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**Subject:** Niagara Official Plan: Recommendation Report for Adoption

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

**Report date:** Wednesday, June 15, 2022

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## Recommendations

1. That the Niagara Official Plan (NOP) **BE DECLARED** to meet the requirements of Section 26(1)(a),(b) and (c) of the *Planning Act* as required by Section 26(7) of the *Planning Act*;
2. That the NOP, as summarized in this Report and attached as Schedule A to the proposed By-law listed as Appendix 1, **BE ADOPTED** in accordance with Section 17(22) of the *Planning Act*;
3. That the proposed By-law to adopt the new NOP **BE APPROVED**;
4. That the current NOP, as approved by By-law (828-785-73, as amended) **BE REPEALED** on the date the new NOP is approved by the Province of Ontario;
5. That the requirements of 17(15) and 17(16) of the *Planning Act* **BE DECLARED** to have been met and that no additional public meeting or open house be required;
6. That the notice of decision of Council's adoption of the NOP **BE GIVEN** in accordance with Section 17(23) of the *Planning Act*;
7. That a copy of this Report **BE PROVIDED** to local area municipalities; and
8. That a copy of this Report and supporting materials **BE PROVIDED** to the Ministry of Municipal Affairs and Housing for review and approval, in accordance with Section 17(31) and 26(6) of the *Planning Act*.

## Key Facts

- This report provides a final recommended NOP for Council adoption. The recommended NOP and associated by-law are attached as Appendix 1 to this report.

- The NOP is one of Regional Council's Strategic Priorities and includes contemporary policies on climate change, the natural environment system, agricultural system, regional structure, complete communities and aggregates.
- The process for the completion of the new NOP has complied with *Planning Act* requirements.
- Extensive consultation, exceeding Planning Act requirements, with various groups has taken place at all stages in the NOP's development including determining important areas to address; formulation of background study directions; draft policy sections; and consolidated draft and proposed NOP policies.
- Consultation outreach included the public, agencies, various groups, First Nations and Indigenous communities, local area municipalities and Niagara Peninsula Conservation Authority.
- Adjustments to the policies and the schedules of the draft NOP as itemized in this report, were made based on input received through the statutory process.
- Following Regional Council adoption, the NOP will be submitted to the Minister of Municipal Affairs and Housing for approval in order to meet the Provincial conformity deadline of July 1, 2022.
- The NOP is consistent with the *Provincial Policy Statement 2020*, conforms to *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (Growth Plan)* and *Greenbelt Plan (2017)*, does not conflict with the *Niagara Escarpment Plan (2017)* and meets the requirements of the *Planning Act*.
- A monitoring program for the NOP will be put in place to track policy performance and allow for updates to the plan as necessary to address changing trends.

## **Financial Considerations**

The budget for the creation of the Niagara Official Plan was approved through the 2017 Operating Budget. The total gross budget of \$3M was approved with \$2.025M of the budget funded by development charge revenue and the remaining \$0.975M funded from the levy. To date, \$2.2M has been spent and/or committed.

Remaining budget of \$0.8M will be utilized to support the implementation of the Niagara Official Plan, including preparation of related guidelines and future studies. Should additional resources be required, above existing Planning and Development Services budget amounts, requests will be included for consideration through future Operating Budget submissions.

Approval of growth allocations and distribution is necessary for finalization of the Water and Wastewater Master Plan (W/WWMP) and Transportation Master Plan (TMP) as well as Development Charges By-law to ensure growth is supported from infrastructure and financial perspectives.

## **Analysis**

The purpose of this report is to provide a final recommended NOP for Council adoption. The recommended NOP is attached to the proposed by-law as Appendix 1 to this report.

## **Background**

The NOP is one of Regional Council's Strategic Priorities and implements Council's vision for how Niagara will reach its full potential by protecting resources, managing residential growth, attracting jobs and protecting against climate change.

The NOP is the first wholesale review since the original policy plan was approved in 1973. The NOP is a long range planning document that sets out what we protect, where and how the region will grow, and policy approaches for success. The NOP implements a planning horizon to 2051, which conforms with the timeframe in the *Growth Plan*.

The requirements for an Official Plan are set out in the *Planning Act*. As required, the recommended NOP is consistent with the *Provincial Policy Statement*, conforms to the *Growth Plan*, the *Greenbelt Plan* and does not conflict with the *Niagara Escarpment Plan* and meets the requirements of the *Planning Act*.

Information Report PDS 14-2022 associated with the April 28, 2022 Statutory Public Meeting, provided background information on the NOP, including the key areas addressed by the NOP, the key steps in the development and consultation leading up to the Statutory Public Meeting and key revisions made in the development of the NOP.

Appendix 2 to this report updates the consultation record relating to the development of the NOP identifying the consultation that has taken place on the NOP during its evolution and those involved in the consultation. A total of 48 presentations/workshops were held with local Councils and 23 broad public information sessions, open houses, public meetings, as well as the required statutory open house and public meeting.

As the development of the NOP has evolved and as part of the settlement area boundary review (SABR), Council has been informed by three draft Land Needs Assessments (LNAs). The final recommended LNA is attached as Appendix 3. The LNA is based on a Made-in-Niagara strategy to manage the forecasted growth of 694,000 people and 272,000 jobs by 2051. The LNA reflects the NOP's growth strategy associated with the identification of strategic growth areas, including the more recently identified south Niagara Falls Growth Centre, the recommended regional 60% percent intensification rate and recommended areas for settlement area expansion, as well as adjustments to natural heritage mapping.

## **New Niagara Official Plan**

The Planning and Economic Development Committee has been involved in the evolution of the NOP's development and made key direction decisions to endorse policy and mapping on the natural environment system, settlement area boundary expansions and employment areas for further consultation.

At this point, a recommended NOP is presented for adoption as consultation has been complete and the NOP is required to be submitted to the Province by July 1, 2022. To assist in the decision making process, this report focuses on key differences of the new Official Plan versus the existing Plan, as well as changes made to the draft version as a result of statutory consultation to arrive at the recommended NOP.

The Niagara Official Plan will:

- conform to Provincial plans and establish the policy framework for local official plans;
- provide new policy direction to take meaningful action on climate change and transition to net-zero, climate-resilient communities;

- result in policies and mapping that provide stronger protections for Niagara's natural environment system exceeding Provincial requirements;
- add approximately 1,190 hectares of mapped prime agricultural area and greenbelt protected country side lands to the Region's agricultural system over and above lands removed for settlement area expansion, boundary rationalizations and technical adjustments;
- contain new policies for managing excess soils and petroleum resources as well as policies to better manage impacts from hauling aggregates;
- establish a new regional structure, and strategic growth areas, and provide clear direction on where and how the Region will grow;
- establish a 60% intensification rate, 50 people and jobs per hectare greenfield density target, and affordable housing targets (20% for rental, 10% for ownership);
- contain policies to support municipalities in providing gently density in established neighbourhoods and provide flexibility in locating intensification in built-up areas to meet targets;
- identify and protect employment areas for a range of employment uses, and identify future employment areas, needed beyond 2051; and
- include new regional policy tools like secondary plans, urban design and sub-watershed planning to assist in managing and planning for growth and achieve great communities while protecting the environment.

### **Final Revisions after Consultation**

Staff have made revisions based on continued internal review to improve the readability of the NOP, as well as respond where necessary to input received from all the submissions and delegations and further address municipal comments.

The Statutory Open House was held on April 7, 2022. Approximately 97 members of the public attended. There were 26 speakers at the April 28, 2022 Public Meeting and 175 comments were submitted between the March 4, 2022 close of consultation on the draft NOP and proposed NOP for the Public Meeting. Appendix 4 outlines comments submitted and provides responses. A public meeting delegates' response table is included as Appendix 5.

Key revisions made since the posting of the proposed NOP for formal consultation and included in the recommended NOP are:

- Clarity regarding the key sections and policies associated through out the plan that align with core policy directions found in the climate change section, including the use of a leaf graphic;
- Comment box explaining the importance of transit supportive densities;
- A Growing Region chapter objective addition to “promote *transit-supportive* development to increase transit usage, decrease greenhouse gas emissions, and support the overall health of the community.”
- A textbox in the NOP providing an example of how a local area municipality may plan for additional intensification units beyond those identified in table 2-2.
- A refinement in wording to provide municipalities the flexibility to adjust urban boundaries with no net gain through their local official plan conformity exercises, outside of a Regional Comprehensive Review but by amendment to the Regional Official Plan.
- A policy revision to allow municipalities to plan for growth in the NOP’s identified strategic growth areas in terms of secondary planning by the addition of the words “or equivalent”
- Policy addition clarifying agricultural activities that can take place in the Growth Plan Natural Heritage System.
- Addition of a policy to support the restoration of natural features removed outside of the planning process, in support of the Region’s Woodland By-law.
- The inclusion of the 0 Nigh Road property in Fort Erie into the urban settlement area boundary as minor adjustments in the LNA allowed inclusion of the property.
- A site specific policy addition relative to the settlement area boundary expansion in Crystal Beach, Fort Erie requiring development of the eastern most property to be subject to a local official plan amendment and updating of the Regional Transportation Master Plan. The two properties located to the west, which include the horse and pony rescue operation, are no longer recommended to be included in the urban boundary.

- A site specific policy addition in West Lincoln that only permits infrastructure such as roads or storm water management feature and open space inside a calculated minimum distance separation area to ensure future residential development of expansion lands is appropriately setback from a neighbouring livestock operation.
- The inclusion of an implementation policy respecting complete applications and potential to expedite municipal reviews as required by legislation.

The Region has strived to provide a growth management policy strategy, address climate change, protect the environment and protect agricultural lands. The NOP also establishes a policy framework for secondary planning, urban design and watershed planning to support growth management, the development of complete communities and environmental protection. The NOP considers these areas important regional roles. It has been an objective of the NOP to provide local area municipalities with the flexibility to address local planning matters within the NOP's policy framework.

## **Implementation of the Niagara Official Plan**

### **1. Local Official Plan Conformity**

Once the NOP is approved and in-effect local municipalities are required to undertake reviews of their official plans in accordance with the *Planning Act* to address provincial policies and conform to the NOP. Local municipalities have one year to bring forward amendments or new official plans to conform to the NOP.

### **2. Development Application Review**

The development application review process is critical step in aligning policy and development. Through the review process, municipalities and the Region will ensure targets are achieved and systems are protected as guided through applicable plans.

### **3. Monitor and Measure Performance of the NOP**

The approved NOP is not intended to be a static document and will be updated to address changing planning trends and policy performance. Monitoring the implementation of this Plan, in cooperation with local area municipalities, is critical to analyze the effectiveness of the policies in the Plan in meeting its overall goals and objectives.

## **Alternatives Reviewed**

The Province has set a conformity deadline of July 1, 2022. If this date is missed, the *Place to Grow Act* gives the Minister of Municipal Affairs and Housing authority to amend the current Regional Official Plan to bring it into conformity with provincial policy.

Regional Council may choose to refer the NOP, in whole or in part, back to staff for revisions. However, this will result in missing the Provincial deadline set for July 1, 2022. By not adopting the NOP at this time, the Province will have the authority to make amendments to the Regional Official Plan that may not be in the interest of the Region.

In addition, the current Regional Official Policy Plan will remain in place until a new Plan is approved by the Ministry of Municipal Affairs and Housing. The Region would not have an up-to-date regional policy framework to respond to planning for growth and protecting the environment within the Region and alignment with Council Strategic Priorities.

Referring the NOP back to staff at this time would delay implementation of key policy direction, including;

- establishing a 2051 planning horizon to replace the current 2031 horizon that is less than 10 years away;
- new natural environment system and policies with greater protection for features and biodiversity;
- addition of new prime agricultural land to protect quality farm lands;
- higher intensification rates to reduce settlement boundary expansion and support affordable housing targets and housing diversification;
- clarity on where intensification should, and should not, be directed; and,
- alignment with the Economic Development Strategy and Niagara 2051 programs.

## **Relationship to Council Strategic Priorities**

The Niagara Official Plan supports the following Council Strategic Priorities:



- **Supporting Business and Economic Growth:** Through long range planning for the supply and retention of a broad range of community and employment lands that offer community related employment and industrial employment opportunities to attract and support economic wellbeing;
- **Healthy and Vibrant Community:** Through planning for safe, healthy neighbourhoods that are attractive, inclusive and connected, based on complete community principles and design;
- **Responsible Growth and Infrastructure Planning:** Through coordinated, efficient use of existing infrastructure and optimizing planned infrastructure that will service the communities of Niagara and facilitate movement of people and goods; and
- **Sustainable and Engaging Government:** Through planned growth that is fiscally sustainable and fosters strong, successful relationships between all levels of government in the supply of services and infrastructure.

### Other Pertinent Reports

PDS 40-2016	Regional Official Plan Update
PDS 41-2017	New Official Plan Structure and Framework
PDS 3-2018	New Official Plan Update
PDS 6-2018	Natural Environment Project Initiation Report
PDS 18-2018	Natural Environment – Project Framework
PDS 9-2019	New Official Plan Consultation Timeline Framework
PDS 10-2019	Update on Natural Environment Work Program – New Regional Official Plan
PDS 32-2019	Natural Environment Work Program – Phases 2 & 3: Mapping and Watershed Planning Discussion Papers and Comprehensive Background Study
PDS 1-2020	New Niagara Official Plan – Public Consultation Summary
PDS 3-2020	Ecological Land Classification Mapping Update
PDS 9-2020	Niagara Official Plan – Consultation Details and Revised Framework
PDS 26-2020	Natural Environment Work Program – Phase 4: Identification and Evaluation of Options
PDS 35-2020	Niagara Official Plan Consultation Update
PDS 4-2021	Niagara Official Plan – Steps and Direction Moving Forward

PDS 1-2021	Natural Environment Work Program – 2nd Point of Engagement
PDS 17-2021	Niagara Official Plan Consolidated Policy Report
PDS 30-2021	Niagara Watershed Plan – Draft for Consultation
PDS 32-2021	Update on Niagara Official Plan - Further Draft Policy Development
PDS 36-2021	Consultation Response and Further Policy Development
PDS 39-2021	Niagara Official Plan: Employment Area Conversion Recommendations
PDS 8-2021	Niagara Official Plan: Natural Environment System
PDS 41-2021	Settlement Area Boundary Review - Urban Recommendations
PDS 42-2021	Settlement Area Boundary Review - Rural Recommendations
PDS 2-2022	Niagara Official Plan - Proposed Draft for Consultation
PDS 6-2022	Niagara Official Plan: Final Urban Settlement Area Recommendations
PDS 7-2022	Niagara Official Plan: Final Rural Settlement Area Recommendations
PDS 14-2022	Niagara Official Plan: Proposed Niagara Official Plan, Statutory Public Meeting

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## Appendices

All web only appendices can be accessed at <https://niagararegion.ca/official-plan/recommendation-report.aspx>

- Appendix 1 Proposed By-law (attached) and Niagara Official Plan (web only)
- Appendix 2 Niagara Official Plan Consultation Record
- Appendix 3 Niagara 2051 Land Needs Assessment (web only)
- Appendix 4 Response Table for Written Submissions Received during Statutory Consultation (web only)
- Appendix 5 Statutory Public Meeting Delegate Response Table