



Town of Niagara-on-the-Lake

1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
905-468-3266 www.notl.com

REPORT #: CDS-24-185 **COMMITTEE DATE:** 2024-12-03
REPORT TO: COTW-Planning **DUE IN COUNCIL:** 2024-12-10
SUBJECT: Update on Niagara-on-the-Lake Official Plan and Conformity Exercise

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Council **RECEIVE** the work plan outline for the completion and approval of a new Niagara-on-the-Lake (NOTL) Official Plan, as presented in this report.
- 1.2 Council **DIRECT** Staff to implement the work plan and bring a revised NOTL Official Plan to Council for approval by October 2025.

2. EXECUTIVE SUMMARY

Council adopted a new NOTL Official Plan in October 2019 and submitted it the Region of Niagara as the approval authority. The Region paused its review of the adopted NOTL Official Plan due to non-conformity with the Niagara Official Plan and to await the completion of the new Niagara Official Plan to the 2051 planning horizon.

The new Niagara Official Plan has now been approved by the province, and Town staff has been working with Regional planning staff to complete the conformity exercise and advance the adopted NOTL Official Plan to approval by the Region. This report provides a status update on the process and outlines a work plan to achieve approval of a new NOTL Official Plan by October 2025.

3. PURPOSE

The purpose of this report is to provide Council with an update on the adopted NOTL Official Plan and outline a timeline and work program to complete and obtain approval of the Plan.

4. BACKGROUND

Council adopted a new NOTL Official Plan on October 22, 2019, after a comprehensive Official Plan review process. It was intended to replace the 1994 NOTL Official Plan, which remains in effect (current 2017 Consolidation).

The Town submitted the adopted NOTL Official Plan to Niagara Region in January 2020. At present, the Region is the approval authority for local Official Plans. The Region paused the review of the adopted NOTL Official Plan in March 2020, consistent with the *Planning Act*, which allows suspension of the 120-day approval period in a situation where the local Official Plan does not conform to the upper-tier (Niagara Region) Official Plan. The Region paused its review while it completed the creation of the new Niagara Official Plan.

The new Niagara Official Plan (NOP) was adopted on June 23, 2022. It was prepared to be consistent with the in force Provincial planning policy regime, including the Growth Plan for the Greater Golden Horseshoe (2020) and Provincial Policy Statement (2020). The NOP was initially approved by the Province on November 4, 2022, with modifications. Subsequent changes to the decision were made through Bill 150, the Official Plan Adjustments Act and Bill 162, the Get it Done Act, the latter of which was proclaimed on May 16, 2024.

On October 20, 2024, the new Provincial Planning Statement (PPS) replaced the Provincial Policy Statement, 2020 and the Growth Plan for the Greater Golden Horseshoe, except where the Greenbelt Plan refers to them. All municipal planning decisions must be consistent with the PPS 2024, including the new NOTL Official Plan. There have also been amendments to the *Planning Act* which the new NOTL Official Plan must be in conformity with.

On November 5, 2024, the Minister of Municipal Affairs advised that land use planning responsibility is expected to be removed from the Region of Niagara on March 31, 2025. The letter from the Minister is attached as **Appendix I**. Consequently, the NOP will become the Official Plan of the 12 lower-tier municipalities in Niagara Region, and the approval authority for the NOTL Official Plan will be transferred from the Region to the Minister of Municipal Affairs on that date. The Region will be required to forward the adopted NOTL Official Plan and record to the province at that time.

The Minister's letter also addresses a proposed amendment to Ontario Regulation 525/97 under the Planning Act, which would exempt most official plan matters of lower-tier municipalities in Niagara Region from the need for provincial approval as of March 31, 2025. The Minister notes that Regional Municipalities already exempt many lower-tier Official Plan amendments from Regional approval, and it is proposed that this be continued under provincial approval. The only Official Plan matters (relevant to Niagara-on-the-Lake) that would continue to require provincial approval would be new Official Plans, and Official Plans adopted under Section 26 of the Planning Act to achieve conformity with provincial plans and legislation.

The last status update to Council on the approval process for the adopted NOTL Official Plan was through Report CDS-22-058 in August 2022. The report noted that Town staff had established a work program to review the various sections of the adopted Plan with Regional planning staff. Due to staff resourcing issues, together with the numerous policy and legislation changes from the province, the timing for completion of a revised adopted NOTL Official Plan has been delayed. With additional staff resources in place, it is anticipated the process can be completed by the beginning of Q4 2025.

Report CDS-22-058 also provided a general overview of the policy areas of the adopted plan that require review to ensure conformity with the NOP.

5. DISCUSSION / ANALYSIS

There are three major areas that need to be addressed in the adopted NOTL Official Plan before it can be recommended to Council for re-adoption and provided for approval by the Minister.

These areas are briefly summarized below but will be outlined more fully in a Detailed Work Plan report to be brought to Council in February 2025:

- 1) Conformity with Niagara Official Plan/integration of NOP into NOTL Official Plan;
- 2) Conformity/consistency with new PPS, 2024, and planning legislation, and,
- 3) Planning for Local Priorities.

1. NOP Conformity/Integration

An important component of the work plan will be to bring the adopted NOTL Official Plan into conformity with the new approved NOP, except where there is a conflict with more recent provincial planning legislation or an inconsistency with the new PPS, 2024. This includes updating key policy areas such as growth management (2051 planning horizon/population & employment forecast), intensification policies/targets, natural heritage system policies and mapping, agricultural system policies, employment areas designation and policies, secondary planning policies, housing policies and watershed planning.

Given that after March 31, 2025, it is anticipated that the NOP will become an Official Plan of Niagara-on-the-Lake, it is also recommended that an effort be made to integrate the NOP into the new NOTL Official Plan, where appropriate so that the NOP could be repealed by the Town at the appropriate time.

2. New PPS/Provincial Conformity

Another important component of the work plan will be to bring the new NOTL Official Plan into conformity with recent provincial planning legislation and the Provincial Planning Statement, 2024. This includes such policy areas as employment areas designation, additional residential units, and heritage conservation, amongst other matters.

3. Local Priorities

Finally, beyond the 'top-down' Ontario planning regime that the Town is required to implement, there are several key policy areas that are a priority for the Town as outlined in the Strategic Plan, which have been the subject of separate studies, but which need to be incorporated into the new NOTL Official Plan. These policy areas include heritage conservation (i.e. Character Study), growth management/infill/intensification (i.e. Infill Policies), climate change (i.e. new Climate Change Adaptation Plan), transportation (i.e. new Transportation Master Plan), as well as economic development (i.e. review of winery policies)

NOTL Official Plan Proposed Work Plan

A proposed timeline for the completion of the NOTL Official Plan approval process is outlined in the table below. It includes several key components:

Proposed Official Plan Timeline:

December 3, 2024	Status update/Timeline/Work Plan Outline Overview
February 2025	Council Workshop: Engagement Strategy/Detailed Work Plan
March 2025	Public Open House/Indigenous engagement
March 31, 2025	Transfer of land use planning responsibilities/Niagara Official Plan to Town/Transfer of approval of NOTL Official Plan to Province
March to May 2025	Completion of revisions to adopted NOTL Official Plan/Ongoing public engagement
Early June 2025	Council receipt of Draft NOTL Official Plan/90-day circulation to Province
June – August 2025	Commenting Period on Draft NOTL Official Plan
Early September 2025	Public Open House
Mid-September 2025	Statutory Public Meeting
October 2025	Council adoption of new NOTL Official Plan

1. Council Workshop (February 2025)

Five years have passed since the adoption of the NOTL Official Plan and much has changed since October 2019. It is proposed that a workshop be held with Council to discuss and confirm a strategy for public and indigenous engagement, and a detailed work plan for the review. The detailed work plan would specify the policy matters that would be addressed through revisions to the adopted NOTL Official Plan.

2. Public Open House/Indigenous Engagement (March 2025)

The Council workshop would be followed by a public open house to provide the public with an update on the status of the Official Plan review and outline and seek input on the work plan. Engagement would also be initiated with the Indigenous community and other key interest groups.

3. Revision Period (March-May 2025)

Based on the input of Council, the public and interest groups, staff will draft revisions to the adopted NOTL Official Plan. As appropriate, ongoing public engagement could also occur during this period.

4. Circulation of Draft Official Plan (June 2025)

In June 2025, the draft Official Plan would be brought to Council for authorization to release for public and agency comment and circulate to the province 90 days in advance of notice of a

statutory public meeting as required by the *Planning Act*. The commenting period would extend from early June until the end of August.

5. Public Open House/Statutory Public Meeting (September 2025)

In September 2025, a public open house and statutory public meeting would be held as required by the *Planning Act*. Any comments received over the commenting period or at the open house/public meeting would be considered and addressed, as appropriate, in a final revised draft NOTL Official Plan.

6. Council Adoption (October 2025)

At the beginning of Q4 2025, a recommendation report would be brought to Council recommending the re-adoption of a new NOTL Official Plan to be submitted to the Minister as the approval authority.

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar

1. Vibrant & Complete Community

Priority

1.1 Planning for Progress

Action

1.1 a) Official Plan

7. OPTIONS

7.1 Option 1: That Council receive and approve the work plan outline for the completion and approval of a new NOTL Official Plan presented in this report and direct Staff to implement the work plan and bring a revised NOTL Official Plan to Council for approval by October 2025. **(Recommended)**

7.2 Option 2: That Staff does not proceed with the work plan for approval of a new NOTL Official Plan. *(Not Recommended)*

8. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report. The Official Plan work program will be undertaken by Policy Planning staff.

9. ENVIRONMENTAL IMPLICATIONS

The environmental implications of this report include the opportunity to update and improve the natural heritage system policies and mapping of the NOTL Official Plan, in addition to policies relating to climate change and watershed planning, amongst other matters.

10. COMMUNICATIONS

The public will be informed of the work plan for the completion of the new Official Plan through the regular communication channels of the Town. A report to be brought to Council in February 2025 will include an Engagement Strategy providing details on how the Town will ensure broad community engagement throughout the process.

11. CONCLUSION

This report has provided Council with an update on NOTL Official Plan adopted by Council in October 2019 and outlined a timeline and work program to complete and obtain approval of the new NOTL Official Plan by October 2025. It is recommended that Council approve the work plan and direct Staff to proceed.

12. PREVIOUS REPORTS

- CDS-22-058: Update on the Adopted NOTL Official Plan and Conformity Exercise

13. APPENDICES

- Appendix I – Letter from Paul Callandra, Minister of Municipal Affairs and Housing re. Proposed Amendments to Ontario Regulation 525/97 to Exempt Certain Official Plan Matters from Approval under the Planning Act

Respectfully submitted:

Prepared by:



Steve Burke, MCIP, RPP
Manager of Policy & Heritage Planning,
Community and Development Services

Recommended by:



Kirsten McCauley, MCIP, RPP
Director, Community and Development
Services

Submitted by:



Bruce Zvaniga
Chief Administrative Officer (Interim)