
Subject: Recommendation for Regional Official Plan Amendment No. 14 – Brock District Plan

Report to: Planning and Economic Development Committee

Report date: Wednesday, March 20, 2019

Recommendations

1. That Regional Official Plan Amendment No. 14 – Brock District Plan, attached as Appendix 1 to Report PDS 11-2019, **BE APPROVED**;
2. That all parties **BE NOTIFIED** of Regional Council’s decision in accordance with *Planning Act, 1990* requirements; and
3. That staff **ISSUE** 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 filed against the decision.

Key Facts

- The purpose of this report is to present Regional Official Plan Amendment No. 14 – Brock District Plan – for approval.
- A District Plan is a pro-active strategy intended to support the Region’s focus on growth and economic prosperity by bringing together land-use strategies, urban design guidelines, and recommendations for improving sustainability and quality of life in identified areas.
- The Brock District is a unique urban centre that straddles the City of St. Catharines and the City of Thorold with about half of the area comprised by Brock University. The District includes the four quadrants of Sir Isaac Brock Way and Merrittville Highway/Glenridge Avenue and extends from Highway 406 west to the westerly edge of Lake Moodie and from Decew Road and Lake Gibson north to the wooded slope of the Niagara Escarpment.
- The Brock District Plan itself was received and endorsed by Regional Council in 2016. A statutory public meeting for the draft Regional Official Plan Amendment was held on September 5, 2018 in accordance with *Planning Act, 1990* requirements.
- All comments received via circulation and the public meeting have been reviewed and considered in Regional Official Plan Amendment No. 14.

- Regional Official Plan Amendment No. 14 is considered good planning.

Financial Considerations

There are no direct financial implications arising from this report. The costs to process and circulate this amendment are included within the council approved 2019 Operating Budget.

Analysis

District Plans Overview:

A District Plan is a pro-active strategy intended to support the Region's focus on growth and economic prosperity, in large part through the promotion of excellence in development and urban design. A District Plan will bring together land-use strategies, urban design guidelines, and recommendations for improving sustainability and quality of life in identified areas. It is a high-level document identifying key opportunities and, through a collaborative process with a variety of stakeholders and interested parties, makes recommendations for studies and actions that will promote these opportunities.

A District Plan exercise brings together many stakeholders that may not otherwise communicate, plays an important role in coordinating regional interests, and ensures that the District Plan represents the interests of the broader region as well as the local municipality. The District Plan is an intermediate step between Regional growth planning and the local planning documents. It will support the achievement of complete communities, a thriving economy, a clean and healthy environment, and social equity.

Brock District Plan Study Area:

The Brock District Plan study area was identified as an area of strategic investment and employment with overlapping jurisdictional interests. It is a unique urban centre that straddles the City of St. Catharines and the City of Thorold with about half of the area comprised by Brock University. The District includes the four quadrants of Sir Isaac Brock Way and Merrittville Highway/Glenridge Avenue and extends from Highway 406 west to the westerly edge of Lake Moodie and from Decew Road and Lake Gibson north to the wooded slope of the Niagara Escarpment. A portion of the area is guided by the Provincial policies of the Greenbelt Plan and the Niagara Escarpment Plan. Most of the study area is contained within the urban area boundaries with the exception of the Lake Moodie lands. The Lake Moodie lands were added by Regional Council when the District Plan was endorsed, with the intent to further study these lands for passive recreational purposes.

The District Plan was prepared in collaboration with many stakeholders, including the City of Thorold, the City of St. Catharines and Brock University.

Brock District Plan Chronology:

- Late Spring 2015: Brock District Plan initiated
- Summer 2015: The Planning Partnership was selected to coordinate and guide the District Plan process and ultimately prepare the District Plan.
- November 25, 2015: Brock District Plan Update report and presentation to Council (PDS-46-2015)
- Throughout 2015 and 2016: A working group representing the Region, the City of Thorold, the City of St. Catharines, and Brock University met regularly.
- October 6, 2016: Endorsement by Regional Council (PDS 34-2016)
- January 30, 2017: Endorsement by City of St. Catharines Council
- February 21, 2017: Endorsement by City of Thorold Council
- March 9, 2017: Endorsement by Brock University Board of Trustees
- April 20, 2017: Received by the Niagara Escarpment Commission
- March 7, 2018: Initiation of the Regional Official Plan Amendment (ROPA) No. 14 (PDS-C 10-2018)
- September 5, 2018: Statutory Public Meeting for ROPA No. 14 (PDS 35-2018)

The Region is now recommending the ROPA for this District Plan to add the policy direction into the Regional Official Plan. Accordingly, an amendment to the Regional Official Plan (ROP) has been prepared under Section 17 of the *Planning Act, 1990*.

Brock District Plan Regional Official Plan Amendment:

The vision of the Brock District Plan is to leverage the unique economic driver of Brock University to transition the area from a lower density employment area to a higher density mixed use centre that is comprehensively and sustainably planned for social and economic success, and environmental sustainability.

The proposed amendment will include the seven focus areas of the Brock District Plan:

1. Positioning the Brock District globally within a UNESCO Biosphere Reserve
2. Setting the Brock District in the Niagara Escarpment
3. Gateways to the Brock District
4. Sustainable Urban Brock District
5. Balanced Circulation in the Brock District
6. A Green Brock District
7. The Brock District is a Complete Community

Each of the above frameworks were carefully considered when crafting the general and more specific objectives to implement the District Plan goals.

The ROPA policies reflect the vision and intent of the District Plan frameworks and provides guidance and direction via policy for how to achieve this vision. ROPA 14 promotes continued collaboration, sustainable development and building practices, better circulation for all modes of travel, high quality design in the public and private realm, and direction to prepare additional guidance material to implement the frameworks. Other implementation efforts include ongoing Technical Advisory Committee participation and conformity review and updating of relevant local plans, policies and zoning by-laws.

Planning Policy Review:

The proposed Regional Official Plan Amendment has been reviewed for alignment with the applicable policies set out in the Provincial Policy Statement, the Provincial Growth Plan, Greenbelt Plan, Niagara Escarpment Plan and Regional Official Plan, as well as a general review of St. Catharines and Thorold local Official Plans.

Provincial Policy Statement, 2014

The majority of the District Plan area is located within a *settlement area* defined by the Provincial Policy Statement (PPS). Settlement areas are where efficient land use and development patterns are encouraged to support strong, healthy communities, long-term prosperity, environmental health and social well-being. The policy framework directs that planning authorities identify appropriate locations and opportunities for intensification and redevelopment in the urban areas, while balancing protection of the natural environment and resources. A portion of the plan area (Lake Moodie and surrounding lands) is outside the settlement area. The intent for this area is to protect the natural environment and enhance and recognize linkages. The ROPA is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe, 2017

The Growth Plan supports the development of complete communities and efficient use of land and infrastructure. The ROPA recognizes the importance of the area for economic investment, the direction for a mix of land uses to accommodate more intensified development, and supports transportation solutions which encourage transit and active transportation. The amendment conforms with the Growth Plan.

Greenbelt Plan, 2017

The Greenbelt Plan predominantly designates the lands as ‘Settlement Areas Outside the Greenbelt’ with a portion of the study area within the Niagara Escarpment Plan

Area. Settlement areas outside of the Greenbelt are meant to be the focus of growth and development. Information on the Niagara Escarpment Plan is provided under the heading below.

Lands around Lake Moodie are designated as Protected Countryside and Natural Heritage System. These lands were added to the District Plan by Regional Council at the time of endorsement with the intent to study this area for passive recreation uses and trail connectivity. There is no urban use proposed for these lands. The ROPA conforms with the Greenbelt Plan.

Niagara Escarpment Plan

The Niagara Escarpment Plan (NEP) Area passes through the north half of the Brock District. The lands subject to the NEP are designated as Urban Area and Escarpment Natural Area. The Urban Area designation is the least restrictive designation of the NEP and identifies urban areas which surround the escarpment, providing direction for compatible development. The Escarpment Natural Area designates areas that are relatively natural in state and to recognize, protect and, where possible, enhance natural environment.

The ROPA generally respects and is not in conflict with the Niagara Escarpment Plan. There is unresolved litigation between Brock University and the Niagara Escarpment Commission on the Lockhart Drive lands that relates to, amongst other things, the exact location of the boundary between the Urban Area and the Escarpment Natural Area. When the litigation has been resolved, the Council-endorsed District Plan can be updated without a formal amendment process.

Regional Official Plan

The Regional Official Plan (ROP) designates the subject lands primarily within the Urban Area Boundary (including both Built-up Area and Designated Greenfield Area). The ROP provides clear direction for encouraging a mix of integrated land uses, making efficient use of land, resources and infrastructure, promoting compact development, active transportation, and supporting a diverse economy that capitalizes on market opportunities. The land south of Sir Isaac Brock Way and east of Merrittville Highway is also included in the Niagara Economic Gateway Zone. This designation provides specific policy direction to address challenges and promote the area for investment. The ROPA implements the key objectives and policy direction of the Regional Official Plan.

City of St. Catharines

The City of St. Catharines identifies the area as part of the South District with land uses that generally align with the vision of the ROPA. The subject lands are designated within the urban area boundary, with the exception of the Lake Moodie area. The lands

at the north east corner of Sir Isaac Brock Way and Glenridge Ave are also identified as an 'Intensification Area' on the Municipal Structure, Schedule D.

City of Thorold

The City of Thorold Official Plan designates the lands within the urban area boundary, with the exception of the Lake Moodie area. The City undertook The Brock Business Park Secondary Plan process at the same time as the creation of the Brock District Plan. Generally the District Plan and Secondary Plan align. The Secondary Plan's intent is to revitalize the business park to support and enhance employment uses and encourage, where appropriate, mixed use development.

Input on the ROPA:

Statutory Public Meeting

The *Planning Act, 1990*, requires that a statutory public meeting be held for all amendments to municipal Official Plans. A public meeting was held on September 5, 2018 to present a draft of ROPA 14 to Planning and Economic Development Committee and receive comments from the public. The Notice of Public Meeting was advertised on August 16, 2018 in Niagara This Week newspapers having general circulation in the study area. The Notice of Public Meeting was also sent to the list of prescribed bodies and agencies having interest on August 15, 2018.

The draft ROPA presented at the Public Meeting included three reference maps: the Plan for Circulation Map, the Demonstration Plan Map and the Integrated Plan of Future Land Use Map. These maps were for illustration purposes only and did not constitute an operative part of the Regional Official Plan. However, the maps caused confusion. Therefore, they have been removed from the ROPA. They are still contained within the previously approved District Plan.

At the Public Meeting, one resident, a former NEC Commissioner and Regional Councillor, presented his concern regarding the northern most lands along Lockhart Drive shown as "Peripheral Development Lands" on one of the District Plan maps. In response to this concern, staff clarify that the ROPA and the District Plan do not provide specific land use direction for these lands.

Niagara Escarpment Commission

The Niagara Escarpment Commission (NEC) staff presented a report to their Commission in June, 2018 based on the previous draft ROPA regarding their concern with the "Peripheral Development Lands" along Lockhart Drive. The NEC report provided interpretation of the extent of the boundary between the Escarpment Urban Area and Escarpment Natural Area designations along Lockhart Drive based on their

position in February, 2017. Staff reviewed the Niagara Escarpment Plan (as approved in 2017) and there has been no change to the Urban Area designation between the NEP of 2005 and 2017.

In response to the comments regarding Lockhart Drive, the Brock District ROPA provides policy direction that supports Natural Heritage and the NEP. Specifically, any future land use changes shall be reviewed in the context of the Brock District Plan, as well as the Natural Heritage policies of Section 7B of the Regional Official Plan and the policies of the NEP (per ROPA Policy 4.G.14.C.8).

Regional staff have also been made aware that there is outstanding litigation between Brock University and the Niagara Escarpment Commission related to the Lockhart Drive lands and the determination of the boundary between Escarpment Urban Area and Escarpment Natural Area.

The ROPA can proceed regardless of the litigation as its outcome does not have any bearing on the policy, objectives or intent of the amendment. The District Plan map may be updated without amendment when the Region has been advised that the litigation has been resolved and a final boundary has been determined.

Agency Comments

There were several minor comments regarding wording provided by Brock University, the City of St. Catharines and the City of Thorold. These comments were reviewed and incorporated into the final version for the Regional Official Plan Amendment, as appropriate. A table of comments and how they were considered is included as Appendix 3 to this report. Generally, the ROPA has been well received.

Technical Advisory Committee

Staff were directed to establish a Technical Advisory Committee (TAC) to review the recommendations and establish an implementation strategy for the seven frameworks and 25 actions/priorities of the Brock District Plan. Three TAC meetings have been held with representatives from Thorold, St. Catharines, Brock University, Niagara Escarpment Commission, Regional staff from various departments and others. The TAC will provide input and feedback for new ideas to enhance the Brock District Plan area.

The draft ROPA was circulated to the TAC and discussed at the first meeting. The TAC was generally supportive of the amendment.

Conclusion

The ROPA conforms and does not conflict with the PPS, Provincial Plans and the Regional Official Plan. It builds on the foundation laid by the Official Plan, as well as Council's strategic direction.

The ROPA as presented represents the visionary work of the Brock District Plan. The policies implement the vision and objectives of the District Plan and supports the transformation of the district from a low density, single use area to a higher density, mixed-use area. Further the ROPA promotes the achievement of a district that will evolve into a sustainable, complete community with a positive urban experience.

In conclusion, staff recommends that Regional Council approve Regional Official Plan Amendment No. 14 as it represents good planning.

Alternatives Reviewed

Alternative 1 – Council could choose to deny the Regional Official Plan Amendment. This course of action is not favourable as the ROPA is implementing a Council-endorsed District Plan that promotes investment and prosperity in a strategic location in the Region.

Alternative 2 – Council could choose to modify and approve the Regional Official Plan Amendment. The modification would need to demonstrate consistency and conformity with the Regional and Provincial policy.

Relationship to Council Strategic Priorities

This report supports Council's strategic areas for fostering innovation, investment, and entrepreneurship; positioning Niagara globally; and, doing business differently. The Amendment supports the performance indicators for growth; employment; investment; and, efficient use of infrastructure.

Other Pertinent Reports

PDS 34-2016 – Brock District Plan (endorsement)

PDS-C 10-2018 – Memorandum for Regional Official Plan Amendment No. 14 initiation

PDS 35-2018 - Statutory Public Meeting for Regional Official Plan Amendment 14
Brock District Plan

The Brock District Plan can be found here:

<https://www.niagararegion.ca/projects/district-plans/pdf/brock-district-plan.pdf>

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Appendices

Appendix 1	Regional Official Plan Amendment No. 14	Page 10
Appendix 2	Location Map	Page 19
Appendix 3	Private/Public Agency Comment Table on ROPA 14	Page 20