
Subject: Response to the Town of Grimsby Council's Resolution Regarding Regional Official Plan Amendment 13 (ROPA 13)

Report to: Planning and Economic Development Committee

Report date: Wednesday, October 9, 2019

Recommendations

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

Key Facts

- The purpose of this report is to seek the adoption of Regional Official Plan Amendment 13 (ROPA 13) pursuant to Regional Council's deferral of June 20, 2019.
- This Amendment is required to implement the goals, vision, and recommendations of the Niagara Region Transportation Master Plan (TMP), which was approved by Regional Council on July 20, 2017, and to ensure conformity with the new Provincial Growth Plan.
- The motion to adopt Regional Official Plan Amendment No. 13 (ROPA 13) was approved by the Planning and Economic Development Committee on June 12, 2019, and was subsequently brought forward for final consideration at the following Regional Council meeting on June 20, 2019.
- Regional Council deferred the decision of this motion in order for Regional staff to respond to a resolution from the Town of Grimsby regarding the relationship of ROPA 13 to the Livingston Avenue Extension Municipal Class Environmental Assessment (EA).
- Niagara Region Planning and Development Services and Public Works Departments met with the Town's Mayor and Chair of the Planning and Development Committee as well as the Regional Councillor. As a result, staff prepared a response to this resolution, which was presented to Grimsby Council on September 16, 2019.
- Policy 9.H.2 of ROPA 13 has been revised to address concerns by the Town Council, clarifying the Municipal Class Environmental Assessment process and alignment of the policy to the Greenbelt Plan.

Financial Considerations

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

Background

The recommended policies and mapping of ROPA 13 were brought forward for consideration at the Planning and Economic Development Committee (PEDC) meeting on June 12, 2019, with the recommendation that the Amendment be adopted under Section 26 of the *Planning Act*, 1990. This motion was approved by the PEDC for final consideration at the next Regional Council meeting on June 20, 2019. A copy of the recommendation report has been attached as Appendix I.

Prior to the Regional Council meeting, however, the Town of Grimsby passed a resolution at its meeting on June 17, 2019, requesting that the proposed Amendment be deferred until revisions were made to both the proposed Amendment and the Niagara Region Transportation Master Plan that acknowledged Town Council's concerns with the Livingston Avenue Extension Municipal Class EA. In order to address the Town's concerns and allow staff to prepare an appropriate response to the resolution, Regional Council agreed to defer adoption of ROPA 13 for a minimum two (2) month period.

In response, Planning and Development Services and Public Works staff prepared a coordinated response to clarify the history of Livingston Avenue Extension, the need for the Municipal Class EA, and the policy and legislation that directs ROPA 13 and the five-year review of the Transportation Master Plan, and the relationship between these three (3) projects. Specifically, the response clarifies that ROPA 13 is independent of the Municipal Class EA process and has no bearing on the results of the Environmental Assessment. This information was presented to Town Council on September 16, 2019, with staff available to answer any comments and questions. A copy of the narrated slide deck is available on the Region's website:
<https://www.niagararegion.ca/projects/livingston-ea/default.aspx>.

The comment matrix (Appendix III) has been revised to include Town Council's comments, and save for the modification below, the recommended policies and mapping of ROPA 13 (Appendix II) have remained unchanged. Regional staff, therefore, have attached the original copy of the recommendation report as Appendix I, and continue to recommend the adoption of ROPA 13 by Regional Council.

Modification to Policy 9.H.2

Sub-bullets a) and b), as outlined below, have been added to Policy 9.H.2 of the proposed Amendment in order to clarify alignment with the policies of the Greenbelt Plan and the role of the Municipal Class Environmental Assessment process. This policy now states:

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

- a) requiring a Municipal Class Environmental Assessment to demonstrate the need and alternative options for the infrastructure required for the expansion;*
- b) avoiding specialty crop areas, and other prime agricultural areas in that order of priority, unless need has been demonstrated and it has been established that there is no reasonable alternative for the location of the infrastructure as determined through the applicable Municipal Class Environment Assessment;*
- c) avoiding, or where avoidance is not possible, minimizing and mitigating adverse impacts to the agricultural system or other sensitive land uses vulnerable to encroachment;*
- d) requiring an agricultural impact assessment during instances where infrastructure or uses are proposed within, adjacent to, or near the Greenbelt Area or agricultural system; and*
- e) considering subject lands for designation as provincially significant employment zones.”*

Relationship to Council Strategic Priorities

The policies and mapping of ROPA 13 (Appendix II) support Council’s Strategic Priorities for “Responsible Growth and Infrastructure Planning”, specifically, Objectives 3.1 Advancing Regional Transit and GO Rail Services and Objective 3.4 Facilitating the Movement of People and Goods.

Other Pertinent Reports

- **PDS 2-2017**, Project Initiation Report, Regional Official Plan Amendment 13 (ROPA 13) -- Transportation Policies, February 22, 2017
- **PDS 50-2017**, Public Meeting Information Report, Regional Official Plan Amendment 13 (ROPA 13) --- Transportation Policies, November 29, 2017

- **PDS 27-2018**, Statutory Public Meeting for Regional Official Plan Amendment No. 13, June 6, 2018

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Appendices

- Appendix I Recommendation Report for Regional Official Plan Amendment 13 (PDS 23-2019)
- Appendix II Draft Regional Official Plan Amendment 13
- Appendix III Agency and Public Comments Received
- Appendix IV Agency Comment Response Matrix