

March 3, 2022

Niagara Home Builders’ Association

PO Box 28, Ridgeway PO

Ridgeway, ON L0S 1N0

Michelle Sergi, MCIP, RPP

Commissioner of Planning and Development

Niagara Region

VIA EMAIL

Dear Ms. Sergi,

**RE: COMMENTS ON DRAFT NIAGARA REGIONAL OFFICIAL PLAN**

 **ALL LANDS WITHIN NIAGARA REGION**

Thank you for the opportunity to provide comments on the Draft of the Niagara Regional Official Plan, Schedules and Appendices. This letter, together with the accompanying comment tables, are submitted to you. We commend Regional staff for this large undertaking and consultation that has occurred. Planning for Niagara for both housing and jobs is critical to the Region’s future. We are encouraged with the approach to identifying Regional structure, the integration of strategic growth areas and greenfield lands, the focus on transit-oriented development, and the recognition of the importance of agriculture to Niagara’s future. All of these issues are critical to the NHBA and its members. Our comments include a full review of the policies from a holistic perspective because both housing and jobs are critical to the NHBA and its members.

However, and unfortunately, we have significant concerns with major components of the Official Plan. With the comments enclosed together with this letter, we are requesting significant changes to the draft Official Plan prior to adoption. These concerns, regrettably, lead us to advise that we do not support the Plan as presented – there are significant issues with growth and planning for housing; there are significant natural heritage issues; and, overall, the Plan is going to slow the construction of housing, impact homeowners, and be difficult to implement.

We have included in our comments our perspective on the approach to growth and intensification. We have significant concerns regarding the approach to allowing alternative (ostensibly lower) intensification targets within the built-up area. This has the potential to place the majority of growth and intensification in strategic growth areas. There are potential serious consequential impacts for this – including the ability to meet intensification targets and the requirements for achieving growth and new housing supply. The NHBA is opposed to this approach to intensification and the reduction of targets in the built-up area. We further note that this is not in keeping with the recent Ontario Government Task Force on Housing Supply and more specifically the recommendations about increasing intensification as of right in lower density neighbourhoods. We strongly urge the Region to remove these policies as well as the language around stable neighbourhoods. This is keeping real choices for housing and housing supply from being achieved.

What makes this more concerning is the Region’s proposed changes to the Smarter Niagara Incentives Program. There are significant changes, lessening of incentives, to take effect later in 2022. These incentives are targeted to downtowns (strategic growth areas in the draft Official Plan) and brownfields. The proposed approach to intensification together with the lessening of incentives has raised concerns that the intensification approach cannot be successful because the Region’s financial commitments to downtowns and brownfields is largely being eliminated later this year.

We also have significant concerns with the approach to natural heritage. Specific comments are enclosed on the proposed policies. However, we note that there are extensive revisions to natural heritage policies including removing existing feature definitions, expanding Regional policies (e.g. other wetlands, other woodlands), and a lack of clarity on what the standards, thresholds, and quantifiable definitions are for features. In our view, this has the serious potential of undermining the planned growth – both in implementation and the time to achieve the growth. There are many sites where these designations will limit growth, limit intensification, and in some instances are placed on existing buildings. In other instances the features do not exist, Regional staff have been advised that the features do not exist, and yet the mapping of the non-existent feature continues. A wholesale review of the mapping and policies is necessary. There are approaches – using overlays, using the mapping as an Appendix – that would provide the necessary guidance. But the approach of mapping many features, leaving others unmapped, and placing the burden on proponents and property owners to prove the feature either doesn’t exist or development can occur is creating a significant burden.

This draft plan will impose this burden on anyone who needs housing and even those who have homes and properties. All impacted landowners must later ground truth the Plan’s mapped features, features often only identified by the consultant’s desktop review of aerial photos. Even simple minor variances can be subject to full Environmental Impact Studies simply to prove that mapped features do not exist on their properties, that their new decks will not harm a feature because often no so such feature exists.

Equally as troubling, Niagara Region has gone through many years of dealing with Provincially Significant Wetland mapping established by the Province. The reverse onus was created on property owners and homeowners. Regional and Local staff are fully aware of this. The Region’s mapping and policies are taking a similar and deeply unfair approach that is prejudicial when features are designated for protection even if the features do not exist. To have the feature removed, a feature that does not exist, requires an expensive environmental study, a ROPA, and considerable time.

We are also very concerned about the implementation of the natural heritage policies. With the expanded designations including those on existing developed properties, what role will Regional staff play? For example, if an “Other Wetland” designation is on a property, will Regional Development Services (Planning and Environmental) be reviewing minor variances, consents, site plans? Does the Region have capacity to undertake these reviews? What standards of review will be required? What timelines for review will be made a commitment? What resources will be assigned to projects? Additional time and an expanded mandate for Development Services at the Region is being created. Is Regional Council committed to funding an acceptable level of service for reviews which would include increasing staff complement?

The cost to homeowners within the newly designated areas will also increase. Studies to support additions on homes, additional dwelling units and infill consents will be required. This adds to both the cost and the time to provide this new housing. For some, the cost, the process, and the time will discourage this type of infill. Together the intensification policies and the natural heritage policies are a gutting of intensification in neighbourhoods.

The enclosed details on the policies of the Plan have been prepared by NPG Planning Solutions Inc. on behalf of the NHBA. We support NPG’s review and request that all enclosed comments be addressed.

Our final comment is this. NHBA members are advising that the mapping and policies are being applied now. This is true for the natural heritage system where the comments in pre-consultation meetings are advising that the policies and mapping will come into effect so they are being used now. It is disappointing that there is so little respect for the public review process. The approach by Regional staff of using the mapping and policies in the draft Official Plan, now, sends the message that the feedback from the public and this organization will have little to no effect. Please address this immediately – the Plan is not in effect nor will it be in effect until the Minister’s decision.

We request a meeting with you regarding the enclosed comments. Please ensure notification of all statutory Open Houses, Public Meetings, as well as any notification of decision(s) under the Planning Act is provided to the undersigned.

Yours truly,



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Chief Executive Officer

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Copies: Diana Morreale, MCIP, RPP, Acting Director of Policy

Making our Mark Submission Email