
Subject: Housekeeping to Appendix A of the Regional Official Plan

Report to: Planning and Economic Development Committee

Report date: Wednesday, May 13, 2020

Recommendations

1. That the Regionally-initiated Official Plan Amendments listed in Appendix A of the Regional Official Plan as 24, 70, 156, 2-2011, ROPA 2, ROPA 4, ROPA 6, ROPA 9, ROPA 12 **BE CLOSED** due to inactivity;
2. That the privately-requested Official Plan Amendments listed in Appendix A of the Regional Official Plan as 52, 55, 68, 96, 124, 165, 166, 4-2008 **BE CLOSED** at the request of the applicants; and
3. That additional Official Plan Amendments listed in Appendix A of the Regional Official Plan as 54, 80, 89, 102, 155, 8-2005 **BE CLOSED** for reasons explained in report PDS 20-2020.

Key Facts

- The purpose of this report is to seek Council's approval to formally close several inactive amendments listed in Appendix A of the current Regional Official Plan (ROP).
- In conjunction with the development of the new Niagara Official Plan, a housekeeping exercise to clean up *Appendix A – List of Original Documents and Amendments* of the current ROP is being conducted.
- Changes to Appendix A of the current ROP do not require approval under the *Planning Act, 1990*.
- All Regionally-initiated amendments listed are inactive for various reasons explained in this report.
- Most privately-requested amendments listed were requested to be closed by the various applicants.

- Other privately-requested amendments have become inactive for various reasons, such as bankruptcy. These are reviewed in greater detail in the analysis of this report.

Financial Considerations

Costs associated with the review are accommodated within the Planning & Development Services 2020 Operating Budget.

Analysis

The Regional Policy Plan (RPP) now known as the Regional Official Plan (ROP) – was created in 1973. Since its inception, there have been over 260 amendments proposed to the Plan. Appendix A of the ROP lists all amendments to the Plan, including the status of each amendment (i.e. Approved, Denied, Appealed, Closed, Inactive, etc.), as well as corresponding by-law details, where available. Initially, amendments to the Plan, referred to as Regional Policy Plan Amendments (RPPA), were organized in an ascending numerical format (i.e. RPPA 1, RPPA 2, RPPA 3, RPPA 4, etc.).

In 2006, after almost 200 amendments, a new numbering system was introduced that reflected the year the amendment was requested (i.e. RPPA 1-2006, RPPA 2-2006, RPPA 1-2007, etc.).

In 2014, when the name of the Plan changed from RPP to ROP, the amendment numbering system was again updated to reflect Regional Official Plan Amendments (ROPA) in chronological order (i.e. ROPA 1, ROPA 2, etc.).

Amendments to the Plan can occur through two streams:

- Regionally-initiated amendments: an instance where Regional staff initiate an amendment based on operational need, by request of a local area municipality, or conformity to Provincial Policy.
- Privately-requested amendments: an instance where a private applicant submits a request to the Region to amend the ROP for site-specific matters.

Inevitably over the last 40 years, several of the 260 amendments proposed to the Plan have become inactive, meaning these amendments were never completed and a decision was not made with respect to these requests. Some of these amendments were Regionally-initiated and others were privately-requested.

As the Region continues to work towards its new Niagara Official Plan, an update to Appendix A of the ROP is being undertaken as a housekeeping exercise to improve clarity in relation to ongoing amendments that may influence policy direction in the new Niagara Official Plan.

Regional staff have identified Regionally-initiated amendments in Table 1 and privately-requested amendments in Tables 2 and 3 that should be formally “Closed” due to various reasons explained within the “details” column of each table.

Table 1: Regionally-Initiated Amendments:

Amendment	Details
24	<ul style="list-style-type: none">• This amendment was initiated in 1985 to create policies in response to a scenario where abandoned rights-of-way, located outside of settlement areas were no longer needed. It appears the intent of this amendment was to prevent residential development in the rural area.• In the 35 years since this amendment was proposed, changes in the land use planning regulatory framework have eliminated the need for Regionally specific policies to address this scenario.• This amendment is no longer required and can be closed.
70	<ul style="list-style-type: none">• This amendment was initiated in 1992 to update the Agricultural Land Base map in the Regional Policy Plan. It is unknown why this amendment wasn't finalized, however the Agricultural Land Base map has been updated several times since 1992.• This amendment is no longer required and can be closed.
156	<ul style="list-style-type: none">• This amendment was initiated in 2001/2002 in conjunction with Amendment 145 to allow for the development of Woodlands of the Sunset, a long term care facility that straddled the Pelham and Welland municipal border. It was later determined that

Amendment	Details
	<p>Amendment 156 wasn't required, as the matter had been addressed through Amendment 145.</p> <ul style="list-style-type: none"> • This amendment is no longer required and can be closed.
ROPA 2 / ROPA 4 / ROPA 6 / ROPA 9	<ul style="list-style-type: none"> • These amendments were initiated in 2014 to update individual sections of the ROP. Subsequent Provincial changes that promote a more fulsome Official Plan review refocused the process and the section specific update approach was abandoned in favour of a new Niagara Official Plan. • Work undertaken to support these amendments has been carried forward into the background work of the new Niagara Official Plan. • These amendments are no longer required and can be closed.
ROPA 12	<ul style="list-style-type: none"> • This amendment was initiated in 2016 and, at the time, was required to update policies and mapping related to watercourses in the ROP. • Through Niagara Region's 2016 Greenbelt Plan review and the Provincial Co-ordinated Land Use Planning Review, the Region had identified a need to update mapping and policies to address the balance between agriculture and natural heritage within the Greenbelt Plan. • Shortly after the initiation of this amendment, the Province released the new Greenbelt Plan (2017) that addressed and clarified the relationship between agriculture and natural heritage. • This amendment is no longer required and can be closed.

Table 2: Privately-Requested Amendments:

Amendment	Details
52	<ul style="list-style-type: none"> This amendment was requested in 1991 to permit the establishment of a new automotive dealership in the agricultural area of the City of St. Catharines. On October 6, 1992, the applicant withdrew this request.
55	<ul style="list-style-type: none"> This amendment was requested in 1991 to permit an urban area expansion in the Martindale Road area of the City of St. Catharines. On May 14, 1991, the applicant's Planner withdrew the request on behalf of their client.
68	<ul style="list-style-type: none"> This amendment was requested in 1992 to permit the development of an asphalt plant in the City of Thorold. On November 8, 1993 the applicant's solicitor withdrew the request on behalf of their client.
96	<ul style="list-style-type: none"> This amendment was requested in 1995 to permit the creation of 2 estate residential lots in the agricultural area in the Town of Lincoln. On January 9, 1995, the applicant's Planner withdrew the request on behalf of their client.
124	<ul style="list-style-type: none"> This amendment was requested in 1998 to permit the development of a new service centre for Thorold Hydro. On December 3, 1998, the applicant withdrew this request.

Amendment	Details
165	<ul style="list-style-type: none">• This amendment was requested in 2001 to permit the development of a greenhouse facility in the Town of Lincoln• On March 13, 2002, the applicant withdrew this request.
166	<ul style="list-style-type: none">• This amendment was requested in 2001 to permit the development of a private long term care facility on the Niagara Parkway in the City of Niagara Falls.• On January 30, 2002, the applicant withdrew this request.
4-2008	<ul style="list-style-type: none">• This amendment was requested in 2008 to permit the development of a residential and commercial development in the Town of Niagara-on-the-Lake (now known as the Glendale District).• On November 16, 2009, the applicant withdrew this request.

Table 3: Other Privately-Requested Inactive Amendments:

Amendment	Details
54	<ul style="list-style-type: none">• This amendment was requested in 1991 as a condition of a proposed real estate transaction that did not finalize in the Town of Lincoln.• The request was to permit the establishment of a new church on a property that was for sale.• Ultimately the Church purchased another existing building and did not complete the real estate transaction for the subject lands.• This amendment should be closed.
80	<ul style="list-style-type: none">• This amendment was requested in 1992 to permit the expansion of Smithville's Urban Area in the Township of West Lincoln.• The Region undertook a Growth Plan conformity exercise (RPPA 2-2009) and Smithville's urban boundary was expanded to accommodate population and employment growth to 2031.• The Township is currently undertaking a community master plan to recommend additional boundary expansions to accommodate 2041 forecasts.• This amendment is no longer applicable and should be closed.
89	<ul style="list-style-type: none">• This amendment was assigned an RPPA number in 1994, but it does not appear that an application was formally submitted. The file didn't progress beyond a background report to Regional Council.• The request pertained to the expansion of a trailer park in the City of Niagara Falls in response to charges laid by the Niagara Escarpment Commission.

Amendment	Details
	<ul style="list-style-type: none"> • It is likely that the Niagara Escarpment Commission did not permit the expansion, therefore negating the need for an RPPA. • Despite no application being received, for consistency, this application should be shown as closed in ROP Appendix A.
102	<ul style="list-style-type: none"> • This amendment was requested in 1995 to permit an estate residential development in the agricultural area of the Town of Niagara-on-the-Lake. • The applicant sold the property before completing the amendment process. • The property is now the site of an established inn and vineyard. • This amendment is no longer applicable and should be closed.
155	<ul style="list-style-type: none"> • This amendment was requested in 2001 to permit the development of a private school in the agricultural area of the City of Thorold. • The applicant declared bankruptcy before completing the amendment process. • The subject lands were sold by a bankruptcy trustee and are now under new ownership. • This amendment is no longer applicable and should be closed.
8-2005	<ul style="list-style-type: none"> • This amendment was requested in 2005 to permit a private zoo and animal sanctuary in the City of Thorold. • On August 8, 2008, the Region's Manager of Development Services sent a letter to the applicant informing them that a RPPA was not required for their proposed use.

Amendment	Details
	<ul style="list-style-type: none">This amendment was never required and should be shown as closed in ROP Appendix A.

Alternatives Reviewed

Council could choose not to close these amendments. However, as this is a housekeeping exercise, this option is not preferred, as it could cause undue burden when creating policy for the new Niagara Official Plan.

Relationship to Council Strategic Priorities

This report is being brought forward as a pre-cursor housekeeping exercise to the new Niagara Official Plan and is linked to Council's priority of sustainable and engaging government.

Other Pertinent Reports

N/A

Prepared by:

Erik Acs, MCIP, RPP
Manager of Community Planning
Planning and Development Services

Recommended by:

Rino Mostacci, MCIP, RPP
Commissioner
Planning and Development Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Alexander Morrison, MCIP, RPP, Planner, Madeleine Ferko, Policy Planning Student, and reviewed by Doug Giles, Director of Community and Long Range Planning.