the inconsistencies in language between the NEP and the Guidelines on Permitted Uses for Ontario's Prime Agricultural Areas as mentioned in the Report (p. 5-6). In 2016, the Province released the *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas*. This document, which outlines guidelines for agriculture-related and on-farm diversified uses, is not reflected in the 2017 Niagara Escarpment Plan, despite significant changes to the other provincial plans.

OFA supports Niagara Region's recommendation that beyond permitting the agriculture-related or on-farm diversified use, size and placement of buildings, additional uses of buildings, and activities on the site should be at the discretion of the local municipality. OFA also believes that guidelines for events and event spaces inside the NEP should mirror those applicable outside of the NEP, including: appropriate land use designations, frequency of use, and servicing requirements.

OFA supports Niagara Region's proposal. In addition, we also believe that the Niagara Escarpment Commission's role in development approval is unnecessary in 2019, and simply serves to add red tape, costs and delays to development applications, particularly agriculture-related development applications. Municipalities throughout the area covered by the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan (ORMCP) and the Growth Plan for the Greater Golden Horseshoe (Growth Plan) are all the sole approval agency for development, based on conformity with either the 2014 Provincial Policy Statement (PPS) or specific policies in Greenbelt Plan, the ORMCP or the Growth Plan. Treating lands and development decisions within the Niagara Escarpment Plan area differently than in the Greenbelt Plan, the ORMCP or Growth Plan areas is a carryover from the time when many municipalities had no Official Plan, and therefore had no ability to direct where development should go, and where it should not go. This is no longer the case. Every upper-tier, single-tier and lower-tier municipality is obligated to have an up to date and approved Official Plan, which fully conforms to either the 2014 Provincial Policy Statement or one of Ontario's geographically-specific land use plans. OFA therefore recommends that the Niagara Escarpment Commission cease to exercise any role in development approval.

OFA also recommends that ministerial oversight for the Niagara Escarpment Plan be transferred from the Ministry of Natural Resources and Forestry to the Ministry of Municipal Affairs and Housing. Currently, ministerial oversight for the Greenbelt Plan, the Growth Plan for the Greater Golden Horseshoe and the Oak Ridges Moraine Conservation Plan, along with the overarching Provincial Policy Statement all lie with the Ministry of Municipal Affairs and Housing. Businesses should not need to contact multiple ministries and multiple governing bodies for similar provincial plans and should not have to sift through varying definitions across the plans. These inconsistencies result in ambiguity and misinterpretation, causing costly delays and stifling business development. The OFA emphatically recommends that ministerial oversight for the Niagara Escarpment Plan be transferred from the Ministry of Natural Resources and Forestry to the Ministry of Municipal Affairs.

The Niagara agri-food sector has an annual total economic impact of \$3 billion and employs 17,500 people with untapped economic potential to create new jobs and expand. OFA fully endorses Niagara Region's proposal and encourages these changes to the Niagara Escarpment Plan and Niagara Escarpment Commission to reduce red tape and support the thriving agri-food economic powerhouse in the Niagara Region.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keith Currie', written in a cursive style.

Keith Currie  
President

cc:     OFA Board of Directors  
          Hon. Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs  
          Niagara North Federation of Agriculture  
          Niagara South Federation of Agriculture  
          Grape Growers of Ontario  
          Wine Council of Ontario

# MEMO

KITCHENER  
WOODBRIDGE  
LONDON  
KINGSTON  
BARRIE  
BURLINGTON

<b>To:</b>	<b>Niagara Region</b>
<b>From:</b>	<b>Dana Anderson and Graham Hendren</b>
<b>Date:</b>	<b>February 24, 2019</b>
<b>File:</b>	<b>1593C</b>
<b>Subject:</b>	<b>Assessment and Opinion on Niagara Escarpment Plan Policies, Regulations and Niagara Escarpment Commission Implementation of Controls Related to Wineries in Niagara Region</b>

## EXECUTIVE SUMMARY

We understand the Region is preparing a submission to the Province of Ontario to identify the issues related to how the Niagara Escarpment Plan (NEP) policies and the Niagara Escarpment Commission (NEC) processes address agricultural-related uses, on-farm diversified uses and wineries in the Region. The intent of the report is to identify any issues with respect to the policies and processes of the NEC in relation to agriculture-related uses and on-farm diversified uses including wineries based on research and analysis of the policies and regulations currently in place and how those policies are implemented.

In order to assist the Region, this memorandum provides an independent and objective planning opinion on the NEP policies and NEC processes related to agricultural-related uses, on-farm diversified uses and wineries in Niagara Region. In order to formulate our planning opinion, a comprehensive review and analysis was undertaken which included:

- (i) An assessment of Provincial, Regional and local planning policies related to agricultural-related uses, on-farm diversified uses and wineries;
- (ii) An assessment of the history of the NEP and changes to the agricultural policies within the broader context of emerging provincial policies;
- (iii) An interjurisdictional scan of land use policies and regulations related to wineries in other wine-producing regions including Prince Edward County, Napa Valley County (California) and the Okanagan Valley (British Columbia);
- (iv) A case study comparison of land use regulations applied to wineries within and outside of the NEP area throughout Niagara Region;
- (v) An assessment of the development controls imposed by the NEC through conditions of development permits; and,
- (vi) An assessment of the legislative authority under the Niagara Escarpment Planning and Development Act.

The key findings from our review and analysis are as follows:

- Agricultural-related uses, on-farm diversified uses and wineries are governed by a complex planning policy framework in Ontario. In Niagara Region such uses, depending on their geographic location, may also subject the Niagara Escarpment Plan. While certain policies related to agricultural-related uses, on-farm diversified uses and wineries have evolved over time, and have become slightly less restrictive, there still exist land use controls which are more restrictive than the Province's Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. Additionally, there is a misalignment and inconsistency in how wineries are defined within agricultural-related uses and on-farm diversified uses, as defined by the Provincial Policy Statement (PPS).
- Inconsistencies place landowners in the NEP area at a disadvantage, with smaller maximum building sizes permitted, as well as additional restrictions on building and site uses (e.g. limits on retail sales, limits on restaurant sizes) implemented through permits.
- Unlike other provincial policy documents, the NEP does not provide definitions to classify wineries as either agricultural-related uses or on-farm diversified uses. Further, wineries exist within a different policy framework that places additional land use restrictions on them that are not applied to other agricultural uses.
- A review of land use regulations in selected wine producing regions across North America illustrates the ability to maintain and protect agricultural areas without the placement of overly restrictive regulations that limit winery operations and growth of the agri-food sector. Even within jurisdictions that contain environmental preservation areas, land use policies for wineries within these areas are clearly defined and more adaptable to the physical and economic context.
- Comparing land use policies applied to wineries within the NEP area to those located outside the NEP area within Niagara Region itself, demonstrates the impacts of over regulation and the inequity of the NEP policies. The comparison demonstrates the inequities between policies, given that soil classification, landscape, drainage and other physical and contextual factors are identical on both sites.
- A review of the additional permitting conditions for wineries identifies the unreasonable and unjustified application of conditions that restrict how an operation is undertaken. Such conditions are, in our opinion, not reasonable and extend beyond land use policy authority and implementation.

We understand the Region is updating its Official Plan as part of its Municipal Comprehensive Review. Section 5 which addresses rural and agriculture land uses is being updated as part of this process. This memorandum provides recommendations for the Region to extend to the Province to ensure a more appropriate and equitable policy and regulatory framework is provided within the Region for those properties located within the NEP area. While the focus of the recommendations relates to wineries, it is equally applicable to other alcohol production facilities associated with agricultural lands.

The recommendations from our review and analysis include:

- Harmonizing the definitions and regulations of agricultural-related uses and on-farm diversified uses within the NEP with those of the PPS and the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas;
- Removing the winery definition and/or modify the definition to remove limits on building types (e.g. implement building used to house farm machinery) within the NEP;
- Remove winery specific regulations from the NEP. We understand the Province has requested the NEC review its Development Control process to reduce red tape and delay. If consideration is given to urban and recreational areas being removed, perhaps the removal of wineries from the added process should also be considered;

- Remove limitations on the size of accessory uses on wineries from the NEP. Ultimately, the size and placement of buildings, additional buildings and activities should be at the discretion of the local municipality; and,
- Limit conditions on NEC permits to those which address land use and not detailed operational matters.

## 1. BACKGROUND

This memorandum has been prepared to assess the current policy framework related to agriculture-related uses and on-farm diversified uses including wineries within the Region of Niagara with a focus on the NEP policies and NEC processes related to agricultural-related uses, on-farm diversified uses and wineries in Niagara Region. In undertaking this review, it was also important to understand the economic and physical context related to the wine industry in Niagara Region, in addition to the legislative and policy context.

### Economic and Physical Context

The Canadian wine and grape industry is a significant contributor to the Canadian economy generating employment and significant business revenue in many regions across the country. Ontario is the largest producer of wine grapes and wine in Canada with the most vineyards (90%) being located in the Niagara Peninsula<sup>1</sup>. Tourism related to the wine industry is also a significant factor in revenue generation and economic prosperity for the Region. With the known importance of the employment and economic benefits provided by the wine industry, the land use policy and regulatory framework which controls and guides agricultural land uses and activities related to wineries should provide for a changing industry.

Niagara Region has an expanding agri-food sector which generates an estimated \$3 billion annually and employs approximately 18,000 associated jobs.<sup>2</sup> The Region plays a leading role both provincially and nationally as a key wine producing region. Grape growing and processing in Niagara Region is estimated at 65,000 tonnes per year, representing 93% of Ontario's and 65-75% of Canada's total grape production. Wine-related tourism attracts 3.7 million visitors each year, generating \$1.5 billion in tourism revenue<sup>3</sup>.

There are approximately 96 wineries within Niagara Region, 29 of which are located within the NEP area **(Figure 1)**. Encouraging the continued growth of the wine producing sector in Niagara Region is an important economic objective. The value of winemaking, and agri-food in general, to the regional and provincial economy, its contribution to the viability of local agriculture and sustainability of agricultural lands needs to be understood by all decision makers in relation to development associated with the industry.

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<sup>1</sup> A. Frank, Rimerman + Co. LLP Report, March 2017. Retrieved from: <http://www.canadianvintners.com/wp-content/uploads/2017/06/Canada-Economic-Impact-Report-2015.pdf>.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

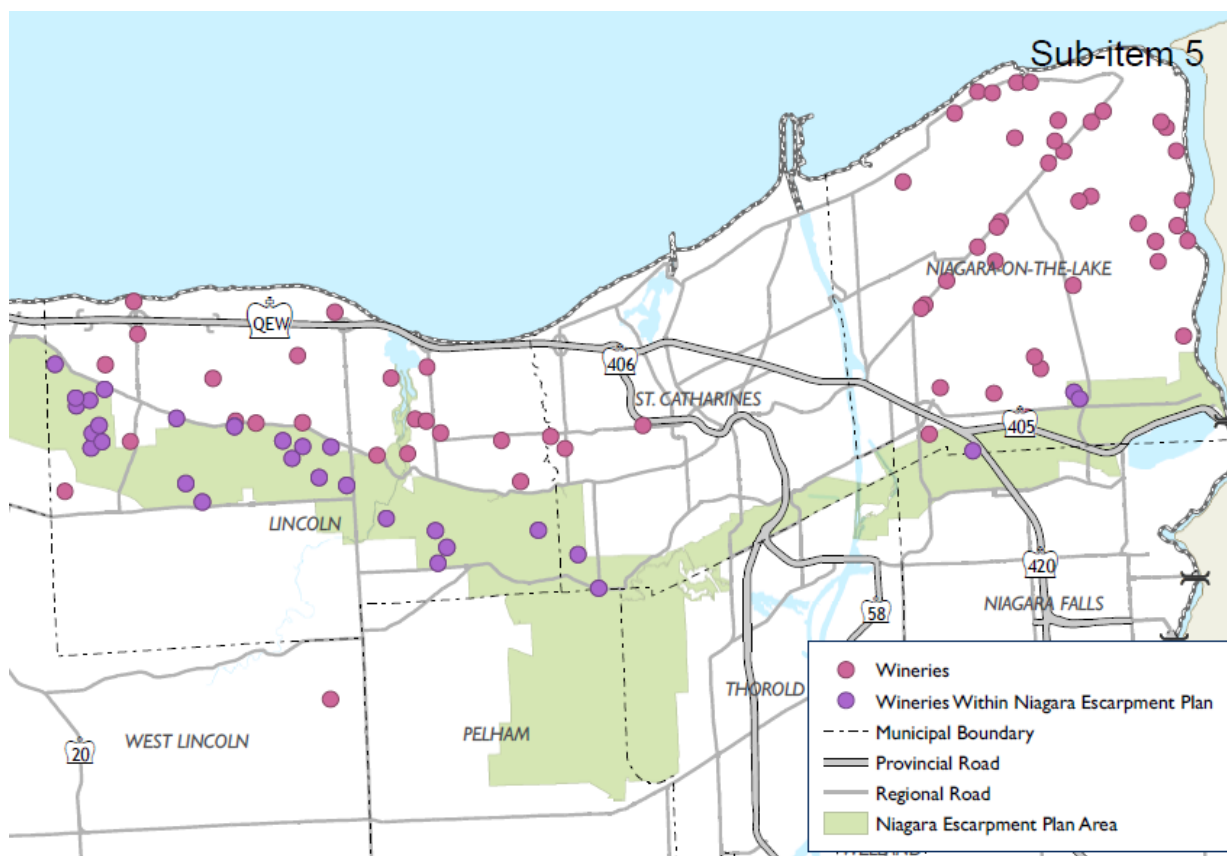


Figure 1: Map of Niagara Region wineries within and outside of the Niagara Escarpment Plan area.

## Legislative and Policy Context

Current agricultural uses and activities including wineries in the Niagara Region are regulated within a complex, policy led planning framework which includes the Greenbelt Plan, NEP, Growth Plan for the Greater Golden Horseshoe (Growth Plan), PPS and the Planning Act. All of this legislation and provincial policy is further implemented by the Region of Niagara Official Plan and local Official Plans and Zoning By-laws. The Ontario Ministry of Agriculture, Food and Rural Affairs also has guidelines on Agriculture Uses.

In order to formulate our planning opinion, a comprehensive review and analysis was undertaken which includes:

- (i) An assessment of Provincial, Regional and local planning policies related to agricultural-related uses, on-farm diversified uses and wineries;
- (ii) An assessment of the history of the NEP and changes to the agricultural policies within the broader context of emerging provincial policies;
- (iii) An interjurisdictional scan of land use policies and regulations related to wineries in other wine-producing regions including Prince Edward County, Napa Valley County (California) and the Okanagan Valley (British Columbia);
- (iv) A case study comparison of land use regulations applied to wineries within and outside of the NEP area throughout Niagara Region;



- (v) An assessment of the development controls imposed by the NEC through conditions of development permits; and,
- (vi) An assessment of the legislative authority under the Niagara Escarpment Planning and Development Act.

The memorandum provides a summary of each assessment as well as a series of recommendations for consideration by the Region in its preparation of its report to the Province on how to address the implementation of agricultural policies.

## 2. LEGISLATIVE AND PLANNING POLICY FRAMEWORK

### The Planning Act

The Planning Act establishes the broad policy framework for land use planning in Ontario and sets out land use control measures and who may control them. Matters of provincial interests are identified in Section 2 of the Act, and include, among others, the protection of ecological systems, areas, features and functions, the protection of agricultural resources, and the appropriate location of growth and development. There is no implied order of importance or priorities in how provincial interests are listed and applied.

### Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) is the guiding policy document for land use planning in Ontario. Policies in the PPS are intended to be read together, and it is expected that land use decisions will vary from location to location and in different situation. It is the responsibility of local land use planning authorities to use all available information to make a decision that best respects all provincial interests under the PPS.

The majority of lands within Niagara Region within the NEP area are considered by the PPS as 'rural areas', and more specifically, prime agricultural areas. Rural areas are a system of lands that include rural settlement areas, rural lands, prime agricultural areas, natural heritage areas, and other resource areas. The PPS establishes the broad policy direction to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

Section 1.1.4.1 of the PPS sets out the policy directive supporting healthy, integrated and viable rural areas, as follows:

- a) building upon rural character, and leveraging rural amenities and assets;
- b) promoting regeneration, including the redevelopment of brownfield sites;
- c) accommodating an appropriate range and mix of housing in rural settlement areas;
- d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands;
- e) using rural infrastructure and public service facilities efficiently;
- f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
- g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
- h) conserving biodiversity and considering the ecological benefits provided by nature; and
- i) providing opportunities for economic activities in prime agricultural areas.

Section 2.3 of the PPS speaks directly to how agricultural lands should be planned for throughout the province. Prime agricultural areas shall be protected for long-term agricultural use. Recognizing the importance of expanding the economic vitality of agricultural areas, the PPS permits agricultural-related uses and on-farm diversification uses in addition to agricultural uses within prime agricultural areas. Definitions of these uses are provided below:

***Agriculture-related uses:*** means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close

*proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.*

**On-farm diversified uses:** *means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.*

Proposed agricultural-related uses and on-farm diversified uses shall be compatible with, and not hinder, surrounding agricultural operations. The PPS provides that criteria for these uses based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve similar objectives.

### Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas

In 2016, OMAFRA released guidelines on permitted uses in Ontario's Prime Agricultural Areas to help municipalities, decision-makers and farmers interpret PPS policies on permitted uses. These guidelines are intended to support the implementation of the PPS agricultural policies while explaining the intent behind specific policies. While considering these guidelines, it is important to remain aware of the precedence of the NEP policies, which may supersede broad-based provincial agricultural policies and guidelines. When compared to the NEP policies, the OMAFRA guidelines provide some restrictions on associated land uses but these are balanced with the other objectives including diversified tourism and economic activities (Table 1).

Table 1: Comparison of winery-related policies between OMAFRA Permitted Use Guidelines and Niagara Escarpment Plan

	Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas	Niagara Escarpment Plan
<b>Agriculture-related Use Size Limits</b>	No limits on size.	Maximum 3200 sq. m gross floor area limited.
<b>On-Farm Diversified Use Size Limits</b>	2% up to 10,000 sq. m. total site area	2% up to 10,000 sq. m.
	20% up to 2000 sq. m. (of 2%) of total floor area.	20% up to 2000 sq. m. (of 2%) of total floor area.
	50% discount on footprint for existing building (built prior to 2014).	No discount for existing buildings.
<b>Winery Use Type</b>	Winery is considered agriculture-related when using grapes from the local area. This use includes tasting rooms and retail space (no size limits).	No clear criteria to determine if a winery is considered agriculture-related use or on-farm diversified use (but there are different size limits on these uses)
	Winery is considered on-farm diversified use when using either local or imported grapes. All winery uses (production and retail) are limited in size.	n/a

### **Growth Plan for the Greater Golden Horseshoe (2017)**

The Growth Plan provides a long term framework for growth in the Greater Golden Horseshoe by setting targets for both population and employment growth. The Growth Plan also provides objectives and policies to promote economic growth, reduce congestion, provide residents easy access to businesses and services, and build communities that maximize infrastructure investments while balancing local needs.

The Growth Plan includes guiding principles that include the support and enhancement for the long-term viability and productivity of agriculture by protecting prime agricultural areas and the agri-food network. The Growth Plan policies encourage municipalities to implement regional agri-food strategies and approaches to sustain and enhance the Agricultural System. It also includes policies to protect the long-term economic prosperity and viability of the agri-food sector, including the maintenance and improvement of the network by providing opportunities to support and promote the sustainability of agricultural, agri-food and agri-product businesses while protecting agricultural resources and minimizing land use conflicts.

The Growth Plan utilizes the same definitions for agri-food and diversified on-farm land uses as the PPS.

### **Greenbelt Plan (2017)**

The Greenbelt Plan identifies prime agricultural areas and specialty crop areas. The majority of the Protected Countryside in Niagara Region is designated as Niagara Peninsula Tender Fruit and Grape Area. In both prime agricultural areas and specialty crop areas, all types, sizes and intensities of agricultural uses and normal farm practices are promoted and protected. Agricultural uses, agriculture-related uses and on-farm diversified uses are permitted based on the provincial Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas.

Section 3.1.2 of the Greenbelt Plan sets out policies related to specialty crop areas. All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted based on the provincial Guidelines on Permitted Uses in Ontario's prime agricultural areas. Wineries are permitted as agriculture-related uses or on-farm diversified uses, and are not defined as a specific agricultural land use within the Greenbelt Plan.

### **Niagara Escarpment Plan (2017)**

The NEP was updated in 2017 following the Province's Co-ordinated Land Use Planning Review. The objective of the NEP is to encourage agricultural uses in agricultural areas, especially in prime agricultural areas, to permit uses that are compatible with farming and to encourage accessory uses that directly support continued agricultural uses. Prime agricultural areas shall be protected for long-term agricultural use.

The objectives of the NEP are:

- To protect unique ecologic and historic areas;
- To maintain and enhance the quality and character of natural streams and water supplies;
- To provide adequate opportunities for outdoor recreation;
- To maintain and enhance the open landscape character of the Niagara Escarpment in so far as possible, by such means as compatible farming or forestry and by preserving the natural scenery;
- To ensure that new development is compatible with the purpose of this Act;
- To provide for adequate public access to the Niagara Escarpment; and

- To support municipalities within the Niagara Escarpment Planning Area in their exercise of the planning functions conferred upon them by the Planning Act

The NEP sets out specific policies regarding agriculture-related uses, on-farm diversified uses and wineries. These policies are summarized below in **Table 2**.

Table 2: Comparison of Accessory Agricultural Designations within the Niagara Escarpment Plan

Agricultural-related Uses	On-farm Diversified Uses	Wineries
<ul style="list-style-type: none"> <li>• Shall be compatible with and not shall not hinder surrounding agricultural operations and other land uses</li> <li>• Appropriate to available rural services</li> <li>• Existing buildings, structures and facilities on the property, that are no longer needed to support agricultural uses, should be used where possible</li> <li>• All buildings shall be designed and located to be compatible with the Escarpment's open landscape character</li> <li>• The gross floor area of any building used for agriculture-related uses shall not exceed 3,200 square metres, unless it can be demonstrated that a larger size is compatible with the site and surrounding landscape</li> </ul>	<ul style="list-style-type: none"> <li>• Located on a farm that is actively in agricultural use</li> <li>• Use is secondary to the principal agricultural uses of the farm</li> <li>• Use shall be compatible with and shall not hinder surrounding agriculture operations and other land uses</li> <li>• Use is appropriate to available rural services and <i>infrastructure</i></li> <li>• Maintains agricultural/rural character of the area</li> <li>• Impact of multiple uses in prime agricultural areas is limited and does not undermine agricultural nature of the area</li> <li>• Impact of multiple uses in prime agricultural areas is limited</li> <li>• Use is limited to up to 2% of a farm lot to a max. of 10,000 square metres</li> <li>• GFA is limited to 20% of the maximum area allowed for on-farm diversified use as set out above</li> <li>• Existing buildings to be used where possible</li> <li>• All buildings, structures and facilities including parking areas associated with the use shall be designed and located to have minimal impact on agricultural uses</li> <li>• The land supporting the use shall not be severed from the farm lot exclusively for the on-farm diversified use</li> </ul>	<ul style="list-style-type: none"> <li>• May be agriculture-related use or on-farm diversified use</li> <li>• A single, accessory facility to sell wine with limited food service may be permitted at a winery, provided the following criteria are met: <ul style="list-style-type: none"> <li>◦ Accessory facility is located within the winery building and/or decks/patios attached to the winery building or utilizes an existing building or structure</li> <li>◦ No new or expansions to parking facilities or vehicle access infrastructure will be permitted unless justified to the satisfaction of the implementing authority</li> </ul> </li> <li>• Uses that may be permitted as accessory to winery include: <ul style="list-style-type: none"> <li>◦ Retail sales and tasting area within the winery building</li> <li>◦ The sale of gift and promotional products within the retail sales and tasting area related to the wine and grape industry, or other local agricultural products</li> </ul> </li> </ul>



## Legislative Authority within Land Use Planning

The NEP derives its authority from the Niagara Escarpment Planning and Development Act. The purpose of the Act is to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment. The NEC is established as an advisory committee and the approval authority for the Development Permit applications where staff approval is not delegated. The NEC members are appointed by the Minister, consisting of stakeholders of the NEP Area. The NEC advises and makes recommendations to the Minister in respect of the amendment and implementation of the NEP.

The purpose of the Act is to provide for the maintenance of the natural heritage system of the Niagara Escarpment as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment. It should also be noted that the NEP's main goal is to protect the escarpment. Agriculture is a compatible use within the escarpment's environment.

The Act permits the NEP to contain policies for the economic, social and physical development of the NEP Area with respect to the management of land and land uses. It may also include policies to co-ordinate planning and development among municipalities within the NEP area and policies designed to ensure compatibility of development. Development is defined under the Act as "a change in the use of any land, building or structure".

There is a clear difference between regulating land use and development under the Act versus regulating how the use of land is specifically operated once developed. The policies enabled by the Act draw a distinction between government oversight and control over private operations. Imposing conditions on how a business operates through conditions (e.g. what it can include on its restaurant menu) is not, in our opinion, within the purview of the Act and is not within the defined purpose. By extending policy implementation beyond development and into business operations, an inequity between business interests and economic opportunity, based on geographic location is created.

## Rationale from the Provincial Perspective

A major principle of the Ontario government's approach to land use regulation has always been equity among businesses, subject to a broader regulatory framework – taxation, assessment, operational requirements, corporate reporting. Within the regulatory framework the principles of equity, certainty and competitiveness are to be upheld:

- **Equity** – businesses should be subject to the same government regulation and tax regimes so they can compete equally;
- **Certainty** – enables investment in people, property and machinery, and relates directly to the land use planning system; and,
- **Competitiveness** – ensure Ontario regulatory framework maintains competitiveness with other Canadian and foreign business sectors to foster investment and contribute to job creation.

The NEP is the only provincial plan through which local decision making is removed. The Commission oversees land use regulations that are otherwise dealt with by local municipalities. Other provincial plans that address landform features and protection, the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan, require local municipalities to conform to their policies through local implementation.

Local implementation allows for consideration of the local context and local objectives of municipalities. It also provides for equity within the process.

Ninety-six wineries are located in Niagara Region. Sixty seven are subject to local municipal zoning and business regulations. Twenty-nine are located within the NEP area (**Figure 1**) and subject to significantly different, and more restrictive, land use controls and operational requirements. It should be a priority of the government to foster economic development of agricultural resources in Ontario in the most equitable manner. This could be done by amending the Act to ensure the wine and other like industries can compete on a global basis by investing in agricultural and related uses. The confusing mix of provincial and local regulations should be simplified to ensure the wine industry can invest with certainty and compete on an equitable basis.

### **Evolution of Niagara Escarpment Plan Agriculture and Wineries Policies**

#### Niagara Escarpment Plan, 1985

When first introduced in 1985, the Niagara Escarpment Plan contained two policies related to agriculture, one which dealt with lot creation and the second which dealt with second dwellings for farm help. The objective of the Plan at the time was “to protect land with high agricultural capability”.

#### Niagara Escarpment Plan, 1994

For the first time, the Niagara Escarpment Plan, 1994 introduced an agricultural policy subset related to “small-scale commercial uses accessory to agriculture”. Small-scale commercial accessory uses were permitted provided they were subordinate, incidental and exclusively devoted to the principal agricultural uses carried out on the farm property by the owner. No size restrictions were introduced at this time.

Further, the NEP, 1994 contained policies related to retail sales and limited the sale of produce grown on the property or produced on the property from the produce grown on the property. Incidental uses associated with the accessory uses were permitted provided that it did not result in an intensification of the use.

#### Niagara Escarpment Plan, 2005

Beginning with the update of the Niagara Escarpment Plan in 2005, and up until 2014, several policies specific to wineries, winery incidental uses, visual landscape development at wineries and winery events were introduced into the Plan. All previous policy sections were also retained. Wineries were identified as a permitted use separate from other accessory small-scale commercial uses, provided the winery farm parcel upon which the winery was proposed was a minimum of 4 hectares.

Policies related to wineries in the NEP, 2005 are the most expansive to-date. A maximum size for wineries of 1.5% of the farm parcel (up to 2,323 square metres) was established along with maximum size for retail and tasting areas of 25% of the total size of the winery above ground. Additionally, the maximum size for sale of gift, promotional and non-local produce was limited to 20% of the retail sales and tasting areas.

Policies related to winery incidental facilities limited restaurant operations—limited food service that does not exceed light meals—to a maximum of 50 patrons and counts towards the maximum permitted size of the winery and retail sales and tasting areas, including outdoor seating. Additionally, policies related to winery events were introduced to ensure that event use does not result in the loss of agricultural land and create land use conflicts.

A policy comparison chart of Niagara Escarpment Plan policies is attached in **Table 3**.

### Evolution of Winery Policies and the Coordinated Land Use Planning Review

When changes were introduced to the PPS, 2014, to allow for more permitted uses on prime agricultural land, these new policies were integrated into the Greenbelt Plan, Oak Ridges Moraine Conservation Plan, and the Niagara Escarpment Plan as a result of the Co-ordinated Land Use Planning Review.

Submissions received by the NEC from the Wine Council of Ontario (WCO) recommending greater flexibility for winemakers operating in the NEP area, including more flexibility in size for winery buildings, and a greater range of permitted uses to enhance tourism-related opportunities in the NEP area. The NEC responded to these comments by increasing the gross floor area of any one building for an agriculture-related use, with the potential for multiple buildings dedicated to such uses. In addition, policies requiring a minimum vineyard lot size were removed from the NEP.

While several policies related to wineries in the NEP were removed, the remaining policies continue to limit wineries. To align with the PPS, 2014, the NEP, 2017 introduced policies related to agriculture-related uses and on-farm diversified uses. However, unlike the PPS, 2014 and other provincial plans, wineries are subject to additional regulations. Specifically, restaurants on wineries continue to be constrained to a single facility with "limited food service".

For agriculture-related uses, the gross floor area of any building shall not exceed 3,200 square metres. On-farm diversified uses may occupy two percent of the farm lot, to a maximum of 10,000 square metres; the gross floor area of buildings may not exceed 20 percent of this area. It is unclear how different wineries may fit the criteria of agriculture-related uses or on-farm diversified uses. Additionally, area calculations in the NEP, 2017 continue to be more restrictive than those contained in the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. In the Guidelines, existing buildings or structures, built prior to April 30, 2014, occupied by on-farm diversified uses are discounted (50%). No such discounting applies to existing buildings under the NEP, 2017, which further restricts wineries.

The policies contained in the NEP, 2017 are not fully aligned with the PPS, 2014 and continue to hold wineries to a different standard. Even when incorporating policies related to agriculture-related uses and on-farm diversified uses, the NEP 2017 does not provide adequate guidance on how wineries fit into either of the definitions.

We understand the Province has requested the NEC to further review its Development Control process to reduce red tape and delay. If consideration is given to urban and recreational areas being removed from this process, perhaps the removal of wineries should also be considered.

Table 3: Evolution of Niagara Escarpment Plan agricultural policies

	<b>Agricultural Uses</b>	<b>Small scale commercial uses accessory to agriculture</b>	<b>Small scale commercial and industrial dev. Servicing agriculture</b>	<b>Wineries and cideries</b>	<b>Winery incidental facilities</b>	<b>Winery events</b>	<b>On-farm diversified uses</b>	<b>Agriculture-related uses</b>
<b>1985 NEP</b>	Permitted No size restrictions	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>1994 NEP</b>	Permitted No size restrictions	Permitted No size restrictions	n/a	n/a	n/a	n/a	n/a	n/a
<b>2005 NEP</b>	Permitted No size restrictions	Limited to 465 m <sup>2</sup>	Limited to 465 m <sup>2</sup>	Limited to a total of 2,323 m <sup>2</sup> (above grade) Minimum 4 ha parcel size	Single facility to sell wine with limited food service (light meals) Limited to 50 people Limited to 25% of the above-grade floor area Can only operate when the winery is open for public tours or events	Indoor and outdoor events, subject to the approval of an application	n/a	n/a
<b>2017 NEP</b>	Permitted No size restrictions	n/a	n/a	Any building limited to 3,200 m <sup>2</sup> No minimum parcel size	Retail sales and tasting area within the winery building The sale of gift and promotional products within the retail sales and tasting area, related to wine and grape industry, or other local agricultural products	Policies addressing winery events were removed	Limited to 2% of a lot area, to a maximum of 10,000 m <sup>2</sup> Buildings limited to 20% of the 2%	Any one building limited to 3,200 m <sup>2</sup>

### 3. INTERJURISDICTIONAL POLICY REVIEW

A comparative review of agricultural policies related to wineries from selected jurisdictions was undertaken to understand how they compare to policies contained within the NEP. The selected jurisdictions are: Prince Edward County, Ontario; Napa Valley, California; and Okanagan Valley, British Columbia.

The policies examined are examples of jurisdictions that have successfully coupled protection of agriculture areas while also supporting the economic vitality of the agri-food sector including wine production. While it is important to remain aware of the unique political contexts and scales at which these policies are implemented, they provide a useful overview of alternative policy approaches. A comparison of policies is displayed in **Table 4**.

#### **Prince Edward County, Ontario**

Prince Edward County is a rural, island-like municipality in eastern Ontario, approximately 200 kilometres east of Toronto. With over 40 wineries, Prince Edward County is an emerging wine producing region within Ontario. In addition to the PPS, wineries in Prince Edward County are regulated by the County's Official Plan and Zoning By-law. Prince Edward County's Official Plan permits farm and estate wineries in Rural and Prime Agricultural designated areas. The following are definitions of wineries within the Official Plan:

**Farm Winery (Agricultural Use)** means a building or structure or part thereof, associated with agricultural use(s) on the same farm lot, where wines are produced and may include storage, display, processing, wine tasting, a tied-house licensed by the Alcohol and Gaming Commission of Ontario, and retail, administrative facilities and outdoor patio area, but shall not include a restaurant, banquet facility, or on-site commercial kitchen. Wine tasting and the offering or sale of locally-grown product samples is considered part of the farm winery activity.

**Estate Winery (Agricultural-Related Use)** means a building or structure or part thereof, where wines are produced and may include storage, display, processing, wine tasting, storage, hospitality room, administrative facilities, outdoor patio area, an onsite restaurant, dining facility, commercial kitchen, banquet hall, retail facility or other commonly commercially-zoned amenity.

Legally existing and operating wineries as of June 17, 2009, continue to be permitted under the same conditions of approval granted by the County of Prince Edward, and winery license(s) issued by the Province of Ontario, as of June 17, 2009. If these existing wineries wish to expand the scope and/or scale of their operations to include uses which require additional municipal planning approvals or Provincial licenses, they will become subject to the County policy and by-law requirements in effect at that time.

Official Plan policies related to wineries are as follows:

Farm Winery Regulations:

- Farm wineries are permitted as part of the farm operation
- A minimum 2 hectares (5 acres) must be planted with a minimum of 4,000 vines on-site.
- Minimum lot sizes referred to in this section of the Plan apply to existing lots and not to the creation of a new lot
- The fruit used in the annual production of wine at a Farm Winery shall consist predominately of fruit grown in the County of Prince Edward by that Farm Winery Operation. This may be reduced in any on year due to crop failure or damage resulting from causes beyond the control of the winery, such as climate and precipitation abnormalities, with the balance being from Ontario fruit.
- The retail sale of wine produced on-site shall be permitted. Provided that it does not conflict with any minimum floor area requirement for licensing approval, on-site tasting room and retail floor

space shall not exceed the lesser of 75 square metres or 25 percent of the total winery floor area (excluding any below ground floor area). The on-site retail floor space for non-agricultural and/or non-Prince Edward County agricultural products, shall not exceed 5% of the total retail floor space.

#### Estate Winery Regulations:

- A minimum 8 hectares (20 acres) must be planted with a minimum of 16,000 vines on-site.
- Minimum lot sizes referred to in this section of the Plan apply to existing lots and not to the creation of a new lot.
- All Estate Wineries shall be subject to a site-specific zoning by-law amendment.
- The retail sale of wine and wine related products, and a hospitality room where food and wine is prepared and served, will be permitted when such uses are accessory to and complement the Estate Winery.
- The maximum total floor area for retail and hospitality uses shall be 400 square metres so as not to detract from the main use of the land and not adversely affect other uses permitted in the area.
  - f) Estate Wineries shall be required to locate with direct access and frontage onto an improved public roadway maintained year round with sufficient capacity to accommodate the anticipated traffic.
  - g) Estate Wineries shall be subject to Site Plan and Site Plan Agreement Approval by the municipality. The following matters must be addressed to the satisfaction of the municipality.

Land use policies for wineries in Prince Edward County are implemented by Comprehensive Zoning By-law 1816-2006. Under the Zoning By-law, a range of uses are permitted on wineries. In addition to wine production, designated uses on Estate Wineries may include storage, display, processing, wine tasting, storage, hospitality room, administrative facilities, outdoor patio area, an on-site restaurant, dining facility, commercial kitchen, banquet hall, retail facility or other commonly commercially-zoned amenity. Apart from the PPS, 2014 and the County's Official Plan, zoning is the primary tool regulating land use on wineries.

#### **Napa Valley, California**

Napa County is located north of the Bay Area in California, and contains Napa Valley, one of the California's premier wine-producing regions. Vineyards make up 9% of Napa County's land base, totally approximately 45,000 acres. Regional land use patterns in Napa County include dense urban centres along highway corridors to open space, natural resources, and agricultural activities with vineyard development as one of the most visually prominent activity. In California, there are strong economic incentives to clear undeveloped land for new vineyards and few regulations to protect native plant and animal communities. There is no state agency that oversees or regulates vineyards or other agricultural land conversion in California.<sup>4</sup>

California Government Code Section 65300 et seq. establishes the obligation of cities and counties to adopt and implement general plans. The general plan—comparable to an official plan—is a comprehensive, long-term, and general document that describes plans for the physical development of a city/county and of any land outside its boundaries that, in the city's/county's judgement, impacts its planning. The Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency designates portions of the state landscape as "prime farmland", "unique farmland", "farmland of statewide

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<sup>4</sup> University of California, Berkeley. Retrieved from: <https://clas.berkeley.edu/research/chile-and-california-wine-land>.

importance", or "other land." The significant portions of wine producing areas are designated as prime farmland.<sup>5</sup>

The Napa County General Plan "protects agriculture and agricultural watershed and open space lands by maintaining 40- and 160-acre minimum parcel sizes, limiting uses allowed in agricultural areas, and designated agriculture as a primary land use." In 1990, Napa County adopted a Winery Definition Ordinance ("WDO") which imposed a minimum parcel size of 10 acres for a winery (except for wineries that pre-dated the WDO, which have a one-acre minimum). This ordinance also requires that wines produced in Napa County use at least 75% Napa grown grapes, allows the County to set production limits and limits marketing activities. Legally existing wineries prior to the introduction of the WDO are exempt from these regulations.

Title 18 of the Napa County Code contains three agricultural zoning designations: Agricultural Watershed (AW), Agricultural Preserve (AP), and the Agricultural Commination (:A) district. The majority of the Napa Valley is zoned Agricultural Preserve (AP)<sup>6</sup>. The Agricultural Preserve is a protective land use zone first introduced in 1968 to preserve agricultural land in perpetuity. Covering 37,100 acres of land, the Agricultural Preserve bears several similarities to the Niagara Escarpment Plan area. The Agricultural Preserve does not limit gross floor area of buildings or specific commercial uses occurring on wineries. The Agricultural Preserve is considered one of the most successful agricultural preservation areas in the world, and it has achieved this recognition while supporting, not hindering, key contributors of the region's agri-food sector.

### **Okanagan Valley, British Columbia**

The Provincial Agricultural Land Commission (ALC) is an independent administrative tribunal dedicated to preserving land and encouraging farming in British Columbia. The ALC is responsible for regulating provincially-significant agricultural lands and has specific permitted uses and exceptions for most agricultural sectors. Specifically, wineries and ancillary uses are designated as farm uses under the Agriculture Land Commission Act.

Within the Agriculture Land Reserve, a variety of winery-related uses are permitted, including agri-tourism<sup>7</sup>. An alcohol production facility, and ancillary uses are permitted as a designated farm use if at least 50% of the primary farm product used to make the alcohol product produced each year is grown on the farm on which the alcohol production facility is located. The farm on which the alcohol production facility is located on is also required to be more than two hectares in area and at least 50% of the primary farm product used to make the alcohol produced each year is required to be grown on the farm, or both on the farm and on another farm located in British Columbia that provides that primary farm product to the alcohol production facility under a contract having a term of at least three years.

Under the Agriculture Land Commission Act, a variety of non-farm uses are permitted, including accommodation for agri-tourism on a farm. A maximum of 10 sleeping units is permitted on a short term and seasonal basis. The total area used for agri-tourism accommodation must not be greater than five percent of the total area of the parcel on which the accommodation is located.

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<sup>5</sup> Napa County Important Farm Land. Retrieved from: <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/nap16.pdf>.

<sup>6</sup> Napa County Zoning Map. Retrieved from: <https://www.countyofnapa.org/DocumentCenter/View/8436/Napa-County-Zoning-Map?bidId=>.

<sup>7</sup> ALC Act. Retrieved from: [http://www.bclaws.ca/civix/document/id/complete/statreg/171\\_2002](http://www.bclaws.ca/civix/document/id/complete/statreg/171_2002).



While different in their legislative context, the following chart shows the comparative policies respecting the land use controls related to wineries.

Table 4: Comparison of winery-related policies from wine producing regions

	Prince Edward County	Napa County	Okanagan Valley	Niagara Region (within the NEP)
<b>Governing documents</b>	PPS, 2014  PEC Official Plan  PEC Zoning By-law	Napa County Code and General Plan  Napa Agricultural Preserve  Winery Definition Ordinance	   Agricultural Land Commission Act	PPS, 2014  Growth Plan, 2017  Niagara Escarpment Plan
<b>Minimum parcel size</b>	8 hectares (Estate)  2 hectares (Farm)	4 hectares	2 hectares	2 hectares <sup>8</sup>
<b>Required use of local agricultural product</b>	n/a	75% local grapes	75% local grapes	Agriculture-related and on-farm diversified winery must use local grapes (NEP)
<b>Maximum GFA for retail and tastings</b>	Lesser of 75m <sup>2</sup> or 25 % of the total winery floor area (Farm)  400 m <sup>2</sup> (Estate)	No regulations	5% of total parcel area	0.004% of total parcel area (NEP)
<b>Food service facilities</b>	No regulations	No regulations	No regulations	Limited food service facilities only (NEP)
<b>Development of new buildings</b>	No regulations	No regulations	No regulations	Existing buildings should be used where possible (NEP)

<sup>8</sup> Alcohol and Gaming Commission of Ontario requirement. OMAFRA, 2016. Retrieved from: <http://www.omafra.gov.on.ca/english/busdev/facts/startingawinery.pdf>

#### 4. COMPARISON OF WINERIES WITHIN NIAGARA REGION IN AND OUT OF THE NEP AREA

To demonstrate the impacts of the policies set forth in the current NEP on the same land use, a comparative review of land use policies applied to wineries within and outside of the NEP area was conducted. Here, the land use regulations that apply to two wineries located in the Town of Lincoln are examined. In this particular case, the two wineries are located across the street from one another, separated by less than 100 metres. Both properties are similar in size and contain similar soil types and major hydrogeological features.

Winery 1 – Redstone Winery, 4245 King Street, Beamsville ON – outside the Niagara Escarpment Plan (within the Greenbelt).

Winery 2 – Malivoire Wine Company, 4260 King Street, Beamsville ON – within the Niagara Escarpment Plan (Escarpment Protection Area).

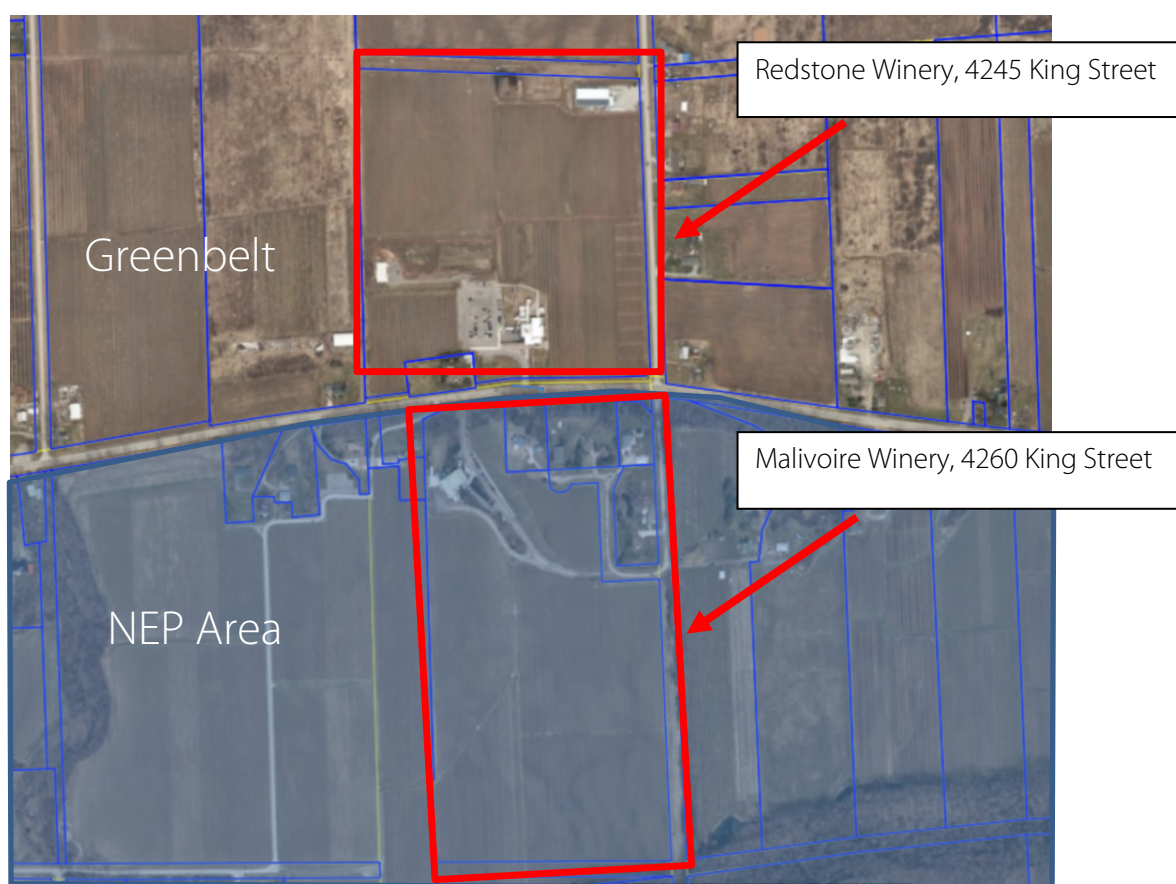


Figure 2: Aerial map of Malivoire and Redstone wineries, Town of Lincoln

A comparison of land use regulations that apply to the aforementioned wineries is displayed in **Table 5**.

Table 5: Comparison of Estate Winery Zoning Provisions, Town of Lincoln

	Winery 1 (outside NEP)	Winery 2 (within NEP)
<b>Lot area</b>	147,590 m <sup>2</sup>	153,415 m <sup>2</sup>
<b>Maximum Gross Floor Building Area</b>	1,498 m <sup>2</sup>	645 m <sup>2</sup> (assuming winery is defined as an on-farm diversified use)
<b>Maximum Floor Area for retail and hospitality uses</b>	413 m <sup>2</sup>	129 m <sup>2</sup> (based on 20% of total floor area)
<b>Permitted uses</b>	<ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Agricultural conservation use</li> <li>• Agriculture produce processing accessory to an agricultural use</li> <li>• Agricultural produce stand accessory to an agricultural use</li> <li>• Agricultural produce warehouse and/or shipping accessory to a greenhouse</li> <li>• Agricultural research accessory to an agricultural use</li> <li>• Conservation use, save and except any buildings</li> <li>• Equestrian facility</li> <li>• Farm winery accessory to an agricultural use</li> <li>• Estate winery</li> <li>• Accessory amphitheater</li> <li>• Greenhouse</li> <li>• Hobby farm</li> <li>• Kennel accessory to an agricultural use or residential use</li> <li>• Large animal veterinary clinic</li> <li>• Private grain storage and drying facility accessory to an agricultural use</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural uses.</li> <li>• Agriculture-related uses and on-farm diversified uses, in prime agricultural areas.</li> <li>• Existing uses.</li> <li>• Single dwellings.</li> <li>• Mobile or portable dwelling unit(s) accessory to agriculture.</li> <li>• Forest, wildlife and fisheries management.</li> <li>• Licensed archaeological fieldwork.</li> <li>• Infrastructure.</li> <li>• Accessory uses (e.g., a garage, swimming pool, tennis court, ponds or signs).</li> <li>• Home occupations and home industries.</li> <li>• Recycling depots for paper, glass and cans etc., serving the local community.</li> <li>• Bed and breakfast.</li> <li>• Nature preserves owned and managed by an approved conservation organization.</li> </ul>

	<ul style="list-style-type: none"><li>• Single detached dwelling</li><li>• Bed and breakfast establishment</li><li>• Farm help house</li><li>• Group home</li><li>• Home occupation</li><li>• Private home daycare</li></ul>	
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The above policy comparison demonstrates the inequities and discrepancies placed on landowners within and outside of the NEP area. In particular, the maximum gross floor area and maximum gross floor area for retail is significantly limited within the Niagara Escarpment Plan area, despite both properties being roughly equal in size. This case demonstrates the impact of overregulation stemming from blanket policies applied to diverse geographic areas. Without having regard for local conditions and providing flexibility to align policies with local municipalities, the policies related to wineries in the NEP can create unintended consequences. Having local municipalities regulate building size and retail uses on wineries contributes to sound planning outcomes that protects agricultural uses while also allowing the reasonable development of economic opportunities on wineries through value-added activities.

## **5. ASSESSMENT OF NEC DEVELOPMENT CONDITIONS**

A review of development permits issued by the NEC was also undertaken to better understand site-specific regulations applied to wineries within the NEP Area. Upon review of development permits for wineries within Niagara Region, it is apparent that while certain winery-specific policies have been removed from the NEP, the policies are still being applied as conditions of development approval on wineries, and, as a result, place undue restrictions on the operation of these facilities.

The conditions of development involve a range of limitations in respect to the normal operation of wineries that in our opinion is outside the scope and mandate of the NEP. These conditions include limiting the licenses permitted by other organizations. For example, one condition of development states that no license issued by the Alcohol and Gaming Commission of Ontario shall permit the use of any outdoor premises of the subject property for any hospitality functions with the exception of winery related outdoor barbecue and picnic events. Policies related to winery events were removed from the NEP during the Co-Ordinated Land Use Plan Review, yet are still being applied to the operations upon wineries.

Other conditions impose limitations on wineries to only allow limited complimentary food services, and prohibit a restaurant as a permitted use. Again, policies related to food services on wineries were removed in the NEP yet continue to be applied through permit conditions. In this case, the conditions of development approval imposed by the NEC reach beyond the policies laid out in the Plan, and unnecessarily limit the economic opportunities and growth potential of wineries. This example demonstrates the need for local municipalities to be granted the authority to regulate specific uses and operations on wineries. Transferring this authority to local municipalities allows for sound planning outcomes that are more localized and responsive to the geographic diversity throughout the NEP Area where wineries operate.

## **6. SUMMARY OF KEY FINDINGS**

The key findings from our review and analysis are as follows:

- Agricultural-related uses, on-farm diversified uses and wineries are governed by a complex planning policy framework in Ontario. In Niagara Region such uses, depending on their geographic location, may also subject the Niagara Escarpment Plan. While certain policies related to agricultural-related uses, on-farm diversified uses and wineries have evolved over time, and have become slightly less restrictive, there still exist land use controls which are more restrictive than the Province's Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. Additionally, there is a misalignment and inconsistency in how wineries are defined within agricultural-related uses and on-farm diversified uses, as defined by the Provincial Policy Statement (PPS).

- Inconsistencies place landowners in the NEP area at a disadvantage, with smaller maximum building sizes permitted, as well as additional restrictions on building and site uses (e.g. limits on retail sales, limits on restaurant sizes) implemented through permits.
- Unlike other provincial policy documents, the NEP does not provide definitions to classify wineries as either agricultural-related uses or on-farm diversified uses. Further, wineries exist within a different policy framework that places additional land use restrictions on them that are not applied to other agricultural uses.
- A review of land use regulations in selected wine producing regions across North America illustrates the ability to maintain and protect agricultural areas without the placement of overly restrictive regulations that limit winery operations and growth of the agri-food sector. Even within jurisdictions that contain environmental preservation areas, land use policies for wineries within these areas are clearly defined and more adaptable to the physical and economic context.
- Comparing land use policies applied to wineries within the NEP area to those located outside the NEP area within Niagara Region itself, demonstrates the impacts of over regulation and the inequity of the NEP policies. The comparison demonstrates the inequities between policies, given that soil classification, landscape, drainage and other physical and contextual factors are identical on both sites.
- A review of the additional permitting conditions for wineries identifies the unreasonable and unjustified application of conditions that restrict how an operation is undertaken. Such conditions are, in our opinion, not reasonable and extend beyond land use policy authority and implementation.

## 7. RECOMMENDATIONS

In updating its Official Plan through the Municipal Comprehensive Review process, the Region of Niagara has reviewed its agricultural policies which address agricultural-related uses, on-farm diversification, and wineries. It is through this process that it has identified that the NEP policies are not aligned with other provincial policies that the Region is required to implement creating inconsistencies and an uneven application of regulation among wineries. We concur with this assessment and based on our research, analysis and findings, believe there is a need to revise the NEP to ensure agricultural-related uses, on-farm diversification, and wineries are treated equitably within the policy framework for the Region. The land use policy and implementation framework should not impede operations and opportunities for the wine industry with over regulation or inequitable barriers.

The following are recommendations for consideration by the Region to provide to the Province:

- The NEP should at a minimum harmonize its definitions of agricultural-related uses and on-farm diversified uses with the PPS, 2014. Many definitions in the NEP now reference the 2014 PPS, however, several definitions that are common across other provincial plans such as the Growth Plan and Greenbelt Plan remain out of alignment. Further, the NEP does not define terms important to land-use planning or the achievement of objectives and goals in the Growth Plan and Greenbelt Plan.
- All winery specific policies in the Niagara Escarpment Plan should be removed. Given that wineries may be considered either agricultural-related uses or on-farm diversified uses, having separate winery policies is not necessary. Placing wineries under a different policy framework does not align with the PPS and other provincial land-use planning documents which recognize wineries as an equal use to all other agriculture-related on-farm diversified uses.
- Policies regulating that size, scale and operation of accessory retail and restaurant uses on wineries should be removed. Area calculations for accessory uses on wineries should be aligned with the

Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, which discounts buildings existing prior to April 30, 2014 by 50%. These commercial uses are important value-added amenities that contribute to thriving agri-food and agri-tourism sectors. Furthermore, removing these limitations improves implementation as wineries within Niagara Region will not be held to two different standards depending on their location.

- Remove limitations on the size of all accessory uses on wineries from the NEP. Ultimately, the size and placement of buildings, additional buildings and activities should be at the discretion of the local municipality; and,
- Limit conditions on NEC permits to those which address land use and not operational matters outside the scope the NEC's jurisdiction.



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**Subject:** Brock University LINC

**Report to:** Planning and Economic Development Committee

**Report date:** Wednesday, February 12, 2020

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## Recommendations

1. That this report **BE RECEIVED** by the Planning and Economic Development Committee (PEDC) for information; and
2. That Council **APPROVE IN PRINCIPLE** the Brock University LINC (Learning, Innovation, Networking, and Collaborations) funding request subject to 2023 Levy Budget deliberations and in accordance with the terms described in this report.

## Key Facts

- The purpose of this report is to seek Council's consideration to provide \$1.5 million to Brock University to fund the makerspace within the new Brock LINC.
- Niagara Region has an opportunity to support a core feature of the Brock LINC that will drive economic growth and generate benefits in Niagara for years to come. The LINC will create and grow start-ups and businesses that will eventually spin-off into the community creating jobs and driving economic growth and diversification in the region.
- The LINC will be a collaborative hub that offers a full range of support, including access to physical space, state-of the-art technologies, business development services, and importantly linkages to Brock's research faculty and resources, to help innovative entrepreneurial individuals grow and transform ideas into successful start-ups, businesses, and new products and services that will grow and diversify the Niagara economy.
- The Makerspace will be a core feature of the Brock LINC that will be an important pillar for entrepreneurship and innovation. It will be a collaborative space that is designed to bring together people from across the community including local business owners, entrepreneurs, community members as well as Brock faculty, researchers, and students.
- In total, the Rankin Family Pavilion will add 41,000 additional square feet of space dedicated to research, innovation and commercialization, and entrepreneurship through programming offered by the LINC.

## **Financial Considerations – Brock University**

Project costs for the Rankin Family Pavilion, which includes construction, furniture, equipment, and technology total \$19,723,866.02.

Brock has received the following funding for this project:

<b>Source</b>	<b>Amount</b>
Donations	\$2,000,000
Federal Government	\$8,470,000

While Brock has received generous support from the federal government and donors for the Brock LINC, the project still needs financial support to complete the construction of this legacy project and make it a reality.

## **Financial Considerations – Niagara Region**

Brock is requesting a \$1.5 million contribution from Niagara Region to support the Brock LINC. Funding from the Region will be directed to costs associated with the construction and completion of the makerspace, a core feature of the Brock LINC that will support business and economic development. Funding will ensure that the full vision of the LINC is realized for the benefit of Niagara for years to come.

Due to budget pressures in the 2020 budget, the request from Brock University was deferred to 2023. Niagara Region currently has a funding agreement of \$1.4 million with Niagara College for five years to support the Agri-Food Research and Training Facility. The final payment will be made in 2022. Subject to budget approval, the funds would then be re-allocated to support the Brock University's LINC, starting in 2023.

## **Analysis**

### General Description

Brock's newest facility, the Rankin Family Pavilion will house the Brock LINC (Learning, Innovation, Networking and Collaboration). This facility will add 41,000 additional square feet to the main campus dedicated to research, innovation and commercialization, and entrepreneurship.

## Objectives

The LINC has been designed to leverage Brock's research strengths to advance the prosperity and growth of the Niagara community. The objectives of the LINC are:

- Support research across different disciplines and sectors as well as innovative projects that bring together faculty, students, partners, and businesses to develop new solutions to complex real-world problems. An early venture from Brock that reflects this type of initiative was the establishment of the Cool Climate Oenology and Viticulture Institute (CCOVI), which brought together expertise from different fields including biological sciences, chemistry and business to examine all aspects of the wine industry and solve industry challenges.
- Extend the University's capacity to support commercialization and the application of new technologies.
- Incubate start-ups and accelerate small and medium enterprises (SMEs).
- Develop skilled workers with the research, entrepreneurial, intrapreneurial, and practical skills demanded for economic growth in Niagara.

These objectives will be achieved through services and offerings of the LINC. Some key features include:

## Makerspace

The makerspace will be a flexible space with reconfigurable physical furniture that supports business and community-based applied research and development. This lab will include idea boards, multi-touch interactive screens and will also include state-of-the-art technologies, such as 3D printers with technical support and a range of turnkey support services provided by professionals and students. For example, designers will be able to 3D print prototypes of products, allowing them to test model and concept designs.

The Makerspace will be a place where innovative individuals and/or companies can begin in the early stages of product development, test ideas, design prototypes, and explore technology. Designed to be a hotbed of innovation, it is where individuals and groups will be able to explore ideas and develop them into prototypes and potential products. It is expected that they will then transform these ideas into either new businesses or offerings from existing businesses in the Niagara community. The Makerspace will be a foundation for idea exploration within the LINC.

## The Augmented Reality, Virtual Reality and Sensory Reality Consumer Lab (R3CL)

Many of Brock's departments and research hubs have existing relationships with local industry. For example, the Cool Climate Oenology and Viticulture Institute (CCOVI) works with local grape growers and wineries to provide research, support, and educational programs that support the local industry. CCOVI's existing impact to the region is significant, generating \$58 million annually in local economic impact and \$91 million to the Ontario economy.

While significant, CCOVI's capabilities have been limited due to space restraints and outdated technology. This first of its kind lab will provide CCOVI, and others, with over \$1 million in new state-of-the-art technologies that will drive their impact even further. Using advanced AR/VR technology, Brock will make research and technology accessible to regional companies seeking to develop and launch products. The lab will be flexible enough to support a range of product and service testing – from digital to winetasting – using a range of approaches from research and observation to digital tracking.

#### Ready/Sett/Grow & Business Consulting

Embodying a play on the name for a badger's den, the Ready/Sett/Grow space provides early stage start-ups with physical space and access to resources they need to start and grow their businesses. Moreover, it will provide entrepreneurship development, executive education, and consulting services to support the economic development and success of businesses in the Niagara Region.

In sum, access to state-of-the-art technologies, physical space, and resources to test, design and explore ideas in combination with business development services will provide a full suite of support to assist individuals and entrepreneurs with starting and expanding businesses that will grow and create jobs in the broader community.

#### **Outcomes and Benefits to the Community**

Building off a history of success working with businesses in Niagara, Brock through the LINC will further enhance economic development in the region providing start-ups, for-profit, small and medium sized companies with space, technology, and partnership opportunities to expand and grow their businesses in a range of sectors including, but not exclusively, agriculture, food and beverage products, health services, and digital technologies. It will provide physical space in combination with access to Brock's researchers and resources to facilitate the development and commercialization of new products and processes for new and existing Niagara companies enabling them to scale and grow. Furthermore, when applying for federal funding, the LINC received previous letters of support from Niagara Region, The City of St. Catharines, The City of Thorold, The Town of Lincoln, and from the local Chambers of Commerce as a means to support regional economic growth and development.

Specific outcomes of the Brock LINC include:

Further leverage Brock's research capabilities and resources for the benefit of community economic development and vitality.

Brock researchers' already partner with industry to bring innovations to market, contributing to the economic growth of the local region. For example, in 2018, Brock researchers engaged with nearly 50 external companies. Since 2012, approximately 100 of Brock faculty members have engaged with external partners and the University has seen over 125 new commercialization partnerships, two-thirds of which are with companies, SMEs, or community partners located in Niagara, Hamilton or the GTA.

Through the LINC, Brock will be able to further expand on existing research partnerships as well as create new ones, with even greater potential. Providing access to new technologies and innovation space, as well as potential partnership opportunities with Brock, researchers will provide businesses with greater opportunities to commercialize new products or processes that will drive economic growth locally. The makerspace will be a core part of this process by providing a space for Brock researchers, innovative entrepreneurs, and businesses to explore ideas that could be expanded into prototypes, products, or processes.

As Niagara's economy continues to diversify and transition into a knowledge-based economy, the LINC will be an important hub for contributing to economic growth in the region. Leveraging Brock's research and resources will be increasingly important as part of supporting this transition to a diversified economy, retaining talent, and ensuring the long-term prosperity of Niagara.

Support existing businesses and incubate/scale new ones through access to space and state-of-the-art equipment.

The LINC will provide start-ups, for-profit, small and medium sized companies in Niagara with incubation space, access to innovative technologies, and partnership opportunities to expand and grow their businesses. It will provide new and existing businesses with space to facilitate the development and commercialization of new products and processes. Start-up businesses will grow out into the Niagara community generating long-term economic benefits for years to come.

The makerspace specifically will provide additional space to explore and test ideas with new state-of-the-art technologies. Brock will be re-locating its current makerspace into the LINC expanding its capacity ten-fold. The makerspace will also house a wide-range of new and innovative technologies allowing entrepreneurs and businesses to explore their uses for early stage research and development. While these technologies may exist in other parts of Niagara, the advantage of the Brock LINC makerspace is that they will all be housed in a single space for full idea exploration and testing alongside Brock

researchers and students. The makerspace will act as an on-ramp to innovation for business growth and development in Niagara.

Moreover, the R3CL will be unique in the global landscape through its offering of AR/VR equipment for the purpose of consumer testing. Established by CCOVI, this lab will be the world's first mediated-reality wine laboratory, where researchers can combine sights, smells, and sounds to help study the science of consumer choice in the wine industry. With applications applicable to many industries, others interested in consumer research and innovation will benefit from learning how a wide-range of consumer choices impact purchasing decisions.

The LINC will be supporting local industry by providing access to innovative equipment and opportunities to team students and researchers with local industry and community partners to create and/or grow their businesses. Local innovators, entrepreneurs, and companies can utilize, through partnership with Brock, the technologies and resources available in the LINC to explore and test ideas, develop new products and services, and grow their businesses. By supporting the LINC, Niagara Region will be instrumental to the foundation of a critical organization that builds existing and future companies for Niagara.

#### Job creation, skills development, and increased prosperity for the local region.

Through its support for start-ups and business development, the LINC will create new businesses and ultimately jobs in the Niagara community. The LINC will also support the expansion of existing businesses that explore new product and service development through LINC services. The makerspace will be critical to early stage research and development of ideas that will be the foundation for new businesses, products, and services. By creating new jobs and businesses in Niagara, the LINC will contribute to a larger, more prosperous and diversified tax base to support public services and community vitality. The LINC will also support the retention of talent and youth in the community through increased job and business development opportunities. Overall, the LINC will be a key asset to the long-term prosperity and economic growth of Niagara.

The students, entrepreneurs, researchers and companies who utilize the LINC will live, work, and start businesses in Niagara, while helping with the growth of Niagara's skilled workforce. The makerspace will also more specifically support digital skills development and training. Providing hands-on access to new and emerging technologies will allow individuals to explore their uses and potential applications developing their digital skills. These skills will be increasingly important to competitiveness in the modern digital economy.

#### Conclusion

The LINC will benefit Brock and Niagara Region together by supporting research, innovation, entrepreneurship and business growth that creates local jobs, drives economic development, and builds a prosperous and diverse Niagara for the future. The LINC will be a doorway to opportunities for entrepreneurs and businesses to access space, state-of-the-art technologies, and Brock's researchers and resources that will help them grow and succeed in the region.

The LINC will serve as an important bridge between Brock and the local community. Those who access the LINC will benefit from the research expertise and technology available at Brock that can help their company grow and succeed. Local industry will benefit from access to Brock's state-of-the-art technology available in the LINC's unique facilities, including the makerspace that can be used for research, testing, prototyping, and exploring ideas and technology.

By funding the makerspace, thus supporting the LINC overall, Niagara Region will be supporting those at the early stages of the innovation process who have the potential to succeed and become job creators in the community. This funding will be an investment in a legacy project for Niagara's future that will benefit the community for years to come, through economic growth, job creation, skills development, and innovation support for local businesses and industries. Niagara Region has an opportunity to contribute to building this important institution that will be at the heart of a prosperous, competitive, and modern Niagara economy.

### **Alternatives Reviewed**

None applicable.

### **Relationship to Council Strategic Priorities**

This recommendation will enforce one of Council's 2019-2022 Strategic Priorities, Supporting Businesses and Economic Growth.

### **Other Pertinent Reports**

ED 10-2017 Innovation Partnerships  
ED 2-2019 Economic Development Strategy  
ED 9-2019 Brock University LINC



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**Prepared by:**  
Valerie Kuhns  
Acting, Director  
Economic Development

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

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## MEMORANDUM

PDS-C 1-2020

**Subject: Public Realm Investment Program 2020 Launch**

**Date: February 12, 2020**

**To: Planning and Economic Development Committee**

**From: Vanessa Aykroyd, Landscape Architect**

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The purpose of this memorandum is to inform the Planning and Economic Development Committee that on January 27<sup>th</sup>, 2020, staff launched the “**2020 Public Realm Investment Program (PRIP)**.” At this time, local area municipalities are invited to submit applications for funding requests to the 2020 PRIP program.

Each year, the PRIP awards up to \$250,000 of funding to local area municipalities for public realm enhancement projects along regional roads. The 2020 PRIP builds on the program success of the past four years by delivering impactful and transformative projects across the region. Through the program, funding for 20 public realm enhancement projects has been committed in nine of Niagara’s communities. In all, close to \$1,000,000 of funding has been committed that is leveraging \$5,275,282 in capital investment.

### Highlights of the 2020 Program

- Minimum funding request has been established at \$25,000;
- Maximum funding per project is limited at \$100,000;
- Matching municipal funding is still required;
- Eligible projects must have a local funding commitment and be in an advanced stage of design;
- Three new types of projects are being introduced this year:
  1. Locally endorsed temporary projects - also known as “Tactical Urbanism” (defined as low cost temporary changes to the built environment intended improve the built form/streetscape).
  2. Niagara 2021 Canada Summer Games related enhancement projects.
  3. Shade structures.
- Website launched – Visit <http://www.niagararegion.ca/culture-and-environment/public-realm-investment-program/default.aspx> to view a summary of the program and to view information on completed projects.

To guide municipalities through the preparation of submissions, a 2020 PRIP Application Package was provided to local area municipalities. The program package covers: eligibility requirements, a table of eligible capital improvements, updated evaluation criteria, and payment process. The package also includes a reference glossary of capital improvement items and streetscape treatments that can be covered through the program.

Submissions for funding through the program must include a completed application form and maintenance commitment by the municipality, and relevant detailed information such as design drawings and technical specifications of a proposed enhancement.

In order to ensure that the work meets applicable operational and technical criteria, a team of Regional staff experts in urban design, landscape architecture, transportation engineering, and operations will review and evaluate eligible projects in accordance with the evaluation criteria provided in the application and Regional policies.

**Key Dates:**

January 27, 2020	Call for applications
March 27, 2020	Application deadline
April 27, 2020	Funding notifications to applicants issued (subject to change based on quantity and quality of applications)
June 17, 2020	Funding Commitment update Memorandum to PEDC

Staff will report to the Planning and Economic Development Committee in the fall of 2020 with an update showcasing the PRIP projects.

Respectfully submitted and signed by

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Vanessa Aykroyd, OALA, CSLA  
Landscape Architect





# Public Realm Investment Program 2020 Application Guide



Urban Design and Landscape Architecture  
Planning and Development Services

Niagara  Region

# PROGRAM PACKAGE CONTENTS

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# PUBLIC REALM INVESTMENT PROGRAM

## PROGRAM OVERVIEW

Established in 2016, the Public Realm Investment Program (PRIP) is a value-added program that allows the Region to partner with local municipalities on capital projects that provide public realm enhancements on over 250 kms of Regional Roads in urban and core areas.

Public realm enhancements attract investment and help to create vibrant and enlivened public realms that sustain businesses, improve all modes of transportation, and celebrate community. People seek out and enjoy well-designed places that are inclusive and accessible, where they enjoy personal comfort, safety, happiness and well-being. These attractive and vibrant places offer a higher quality of life to residents and visitors.

To encourage investment in great public places for people, the Region is offering this incentive program to all of our local municipalities. Investing in with local municipal partners to complete our streets with enhanced boulevards, sidewalks, and spaces in the public realm across Niagara helps our region attract new residents, promote tourism, grow the economy, beautify our communities, and is key to building strong and resilient communities in Niagara.



## PART A PROGRAM OVERVIEW

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“The street is the river of life of the city, the place where we come together, the pathway to the center.”

- WILLIAM H. WHYTE

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222 Hennepin St, Minneapolis  
Downtown Improvement District  
Award Winner – Best Street Tree  
Canopy, 2013

(Image courtesy [www.mplsddid.com](http://www.mplsddid.com))

# PUBLIC REALM INVESTMENT PROGRAM

## PROGRAM PURPOSE

The purpose of the program is to encourage investment in the urban and core area public realms along Regional roads by providing matching funding to local municipal partners for upgrades to existing capital projects.

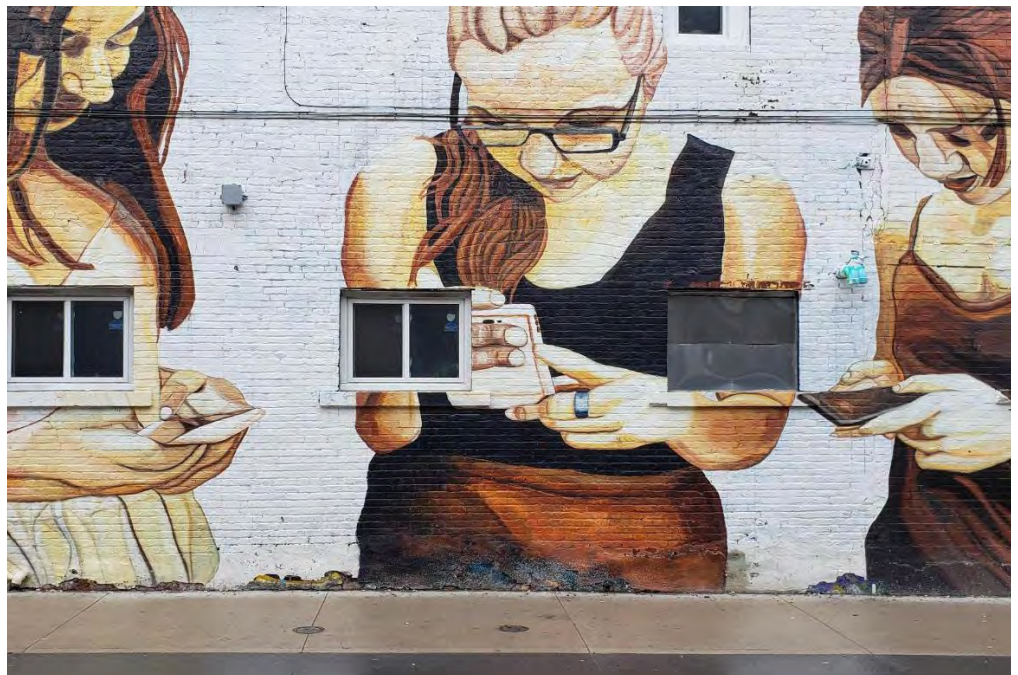
This contributes to attractive public realms that enrich and enliven Niagara's communities by:

- Creating a sense of place by integrating architectural features, public art, street furniture, enhanced paving, and generous planting design through the inclusion of enhanced elements in their projects, beyond the standard products and treatments;
- Leveraging regional and municipal capital funding to achieve design excellence and provide a funding option that promotes community pride and contributes to community identity projects;
- Responding to the unique challenges within our local municipalities with innovative and unique design solutions that will address the diverse needs and character of the Region's built environments;
- Supporting treatments and measures along Regional roads that include design for optimal tree health, sustainable storm water management strategies, and resilient and beautiful landscapes; and,
- Prioritizing universal accessibility with a focus on pedestrian comfort and safety by clearly defining sidewalks, crosswalks, bicycle lanes and roadways to effectively support walking, cycling, and alternative means of transportation.

“Cities have the capability for providing something for everybody, only because, and only when, they are created by everybody.”

- JANE JACOBS

Mural by Barcelona-based artist Jupiterfab located across from the St Catharines Performing Arts Centre, on Garden Park.





# PUBLIC REALM INVESTMENT PROGRAM

## PROGRAM FUNDING

The Public Realm Investment Program provides *matching* funding to *eligible* local municipal projects that are initiated and constructed by either the local municipality or Niagara Region in consultation or collaboration with the local municipality. Minimum funding requests of at least **\$25,000** will be considered. The maximum Regional funding contribution is limited to an amount of **\$100,000**.

Partnerships with local associations and community groups are encouraged, however the Region will only match the contribution made by the municipality.

Through the PRIP, municipalities may apply for funding that may be applied to a wide variety of streetscape enhancements and upgrades to project standards or typical installations, including (but not limited to):

- **HARDSCAPING:** Sidewalks, decorative boulevard treatments, street furniture (benches, bike racks, litter receptacles), decorative lighting, etc.
- **LANDSCAPING:** Native trees, planting beds, pollinator gardens, rain gardens or bioswales, roundabouts, etc.
- **COMMUNITY IDENTITY:** Gateway features, public art (sculpture, publicly accessible murals, etc), seasonal decoration, as well as basket arms and wayfinding.



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“Great cities know streets are places to linger & enjoy, not just move through.”

- BRENT TODERIAN

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Forest Hill Village North Gateway,  
Toronto, ON

(Image courtesy PLANT Architect)

# PUBLIC REALM INVESTMENT PROGRAM

## ELIGIBILITY

This program is available to all of Niagara's local municipalities and the Niagara Peninsula Conservation Authority (NPCA).

- Projects must be within or directly adjacent to a Regional Road right-of-way.
- Projects must be completed by the end of the year following the award. For example, projects receiving funding in 2020 must be completed prior to the end of 2021.
- Projects relating to the Niagara 2021 Canada Summer Games must be complete prior to the start of the Games.
- Projects must have committed budgets in place.
- Maintenance agreements are required.

Applications for funding will be reviewed by Regional staff using the eligibility criteria listed as (Part C) of this package.

Municipalities are encouraged to submit projects that deliver the greatest value for their communities (i.e. social, economic, and environmental). The Region specifically encourages the submission of projects located: within downtowns, employment areas or community gateways; close to public buildings or public parks; along the Regional bicycle network, transit routes, tourist areas, the wine route, and multi-use paths.

Municipalities must provide at minimum, a matching funding amount equal to the requested Regional contribution. Municipalities are invited to apply by completing the Application Submission Form provided as (Appendix 1) of this package.



Bioswale and raingardens at  
Niagara Region Headquarters  
Thorold, ON

# PUBLIC REALM INVESTMENT PROGRAM

## APPLICATION PROCESS

Applications to the Program will be processed in the following manner:

**Step 1 Submission (Deadline: March 27, 2020)**

Applications are received by the Region and checked for completeness (additional information may be requested)

**Step 2 Submission Evaluation Region Staff (As received - April 10, 2020)**

Complete Applications are evaluated by the Region's Program Selection Team and prioritized.

**Step 3 Meetings with Local Municipalities (Week of April 13, 2020)**

Meetings with municipalities to formalize scope, scheduling, and funding.

**Step 4 Award (April 27, 2020)**

Funding awarded to prioritized projects (date is subject to complexity and quantity of applications)

**Step 5 Implementation (2020/2021)**

Region or local municipality constructs approved works.

**Step 6 Completion (Prior to end of 2021)**

Project Completion Report submitted with invoice.



## PART B APPLICATION OVERVIEW

**SUBMISSION  
DEADLINE:**





# PUBLIC REALM INVESTMENT PROGRAM

## SUBMISSION REQUIREMENTS

Project submissions must demonstrate the public benefits of the investment for the local municipality and to the Region. Submissions must include a completed application form (Appendix 1), and the following supporting information:

1. Digital photographs showing the current condition of the project site;
2. Detailed itemized costs of the work;
3. Technical drawings of the project such as plans, and details;
4. Key project milestones; and,
5. Maintenance commitment (included on application form).

Municipalities wishing to submit more than one project must make separate submissions. Project submissions will be reviewed to ensure compliance with program requirements and alignment with Regional objectives.

### Submit applications to:

Program Coordinator: Vanessa Aykroyd, OALA, CSLA  
Email: [vanessa.aykroyd@niagararegion.ca](mailto:vanessa.aykroyd@niagararegion.ca)  
Mail: Public Realm Investment Program  
c/o Vanessa Aykroyd, Landscape Architect  
Urban Design and Landscape Architecture Section  
Planning and Development Services Department  
Niagara Regional Headquarters, Campbell West  
1815 Sir Isaac Brock Way, PO Box 1042  
Thorold, Ontario L2V 4TZ

## WITHDRAWAL OF APPLICATION

If a municipality must withdraw from an approved PRIP funding commitment, a letter to that effect must be submitted to Region's PRIP Coordinator as soon as possible via email or regular mail.

Depending on the amount of the forfeited funding commitment, and if a withdrawal occurs before October 1st of the same PRIP year, the funding may be reassigned to another municipality through a new call for PRIP applications. At such time, municipalities, will be informed of the available funding and will be encouraged to submit a PRIP application. Applications will be evaluated and available funding assigned through a process that is similar to that of the initial (PART C) process.

# PUBLIC REALM INVESTMENT PROGRAM

## EVALUATING THE APPLICATION

All applications will be reviewed and evaluated by the Region to ensure the proposed works align with the objectives of the program.

The evaluation process is divided into 3 steps:

**Step 1** Review of the application and supporting documentation for completeness

**Step 2** Evaluate the application against the Evaluation Criteria (Pg. 9)

**Step 3** Determine Regional funding contribution

### APPLICATION and SUPPORTING DOCUMENT CHECKLIST

\*ensure this information is included either on the application or is attached

Yes

#### 1.0 Application

Completed PRIP Application (Appendix 1)

Required plans, drawings and images provided for review

Current Condition Photos (.jpg or .tif)

Other required supporting studies/documentation

Functional, operational, safety requirements have been addressed by the local municipality (provide supporting documentation from a P. Eng or other qualified professional where required)

#### 2.0 Aligns and Supports Niagara Region's Policies and Practices

Regional Official Plan

Model Urban Design Guidelines

Transportation Master Plan and Complete Streets Model Policies

Relates to an Environmental Assessment (if yes then specify)

Relates to the 10 Year Regional Capital Forecast (if yes, then which project and year)

#### 3.0 Support of Local Area Councils

Local Council Resolution to submit application (If applicable)

Demonstrated compliance with local planning documents or master plans (if applicable)

*When all have been addressed, proceed to Step 2:*

## PART C EVALUATION PROCESS

### STEP 1: APPLICATION AND SUPPORTING DOCUMENTATION CHECKLIST

The complete application requirements listed below are for information purposes and should be consulted when preparing an application. Niagara Region will use this chart to determine the eligibility and completeness of the application.

# PUBLIC REALM INVESTMENT PROGRAM

## STEP 2: EVALUATION CRITERIA

The Evaluation Criteria below is used by the Region to evaluate the merits of the project and prioritize projects requiring a funding contribution by the Region. Projects must score above 80 points to receive funding priority. Criteria are worth multiple points and should be addressed to ensure the benefit of projects is well-presented.

\* Points of interest include, but are not limited to tourist destinations, employment areas, transit hubs and stops, public buildings, schools, colleges, universities, parks, other publicly accessible spaces and locations that are culturally and/or naturally significant.

### APPLICATION EVALUATION CRITERIA

<b>1.0 Timing</b>	
Construction to commence within current program year (projects may extend into the next program year for completion)	5
<b>2.0 Location</b>	
Within 500m of an urban core area	4
Within 500m of 5 <i>points of interest</i> *	4
Within a Community Improvement Area / Business Improvement Area / Secondary or District Plan Area	4
Along or adjacent to a public transit route	3
Along a bicycle route, multi-use path, or the wine route	3
Within 1km walking distance to a tourism point of interest	3
Within visual proximity to a landmark (gateway, heritage site, public building)	3
<b>3.0 Community Benefit</b>	
Promotes higher use of the Regional Road and connectivity with other networks	5
Incorporates Heritage and Artistic Elements (e.g. Public Art)	5
Promotes Transit and/or Active Transportation	5
Promotes an inclusive streetscape (i.e. all ages and abilities)	3
Attracts people and promotes opportunities for social interaction	3
<b>4.0 Design Goals</b>	
Addresses a prevalent negative condition or issue	5
Recognizes and leverages local character	4
Contributes to planned improvements/developments in the vicinity	4
Durability and attractiveness of the materials/elements	3
<b>5.0 Environmental Resiliency</b>	
Grows the Urban Forest (Tree planting at least at a 3:1 planted:removed ratio)	5
Includes 60% or greater native plant species (no invasive species permitted)	5
Includes Low Impact Development stormwater management infrastructure	5
Includes other innovative materials, products, or practices	4
Includes recycled or sustainable products (e.g. Recycled plastic or FSC Certified wood products)	3
<b>6.0 Community Partnerships</b>	
Partnership with a Local BIA or local community group or organization	5
Partnership with post-secondary institutions for skills training or innovation development	4
Uses finished products manufactured or created in Niagara	3
<b>Greater than 80 Receives Funding Priority</b>	<b>Total 100</b>

# PUBLIC REALM INVESTMENT

# PROGRAM

## REGIONAL CONTRIBUTION FUNDING LIMITS

### 1.0 Hardscape Materials and Treatments

Strategic sidewalk connections or sidewalk widening (to a minimum 2.0m)	\$30,000
Decorative concrete paving, banding, and unit paving	
Decorative crosswalks (also refer to Section 3.0)	
Decorative on-road pavement (non-asphalt)	
Off-road trail connection areas connecting to Regional Road or Bikeway	
Off-road multi-use trails and associated treatments	

### 2.0 Complete Streets Infrastructure

Cycling facilities (funding possible in collaboration with Bicycle Facilities Grants for Regional Bikeways)	\$25,000
Traffic Calming Measures (including curb extensions, bump outs, and medians not associated with pedestrian crossings)*	
Line painting associated with traffic calming and pedestrian crossing facilities	
Decorative lighting (to includeg banner/basket arms and seasonal decoration electrical outlets, where proposed)	\$50,000
Burial of overhead utilities ( <i>The Regional contribution by this program will be determined on a case-by-case basis with cost estimates prepared by the public utilities.</i> )	

### 3.0 Road Crossing Facilities

Sidewalk extensions or bump-outs at intersections	\$15,000
Decorative concrete crosswalks	\$20,000
Decorative painted pedestrians crosswalks	\$8,000
Parklets (Reusable sidewalk extensions where on-street parking is located)	\$10,000

### 4.0 Site Furniture

Benches	\$12,000
Bicycle parking (rings, racks, shelters)	\$10,000
Decorative Bollards	\$5,000
Low seat walls and planters	\$12,000
Pedestrian shade structures	\$10,000
Litter and Recycling Receptacles (funding limit increased for streams that include organics, accompanied by a plan for collection)	\$5,000 - \$10,000
Drinking fountains/Bottle fillers/Pet watering stations	\$5,000
Transit Shelters and Shade Structures	\$10,000

### 5.0 Landscaping

Tree Planting (including irrigation bags)	\$25,000
Innovative planting technologies (e.g. structural soil cells)	\$30,000
Hanging baskets and/or planters (installed cost)	\$15,000
Planting beds	\$10,000
Rain gardens/bioswales (funding increased if features address 5 year storm)	\$20,000 - \$30,000
Plants - Native, drought and salt tolerant species	\$5,000

## STEP 3: REGIONAL FUNDING CONTRIBUTION LIMITS

\*Traffic calming measures on Regional Roads or installations that affect Regional Infrastructure require coordination and approval by the Regional Commissioner of Public Works.

\* LID bioswales and rain gardens must capture and infiltrate the 25ml design storm to qualify for specific funding.

# PUBLIC REALM INVESTMENT PROGRAM

## STEP 3: REGIONAL FUNDING CONTRIBUTION LIMITS ...continued

### 6.0 Community Identity Features

Banners and Banner arms	\$5,000
Basket arms	\$5,000
Gateway features	\$50,000
Seasonal decorations	\$8,000
Decorative street name blades	\$6,000
Information kiosks	\$15,000
Public art	\$25,000
Interpretive panels/signs	\$7,000
School related Active Transportation initiatives	\$4,000
Wayfinding initiatives	\$10,000
Anti-graffiti wraps and coatings	\$5,000

### 7.0 Niagara 2021 Canada Summer Games

Niagara 2021 Placemaking Projects	\$25,000
*Projects that meet other program location and category requirements may also be awarded funding from those categories.	





# **PUBLIC REALM INVESTMENT PROGRAM**

## **REGIONAL COORDINATION/APPROVALS**

After the project has received an initial funding approval, Municipal and Regional staff will work together to determine construction and installation details as they pertain to Regional infrastructure.

To ensure clarity and continuity for the project and involved staff, the point of contact at the Region for the project will be the PRIP Program Coordinator. The PRIP Program Coordinator will provide collective comments, and approvals from the required Regional staff, and ensure consistency throughout the project.

## **DESIGN COLLABORATION**

Regional staff are pleased to provide assistance and guidance at various stages of the project. The local municipality may not have staff resources that could influence the success of the project. The services of the Regional Landscape Architect and Urban Designer are available as needed.

## **PROJECT CONSTRUCTION**

Once construction and installation details affecting Regional infrastructure are confirmed, a final sign-off from key stakeholders will be communicated through the PRIP Program Coordinator. As construction begins, brief project updates should be shared with the PRIP Program Coordinator at project milestones, or as deemed necessary.

## **PROJECT COMPLETION**

Once the construction and/or installation of the works defined in the submission has been completed, payment can be requested. Municipalities must inform the PRIP Program Coordinator and provide the following:

- Project Completion Report (See Appendix 2)
- Digital photographs of the built condition; and
- Other supporting documents as required

The Project Completion Report requires the municipality to summarize the project, provide important details, and review project successes. The PRIP Program Coordinator will review the Project Completion documents, and advise that an invoice from the municipality can be issued to the Region. A PO# will be provided and the invoice will be paid Net 30.

## **PART D PROJECT IMPLEMENTATION**

# PUBLIC REALM INVESTMENT PROGRAM

## PART E GLOSSARY OF STREETSCAPE ELEMENTS

### HARDSCAPES

## GLOSSARY OF STREETSCAPE ELEMENTS

### Standard Surface Treatments

Surfacing can include brushed concrete sidewalks, or asphalt pathway paving.



### Upgraded Surface Treatments

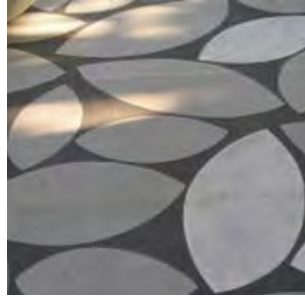
Upgraded surfacing can include materials such as stone, concrete unit pavers, coloured concrete, impressed concrete, and exposed aggregate concrete, etc.



# PUBLIC REALM INVESTMENT PROGRAM

## Decorative Surface Treatments

Decorative surfacing can include concrete etching, grinding, sandblasting, acid staining, metallic tinting, decorative stamping, decorative unit paving. .



## HARDSCAPES



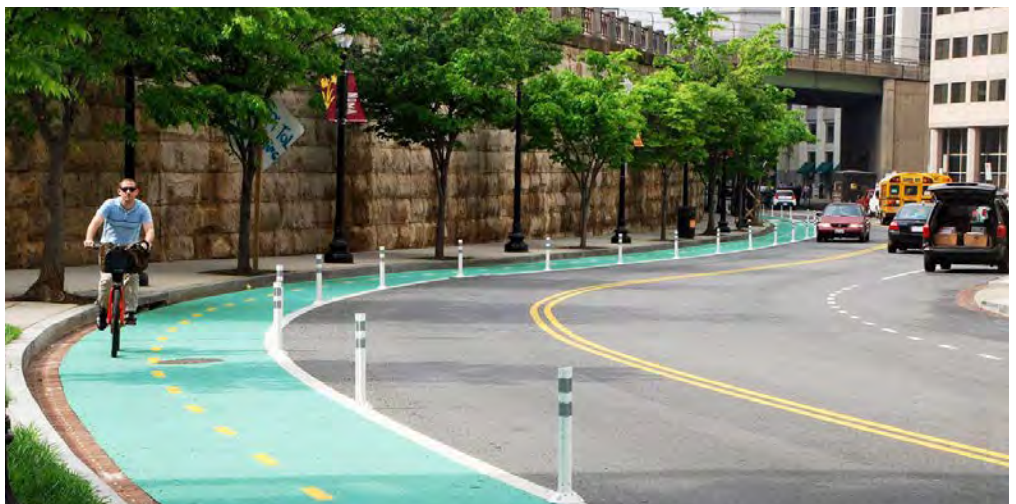
# PUBLIC REALM INVESTMENT PROGRAM

## Cycling Facilities

Cycling facilities and surface treatments may be funded in collaboration with the Bicycle Facilities Grants for Regional Bikeways.



## COMPLETE STREETS



## Traffic Calming Measures

Curb extensions, bump outs, and medians provide visual cues to slow traffic.



# PUBLIC REALM INVESTMENT PROGRAM

## Sidewalk Extensions and Bump Outs

Used to reduce the pedestrian crossing distances of roads, bump-outs can provide additional room for street enhancements, such as, seating or public art.



## Decorative Crosswalks

Limited to high tonal contrast and pavers, decorative crosswalks can be used to visually indicate a crossing to motorists and pedestrians alike.



## COMPLETE STREETS



# PUBLIC REALM INVESTMENT PROGRAM

## Pedestrian Crossing Islands

Pedestrian crossing islands provide refuge from traffic in wide crossing situations.



## COMPLETE STREETS

## Parklets/Pop-Up Patios

These are temporary commercial patios or landscape/park installations located in on-street parking spaces, and range from practical to whimsical.



# PUBLIC REALM INVESTMENT PROGRAM

## Trees and Installation Infrastructure

Grow the urban forest in a sustainable way by providing opportunities for proper soil volumes, drainage, and irrigation as necessary, using traditional or innovative measures, such as structural soil cells.



## LANDSCAPES



# PUBLIC REALM INVESTMENT PROGRAM

## LANDSCAPES

### Hanging Baskets and Planters

Add seasonal colour to the streetscape using hanging baskets and planters.



### Planting Beds

Both flush and raised planting beds can add colour and curb appeal to the street.





# PUBLIC REALM INVESTMENT PROGRAM

## Bioswales and Rain Gardens

Bioswales and rain gardens serve dual purposes - they enhance the aesthetic of the streetscape, while treating quantity and quality of stormwater. This increases the resiliency of the streetscape and relieves pressure on grey infrastructure.



## LANDSCAPES



# PUBLIC REALM INVESTMENT PROGRAM

## Seating Options

The style and design of seating should positively contribute to the aesthetic value of the streetscape, and respond appropriately to the installation location and expected user of the seating.



## SITE FURNITURE

## Seating and Retaining Walls

Retaining walls provide valuable functions, but can also serve dual purpose along pedestrian walkways.



# PUBLIC REALM INVESTMENT PROGRAM

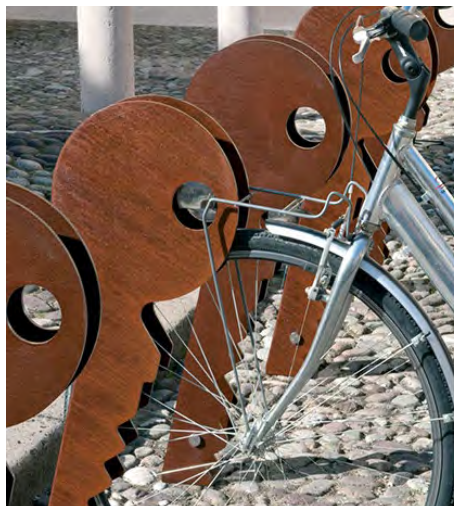
## Litter and Recycling Receptacles

Refuse containers for handling single and multiple streams can include automated systems such as Big Belly Solar Compactors or similar. Three stream (waste, plastic, organics) receptacles are encouraged where possible.



## Bicycle Parking

Encouraging active transportation via bicycle requires space to park. Bike racks can be open or covered, and range from purely functional to public art.



## SITE FURNITURE



# PUBLIC REALM INVESTMENT PROGRAM

## SITE FURNITURE

### Bollards

Bollards provide protection for pedestrians and can be purely functional, or serve a dual purpose as public art.



### Bus Shelters and Shade Structures

Protecting pedestrians and transit riders from the sun and elements.



# PUBLIC REALM INVESTMENT PROGRAM

## Decorative Fencing

When fencing is required, an upgrade to the standard can create a statement.



## Drinking Fountains/Bottle Fillers

Classic or whimsical, making clean water readily to pedestrians and their pets available helps to reduce plastic waste from landfills and oceans.



## SITE FURNITURE



# PUBLIC REALM INVESTMENT PROGRAM

## COMMUNITY IDENTITY

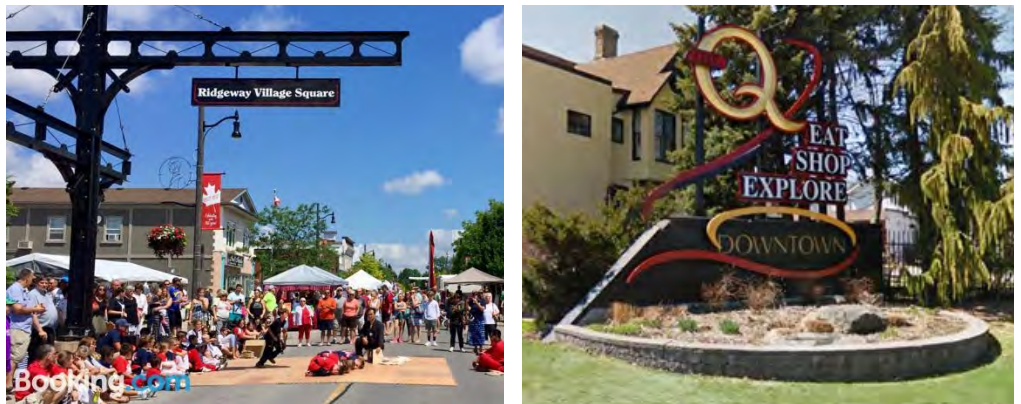
### Banners and Banner Arms

Banners (and banner arms) with a demonstrated community benefit are an safe and easy way to create a 'Main Street' identity, and can be tailored year after year.



### Gateway or Prominent Place Features

These features can help to create community identity, and establish a sense of arrival at a community or landmark.



### Seasonal or Festive Decorations

This includes pole mounted wreaths, lights, bows, etc, as well as string lights, accent lighting, or audio and visual projection.



# PUBLIC REALM INVESTMENT PROGRAM

## Decorative Street Name Blade and Plates

Create community or neighbourhood identity with decorative blades and plates.



## COMMUNITY IDENTITY

## Information Kiosks, Wayfinding, and Interpretive Signs

Connect your community with kiosks that allow citizens to stay up to date with activities and events, or share history or information with interpretive signs





# PUBLIC REALM INVESTMENT PROGRAM

## COMMUNITY IDENTITY

### School Active Transportation Initiatives

This includes walking audits, walking promotion, wayfinding, and the addressing of immediate barriers to walking or cycling to and from school.



### Anti-Graffiti Wraps and Coatings

Encourage less 'tagging' on municipal infrastructure. Wraps may be used on infrastructure, and coatings can be used to protect surfaces or permitted artwork..



### Tactical Urbanism Initiatives

Enabling change through endorsed temporary installations of elements not mentioned in other categories.





# PUBLIC REALM INVESTMENT PROGRAM

## Public Art

Create community or neighbourhood identity with decorative blades and plates.



## Niagara 2021 Canada Summer Games

Creating memorable places across Niagara for athletes and spectators takes collaboration. Eligible projects can be temporary, and based around the time frame of the games specifically, or can be permanent projects that will ensure the legacy of the games endures. Eligible projects should be located so as to directly impact the Niagara 2021 Canada Summer Games experience in close proximity to participating venues (including the torch route).



## NIAGARA 2021 CANADA SUMMER GAMES



## 2020 PUBLIC REALM INVESTMENT PROGRAM APPLICATION

Municipality:		Project Location or Address:	
Project Name:			Submission Date:
Estimated Total Project Value:	Requested Regional Contribution Amount:	Estimated Construction Start Date:	Estimated Construction Completion Date:

### Project Description

*Describe the project, and how it contributes to the enhancement of the public realm.  
See Part C - Evaluation Criteria (Step2) to aid in demonstrating the value of this project.*

### Application Check List

*Attach additional documentation to the application form separately*

Itemized Cost Breakdown	Project Dates and/or Milestones	Detailed/Tender Ready Drawings	Current Condition Photos (.jpg or .tif)
We acknowledge that if this application is approved, the municipality will be responsible for ongoing maintenance of the works under the application.			
We acknowledge that if this application is approved, the Regional Funding Contribution commitment expires at the end of the year following the approval*			
We commit to provide a <u>Project Completion Report</u> which is to include a final project cost, project date of completion, copies of invoices paid with funding of this program, digital photographs of completed work.			

Municipal Project Lead	Municipal Head of Public Works
Name:	Name:
Signature:	Signature:

*\*If the project cannot be completed prior to the end of the prescribed time frame, please contact the PRIP Program Coordinator*



## 2020 PRIP PROJECT COMPLETION REPORT

Municipality:	Project Location or Address:		
Project Name:			Date Submitted:
Original Project Cost:	Actual Project Cost:		
Regional Funding Contribution:	Municipal Funding Contribution:		
Identify other Funding Sources and Amounts:			
Project Construction Start Date:		Substantial Completion Date:	

### Project Performance:

*Describe the final project and items included (refer to Part C - Regional Contribution Funding (Step 3) to aid in completing this section).*

Hardscape Materials and Treatments; Facilities that Promote Complete Streets; Road Crossing Facilities; Street Furniture; Landscaping; Community Identity, etc.

### Supporting Documentation:

*Attach additional documentation to the Project Completion form separately*

Itemized Cost Breakdown	Project Dates and/or Milestones	Tender/As Built Drawings	Post-Construction Photos (.jpg or .tif)
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### Qualitative Feedback from Project Stakeholders (property owners, businesses, visitors, tourists, patrons):

<b>Municipal Project Lead:</b>		<b>Municipal Head of Public Works:</b>	
Name:		Name:	
Signature:		Signature:	

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**Subject:** Ecological Land Classification Mapping Update

**Report to:** Planning and Economic Development Committee

**Report date:** Wednesday, February 12, 2020

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## Recommendations

1. That Report PDS 3-2020 **BE RECEIVED** for information; and,
2. That Report PDS 3-2020 **BE CIRCULATED** to the Area Municipalities and the Niagara Peninsula Conservation Authority (NPCA).

## Key Facts

- The purpose of this report is to provide additional details on a project to update the Region-wide Environmental Land Classification (ELC) mapping - which is being undertaken in support of the Natural Environment Work Program for the new Niagara Official Plan.
- PDS 32-2019 (November 6, 2019) recommended that a new ELC mapping dataset was the preferred option as it would have a range of benefits associated with natural environment planning.
- A work plan, in consultation with NPCA staff, has been prepared. A procurement process for consulting support is underway. It is expected that a consultant will be retained by March 1, 2020.
- After a successful grant application, the project was approved for partial funding by the Greenbelt Foundation.

## Financial Considerations

The ongoing costs associated with the Natural Environment Work Program, including the Environmental Land Classification (ELC) mapping, will be accommodated within the Council approved Regional Official Plan project budget.

## Analysis

### Ecological Land Classification (ELC) Methodology

The ELC program was established as a comprehensive and consistent province-wide approach for ecosystem description, inventory, and interpretation. The industry-accepted ELC methodology is documented in the guide entitled *“Ecological Land*

*Classification for Southern Ontario*". ELC is a hierarchical and nested methodology that can be applied from scales ranging from province-wide to site-specific. The appropriate scale for Region-wide mapping and informing a Regional Official Plan is 'community series'. ELC mapping is required to be completed by a certified ecologist or other practitioner.

### Background

Starting in 2006, the NPCA, in coordination with the Region, local naturalist clubs, and area municipalities, initiated the "Natural Areas Inventory" (NAI) project. A major element of the project was the completion of comprehensive ELC 'community-series' level mapping of natural areas, which represented the first dataset of its kind for the entirety of the Region.

The NAI ELC mapping was completed using 2006 aerial imagery. Field crew's ground-truthed some natural areas where access was permitted by landowners. The ELC dataset was continuously refined through a QA/QC process by staff at the NPCA until 2012, when it was subsequently used as a data input for a follow-up natural heritage project.

The NAI ELC dataset remains the most comprehensive data of its type for the extent of the Region, however, the information has decreased value and accuracy owing to the fact that it is approximately ten years old and does not consider landscape changes from recent developments and continued vegetation growth. An update is required to ensure that natural environment mapping to be included as part of the new Niagara Official Plan is accurate and reliable.

### Dataset Update

The exiting ELC dataset will be updated using new 2018 aerial imagery and large-scale mapping specifications as prescribed by the Region. Vegetated areas will be identified and interpreted using a standard methodology, resulting in a polygon-based vegetated area inventory. ELC coding is then applied to each polygon in the GIS environment. Provincially identified wetland boundaries will be incorporated directly into the dataset to avoid duplications. The dataset will consider vegetated areas in both rural and urban area. A QA/QC program for the dataset has been included in the work plan.

### Field Verification Component

The ELC methodology permits mapping to be completed at the 'community-series' level to be completed as a desktop exercise only. However it is the intention of this project to go beyond this minimum requirement and to include a field verification component.



The goal of the field verification exercise is to ensure a higher degree of confidence in the data and will include representative sites across all 12 area municipalities. The field verification exercise will involve publically owned lands and areas viewable from public roads or other public locations.

Regional and local planning staff will be invited to attend the field verification sessions. The purpose of this is to foster an education of the ELC methodology and to ensure a higher-level of confidence in the project. Local planning staff will be asked for input on the sites to be visited in their municipality to ensure local knowledge is being maximized. A report will be prepared documenting the field verification exercise.

### Project Funding

In late 2019, planning staff submitted the ELC project to the Greenbelt Foundation for consideration under the Resilient Greenbelt funding stream. The application was made in partnership with the NPCA and was successful in attaining a \$25,000 grant contribution to supplement the total cost of this project.

The balance of the project is being completed under the Council approved budget and work plan for the new Niagara Official Plan.

### **Alternatives Reviewed**

Council could choose not to receive or circulate this report. This is not recommended.

### **Relationship to Council Strategic Priorities**

This report is being brought forward as part of the ongoing reporting on the new Niagara Official Plan. The Natural Environment Work Program aligns with Objective 3.2 Environmental Sustainability and Stewardship:

*“A holistic and flexible approach to environmental stewardship and consideration of the natural environment, such as in infrastructure, planning and development, aligned with a renewed Official Plan.”*

### **Other Pertinent Reports**

- PDS 40-2016 – Regional Official Plan Update
- PDS 41-2017 – New Official Plan Structure and Framework
- PDS 3-2018 – New Official Plan Update
- PDS 6-2018 – Natural Environment Project Initiation Report
- PDS 18-2018 – Natural Environment – Project Framework
- PDS 9-2019 – New Official Plan Consultation Timeline Framework

- PDS 10-2019 – Update on Natural Environment Work Program – New Regional Official Plan
- CWCD 122-2019 – Agricultural and Environmental Groups – Draft Stakeholder Lists
- CWCD 150-2019 – Update on Official Plan Consultations – Spring 2019
- CWCD 179-2019 – Notice of Public Information Centres – Natural Environment Work Program, New Regional Official Plan
- CWCD 271-2019 – Update on Consultation for New Official Plan
- PDS 32-2019 – Natural Environment Work Program – Phases 2 & 3: Mapping and Watershed Planning Discussion Papers and Comprehensive Background Study
- PDS 1-2020 – New Niagara Official Plan – Public Consultation Summary

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**Prepared by:**

Sean Norman, PMP, MCIP, RPP  
Senior Planner  
Planning and Development Services

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**Recommended by:**

Rino Mostacci, MCIP, RPP  
Commissioner  
Planning and Development Services

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**Submitted by:**

Ron Tripp, P.Eng.  
Acting, Chief Administrative Officer

*This report was prepared in consultation with Karen Costantini, Planning Analyst – Regional Official Plan, and reviewed by Erik Acs, MCIP, RPP, Manager, Community Planning, and Doug Giles, Director, Community and Long Range Planning.*

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**Subject:** City of Welland Application for Regional Official Plan Amendment

**Report to:** Planning and Economic Development Committee

**Report date:** Wednesday, February 12, 2020

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## Recommendations

1. That this report **BE RECEIVED** by the Planning and Economic Development Committee (PEDC); and
2. That this report **BE CIRCULATED** to the City of Welland for information.

## Key Facts

- The purpose of this report is to advise Council that the City of Welland has submitted an application for a Regional Official Plan Amendment for the expansion of the City's urban boundary known as the northwest expansion (NWE) area. This report also provides information on the local Official Plan Amendment 24 adopted by the City in relation to the same matter.
- The Region has directly supported Welland's work program to consider the northwest expansion (NWE) and secondary plan process since 2017.
- As a result of changes to the *Growth Plan, 2019* Welland advanced its request to expand the City's urban boundary for the NWE area, by submitting a Regional Official Plan Amendment (ROPA) and adopting a Local Official Plan Amendment (OPA 24).
- The Region met with the City on several occasions in September and October, 2019, and January 2020, to discuss the ROPA requirements for the NWE area expansion under the new *Growth Plan, 2019* policies.
- The NWE ROPA application was submitted to the Region on November 12, 2019. The Region responded to this application on November 21, 2019 to advise the City that it was incomplete. Since then, the City and Region have been working to complete the ROPA application.
- Welland adopted OPA 24 on December 17, 2019 and sent it to the Region on January 16, 2020. This local amendment relates to the expansion of the urban boundary and amends the City's Official Plan policy related to boundary expansions. OPA 24 relies on the approval of the ROPA in order to demonstrate conformity with Regional and Provincial policy.

- The Region is the approval authority for OPA 24. The Region will process the ROPA and OPA 24 concurrently and will bring both amendments forward for Council's consideration at the same time.
- The Region, the City, and the City's planning consultant, most recently met on January 9, 2020 to discuss the NWE area expansion. The City indicated it will pursue the expansion for the entire NWE area either through multiple 40 hectare expansions or a combination of an expansion and a boundary adjustment. The City's consultants are working on the additional information required to complete the ROPA application with a targeted for a full submission in February/March of this year.

## **Financial Considerations**

There are no direct financial implications arising from this report.

The cost to process and circulate amendments of this nature is accommodated within the Planning and Development Services base Operating Budget.

The Region has committed \$125,000 in financial support for the Northwest Welland project via the Smarter Niagara Incentive Program (SNIP) planning grant.

## **Analysis**

### **Background**

The NWE study area is approximately 190 hectares. It is bordered by the City's municipal boundary to the north, Niagara Street (Regional Road No. 50) to the east, the existing urban boundary to the south and Clare Avenue to the west. Rice Road, First Avenue and Quaker Road all traverse the study area (a map is provided in Appendix 1).

The Region has directly supported Welland's work program to consider the NWE expansion and secondary plan process since 2017. Regional staff participated in establishing the Terms of Reference for the project, the selection of the successful consultant, participated on a steering committee and committed to provide financial assistance via the SNIP planning grant.

When the work plan started in 2017, the *Growth Plan for the Greater Golden Horseshoe (Growth Plan)* only permitted municipalities to consider urban boundary expansions as part of the Region's municipal comprehensive review (MCR). In Niagara's case, the MCR is the new Regional Official Plan (ROP) which is targeting a 2021 completion. The Region agreed to the City's NWE work program on the basis that the required

supporting information to justify a boundary expansion and secondary plan would feed in to the Region's MCR and new ROP in 2021.

The *Growth Plan* was amended in May, 2019 to include new policies which allow for consideration of urban boundary expansions of 40 ha in advance of a municipal comprehensive review, subject to specific criteria. The Province later clarified through a November 12, 2019 letter that an upper-tier municipality may consider multiple 40 ha expansions so long as the proposal meets the applicable policies of the *Growth Plan*. The Province also confirmed that 40 ha boundary expansion applications would be considered by the Region as the approval authority in accordance with Section 17 of the *Planning Act, 1990*.

As a result of the above-noted *Growth Plan* changes, Welland reconsidered their work program to advance the request to expand the boundary for the NWE area ahead of the completion of the ROP.

The Region met with the City on several occasions in September and October 2019 to discuss the process and identify the requirements to support an application for a ROPA for the expansion of the NWE. At that time, the City indicated that it sought a single 40 ha boundary expansion. In November, the Province clarified that multiple 40 ha expansions may be permitted so long as the proposal meets the applicable policies of the *Growth Plan*. After that, the City indicated that it would seek multiple 40 ha expansions, or boundary adjustments, described further below.

### **Region's Mandate**

Since the Province introduced the 40 ha expansion and adjustment policies in May 2019, the Region has been carefully considering how these policies should be implemented. The application of these policies will impact other local municipalities and landowners outside of Welland.

For example, a key *Growth Plan, 2019* policy of Regional interest is one which requires that the additional lands and associated forecasted growth of the 40 ha expansion area(s) to be fully accounted for in the Region's next Municipal Comprehensive Review (MCR). In other words, if land is added now, but it is over and above the local municipal land need pursuant to Provincial methodology, there could be an oversupply of designated urban land at the time of the new ROP. This affects the Region's land supply and may impact requests for expansion elsewhere. For this and other reasons, it is important to ensure complete application information and a sustainable planning justification is provided for 40 ha expansions.

The Region recently finalized guidance material for the required supporting studies for 40 ha expansions, and several other changes made in the *Growth Plan*, which the Region references as "pre-MCR processes." This information will be circulated in

February 2020 and will provide a consistent approach to reviewing applications subject to the new policies of the *Growth Plan, 2019*.

### **Expansion ROPA and OPA 24**

The City of Welland submitted a ROPA application on November 12, 2019. This application was determined incomplete by Regional Planning Staff on November 21, 2019 in accordance with Policy 14.G of the Region's Official Plan (see Appendix 3).

Outstanding information includes:

- Planning Justification Report outlining how the proposal meets the applicable policies of the *Growth Plan, 2019*;
- Concept Plan;
- Financial Impact Assessment;
- Revised Stormwater Management Report; and,
- Draft ROPA policy framework.

The City has been informed of above application requirements on several occasions. Most recently, Regional staff met with City staff and their planning consultants, SGL Planning and Design, on January 9, 2020. At that meeting, the City confirmed it will pursue the application to expand its boundary for the entire NWE area (approximately 190 ha).

The City advised that it seeks to do so in one of two ways - the first option is to proceed with multiple 40 ha expansions for the entire NWE area, or alternatively, to seek a boundary adjustment by removing urban lands east of Highway 58 (which are also the subject of an *Official Plan Deferral* known as ROPA 7) in exchange for part of the NWE area, with the balance of the NWE area added through two 40 ha expansions.

The meeting participants agreed to the additional ROPA requirements noted above and the City is targeting a complete ROPA application for February/March of this year. The Region will continue to work expeditiously and collaboratively with the City on processing the ROPA.

In addition to the ROPA, Welland adopted Official Plan Amendment 24 on December 17, 2019 (see Appendix 2). It was delivered to the Region on January 16, 2020. This amendment relates to the expansion of the City's urban boundary and amends the City's Official Plan policy relating to same.

The Region is the approval authority for OPA 24. OPA 24 relies on the approval of the ROPA in order to demonstrate conformity with Regional and Provincial policy. The Region will process OPA 24 concurrently with the ROPA application once that is

complete. Staff will bring both amendments forward for Council's consideration at the same time.

### **Secondary Plan Process**

Concurrent with processing ROPA and OPA 24, the City and Region will continue its work on the Secondary Plan for the NWE area. The City indicated a Preferred Option Report and draft secondary plan may be available as early as March. The secondary plan can be considered for approval once the ROPA and OPA 24 have received final approval.

### **Alternatives Reviewed**

The Region is required to review, process and respond to a complete application under the requirements of the *Planning Act, 1990*.

### **Relationship to Council Strategic Priorities**

This proposal has the potential to support the following Council strategic priorities:

- Healthy and Vibrant Communities
- Responsible Growth and Infrastructure Planning

Additional information on how the ROPA application will advance these priorities will be included in a future report once all information has been submitted and reviewed by staff.

### **Other Pertinent Reports**

None.

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#### **Prepared by:**

Kirsten McCauley, MCIP, RPP  
Senior Planner, Secondary Plans  
Planning and Development Services

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#### **Recommended by:**

Rino Mostacci, MCIP, RPP  
Commissioner  
Planning and Development Services



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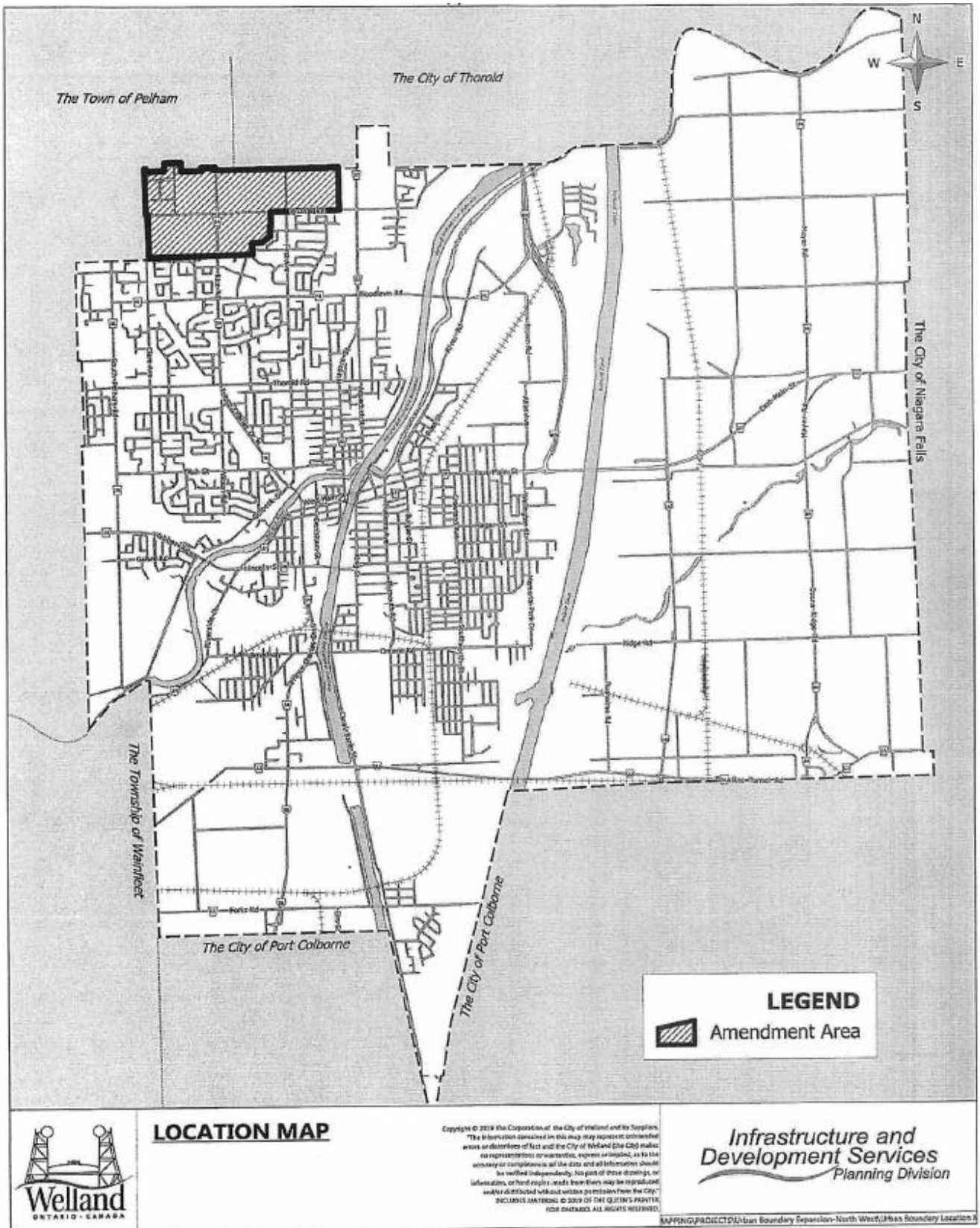
**Submitted by:**

Ron Tripp, P.Eng.  
Acting Chief Administrative Officer

*This report was prepared in consultation with Isaiah Banach, Manager of Long Range Planning, and reviewed by Doug Giles, Director of Community and Long Range Planning.*

**Appendices**

Appendix 1	Study Area Map	Page 7
Appendix 2	Notice of Adoption OPA 24	Page 8
Appendix 3	Region's November 21, 2019 letter to the City	Page 9





**CITY OF WELLAND  
NOTICE OF ADOPTION OF  
AMENDMENT NO. 24 TO THE  
OFFICIAL PLAN OF THE CORPORATION OF THE CITY OF WELLAND**

Take notice that the Council of the Corporation of the City of Welland passed By-law 2019-163, being a By-law to adopt Amendment No. 24 to the Official Plan on December 17, 2019 under Sections 17 and 26 of the Planning Act, as amended.

The Purpose of Amendment No. 24 is to include the City's Northwest Area (lands known as the Northwest Expansion Area) to within its Urban Area Boundary and to provide text amendments to the City's Official Plan to reflect Provincial Policies pertaining to urban boundary expansions.

The Effect of the Amendment is to expand the City's Urban Area Boundary to include lands currently outside the City's Urban Area (Northwest Area) and to update the City's Official Plan to include policies regarding urban boundary expansions in conformity with Provincial Policies.

Pursuant to Section 17(23.1)(a) of the Planning Act, as amended, City Council took into consideration all written and oral presentations made to it before rendering a decision.

Official Plan Amendment No. 24 requires approval of the Regional Municipality of Niagara (approval authority) under subsection 17(22) of the Planning Act. Any person or public body will be entitled to receive notice of the decision of the approval authority if a written request to be notified of the decision (including address, fax number or e-mail address) is made to the approval authority.

Any written request to be notified of the decision should be directed to:

The Regional Clerk  
Regional Municipality of Niagara  
1815 Sir Isaac Brock Way,  
Thorold, Ontario  
L2V 4T7

Amendment No. 24 and By-law 2019-163 are available for inspection at Infrastructure and Development Services - Planning Division, 60 East Main Street, Welland during regular office hours as well as on the City's website ([www.welland.ca](http://www.welland.ca)).

Dated at the City of Welland this 26<sup>th</sup> day of December, 2019.

**ROSE DI FELICE, M.P.I., M.Sc., MCIP, RPP  
MANAGER OF POLICY PLANNING  
INFRASTRUCTURE AND DEVELOPMENT SERVICES  
OF THE CORPORATION OF THE CITY OF WELLAND**

November 21, 2019

**By E-mail Only to *travers.fitzpatrick@welland.ca***

Travers Fitzpatrick  
General Manager of Infrastructure and Development Services  
City of Welland  
Planning and Building Division  
60 East Main Street, Welland, ON L3B 3X4

Dear Mr. Fitzpatrick:

**Re: NorthWest Welland Urban Boundary Expansion Application  
City of Welland Local Official Plan Amendment No. 24 and  
Proposed Regional Official Plan Amendment  
Notice of Incomplete Application**

On November 12, 2019, the Region received the City of Welland's Application to Amend the Regional Official Plan ("NW ROPA") requesting an urban boundary expansion for the area known as Northwest Welland (the "NW Expansion").

We have also been made aware of the City's application for a local official plan amendment for same.

This letter relates to both matters.

The Region has directly supported the work program to consider the NW Expansion. The Region and City have been partnered since that started in 2017, including the Region matching City funding for the background work. Region and City staff have worked proactively to advance the City's application.

The explicit purpose of the NW Expansion work program is to justify a boundary expansion and complete a Secondary Plan, for consideration at the time the Region completes its new Official Plan in 2021.

This is important because, in 2017, at the time the NW Expansion work program was set, urban boundary expansions could only be done concurrently with Region's new Official Plan, in 2021. A boundary expansion could not occur before that.

In May 2019, the *Growth Plan for the Greater Golden Horseshoe, 2019*, was amended to allow expansions of up to 40 ha in advance of a new Official Plan (policies 2.2.8.5 and 2.2.8.6) and to allow adjustments to urban boundaries in certain cases (policy 2.2.8.4). Specific rules were set out for how these new policies could be applied.

In September 2019, the Region was made aware that the City may seek a single 40 ha boundary expansion for the NW Expansion area. As previously noted, this is a new process which did not exist at the time the NW Expansion program started in 2017; therefore, none of the materials refer to this process.

In September and October 2019, City and Regional staff had several successful meetings to discuss a 40 ha expansion for the NW Expansion. A scoped work program was identified for a 40 ha expansion application, which was set out in a draft Pre-Consultation Form provided by the Region to the City.

At these meetings, the Region recommended that City and Region staff meet with the City's land use planning consultant to discuss the 40 ha expansion work program. That meeting has not yet occurred – the Region would like to do so as soon as possible.

On November 15, 2019, at a meeting with City staff and others, and after receipt of the NW ROPA, the Region was made aware that the City may seek an adjustment to its boundaries for the NW Expansion area, in addition to the 40 ha expansion.

The City's application form for the NW ROPA refers to the 40 ha boundary expansion policies (*Growth Plan, 2019*, s. 2.2.8.5 and 2.2.8.6). The application form makes no mention of the boundary adjustment policies (s. 2.2.8.4) or mapping to identify what lands are proposed for boundary adjustment.

The NW ROPA application does not include the study materials discussed at the meetings held in September and October 2019. In other words, the NW ROPA contains materials based on the 2017 work program and not materials that address the *Growth Plan, 2019* 40 ha expansion and boundary adjustment policies now sought for approval.

As discussed with City staff, a significant amount of the work completed under the 2017 work program can be used for a 40 ha boundary expansion application. There is no need to revisit most of the technical work in order to have a complete ROPA application. However, certain scoped materials remain outstanding and are needed to complete the application. Those materials were discussed with City staff at the September and October 2019 meetings, and are summarized as follows:

- A *scoped* Planning Justification Report that:
  - Justifies a 40 ha boundary expansion and adjustment and how that conforms with the *Growth Plan* policies on same. Amongst other things, this includes satisfying land needs requirements consistent with the Province's September 19, 2017 letter.
  - Provides a draft Official Plan Amendment, with mapping showing the lands proposed for expansion and adjustment in exchange for the NW Expansion area.

- A Phasing Plan to demonstrate how the expansion will be integrated and built-out with the remaining lands.
- A Financial Impact Assessment that analyzes the financial impact of the boundary expansion to the City and Region and provides input and recommendations for the prioritization of local and Regional infrastructure. This was part of the 2017 work program terms and has not been provided.
- *If the City seeks only a portion of NW Expansion lands to be added to the urban boundary before the Region's new Official Plan, a scoped Transportation Assessment and Infrastructure Review to demonstrate that the location of a 40 ha expansion can be logically serviced and connected to the existing urban area and remainder of expansion lands (future phases).*

For the reasons set out above, the Region does not currently view the NW ROPA application as complete. The Region is keen to assist the City in completing its application in accordance with section 14.G of its Official Plan.

The best path forward is to set a meeting as soon as possible with the City's consultant, City staff and Regional staff to address the outstanding items.

We are available to meet any time. Please reach out to Isaiah Banach or Kirsten McCauley directly to set the meeting.

Region approval will be required for the NW Expansion local official plan amendment. The Region cannot provide comments on the local official plan amendment until such time as the above-noted matters are addressed. This can be discussed further at the meeting or through separate correspondence.

We look forward to your response.

Kind Regards,

A handwritten signature in black ink, appearing to read "R Mostacci".

Rino Mostacci, MCIP, RPP  
Commissioner, Planning and Development Services, Region of Niagara

cc: Ms. Tara Stephens, City Clerk, City of Welland  
Ms. Rose DiFelice, Manager of Policy Planning, City of Welland  
Mr. Doug Giles, Director Community and Long Range Planning, Region of Niagara  
Mr. Isaiah Banach, Manager of Long Range Planning, Region of Niagara



Ms. Kirsten McCauley, Senior Planner, Region of Niagara  
Ms. Lindsay Earl, Senior Planner, Region of Niagara