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**APPENDIX I**

**RECOMMENDATION REPORT FOR REGIONAL OFFICIAL PLAN AMENDMENT 13**

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**Subject:** Recommendation Report for Regional Official Plan Amendment (ROPA) 13 – Transportation Policies

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

**Report date:** Wednesday, June 12, 2019

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## Recommendations

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

## Key Facts

- 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.
- A clear and focused set of transportation policies in the Regional Official Plan is necessary to support prosperity and growth in the Niagara Region.
- This Amendment will repeal the existing policies of the Regional Official Plan and replace them with a new set of transportation policies.
- Changes to the Amendment were made in response to the comments received from stakeholders and public agencies, including Regional Active Transportation Advocates, several local municipalities, the Ministry of Municipal Affairs and Housing, the Niagara Parks Commission, and the Niagara Escarpment Commission.
- The Minister for the Ministry of Municipal Affairs and Housing is the approval authority for ROPA 13.

## 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.

## Analysis

### **Background**

In 2015, the "Niagara 2041" initiative launched a series of studies in order to guide population and employment growth to a 2041 planning horizon, and to mitigate the

resulting impact on Regional infrastructure. Specifically, the Region began development of a Transportation Master Plan to define policies, programs, and infrastructure improvements needed to address the Region's transportation requirements, and the undertaking of a Municipal Comprehensive Review to assess the Region's population, housing and employment growth trends in order to inform the policies of the new Regional Official Plan.

The Transportation Master Plan (TMP) received Regional Council approval on July 20, 2017. Its policies emphasize the need to integrate and co-ordinate transportation planning, land use planning, and urban design as part of its implementation. Accordingly, the Region has undertaken the proposed Regional Official Plan Amendment to ensure the recommendations identified in the TMP are properly implemented.

Proposed Regional Official Plan Amendment 13 (ROPA 13) addresses the following key areas:

- Co-ordinated Transportation System Planning;
- Public Transit;
- Active Transportation;
- Complete Streets;
- Transportation Demand Management;
- Regional Road System; and
- Goods Movement.

The draft policies of ROPA 13, which are outlined in Appendix I, will replace the existing policies within Chapter 9 of the Regional Official Plan. These new policies will align with the direction of the TMP, and conform to the new 2019 Provincial Growth Plan for the Greater Golden Horseshoe, which was brought into effect on May 16, 2019. The Amendment further includes additional schedules, updated definitions, and minor adjustments to other sections of the Regional Official Plan to allow for the needed integration between transportation planning, land use planning, and urban design.

If approved, ROPA 13 will equip Niagara Region with current and sound transportation policies to ensure best practices are utilized across the Region in alignment with the ongoing comprehensive review for the new Regional Official Plan.

It is warranted that the existing transportation policies of the Regional Official Plan are revised to align with the TMP to ensure that the direction and recommendations identified in the study are properly implemented. The new Regional Official Plan and its background studies are just commencing, and as such, it is appropriate for the proposed Amendment to the Regional Official Plan to be brought forward at this time.

### ***Public and Stakeholder Consultation***

An extensive consultation and engagement strategy was employed as part of the development of the TMP in order to obtain input on relevant transportation issues, constraints, and opportunities. Specifically, the consultation process involved two (2) online surveys, over a dozen public information centres, multiple meetings with stakeholder advisory groups and local area municipalities, and additional meetings with transportation agencies and other stakeholders, including First Nations and Métis representatives.

Following the approval of the TMP, the draft policies and mapping of ROPA 13 were circulated for comment to local municipalities, prescribed agencies, and key stakeholders. In order to answer questions and receive feedback on the draft Amendment from the public, a copy of the Amendment was made available on the Region's website and an Open House was held on November 8, 2017. A Public Meeting was then held during the Planning and Economic Development Committee meeting on November 29, 2017, which provided members of the public an opportunity to speak to the proposed policies and mapping, and allowed staff to provide the Committee with an overview of the Amendment's contents and direction.

On June 6, 2018, an additional Public Meeting was held during the Planning and Economic Development Committee Meeting in accordance with Section 17 of the *Planning Act*. This statutory Public Meeting allowed for further questions and input to be provided by the public and Committee regarding the Amendment. Delegations were made at the Public Meeting by a representative from the Regional Active Transportation Advocacy group, and residents from the Town of Grimsby and City of St. Catharines. These delegations spoke to recommended changes to the policy set in support of active transportation infrastructure. The comments received from the public have been considered as part of the final recommendation.

Additionally, Regional staff has received comments from seven (7) local municipalities, the Ministry of Municipal Affairs and Housing, the Niagara Escarpment Commission, the Niagara Parks Commission, internal departments and committees, and active transportation advocates. A matrix (Appendix II) has been prepared by Regional staff to respond to the comments received. The following section highlights key issues that prescribed commenting agencies and stakeholders have identified in the review of the Amendment.

### **Planned Corridors Mapping and Policies**

Multiple local area municipalities, including the City of Niagara Falls, the Town of Fort Erie, and the Township of West Lincoln, have requested that the Amendment include policies and/or mapping related to planned Provincial and Regional corridors, such as the Niagara-Greater Toronto Area (NGTA) East Corridor.

At the request of the Ministry of Municipal Affairs and Housing, Regional staff has added broad infrastructure corridor policies to ROPA 13 that mirror the requirements of the Provincial Growth Plan. Further, the Amendment identifies the development and planning of specific transportation corridors and their associated infrastructure (Policy 9.B.2).

To add mapping to the Amendment that delineates these identified corridors prior to the determination of their exact boundaries (i.e. through further studies and/or environmental assessments) is premature and is not recommended. The mapping of these corridors may inadvertently date the document and reduce the effectiveness of its policies and mapping.

#### Complete Streets Approach

Several municipalities, including the City of Niagara Falls, the City of Welland, the Town of Fort Erie, and the Town of Pelham, have requested that policies in the Amendment that direct local municipalities to develop specific Official Plan and/or Zoning By-law provisions be removed or reworded with more flexible terminology. In particular, local municipalities expressed concerns with the required implementation of a complete streets approach.

Policy 3.2.2.3 of the Provincial Growth Plan requires all municipalities to adopt a complete streets approach for the design, refurbishment, or reconstruction of a municipality's existing or planned street network. The Niagara Region has done so through the development of Complete Streets Guidelines that will be used as part of roadway construction and improvements.

The initial circulation of ROPA 13 directed the Region and local municipalities to identify priority corridors for complete streets implementation. Based on Ministry of Municipal Affairs and Housing feedback, the Amendment has been reworded to ensure that complete streets elements are considered for the entire street network (Policy 9.E.1 and Policy 9.E.3). The Amendment continues to provide local municipalities the flexibility of either utilizing the Niagara Region's Complete Streets Design Guidelines or creating their own guidelines that direct the required "complete streets approach". The implementation of complete streets elements will be determined through an evaluation of alternatives as directed by the Municipal Class Environmental Assessment process.

#### Timeline and Budgeting Commitments

Active transportation groups had requested that the Region strengthen the wording of Policy 9.D.4 to ensure that funding commitment to cycling facilities is provided through the Bicycle Facilities Grant. This matter was discussed by members of the Planning and Economic Development Committee at the Public Meeting held on November 29, 2017.

Additionally, Correspondence Item TSC-C 6-2018 from the Transportation Sub-Committee was brought forward to the Planning and Economic Development Committee for consideration at the statutory Public Meeting in June 2018 regarding funding of bicycle facilities. This item was received and referred to staff for the preparation of this final report.

The Regional Official Plan is a land use planning document and, as such, is not the appropriate vehicle for prioritizing budget items and capital works projects. The purpose of the Regional Official Plan is to provide an overall vision for the Region's transportation infrastructure, and outline its relationship to surrounding land uses and urban design. The TMP, on the other hand, provides both general goals and guidelines for its implementation, and specific measures to realize this vision. Accordingly, Planning and Public Works staff believe that it is more appropriate for matters related to the timing and funding of the Region's Capital Works program to be outlined within the TMP.

The TMP will be reviewed every five (5) years, resulting in potential changes to the Niagara Bikeways Master Plan, the Strategic Cycling Network, and its infrastructure phasing plan. To add these plans to the Amendment may inadvertently date the document and reduce the effectiveness of its policies and mapping. A new policy has been added to the Amendment to reference the recommended actions and schedules of the TMP (Policy 9.F.14).

### ***Modifications to Draft Policies and Schedules***

There were approximately 30 modifications made to the draft Amendment following the statutory Public Meeting report (Report No. PDS 27-2018), all of which have been identified in Appendix I. The modifications made were largely minor in nature. Detailed explanations of the more significant revisions are outlined below.

#### **Modification 7: Policy 9.C.2 b)**

A new sub-bullet of Policy 9.C.2 has been added to the proposed Amendment. This policy states:

*"The Niagara Region supports the expansion of public transit across the region through:*

*[...]*

- b) Permitting infrastructure, including municipal water and wastewater systems, on lands adjacent to or near settlement areas for uses principle or ancillary to transit-supportive uses abutting higher order transit facilities"*

Expanding upon section 4.2.1.2 of the Greenbelt Plan, Policy 9.C.2 b) will provide the Niagara Region better ability to construct and service higher order transit stations near

or adjacent to settlement areas, further facilitating the provision of public transit to, from and within the Niagara Region.

#### Modification 8: Policy 9.C.8

A new policy has been added to Section 9.C (Public Transit) of the proposed Amendment. The policy states:

*“The Niagara Region and its local municipalities should plan lands adjacent to or near existing and planned frequent transit or higher order transit facilities, including those within the Greenbelt Area where such lands have been approved through a Municipal Class Environmental Assessment, to:*

- a) provide transit-supportive uses that enable opportunities for improved transit service integration;*
- b) facilitate multimodal connections that encourage a more evenly distributed modal share; and*
- c) support active transportation.”*

Policy 9.C.8 will expand upon policy 2.2.4.10 of the Provincial Growth Plan, increasing the Region’s ability to implement transit-supportive uses on parcels adjacent to or near higher order transit facilities. This policy would also improve the viability of public private partnership opportunities for higher-order transit facilities on these sites.

#### Modification 25: Policy 9.H.2

A new policy has been added to Section 9.H (Goods Movement) of the proposed Amendment. This policy 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) avoiding, or where avoidance is not possible, minimizing and mitigating adverse impacts to the agricultural system or other sensitive land uses vulnerable to encroachment;*
- b) require an agricultural impact assessment during instances where infrastructure or uses are proposed within, adjacent to, or near the Greenbelt Area or agricultural system; and*
- c) considering subject lands for designation as provincially significant employment zones.”*

Policy 9.H.2 will provide clarification regarding uses ancillary to major goods movement facilities, such as the Niagara District Airport, as well as the due diligence requirements needed to avoid or minimize adverse impacts of these uses to the Agricultural System and other sensitive land uses. Permitting ancillary uses to major goods movements and facilities would better allow the Region to cater to the demands and stresses associated with projected population and employment growth.

### ***Planning Review***

The proposed Amendment has been assessed against the approved planning policy framework and staff is of the opinion that the amendment is consistent with and implements the *Planning Act*, the 2014 Provincial Policy Statement, and the 2019 Growth Plan. Further, the Amendment has been revised to address the comments provided by the Ministry of Municipal Affairs and Housing to ensure alignment with Provincial direction.

### ***Process and Next Steps***

After Council adoption, staff will submit the Amendment to the Ministry of Municipal Affairs and Housing for approval under Section 26 of the *Planning Act*. Staff will also issue a notice of adoption in accordance with the *Planning Act* and its regulations. Through the review process, the Province has the ability to make modifications to the Amendment.

Through the approval of Bill 139 (PDS 26-2018), several changes were made to Section 17 of the *Planning Act* with regards to appeals for Official Plans and Official Plan Amendments. Specifically, Subsection 17 (36.5) states that there will be no appeals with respect to a decision on new Official Plans or Official Plan Amendments that are brought forward under Section 26 of the *Planning Act* as they will be subject to the approval authority of the Ministry of Municipal Affairs and Housing. As such, no appeals can be brought forward for ROPA 13.

Local municipalities will be expected to update their local official plans and zoning by-laws following the approval of the Amendment in order to ensure alignment with Provincial and Regional policies and mapping. Given that this Amendment is being brought forward for approval prior to the remaining comprehensive review of the Regional Official Plan, local municipalities will not be expected to update their Official Plans until the new Regional Official Plan is complete.



## **Alternatives Reviewed**

1. **Do not adopt Regional Official Plan Amendment 13.** This alternative is not recommended. This Amendment has been processed to expedite the implementation of the TMP prior to the development of the new Regional Official Plan.
2. **Adopt Regional Official Plan Amendment 13 (Recommended).** This alternative is recommended. ROPA 13 will equip Niagara Region with current and sound transportation policies to ensure best practices are utilized across the region in alignment with the ongoing comprehensive review of the Regional Official Plan. The proposed Amendment was developed through an in-depth and collaborative process with several Regional Departments and local municipalities, and Regional staff is of the opinion that it represents the interests of the municipalities, good planning, and addresses the unique circumstances within Niagara.

## **Relationship to Council Strategic Priorities**

This report supports Council's Business Plan Theme 2 "Healthy Communities" and Theme 5 "Integrated Transportation System".

## **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	Draft Regional Official Plan Amendment 13
Appendix II	Agency and Public Comments Received
Appendix III	Agency Comment Response Matrix