

Response by Preservation of Agricultural Lands Society (PALS) to Niagara Regional Official Plan, June 2022.

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1. It is Unfortunate that Issue of Urban Boundary Expansion was Combined with Task of Developing a New Niagara Regional Official Plan.

It is unfortunate that the task of developing a new Niagara Regional Official Plan has been combined with that of urban boundary expansions, which normally under the Planning Act, are part of five-year comprehensive reviews. The problems with this dual mission have been compounded by the cramming of possible urban boundary expansions into the latter six months of consultations on this topic.

2. Watershed Studies were Promised to Guide Urban Boundary Expansions

During the earlier phases of consultations on the Niagara Official Plan the public who took part in the consultation were promised that urban boundary expansions would be guided by the input of watershed plans. No such meetings were held as part of the process to determine urban boundary expansions, nor were the findings of any such reports cited as reasons to justify the proposed urban boundary expansions.

3. Planning Department Report Cites Only Unpublished Watershed Study to Justify Urban Boundary Expansions.

In its response to criticisms of the lack of watershed studies to guide the issue of proposed urban boundary expansions, the Planning Department made the following comment. This is that *“The Watershed study was completed in support of the SABR process (Settlement Area Boundary Review) and the new Niagara Official Plan. The study is known as the Niagara Watershed Plan (NWP) The NWP is being published in three volumes: characterization, management, and growth analysis. Consultation with public and other stakeholders, was undertaken during the completion of the NWP project.”*

From the above quotation, any findings of the NWP project are still unpublished. No information from the project was cited by the Planning Department to justify their recommended urban boundary expansions that impact environmentally significant watersheds. Such information could have been used to counter public concerns of negative impacts on urban expansions on the Twenty Mile Creek, the Ten Mile Creek, Black Greek, Frenchman’s Creek, and Miller Creek. All these streams with significant wildlife habitat would be negatively impacted by the urban boundary expansions supported by the Planning Department.

Findings from the NWP could also have been used by the Planning Department to criticize alternative areas for urban expansion proposed by PALS on lands we have proposed for urban expansion in Port Colborne and Welland. No information disputes our view that these lands have been long ago disrupted by the Welland Canal and fail to provide habitat for significant species.

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The SABR process tells us very little in terms of either land quality for agriculture or biodiversity. It is silent as to whether the ditches on lands proposed for expansion have Chorus Frogs, possess turtles, or provide habitat for the Northern Pike, or a similar Species at Risk, the Green Pickerel.

4. Urban Boundary Expansions Would Impact Negatively Watersheds for Impacted by Urbanization

It is a basic scientific truth that urbanization degrades watersheds and streams from the standpoint of water quality and biodiversity. This truth was given local empirical verification by Dr. Michael Dickman, when the Ontario Municipal Board, (OMB), considered an urban expansion, now being recommended by the Planning Department. This involves the headwaters of the Ten Mile Creek in the Northwest Quadrant Lands of the City of Niagara Falls. Here, Dr. Dickman took E Coli samples from waters completely free of urbanization, the heavily urbanized Shriners Creek, and the Beaverdam's Creek, (which is also heavily urbanized). He found E Coli counts in the Ten Mile to be negligible, while grimly high in the two urbanized streams. Dickman also heard calls from the Wood Frog, Chorus Frog and Spring Peeper in the Northwest Quadrant lands, when he prepared his expert testimony for the OMB. He also visited other urbanized streams in proximity and found that they were silent during the frog breeding season.

Much of the land proposed for urban expansion in Niagara Falls south of the Welland River is a protected wetland. It is protected largely because it is habitat for breeding amphibians. Surrounding it by urban development would create a death trap for wildlife.

The Twenty Mile Creek, which provides habitat for turtles, frogs, Northern Pike, and Grass Pickerel, is one of the most significant streams in southern Ontario at risk from climate change. Any watershed study for this area needs to examine the likely impact of hotter and drier summers from reasonably expected climate change. Now such species can survive during hot summers by clinging to pools which eventually, during the November rains, become interconnected. This is fragile condition will inevitably get worse within the next thirty years. During some hot summers a good indicator species, the Bull Frog, has been eliminated from the Twenty Mile Creek. This is because it depends on permanent pools of water. And, species in the Upper Ten Mile Creek (the part of the Creek above the Upper Balls Falls) are barely clinging to life in a largely unurbanized watershed. Having Smithville triple its current population through the proposed urban expansion will greatly imperil them.

5. Basic Tests of Provincial Policy for Urban Expansion Correctly Found Wanting by the Niagara Falls Planning Department

When the Niagara Falls Planning Department was asked to comment on its support for urban boundary expansions, its response was simple and straight forward-NO. That this was their response was accepted by the Niagara Regional Planning Department. It erred however, by saying that these recommendations were rejected by the Niagara Falls Council. I disagree with this assessment. When I checked the council agendas and minutes for the Niagara Falls City Council and I could not find any debate between the council and its Planning Department over this issue.

The opposition to urban boundary expansions was put forward by the Planning Department through two reports. One was a Housing Study. The other was a report on Employment Lands. The Housing study was then accepted by a unanimous vote of the Niagara Falls City Council. The report was developed through extensive public consultations, involving stakeholders in the building industry before it went to Council.

The Housing Study fully considered various provincial policies such as the Growth Plan and the Housing policies of the PPS. It found that Niagara Falls housing needs under these studies could be met without the need of any urban boundary expansion.

The Niagara Falls Housing study found that the city's actual housing needs are exacerbated rather than helped by Greenfield development, even when this is limited to that which is within current urban boundaries. To address housing needs it urges intensification and mixed-use development along designated transit corridors along such main streets as McLeod Road.

The Niagara Falls Planning Department also undertook an Employment Lands Study. This found that no urban boundary expansions were needed for additional Employment lands.

The Niagara Regional Planning Department claims that its recommendations are in harmony with Niagara Falls Employment Lands study. Compatibility is justified on the basis that the lands they are recommending for urban expansion south of the Welland River area described in their report as "Community Lands". However, the actual uses their report recommends for these lands, such as ancillary health care uses complimentary to the new hospital, are Employment in nature. This is wordsmithing used to justify urban sprawl.

The reasons against urban expansions under provincial policy and carefully spelled out by the Niagara Falls City Planners, are even more applicable to other areas where urban boundary expansions are being considered. If any lower-tiered municipality may seem suitable for an urban boundary expansion under provincial policy, it is Niagara Falls. Its population is far higher than Fort Erie and West Lincoln combined, where massive urban expansions are being recommended by the regional planning department. Yet the City planners recommended, and Council agreed, that more infilling and intensification were preferable to urban expansions.

6. De-Allocation of Growth from Port Colborne and Thorold a Gimmick to Justify Urban Boundary Expansions

About half of the proposed need to justify urban expansions has come from the proposed deallocation of residential units away from Port Colborne and Thorold. Claims of low growth being used to justify this are disputed by the fact that if the Region's urban boundaries are properly sealed, these lands will become more valuable for development. An additional reason emerged late in the process that the lands may be impacted by a future quarry in Niagara Falls. However, its opening will mean the closure of an existing quarry operation in Thorold, which will introduce new development opportunities. These quarry lands adjacent to both the Queen Elizabeth Highway and Highway 406 would be far less environmentally disruptive than the urban boundary expansion on lands surrounded by provincially significant wetlands in Fort Erie. The Walker Brother Quarry in Thorold, unlike the former Canadian Motor Speedway lands in Fort Erie, are not a designated Deer Wintering Area.

7. Proposed Changes to Environmental Policy too Confusing

PALS has been deeply involved in the use of the Region's Environmental Policies since they were approved in 2008. To improve these policies, we recommend that a stronger policy than the minimum policy of the PPS be undertaken. This would be what Option C promises but fails to deliver.

Additionally, the lands designated as Environmental Conservation Areas (ECAs) in the current official plan are in effect, provincially significant woodlands. They should be clearly identified as such in the Niagara Regional Plan. The Region should also have stronger policies than its current plan and prohibit any development or site alteration on these lands.

8. Region Should Not Rush to Create New Official Plan

In conclusion PALS wishes to point to its basic recommendations for the Niagara Regional Official Plan. These are, that urban boundary expansions now are premature, and that our significant woodlands should be truly protected, instead of being a playground for confusing Environmental Impact Studies on lands requested for development.