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**Subject:** Update on Niagara Official Plan-Further Draft Policy Development

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

**Report date:** Wednesday, August 11, 2021

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## Recommendations

1. That Report PDS 32-2021 **BE RECEIVED** for information; and
2. That a copy of Report PDS 32-2021 **BE CIRCULATED** to the Local Area Municipalities.

## Key Facts

- This report provides an update on consultation and ongoing policy work for the Niagara Official Plan (NOP) since Committee's consideration of the Joint Consolidated May Report- (PDS 17-2021).
- This report follows a similar structure to the Joint Consolidated May Report (PDS 17-2021) with Executive Overviews prepared for the new draft policy sections. The draft sections include Source Water Protection, Excess Soils, Petroleum and Mineral Resources, and Performance Indicators and Monitoring will be provided for consultation up until October 1, 2021.
- Updates on policy development such as the Introduction Chapter, Natural Environment System, Watershed Planning, Climate Change, Niagara Escarpment Plan Area, Open Space, Economic Prosperity, Cultural Heritage and Implementation are provided.
- A separate report at the August 2021 PEDC meeting, Report PDS 33-2021, provides a revised Land Needs Assessment based on feedback received and work undertaken since May 2021.
- Draft Natural Environment System policies, and Region-wide mapping will be available for review and comment in Fall 2021.

## **Financial Considerations**

Council approved the resources to complete the new Niagara Official Plan (NOP) over a 5 year period as part of the 2017 Budget Process, predominantly funded through Development Charges.

## **Analysis**

In the Joint Consolidated May Report (PDS 17-2021), detailed information was provided on the purpose of an Official Plan, the importance of a new Official Plan and the Pillar Statements and Directives. Also included for further consultation were draft policies pertaining to growth management and supporting draft policies on Infrastructure, Transportation, District and Secondary Planning and Urban Design for the Niagara Official Plan.

This report has three parts:

1. An update on consultation since the release of the May PDS 17-2021 report;
2. Draft policy sections completed since Report PDS 17-2021 including; Source Water Protection; Excess Soils; Petroleum and Mineral Resources; and Performance Indicators and Monitoring; and
3. Updates on ongoing policy development for other Chapters/Sections of the NOP such as the Introduction Chapter, Natural Environment System, Watershed Planning, Climate Change, Open Space, Economic Prosperity, Cultural Heritage and Implementation.

### **4. Update on Consultation**

#### **Prior to the release of the Joint Consolidated May Report PDS 17 2021**

As detailed in Appendix 1 of the Joint Consolidated May Report (PDS 17-2021), hundreds of consultation events have occurred since 2017. Work for the NOP has been informed by consultation from the public, stakeholder groups, local Councils, agencies, Indigenous communities, local municipal planners, local planning workshops, and meetings with the Planning Advisory Committee.

The Region's Planning and Economic Development Committee has been informed by more than 35 Administrative Reports between 2018 and 2021 on the NOP. These

reports and presentations provided updates on the work program, individual sections of the Plan, and consultation.

### **After the release of the Joint Consolidated May Report PDS 17 2021**

At the time of writing this report, consultations on the Niagara Official Plan have been ongoing with the Province, Conservation Authority, several Indigenous Groups (local and treaty rights groups), and the Planning Advisory Committee. In addition, planning staff are in the process of setting up consultation sessions with younger adult groups.

Local municipal planning staff have been and will continue to be engaged on growth management, expansions, technical boundary adjustments, site-specific policy areas and other matters that necessitate detailed discussion.

Updates and information continue to be made available through newsletters and the official plan website.

This Report themes key comments/questions received from Public Information Centres and comments received on the content of the Joint Consolidated May Report (PDS 17-2021).

**A detailed consultation report, including all comments received on the May PDS 17-2021 report and staff responses to the comments, will be provided at the September 15, 2021 PEDC Meeting. Received submissions and a summary of comments will be available on the Region's website on or before August 11, 2021. This will allow members of Council or the public to review comments submitted prior to the PEDC's consideration of the more detailed Consultation Report in September 2021.**

The exception to the above are comments received relating to the land needs assessment, expansion and urban boundary requests, made between May and July 2021. Those are detailed in Report PDS 33-2021 and will be available in early August, or sooner.

### **June 2021 Public Information Centres**

Throughout the month of June, five virtual Public Information Centres were held, with each session focusing on policy topics from a different Chapter of the Niagara Official Plan, being; Growing Region, Sustainable Region, Competitive Region, Connected

Region and Vibrant Region. Draft policy and background information was shared to inform the public and gather feedback.

Across the five sessions, there were 238 attendees, and 204 questions and comments submitted. The majority of questions were answered live by staff during the webinar, however, comments and questions left unanswered due to lack of time or available information, will be posted to the Niagara Official Plan website by approximately August 11, 2021. Additionally, recordings of the PICs will also be placed on the Niagara Official Plan website: <https://www.niagararegion.ca/official-plan/public-information-centres.aspx>

A brief summary of the key themes or questions received include the following:

<b>Chapter/Session</b>	<b>Consistent/Key Comment or Question</b>
Chapter 2: Growing Region	<ul style="list-style-type: none"> <li>- Requests for clarity and more information regarding the process, timelines and proposed locations of settlement area boundary expansions.</li> <li>- Lack of affordable housing options in Niagara.</li> <li>- The implications of potential boundary expansions on the natural environment and agricultural lands.</li> </ul>
Chapter 6: Vibrant Region	<ul style="list-style-type: none"> <li>- Support for low impact development strategies for future developments (urban design).</li> <li>- Coordination with local area municipalities on mapping and implementation of the new Archaeological Management Plan.</li> </ul>
Chapter 4: Competitive Region	<ul style="list-style-type: none"> <li>- Support for protection of existing Specialty Crop Areas and enhanced designation of Prime Agricultural Areas.</li> <li>- Consideration of allowances for Greenhouses and other Agricultural structures to be built on top of Specialty Crop Area.</li> <li>- Comments on Employment Area categorizations.</li> <li>- Approach to recognizing Special Policy Areas in agricultural areas.</li> </ul>
Chapter 5: Connected Region	<ul style="list-style-type: none"> <li>- Concern with accessibility and trip lengths of Regional Transit services.</li> </ul>

	<ul style="list-style-type: none"> <li>- Concerns with stormwater pollution and quantity, and support for reduction strategies through green infrastructure.</li> <li>- Concerns over lateral connections to services outside the settlement area boundary within Specialty Crop areas.</li> </ul>
Chapter 6: Sustainable Region	<ul style="list-style-type: none"> <li>- Information regarding species, planting areas, and public involvement in the Regional Greening Initiative.</li> <li>- Clarification on timelines for draft policy and mapping for the Natural Environment System.</li> <li>- Support for climate change mitigation and integration of climate change policy into various areas of the Plan.</li> </ul>

### Received Submissions

Staff have received numerous written submissions from agencies, stakeholders and the public since Joint Consolidated May Report PDS 17-2021 was brought forward to PEDC. At the time of writing this report, 73 submissions were received between May and mid-July 2021. The key comments/questions raised are summarized in the chart below:

#### Themes Emerging From Feedback On Joint Consolidated May Report PDS 17-2021

Chapter	Consistent/Key Comment or Question
Chapter 2: Growing Region	2.1- Growth Allocations and Land Needs <ul style="list-style-type: none"> <li>• Some municipalities suggested higher populations may be more appropriate for them and there were private sector submissions suggesting different distributions.</li> </ul> 2.2- Regional Structure <ul style="list-style-type: none"> <li>• Requests for clarification on concepts and policies.</li> </ul> 2.3- Housing

	<ul style="list-style-type: none"> <li>Concerns for appropriate housing mix, separation between dwellings, and secondary dwelling units.</li> </ul> <p>SABR</p> <ul style="list-style-type: none"> <li>Various requests for urban boundary expansions/adjustments in Niagara, including Niagara Falls, West Lincoln, Pelham, Fort Erie, Thorold, Welland, and St. Catharines.</li> </ul>
<p>Chapter 3: Sustainable Region</p>	<p>3.1- Natural Environment System</p> <ul style="list-style-type: none"> <li>Questions about balance of protecting natural environment with urban boundary expansions.</li> <li>Emphasis on protection of natural spaces, including trails and parks.</li> </ul> <p>3.5- Climate Change</p> <ul style="list-style-type: none"> <li>The importance of making climate change prominent throughout the plan to address transit, watershed planning, natural heritage system and agriculture.</li> <li>The need to protect mature trees in addition to planting new trees across the region.</li> </ul>
<p>Chapter 4: Competitive Region</p>	<p>4.1- Agriculture</p> <ul style="list-style-type: none"> <li>Requests to expand agricultural areas, as well as requests for removal of land in the Greenbelt Plan area.</li> <li>Comments on recognizing agricultural infrastructure in the NOP.</li> </ul> <p>4.2- Employment Areas</p> <ul style="list-style-type: none"> <li>Specific requests to remove employment areas and letters of support for employment conversions.</li> </ul>

	<p>4.3- Aggregates</p> <ul style="list-style-type: none"> <li>• Questions with respect to technical studies required for new aggregate operations, haul routes, and rehabilitation requirements.</li> <li>• Concern over local and regional amendments for new operations and concern over haul route and rehabilitation policies</li> </ul>
<p>Chapter 5: Connected Region</p>	<p>5.1- Transportation</p> <ul style="list-style-type: none"> <li>• Concern with heavy truck traffic along the Niagara Escarpment crossing to QEW.</li> <li>• Support for lands designated as Major Transit Station Areas and growth surrounding those areas.</li> <li>• Requests for clarity local-regional jurisdictional matters</li> </ul> <p>5.2- Infrastructure</p> <ul style="list-style-type: none"> <li>• Specific request with respect to servicing outside the urban area.</li> <li>• Requests for clarity local-regional jurisdictional matters</li> </ul>
<p>Chapter 6: Vibrant Region</p>	<p>6.1- District and Secondary Planning</p> <ul style="list-style-type: none"> <li>• Comments on requirements to add secondary plan policies into local official plans.</li> <li>• Concern over expanded scope and study for Secondary Plans.</li> </ul> <p>6.2- Urban Design</p>

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	<ul style="list-style-type: none"><li>• Comments on local and regional urban design guidelines.</li><li>• Concern over regions oversight relative to urban design matters.</li></ul> <p>6.3- Archaeology</p> <p>Questions regarding when archaeological assessments should be required and exemptions.</p>
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## 5. New Draft Policy Sections

Since the Joint Consolidated May Report PDS 17-2021, additional technical policy sections have been drafted for circulation and comment. These are outlined below by Chapter for the Niagara Official Plan.

As with Report PDS 17-2021, draft policies are accompanied by Executive Overviews (EOs), both of which are attached as Appendices.

### Chapter 3- Sustainable Region

#### Section 3.3- Source Water Protection

The *Source Protection Plan* for the Niagara Peninsula Source Protection Area (SPP) protects existing and future sources of drinking water in Niagara by ensuring activities identified as drinking water threats under the *Clean Water Act* and associated regulations either never become a *significant threat*, or cease to be a *significant threat* to drinking water.

Based on the 2014 Source Water Protection Plan, Niagara Region prepared an amendment to include source protection policies in the existing Regional Official Plan in 2015. For the new Niagara Official Plan, there are minimal changes being made to this section as the SPP (2014) remains in effect.

The EO and draft policies are attached as Appendices 1.1 and 1.2 respectively. A draft Schedule D for Source Water Protection is attached as Appendix 1.3.

#### Section 3.7- Excess Soils



Excess soil is a growing concern for rural municipalities as there have been cases of illegal dumping, impacts to ground or surface water quality, and impacts to natural and agricultural land. *Excess soil* is soil that is not required at a construction or development site and must be moved to a new, off-site location.

The policies of this section encourage local municipalities to create or update their site-alteration and fill by-laws in order to address the Best Management Practices on Excess Soil.

The EO and draft policies are attached as Appendices 2.1 and 2.2 respectively.

## **Chapter 4- Competitive Region**

### **Section 4.3.2- Petroleum and Mineral Resources**

Petroleum resources, such as oil, gas, and salt resources extracted through the drilling of wells, are located throughout Niagara region. Mineral resources, including metallic minerals and non-metallic minerals, but not including mineral aggregate resources, have few possible deposits identified across Niagara Region.

Petroleum and mineral resources are finite and must be protected from incompatible land uses or uses that would limit their extraction in the future. Proper and regulated decommissioning of wells is integral to ensuring potential hazards are avoided.

The EO and draft policies are attached as Appendices 3.1 and 3.2 respectively. A draft Petroleum Resource Schedule H is attached as Appendix 3.3

## **Chapter 7-Implementation**

The Implementation Chapter is very important to carrying out the policies of the Official Plan. Policies for this Chapter are more easily developed as the draft policies associated with other Chapters are finalized.

The EO attached as Appendix 4.1 provides an overview and update on the policy development of the Sections of this Chapter.

Draft policies specific to this report have been developed for performance indicators and monitoring to assist with and compliment the policy direction of Chapter 2: Growing Region.

### **Section 7.3 Performance Indicators and Monitoring**

The policies of the NOP will identify a comprehensive monitoring program to help implement the Plan. A list of indicators will measure progress to ensure that the Plan's policies continue to meet its vision and objectives. Monitoring will also help to identify emerging trends, track progress towards specific targets, and confirm NOP policies remain relevant. Consistent and regular monitoring of the NOP's performance will be key to ensuring its success.

The draft policies are attached as Appendix 4.2

### **Glossary of Terms**

The Glossary of Terms provided in the Joint Consolidated May Report PDS 17-2021 has been updated to define new terms mentioned in these draft policy sections (shown in bold). These definitions align with existing regional Official plan definitions and or provincial definitions.

The updated Glossary of Terms is attached as Appendix 5.

## **6. Update on Other Policy Sections**

**Policies still under development will be incorporated into the final consolidated draft Official Plan for the end of the year. Further consultation will take place on the final consolidated draft Official Plan with the public, agencies and stakeholder groups.**

The following are those policy chapters that will be completed later this year.

### **Chapter 1-Introduction**

The Introduction will establish the following:

- i) The planning context for Niagara;
- ii) Challenges and opportunities centred on managing the inevitable growth coming to Niagara in a manner that provides better housing affordability, protects our natural environment and addresses our changing climate;
- iii) The two-tier planning framework;
- iv) Pillar statements and directives; and
- v) The legislative basis and structure of the Niagara Official Plan.

Planning staff have undertaken consultation with Indigenous groups (both local and treaty rights groups). An acknowledgement of their contributions to the development of the NOP around their areas of interest including archaeology, natural environment, climate change, affordable housing and future consultation will be included as a precursor to the Plan. The Archaeological Master Plan being prepared to inform the NOP will provide the important Indigenous historical context.

## **Chapter 3 Sustainable Region**

### **Section 3.1-Natural Environment System**

The objective of the Natural Environment Work Program (NEWP) is to develop a Regional-scale natural heritage and water resource system. Together these systems will be collectively known as the integrated natural environment system (NES).

PDS 17-2021 which contained the staff recommendation for the preferred NES option was presented to Planning and Economic Development Committee (PEDC) on Wednesday May 12<sup>th</sup>, 2021. At the Regional Council Meeting on Thursday May 20<sup>th</sup>, 2021 staff were directed to move forward with both NES Option 3B and 3C. Regional Council will be requested to make a decision on the NES option at a future date.

The next step in the NEWP is to prepare detailed criteria and definitions for each of the components of the system. This information will be documented in a technical report – which will also include a methodology for mapping the system. It is important that the criteria and methodology are documented before the mapping work is undertaken. The detailed criteria and methodology will be an important tool for the ongoing implementation of the NES once the new Official Plan has been approved.

At the same time the detailed policy sets will be written while the detailed mapping is developed for both Options 3B and 3C. Both mapping and policy development of the NES will involve significant consultation with the Local Municipalities and NPCA.

Additional consultation with the public and other stakeholders will be undertaken. This includes the 3<sup>rd</sup> Point of Engagement once the draft NES maps and polices are prepared.

It is expected that a draft of the technical report, policies, and Region-wide NES mapping will be available for review and comment in Fall 2021. Council will need to make a decision on an Option to move forward with at that time.

### **Section 3.2-Watershed Planning**

Watershed planning is a methodology used to support the protection or restoration of natural resources (with an emphasis on water resources) within a watershed through the development of management plans, policies, and other related tools.

The updated Provincial Growth Plan and Greenbelt Plan place a greater emphasis on the need for watershed planning to inform land-use planning. To ensure that the Niagara Official Plan is informed by watershed planning in accordance with Provincial direction the Niagara Watershed Plan (NWP) project is underway. On June 16<sup>th</sup>, 2021, a report and presentation were made to PEDC.

The NWP is being published in three volumes. Following the June PEDC meeting, a draft of Volume 1 (Characterization) and Volume 2 (Management) were made available for review by the Public and other stakeholders. Comments were requested by July 30<sup>th</sup>, 2021. Planning Staff and the Consulting Team are in the process of reviewing all of the input that was received and will be finalizing in the NWP in Fall 2021.

Volume 3 of the NWP will analyze various growth scenarios as part of the overall Official Plan work program and is currently being completed. A draft of Volume 3 will be made available for review and comment for finalization in September/October.

### **Sections 3.4- Stewardship and 3.5- Climate Change**

The objective of the Climate Change Work Program is to build and broaden climate change goals, objectives and policies in the Niagara Official Plan, working towards the development of resilient communities.

The Climate Change Work Program is comprised of three pillars: climate change policies for the NOP, climate modeling and projections, and a regional greening initiative.

The climate change section of the NOP will have policies to reduce greenhouse gas emissions and adapt to the impacts of climate change, support for other priority areas of

the NOP including Regional Structure, Infrastructure (servicing and transportation), District and Secondary Plans, Natural Environment System, and Urban Design.

PDS-C 31-2021 provided an update on the progress of the Niagara Climate Modeling and Projections Project. At the end of July, a preliminary results session was held with our local municipal partners and the NPCA. The consultant team for the project is currently reviewing comments and feedback. A draft climate projections report is anticipated for September, with the project set to conclude in October 2021.

The Regional Greening Initiative, most recently reported on in July 2021 (PDS-C 44-2021), will be a project connected to the NOP work through the Sustainable Region chapter, including connections to the Natural Environment System (s. 3.1), Stewardship (s. 3.4) and Climate Change (s. 3.5) sections.

The goal of the greening initiative is to enhance vegetative cover across the Region. Staff are preparing material for consultation later this year.

### **Section 3.6- Niagara Escarpment Plan**

Planning staff have been developing an approach to integrate the Niagara Escarpment Plan (NEP) with the NOP. This approach will include identifying the NEP area on key schedules.

This Section of the NOP will acknowledge the NEP plan policies apply within the NEP area, in addition to where Regional planning staff would request more detailed regional policies for a development permit application, such as the Natural Environment System or Infrastructure policies. This approach will be discussed further with Area Planners and Niagara Escarpment Commission staff and refined as appropriate.

## **Chapter 4- Competitive Region**

### **Section 4.4-Economic Prosperity**

This section will pull together and reflect the policies of other Sections in this Chapter and other Chapters with the goal of providing focus on opportunities for greater economic prosperity in relation to land use. For example, cultural heritage and natural heritage landscapes and features can, in a more passive way, provide economic benefits.

These policies will be developed with input from the Region's Economic Development Department and receive input from other stakeholder groups.

## **Chapter 5-Connected Region**

### **Section 5.3-Public Spaces, Recreation, Parks, Trails and Open Spaces**

This section will provide policy that provide context to the importance of open space, trails, and public spaces as part of vibrant places, complete communities, reducing car dependency, and active healthy lifestyles.

## **Chapter 6-Vibrant Region**

### **Section 6.4- Cultural Heritage**

Policies will be developed encouraging the protection of significant built heritage and cultural heritage landscapes and districts. Cultural heritage contributes to preservation of history, contributions to vibrant communities and can provide economic opportunities.

## **Alternatives Reviewed**

There are no alternatives to this report. This report is for information purposes providing an update on certain policy sections. Draft policies on certain Official Plan sections are attached to inform Council and provide the opportunity to receive input from the public, stakeholders, Indigenous communities, local area municipalities, and the Province.

## **Relationship to Council Strategic Priorities**

The Niagara Official Plan will support the following Strategic Priority Objectives:

### **Objective 1.1: Economic Growth and Development**

- Enhance integration with local municipalities' economic development and planning departments to provide supports and improve interactions with businesses to expedite and navigate development processes.
- Forward thinking approach to economic development in Niagara through long term strategic planning and leveraging partnerships with post-secondary institutions.

#### **Objective 1.4: Strategically Target Industry Sectors**

- Define Niagara's role in tourism including areas such as sport, eco, agricultural and culture tourism.

#### **Objective 2.3: Addressing Affordable Housing Needs**

- Retain, protect and increase the supply of affordable housing stock to provide a broad range of housing to meet the needs of the community.

#### **Objective 3.2: Environmental Sustainability and Stewardship**

- A holistic and flexible approach to environmental stewardship and consideration of the natural environment, such as in infrastructure, planning and development, aligned with a renewed Official Plan.
- Drive environmental protection and addressing climate change such as through increasing waste diversion rates and reducing our carbon footprint.

#### **Objective 3.3: Maintain Existing Infrastructure**

- Sound asset management planning to ensure sustainable investments in the infrastructure needed to support existing residents and businesses, as well as future growth in Niagara.

#### **Other Pertinent Reports**

- Joint Consolidated May Report PDS 17-2021:  
<https://www.niagararegion.ca/official-plan/consolidated-policy-report.aspx>
- PDS 33-2021, Niagara Official Plan: Land Needs Assessment and Settlement Area Boundary Review Update

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#### **Prepared by:**

Dave Heyworth, MCIP, RPP  
Official Plan Policy Consultant  
Planning and Development

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#### **Recommended by:**

Michelle Sergi, MCIP, RPP  
Commissioner of Planning and  
Development  
Planning and Development

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**Submitted by:**

Ron Tripp, P.Eng.  
Acting Chief Administrative Officer

This report was prepared in consultation with Isaiah Banach, Manager of Long Range Planning and Erik Acs, Manager of Community Planning, and reviewed by Doug Giles, Director of Long Range and Community Planning.

**Appendices**

Appendix 1.1	Source Water Protection Executive Overview
Appendix 1.2	Draft Source Water Protection Policies
Appendix 1.3	Draft Schedule D: Source Water Protection
Appendix 2.1	Excess Soil Executive Overview
Appendix 2.2	Draft Excess Soil Policies
Appendix 3.1	Petroleum and Mineral Resources Executive Overview
Appendix 3.2	Draft Petroleum and Mineral Resources Policies
Appendix 3.3	Draft Schedule H: Petroleum and Mineral Resources Areas
Appendix 4.1	Implementation Executive Overview
Appendix 4.2	Draft Performance Indicators and Monitoring Policies
Appendix 5	Glossary of Terms