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**Subject:** Niagara Official Plan – Steps and Directions Moving Forward

**Report to:** Planning and Economic Development Committee

**Report date:** Wednesday, January 13, 2021

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## Recommendations

1. That Report PDS-4-2021 **BE RECEIVED** for information; and
2. That Report PDS-4-2021 **BE CIRCULATED** to the Local Area Municipalities and Niagara Peninsula Conservation Authority.

## Key Facts

- The purpose of this report is to provide information on the Niagara Official Plan consultation, work program and reports over Q1 and Q2 of 2021.
- This is the first comprehensive review of the Niagara Official Plan since approval in the early 1970's, this review is referred to as a Municipal Comprehensive Review (MCR). The objective of this MCR is to replace the outdated current Regional Official Plan and to provide a Niagara Official Plan that manages growth in Niagara over the next 30 years and balances the requirements of competing land uses.
- To date, as background reports and other information has become available, reports have been presented by subject matter. However, policies in the Official Plan are interconnected and over the coming months subject matter will be presented as integrated policy sets.
- The next phase of consultation, focusing on draft policy and implementation, will continue in early 2021 and will include consultation with Regional Council, local Councils, Area Planners and stakeholders.
- In Q2 of 2021 (April) a Regional Official Plan Policy Report will be prepared for PEDC/Council that will reflect the recent round of consultation and provide the status of the following policy sets Growing Region – regional structure, housing, land needs assessment (growth allocations), settlement area boundary expansions; Connected Region – transportation, infrastructure; Vibrant Region – district and secondary plans, urban design, archeology; Competitive Region – employment, agriculture,

aggregates; and Sustainable Region – natural heritage system & water resource system options, Niagara watershed plan project, climate change.

## **Financial Considerations**

Council approved the resources to complete the Niagara Official Plan over a 5 year period as part of the 2017 Budget Process.

## **Analysis**

### **Conformity & Role of an Official Plan**

Certain parts of Niagara's Official Plan are mandated by provincial policy. For example, we must plan for employment areas and allocate assigned growth to them. Other policies in an Official Plan are more permissive, such as policies around climate change.

The *Planning Act, 1990* requires Council to make planning decisions that are consistent with, conform to, or not conflict with, Provincial Policy. Regional staff must make recommendations to Council under the same rules.

Part of the Official Plan process is identifying the roles of Regional and local planning departments. Local municipalities will need to bring their Official Plans in to conformity with the Niagara Official Plan once it is approved by the Province.

There are statutory limits on how much can be done in an Official Plan. Official Plans regulate the use of land and, to an extent, they can assist in addressing social issues such as youth and business retention. However, these matters are primarily not land use related, and therefore require strategies and programs outside the Official Plan.

### **Emerging Themes**

- **Managing Growth**

Future population and employment numbers are given to the Region by the Province. Over the past 3 to 4 years Niagara has experienced a level of population growth that if continued would achieve the previous 2041 population projections. A significant level of growth is coming to Niagara and the Niagara Official Plan is required to plan for this level of growth to 2051. Data from CANCEA indicates that increasing the supply of all forms of housing, low, medium and higher density

housing, will improve affordability, and support the long term future of Niagara socially and economically. Additionally, proactively planning through exercises like district and secondary plans, will allow for the allocation of growth and intensification in strategically identified areas.

- **Policies are Interconnected**

In the preparation of the Niagara Official Plan it is mandatory to consider all applicable Provincial policies. The interconnection between policy sets will allow the Niagara Official Plan to provide a framework that accommodates growth, ecological health and addresses climate. Changing direction in one area will impact other plan components.

- **Competing Interests**

Not everyone will agree on a planning outcome; in many cases, there can be more than one good outcome. Consultation carried out thus far identifies a variety of competing interests. A balanced policy approach often means fewer people or groups being highly satisfied.

- **Planning for the Long Term.**

The Niagara Official Plan will include policies that have not been addressed or required in the current Regional Official Plan. With this comes challenges in policy direction and decision making in an environment where communities do not stay static. Both the current and projected levels of growth will result in development patterns that represent significant changes compared to what has historically occurred.

- **Regular Updating.**

The Niagara Official Plan is a 30 year plan. To effectively monitor and adapt to changes that will occur it is important to ensure land use policies are review at regular intervals, that policies at the Regional and Local levels are aligned and that the monitoring of growth is consistent across Niagara.

- **Assist with Local Conformity**

Once the Niagara Official Plan is approved, local municipalities will need to bring their Official Plans in to conformity. It is important that Niagara Official Plan policies are clear in identifying local roles and responsibilities.

### **Consultation with Regional & Local Councils**

Niagara Official Plan consultation with Regional and Local Councils will be held in February, March and April with both Regional Councillors and Local Councils.

In February, Overlap Consultants will conduct an online survey of Regional Councillors relating to the direction and themes of the Regional Official Plan.

Consultation with Regional Council in April will focus on growth management and environmental policy. The purpose is to inform Councillors of the draft policy direction and provide for discussion. Staff are not seeking any decisions from Councillors at that time, this consultation is to provide information and answer questions.

Consultation with individual Local Councils including the Mayor, designated Local Councillors (i.e. Chair and Vice Chair of Planning and Economic Development Committee), CAO and Planning Director, will occur during March and April. The purpose is to provide an overview of policy contained in the Niagara Official Plan and to discuss policy sets that are of interest to the Local Councils.

Other consultation is planned in early 2021, but for the purpose of this report, only Council related consultation is outlined.

### **Upcoming Reporting To PEDC**

In the lead up to the Regional Official Plan Policy Report in Q2, the following reports will be coming to PEDC/Council in February and March:

- A Consultation Report on Natural Heritage and Water Systems options which summarizes feedback obtained through the virtual Public Information Centres (PICs), virtual stakeholder workshops, discussions with Area Planners, presentations to provincial agencies and Niagara Peninsula Conservation Authority.
- A Climate Change Report to outline consultation and feedback received to date from the Climate Change Discussion Paper.
- Overlap Associates will report on its directions survey with Regional Councillors. The Overlap survey will be informed by public survey results of Pillar Statements and Directives previously developed.

## **Regional Official Plan Policy Report**

The Regional Official Plan Policy Report (the Report) will cover 5 policy sets and 15 topics as presented below. The status of policy will be provided and draft policies will be included. There will be areas that are less developed and may not include draft policies.

Importantly, the purpose of the Report is to provide information. Council will not be asked to make decisions (with limited exceptions, noted below). The Report is an opportunity for Council and the public to view the direction of the Regional Official Plan. Subsequently, significant consultation on draft policy will be undertaken before returning to Council for decision-making.

The exception to the above is in relation to the Natural Heritage System and Water Resource System Options. In April, Committee and Council will be asked to make a decision on an environmental policy option, a decision will be necessary to ensure the next phase of work (preparation of detailed methodology, policy and mapping) can be initiated.

The following is a breakdown of the topics to be covered in the Report, which has been organised by the Official Plan Sections.

### **Growing Region**

#### **Regional Structure**

The Regional Structure sets out a strategic distribution of population and employment growth to the planning horizon of 2051.

A Regional Structure Policy Paper will be provided with the Joint Report.

That Paper will include draft policies and a discussion of critical factors needed to allocate population and housing forecasts for the local municipalities, including the identification of Strategic Growth Areas, minimum intensification rates for Built-Up Areas, and density targets for Designated Greenfield Areas. The Regional Structure directs growth to these areas based on the area's function, with the goal of achieving complete communities, protecting natural heritage resources, and maximizing investments in infrastructure, public transit, and community services.

## **Housing**

Niagara needs a diverse housing supply in order to improve affordability and offer a range of housing options. The Housing Strategy identifies the form of housing needed to accommodate Niagara's current and future residents. This Strategy is based on extensive analysis of housing-related data, which is currently being updated to conform to the Growth Plan's 2051 population and employment forecasts.

Housing Strategy policies will support a range and mix of housing options and will establish targets to facilitate the development of affordable ownership and rental housing. These policies will also align with the Housing and Homelessness Action Plan, and coordinate with the Incentive Review to identify land use planning and financial planning tools that facilitate the provision of affordable housing.

Draft policies will be included in the Joint Report.

## **Land Needs Assessment (Growth Allocations)**

The Land Needs Assessment ("LNA") is a technical, Region-led process that determines the amount of land needed for each local municipality. Specifically, the Region must quantify the amount of designated land each municipality requires to accommodate population, housing and employment forecasts provided to it in the Growth Plan. The Province released a new Land Needs Assessment Methodology in August 2020, which the Region must use.

Staff are working expeditiously to provide a draft LNA. The LNA will be based on inputs from other background strategies noted here, including the Regional Structure (for intensification rates and densities), Housing Strategy (for housing mix and targets), and the Employment Policy Paper (for employment forecasts and densities).

A summary of the draft LNA will be provided in the Joint Report.

## **Settlement Area Boundary Expansions**

Settlement area (i.e. urban and hamlet) boundaries cannot be changed except where specific policies are satisfied. The Region has exclusive authority to adjust boundaries. However, the Region is working closely with local municipalities to set processes for boundary adjustment reviews.

The Region's program is called the Settlement Area Boundary Expansion Review ("SABR"). A threshold component of the SABR is the outcome of the LNA. The LNA will set out the amount of population and employment growth and whether expansions are warranted; the SABR process is that which determines where that expansion will go.

The SABR program has and will continue to be carefully coordinated with local municipalities. It balances the interests of Provincial, Regional, and local municipalities and their ability to accommodate growth. The process is done in collaboration with local municipalities and in consultation with stakeholders and the public.

Regional staff are in the process of establishing evaluation criteria for the SABR program. This will allow for the assessment of SABR requests received to date. The evaluation criteria will prioritize the availability of existing infrastructure and public service facility investments, and consider impacts on watersheds, the natural environment, the agricultural system, and the protection of resource areas, as required.

Evaluation criteria for the SABR program will be provided in the Joint Report. Additionally, staff will provide policies to guide any expansion applications submitted *after* approval of the Niagara Official Plan.

Following consultation on the draft LNA and SABR evaluation criteria, at a later time Regional staff will bring forward a final LNA for Council endorsement. Based on the final LNA, staff will make recommendations for boundary changes and that will be provided to the public and Council for consideration.

### Connected Region

#### **Transportation**

Transportation policies and mapping approved through Regional Official Plan Amendment No. 13 will be carried forward to the new Niagara Official Plan.

A Complete Streets Design Manual is being developed by the Public Works Department, which will include the identification and application of Complete Streets typologies to the Regional Road system. The results of this analysis will result in updates to right-of-ways for all Regional Road segments listed in Table 9-1 of the existing Official Plan. The above-noted Table may not be ready for the Joint Report. If not, it will be provided in draft a later time.

## **Infrastructure**

Draft infrastructure policies will address promoting the efficient use and optimization of existing infrastructure; planning, designing and constructing systems to prepare for the impacts of a changing climate; integrating servicing and land-use considerations during all stages of the planning process; and developing water and wastewater master plans that identify options for servicing growth and development.

Additionally, draft storm water policies will address promoting storm water management best practices, such as low impact development, water conservation and efficiency; ensuring storm water management is informed by watershed planning and prepared for the impacts of changing climate; and ensuring large-scale development will have storm water management plans that incorporate best practices, such as no negative impacts on the quality and quantity of surface or groundwater.

Draft infrastructure policies will be provided in the Joint Report.

## **Vibrant Region**

### **District & Secondary Plans**

District Plans and Secondary Plans are proactive planning tools that focus on managing growth and the development of complete communities to support economic prosperity. Although they vary in scale, both District Plans and Secondary Plans require a collaborative effort between the Region and the local municipalities, creates a strategic vision to inform where and how much growth can occur, and allow for the strategic identification of intensification areas within communities. These Plans rely on extensive public engagement and consultation.

Secondary Plans will be used to implement the Regional Structure. Through the Niagara Official Plan, these plans will be required for Strategic Growth Areas and new Designated Greenfield Areas. They may also be considered for existing Designated Greenfield Areas and Built-Up Areas that are facing development pressure.

Draft District and Secondary Plan policies will be included in the Joint Report.



## **Urban Design**

Urban design is the practice of making places attractive, memorable, and functional for the people who use them. It involves the arrangement, appearance and relationship between buildings, public spaces, transportation systems, services, and amenities. Policies will support a better understanding of urban design and commitment to excellence, enhancement of the public realm and promotion of active transportation, tools for urban design implementation, and providing a clear direction to local municipalities.

Draft urban design policies will be provided in the Joint Report.

## **Archaeology**

The review of proposed development sites for archaeological potential is a requirement of the Ministry of Heritage, Sport, Tourism and Culture. An Archaeological Management Plan (“AMP”), has been undertaken to streamline this Provincial review process at the local level. The AMP will create a clear process for the identification and conservation of archaeological resources.

The Joint Report will provide information on the proposed archaeological review process and function, draft modelling and draft archaeological resource potential mapping.

## **Competitive Region**

## **Employment**

An Official Plan Employment Policy Paper (“Employment Paper”) will be included with the Joint Report. The Employment Paper will contain draft employment policy and employment area mapping to be considered for the Official Plan. Recommendations are based on current legislation, detailed analysis, and other municipal practices. The Employment Paper will improve the degree of certainty and predictability to which employers can plan for and sustain viable employment operations for short- and long-term horizons, while protecting Provincial and municipal interests.

The Employment Policy Paper, which includes draft policies, will be provided in the Joint Report.

## **Agriculture**

The Region has a strong history of proactive agricultural planning. Regional agricultural policies are being refined to capture the updated policy regime implemented by the Province. The Agricultural System includes policies to protect the agricultural land base and the agri-food network. This includes elements important to the sector such as farm diversification and irrigation systems that contribute to a thriving agricultural industry.

Regional staff, in collaboration with local area municipalities, have made refinements to the agricultural land base, including a review of provincially-proposed candidate areas for consideration as prime agricultural areas.

The Joint Report will contain Agricultural draft policy and draft mapping.

## **Aggregates**

The Region is expecting increased demand for aggregates to support forecasted growth. Background reports related to aggregate resources are complete and have been previously presented to Committee and Council. A first draft of the policies were prepared and circulated to the local municipalities, stakeholders, and industry representatives for comment.

The Joint Report will contain an updated draft of the Official Plan policies for mineral aggregate resources and mineral aggregate operations. Mapping of mineral aggregate resources is undertaken by technical experts at the Province (Ontario Geological Survey). Planning staff have been in touch with our colleagues at the Province and hope to have new mapping for Niagara included with the Official Plan.

## *Sustainable Region*

### **Natural Heritage System (NHS) & Water Resource System (WRS) Options**

In the Joint Report, the results of the additional analysis being completed on the NHS and WRS options will be presented. This includes statistics on the estimated extent of the natural heritage system and water resource system for each of the options, and commentary on the implications for developable land.

The information will be presented for the urban areas in each local municipality. To accompany these detailed statistics, preliminary information on the policy intent of each option will be prepared.

Unlike other topics set out in this Report, Committee and Council will be asked to make a decision on the preferred option for the NHS and WRS. It is critical that a decision is made at that time, to allow Staff to proceed with detailed mapping and policy development. Otherwise, the timing of the Official Plan will be in jeopardy.

After a decision from Council in April, detailed draft mapping and policy for the NHS and WRS can be prepared for review and comment by Committee and Council, the public, and other stakeholders.

### **Niagara Watershed Plan (NWP) Project**

The NWP is the next step in implementing a watershed planning program. It will ensure the Niagara Official Plan is appropriately informed by watershed planning.

The NWP is being undertaken at the 'tertiary-level' and will be an important tool to guide more detailed watershed and sub watershed planning studies in the Region. The NWP will include a range of best practices and recommendations to inform land use planning decisions in the region.

The NWP is being prepared in accordance with Provincial requirements, including direction that decisions on growth allocations and the identification of a water resource system be informed by watershed planning.

The Joint Report will provide an update on the NWP, including how watershed planning has helped inform growth allocations and the development of the water resource system.

### **Climate Change**

The Climate Change Work Program has been updated as set out in Report PDS 6-2021.

The program now includes climate modeling for Niagara as well as a tree planting and greening strategy. Policy development for this subject has been ongoing to inform other Official Plan work programs.

The Joint Report will update Council on the climate modeling exercise, provide a preliminary overview of a tree planting and greening strategy, as well as highlight the integration of climate policies in other sections of the Official Plan.

### **Alternatives Reviewed**

The background report and review stage of the Official Plan program is nearly complete. Staff are developing policy, most of which will be ready for April 2021. It is important to provide the policy comprehensively and openly at that time. There are no reasonable alternatives to proceeding as set out. This is an important step in informing and allowing discussion of policy directions and content with Regional and local Councils, to ensure we represents the best approach to enable informed decision making.

### **Relationship to Council Strategic Priorities**

The Niagara Official Plan is important to address Council's priorities, being: Supporting Businesses and Economic Growth; Healthy and Vibrant Community; and Responsible Growth and Infrastructure Planning.

### **Other Pertinent Reports**

PDS 35-2020	Niagara Official Plan - Consultation Update
PDS 1-2020	New Niagara Official Plan - Public Consultation Summary
PDS 33-2019	Growth Management Program Update for New Official Plan
PDS 9-2019	New Official Plan Consultation Timeline Framework
CWCD 421-2019	New Niagara Official Plan Updates

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