

December 20, 2018

Email and Letter

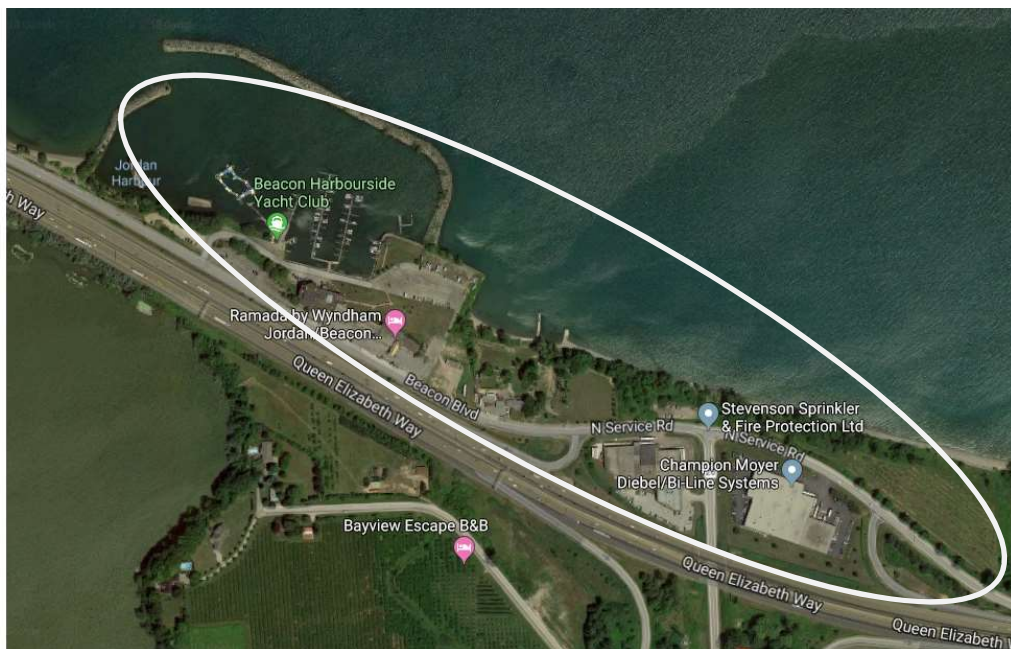
The Honourable Minister Steve Clark
College Park
17th Flr, 777 Bay St
Toronto, ON M5G 2E5
minister.mah@ontario.ca

Dear Minister Clark,

**RE: Greenbelt Plan Specialty Crop Designation – East Side of Jordan Harbour,
Town of Lincoln, Regional Municipality of Niagara**

Niagara Region Council passed a motion on July 26, 2018, respectfully requesting that the Minister of Municipal Affairs and Housing amend the Greenbelt Plan, 2017, to remove the Specialty Crop Area designation on the east side of Jordan Harbour in the Town of Lincoln (per the Prudhommes Secondary Plan).

The Town of Lincoln, in collaboration with Niagara Region, approved a Secondary Plan for the Prudhommes area in July, 2018. This area is seen as an important node for growth and economic prosperity both for the Town and the Region. The Prudhommes area is featured prominently along the Queen Elizabeth Way on both sides of Jordan Harbour. This Secondary Plan provides an exciting opportunity to redevelop and transform this area of the Region and act as a gateway into Niagara from the GTA.



Unfortunately the Secondary Plan cannot be fully realized as the narrow strip of developed lands on the east side of Jordan Harbour, north of the Queen Elizabeth Way was erroneously designated as part of the Niagara Peninsula Tender Fruit and Grape Area (Specialty Crop) system of the Greenbelt Plan. Niagara Region Council therefore deferred the land uses on the east side of Jordan Harbour due to this conformity issue. As you are likely aware, this area is already almost completely developed with a range of commercial uses including a hotel complex, a marina and warehouses.

The Secondary Plan presents the following rationale for these lands to be permitted to continue their existing urban uses or redevelop in accordance with the urban uses permitted in the Secondary Plan:

- i. The lands are currently fully developed with non-agricultural uses and have been for decades (hotel, restaurant and conference centre), and there is no opportunity for these lands to be returned to agricultural purposes.
- ii. The lands are identified as an “*Undelineated Built Up Area*” in the Growth Plan for the Greater Golden Horseshoe. Therefore, through this identification, these lands are recognized as a cluster of non-agricultural settlement uses.
- iii. The Region and the Town recognize these lands as developed and support the redevelopment of already developed lands to accommodate growth so that true specialty crop lands will be protected.
- iv. The lands are already serviced with municipal services and are adjacent to a serviced urban area.
- v. The lands are already zoned for non-agricultural uses.
- vi. The entirety of the Secondary Plan area supports the development of a complete community and celebrates the area as a landmark and key destination in the Region and the Town.

The land use direction set out in the Secondary Plan establishes appropriate urban redevelopment opportunities and the efficient use of serviced land that has no potential to return to agricultural uses.

For reference, this is not the first request to remove these lands from the Greenbelt Specialty Crop Designation. The Region and the Town made the request formally, through the most recent Coordinated Plan Review (CPR), citing the existing, long established serviced commercial uses and industrial operations on these lands (confirmed through aerial photography as early as 1965). The Coordinated Plan Review process did not address this request and no response or rationale has been provided.

It is the Region’s position that location of the lands between the lake and the Queen Elizabeth Way, the developed nature of the lands and the fact that the lands are not

capable of returning to agricultural production demonstrate that they are not Special Crop Lands and should be removed from this designation. Niagara Region once again respectfully requests that this error be corrected so that the Prudhommes Secondary Plan area can achieve its full potential.

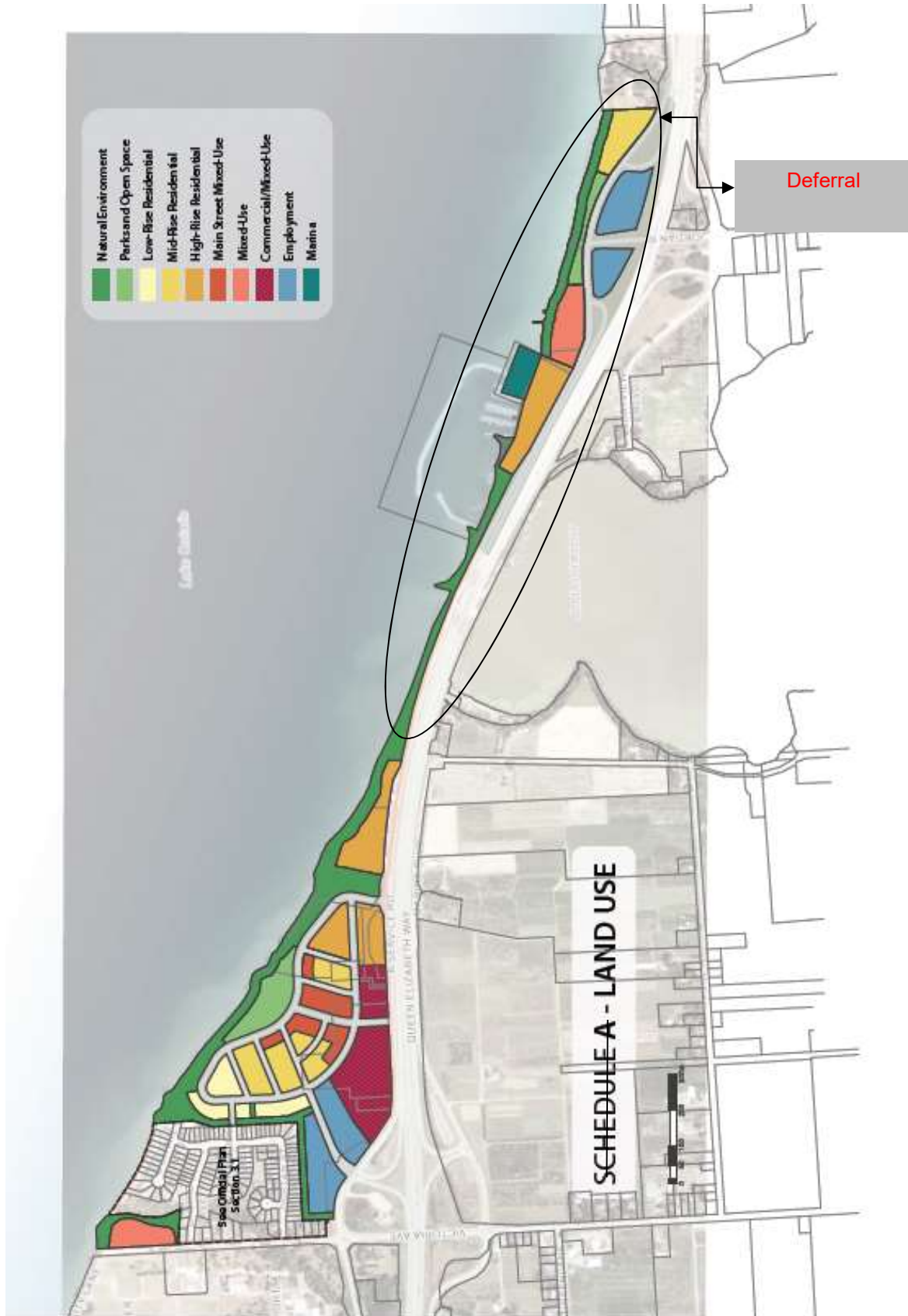
If you have any questions or wish to discuss this matter further, please contact myself or Kirsten McCauley, Senior Planner – Secondary Plans, at 905-980-6000 ext 3532 or Kirsten.mccauley@niagararegion.ca.

Respectfully,

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

CC: Honourable Minister Ernie Hardeman (email only)
Kathleen Dale, Director of Planning, Town of Lincoln (email only)
Aly Alibhai, Regional Director, Municipal Affairs and Housing (email only)
Mayor Easton, Town of Lincoln (email only)
Regional Chair Jim Bradley, Niagara Region (email only)

Appendix 1: Schedule B1 – Land Use Plan for the Prudhommes Secondary Plan
Appendix 2: Memorandum of background information to support the request



Memorandum

Date: December 3, 2018

The Region has undertaken a review of the Greenbelt Plan, the Growth Plan for the Greater Golden Horseshoe and the local planning framework as it relates to the Secondary Plan lands on the east side of Jordan Harbour.

Greenbelt Plan, 2005:

The original Greenbelt Plan (2005) Schedule 1: Greenbelt Plan Area designated the lands on the west side of Jordan Harbour as Towns and Villages. The Greenbelt Plan, 2005, also provided a Hamlet dot representing the east side of Jordan Harbour. This is further reflected on Greenbelt Plan, 2005, Appendix 2 Schematic showing settlements within the Greenbelt Area.

Schedule 1: Greenbelt Plan Area, 2005



Appendix 2: Schematic showing settlements within the Greenbelt Area, 2005



However, Greenbelt Plan, 2005, Schedule 2 Niagara Peninsula Tender Fruit and Grape Area (Specialty Crop) inconsistently designated this area as Tender Fruit and Grape Lands.



Greenbelt Plan, 2017:

Without any explanation, the updated Greenbelt Plan (2017) has removed the Hamlet designation and shown the lands on the east side of the harbour as Protected Countryside on Schedule 1, and Niagara Peninsula Tender Fruit and Grape Area (Specialty Crop) on Schedule 2. The specialty crop area designation recognizes existing uses that were established prior to December 16, 2004.

The Greenbelt Plan, 2017, contains Policy 3.1.2.2 which permits non-agricultural use subject to the policies of sections 4.2 to 4.6. These non-agricultural uses are generally discouraged in specialty crop areas and may only be permitted after the completion of an agricultural impact assessment. Further Policy 4.5.4 states that expansions to existing buildings and structures, accessory structures and uses and/or conversions of legally existing uses which bring the use more into conformity with this Plan are permitted subject to a demonstration of the following:

- a) Notwithstanding section 4.2.2.2, new municipal services are not required; and
- b) The use does not expand into key natural heritage features or key hydrologic features or their associated vegetation protection zones, unless there is no other alternative, in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure.

Growth Plan, 2006 and 2017:

The Growth Plan for the Greater Golden Horseshoe, 2006 and 2017, designates the lands as Greenbelt on Schedule 2: Places to Grow Concept.



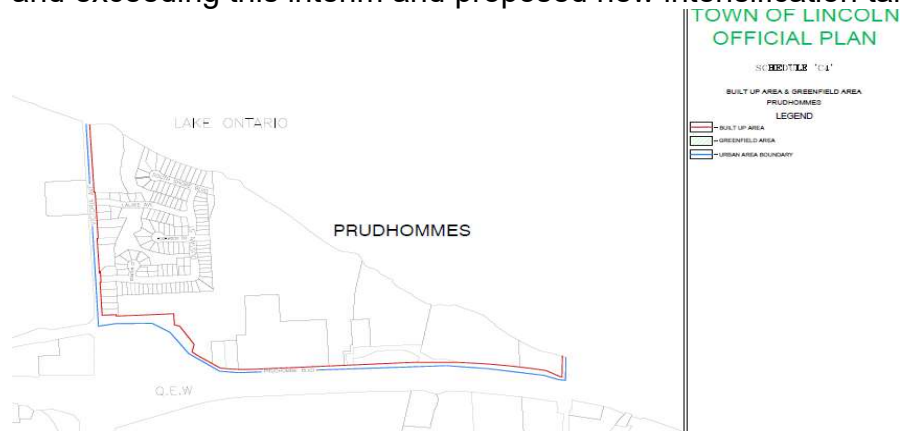
Further to the Growth Plan, 2006, the Province released Built Boundary Maps in 2008 demonstrating delineated and undelineated Built-Up Areas. On the Niagara Built Boundary Map, 2008, the Prudhommes area on each side of the Jordan Harbour is shown as undelineated Built-Up Area. To date, the Province has not updated the 2008 built boundary mapping. The inclusion of an undelineated built-up area would indicate that the Province recognizes there are non-agricultural uses on the east side of Jordan Harbour.



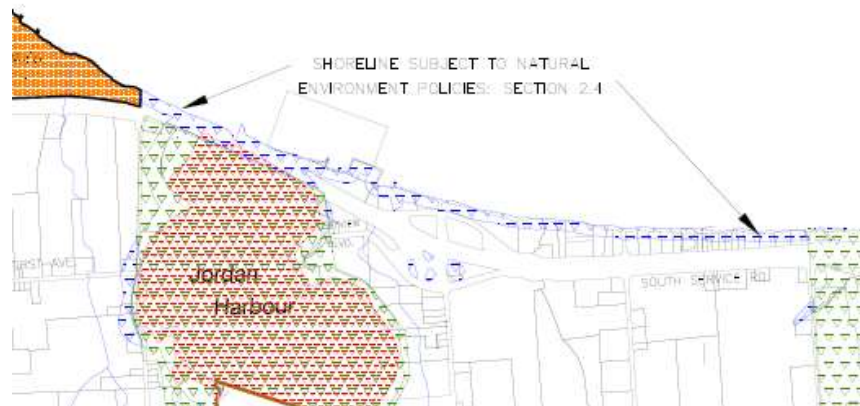
Town of Lincoln Official Plan:

The Town of Lincoln recently approved a new Official Plan and designated the entire Prudhommes Urban Area (west of Jordan Harbour) as Built Up Area in Schedule C-4 of the Official Plan (see below). This designation was accepted by Provincial staff and recently approved by Regional Council in 2016. The Town of Lincoln in the Niagara 2031 growth management work (implemented through RPPA 2-2009) was assigned an intensification target of 40%. The Growth Plan's policy 2.2.2.3 for delineated Built-up Areas states that "until the next municipal comprehensive review is approved and in effect, the annual minimum intensification target contained within each upper- and single-tier official plan that is approved and in effect as of July 1, 2017 will continue to apply." Until the next MCR and new Regional Official Plan are complete a minimum of 40% of all residential development occurring in the Town of Lincoln will need to be located in the built boundary. The draft MCR Phase 3 population and employment allocations

(not endorsed by Regional Council) had a proposed intensification rate of 80% for the Town of Lincoln. The redevelopment of the Prudhommes site for a dense, mixed use community with a variety of housing choices will assist the Town of Lincoln in meeting and exceeding this interim and proposed new intensification target.



The lands on the east side of the harbour are outside the urban boundary and are designated Specialty Agricultural (white) and Environmental Conservation Area (blue).



The existing uses on the east side of Jordan Harbour were established prior to 2004 (as early as 1965). This has been confirmed through aerial photography.

Current Zoning Provisions:

The Zoning By-law provides urban land use direction for properties within the study area. The Beacon Harbourside Resort is zoned Recreation Commercial (RC) and RC-1 (the exception to recognize the erosion limit). The RC zone permits a number of non-farm uses including hotel/motel, place of entertainment and casino. The RC zone permits building heights of approximately 10 storeys (35m) for hotel/motel and casino uses.

The existing employment uses of Moyer Diebel and Avondale are zoned Prestige Industrial PI-1 and PI-2. Both zoning exceptions restrict manufacturing uses that require water in its operation while the PI-1 also has a specific minimum yard setback and parking

location. The Prestige Industrial zone range of uses and allows for building heights of 4-6 storeys (17-22m) depending on use.

The remainder of the land within the Secondary Plan study area east of Jordan Harbour is zoned Estate Residential ER-2 with the exception of a minimum lot area and erosion limit (NPCA will determine required setback).

Servicing:

Based on the Niagara Atlas Mapping, there appears to be a sanitary servicing line (green) to the Beacon property which is connected to a local or private pumping station. There is also a water line (blue). Confirmation of servicing was reviewed by Regional staff and it was determined that the servicing is the local municipality's jurisdiction.



Region's position through the Coordinated Plan Review:

Through the Provincial Plan review, the Regional Planning staff supported and encouraged the removal of the land shown east of Jordan Harbour from a Specialty Crop designation. It is the Region's position that the Prudhommes lands have not been accurately ground-truthed and as a result, have been identified as Specialty Crop erroneously. These lands are currently developed with non-agricultural uses and have been for decades, therefore it is extremely unlikely for these lands to be returned to agricultural production. The Secondary Plan proposed urban land uses to more efficiently make use of serviced land.

The following Special Policy Area (SPA) was included in the Prudhommes Secondary Plan to demonstrate the inconsistency in Provincial direction and support the redevelopment of the land. This SPA was deferred per Council's decision below.

3.1.15.2.11 SPECIAL POLICY AREA

- a) Notwithstanding the current designation in the Greenbelt Plan the lands identified on Schedule 'B5-3' – Constraints are shown as a Special Policy Area on Schedule

A Land use to the Prudhommes Secondary Plan. These lands shall be permitted to continue their existing uses or redevelop in accordance with the uses permitted in the Secondary Plan for the following reasons:

- i. The lands are currently fully developed with non-agricultural uses and have been for decades and there is no opportunity for these lands to be returned to agricultural purposes.
 - ii. The lands are identified as an Undelineated Built Up Area in the Growth Plan for the Greater Golden Horseshoe. Therefore, through this identification, these lands are recognized as a cluster of non-agricultural settlement uses.
 - iii. The Region and the Town recognize these lands as developed and support the redevelopment of already developed lands to accommodate growth so that true specialty crop lands in the Town will be protected.
 - iv. The lands are already serviced with municipal services and are adjacent to a serviced urban area.
 - v. The lands are already zoned for non-agricultural uses.
 - vi. The entirety of the Secondary Plan area supports the development of a complete community and celebrates the area as a landmarked and key destination in the Region and the Town.
- b) Therefore, the land use direction set out in the Secondary Plan establishes appropriate redevelopment opportunities and efficient use of serviced land with no potential to return to agricultural uses. Applicable land use policies of the Secondary Plan shall apply.
- c) The Town encourages the Province in their next review of the Greenbelt Plan to remove these lands from the Specialty Crop – Niagara Tender Fruit and Grape Area designation to support the expansion of the Prudhommes Urban Boundary as identified in the Regional Official Plan.

Council Resolution:

Minute Item No. 5.1

PDS 11-2018 - Official Plan Amendment (OPA) 3 - Prudhommes Secondary Plan, Town of Lincoln

That Report PDS 11-2018, dated July 18, 2018, respecting Official Plan Amendment (OPA) 3 - Prudhommes Secondary Plan, Town of Lincoln, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Official Plan Amendment No. 3 to the Town of Lincoln Official Plan **BE APPROVED** as modified (Attached as Appendix 1 to Report PDS 11-2018) with policy and mapping deferrals as identified in Appendix 2 of this report;
2. That all parties **BE NOTIFIED** of Regional Council's decision in accordance with Planning Act requirements;
3. That staff **ISSUES** a declaration of final approval of the Official Plan Amendment 20 days after notice of Council's decision has been given, provided that no appeals have been lodged against the decision; and,
4. That the deferral wording related to Modification 71, 81 and 82, as outlined in Report PDS 11-2018, **BE REPLACED** with the following:
"The land use designations for lands on the east side of Jordan Harbour as shown on Schedule 'B5-3' shall be deferred until such time as conformity to the Greenbelt Plan is achieved by either a Greenbelt Plan amendment to policy or mapping, or the development and application of guidelines approved by the Province, in order to improve the relevance of the Greenbelt Plan policies. In the interim, the existing uses, and expansions thereto, are permitted as currently recognized in the existing zoning permissions and subject to the Greenbelt Plan."

Minute Item No. 7.2

Prudhommes Secondary Plan

1. That, for the reasons outlined in Policy 3.1.15.2.11 of the Prudhommes Secondary Plan, Official Plan Amendment 3, the Region of Niagara respectfully **REQUESTS** the Minister of Municipal Affairs and Housing amend the *Greenbelt Plan, 2017*, to remove the Specialty Crop Area designation on the east side of Jordan Harbour (as seen on Schedule B5-3) in the Town of Lincoln; and,
2. That staff **BE AUTHORIZED** to initiate a study in consultation with the Province aimed at developing Specialty Crop Guidelines, in order to provide guidance with respect to land-use designations and development potential for certain lands within the Greenbelt Plan area.

Soils Classification

When Greenbelt mapping was created (2004) Specialty Crop lands were designated by the Province using a LEAR based criteria. That criteria was built on the following inputs and weighting:

- Land Evaluation:
 - Soil Type (40%) (Class 7 worth 0 points – no mention of no score)
 - Climate (60%)
- Area Review:
 - Parcel Size (25%) (0-24acres worth 2 points)
 - Fragmentation (25%)

- Tile Drainage (25%) (0 points for no tile drainage)
- Farm Receipts (25%) (0 points for no farm receipts)

Soils for Lincoln County were initially mapped in 1963 at a 1:63,360 scale. Soils were re-mapped in 1980 at a more detailed scale of 1:25,000 by OMAF & Agriculture Canada. Page 40, Volume 1 of *“The Soils of the Regional Municipality of Niagara”* (1989) states: *Areas that were not mapped include the following: built up areas of towns and cities; areas adjacent to built up areas where construction was occurring; four-lane divided highways and interchanges; airports; golf courses; gravel pits; quarries; and areas of intensive strip development along roads.”* The Beacon hotel pre-dates the 1963 mapping and also meets the criteria for “no score” in the subsequent 1980 review, which explains why it has no soil score. With no soil score for this lot, a small parcel size, no tile drainage, and no farm receipts, it is unlikely a LEAR score for this property could be calculated.

