

# DECISION

## With respect to the New Regional Municipality of Niagara Official Plan Subsection 17(34) of the *Planning Act*

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I hereby repeal the Regional Municipality of Niagara Official Plan adopted by By-law 828-785-73 as approved by the Ministry of Municipal Affairs and Housing in 1973, and subsequent amendments thereto. Furthermore, I hereby approve, as modified, the Regional Municipality of Niagara Official Plan, as adopted by By-law 2022-47, subject to the following modifications, with additions in **bold underline** and deletions **~~in bold strikethrough~~**:

1. Policy 2.2.2.21 is modified so that it reads:

New *strategic growth areas* may be identified by the Region through a *municipal comprehensive review*, ~~including. The the~~ boundary of the *strategic growth area* and its minimum density target. **Detailed planning** shall be determined through a district plan or secondary plan process in accordance with Section 6.1., ~~and incorporated through the next municipal comprehensive review.~~

2. Policy 2.2.4.2 is modified so that it reads:

*Public service facilities*, such as municipal works depots, police stations and fire halls, are strongly encouraged to locate within *settlement areas*. Where considered outside of settlement areas, such uses shall **conform to, and be consistent with, applicable provincial policies.** ~~be compatible with and have minimal impacts on their surroundings~~

3. Policy 2.2.5.2 b) is modified so that it reads:

b) the proposed expansion will only make available sufficient lands needed to the horizon of this Plan based on the analysis required in Policy ~~2.2.5.3 a),~~ **2.2.5.2 a)** while minimizing land consumption; and

4. New subsection 2.2.5.4 e) is added:

**e) Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the PPS are applied.**

5. Subsection e) of policy 3.1.5.5 is deleted and subsections f) – j) are renumbered accordingly:

*Development or site alteration* shall not be permitted in *key natural heritage features* that are within the *Provincial natural heritage system* or in *any key hydrologic features* outside of *settlement areas* except for:

[...]

**e) single dwellings on existing lots of record in the Greenbelt Plan area, provided they were zoned for such as of the date the Greenbelt Plan initially came into effect;**

[...]

6. Policy 3.1.5.7.7 is deleted:

~~Notwithstanding Policy 3.1.5.7.3, the following types of minor construction is permitted within a vegetation protection zone provided there is no alternative without an environmental impact study and/or hydrologic evaluation:~~

- ~~a) new buildings and structures for agricultural uses, agriculture related uses, or on-farm diversified uses below 200 m<sup>2</sup>;~~
- ~~b) expansions to existing buildings and structures for agricultural uses, agriculture-related uses, or on-farm diversified uses below 50% of the size of the original building, provided the expansion is less than 200 m<sup>2</sup>;~~
- ~~c) new accessory buildings to a residential use (garage, workshop, etc.) below 50 m<sup>2</sup>;~~
- ~~d) expansions to existing accessory buildings to a residential use below 50% of the size of the original building;~~
- ~~e) expansions to existing residential buildings below 50% of the size of the original building; and reconstruction of an existing residential dwelling of the same size at the same location.~~

7. Policy 3.1.5.8.4 is deleted:

~~Notwithstanding Policy 3.1.5.8.2 the following types of minor construction is permitted within the *Provincial natural heritage system* provided there is no alternative, outside of a *key natural heritage feature* or *key hydrologic feature*, without an environmental impact study and/or hydrologic evaluation:~~

- ~~a) new accessory buildings to a residential use (garage, workshop, etc.) below 50 m<sup>2</sup>;~~
- ~~b) expansions to existing accessory buildings to a residential use below 50% of the size of the original building;~~
- ~~c) expansions to existing residential buildings below 50% of the size of the original building; and reconstruction of an existing~~
- ~~d) reconstruction of an existing residential dwelling of the same size in the same location.~~

8. New policy 3.1.9.5 is added and subsequent policies are renumbered accordingly:

**Mineral aggregate operations and wayside pits and quarries are permitted in the vegetation zone described in policy 3.1.9.2 except in accordance with Provincial policy and Section 4.3 of this Plan.**

9. New policy 3.1.9.6.5 is added and subsequent policies are renumbered accordingly:

**Notwithstanding policy 3.1.9.6.1 c), new or expanding mineral aggregate**

**operations may be permitted in significant woodlands if it has been demonstrated through the preparation of an *environmental impact study* that there will be no negative impacts on the natural feature or its ecological functions.**

10. Policy 3.1.9.7.2 is modified so that it reads:

Notwithstanding Table 3-1, the requirement for an *environmental impact study* and/or *hydrologic evaluation* may be **waived scoped** if the proposed *development* or *site alteration* is minor and is not anticipated to have a *negative impact* on the *natural environment system* in accordance with the **policies of this plan, provincial policies and waiving requirements outlined in** the Environmental Impact Study and/or Hydrologic Evaluation Guidelines.

11. Policy 3.1.9.8.3 is modified so that it reads:

*Development* or *site alteration* shall not be permitted in the minimum *buffer* set out in Table 3-2, with the exception of that described in Policy 3.1.9.5.6.3 **and 3.1.9.6.5** or infrastructure serving the agricultural sector, unless it has been demonstrated through the preparation of an environmental impact study that there will be no negative impacts and the buffer will continue to provide the ecological function for which it was intended.

12. Policy 3.1.9.8.4 is deleted and subsequent policies are renumbered accordingly:

**~~Notwithstanding Policies 3.1.9.7.1 and 3.1.9.8.3, the following types of minor construction is may be permitted within adjacent lands set out in Table 3-1 and minimum buffers set out in Table 3-2 provided there is no alternative, subject to without an *environmental impact study* and/or *hydrologic evaluation* :~~**

- ~~a) new buildings and structures for agricultural uses, agriculture-related uses, or on-farm diversified uses below 200 m<sup>2</sup>;~~
- ~~b) expansions to existing buildings and structures for agricultural uses, agriculture-related uses, or on-farm diversified uses below 50% of the size of the original building, provided the expansion is less than 200 m<sup>2</sup>;~~
- ~~c) new accessory buildings to a residential use (garage, workshop, etc.) below 50 m<sup>2</sup>;~~
- ~~d) expansions to existing accessory buildings for a residential use below 50% of the size of the original building;~~
- ~~e) expansions to existing residential buildings below 50% of the size of the original building; and~~
- ~~f) reconstruction of an existing residential dwelling of the same size in the same location.~~

13. Policy 3.1.11.5 is modified so that it reads:

Notwithstanding policies **3.1.9.6.2 and** 3.1.11.1 to 3.1.11.4, policies related to *other woodlands* do not apply to new or expanding *mineral aggregate operations*.

14. Policy 3.1.21.1 b) is modified so that it reads:

The proposed *development* or *site alteration* activities will not jeopardize the survival, recovery and conservation of species at risk **listed protected** in Schedule 1 of the Species at Risk Act **or in Ontario Regulation 230/08**, including their residences and critical habitat.

15. Policy 4.1.1.5 is modified so that it reads:

The removal of topsoil in *specialty crop areas*, *prime agricultural areas*, and *rural lands* is discouraged. Further, the placement of fill in *specialty crop areas* and *prime agricultural areas* is prohibited **except for normal farm practices conducted in accordance with Ontario Regulation 409/19 and the Rules for Soil Management and Excess Soil Quality Standards**. Local Area Municipalities are encouraged to enact by-laws to regulate the placement of fill in accordance with Section 3.7 of this Plan.

16. Policy 4.1.7.7 is separated into two policies and subsequent policies are renumbered accordingly:

4.1.7.7 The appropriate scale for *on-farm diversified uses* may vary depending on the type of use and whether the activities are located in the *specialty crop area* or in other *prime agricultural areas*.

**4.1.7.8** The following criteria shall be considered when reviewing applications for proposed *agriculture-related uses*:  
[...]

17. Policy 4.2.1.15 is modified so that it reads:

The Region and Local Area Municipalities may support employment *development* and *redevelopment* serviced through sustainable private services, including dry *industrial development*, within *employment areas* where there are constraints to *municipal water and wastewater systems/services*, **provided that in settlement areas, individual on-site sewage services and individual on-site water services are only used for infilling and minor rounding out of existing development**.

18. Policy 4.2.2.2 is modified so that it reads:

The Region will work with the other levels of government to prioritize improvements to *major goods movement facilities and corridors* and *planned corridors* within the *Niagara Economic Gateway* to focus on:

**a) within settlement areas, the** development and redevelopment of major facilities, manufacturing, manufacturing-related and supply chain facilities,

**b) as well as** supporting economic diversity and promoting increased opportunities for cross border trade, movement of goods, and tourism.

19. Policy 4.2.2.3 is modified so that it reads:

Lands within the *Niagara Economic Gateway* are preferred for the **identification planning** of future *employment areas* **in accordance with policy 4.2.3.2. and Lands within the Niagara Economic Zone and the Niagara Economic Centre are preferred for provincially significant employment zones.**

20. Policy 4.2.3.1 is modified so that it reads:

Future employment areas **are shown conceptually as set out** in Appendix 2, **have been identified** due to their location within the Niagara Economic Gateway and proximity to major goods movement facilities and corridors, and/or near planned corridors.

21. Policy 4.2.3.2 is modified so that it reads:

Future *employment areas* are outside of existing *settlement areas* and **shall may be identified for planned for** long-term **protection planning, provided lands are not designated** beyond 2051.

22. Policy 4.2.3.4 is deleted and subsequent policies are renumbered accordingly:

**~~The Region will determine, in consultation with the Local Area Municipalities, the boundary, land uses and minimum density target of future employment areas as part of a district plan or secondary plan process, or equivalent, per Section 6.1 and provide urban design guidelines per Section 6.2.~~**

23. Policy 4.2.3.5 is modified so that it reads:

The Region will work with Local Area Municipalities to review and evaluate any proposal to **identify protect** future *employment areas* using the following considerations:  
[...]

24. New policy 4.2.4.10 is added:

**Notwithstanding policy 7.12.2.5, development applications within a two kilometre radius of the Cytex Canada Inc. facility in Niagara Falls shall be subject to policy 4.2.1.11 of this Plan, except for the lands currently designated Neighbourhood Commercial in the local official plan.**

25. New policy 4.3.2.6 is added:

**Asphalt plants, concrete plants, brick manufacturing plants and other similar manufacturing uses shall not be permitted in the Niagara Escarpment Plan Area.**

26. New subsection 4.5.2.1(b)(ii) is added and subsequent subsections are renumbered accordingly:

This section consolidates policy direction integrated throughout this Plan that supports economic prosperity.

The Region will endeavour to:

a) attract employers and workers to the region by:

[...]

b) improve the region's infrastructure to attract new investment, support existing businesses to grow, and build resiliency by:

[...]

**(ii) establishing priority routes for goods movement, where feasible, to facilitate the movement of goods into and out of employment areas and other areas of significant commercial activity and to provide alternate routes connecting to the provincial network.**

[...]

27. Policy 5.1.1.1 is modified so that it reads:

The Region's *transportation system* will be implemented as per the recommended actions and schedules of the Region's Transportation Master Plan **in accordance with relevant provincial policies and plans such as A Place to Grow: Growth Plan for the Greater Golden Horseshoe; Connecting the GGH: A Transportation Plan for the Greater Golden Horseshoe; and the Metrolinx's Regional Transportation Plan.**

28. New policy 5.1.1.9 is added:

**In all proposed development located adjacent to and in the vicinity of a provincial highway within MTO's permit control area under the *Public Transportation and Highway Improvement Act (PTHIA)* will also be subject to MTO approval. Any new areas in the municipality identified for future development that are located adjacent to or in the vicinity of a provincial highway, interchange or intersection within MTO's permit control area will be subject to MTO's policies, standards, and requirements. Direct access will be discouraged and often prohibited.**

29. New policy 5.1.6.1 is added and subsequent policies are renumbered accordingly:

**Major goods movement facilities and corridors shall be protected for the long term. Development proposals for sensitive land uses in proximity to major goods movement facilities and corridors shall be subject to policies 4.2.4.2 and 4.2.4.3.**

30. Policy 5.1.6.1 is modified so that it reads:

The Region, in partnership with **the Province and** Local Area Municipalities, will develop and implement a Goods Movement Study that is consistent with the recommendations of the Region's Transportation Master Plan, and the **Strategic Goods Movement Network and associated policy directions of Connecting the GGH: A Transportation Plan for the Greater Golden Horseshoe and** Freight-Supportive Guidelines.

31. Policy 5.2.3.4 is modified so that it reads:

Individual water supply and sewage disposal systems are permitted outside the urban areas provided the site conditions are suitable for the long-term provision of such services with no negative impacts. **Lot creation on individual on-site sewage services is only permitted if there is confirmation of sufficient reserve sewage**

**system capacity for hauled sewage.**

32. New policy 5.2.4.16 is added:

**The establishment of a new waste disposal site is not permitted in the Niagara Escarpment Plan Area.**

33. Policy 6.1.3.3 is deleted:

~~**The Glendale District Plan recognizes and provides direction for the four special study areas: Niagara Regional Native Centre, Eco Park, Southwest Glendale, and Niagara College.**~~

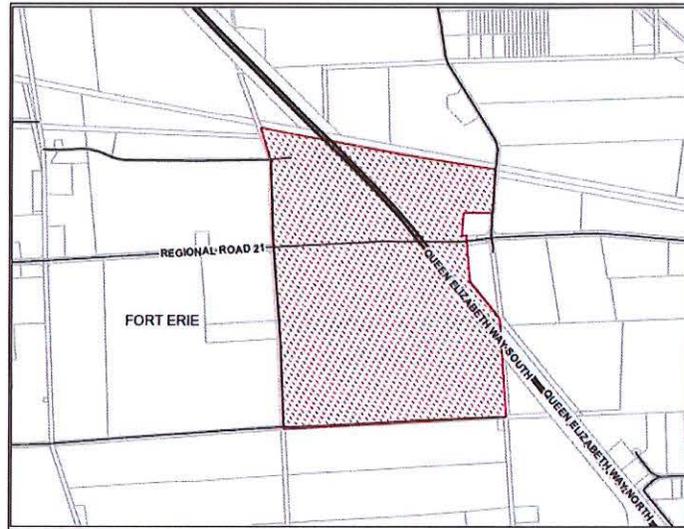
34. Policy 7.12.2.5 is modified so that it reads:

Development applications deemed complete prior to the date of this Plan's approval shall be permitted to be processed, and a decision **be** made, under the Local and Regional Official Plan policies, ~~as well as Provincial policies~~ that existed when the application was deemed complete.

35. New policy 8.2.6 is added:

**The area shown on the map below includes lands identified as part of the Natural Environment System overlay in Schedule C1 of this Plan. Notwithstanding policy 7.12.2.5, these lands form part of a north-south and east-west linkage within the regional natural heritage system and shall be planned for in the following manner:**

- a) **New development or site alteration will demonstrate that connectivity along the system and between key natural heritage features and key hydrologic features will be maintained for the movement of native plants and animals across the landscape, including through the north-south connection across the QEW identified as a linkage in Schedule C2.**
- b) **To ensure that connectivity is maintained, the Town of Fort Erie, in consultation with the Region, will identify appropriate mechanisms through the planning process to protect this linkage, such as establishing a minimum percentage of the developable area that will remain open space or free of impermeable surfaces.**



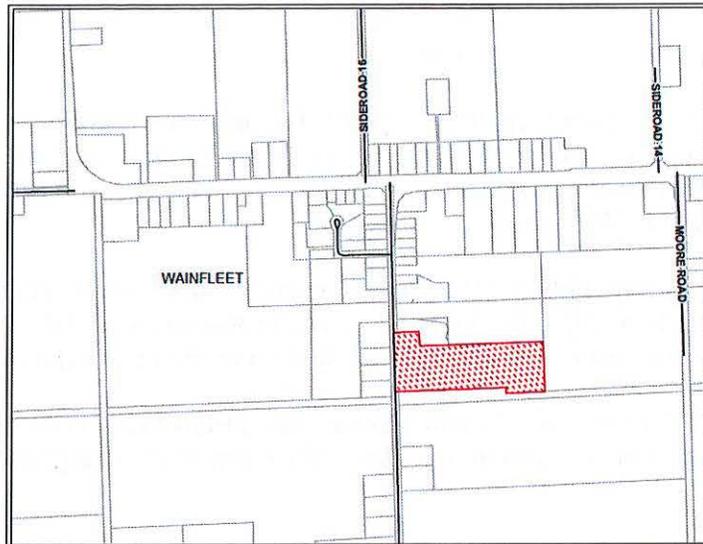
36. Policy 8.9.1 is modified as follows:

Notwithstanding the other policies of this Plan, the lands shown on the associated map are regulated under the Niagara Escarpment Planning and Development Act and subject to a decision on deferral UA-04 from the Ministry of **Northern Development, Mines**, Natural Resources and Forestry (**MNDMNR**). Should ~~the MNDMNR~~ issue a decision to re-designate the subject lands in the Niagara Escarpment Plan from Escarpment Protection Area to Urban Area, the urban area boundary for the City of St. Catharines may be expanded and shown as Designated Greenfield Area and District Plan Area on Schedule B, and Urban Area on the remaining schedules where applicable, without amendment to this Plan. The land use development shall follow the direction of the Glendale District Plan and the policies of section 6.1.3 of this Plan. The associated forecasted growth resulting from this re-designation will be fully accounted for in the land needs assessment associated with the next municipal comprehensive review.

37. New policy 8.11.3 is added:

The area shown on the map below includes lands identified as part of the Natural Environment System overlay in Schedule C1 of this Plan. Notwithstanding policy 7.12.2.5, these lands form part of an east-west linkage within the regional natural heritage system and shall be planned for in the following manner:

- a) New development or site alteration will demonstrate that connectivity along the system and between key natural heritage features and key hydrologic features will be maintained for the movement of native plants and animals across the landscape.
- b) To ensure that connectivity is maintained, the Township of Wainfleet, in consultation with the Region, will identify appropriate mechanisms through the planning process to protect this linkage, such as establishing a minimum percentage of the developable area that will remain open space or free of impermeable surfaces.



38. The definition of “Existing Use” in Chapter 9 is modified so that it reads:

Existing Uses (Greenbelt Plan Area only): uses legally established prior to the date that the Greenbelt Plan came into force on December 16, 2004; or for the purposes of lands added to the Greenbelt Plan after December 16, 2004, uses legally established prior to the date the Greenbelt Plan came into force in respect of the land on which the uses are established

**Existing Uses (Niagara Escarpment Plan Area only): shall have the same definition as “existing use” in the Niagara Escarpment Plan.**

39. Schedules A, B, C1, C2, C3, F, G, H, I, J1, J2 and K, and Appendices 1 & 2 are modified, with respect to two proposed settlement area boundary adjustments identified in Appendix 1 of this Decision, by aligning the settlement area boundary of the City of St. Catharines with the Greenbelt Plan Area Boundary as per O.Reg. 59/05, so that the urban boundary does not expand over the Greenbelt Plan Area.
40. Schedules A, B, C1, C2, C3, F, G, H, I, J1, J2 and K, and Appendices 1 & 2 of the Niagara Official Plan are modified by adding to the Urban Area of the Town of Fort Erie a portion of the site identified as SABR #1151 in the Region’s “Urban Settlement Area Assessment Review and Comments” document, and identifying it as “Designated Greenfield Area” in Schedule B – Regional Structure, as shown in Appendix 2 of this Decision.
41. Schedules A, B, C1, C2, C3, F, G, H, I, J1, J2 and K, and Appendices 1 & 2 are modified by adding to the Urban Area of the of the City of Niagara Falls the sites identified as #1125 and #1126 in the Region’s “Urban Settlement Area Assessment Review and Comments” document, and identifying it as “Designated Greenfield Area” in Schedule B – Regional Structure, as shown in Appendix 3 of this Decision.
42. Schedule B is modified by aligning the boundary of the Grimsby Protected Major Transit Station Area (PMTSA) and the Beamsville PMTSA, in the locations identified in Appendix 4 of this Decision, with the existing settlement area boundary so that no portion of the PMTSA extends beyond the settlement area boundary.

43. Schedules C1 and C2 are modified as follows:

Schedule C1 is modified by applying the Region's "Natural Environment System" overlay to all the lands that are currently covered by the "Natural Heritage System for the Growth Plan" overlay in the two locations shown in Appendix 5 of this Decision (in the Town of Fort Erie and Township of Wainfleet).

Schedule C2 is modified by adding a "Linkage" depicted with a purple line (similar to the other linkages in Schedule C2) in the location shown in Appendix 5 of this Decision, in order to identify the north-south natural heritage system connection under the QEW.

44. Schedule F is modified so that the "Niagara Escarpment Plan Area" is depicted as a hatched overlay to allow for the underlying "Specialty Crop Area" designation to be visible.

45. Schedule J1 is modified as follows:

Text/ Label modifications:

**Proposed Unfunded** Higher Order Transit Station

**~~Conceptual Planned Potential~~** Corridor

**~~Conceptual Planned Potential~~** Interchange

Mapping modification:

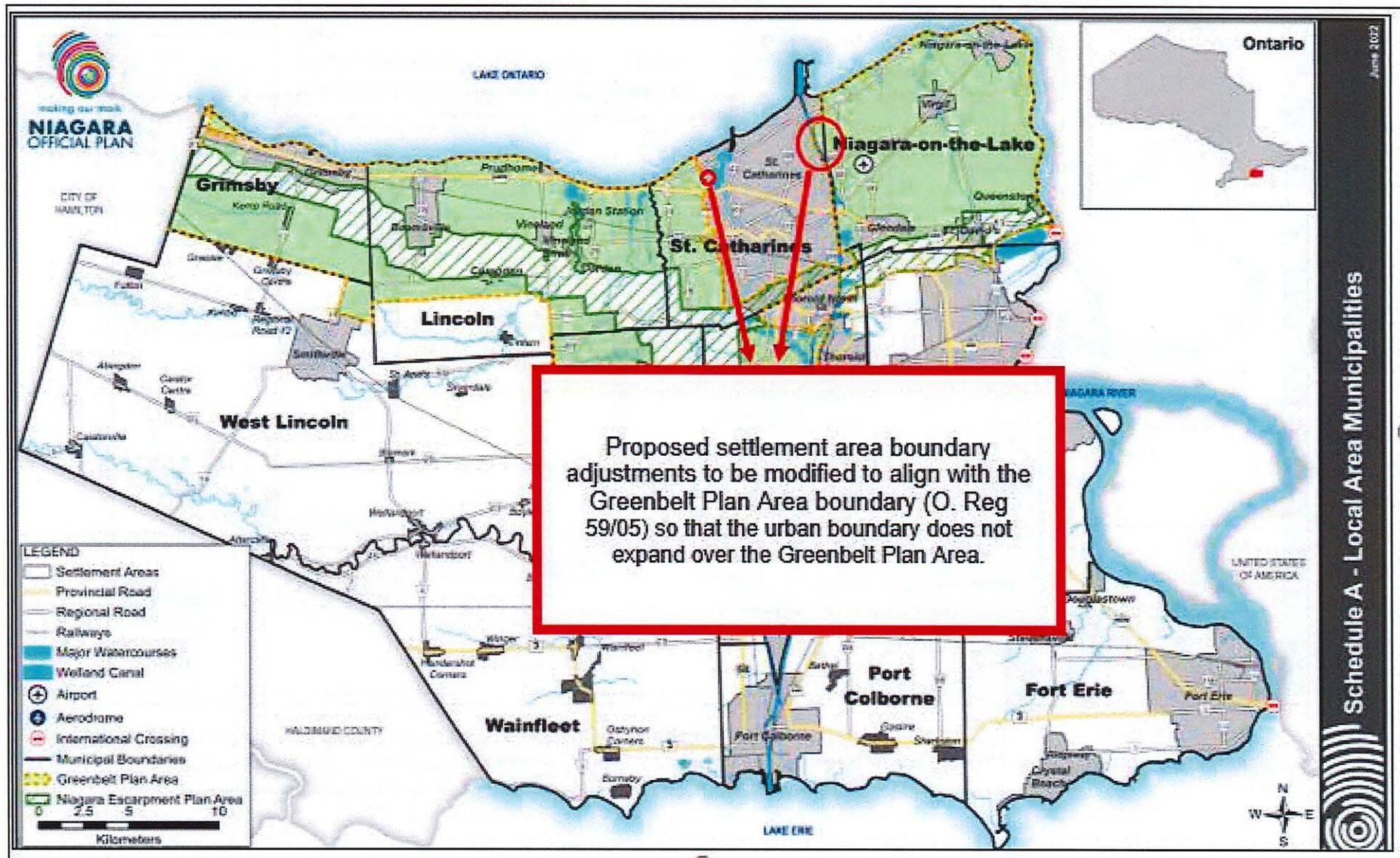
The portion of Highway 20 from Thorold Townline Road (RR 70) westerly, past Highway 58 to the Canadian Nation Railway line (just west of Highway 58) is modified to be shown as a "Provincial Road".

Dated at Toronto this 4<sup>th</sup> day of November, 2022



Hannah Evans, Assistant Deputy Minister  
Municipal Services Division  
Ministry of Municipal Affairs and Housing

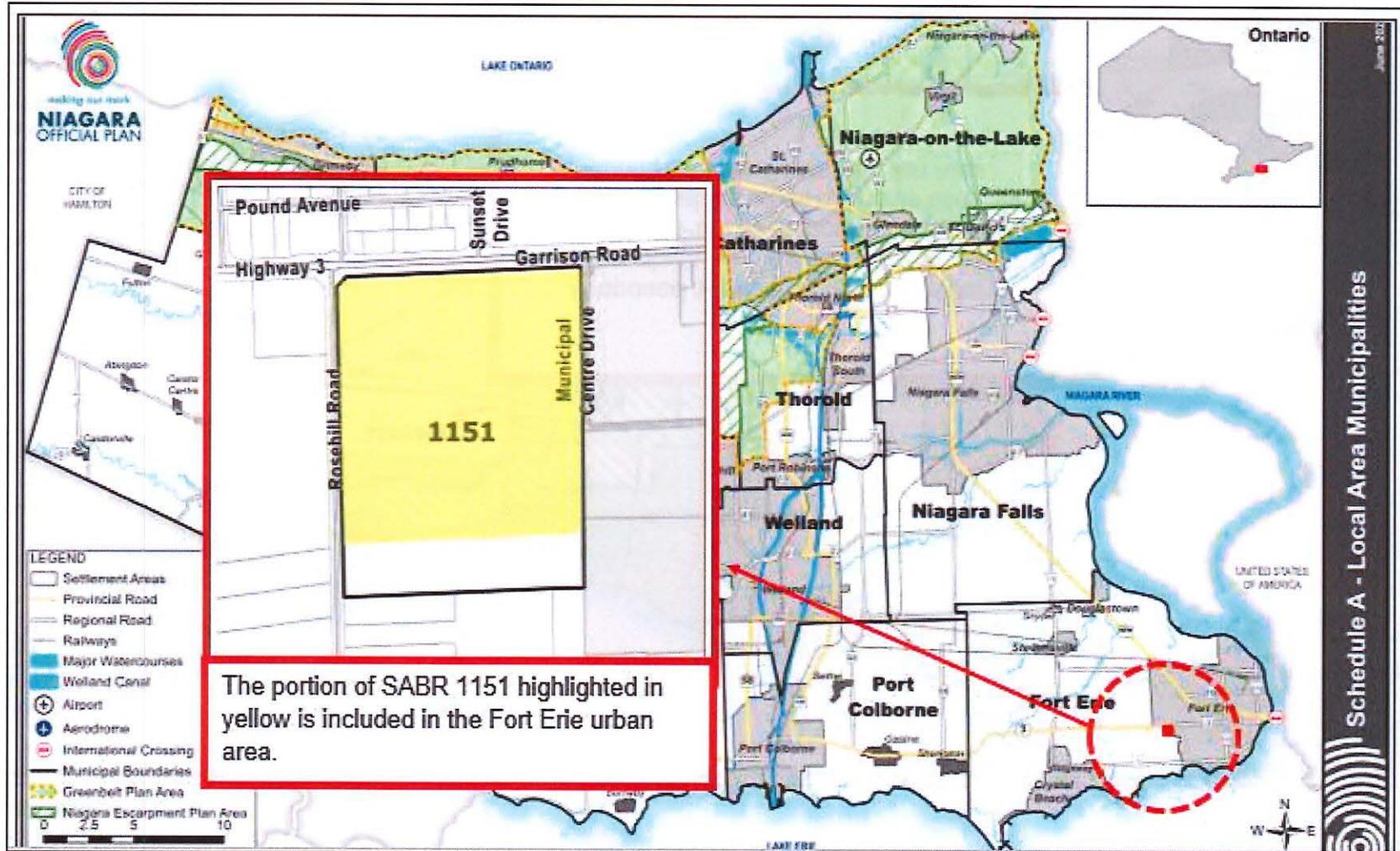
Appendix 1  
Modification # 39



## Appendix 2

### Modification # 40

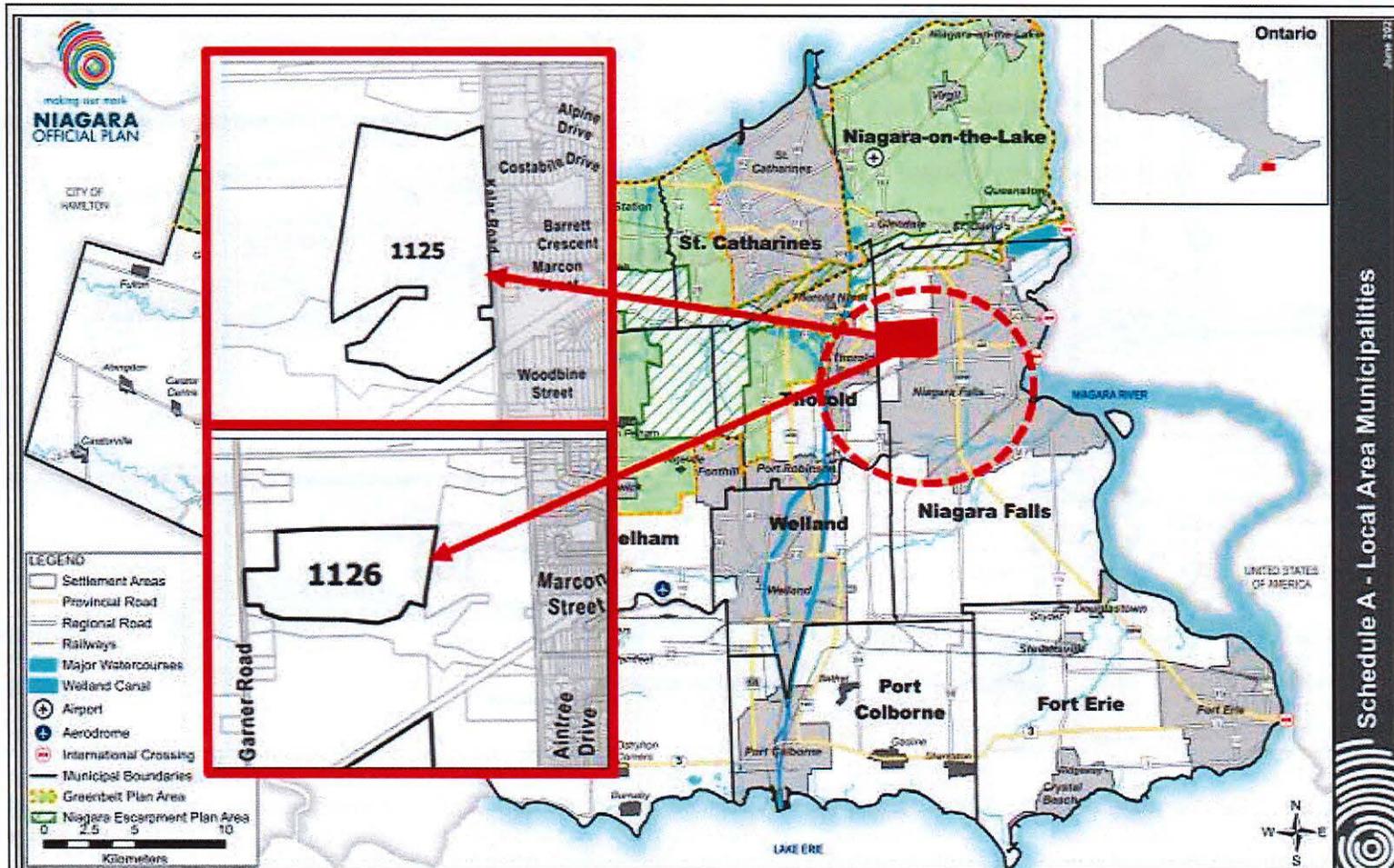
The portion of the site identified as #1151 in the Region's Urban Settlement Area Assessment Review and Comments document (SABR #1151) shown below is included in the Urban Area of the Town of Fort Erie and identified as "Designated Greenfield Area" in Schedule B – Regional Structure



### Appendix 3

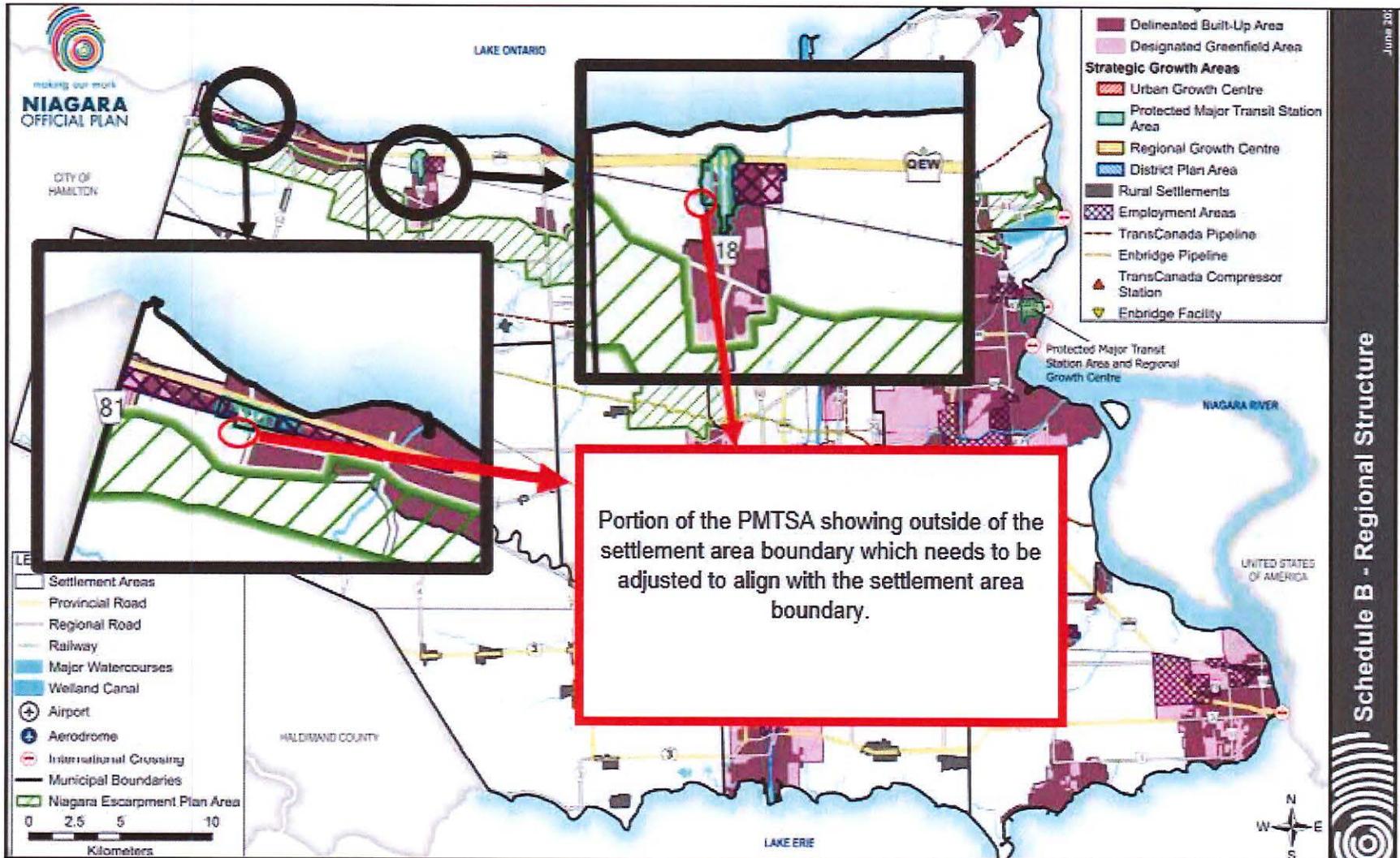
#### Modification #41

The sites identified as #1125 and #1126 in the Region's Urban Settlement Area Assessment Review and Comments document (SABR #1125 and SABR #1126) shown below are included in the Urban Area of the City of Niagara Falls and identified as "Designated Greenfield Area" in Schedule B – Regional Structure



#### Appendix 4

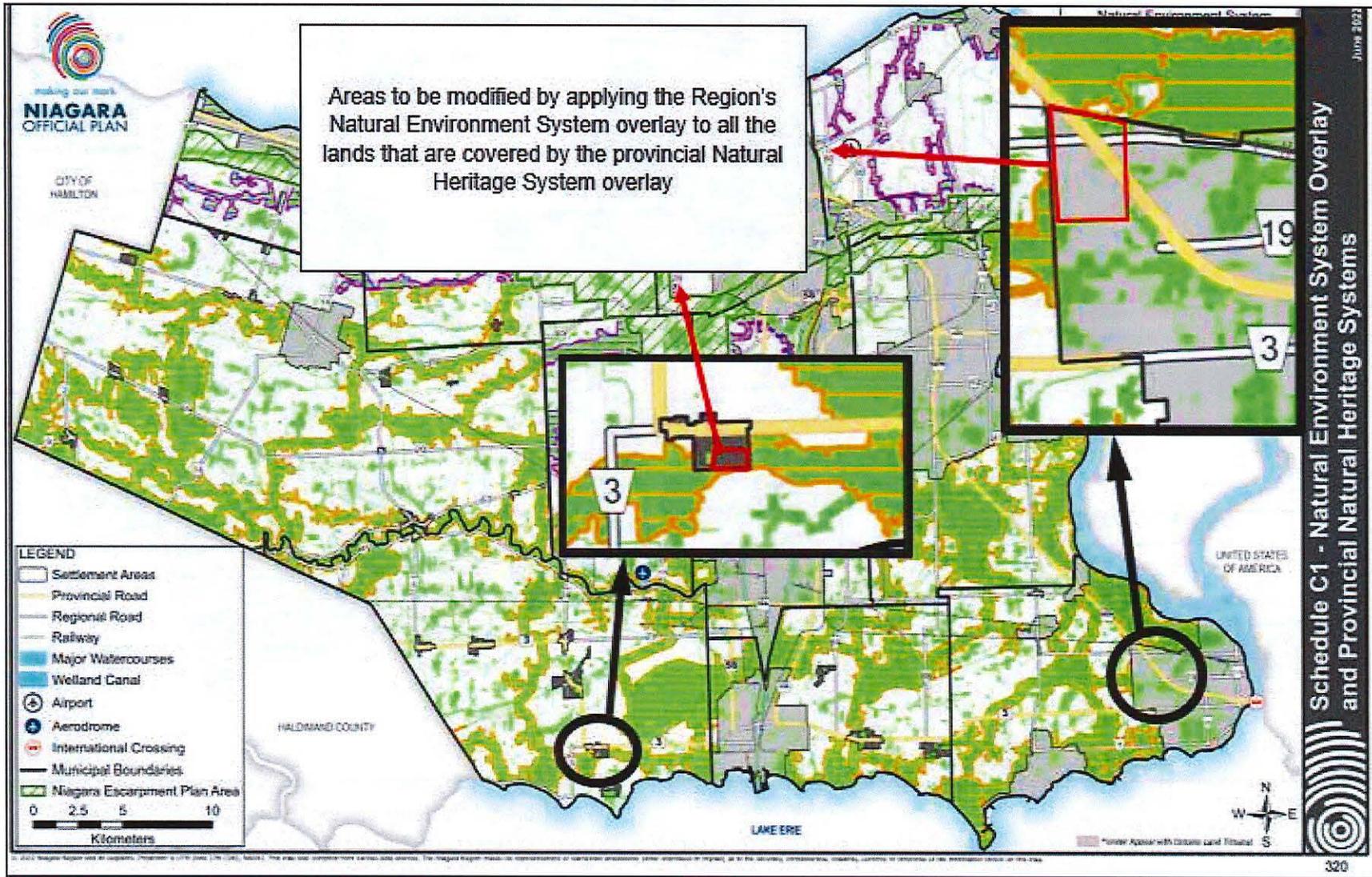
Modification #42 The boundary of the Grimsby and Beamsville PMTSA should be adjusted to align with the settlement area boundary as shown below



## Appendix 5

Modification # 43 Modifications to Schedules C1 and C2 as follows:

Schedule C1 is modified by applying the Region's Natural Environment System Overlay to all the lands that are covered by the provincial Natural Heritage System overlay in the two locations shown below



Schedule C2 is modified by adding a “Linkage” in order to identify the north-south natural heritage system connection under the QEW, along the train tracks, as illustrated below:

