

The Regional Municipality of Niagara

By-law No. 2019-73

A by-law to provide for the adoption of amendment 15 to the Official Plan for the Niagara planning area to implement the revised exemption policies affecting all local municipalities

WHEREAS subsection 22 of the *Planning Act, 1990* states when the requirements of subsections (15) to (21), as appropriate, have been met and Council is satisfied that the plan as prepared is suitable for adoption,

WHEREAS it is deemed appropriate to further amend the Official Plan as adopted by Regional Council for the Niagara Planning Area,

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That the text attached hereto is hereby approved as Amendment 15 to the Official Plan for the Niagara Planning Area.
2. That the Regional Clerk is hereby authorized and directed to give notice of Council's adoption in accordance with Section 17(23) of the *Planning Act, 1990*.
3. That this By-law shall come into force and take effect on the day after the last day of appeal provided no appeals have been received.

THE REGIONAL MUNICIPALITY OF NIAGARA

- Original Signed

James Bradley, Regional Chair

- Original Signed

Ann-Marie Norio, Regional Clerk

Passed: September 19, 2019

Amendment No. 15 to the Official Plan for the Niagara Planning Area

Part “A” – The Preamble

The preamble provides an explanation of the Amendment including the purpose, location, background, and basis of the policies and implementation, but does not form part of this Amendment.

- Title and Components
- Purpose of the Amendment
- Location of the Amendment
- Background
- Basis for the Amendment
- Implementation

Part “B” – The Amendment

The Amendment describes the modifications to the text of Official Plan for the Niagara Planning Area, which constitute Official Plan Amendment No. 15.

Part “C” – The Appendices

The Appendices provide information regarding public participation and agency comments relevant to the Amendment, but do not form part of this Amendment.

Part “A” – The Preamble

Title and Components:

This document, when approved in accordance with Section 17 of the *Planning Act, 1990*, shall be known as Amendment 15 to the Official Plan of the Niagara Planning Area. Part “A” – The Preamble, contains background information and does not constitute part of this Amendment. Part “B” – The Amendment constitutes Amendment 15 to the Official Plan of the Niagara Planning Area. Part “C” – The Appendices, does not constitute part of the Amendment. These Appendices contain information related to public involvement and agency comments associated with the Amendment.

Purpose of the Amendment:

The purpose of this Amendment is to amend the exemption policies within the Niagara Region Official Plan to provide clarity to the exemption process for our local municipal partners.

Location of the Amendment:

The amendment affects all local municipalities.

Background

As per the Planning Act, 1990, the upper tier municipality is the approval authority for any and all local Official Plan Amendments (LOPAs). However, section 17(10) of the Act allows a municipality, with approval from the Minister, to pass a by-law exempting LOPAs from Regional approval. Niagara Region received approval authority from the Minister to pass a by-law to exempt any or all LOPAs per Ontario Regulation 699/98.

The Region is now updating both Regional policy and the exemption by-law to better reflect the process for exemption, allow enhanced collaboration and clarify the Regional and Provincial interest in the local Official Plan Amendment process.

Basis for the Amendment:

- a) The Amendment was the subject of a Public Meeting held under the *Planning Act, 1990* on March 20, 2019. Public and agency comments were addressed as part of the preparation of this Amendment.
- b) The Amendment will support continued collaboration between stakeholders as well as enhance clarity to the exemption process.
- c) Based on the Region's review of the *Planning Act, 1990*, the Provincial Policy Statement, the Provincial plans, the Regional Official Plan, and public and agency consultation, Regional staff is of the opinion that the Amendment is consistent with Provincial and Regional policies and plans and, therefore, represents good planning.

Implementation:

Section 14, Implementation of the Official Plan for the Niagara Planning Area, shall apply where applicable.

Part “B” – The Amendment

Amendment 15 to the Official Plan for the Niagara Planning Area

Text Changes

The Official Plan for the Niagara Planning Area is amended as follows:

Part I – Modifications to Existing Policies

1. Policy 14.E.6, 14.E.7, 14.E.8 and 14.E.9 are deleted and replaced with the following:

“14.E.6: The Commissioner of Planning and Development Services, or his/her designate, shall determine and issue an exemption from Regional approval for a local Official Plan Amendment (OPA) where:

- a) It is determined through pre-consultation that the draft OPA is of local significance, is consistent, conforms to, or does not conflict with Provincial Policy and Plans, as applicable, and is in conformity with the Regional Official Plan; or,
- b) Matters of Regional and Provincial interest are present and, through a collaborative process between the Region and the local municipality, it is determined that the OPA has identified and satisfactorily addressed these matters. In the case of a Secondary Plan, the Region shall review the draft Secondary Plan policy set and mapping prior to determining exemption.

14.E.7: A local OPA shall not be exempt from Regional approval if any of the following cannot be addressed to the Region’s satisfaction:

- i. conformity with the Regional Official Plan;
- ii. consistency with the Provincial Policy Statement and/or conformity with Provincial Plans;
- iii. significant impacts relating to the Regional Master Servicing Plan and/or Transportation Master Plan;
- iv. directly affects Regional capital forecasts; or
- v. cross-boundary impacts or impacts on any adjacent municipality.”