

Community Planning and Development Department

Wednesday, September 20, 2023

**Subject: Final Technical Conformity Review Report - Town of Pelham
Official Plan Review****Recommendation:**

**THAT Council receive Report #2023-0206 Final Technical
Conformity Review Report – Town of Pelham Official Plan
Review for information.**

Executive Summary:

This report provides Council and Staff with the final Technical Conformity Review (TCR) Report prepared by WSP (attached as Appendix A) which identifies the changes and updates that are required to the Town's Official Plan to achieve conformity with Provincial policy and plans and the Region of Niagara Official Plan. The TCR Report summarizes the findings of the Project Start-up and Background Research and Discussion Paper and makes recommendations for policy changes required for consistency and conformity with Provincial and Regional policies.

Background:

The Town of Pelham Official Plan was adopted by Council in April 2012 and approved by the Ontario Municipal Board in March 2014. Since that time there have been 19 Official Plan amendments approved by Council and several changes to the planning framework at the Provincial level that need to be addressed including changes to Provincial legislation, policies, and plans. Additionally, the Region of Niagara Official Plan (NOP) was approved by the Ministry of Municipal Affairs and Housing (MMAH) in November 2022. In accordance with the *Planning Act*, the Town is required to achieve conformity with the Region Official Plan within one year of adoption of the upper tier Official Plan. The Town has initiated the process of conducting an Official Plan review and update in accordance with the requirements of the

Planning Act which will result in the creation of a new Official Plan for the Town.

The entire project is broken into 3 phases with Phase 1 being the conformity review, Phase 2 the preparation of a draft official plan and Phase 3 the finalization of the Official Plan and its adoption and approval.

The consulting firm WSP was hired by the Town to assist with Phase 1 of the Official Plan Review. The TCR Report identifies areas where the current Official Plan requires updating to be consistent with and conform to the Provincial and Regional planning policies that currently exist.

Project Description and Purpose

As noted, the primary purpose of the TCR was to review the Town's existing Official Plan against the new Region of Niagara Official Plan and the Provincial Policy Statement, 2020 ("PPS") and A Place to Grow, Growth Plan for the Greater Golden Horseshoe, 2020 ("Growth Plan"). Additionally, the Town's plan must maintain conformity with the Greenbelt Plan, 2017 and the Niagara Escarpment Plan, 2017 ("NEP").

The TCR project was broken down into 3 phases:

Phase 1: Project Start-up and Background Research

The project team prepared a Background Research Report that included an inventory of all applicable Provincial, Regional and Town legislation and policies which serve as key drivers for policy updates in the Official Plan. The Background Report also identified policy gaps and opportunities to draw on best practices to update the Official Plan framework.

Phase 2: Discussion Paper (Options and Solutions)

The project team reviewed high-level options for the strategic approach to updating the Official Plan as well as a more detailed analysis of solutions for meeting certain consistency and conformity requirements. The Discussion Paper also identified formatting and graphical options for the new Official Plan.

The consultants presented both the Background Research Report and Discussion Paper to Council and the public at the Statutory Public Meeting (held under Section 26(3) of the *Planning Act*) on June 14, 2023.

Phase 3: Technical Conformity Review Report (Recommendations)

The project is currently in Phase 3 which involves the preparation and delivery of the TCR Report. Policy recommendations, both high-level and specific, are written into the TCR Report including a Conformity Matrix that highlights the policy changes required for consistency and conformity with Provincial regulations and Regional policies. The Conformity Matrix will assist staff in identifying key areas of the Official Plan that require policy change.

Agency/Stakeholder Comments

A stakeholder meeting was held on July 11, 2023, with representatives from various Town departments, the Niagara Conservation Authority, Region of Niagara and Niagara Escarpment Commission in attendance. The comments and feedback from this meeting have been incorporated into the final TCR Report and agencies as well as Town Staff will continue to be consulted as Planning Staff develop the draft New Official Plan policies for review and comment.

Public Meeting Comments

As noted above, a statutory Public Meeting held under Section 26(3) of the *Planning Act* was held on June 14, 2023. A copy of the meeting minutes is attached as Appendix B to this Report. Members of the public provided input on proposed policy direction they felt the new Official Plan should take which are summarized below:

Public Comments

Graham Pett (on behalf of PATH)

Mr. Pett requested Staff incorporate policy guidance to address:

- Better tree management plans;
- Naturalized Parks;
- Protection of wetlands;
- Greener building standards;
- Community-wide emission reduction plan;
- Protection of the Greenbelt Plan areas; and
- Protection of Twelve Mile Creek

Craig Larmour (on behalf of the Pelham Greenhouse Growers Group)

Mr. Larmour expressed concern with the policies that restrict the size and intensity of greenhouses, specifically the current 30% lot coverage requirement and requested that Staff investigate increasing this provision within the OP to ensure that growers are able to expand and grow their greenhouse operations without the need for further planning approvals.

Jason Wieringa

Mr. Wieringa echoed Mr. Larmour's comments stating the ability to expand greenhouse size is important for the industry to remain financially viable. He noted that the 30% lot coverage requirement is a major hinderance and limits the ability for growth within the industry in Pelham.

Bill Heska

Mr. Heska noted that he fully supports the agricultural industry and urged Staff to practice responsible planning in the community.

Council Comments

Council was generally supportive of the direction of the background work done to date noting that all comments from the public and any other committees, stakeholders and agencies would be considered when reviewing the Official Plan. It was identified that the advisory committees should be consulted for input and there was general discussion around the comments brought up by the public. Further Council expressed the need for policies to address the urban boundary expansions, climate change, Pelham's aging population, housing standards, preservation of our natural areas, and the need for relevant policy direction that supports the Town given the changes to Provincial legislation and policies.

Staff Comments

The TCR Report outlines the necessary changes required to the existing Town Official Plan to bring the Plan into conformity with Provincial and Regional planning policy. These policy recommendations by WSP have been grouped into four specific areas of interest, each with a number of recommendations.

Supporting Sustainable Growth and Complete Communities

The Town is required to plan, in coordination with the Region, to integrate growth allocated by the Region over the planning horizon of the Official Plan. This will be achieved by:

- Directing growth and intensification by creating new Official Plan policies that:
 - guide growth to the urban areas of the Town;
 - identify intensification areas;
 - permit some limited growth in the agricultural areas;
- Addressing urban expansion areas in the Official Plan through policy direction and in cooperation with neighboring municipalities;
- Ensuring that urban expansion areas are developed by way of secondary plan, or expansion to existing secondary plan areas (East Fonthill);
- Expanding housing options and supporting residential intensification by creating policy that:
 - Introduces permissions for a range of building types;
 - Permit and encourage development and redevelopment in areas that will support local intensification;
 - Establish efficient development patterns that include direction for intensity and form of development within the Town's existing residential areas, where appropriate; and
- Establishing urban design policies/guidelines applicable to all areas of the Town and apply development and urban design policies to areas suitable for local intensification.

Enhancing our Agricultural System

Through the Background Research Paper and Discussion Paper, it was established that the Town agricultural and rural policies are generally in conformity with the Provincial and Regional planning policies, however there are opportunities to strengthen and clarify existing policies to ensure better alignment. The TCR Report recommends:

- Updating the Agricultural Official Plan policies to designate "Prime Agricultural" and "Specialty Crop Areas" and using consistent terminology as found in the Provincial and Regional plans and policies in the Town Official Plan;

- Enhance protections for agricultural lands and the “Right to Farm” through clearer policies around Minimum Distance Separation, land division and by requiring Agricultural Impact Assessments for certain non-agricultural uses in rural areas;
- Enhance protections for existing agricultural uses from erosion and encroachment; and
- Establish a specific policy set dedicated to the agri-food network.

The TCR Report also makes recommendations for the Town’s mineral aggregate areas and suggests creating new policy that will ensure conformity with the Regional Official Plan including expanded criteria for assessment of mineral aggregate operations applications, more careful consideration of the impacts of aggregate extraction on the natural heritage system and planning for the impacts of haulage and trucking from aggregate operations. The TCR Report recommends that the Town update its mineral aggregate policies to achieve conformity with the Regional Official Plan by:

- Increasing the level and prescriptiveness of mineral aggregate policies;
- Introducing policies that would be more proactive in planning for extraction operations;
- Balancing the preservation and mineral aggregate resources with the protection of natural heritage features; and
- Reinstating policies which control development of the Fonthill Kame.

Promoting a Sustainable and Climate-Resilient Community

Since the Town Official Plan was last updated, the Provincial Policy Statement and Regional Official Plan have been revised to include an increased emphasis on preparing for the impacts of climate change. The creation of the Town Corporate Climate Adaptation Plan shows a desire to develop goals and objectives to combat the effects of climate change. The TCR Report identified the Town’s desire to create a community that is sustainable and climate resilient.

The new Official Plan will establish a standalone section that is specific to climate change actions with direction to promote a broad range of practices associated with sustainable and climate-resilient communities. This may include:

- Direction to consider a local green development standards program;

- Incorporation of climate change projections (as established by the Corporate Climate Change Adaptation Plan); and
- Promotion and support for the use of green infrastructure.

In addition to this standalone section, other climate change initiatives will be integrated through the land use planning framework via the Town Natural Heritage System policies, urban design guidelines and general land use planning policy.

Protecting and Enhancing the Natural Environment

Protecting the quality of the natural environment is an important part of the new Regional Official Plan, which provides guidance for the protection, restoration, and enhancement of the Natural Environment System (NES). The current Official Plan policies will need to be updated to reflect both the new policies of the Regional Official Plan and the new mapping.

The TCR Report recommends identifying the Natural Heritage System (NHS) and Water Resource System (WRS) and their various components on two separate schedules with explanatory text in the Official Plan to describe the interrelated components of the NES. Policies will be updated to identify features, setback requirements, buffers, and study requirements for lands within the NES.

Next Steps

The primary purpose of the Official Plan review and update is to review the current Town Official Plan against the Region of Niagara Official Plan (2022) and other Provincial plans and policies, as per the conformity requirement prescribed by Section 27 of the *Planning Act*. The culmination of this review will ultimately result in the creation of a new updated Official Plan for the Town.

The Technical Conformity Review Report (Recommendations) is the final piece of Phase 1 and has summarized the findings of the Background Report and Discussion Paper, along with agency, public and Council input. Policy Recommendations, both high-level and specific, have been written into the Report and a Conformity Matrix has been prepared that highlights the policy changes required for consistency and conformity with Provincial and Regional policies. Staff can use this information and create a draft of the new Official Plan which will then be brought forward to Council the

community, stakeholders and various agencies for their respective review and input.

Community engagement is a critical component to the success of this initiative. It is noted that there will be additional opportunities for consultation with the public and various stakeholders including advisory committees as the Town moves through the phases of the project and the development of the new Official Plan through one-on-one meetings with staff, open houses and through the 'Picturing Pelham Official Plan Review' webpage at <https://engagingpelham.ca/town-of-pelham-official-plan>.

Phase 2 – Preparation of Draft Official Plan

Phase 2 of the Official Plan Review and Update will include the creation of a draft new Official Plan and Schedules. This phase will also include further public, stakeholder and agency consultation, open houses, and opportunities for public and agency input both through one-on-one meetings and via on-line engagement opportunities through the 'Picturing Pelham Official Plan Review' webpage.

This phase will be an iterative process involving the development of new policies and significant consultation with agencies including the Region of Niagara, Niagara Peninsula Conservation Authority, Niagara Escarpment Commission, and utility companies along with consultation with Town staff and departments and the public that will ultimately result in the culmination of a new draft Official Plan.

There are several interests that need to be addressed and many of them are competing, however overall, the Official Plan will need to achieve conformity with the Region of Niagara Official Plan and provincial legislation, plans and policies reflecting the best interests of the Town. It is anticipated that phase 2 will be 6 months in duration, however this is dependent on comments received and obtaining timely feedback from agencies and departments commenting on draft policies.

Phase 3 – Finalize New Official Plan

Phase 3 of the Official Plan Review and Update will be the last phase of this project and will take all the input and information from Phases 1 and 2 to create a final draft new Official Plan. This phase will include a final statutory public meeting held in accordance with the *Planning Act*, a final circulation to

all applicable agencies and a final recommendation report and the Official Plan By-law for adoption by Council. It is anticipated that the timeframe for phase 3 will be approximately 3-4 months.

Approval of the new Official Plan will rest with either the Region of Niagara or the Ministry of Municipal Affairs and Housing, depending on the timing when the Official Plan is adopted and the implementation date of when Region becomes an upper tier government without planning authority as established through Bill 23 changes to the *Planning Act*. If the Official Plan is adopted prior to implementation of the Region of Niagara becoming an upper tier government without planning authority then the Region is the approval authority, if the Official Plan is adopted after implementation of the Region being an upper tier government without planning authority, then the provincial Ministry is the approval authority. At this time, it is unknown what the exact timeframe for approval of the new Official Plan may be.

Conclusion

The Town Official Plan is a high-level policy document that will be used to guide growth, land use needs, infrastructure, and community services in the Town over the short and long term. While policy will be developed through the Provincial and Regional conformity requirements, input from the community will be vital to help shape the policies as it relates to the vision for the Town consistent with Provincial and Regional requirements.

Pelham will continue to experience growth, while the need to protect natural heritage features and agricultural lands is becoming increasingly important, along with the need to address issues related to climate change and sustainable development requirements. There will be further public consultation opportunities throughout the Official Plan Review and Update project and input from the community, agencies and stakeholders is crucial to developing an Official Plan. The public is encouraged to reach out to Town staff for one-on-one meetings at any time during this process to discuss their concerns, matters of interest and/or to gain greater understanding of what an Official Plan is.

Alternatives Reviewed:

There are no alternatives to consider at this time. The Town is legislatively required to review and update the Official Plan. The TCR Report is the final stage in Phase 1 of the Official Plan Review and Update project. The Report

and supporting documents provide background and justification to initiate the development of a new Official Plan for the Town, with specific recommendations for policy direction and guidance to ensure conformity with Regional and Provincial planning policy documents.

Strategic Plan Relationship: Community Development and Growth

The review of the Town Official Plan to achieve conformity with Provincial and Regional policies and plans is a critical first step in the development of a new Official Plan that will be the policy framework to guide future development and growth in Pelham over the long term, i.e., 20+years, while at the same time providing the policy framework for the protection of our natural heritage features and agricultural lands, and address matters related to climate change and sustainable development requirements.

Other Pertinent Reports/Attachments:

Appendix A – Technical Conformity Review Report

Appendix B – Public Meeting Minutes, June 14, 2023

Prepared and Recommended by:

Lindsay Richardson, MCIP, RPP
Policy Planner

Barbara Wiens, MCIP, RPP
Director of Community Planning and Development

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer