

SECTION 2

Planning Background

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Purpose of an Official Plan

In Ontario, there is no broad consensus of opinion at either the provincial or municipal level as to what constitutes an acceptable form and content for an official plan. The **Planning Act** of Ontario, the most important piece of provincial planning legislation, is silent on this topic.

Municipal official plans are generally comprehensive documents setting out policies for the physical, economic, and, more recently and to a lesser extent, the social development of a specific geographic area or political jurisdiction. Although comprehensiveness is an impossible ideal, the approximation of the ideal is perhaps the most important characteristic of an official plan. The official plan can establish development and conservation objectives and policies, assign priorities, establish phasing, and set out social and financial guidelines for a community.

The policies in an official plan are public in that they are approved by a municipal council. The policies should represent the overall public interest and yet take into consideration the particular values and needs of the various minorities.

The planning period customarily adopted for an official plan is 20 to 25 years. This time period is justified on the basis that it is short enough to develop reliable projections of the future and yet long enough to account for most forces and trends operating in the urban environment.

Zoning by-laws are a means of regulating the actions of individual landowners. They function as a "permit" to develop, and should carry out the proposals of the official plan. Some zoning by-laws which indicate in advance the types of development which will be permitted appear somewhat similar to an official plan with respect to land use.

Existing Local Planning Controls

The Region is composed of 12 local municipalities each with the responsibility for exercising a variety of planning controls within its own political jurisdictions. The two principal planning tools are the Official Plan and the Zoning By-law. Many of the 12 have up-to-date, approved official plans, but all those without are actively engaged in preparing such plans.

There is a great variety of zoning by-laws within the Region and they cover most, but not all, of the Region. Some of these are detailed, complete and up-to-date, but in many cases they were prepared many years ago and need revision, or are incomplete in the area covered or in content. In other cases, the uses permitted are in conflict with official plan proposals.

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Present and Future Planning Responsibilities

Planning in the Niagara Region is influenced by the decisions of all levels of government: Federal, Provincial, Regional and Local. Each tier of government has an appropriate planning role. However, to be most effective, planning must be a co-operative and shared responsibility.

The Federal Government has major responsibilities including the regulation of air traffic, the Welland Canal, railroads, trade and the protection of international boundaries. While a regional municipality has no constitutional authority for interfering in these areas, any regional plan should at least recognize areas of joint concern and facilitate cooperative action.

The Provincial Government has prime responsibilities for such things as: provincial highways, the protection of the environment, the provision of some public utilities, property assessment and many aspects of municipal development. The Province has become directly involved in preparing plans. One plan of interest to this Region is the Niagara Escarpment Plan. Since 1983, the Province has been preparing and issuing Policy Statements under Section 3 of the **Planning Act** on matters considered to be of Provincial interest.

Municipalities in Ontario normally have responsibility (with some supervision from the Province) for planning, for regulating the use of land and the construction of buildings, for the provision of local roads, for the provision of a public water supply, for the collection and treatment of sewage, for fire protection and for many other services. Municipal budgets to provide these services are heavily dependent on Provincial financial assistance.

The Region of Niagara has been given direct responsibility for planning, for the treatment and distribution of water, for solid waste management, for the collection and treatment of sewage, for regional roads, for health and welfare services, for police services, and for capital budgeting and borrowing.

The Region's responsibilities are complete in some of the above cases and are shared with the local municipalities in other cases, such as planning, the distribution of water and the collection of sewage.

A major decentralization of planning powers from the provincial to the regional governments is part of a continuing program to strengthen local government. The Regional Municipality of Niagara is responsible for:

- (1) the review of municipal zoning by-laws and amendments (granted September 1, 1974);
- (2) the monitoring of Committee of Adjustment and Land Division Committee decisions (granted September 1, 1974); and
- (3) the approval of local official plans and official plan amendments.

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The approval of Amendments to the Regional Policy Plan remains a Provincial responsibility. However, the Region has been exempted from the need to seek Provincial approval for Policy Plan Amendments.

Preparation of the Regional Plan

The preparation of an official plan is a difficult process. It requires a search for and evaluation of people's hopes and dreams, a choice between various priorities and objectives, the consideration of the needs of the majority versus those of minorities, the protection of our environment for future generations, and the recognition of changing values in a rapidly changing world.

The preparation of this Regional Plan has involved many years of work. A series of twelve research reports and five discussion papers were produced by the Region's consultant at various intervals throughout the period of the Plan preparation. These support documents extended over a variety of topics including economic base, agriculture, land use, servicing, environments, etc.

Several alternative long-range development proposals were prepared and, after review, three of these concepts were selected for detailed study. These concepts were titled:

- 1) A "Separate City Concept" which emphasized the maintenance of rural separations between the major cities to help preserve identifiable communities.
- 2) The "New Highway Corridor Concept" which was based on a new major highway corridor above the Escarpment and emphasis on future development above and south of the Escarpment.
- 3) The "Trends Concept" which was based on existing trends and anticipated the development of most of the Lake Ontario Plain north of the Escarpment plus a merging together of most of the large urban communities.

These three concepts were discussed at considerable length in public meetings, in meetings with representatives of local municipalities and among Regional representatives. From these discussions, there was some preference shown for Concept 2, followed by Concept 1, with the conclusion that the best features of each should be amalgamated for the preparation of the Regional Plan.

A Working Draft of the Regional Official Plan was submitted by the Region's consultants to Regional Council at the end of 1972 for public distribution. A series of meetings were held in each of the twelve local municipalities to discuss the Working Draft with local councils and the public. In addition, Regional and Provincial staff held a series of liaison meetings in order to analyze the document. The briefs and comments received were reviewed by the Regional Planning and Development Committee. The majority of comments stressed the need for a more conservation- and preservation-oriented Plan with a clearer definition of Regional and local responsibilities. Based on these comments, extensive revisions were undertaken in the form, content and guiding philosophy of the Regional Plan. The result of this review is the Policy Plan which follows.

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During the mid-1970s the Urban Area Boundaries were the subject of extensive review by the Region and by the Province. The Agricultural and Rural Areas Section and the Environmental Areas Section were revised in 1976 and 1977. A major OMB hearing was held in 1979 and 1980 to consider the Urban Areas and revised the sections of the Policy Plan. In February 1981 the OMB delivered its decision.

A major review of the Plan resulted in the adoption by Regional Council in November 1991 of revised Regional Strategic Objectives, Agricultural and Rural Areas policies, and Urban Areas policies. These revised policies were modified and approved by the Minister of Municipal Affairs in December 1994.

There have been numerous minor amendments to the Policy Plan over the years.