

DATE: March 6, 2023

REPORT NO: PD-17-2023

SUBJECT: **Recommendation Report – Proposed Modifications to Official Plan Amendment 62 and 63 - Prior to Regional Council Consideration**

CONTACT: Brian Treble, Director of Planning & Building

OVERVIEW:

- Beginning in the fall of 2019, the Consulting firms of Aecom and Wood were hired to work on the Master Community Plan project for Smithville. This project included an analysis of infill growth opportunities, environmental issues, subwatershed planning and master servicing and transportation plan work as part of some of the most extensive urban boundary expansion studies in all of Ontario.
- Following multiple Public Information Centres and Public Meetings, our consulting teams, in consultation with a Technical Advisory Committee and Steering Committee, which included land owners, presented proposed expansion plans to the public in the form of Official Plan Amendment (OPA) 62 and Official Plan Amendment (OPA) 63.
- OPA 62, which includes the proposed new urban lands for future phased growth along with infill and intensification expectations; hamlet boundary adjustments and a rural employment park designation was adopted by Township Council on July 18th, 2022 and subsequently forwarded to the Region for final approval.
- OPA 63, followed the same extensive process which included extensive consultation with the land owners, developers and community. OPA 63 is a policy based document that is being considered the secondary plan for the new urban growth lands. This OPA was adopted by Township Council on August 11, 2022 and subsequently forwarded to the region for final approval.
- Regional approval of OPA 62 and OPA 63 is still pending. Approval could not happen until after the Region's new Niagara Official Plan was approved by the Province. The Niagara Region Official Plan was approved on November 4, 2022 with some modifications, as shown by attachment 1, Regional staff have reviewed the adopted Township OPA 62 and 63 documents and to date have provided some staff draft modifications prior to Regional Council approval of OPA 62 and 63.

OVERVIEW (continued):

- Discussions between consultants, Township and Regional planning staff and land owner's group representatives have also been ongoing since Township Council approval of OPA 62 and 63 in the hopes that ongoing dialogue will result in a lessened likelihood of an appeal. This on-going discussion has resulted in a few proposed policy wording modifications that improve policy clarity for future interpretation purposes. Attachment 3 provides some explanation for changes proposed for OPA 63.
- Mr. Steve Wever, President of GSP Group, will lead us through the proposed Regional changes and proposed consultant/staff changes to seek support of Township Council. Should Township Council support the proposed modifications, Regional Council consideration is expected to occur in April of 2023.
- Once approved by Regional Council, OPA 62 will be final, as it is a conformity based amendment, but OPA 63 will have an appeal period.

RECOMMENDATION:

1. That, Recommendation report PD-17-2023, regarding "Proposed Modifications to Official Plan Amendment 62 and 63 - Prior to Regional Council Consideration", dated March 6, 2023 be RECEIVED; and,
2. That, the proposed modifications to Official Plan Amendment 62 and 63, as found at Attachment 2 to this report and which incorporate both Regional staff and Township staff/consultant proposed modifications in one amending document, be endorsed by Township Planning/Building/Environmental Committee and Council as Township supported modifications for the Region to make to the adopted OPA 62 and 63 as part of final approval; and,
3. That, Township Council endorsement of the modifications be forwarded to Regional staff, prior to presentation of Official Plan Amendment's 62 and 63 as modified, to Regional Council for adoption.

ALIGNMENT TO STRATEGIC PLAN:**Theme ##3**

- Strategic Responsible Growth

BACKGROUND:

The Master Community Plan work in West Lincoln officially began in late October of 2019, with the passing of the Authorizing By-laws 2019-96 and 2019-97 and with the signing of contracts to hire Aecom and Wood to undertake the Master Community Plan work, Urban Structure work, and Natural Heritage system assessment work. All of this work in turn has been incorporated into the Regional Municipal Comprehensive Review, which is part of the new Niagara Official Plan. In order to do so, and to ensure compliance with the Planning Act and the Environmental Assessment Act, Public Information Centres (PICs) have also been held as required. To date, four PIC's have now occurred, on January 30th, 2020 (PIC 0), February 11th, 2021 (PIC 1), October 6th, 2021 (PIC 2) and a combined PIC (PIC 3) and statutory public meeting on, April 27th, 2022 for OPA 62. A virtual Public Open House was held from April 13 to 20, 2022. The statutory public meeting on OPA 63 was held on June 27th, 2022.

Additionally, in 2021 the Township retained MHBC Planning to complete a review of the Township's rural settlement areas to see if there were any opportunities for limited growth, rounding out of boundaries and a location for a rural employment park. This study work is also implemented through Official Plan Amendment No. 62 as it relates to changes to a number of the Township's Rural Settlement Areas.

Official Plan Amendment No. 62 was drafted and circulated for review to all agencies, interested parties and public, prior to the Public Meeting and PIC on April 27, 2022, in accordance with the Planning Act. OPA 62 was refined and finalized in consideration of the input received, adopted by Township Council on July 18, 2022 and forwarded to the Region of Niagara for approval.

Official Plan Amendment No. 63 was also drafted and circulated for review to all agencies, interest parties, and the public and applicable agencies, prior to the June 27, 2022 Public Meeting. OPA 63 includes land use designation mapping and policy for complimentary growth of the entire Community of Smithville in a phased and controlled format by means of a Secondary Plan. Township staff and the consulting team reviewed all comments received and submitted the final version of OPA 63 for consideration and adoption to the August 11, 2022 all Committee/Council meeting.

Notices were circulated over a period of a number of weeks which included four newspaper notices, direct mailing to residents (nearly 1000 households) within the study area and within 120 metres of the study area, and through email based on the study contact list.

Considerable dialogue has occurred since OPA 62 and 63 were adopted by Township Council and forwarded to Regional Council for approval. Should proclamation of certain sections of Bill 23 occur before Regional approval then the Province would become the approval authority for these OPAs.

CURRENT SITUATION:

Since the Region's new Niagara Official Plan received Provincial approval on November 4, 2022, as noted in attachment 1, Regional staff have completed a preliminary review of OPA 62 and 63 and have drafted some minor policy modifications to date that they would like to recommend to our Official Plan amendment documents. These have been reviewed and adjusted slightly through discussions with Township staff and Township consultants. The proposed draft modifications, are found at attachment 2 to this report, is incorporated into revised OPA 62 and 63 documents.

Attachment 2 includes a summary of proposed modifications that have resulted from ongoing discussions between Township staff and consultants and the land owners group (mainly through their planning representatives at SGL Planning). These changes have been discussed with Regional Planning staff who are supportive of these proposed modifications. Attachment 3 provides some explanation of the changes proposed for OPA 63.

In essence, the modifications are beneficial because they help clarify policy language to ensure consistency of future interpretation; or they are required in order to ensure full compliance with the Region's new Niagara Official Plan as approved by the Province of Ontario.

On November 28, 2022, a letter from NPG Planning Solutions, as found at attachment 4 to this report, was brought to the attention of Township Planning staff and consultants. A letter, as found at attachment 5 to this report, was also received from SGL Planning who are the Planners for the Landowners Group. In addition, SGL Planning has submitted comments on Storm Water Management and a proposed phasing policy modification attached as attachment 6 to this report. Review and discussion of these comments has occurred and Township staff and the consulting team are of the opinion that many of the concerns expressed in these comments have been already addressed through the modifications proposed at attachment 2 to this report.

Implementation

Once the Region has approved the OPAs and the appeal period passes, implementation aspects will become increasingly important in order to see housing built. Key implementation points include:

- Developing a Block Plan Guideline to identify the block plan process, supporting material and requirements for submission;
- Ensuring that supporting infrastructure occurs in a logical integrated, connected and cost effective manner;
- Developing a process to ensure the costs of services are covered with development phasing being initiated in a timely manner. This could involve front ending agreements with developers and ensure infrastructure works are included in the capital works budgeting; and,
- An update of the Development Charge Background study is also required so that works are included for future Development Charge Collection as deemed appropriate through the Master Plans.

FINANCIAL IMPLICATIONS:

Front ending costs of the Master Community Plan work and implementation costs of the Master Community Plans (Transportation, Water/Waste Water and Storm Water) will be incorporated into Development Charges by opening up the development charges background study in 2023.

INTER-DEPARTMENTAL COMMENTS:

A copy of this report was provided to the Township Public Works Department.

Stakeholder Consultation

Proposed modifications as found within Attachment 2 to this report have been presented to key participants including the land owners planning representatives at SGL Planning and the NPCA and of course Regional planning staff. A couple of direct conversations have occurred between the Township staff, our consultants and Regional staff as well.

The November 28, 2022 letter from NPG Planning Solutions has been addressed earlier in this report.

Given the complexity of landownership and desire for growth to take place over the horizon of the plan and not all at once, there is no consensus from all landowners over the phasing of development as proposed in OPA 63. OPA 63 has been structured to address Council's concerns over the pace of growth in the expansion area, the Region's growth allocations, and sequencing of servicing, over the next 30 years. Staff and the consulting team are of the opinion that the policies address Council's growth concerns while still providing the flexibility to considering different phasing scenarios if certain terms are addressed. Significant servicing upgrades to the sewer and water systems are required. These servicing upgrades are often tied to Regional infrastructure and will therefore require ongoing cooperation between both levels of government. Regional staff have indicated that the proposed staging policies conform to the Niagara Official Plan.

CONCLUSION:

Following a presentation by Steve Wever at the March 6, 2023 Committee meeting, staff recommend that Committee and subsequently Council endorse the modifications to OPA 62 and 63 as generally outlined in this report and as found at attachment 2 and explained in attachment 3 (OPA 63) for the Region, as the approval authority, to incorporate as modifications to the adopted OPAs.

ATTACHMENTS:

1. Notice of Decision of Province dated November 4, 2022 to new Regional Official Plan
2. Draft Township staff consultant and Regional modifications to OPA 62 and 63
3. Table explaining Proposed Modifications for OPA 63
4. Letter dated November 25, 2022 from NPG Planning Solutions
5. Letter Dated December 15, 2022 from SGL Planning
6. Email and Comments on Storm Water and Proposed Phasing Policy Modifications – SGL Planning

Prepared & Submitted by:



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Approved by:



Bev Hendry
CAO