
Subject: Approval of the Niagara Official Plan

Report to: Planning and Economic Development Committee

Report date: Wednesday, January 11, 2023

Recommendations

1. That this Report **BE RECEIVED** for information; and
2. That Report PDS 3-2023 **BE CIRCULATED** to Local Area Municipalities.

Key Facts

- The purpose of this report is to inform Regional Council of the approval of the Niagara Official Plan and summarize the modifications made by the Ministry of Municipal Affairs and Housing (“MMAH”).
- The Niagara Official Plan (NOP) is a comprehensive land use policy framework to guide growth and development within the Region to the year 2051. It was adopted by Regional Council on June 23, 2022.
- The Minister of MMAH issued a decision on November 4, 2022 to approve the NOP with 45 modifications including the addition of a total of 55 hectares to the urban settlement area in Niagara Falls and Fort Erie.
- The Minister’s decision is final. There are no appeals to the approval of the Niagara Official Plan.
- MMAH modifications and associated clerical changes, have been incorporated into the adopted Niagara Official Plan and will be put on the Niagara Region website.
- Regional Planning staff will work with Local Area Municipalities to determine how the Niagara Official Plan will be implemented given the legislative changes made under Bill 23.

Financial Considerations

There are no direct financial implications arising from this report. A total gross budget of \$3M was approved for the creation of the Niagara Official Plan through the 2017 Operating Budget. Staff were able to complete this project under budget.

Analysis

Background – Niagara Official Plan

The Niagara Official Plan is a strategic long range planning document that guides how the Region will grow and develop over the next 30 years. The Plan was developed with significant consultation with Local Area Municipalities, members of the public, indigenous communities and First Nations, and other public agencies and interested parties.

Adopted by Regional Council on June 23, 2022, the Plan was sent to the Ministry of Municipal Affairs and Housing (MMAH) for approval in accordance with Sections 17 and 26 of the *Planning Act*.

The Niagara Official Plan was posted on the [Environmental Registry of Ontario](https://ero.ontario.ca/notice/019-5717) (ERO) (<https://ero.ontario.ca/notice/019-5717>) for additional public comment and feedback. A total of 46 comments were submitted to the ERO, covering a variety of topics including land use compatibility, housing, aggregate policies, natural heritage protection, and site-specific land use designations.

On November 4, 2022, MMAH issued a Notice of Decision indicating that the Niagara Official Plan was approved, with modifications.

Summary of Changes – Niagara Official Plan

The MMAH Notice of Decision (**Appendix 1**) outlines 45 modifications to the Niagara Official Plan. Provincial modifications, as well as clerical changes and other minor revisions made to be consistent with the modifications, have been incorporated into the adopted Niagara Official Plan and will be put on the Niagara Region website.

A number of the modifications made are minor in nature and do not have significant impacts to the interpretation or implementation of the Niagara Official Plan. The approved Niagara Official Plan continues to address climate change, protect the natural environment and agricultural lands, and establish a policy framework for secondary planning, urban design and watershed planning to support strategic growth management for the development of complete communities.

Changes to the Natural Environment System

Modifications in the Notice of Decision, have instituted a number of changes to the policies and mapping of the Natural Environment System. These changes include:

1. The removal of Policies 3.1.5.5 (e), 3.1.5.7.7, 3.1.5.8.4, and 3.1.9.8.4. These policies had been included in the NOP to allow for certain agricultural uses and minor residential uses to proceed without the need for an environmental impact study. These exemptions had been developed in consultation with the agricultural community and local municipalities. The removal of these policies means that the exemptions no longer exist and that an environmental impact study may be triggered for small scale agricultural and residential applications.
2. The addition of Policies 3.1.9.5 and 3.1.9.6, permit the use of mineral aggregate operations adjacent to hydrologic features and area or expansion within significant woodlands outside the Provincial Natural Heritage System subject to other provincial and regional land use policy.
3. The addition of Policies 8.2.6 and 8.11.3, which relate to lands in the Town of Fort Erie and the Township of Wainfleet that were added to the urban and rural settlement area through the approval of the Niagara Official Plan (see **Appendix 2**).
These new policies identify “north-south” and/or “east-west” linkages on the subject lands that are to be subject to a regional natural heritage system overlay. Development on these parcels will be required to demonstrate that the “connectivity” of natural and hydrologic features and areas would be maintained. The Region and the appropriate Local Area Municipality are also directed to establish on-site mechanisms that would protect the connectivity and integrity of these features.
Associated changes were made to Schedules C1 and C2 of the NOP to identify the regional natural heritage system overlay and linkages on these subject lands.

Site-Specific Changes and Additions

The Minister’s Notice of Decision instituted a number of site-specific changes to the Niagara Official Plan. These changes include:

1. The addition of Policy 4.2.4.10, with regards to lands along Garner Road in the City of Niagara Falls (see **Appendix 2**), which are referred to as the “Cytec Canada Inc. facility” but which are now known as Solvay.
The policy states that lands within a “two kilometres radius” of the facility, with the exception of those lands currently designated for Neighbourhood Commercial under the City’s Official Plan, are subject to Policy 4.2.1.11 of the Niagara Official Plan, which only permits the conversion of employment area lands as part of a Municipal

Comprehensive Review (MCR). In other words, the lands subject to this policy would not be able to convert to a non-employment use until the next MCR.

Regional Planning staff will work with the Province and City to determine how this policy will be implemented.

2. Policy 8.9.1, which refers to lands along Glendale Avenue in the City of St. Catharines (see **Appendix 2**) also known as the “Kaneff lands”, is revised to state that forecasted growth resulting from re-designation of the lands will be fully accounted for in the next MCR.

The modifications made to this policy do not remove the ability for the lands to come into the urban boundary should the Ministry of Natural Resources and Forestry issue a decision to re-designate the lands from Escarpment Protection to Urban Area within the Niagara Escarpment Plan.

3. The addition of three new settlement area boundary expansion sites, one in the Town of Fort Erie and two in the City of Niagara Falls, totalling an additional 55 hectares to the urban settlement area. The location of the expansion areas are outlined in **Appendix 2**.
4. Minor mapping changes were made to the St. Catharines Urban Boundary (see **Appendix 2**) to better align with the mapping of the in-effect Greenbelt Plan. These changes are technical adjustments over waterways and other hydrologic features. No developable area is impacted.

Mapping changes were also made to the boundaries of the Grimsby and Lincoln Protected Major Transit Station Areas to align the boundaries of the in-effect Greenbelt Plan. Planning Staff will be seeking clarification relative to these changes.

Bill 23: More Homes, Built Faster Act

On October 25, 2022, the Provincial government introduced Bill 23 *More Homes Built Faster Act, 2022*. The government has indicated that the intent of the Act is to create conditions that will result in the construction of more homes to address the housing supply crisis.

On November 28, 2022, Bill 23 received Royal Assent. A number of transition provisions were included in Bill 23 with some changes coming into force upon the Act receiving Royal Assent while others by proclamation of the Lieutenant Governor. The Region will maintain upper-tier approval authority and administration of the Niagara

Official Plan until the pertinent sections of Bill 23 receive proclamation by the Lieutenant Governor. At this time, Staff have not received indication as to when a proclamation will take place. The Regional Chair and Planning staff previously provided comments and concerns over anticipated negative fiscal and coordinated growth management impacts from Bill 23.

Alternatives Reviewed

There are no appeals to the Minister's approval of the Niagara Official Plan.

Once a proclamation is made by the Lieutenant Governor with regards to upper-tier planning responsibilities under the Planning Act, Local Area Municipalities would be responsible for implementing the Niagara Official Plan within their municipality until such time that updates are made to their Official Plans to conform to Provincial policy and legislation. The timing of the Lieutenant Governor's proclamation is unknown at this time.

Regional Planning Staff will work with Local Area Municipalities to determine how the Niagara Official Plan will be implemented based on these legislative changes.

Relationship to Council Strategic Priorities

The approved Niagara Official Plan will support 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 17-2022 Niagara Official Plan: Recommendation Report for Adoption

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Appendices

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| Appendix 1 | MMAH Notice of Decision – Niagara Official Plan |
| Appendix 2 | Mapping of Site Specific Changes to Niagara Official Plan |