
Subject: Niagara Official Plan Process and Local Municipal Conformity

Report to: Planning and Economic Development Committee

Report date: Wednesday, February 17, 2021

Recommendations

1. That Report PDS 7-2021 **BE RECEIVED** for information; and
2. That Report PDS 7-2021 **BE CIRCULATED** to the Local Area Municipalities, Niagara Peninsula Conservation Authority (NPCA), and Niagara Home Builders Association.

Key Facts

- The purpose of this report is to provide Committee with an overview of the Niagara Official Plan (“NOP”) process and the subsequent conformity requirements of local municipalities.
- The NOP is the planning document that guides land use and development over the long term. Its requirements are set out in the *Planning Act, 1990* and it is foundational for the management of growth and the social, economic and environmental resources across the region.
- The Niagara Official Plan must be adopted by July 1, 2022 to meet the conformity deadline set by the Province.
- The policies of the NOP are prepared in the Regional context but must also consider their applicability to each community and must be balanced and implementable for Local Councils.
- Each local municipality has its own Official Plan and Zoning By-law that will require amendments to be brought into conformity with the NOP, once approved.
- Section 27 of the *Planning Act, 1990* requires local area municipalities to initiate conformity amendments to implement the policy direction of the NOP. Local municipalities have one year to bring the local Official Plan and Zoning By-laws into conformity once the NOP comes into effect.

- Public consultation is an important part of the planning process. In a two-tier system, the regulatory responsibilities between upper and lower tier municipalities is not always clear. This has been evident during consultation for the NOP.
- Consultation at the local level will occur, and may be supplemented by consultation from the NOP, as local municipalities will be required to initiate public and stakeholder consultation programs in conjunction with their Local Official Plan and Zoning By-law update programs.
- As required by the *Planning Act, 1990*, local planning documents are required to be brought into conformity quite expeditiously and doing so will require adequate resource allocation by local municipalities.
- This report was discussed with Area Planners on Friday January 22, 2021, and the direction and objective of this report was supported.

Financial Considerations

There is no financial impact directly associated with this report.

Local municipalities should be prepared to commit funding to their own Official Plan and Zoning By-law update programs upon adoption of the NOP. The funding commitment for conformity work could commence as early as 2022-2023.

Funding for Official Plans and Zoning By-laws are recoverable, in part, through Development Charge and Building Permit revenues. Local municipalities presently or intending to update their Development Charges By-law or Building Permit fee structure should ensure these items are captured accordingly.

Analysis

An Official Plan is the planning document that guides land use and development over the long term. Its requirements are set out in the *Planning Act, 1990* and is foundational for the management of growth and the social, economic, and environmental resources across the region.

Regional Planning staff have been working towards the preparation of NOP since 2017, following the completion of the Province's Coordinated Plan Review (CPR). Through the CPR, the Region consulted area planners and prepared joint submissions to the

Province on comments related to the review and update of *A Place to Grow – Growth Plan for the Greater Golden Horseshoe*, the *Greenbelt Plan* and the *Niagara Escarpment Plan*. These submissions demonstrated the alignment of Regional and local municipal interest in how Provincial policy is applied in Niagara.

The *Planning Act, 1990* requires all municipal Council decisions to be consistent with, conform to, or not conflict with the applicable Provincial policy. Regional and local planning staff must provide planning advice and make recommendations under the same requirements.

The NOP program has a number of background studies that are informing the NOP, including Growth Management, Natural Heritage Systems, Employment Strategy, Housing Strategy, Land Needs Assessment and Settlement Area Boundary Review, Agricultural Systems Review and climate change considerations. This work is completed at a Regional scale and in the context of the Region’s mandate.

Throughout the NOP work plan and the preparation of the background studies, the Region has maintained a consistent level of engagement with area planners, stakeholders, special interest groups, Regional and Local committees and Council, and the public. General input and specific input on key milestones has been consolidated and reflected in the work going forward. Consultation is further detailed later in the report.

Regional Planning staff will continue to finalize these background studies, collect data and prepare draft policies to present a complete draft of the NOP for the end of 2021. Timing for conformity with the *Growth Plan* is July 1, 2022.

The NOP has five components, as shown in the graphic below:



The following sections highlights some of the NOP topic areas that may require additional study work by local municipalities to implement the direction of the NOP. Other areas of the NOP will need to be implemented through the local municipal conformity exercises and this implementation will be done in the context of conformity with Provincial policy.

The policies of the NOP are prepared in the Regional context but must also consider their applicability to each community and must be balanced and implementable for Local Councils.

Growth Management

Growth is coming to Niagara and the governments must proactively prepare for and manage this growth. Within the NOP, the Regional Structure will identify strategic growth areas where a significant portion of growth and intensification should be directed.

As discussed with area planners, the NOP will allocate the Niagara's population and employment growth forecasts to local municipalities to 2051. This growth will be accommodated through specific density targets in strategic growth areas, designated greenfield areas for new development and intensification rates in built-up areas.

Through conformity exercises, local municipalities will define the boundaries for strategic growth areas (where applicable), prepare secondary plans or district plans for new or evolving areas and identify areas for potential redevelopment through intensification strategies.

Within the context of the local official plan, municipalities will have the ability to balance and manage growth and development at the local level.

Employment

The employment strategy will identify and map employment areas to protect clusters of employment land across the Region. The employment areas will be mapped in a schedule of the NOP and policies will set a framework to maintain and protect existing employment areas to meet forecasted need.

Protecting employment areas will contribute to a complete community structure and ensure a full spectrum of employment job options is available to support the local economy.

Through the conformity exercise, local municipalities will update mapping to designate employment areas at the local level and include policy that supports the long-term retention of these areas.

In addition, population related employment growth will need to be provided through commercial and mixed use development. This type of employment is typically more compatible with and serves residential needs. Local municipalities will be encouraged to incorporate mixed-use area policies to support population-related employment and the creation of a complete community.

Housing Strategy

Niagara is in need of more diverse housing options in order to remain affordable. A diverse range of housing will ensure choice and provide the opportunity for residents to stay within their neighbourhood as housing needs change over time and provide the ability to age in place.

The Housing Strategy suggests Niagara will require more mid to higher density development than has traditionally occurred. This means development of townhouses, apartments and mixed-use building to meet the needs of current and future residents. Compact, denser development will enhance the community structure, support transit, and make efficient use of services and public facilities.

Forecasted population growth allocations together with demographic analysis will inform the housing mix (i.e. the ratio of types of housing) and affordability targets for the Region.

Local Official Plans will implement the recommendations of the Housing Strategy to ensure an appropriate housing mix and affordability. Not all municipalities will plan for the same housing mix. For this reason, the local municipality may wish to use local data to complete their own detailed housing analysis to identify their housing needs.

Secondary planning and intensification strategies will also assist local municipalities to prepare plans for a strong, healthy, balanced and complete community, as well as

address development and redevelopment pressure, to ensure growth aligns with the context of the surrounding neighbourhood.

Natural Heritage System/Watershed Study

The NOP will have policies that identify and protect the natural heritage system and the water resource system. Together, these will form the Region's environment system.

The natural environmental system approach must be balanced and designed with consideration of the unique attributes of each geographic area of the Region. The preferred approach to implement is still under review. The final direction will require detailed policies and other implementation tools.

Each local municipality will implement the preferred approach through their conformity exercise. This conformity will provide a level of protection of the natural heritage system. Through future planning applications/projects, more detailed environmental planning studies or environmental impact statements may be undertaken to support the proposal. These studies/statements would be reviewed and approved by the local municipality through development application process.

Niagara Official Plan Completion and Local Implementation Programs

Once adopted by Council, the NOP will require approval from the Ministry of Municipal Affairs and Housing (MMAH). The Ministry will review the policy content, post to the ERO for public comment and confirm consistency, conformity, or no conflict, with Provincial Plans. MMAH may modify the NOP as a result of this review.

Following approval on the NOP, under Section 27 of the *Planning Act, 1990*, local municipalities are required to initiate conformity amendments and have one year to update their Official Plans to bring them into conformity with the NOP.

The amount of work to be done by local municipalities to conform to the NOP will depend on a number of factors, including how recently the local Official Plan was updated, if the municipality chooses to undertake more localized study work, and if the local Official Plan has already completed amendments to implement changes made through coordinated Provincial plan review.

Potential tools and options to assist with conformity are discussed below.

District Planning / Regional Strategic Growth Areas

District Plans are prepared by the Region, with input and involvement of the local municipality, as an intermediate step for more detailed planning analysis between Regional growth planning and local planning instruments. District Plans provide proactive planning strategies that focus on growth, the development of complete communities, and support economic prosperity. These Plans are prepared in collaboration with a variety of stakeholders and with input from the public.

Existing District Plan locations were selected for their ability to accommodate a significant amount of the future growth. The Region continue to engage the local municipalities and key stakeholders to implement and monitor these Plans.

Secondary Plans

Secondary Plans are prepared and implemented by the local municipality for areas that require detailed land use planning direction. They follow a statutory process and involve significant community and stakeholder consultation at the local level. The Region's role is to participate in the process and act as the approval authority, where required.

Secondary Plans are intended to implement the Regional Structure at the local level and will be prerequisite for strategic growth areas, new designated greenfield areas and to implement District Plans. They may also be required for detailed land use direction for existing greenfield areas and built-up areas that are facing development pressure.

Proactive Secondary Planning is essential to manage growth and to set expectations for the community. The Region will continue to work collaboratively with the local municipalities on these plans to proactively guide development. This process will also ensure efficient land use, appropriate mix of built form, consider infrastructure and transportation requirements, natural and cultural heritage protection, urban design, and similar matters beyond general policy.

Secondary Plans are prepared based on community input. No two Secondary Plans are the same; each plan is different and dependent on the surrounding neighbourhood context and input from the public.

Zoning

In addition to local Official Plan conformity, local municipalities must update their Zoning By-law to conform with the NOP. This is where *"the rubber hits the road"* – when

individual property owners are explicitly informed of land use changes affecting their property. This process is the responsibility of the local municipality and provides another opportunity to engage local area residents, businesses and stakeholders on changes required for conformity.

Zoning can be the most volatile phase as this process targets properties that will see land use permissions change. It also provides for opportunities for representation to local Council. For this reason, it is important for the Regional policies to allow for some discretion, as the Region is only a commenting authority on zoning by-law updates and amendments.

Consultation and engagement

Local area planners have been included throughout the NOP process. The Region has connected with area planners regularly since 2016, including monthly or bi-monthly scheduled area planners meetings, one-on-one meetings to discuss topic-specific content, information sharing and joint report submissions on changes to provincial policy, and information and discussion on policy direction. This consultation will continue with regular area planners meetings already scheduled for the balance of 2021. Additional meetings will be added as required or desired.

Other consultations undertaken to date include presentations to Regional and local councils, regular Planning Advisory Committee meetings, in-person and virtual public information centres, online surveys and meetings with stakeholder groups.

Consultation efforts will continue throughout the preparation of the NOP. Engagement with Regional Councillors, local area municipal staff and Council members, as well as future public information centres and stakeholder meetings will help collect a broad spectrum of input to inform the NOP policies and mapping. Ongoing consultation will continue leading up to the release of the NOP in late 2021.

As robust as the NOP engagement strategy is, consultation and involvement does not stop there. Local municipalities will engage their communities through their own Official Plan and Zoning By-law conformity exercises. Engagement through this process is often more targeted to local landowners as specific property changes can be identified.

Development Application Portal

The Region and local municipalities are working together to create a development portal that will standardize development applications and track performance of allocations, intensification and density assignments. Some local governments have already moved to digital submission, but the first step in Niagara is to establish uniformity in planning applications, submission requirements and key performance indicators for monitoring.

Conclusion

Regional Planning staff have provided this report for information and awareness of the importance of the NOP process and the subsequent responsibility of local municipalities to bring planning documents into conformity with the NOP.

Local planning documents are required to be brought into conformity quite expeditiously. Doing so will require adequate resource allocation by local municipalities. Local municipalities may wish to start identifying staffing resources and budget allocation early to accommodate a timely conformity exercise.

As noted above, local municipal Councils will have the opportunity to further refine planning policy/mapping through detailed planning analysis in the local context. In addition, there will be many opportunities to consult and engage local residents through the NOP, local Official Plan conformity exercises, zoning updates, future Secondary Plans/planning studies and development applications.

This report was discussed with the Area Planners on Friday January 22, 2021, and the direction and objective of this report was supported.

Alternatives Reviewed

This report is for information purposes and to note the requirement under Section 27 of the *Planning Act, 1990* to bring local Official Plans and Zoning By-laws into conformity following the approval of the NOP.

No alternatives are available.

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.

Implementation of the Niagara Official Plan will help support these priorities and serve to provide local municipalities the policy guidance needed during the own Official Plan conformity exercises.

Other Pertinent Reports

PDS 4-2021	Niagara Official Plan – Steps and Directions Moving Forward
PDS 35-2020	Niagara Official Plan - Consultation Update
PDS 28-2020	Regional Structure Background Report
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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