

**CHAPTER 2 – GROWING REGION  
NIAGARA HOME BUILDERS ASSOCIATION**

POLICY NUMBER	GENERAL DESCRIPTION	COMMENT
<b>Page 5</b>	“Stable residential neighbourhoods have a unique scale and character. Local municipalities may establish standards for appropriate infill development in these areas.”	<p>This sentence must be deleted. The PPS and A Place To Grow are founded on intensification first policies. The reference to infill policies is problematic because, coupled with later policies on alternative intensification percentages outside strategic growth areas, allows municipalities to eliminate infill development in what are classified as stable residential areas.</p> <p>This also does not comply with the Planning Act which permits additional dwelling units in separate buildings on existing properties.</p> <p>It is also noted that the recent Ontario Housing Task Force has identified infill in existing neighbourhoods as a key priority in its recommendations.</p>
<b>2.2.2.5</b>	Alternative Intensification Rate in Built Up Area	This policy together with the identification of Strategic Growth Areas significantly limits the delivery of housing, infill and intensification. This policy will allow a municipality to put all of its intensification in the strategic growth areas and eliminate or virtually eliminate intensification in the built-up area. This is not consistent with the PPS or A Place to Grow.
<b>2.2.2.6</b>	Local Municipal Intensification Strategies	<p>The policy framework for local municipalities needs to be broadened to address key additional housing opportunities:</p> <ul style="list-style-type: none"> <li>• Nodes and corridors aligned to transit;</li> <li>• Infill and intensification in the built-up area;</li> <li>• Additional dwelling units.</li> </ul>
<b>2.2.2.13</b>	MTSA	It is noted that the MTSA’s are the existing and proposed GO Station Areas. The Regional Plan is a thirty-year plan. Recognizing today’s

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		<p>MTSA's only is missing the opportunities that Regional transit provides. Additional MTSA's such as: Brock University; Niagara College (Welland and Niagara-on-the-Lake); and key downtowns/nodes on Regional transit should be included. The policies should also include the ability to refine based on the Regional transit planning and growth.</p>
<b>2.2.6.2 d)</b>	Local Municipal Intensification Strategies	<p>The policy supports intensification strategies through the built-up area which is appropriate. The earlier policies regarding stable residential neighbourhoods and alternative intensification targets outside strategic growth areas undermine the achievement of this policy and are not aligned to existing provincial policy or the recent Housing Task Force Report.</p>
<b>2.2.6.2 e)</b>	Secondary Plans for Expanded Settlement Areas	<p>While generally this is appropriate given the scale of the expansions, the mandatory requirement ("shall") is noted. The policy would benefit from options where the local municipality can allow development to proceed in advance of the finalization of the Secondary Plan as there are circumstances where the project can proceed.</p>
<b>2.3..2.6</b>	Conversion of Rental Housing	<p>This policy is too restrictive and duplicates local municipal policy. A Regional Official Plan amendment, based on this wording, would be required to convert rental housing which is not an appropriate policy for this Plan.</p> <p>The protection of rental housing is an important public policy goal. However, the policy wording is too restrictive and does not recognize circumstances where a conversion will:</p> <ul style="list-style-type: none"> <li>• Address technical issues with the lotting/ownership of the site;</li> <li>• Support long term investment in the upgrading of rental housing.</li> </ul> <p>These criteria should be added together with revisions to the term "is prohibited".</p>

**CHAPTER 3 – SUSTAINABLE REGION  
NIAGARA HOME BUILDERS ASSOCIATION**

POLICY NUMBER	GENERAL DESCRIPTION	COMMENT
3.1.13 c)	“Other hydrologic functions”	Please define what these are, where they are located, and how they are determined.
Page 3-9 Text Box	Begins with Section 3.1.2 ....	There are numerous features that have not been mapped in the Regional Plan, as is noted in the box. Items such as “Other Wetlands” and “Other Woodlands” have very broad definitions with generally no standards for understanding how these features get defined for inclusion in the EIS. This text box, although not a regulatory policy, substantially broadens the features, areas and features, and scope of an EIS without standards or definitions.
3.1.2.1	Other Wetlands	<p>The inclusion of other wetlands and the companion definition is highly problematic. The wetland evaluation currently used is for :</p> <ul style="list-style-type: none"> <li>• Provincially Significant Wetlands</li> <li>• Other Evaluated Wetlands</li> <li>• Regulated Wetlands in accordance with the Conservation Authorities Act</li> </ul> <p>There are not concerns with PSW’s or Other Evaluated Wetlands as there is a known system for evaluating these features. For CA regulated wetlands, experience is showing that the identification and evaluation is costly, time consuming, and has resulted in the alleged wetland not meeting the CA definition. Further, the CA has no threshold for determining a CA regulated wetland nor is there the staff capacity/knowledge to do so.</p> <p>The broadening of the definition of other wetlands to capture significantly more than what is the known practice in Niagara is not appropriate. The definition of other wetlands must be changed and the policies in this section updated accordingly.</p>

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3.1.2.2	Buffer areas on mapping	The policy identifies that buffer areas are shown on Schedule C2. It is noted that the buffer areas are not shown on the GIS based mapping provided by the Region as part of the available information for review.
3.1.4.1	Refinement of Limits of Natural Environment Area Designation	The approach to refinement and the policies are necessary. Yet, it cannot be presumed that because a feature is mapped, it exists on the landscape. The Region's policies throughout this section must recognize that there will be instances through the EIS and/or sub watershed process where the feature does not exist, despite the mapping.
3.1.4.4	Refinement of Regional Maps	<p>This policy is necessary. A similar policy is in the current Official Plan yet no updated mapping has ever been produced based on an accepted EIS. What is the expected process for updating the mapping based on accepted studies?</p> <p>In addition, policy wording should be added to accept that if there has been an accepted environmental study within the past 5 years, despite the feature being on the Region's maps, those study results shall be accepted. There are instances where studies have been repeated with no difference in the study outcome because the Region's mapping has never been updated under its current policies.</p>
3.1.5.2	Non mapped key hydrologic features	This policy applies to non-mapped features outside of settlement areas for key hydrologic feature policies. The policy requires non-mapped features to meet the requirements of this section. This is too broad a reach into the unknown; combined with the definition of other wetlands it creates circumstances that will require further study and extra requirements because the definitions are so broadly written.
3.1.5.3	Vegetative Protection Zone	With the definitions at issue, the applicability of the 30m VPZ in every instance listed in this policy is not appropriate.

POLICY NUMBER	GENERAL DESCRIPTION	COMMENT
3.1.5.5 i)	Applicability of VPZ and Agriculture	While this policy applies to buildings and structures, it should also apply to agriculture as a whole to be consistent with the PPS. This means production on the land as well as the buildings and structures.
3.1.5.8.5	EIS and Hydrologic Evaluation Exemption	The policies eliminate the study requirement for agricultural buildings and structures within 30 m of the feature. This is too onerous a requirement; there are a number of areas in Niagara where this will cover the majority of a property.
3.1.5.8.7	Exemptions for Agriculture – Adjacent Lands	<p>The proposed policies are a good start on addressing this complex issue. The following should be added:</p> <ul style="list-style-type: none"> <li>• For consistency, reference to agricultural buildings and structures;</li> <li>• Addition of “agricultural-related uses” and “on-farm diversified uses”</li> <li>• The minimum size for agricultural buildings and structures should be 400 m<sup>2</sup>. The existing limit of 200 m<sup>2</sup> is the size of a house; typically farm buildings are larger.</li> </ul>
3.1.5.9.2	Development and Site Alteration in the Provincial Natural Heritage System	Please refer to comments on Policy 3.1.5.8.7
3.1.6.1	Tender Fruit and Grape Lands	An additional policy is required to eliminate the requirement for an EIS or Hydrologic Evaluation.
Page 3-25	Text box description of other wetlands	This description is not consistent with the definition of “Other Wetland” in the Glossary Section. Further, there are significant concerns with the definition of “Other Wetlands” as a broad over reach to require assessment of land for a feature that is not well defined, has no known threshold for defining what constitutes an other wetland, and is generally an unknown standard of what this feature is.

POLICY NUMBER	GENERAL DESCRIPTION	COMMENT
3.1.9.5.1	Significant Woodlands	It is noted that the current criteria for definition of Significant Woodland (Policy 7.B.1.5) is not included in the current draft. There needs to be criteria defining what is a Significant Woodland and clarity is to be provided.
3.1.9.5.7	Other Wetlands in Settlement Areas	<p>These policies are written as presumptive that all other wetlands are wetlands based on the preference of the Region. The OWES system has a known classification of wetlands. NPCA does not have known thresholds for establishing CA regulated wetlands.</p> <p>This policy broadens the reach of the Region to establish its own Regionally identified wetlands without criteria or thresholds and solely based on the interpretation of the policies and science. The wording of the policy is such that if the Region believes a site has a wetland, it becomes a wetland with the implementing policies applying. This is a broad overreach and beyond some of the established science and evaluation systems. Further, as the NPCA does not have standards or thresholds for their own regulated wetlands and proponents are in an unknown evaluation process, this policy exacerbates what is already a problematic administrative approach.</p>
3.1.9.8.4	Agricultural Buildings	The policies eliminate the study requirement for agricultural buildings and structures within 30 m of the feature. This is too onerous a requirement; there are a number of areas in Niagara where this will cover the majority of a property.
3.1.9.9.2	Buffer Areas	The policy should include a provision that an EIS can establish a narrower buffer.
3.1.9.9.3	Agricultural Buildings	<p>The proposed policies are a good start on addressing this complex issue. The following should be added:</p> <ul style="list-style-type: none"> <li>• For consistency, reference to agricultural buildings and structures;</li> </ul>

POLICY NUMBER	GENERAL DESCRIPTION	COMMENT
		<ul style="list-style-type: none"> <li>• Addition of “agricultural-related uses” and “on-farm diversified uses”</li> </ul> <p>The minimum size for agricultural buildings and structures should be 400 m<sup>2</sup>. The existing limit of 200 m<sup>2</sup> is the size of a house; typically farm buildings are larger.</p>
<b>3.1.9.10.2</b>	Buffer Areas	The policy should include a provision that an EIS can establish a narrower buffer.
<b>3.1.10.5</b>	Policies relate to buffer areas for Lake Ontario and Lake Erie shorelines	The descriptive text includes references to matters that are not necessarily regulated by the Planning Act: vacant lots being redeveloped and redevelopment. In some instances the redevelopment of a vacant lot will only require a building permit. In other instances, redevelopment will not require Planning Act approval.
<b>3.1.10.5 a)</b>	Vegetative buffer along Lake Ontario/Erie Shoreline	It is impractical for a vegetative buffer (not defined) to span the shoreline – this could cut off access to the shoreline which is a goal in several local Official Plans.
<b>3.1.10.5 b)</b>	Vegetative buffer should span the entire length of the shoreline	This is impractical and conflicts with other goals such as access to the Lake Erie and Lake Ontario shorelines
<b>3.1.10.5 c)</b>	“... every effort shall be made ...” as it relates to retention of existing vegetation for lots including shoreline area	This is not possible to achieve – the wording is problematic. In addition, there are instances where vegetation is a nuisance (e.g. Siberian Elm) or invasive. The wording purports to support vegetation cover near the Lake Erie/Ontario shorelines however in practical terms is problematic.
<b>3.1.15</b>	Definition and policies of supporting features	The wording in this section and the companion definition of supporting features includes the following term: “have the potential of being restored ...”. The words “potential of being restored” are not defined, it is not clear who will make the determination, and there are not standards, guidelines, or thresholds for determining the “potential”.

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<b>3.1.15.2</b>	References EIS and supporting features	Agriculture uses, agriculture related uses, on farm diversified uses and their associated buildings and structures shall be exempt from this requirement and these policies in 3.1.15.
<b>3.1.16.2</b>	References EIS and enhancement features.	Agriculture uses, agriculture related uses, on farm diversified uses and their associated buildings and structures shall be exempt from this requirement and these policies in 3.1.16.
<b>3.1.17.3</b>	Assessment of linkages shown on Schedule C2 where development or site alteration is proposed	<ul style="list-style-type: none"> <li>• This policy should not apply to agriculture uses, agriculture related uses, on farm diversified uses and their associated buildings and structures.</li> <li>• This policy is presuming that the linkage exists or can reasonably be established. If the EIS or subwatershed establishes there is no linkage, the option of doing nothing is not included in the policy requirements. At a Regional scale, it cannot be assumed that every linkage shown on Schedule C2 will actually be able to be created on the landscape.</li> <li>• It is noted that Policy 3.1.17.4 provides exceptions however the presumption of the linkage being in existence is problematic.</li> </ul>
<b>3.1.17.6</b>	Exemptions for agriculture buildings	Please refer to comments on Policy 3.x..... regarding the sizes and prescriptions in this policy.
<b>3.1.18</b>	Disturbed woodlands	The retention of disturbed woodlands as features is problematic. In some instances, an EIS has been completed establishing that the woodland does not meet the Regional criteria. The woodland should be removed from the Region’s mapping. This policy appears to stop the refinement of woodlands – boundaries and existence – through other policies in this plan.
<b>3.1.19</b>	Cultural and Regenerating Woodlands	Reference is made in the sub-policies regarding the criteria for what is a cultural and regenerating woodland. Please provide the criteria for review.
<b>3.1.22.1</b>	Cumulative impacts	The term “shall” should be changed to “may” in determining whether an assessment of cumulative impacts is required. Many

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		EIS' will be focused on what is on the particular site/landscape and an assessment of cumulative impacts at a site level is not always required.
<b>3.1.27.2</b>	Riparian buffers enhancement policies	Please see earlier comments on buffers.
<b>3.1.30.3.3</b>	Extension of draft approval and studies	This policy requires rewording. Typically environmental studies are acceptable for five years however draft approval is provided for three years. The first renewal of a draft plan shall not require additional studies.
<b>3.1.30.4.2</b>	Secondary Plans approved prior to July 1, 2012	This policy is problematic in that there are many secondary plans where the remaining developable areas should not be subject to additional studies. The Secondary Plan sets the development framework. The policy is so broadly worded that it has the effect of: increasing delay, slowing down the building of new housing, creating differing standards for development, and creating impacts that are unknown. The policy should be deleted.
<b>3.1.30.4.3</b>	Secondary Plans in process	This policy requires clarification. The policy should only apply after approval of the Regional Official Plan, not during the approval process.
<b>3.1.30.5.1</b>	Previous approvals in the Greenbelt Plan Area	These policies shall apply to legal non-conforming uses in the Greenbelt Plan.
<b>3.1.30.6 and 7</b>	Local Official Plan and Zoning Conformity	The conformity work must address the issue of whether the feature exists and the extent of the buffer area. Including buffer areas in Zoning By-law updates is not appropriate as the right buffer can generally be determined through an EIS. The presumption that the Region's buffers are appropriate in every instance cannot be presumed.
<b>3.1.31.2</b>	Land securement through development approval	This policy is quite vague and does not address the natural heritage features that are a priority for securement, that land will be

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		purchased, and that “dedication” is highly limited based on the requirements of the Planning Act.
<b>3.1.33</b>	Purpose of an EIS and Purpose of a Hydrologic Evaluation	Both of the text boxes are written on the presumption that the feature, features or system exist on the landscape. This is not always the case. For reference, in Niagara Falls, a hydrologic evaluation established that what was questioned to be a Conservation Authority regulated wetland did not meet the requirements of the CA Act to be a CA regulated wetland.
<b>3.1.33.4</b>	EIS not accepted without a terms of reference	<p>This policy is too narrowly written. There will be circumstances where the environmental features or the scope is so narrow or commonly known that the Terms of Reference is not required. In addition, in some instances, the EIS can proceed so that overall site design can be accomplished. The narrow wording of this policy has the effect of delay for administrative purposes only.</p> <p>Further, there must be time limits established on when a Terms of Reference will be approved. There are instances where private proponents have been waiting over 1 year for comments on the Terms of Reference.</p>
<b>3.2.2</b>	Watershed Planning Roles and Responsibilities	It is noted that the Region is to prepare Tertiary and Quarternary Watershed Plans. This wording is future focused. The tertiary and quarternary watershed plan requirements shall not apply to the settlement area expansions – this will only serve to delay this planned growth.
<b>3.2.3.2</b>	Scope of Sub Watershed Plans	Change “shall” to “should” – the wording of shall is too prescriptive as not all features and natural heritage issues will exist in every circumstance.
<b>3.2.3.4</b>	Determination of Scope of Sub Watershed Plans	The Local Municipality should have the ability to waive the requirements for the subwatershed plan for lands within a

POLICY NUMBER	GENERAL DESCRIPTION	COMMENT
		secondary plan area. This provision will allow local circumstances to be addressed.
<b>3.5.3.1 a)</b>	Transition to net zero through land use planning and transportation	The cumulative impact of the Region’s proposed policies in Section 2 of this Official Plan (refer to comments on that section) are not aligned to the climate change goals and this policy specifically. The ability to protect stable residential neighbourhoods, reduce or eliminate intensification targets in built up areas, means that intensification, infill and provision of additional dwelling units in existing established neighbourhoods is not a priority or focus for the Region. Existing neighbourhoods generally have transit which is necessary for transition to net zero. New housing must be provided in these neighbourhoods. The misalignment of these policies must be addressed in order to achieve the climate change requirements of this Plan and the PPS. Infill and intensification throughout the entire built up area must be supported through this Plan.

**CHAPTER 5 – COMPETITIVE REGION  
NIAGARA HOME BUILDERS ASSOCIATION**

<b>POLICY NUMBER</b>	<b>GENERAL DESCRIPTION</b>	<b>COMMENT</b>
<b>4.1.3</b>	Non-Farm Uses	<p>There are circumstances in the Agricultural Area that are not currently addressed in these policies. These include situations such as legal non-conforming uses and brownfields (which do exist in the agricultural area). The policy is too restrictive (no new non-agricultural uses) because in the instances of non-conforming uses and brownfields, land use policy must provide options for bringing these lands closer in use to the agricultural use.</p> <p>For example, there are existing industrial uses, contractors yards, scrap yards, storage facilities, landscaping businesses and more in the agricultural area. There are circumstances where a change in use to something less intensive or moving the land use closer to the policies is highly appropriate without a Regional Plan Amendment.</p>
<b>4.1.5.1 c)</b>	Agriculture Related Uses	Is agricultural infrastructure an agriculture-related use?
<b>4.1.10.3</b>	Legal Non-Conforming Uses	<p>These policies are far too restrictive as the goal of the policies is to bring legally established uses closer to the agricultural provisions. Please refer to the policies of the Greenbelt Plan.</p> <p>Please provide a copy of the Region’s Specialty Crop Guidelines for Review</p>
<b>4.1.10.6 b) and c)</b>	Great Lakes Shoreline Areas	These policies are too restrictive in how redevelopment on the Lake Erie shoreline shall proceed. The shoreline and development patterns have been largely established. In many instances, the revegetation or the VPZ cannot be achieved even with redevelopment.
<b>4.1.1.11.10 f)</b>	Short Term Accommodation	The policy as written is too restrictive. The determination of the size of the accommodation is best left to the local municipality through their

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		processes. As written, a 7-bedroom building would require a Regional Official Plan Amendment. That is excessive.
<b>General Comment</b>	Removal of Rural Employment Land Policies	Given there are local designations and zoning in place, the complete removal of these policies is not appropriate.

**CHAPTER 5 – CONNECTED REGION  
NIAGARA HOME BUILDERS ASSOCIATION**

<b>POLICY NUMBER</b>	<b>GENERAL DESCRIPTION</b>	<b>COMMENT</b>
<b>5.1.2.2 j)</b>	Protecting planned transit service corridors	While this policy is important, planned transit service corridors are not defined nor is there any information on how they are to be defined.  The review of development applications on Regional roads cannot be held up by use of this policy absent the definition of these corridors.
<b>5.1.4.4</b>	Active Transportation	The separation of bicycle facilities and transit corridors is very important. Please consider stronger language and commitment, particularly in urban areas.
<b>5.1.5.3</b>	Road Widenings	This policy requires revision to state that road widening shall only be taken in accordance with the defined widths in this plan.
<b>5.1.5.6</b>	Noise Studies	The policy requires noise studies for all development adjacent to Regional roads. This is too broadly written as not all land uses require noise studies.
<b>Table 5-1</b>	List of Municipalities and Road Widenings	It appears not all 12 local municipalities are included.

**CHAPTER 6 – VIBRANT REGION  
NIAGARA HOME BUILDERS ASSOCIATION**

<b>POLICY NUMBER</b>	<b>GENERAL DESCRIPTION</b>	<b>COMMENT</b>
<b>6.1.4.1 and 6.1.4.3</b>	Secondary Plans	The determination of a Secondary Plan not being required for an urban expansion area should be done by the local municipality.
<b>6.1.4.8</b>	Technical Studies	It is suggested that the technical studies for a secondary plan include a sub-watershed study or an EIS but not both.
<b>6.1.4.11</b>	Development Applications	Alignment of development applications to secondary plans in preparation is important. The wording is restrictive and would be improved by changing “shall” to “should” in the introductory paragraph. Refinement of development can occur through the detailed studies for development and the wording needs to reflect this.
<b>6.3.1</b>	Archaeological Assessments	Where an archaeological assessment confirms no findings of significance, the Region’s policies should: <ul style="list-style-type: none"> <li>• Remove the area from Schedule K as an administrative matter</li> <li>• Require no further studies should a subsequent application be submitted.</li> </ul>

## DEFINITIONS

### NIAGARA HOME BUILDERS ASSOCIATION

POLICY NUMBER	COMMENT
<b>Buffer</b>	The use of the word “shall” is recommended to be replaced with “should” in the last sentence as there are instances beyond agriculture (e.g. Great Lakes shorelines) where the buffer is problematic.
<b>Built-Up Areas</b>	The definition is appropriate however it cannot be implemented given the policies related to Stable Neighbourhoods and the reduction of the intensification target in the built-up area policies.
<b>Intensification</b>	With the provisions in the Planning Act, intensification should include additional dwelling units.
<b>Local Growth Centres</b>	These should include intensification corridors.
<b>On-Farm Diversified Uses</b>	This definition is not consistent with the PPS (2020) – the proposed definition in the Plan says “on a farm”; the PPS states:  “means uses that are secondary to the principal agricultural use of the property”
<b>Other Wetlands</b>	The wording is problematic as it states “meets the definition of a wetland” without identifying which definition, which standards, which threshold.