



March 2, 2023

Brian Treble, MCIP, RPP
Director of Planning and Development
Services Township of West Lincoln

VIA EMAIL

**RE: Township of West Lincoln
OPA 63 – Smithville Urban Boundary Expansion Area**

Dear Brian,

Please accept this letter as comments on behalf of Phelps Homes regarding Township of West Lincoln OPA 63 and the proposed modifications to be brought to Township Council. NPG Planning Solutions Inc. are land use planning consultants to Phelps Homes and JTG Holdings regarding their lands within the OPA 63 Secondary Plan Area. Phelps Homes and JTG Holdings are also participants in the landowners group for OPA 63; the Phelps lands are in Phases 4A, 4B, while the JTG Holdings lands are in Phase 4C. We note that the landowners group has provided comments on the OPA 63 Secondary Plan to the Township under separate cover.

We are sending this letter to you to provide additional commentary on the proposed modifications to OPA 63. The consulting team on behalf of the landowners group has provided detailed comments which we will not replicate. We do support the comments that have been provided to the Town by the landowners consulting team.

However, we first want to acknowledge that there has been a willingness by the Township staff and the Township's consultants to work in a cooperative manner to address the concerns that have been brought to your attention. We appreciate the updates and modifications to the Secondary Plan which have

addressed some of the concerns. Other concerns remain and it is for this reason that we are sending you and Township Council this letter.

Natural Heritage:

The natural heritage system approach in OPA 63 is creating problematic issues in the Secondary Plan policies, mapping and the implementation of the Secondary Plan.

- a) Restoration Areas – the restoration areas continue to be problematic. The identification of Restoration Areas on the lands owned by Phelps Homes and JTG Holdings is not justified in the Subwatershed Study, is based on incorrect information, and is applying the Provincial Natural Heritage and the PPS 2020 policies incorrectly.
- b) Coverage Target – The 30% natural heritage coverage target has been the subject of much discussion. Our concerns remain which can briefly be described as follows:
 - a. The 30% target is an arbitrary number not grounded in science.
 - b. There are policy conflicts between OPA 63 and the parent Official Plan. The parent Official Plan encourages a 30% coverage target while OPA 63 requires a 30% coverage target.
 - c. Implementation of the 30% target will impact housing, jobs and infrastructure. The target is established as a mandatory requirement notwithstanding the detailed work needed in future studies.
- c) Environmental Impact Studies (EIS) – many of the policies tie the hands of qualified professionals to complete science based studies on natural heritage features, buffers, and linkages through detailed studies to implement the Secondary Plan (e.g. Block Plans). In many instances, the policy wording requires adherence to arbitrary standards/targets which limits the ability to refine natural heritage features and their buffers to reflect the results of their field work and science-based assessments.
- d) Wetlands for Further Review – these are potential wetlands requiring additional study and field work. These should not be presumed to be wetlands at this point in time, even if the Region has mapped some of them as Other Wetlands.
- e) Woodlands – the policies incorrectly apply the PPS 2020 as prohibiting development and site alteration in Significant Woodlands. The PPS 2020 allows development and site alteration if no negative impact is shown through an EIS.
- f) Conceptual buffers –The current wording uses the terminology “shall generally be 30 m”. This approach presupposes the outcome of an EIS which is

inappropriate.

- g) Linkages – although the linkage policies have been refined so that ecological studies will determine the need, width and location of the linkage, the total area of linkages remains constrained by the policy that requires that refinements to linkage boundaries contribute to the natural cover target.

Transportation:

The comments from BA Group reflect the concerns regarding the transportation plan and policies within OPA 63. We wish to focus on two specific matters, as follows.

- a) Relationship to Natural Heritage System – Future Environmental Assessments for transportation corridors need to address the natural heritage system. This is appropriate as the EA process requires decision making to be made based on a multitude of factors. The comments on the natural heritage policies become critically important as the implementation of the Secondary Plan transportation network is completed, in part, through the EA process. The natural heritage policies cannot prejudice the EA process for transportation.
- b) Alternative road standards – we concur that the road cross sections need to include a narrower standard. There are design solutions and options for a narrower road solution through the draft plan stage that will allow flexibility to address detailed issues in design, servicing, and other issues such as natural heritage.

Water and Wastewater Servicing

S. Llewellyn and Associates Ltd. have identified three additional options for servicing the lands owned by Phelps Homes and what can generally be described as the southern lands (**Phase 4 lands**). These are options that are viable in addition to the water and wastewater servicing option identified by the Township's consultants. It is in everyone's interests to ensure the most cost effective and efficient servicing solution. The modified Secondary Plan policies do speak to using alternatives for servicing which is appreciated. However, there are detailed implementation policies that are not aligned to servicing alternatives.

There is an important relationship between the servicing options, the phasing policies, and the financing of this growth. The three must fit together in order for the Township to achieve its planned growth. The policies for phasing and specifically altering the phasing are highly prescriptive and will require significant work by landowners and the Township to assess the viability of altering the phasing. This has significant implications for financing the infrastructure.

The servicing costs need the participation of landowners to implement the planned growth. Without an assurance of timely development, landowners in later phases will be hard pressed to contribute to servicing costs in earlier phases. Compounding this issue is the number of non-participating landowners in earlier phases. The ability to achieve the planned growth will be highly dependent on the financing of infrastructure. The phasing policies must permit alternative phasing in a manner that is less prescriptive than is in the current policies. Alternatives to phasing that support cost effective and efficient infrastructure, financing of infrastructure, and implementing the Secondary Plan are required. The current policies on alternative phasing are too prescriptive and do not support the infrastructure and financial implementation of the Secondary Plan.

Density:

The proposed densities for low and medium density residential development are insufficient to provide the full range of permitted housing types in the Secondary Plan. Densities in the low density policies are insufficient to achieve townhouses, which are a permitted use. With the medium density policies, uses such as stacked townhouses and back to back townhouses are permitted uses yet the proposed density (20 to 40 units per hectare) is insufficient to achieve this form of housing. Revisions to policies and densities are required.

Implementation:

Our comments relating to implementation are to support timely next steps to implementing this Secondary Plan. As a preface to this, the need for housing in Niagara has been demonstrated through the Regional Official Plan process and especially in support of the Niagara workforce. Implementation of this Secondary Plan must be a priority and policies must support immediate next steps in implementation.

- a) Master Environmental Servicing Plans – MESP's are appropriate tools to identify how servicing will occur. These plans can and should be refined through the draft plan stage based on more detailed implementation design of the draft plan and resolving issues within the overall draft plan design.
- b) Cumulative impacts – The cumulative impact of these policies will create consequences for the implementation of the Secondary Plan. Addressing the natural heritage studies within the adopted policy framework will lead to multiple studies and assessments with no clear ability to resolve the difference between policy and science based studies such as an EIS, an MESP, or an EA for transportation infrastructure. This will ultimately translate into delay as issues will require resolution which may impact the overall design and development

of this community. The comments of the landowners group as well as the comments in this letter are to support implementation of the Secondary Plan including the natural heritage features and functions. The natural heritage features and functions, as currently drafted, have significant issues that will challenge implementation of the Secondary Plan.

The Smithville Urban Boundary expansion lands are a key priority in the implementation of the new Niagara Official Plan and the commitment to more housing. To that end, we enclose our previous letter to Niagara Region regarding OPA 63, the imperative to address housing, and our concerns on a number of issues. The above issues highlight the challenges to finalizing the Secondary Plan and, more importantly, the implementation of the Secondary Plan. We request that you review these comments together with the comments of the landowners group. We are committed to working to a resolution with you. Thank you in advance for your assistance.

Sincerely,



Mary Lou Tanner, FCIP, RPP
Principal Planner
NPG Planning Solutions
mtanner@npgsolutions.ca

cc: J. Whyte, Phelps Homes

D. Morreale and M. Sergi, Niagara Region

P. Lowes, SGL Planning and Design

Township Council



November 25, 2022

Diana Morreale, MCIP, RPP
Director of Development Services
Niagara Region Planning and Development Department

VIA EMAIL

RE: Township of West Lincoln
OPA 63 – Smithville Urban Boundary Expansion Area

Dear Diana,

Please accept this letter as comments on behalf of Phelps Homes regarding Township of West Lincoln OPA 63. NPG Planning Solutions Inc. are land use planning consultants to Phelps Homes regarding their lands within the OPA 63 Secondary Plan Area. Phelps Homes are also participants in the landowners group. We note that the landowners group has provided comments on the various studies and the OPA 63 Secondary Plan to the Township on which you were copied.

We are sending this letter to you to reiterate and reinforce the concerns regarding OPA 63. The consulting team on behalf of the landowners group has provided detailed comments on OPA 63 which we will not replicate. However we do support the comments that have been provided to the Town by the landowners consulting team.

We are writing to provide you with comments on certain key issues which can be grouped under three key issues: Natural Heritage; Transportation; Implementation.

Natural Heritage:

The natural heritage system approach in OPA 63 is creating problematic issues in the Secondary Plan policies, mapping and the implementation of the Secondary Plan.

- a) Restoration Areas – the two categories of Restoration Areas (Potential and Recommended Restoration Areas) are treated differently in terms of mapping. We concur with the comments of Paul Lowes that these should not be mapped differently but should be shown as an icon on the mapping. The detailed EIS and science based decision making will determine the restoration areas through the Block Plan and Draft Plan process. At the scale of a Secondary Plan it is more appropriate to use the approach identified in Mr. Lowes' letter of June 6, 2022 which identifies the opportunity and the policies which address how that opportunity will be evaluated.
- b) Coverage Target – identifying an aspirational target is of concern. The coverage target is arbitrary and cannot reasonably be implemented. The target will be addressed over the time in which the Secondary Plan is implemented. This approach has the potential of impacting landowners differentially and particularly those in the latter stages of implementation. Fundamentally however the coverage target is problematic and needs to be removed – there is no basis for its establishment.
- c) Conceptual buffers – the policies regarding conceptual buffers need to be revised from the current wording. The current wording uses the terminology “shall generally be 30 m”. This type of policy language is problematic – is the test “shall” or “generally”? The policy wording should make reference to up to 30 m based on the scientific analysis in the EIS and remove the conflicting language.
- d) Linkages – the linkage policies need to be refined so that the ecological studies determine the need, width and location of the linkage. At a Secondary Plan scale the linkages can be seen as aspirational or potential but should not be definitive.

Transportation:

The comments from BA Group reflect the concerns regarding the transportation plan and policies within OPA 63. We wish to focus on two specific matters, as follows.

- a) Relationship to Natural Heritage System – the comments in the BA Group letter appropriately identify that future Environmental Assessments for transportation corridors need to address the natural heritage system. This is appropriate as the EA process requires decision making to be made based on

a multitude of factors. The comments on the natural heritage policies become critically important as the implementation of the Secondary Plan transportation network is completed, in part, through the EA process. The natural heritage policies cannot prejudice the EA process for transportation.

- b) Alternative road standards – we concur that the road cross sections need to include a narrower standard. There are design solutions and options for a narrower road solution through the draft plan stage that will allow flexibility to address detailed issues in design, servicing, and other issues such as natural heritage.

Implementation:

Our comments relating to implementation are to support timely next steps to implementing this Secondary Plan. As a preface to this, the need for housing in Niagara has been demonstrated through the Regional Official Plan process and especially in support of the Niagara workforce. Implementation of this Secondary Plan must be a priority and policies must support immediate next steps in implementation.

- a) Master Environmental Servicing Plans – MESP's are appropriate tools to identify how servicing will occur. These plans can and should be refined through the draft plan stage based on more detailed implementation design of the draft plan and resolving issues within the overall draft plan design.
- b) Staging of Development - The staging and infrastructure policies require greater flexibility and cannot be prescriptive. It is critical that the Township and the Region can work with landowners through various studies and issues to advance implementation. Prescriptive policies, such as those included in the plan, can lead to delays but also a plan that will be challenged to be implemented.
- c) Cumulative impacts – The cumulative impact of these policies will create consequences for the implementation of the Secondary Plan. We are very concerned that the Secondary Plan's implementation will be challenged and likely delayed. Addressing the natural heritage studies within the adopted policy framework will lead to multiple studies and assessments with no clear ability to resolve the difference between policy and science based studies such as an EIS, an MESP, or an EA for transportation infrastructure. This will ultimately translate into delay as issues will require resolution as well as impacting the overall design and development of this community. The comments of the landowners group as well as the comments in this letter are to support implementation of the Secondary Plan including the natural heritage features and functions.

The Minister of Municipal Affairs and Housing recently approved the new Niagara Region Official Plan. The Smithville Urban Boundary expansion lands are a key priority in the implementation of the new Official Plan and the Region's commitment to more housing. It is our view that the Region has a key interest in ensuring that the planned growth can be implemented in a timely manner. The above issues highlight the challenges to finalizing the Secondary Plan and, more importantly, the implementation of the Secondary Plan. The Region's commitment to more housing and the analysis of housing need must be front and centre in the decisions on OPA 63.

We are sending this letter to you because of the importance of OPA 63 as well as the significance of our concerns. We would be pleased to meet with you regarding these issues and this letter.

Sincerely,



Mary Lou Tanner, FCIP, RPP
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cc: J. Whyte, Phelps Homes