

MEMORANDUM

TO: Lord Mayor and Members of Council

FROM: Margaret Walton & Rick Hunter

DATE: July 29th, 2019 (revised July 31, 2019)

SUBJECT: Official Plan Review – Summary of Issues for Council

The following chart summarizes the main issues that have been raised through public and agency submissions in response to the December 18, 2018 Draft of the Niagara-on-the-Lake Official Plan. This summary has been prepared to assist Council in working toward an August 15, 2019 adoption of the Official Plan and follows the process outlined by Council. This summary focuses on issues that require consideration and input from Council.

In reviewing the issues please bear in mind that the Province and Region had requested that the adoption of the Plan be delayed pending various reviews being undertaken by the Province (including to the Provincial Policy Statement, Growth Plan and Planning Act).

Given that the Province and Region have requested that no decision be made at this time, the usual process of obtaining comments through a pre-consultation process has not occurred. Typically, pre-consultation would be completed prior to Council adoption. Since this has not happened, provincial or regional comments will need to be addressed when those agencies provide them.

In the last couple of weeks, the Province released a draft for a revised Provincial Policy Statement that will impact some of the policies that are currently in the proposed official plan. The deadline for review and commenting on the proposed PPS is October 21, 2019. Any changes resulting from the review will likely not be in effect until the end of the year or early 2020.

Similarly, the Province has initiated a technical review and refinement of the provincial Natural Heritage system (NHA) mapping for the Growth Plan, which may also impact the natural heritage system proposed in the Official Plan, and will require co-ordination among the Region, Town and Province.

The other complication associated with approval of this plan is the status of the Regional official plan review. While it is ongoing, the timing of the work is behind the Town's process. Currently the approved Regional OP is not in compliance with updated provincial policies. Therefore, it is not possible to conform to the Regional Official Plan and provincial policy. The document before Council has been structured to conform to provincial policy with a note that updates will be required when the Regional review is complete. The most obvious disconnect resulting from this situation is the growth management policies. Provincial policy requires an update to 2041 based on regional analysis. The Region plan currently only covers to 2031. As the Regional process progresses the Town's will need to coordinate with the Region to ensure compliance. However, we have reflected the 2016 population for each settlement area in Table 2, and have shown the actual 2016 population in Table 1 and the actual number of households in Table 3.

The following Chart identifies and summarizes the major issues identified through the review and the consultants' recommended changes proposed to the plan based on a review of the submissions on the December 18, 2018 draft of the Official Plan.

Approximately 125 submissions have been received to date. In addition, extensive discussions have occurred with the Agricultural Advisory Committee, Grape Growers of Ontario, Wine Council, Ontario Craft Wineries, Winery & Grower Alliance and others. We have also reviewed detailed submissions from councillors.

Public consultations related to the December 18, 2019 draft include the open house on February 13, 2019 and the statutory public meeting on February 25, 2019.

We will be preparing a red-line version of the Official Plan based on submissions received and recommendations from Council.

Respectfully submitted,

Margaret Walton and Richard Hunter



Town of Niagara-on-the-Lake
Official Plan Review
Summary of Issues for Council Workshop on August 1, 2019

July 29th, 2019

Prepared by: Planscape, Inc.

Item	Issue	Response/Recommendation	Sections of the Official Plan	Referenced in public submission
1	<p>Comments on the various secondary plans that are now shown as appendices to the Official Plan for information purposes.</p> <p>Requests have been submitted to make changes to the existing secondary plans.</p>	<p>All of the existing secondary plans will continue in effect until replaced with new secondary plans.</p> <p>In the event of a conflict between the secondary plan and the provisions of the new Official Plan, the provisions of the new Official Plan will take precedence.</p> <p>These include the Queenston, St. Davids, Glendale Secondary Plans and the Dock Area Secondary Plan, as well as OPA 45 (Queenston Quarry).</p> <p>Council has expressed a desire to proceed expeditiously with updating the Dock Area Secondary Plan, as noted in new Section 4.16.12.</p>	<p>Appendices 2 to 6; Background, p. 3, final paragraph; Section 4.16.10; Section 4.16.11; 4.16.12</p>	
2	<p>Plan does not adequately emphasize the role of agriculture in the history, character and culture of the Town.</p>	<p>Additional text added addressing the significant role of agriculture, emphasizing the unique, non renewable nature of the agriculture in NOTL, noting the special provisions of the NOTL Act and highlighting the special</p>	<p>Sections 1, Background, History & Context 1.1.1, 1.1.3, 1.1.11</p>	<p>Agricultural Advisory Committee (AAC) Grape Growers Wine Council</p>

		<p>policies for the tender fruit and grape lands in the Greenbelt Plan.</p> <p>Section 3 retitled Protected Countryside/The Unique Specialty Crop Area and additional text added emphasizing uniqueness of the resource and its role in the Town</p>	<p>Greenbelt Plan 1.2.5.2</p> <p>Section 2</p> <p>Community Vision 2.1.1, 2.1.5</p> <p>Section 3 3.1.1, 3.1.3, 3.1.4, 3.1.5</p>	Ontario Craft Wineries
3	<p>Contribution of agriculture to the economy and as a significant employer understated.</p> <p>Role of agricultural system to be emphasized.</p>	<p>Additional text added to underscore and support economic and employment contribution of agriculture. Agriculture specifically addressed in Economic strategy.</p> <p>Commitment to support agriculture by implementing a systems approach as per provincial direction.</p> <p>Systems policy enhanced</p>	<p>Section 1.1.3</p> <p>Section 2.1.1, 2.1.5, 2.3.2, 2.3.3, 2.3.4</p> <p>Section 3.2.1, 3.2.1.2, 3.2.2</p>	AAC Grape Growers Wine Council
4	<p>Suggestion that agricultural policies in the Lincoln OP be replicated in the NOTL OP.</p>	<p>As authors of the agricultural policies in the Lincoln Official Plan we are familiar with them and have taken a similar approach to protecting and elevating the importance of agriculture in NOTL. However, the characteristics of NOTL differ from Lincoln and the provincial policies have changed since that plan was approved. Therefore, it is not appropriate replicate the policies.</p>		AAC Grape Growers of Ontario
5	<p>Unclear if rural area (Protected Countryside) is addressed in sections dealing with Growth Management and Complete Communities</p>	<p>Revised policies to address growth management in Protected Countryside.</p> <p>Contribution of Protected Countryside to Complete Community emphasized.</p>	<p>Section 2.4.2.1</p> <p>Section 2.6</p>	AAC

6	Manage cannabis production.	Exclude agricultural uses that require licensing by the Federal government as permitted uses in the specialty crop area. May be an issue with medical cannabis – are researching this issue.	Section 3.2.3	Council motion
7	Controls on events are not adequate.	Relied on past practise in the Town, existing regulations that have evolved to be effective in addressing these issues. Will include requirement for by-law regulation of events.	Section 3.2.9.1 b (v) Definition <i>Event, Special</i>	AAC, Members of public, various operators
8	Control over agricultural- related, On-farm diversified and agri tourism uses are inadequate.	Policies are based on past practise and recent provincial direction on managing agricultural related uses. Wording will be tightened up as requested to ensure adequate controls are in place.	Section 3.2.3, 3.2.6, 3.2.7, 3.2.8, 3.2.9	Members of public AAC
9	Remove policy permitting roadside produce outlets.	Not clear why request was made since this policy is based on current practise. Tighten wording to ensure use is clearly accessory.	Section 3.2.7.3	AAC
10	Controls on estate and farm wineries including property size, percentage of product grown on property, ability to perform custom work, ancillary uses questioned	Retain minimum size requirements for estate wineries at 8 H, (20 A) farm wineries at 4 H (10A) Remove policy allowing smaller lot sizes for estate wineries with adequate planning justification. Incorporate provincial criteria for on-site winery retail stores to address regulations for processing and producing wine. 75% of acreage to be in full vineland production. Wine must be made from locally grown fruit with local defined as “grown in Ontario”. “Ontario grown be added to” VQA reference.	Section 3.2.10, 3.2.11 Remove Section 3.2.10.5 Definitions <i>Locally grown</i> defined as Ontario product	AAC, Wine Council, Grape Growers J Slingerland Alison Zalepa Ontario Craft Wineries Winery & Grower Alliance

11	Policies for breweries and distilleries need more review	<p>These uses are generally directed to industrial areas.</p> <p>Council direction is requested on how to deal with breweries and distilleries that may be farm related (e.g. as on farm diversified uses). Depending on impact, they may be permitted in specialty crop area by OPA.</p>	Section 3.2.12, 4.13.3.1	Members of public AAC
12	Ongoing concern that elements of the constructed irrigation and drainage systems that support agriculture are designed as part of Natural Heritage System (NHS). Need to differentiate constructed and natural components of the NHS and ensure infrastructure that services agriculture can be maintained and expanded.	Portions of the drainage and irrigations works that service farms have characteristics that define them as part of the NHS. In recent updates to the Greenbelt Plan the province acknowledged this was an issue on specialty crop lands and provided flexibility to accommodate system. However, where the features qualify as NHS this must be recognized and there are certain regulations that are mandatory under provincial policy. Addressed this issue by defining an <i>agricultural drainage and irrigation system</i> , mapping it as an appendix to the Plan and included flexible policies to allow the system to be managed and expanded with minimal impact on agriculture	Sections 1.1.11, 2.2.1, 2.3.3, 2.4.3e, 3.1.2, 3.1.3, 3.1.6, 3.2.1.2, 8.1.1, 8.1.2, 8.2.2, 8.3.8, 8.5.10, 9.8 Definitions <i>Agricultural drainage and irrigation system, NHS, Natural self sustaining vegetation,</i>	AAC Members of public Farmers
13	Concern that policies for the Natural Heritage System (NHS) will negatively impact ability to farm, reduce area for production, result in introduction of invasive species and prevent the efficient operation and maintenance of the drainage and irrigation systems that support the unique agriculture in the Town.	<p>Plan supports right to farm.</p> <p>Provincial policies specifically permitting reduced setbacks and buffering on specialty crop lands incorporated in plan.</p> <p>Policies recommending revegetation address issue of invasive species or species that negatively impact agricultural crops.</p> <p>Unique nature of irrigation and drainage system emphasized, and system defined, mapped and differentiated from NHS.</p>	3.2.4.13, 3.2.4.14, 8.1.2, 8.2.2, 8.5.10, 8.5.11, 8.6.4, 8.9.6, 8.11.1, 9.3.1, 9.8	AAC Farmers

14	Mapping of irrigation and drainage system is incorrect. Description of system incorrect.	Town staff will work with agricultural community to refine mapping from NPCA of <i>agricultural drainage and irrigation system</i> . Wording suggested by ACC considered in redrafting of policies related to the ADIS.	Appendix 2 9.8	AAC
15	Trails policies must acknowledge private ownership rights and potential adverse impacts on agriculture	Added acknowledgement as requested.	8.11.2, 9.1.4.7	ACC
16	Home occupations should be permitted in accessory buildings on farm.	Already permitted. Added clarification.	10.13.4.3	ACC
17	Remove term “actively used” from description of working landscape. Farmland is farmland whether currently farmed or not.	Agreed with comment and removed term “actively farmed”	Definition “ <i>Working landscape</i> ”.	AAC
18	Various requests to add policies related to negotiations for funding and tax reductions	Not appropriate in an Official Plan	No change	AAC
19	Remove reference to tender fruit farms as part of cultural landscape.	Removed reference to tender fruit farms and estate wineries and enhanced working landscape to address agricultural features.	Section 7.2.1	AAC
20	Policies on the “urban/rural interface” are needed to protect agricultural operations on the edge of settlement areas.	Cross references added to the Plan.	Sections 2.6.1.4, 2.6.2.1, 3.2.1.2 and 3.2.2.1	MHBC
21	Concern that small scale development on agricultural properties will be subject to archeological assessments	Exemption provision is incorporated in plan. Will strengthen to exclude normal farm practise	Section 7.3.4	AAC
22	Suggested edits to definitions, Suggestions for additional definitions.	Many of the definitions are from provincial policy documents and should not be changed. Others have	Section 11.4	AAC Members of public

		been edited in response to comments and some have been added.		
23	Request to change the reference to “Old Town” to either “Historic Town of Niagara” or “Town of Niagara”	The settlement is traditionally referred to as Old Town.		Dale
24	Infill/Intensification provisions and proposed OPA 78	The provisions of draft OPA 78 have been added as a new Section 4.5.3.10, within the context of intensification areas. Some similar provisions are noted in Section 4.7.2 (Compatibility)	Section 4.5.3.10; 4.7.2	Council Members of the public
25	<p>The Plan shows Four Heritage Character Areas based on the Bray Heritage Estate Lot Study. Ten areas in Old Town were identified in the Bray report as having potential. All ten should be identified in the Plan.</p> <p>Alternatively, Heritage Character Areas should not be shown in the plan as they should be looked at in the context of Heritage District designations</p>	<p>The Bray report identified up to ten areas, but not all ten had the information, attributes or prevalence of “estate lots” to warrant their identification as Character Areas.</p> <p>The plan has been revised to anticipate the inclusion of additional Heritage Character Areas once additional study is completed, and these could be in any of the settlement areas, not just in Old Town.</p> <p>Heritage Character Areas are utilized in a number of municipalities as cultural heritage landscapes from a land use planning perspective and do not duplicate or replicate the more formal Heritage Conservation District provisions under the Heritage Act. They are a planning tool that helps to define the character of the area and may be used as a basis for evaluating land use changes.</p>	Section 7.2.3 Schedule D4	
26	Restrictions on Flag Lots should be retained in the Plan.	The Bray Estate Lot Study provides for Heritage Character Areas; existing references in the plan to “flag lots” have been removed from the plan;	Sections 10.7.4.6 and 10.7.1.1 (i)	

	Comments on support for removal of reference to Flag Lots.			
27	Private cemeteries are an important part of the cultural heritage of the Town and should be encouraged to be identified and designated.	<p>Is there sufficient information available to identify private cemeteries and designate them as Community Facilities?</p> <p>Revisions to the text to recognize private cemeteries.</p> <p>New section 7.1.3.8 will read: “Impacts and encroachments on known public and private cemeteries or burial sites must be assessed by an Archaeological Assessment and mitigated under applicable legislation and policy”.</p>	Section 4.14.4.1, New 7.1.3.8, 7.2.1	Johnston
28	Request to remove reference to “Proposed Heritage District Expansion Area” from Schedule D	Since the proposed expansion area has not been approved as a Heritage Conservation District, including it in the plan would be premature. Much of the area is also part of the Downtown Heritage Character Area identified on Schedule D4.	Schedules D3 and D4	Janty
29	Growth Management questions – population projections used in the Plan are out of date, as are some of the targets;	<p>New information cannot be used until the Region has completed its Municipal Comprehensive Review;</p> <p>The plan contemplates an OPA to update projections and targets upon approval of the Regional Comprehensive Review.</p> <p>However, Table 2 has been updated to reflect the 2016 population for each of the settlement areas and the rural area, to reflect more current information. Similarly, we are proposing to add the 2016 population</p>		

		figure to Table 1 and the 2016 household numbers to Table 3.		
30	Randwood Estates – OPA 51	The provisions of OPA 51 have been added as special provision in Section 4.10.6.1 and Schedule B2 adjusted to include the lands and their designation.	New 4.10.6.1 h) Schedule B2	Bell; SGL Planning and Design; MHBC;
31	200 and 210 John Street East – should the additional lands that are part of the settlement area be designated Residential or Future Study area? And should they be added to the John Street East Summer Home Character Area?	The official plan identifies these lands as Residential.	Schedule B2 and D4	Bader; MHBC
32	Properties with requests for re-designations: <ul style="list-style-type: none"> • Vacant parcel across from 329 Four Mile Creek Road (Hummel) – request for Residential • Sleaf Development on Niagara Stone road – request from employment to Mixed use or Residential • Block bounded by York Rd, Con 5 Rd, Warner Rd and Tanbark Rd (outside settlement area) (Rapone) • 493-507 Line 2 Road – active file under appeal at LPAT (Quartek Group) 	Re-designation requests that would have required an official plan amendment are not proposed to be re-designated. They should proceed by way of OPA and public review.		
33	Correcting Conservation Designation based on NPCA comments <ul style="list-style-type: none"> • MacInnis Property, William Street (ZBA approved) 	MacInnis - Schedule B2 to restore Residential designation; 1014 Queenston Road – plan no longer shows a Conservation designation but will show up on	Schedules B1, B2, C2	Bedford Sullivan Maloney

	<ul style="list-style-type: none"> 1014 Queenston Road – is conservation designation appropriate and should be removed. 414 Niagara Stone Road and Road 55 – OMB settlement showing airport area boundary; 551 Butler – EIS refined the conservation designation on the property; existing OP has provision to refinement 	<p>Schedule C2 as a constraint; Region has proposed a number of options for review;</p> <p>414 Niagara Stone Road – boundary to be adjusted to reflect decision; plan no longer shows a Conservation designation but may show up on Schedule C2 as a constraint based on NPCA mapping;</p> <p>551 Butler – Boundaries will be adjusted based on the results of the EIS.;</p>		<p>Dolch</p> <p>Henricks</p>
34	St David's Golf course – should not be Community Facilities, but rather Open Space; Residential uses should require an OPA.	<p>Section 4.14.4.1 modified to require an OPA for residential uses that would replace a Community Facility;</p> <p>There is no separate Open Space designation in the proposed Plan (replaced by the Community Facilities). An option for the Golf course would be to add a special provision to limit the permitted uses to a golf course and open space uses.</p>	Schedule B4	Gartner;
35	Expand Established Residential designation into parts of St. Davids and specific adjustments within Old Town.	The proposed updates and new secondary plans will provide the appropriate venue for considering changes to the Established Residential designation.		Pearsall; Dale; Miller
36	Crossroads School – should be Community Facilities	Schedule been corrected	Schedule B3	School Board
37	1357 Niagara Stone Road – existing automotive use – Existing OP shows as Service Commercial; proposed OP shows it as Mixed Use	Existing use can continue; long term use as Mixed Use is appropriate	Schedule B2	Sullivan Maloney

38	All Site Specific Exemptions (S3/S4): being reviewed and adjusted if still required.		Schedules B1 to B6	
39	OPA 45 – Queenston Quarry – Carry forward approvals under OPA 45	For consistency, OPA 45 lands to be covered by special provision (S3 and S4) to carry forward the requirements of OPA 45	Schedule B1 and B4	DeRuyter, MHBC
40	Community Design Guidelines should be approved as part of a Secondary Plan or through an official plan amendment process to ensure that there is public input and rights to appeal.	<p>Section 4.8.1.5 would permit adoption of free-standing guidelines that could be adopted following a public process, similar to adoption of site plan guidelines or development standards.</p> <p>Should Community Design Guidelines be approved through either a Secondary Plan or a separate Official Plan Amendment?</p>		Niagara Foundation (lehman)