

Response :Regional Change to Need Adjustments from Preservation of Agricultural Lands Society, (PALS).

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1. PALS Believes Rationale for Need for Urban Boundary Expansion Dubious

PALS believes the newest rationale for a possible urban boundary expansion in Niagara based entirely on industrial-commercial (Employment) lands is highly dubious. There is an acknowledgement that there is no shortage of residential lands. The arguments that have been put forward to justify a possible urban expansion based on Employment Lands are quite flimsy.

2. Historically in North America, Employment Lands Have Been Grossly Overestimated.

Land use planning based on zoning-bylaws guided by official plans became widespread in North America about a century ago, in the 1920s. It has been a common feature that estimates of the need for employment lands are about six times the amount of actual need, even for the unusually long 30 year time period, which the Niagara Region is employing in this exercise.

In the 1920s it was common to essentially zone as industrial any vacant land in a near urban area that happened to have a rail line. In this exercise the danger is zoning vacant lands near the Queen Elizabeth Highway in Fort Erie, on an assumption that zone it and they will come.

3. Estimates Fail to Provide Good Rationale for Additional Need of 295 hectares

On August 11, 2021, an additional 255 hectares needed for Employment lands was announced. It is believed that this need, unlike the previous estimate cannot be accommodated within the Niagara Region's urban boundaries. Before the latest August 11, 2021, projection, the need for Employment lands was 440 hectares. It has now been increased to 705 hectares.

4. Supposed Need Appears to Be Based on Higher Standards for Natural Heritage Protection than those of the Provincial Policy Statement (PPS).

From reading the August 11, 2021 report, the rationale for an additional 255 hectares of need appears to be based on the anticipated higher standard for natural heritage protection, than those currently in the Niagara Regional Plan which reflect the minimal standards of the PPS. Simply to announce a shortfall of 255 hectares, however, is not a transparent way to conduct land use planning. These excluded areas should be clearly mapped and identified.

Although the exact mapping of the 255 hectares should be undertaken, based on our long involvement in land use planning in Niagara since 1976, PALS can venture a guess as to where the 255 hectares comes from.

The 255 hectares that has been removed from the Employment lands supply appear to be based on lands designated as Environmental Conservation Areas (ECAs), in the Niagara Regional Official Plan. All these lands have this designation since they meet the region and the Province's definition of being a significant woodland. The main reason for this is that they meet the minimum size requirement for woodland in an urban area. This appears to be five hectares, about double the minimum area for protection under the Niagara Regional Tree by-law, which is two hectares.

Currently the protection for ECA lands in the Niagara Regional Plan is based on the minimal standards to protect significant woodlands in the PPS. This provides requirements that before development or site alteration can take place, they must demonstrate through an Environmental

Impact Study (EIS), that there is no loss of ecological function. There is provision in the current regional plan for such EIS studies to be subject to a Peer Review, if ordered by the Regional Planning Commissioner.

In essence, the proposed change to the regional official plan, would give the drier woodlands of Niagara, similar protection to protected wetlands. With significant wetlands development and site alteration is prohibited. This change is reasonable. However, PALS disagrees that this reduction in the Employment Lands designation should be a rationale to expand the Niagara Regional urban boundaries.

#### 6 Most of the ECA lands within Urban Boundaries Are Woodlands from Low Demand for Employment Lands.

Over-zoning of Employment lands in Niagara especially on lands south of the Niagara Escarpment has created situations of extensive mature woodlands, from the lack of demand for such lands. This has caused the situation to develop where over time ecological succession has created conditions which have led these areas to be designated as ECA lands.

Many of the ECA lands within urban boundaries form in effect, a forested buffer between agricultural and urban lands. It has been our experience that when subject to intense reviews by the appeals to provincial tribunals, these areas because of flaws in EIS studies, have in any event become undevelopable. This was the case with an 11-acre woodland which now is part of the Fernwood Park of the City of Niagara Falls.

#### 5. Efforts To Use ECA lands within Urban Boundaries to Justify Expansion Ignore Capacity of Brownfield Sites for Employment Lands

The region's development of a new official plan is a process which it appears to have gone on for four years. During this time there has never been published an estimate of what the capacity for brownfield redevelopment is. It is reasonable to assume because of problems caused by contamination and the lower standards for Employment lands than residential lands, that most of these areas will be for commercial and industrial purposes.

The extensive areas proposed for Employment land along the Queen Elizabeth Highway would if approved for urban expansion devalue brownfield lands. Such brownfield sites within the urban service area would remain vacant, and development take place in a way that would encourage ecological damage and waste service infrastructure.