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## The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

**SUBJECT:** Update on the Adopted NOTL Official Plan and Conformity Exercise  
**DATE:** 2022-08-22  
**REPORT #:** CDS-22-058  
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**DEPARTMENT:** Community & Development Services

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### BACKGROUND INFORMATION

On October 22, 2019, NOTL Town Council adopted its new Official Plan through By-law No. 5180-19. This new Official Plan is meant to replace the current Official Plan (currently in effect) adopted on March 14, 1994, through By-law No. 2735-94, and any subsequent amendments made.

The Region is the approval authority for all local Official Plans. The Town submitted its new Official Plan to Niagara Region in January 2020. Regional Planning Staff deemed the Official Plan record complete on February 13, 2020. The Region's review and approval process commenced as of this date.

The *Planning Act* allows a temporary pause in the timeframes for decision-making where, in the approval authority's opinion, the Plan does not conform to the upper-tier municipality's Official Plan. The Region paused its review of the Town's Official Plan while it completed the new Niagara Official Plan (NOP). Regional Council supported Staff's declaration in this regard in March 2020.

The NOP received adoption from Regional Council on June 23, 2022. The record was sent to the approval authority, the Minister of Municipal Affairs and Housing, before the Provincial deadline of July 1, 2022. The NOP record has been deemed complete by the Ministry.

Since the Town's Official Plan adoption in 2019, there have been updates and amendments to the *Planning Act*, the Provincial Policy Statement and the Growth Plan. This direction is captured in the NOP and will need to be implemented through local conformity.

Staff will undertake the conformity review of the adopted Official Plan in collaboration with Regional Staff. The following provides a general overview of the areas of the Town's adopted Official Plan, which will require review to ensure conformity with the Niagara Official Plan. It is not an exhaustive list.

## ***Growth Management***

The Town's adopted Official Plan deferred growth management policies while the Region prepared its Official Plan and allocated growth and employment forecasts. In 2019, the Region would have been allocating growth to 2041. However, on August 28, 2020, the Province released Amendment 1 to the Growth Plan, which provided growth forecasts up to 2051.

The Town will need to update its growth management work to allocate population and employment growth to 2051.

In addition, the Official Plan does not reference the direction of the Glendale District Plan and the Region's identification of Glendale as a strategic growth area. Strategic growth areas are those areas identified for accommodating increased densities and compact built form. Through the NOP, the Region has allocated specific minimum density targets for strategic growth areas. Glendale has been allocated a target of 100 persons and jobs per hectare.

The Designated Greenfield Area density remains at 50 persons and jobs per hectare.

The Region has increased its intensification rate, opting to target a minimum of 60% of growth allocated to existing built-up areas, over the required 50% of the Growth Plan. The intensification rate is distributed to local municipalities at varying rates. Niagara-on-the-Lake's contribution to this target will increase from 15% to 25%.

Local municipalities may apply different intensification rates throughout their built-up area, provided the overall minimum intensification target can be achieved. Staff will review the existing built-up areas, established intensification areas, and areas that could accommodate additional intensification. For example, along major corridors to determine the breakdown of intensification rates amongst the settlement areas.

## ***Housing***

The Region's growth management work provided direction for affordable housing targets and housing mix. The Town's Official Plan will need to reflect this direction.

Staff will also review the adopted policies for additional residential units per the direction of the *Planning Act* and local considerations.

## ***Environment and Climate Change***

Regional Council directed staff to implement an environmental option that exceeds the minimum requirements of Provincial conformity. The environmental policies of the NOP incorporate the Provincial Natural Heritage Systems, a water resource system, and features including other woodlands, linkages, buffers and other wetlands.

In addition, the NOP includes policies on Watershed Planning, with direction for local requirements on subwatershed studies.

The Town will need to update its environmental policies and mapping to reflect the NOP.

The NOP also provides direction for climate change and sustainability policy, specifically within the Sustainable Region chapter, as well as in policies throughout the Plan. Further, NOTL Council recently endorsed the Town's Climate Change Adaptation Plan (CCAP). Directions from the CCAP should be captured in policy to ensure appropriate implementation in the future.

### ***Employment***

The adopted Official Plan was completed prior to the Region completing its Employment Strategy and identifying its Employment Areas. Policy recognition of Regional employment areas versus locally designated employment lands is required.

NOTL's employment areas shall be planned to achieve the minimum density targets set in the NOP. Forecasted employment growth has been allocated to the local employment areas, as well as a recognition of an employment category. The Virgil Business Park has a minimum overall density target of 35 jobs per hectare and is shown as a dynamic employment area. The Glendale Momentum District employment area has a projected density of 60 jobs per hectare and is a knowledge and innovation employment area.

### ***Agriculture***

Staff will review the adopted Official Plan policies against the NOP policies to confirm direction is consistent with the Region and Provincial policies, plans and guidelines.

Further, the NOP has introduced a series of new environmental exemptions for agriculture, such as reduced setbacks for new buildings and waiving of Environmental Impact Studies under specific criteria; this will need to be reflected in the Town's policies, as appropriate.

In line with the direction of the Planning for Progress work, Staff will review the winery policies to ensure they meet the needs of the Town and the industry, including appropriate balance for enhanced winery viability and protection of agricultural uses.

The Region has also updated its former value-added agriculture policies to allow more flexibility at the local level. Staff will review the Town's adopted Official Plan policies for on-farm diversified and agricultural-related uses to reflect the NOP.

### ***Transportation and Infrastructure***

Staff will review and incorporate transportation and infrastructure directions within the adopted Official Plan, as required. In addition, the recent update to the Town's Draft Transportation Master Plan (TMP) will be reviewed to ensure alignment between these two documents. (Accordingly, the Draft TMP may also need to be updated before it is finalized.)

### ***Vibrant Region***

The Niagara Official Plan includes a chapter entitled the "Vibrant Region." This chapter includes policy for District Plans, Secondary Plans, Urban Design, Archaeology and Cultural Heritage. These policies will be reviewed against the adopted policies to ensure policy direction is appropriately captured.

Further to the growth management discussion, District Plans policies should be considered. Specific policies related to the Glendale District Plan will also need to be incorporated. This policy direction

was previously approved through Regional Official Plan Amendment 17.

### ***Other Plans and Studies***

The Town has also embarked on several studies since the 2019 adoption that may assist in informing policy direction. Several of these studies are mentioned above. Staff note that the Economic Impact Assessment (both Phase 1 and Phase 2) may help inform policy direction and should be considered through the review.

Staff will take the opportunity to update the policy related to complete applications to ensure the Town can implement process improvements and meet the requirements of Bill 109.

Finally, the Staff will consider how the policies of the Official Plan may be monitored over time and the indicators required to track progress.

### **NEXT STEP / CONCLUSION**

Staff has proactively established a work program and meeting schedule to review the various sections of the adopted Official Plan with Regional planning staff.

Given the shift in Provincial policy since the Town's Official Plan was adopted and the deferred Growth Management work (2031 vs. 2051), it is anticipated that the changes required may be considered significant and will warrant an Open House and Statutory Public Meeting.

It is recognized that the Province has not yet approved the NOP. It is possible that policies may need to be modified before final approval. Staff will continue to monitor this process and make any necessary adjustments.