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

**SUBJECT:** Planning for Progress Status Update  
**DATE:** 2022-06-13  
**REPORT #:** CDS-22-032  
**PREPARED BY:** Kirsten McCauley  
**DEPARTMENT:** Community & Development Services

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### BACKGROUND INFORMATION

At the end of August 2021, Art Zuidema was retained to provide forward-looking legal advice on planning matters and conduct an education session with Members of Council and Senior Staff respecting planning law and planning matters at the Town. One of the goals of this session was to establish a common, up-to-date knowledge base amongst members of Council.

The outcome of this exercise was twenty-six (26) Planning for Progress action items. These action items were broken down as follows:

- Items 1-6 – Priority Actions
- Items 7-15 – Quick Wins
- Items 16-19 – Escalation Items
- Items 20-26 - Items Requiring More Review

At its meeting on November 22, 2021, Council received a report and presentation on the Planning for Progress project and approved the following resolution:

*Moved by Councillor Gary Burroughs, seconded by Councillor Norm Arsenault, that the following path be adopted as recommended by Art Zuidema in his presentation, Planning at Niagara-on-the-Lake: Planning for Progress, of November 22, 2021:*

1. *Six (6) Priority Items directed for implementation by Council on September 29, 2021 (Review of Next Steps);*
2. *Direction to:*
  - *Report on two (2) Quick Wins (Nos. 7 and 10) in Q1 2022;*
  - *Proceed on remaining seven (7) Quick Wins 4 recommended Council decision path;*
3. *Direction to Report back to Council on four (4) Escalation Items in Q1 2022;*

4. *Council Review of Items Requiring more review before a recommendation to Council can be made, which suggests that:*
  - *Items Nos. 20 21 22 23 24 and 25 be held in abeyance and revisited in Q1 2022;*
5. *With respect to Item No. 26, Council requests a report be presented in early 2022.*

<b>COUNCILLOR</b>	<b>YEA</b>	<b>NAY</b>
NORM ARSENAULT	X	
AL BISBACK	X	
GARY BURROUGHS	X	
CLARE CAMERON	X	
WENDY CHEROPITA	X	
SANDRA O'CONNOR	X	
ERWIN WIENS		
JOHN WIENS		
LORD MAYOR BETTY DISERO	X	
<b>TOTALS</b>	<b>7</b>	

- resolution #5, **APPROVED.**

A copy of the Planning for Progress action items table is included as **Appendix I.**

Since the November 22, 2021 report, a new Director of Community and Development Services has been hired, and a meeting of the Steering Committee has been convened. It is anticipated that the work on the action items will move forward more rapidly in the coming months, with the new director now in place.

Staff are now providing a status update on the progress of the action items. The six (6) priority items approved by Council are reported on independently. For the Quick Wins, Escalation Items, and Items Requiring More Review, not all action items have an update. Staff have only provided updates where work has advanced; however, all items were discussed by the Steering Committee and continue to be considered as the work progresses. Staff will also continue to look for efficiencies in the items to avoid duplication of work, where possible.

### **Priority Action Items:**

**Action Item #1: Rezone the Old Town with more restrictive performance standards (height, coverage, side, front and back setbacks, parking, basement coverage and height etc.)**

Provincial intensification requirements are suggested for incorporation through the Official Plan conformity exercise.

Staff has drafted a general outline for the review of the Zoning By-law in Old Town. The Steering Committee is currently reviewing parameters for this project and will be procuring a consultant. This work will also include a review of Niagara-on-the-Lake's Official Plan Amendment 78, as well as other applicable policies, to determine how zoning can implement its direction or if an additional policy is required via the Official Plan to achieve the intent of the zoning. Further, this work may benefit from a Secondary Plan to provide more detailed policy direction for the Old Town.

The work plan will include online facilitated sessions with the public to inform the topic areas to be addressed by the chosen consultants.

The rezoning of the Old Town and review of existing Official Plan policies (OPA 78 and others) in the Old Town area, with the possibility of a secondary plan, are viewed to be one consulting project for continuity purposes.

Once the TOR is finalized, Staff can issue a request for quotations for this work.

**Action Item #2: Conduct a “Beyond the Basics” Heritage Training session for planners and members of Council and a “beyond the basics” training session for the Heritage Committee to establish a common baseline of knowledge on jurisdiction, provincial regulatory changes, provincial policy changes, opportunities, constraints, roles and best practices.**

The Town has hired Dan Schneider and Marcus Letourneau to provide heritage training sessions. Dan completed initial interviews with key stakeholders to gather local information on opportunities and challenges with heritage planning in NOTL. This information will also assist in tailoring the presentation to key areas of interest.

The heritage training session with the Municipal Heritage Committee (MHC) took place on Tuesday, June 7, 2022.

The heritage training session with Council is scheduled for Monday, June 20, 2022.

The information garnered from the stakeholder interviews, heritage training sessions, and feedback from the sessions will result in a Heritage Training Manual for future Staff, Council and Municipal Heritage Committee members. The sessions will also be video streamed and recorded for future use.

**Action Item #3: In addition to existing completed work, expand the Heritage Conservation District, and update heritage plans, processes and policies where required by conducting a gap analysis and best practices review. Develop a sound foundation which will support policy-based advice and decisions that are clear and consistent.**

A Terms of Reference for the Heritage Conservation District Expansion Study and Plan Update has been drafted. The Steering Committee is reviewing it, and it will be finalized in the coming weeks.

Information collected from the Heritage Training Workshop may also be beneficial in finalizing this work plan.

Once the request is circulated for proposals, a gap analysis and best practices review is anticipated to be completed.

**Action Item #4: Designate properties and areas meriting designation.**

Work will proceed after the heritage workshops have been completed.

**Action Item #5: Confirm the direction for density in Glendale with the Region through a Terms of Reference that is approved by NOTL Council to ensure that the progress of the project is monitored, and that Council is consulted for approval at appropriate junctures as the Secondary Planning process is being shepherded by the Region and its consultant.**

The Region presented an overview of the project to Council on January 24, 2022. The Request for Proposal was issued shortly after this. The Region is taking the lead on project management and funding, with the intent of working closely and collaboratively with the Town.

The project was recently awarded to The Planning Partnership (TPP). TPP will manage a group of consultants to undertake the project and the various component studies to inform the final land use plan.

The successful proposal came in over the initial budget. The Region requested some funding support from the Town. The Town was able to shift items that were allocated funding through the Planning for Progress work to support the Region and allow for contract award. A summary of the funding adjustment is provided below:

- \$10,000 allocated to the 'Secondary Plan Design Guide' (*Item #21*) will be reallocated. This project was put in abeyance, pending a report in 2022. Staff will be preparing this report and will request funding in the 2023 to move forward with this action item.
- \$10,000 allocated to 'Planning Process Mapping' (*Item #20*) will be reallocated. Staff has reviewed this item and determined that this work could be completed internally.

A project kick-off meeting occurred at the end of May.

Engagement sessions have initially been identified through the consultant work plan and Staff will keep Council apprised of these opportunities.

**Action Item #6: Consider whether to expedite the finalization of OPA 78 and ensure that there are sufficient solid Official Plan policies that direct growth away from the Old Town.**

The Appeal of OPA 78 has been withdrawn. A final Order from the Tribunal has not yet been received and will be requested by the Town's solicitor.

The direction of both OPA 78, as well as the policies of the adopted Official Plan, will be reviewed as part of the Town's Official Plan conformity exercise and Old Town rezoning initiative.

As noted above, the Town may also consider Official Plan policy or a Secondary Plan to support the direction of the Old Town Zoning By-law Review.

#### **Quick Wins:**

**Action Item #7: Assuming there is sufficient need, hire additional heritage Staff to get properties designated, the district expanded, requisite policy developed and manage future workloads.**

Information from the Heritage Training sessions and progress on priority action items #3 and #4 will inform direction for this item.

**Action Item #8: Create a roster of independent planning consultants, including consultants outside of the Region, who are up to speed with NOTL policies and mobilized to advise Council in a timely fashion. Send out packages of materials to roster members to determine outside planning support when planning recommendations are not followed by Council and an appeal is launched.**

A roster of independent planning consultants has been prepared and has been successfully utilized for the retaining of a planning consultant for a recent appeal that has yet to be before the Tribunal.

**Action Item #9: Develop a yearly Planning Department Work Plan that is approved by Council and comes back to Council on a quarterly or half-yearly basis for tweaking and resource confirmation.**

Preparation of a fulsome work plan is underway. Staff has utilized the Planning for Progress action items table as an initial work plan to report back to Council. A more formalized work plan, as well as information on development applications, process review, outstanding items and other priorities will be compiled into a comprehensive department work plan and presented to Council in the coming months.

**Action Item #12: Include executive summaries in planning reports.**

Report templates have been updated through the introduction of Escribe.

Staff will monitor the implementation of the changes and may adjust other aspects of reporting to ensure that information is clear and concise for Council.

**Action Item #14: Put your best foot forward for OLT hearings, including rooms/sound systems/parking and accommodations.**

While OLT hearings continue to be held virtually, Staff has started preliminary discussions for future Tribunal hearing accommodation plans to ensure that the Town can provide appropriate decision-making environments if and when in-person hearings resume.

#### **Escalation Items:**

**Action Items 16 and 17: Regarding lobbying the Province, MZO's and special considerations for NOTL.**

The Staff Steering Committee views efforts to lobby the Province to be premature until other preparatory work, such as the items within this report, has proceeded.

**Action Item 19: Consider enhancing the Complete Application approach set out in the Official Plan.**

In light of changes made through Bill 109, the complete application approach, and any efficiencies and enhancements to this approach, will be reviewed over the summer months. This work will be

done internally by Planning Staff. Staff will also monitor the changes to development review taken by other municipalities throughout the Region, and others, to inform the best approach for NOTL.

#### **Items for Review :**

**Action Item 20, 21 and 26:** Three items are being considered further by the Staff Steering Committee, namely a review of the planning process to give Council an earlier opportunity to review and participate as the decision-maker in the municipal development process, the extent to which current Secondary Plans warrant updating and the incorporation of sufficient Design Guidelines, and opportunities for a pilot Community Planning Permit System (CPPS) area. As noted above, two of these items will be adjusted in light of the funding redirection; however, they will continue to be considered and advanced as part of the Planning for Progress work.

#### **Other Planning Items:**

**Proposed Town Official Plan and Conformity Exercise:** The Region is bringing forward the final Niagara Official Plan (NOP) for adoption on June 15 (Planning and Economic Development Committee) and June 23 (Regional Council). Provided it is adopted by Council, it would be forwarded to the Minister for approval. The Provincial deadline is July 1, 2022.

The proposed NOTL Official Plan (OP) was adopted in 2019 and will need to be updated to conform with the NOP. This exercise will also bring it into conformity with Provincial policy and plans.

Staff has had initial discussions on the adopted OP and the requirements with the Region. Some of the work that was initially required for the Town's OP, has now been undertaken and completed by the Region as part of the NOP.

In addition, the Region intends to provide a document to assist local municipalities with conformity. This should help to streamline the update process.

Staff will continue to engage with the Region on how to advance this project and complete the Town's OP conformity review as expeditiously as possible.

**Character Study for Randwood and John Street East:** In December 2021, Council amended the Planning for Progress work plan to include the completion of this Character Study, with a funding source allocated, and directed Staff to issue a Request for Proposal (RFP). Staff has reviewed and revised the RFP to confirm its direction and study area per the direction provided. Staff will be initiating this process in the coming weeks.

**Development Applications:** In the future, Staff will provide more detailed reporting on development application activity in NOTL. This reporting will also include information on monitoring and metrics to demonstrate how the Town is implementing Provincial, Regional and local planning policies and assist in proactively responding to growth in the future.

#### **NEXT STEP / CONCLUSION**

This report is provided for Council's information. Planning Staff will continue to advance the items above and report back with general updates on the Planning for Progress work at regular intervals. In the coming months, Staff will also be providing more specific updates as individual action items are advanced and/or completed.

## **ATTACHMENTS**

- **Appendix I** - November 2021 Planning Workshop Presentation