



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,



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cc: J. Whyte, Phelps Homes