



IMPLEMENTATION

Chapter 7 – implementation

Implementing policy is one of the three core business elements of Regional Planning. The policies within the Plan are implemented by Council through the authority given to them by the Planning Act and the Municipal Act.

Implementation is a shared responsibility with local municipalities, community organizations, stakeholders and partners.

The main topic areas discussed in this chapter include:

1. identifying the roles, responsibilities, accountability, expectations and authorities of various stakeholders and agencies in implementing the policies;
2. providing a clear description of how the Plan is to be read and interpreted;
3. providing clear direction of the timelines for reviewing and updating the Plan;
4. explaining how conformity with the Plan, and Provincial Plans and policies can be met;
5. outlining the various implementation tools that can be used to ensure the vision and objectives of the Plan are realized;
6. developing a system for monitoring and reviewing the policies within this section, and the Plan in general;
7. providing direction on where and in what order residential and employment development will occur;
8. providing direction to support the creation of healthy communities;
9. outlining the process by which an application for an amendment to the Plan can be made;
10. examining avenues to implement the policies of the Plan in a fiscally responsible manner; and
11. outlining direction for consultation and engagement with Indigenous communities

The policies in this section are intended to be used and read in conjunction with other policies of the Plan.

The Region, local municipalities, and the Niagara Peninsula Conservation Authority are committed to an integrated and seamless planning system which is characterized by:

1. the collaborative development of policy to ensure that the planning system is speaking with one voice;

2. delegation of responsibility based on regular and current compliance of local official plans, secondary plans and zoning by-laws with the Plan;
3. a current and up-to-date Plan to guide local official plan conformity;
4. streamlined processes and elimination of duplication; and
5. consistency of policy interpretation, implementation and applications processing approaches by all.

7.1 Roles and Responsibilities

7.1.1 Niagara Region

7.1.1.1 The Region is responsible for maintaining an up to date Plan which conforms to with and implements provincial policies and plans; and supports local municipalities to do the same while providing flexibility to address local planning matters.

7.1.2 Niagara Parks Commission

7.1.2.1 The Region recognizes that the Niagara Parks Commission is an independent agency. The use of lands owned from time to time by the Niagara Parks Commission is governed by the provisions of the Niagara Parks Act, R.S.O. 1990, c.N.3. The Niagara Parks Commission, in the use of its lands, shall be consistent with the Provincial Policy Statement and shall conform to the Provincial plans that are in effect or shall not conflict with them, as required from time to time under subsection 3(5) of the Planning Act, R.S.O., c.P.13. Before carrying out any undertaking the Niagara Parks Commission shall consult with and have regard for the established planning policies of the municipality as may be required from time to time under subsection 6(2) of the Planning Act, R.S.O., c.P. 13.

7.1.3 Niagara Peninsula Conservation Authority

7.1.3.1 Certain lands within the Region are subject to Regulations issued by the Province under the Conservation Authorities Act. Regulated areas and features are subject to adjustment as confirmed by site visits and studies. The Niagara Peninsula Conservation Authority should be consulted for details.

7.1.3.2 *Development* in a regulated area or the straightening, changing, diverting or interfering in any way with the existing channel or a river, creek, stream, watercourse or changing or interfering with a *wetland* requires permission from the Niagara Peninsula Conservation Authority.

7.2 How to Read and Interpret the Plan

7.2.1 Provide Direction on Plan Interpretation

- 7.2.1.1 When reading and interpreting this Plan, the objectives and policies should be read in their entirety.
- 7.2.1.2 For the purposes of implementation, this Plan contains:
- a) a Schedule is part of the policy framework and forms part of this Plan;
 - b) a Table is a summary of policy requirements in a graphic form and is part of this Plan;
 - c) a Map is a visual guide or aid provided to assist the reader in understanding the geographic location or context of site specific policies and is part of this Plan; and,
 - d) the Glossary of Terms provides definitions integral to policy interpretation and forms part of this Plan;
 - e) an Appendix is intended to provide policy context to the reader and does not form part of this Plan.
 - f) comment boxes occur along side policy. Comment boxes supplement and provide context to policy and are not considered part of this Plan.
- 7.2.1.3 In the case of a conflict between any policies in the Plan, the more restrictive policy shall take precedence.
- 7.2.1.4 When interpreting the Schedules of this Plan the following shall apply:
- a) the *settlement area* boundaries illustrated on Schedules are definitive;
 - b) the Intake Protection Zone Boundaries illustrated on Schedule “E” Source Water Protection Areas are definitive;
 - c) all other non-provincially identified boundaries depicted on other Schedules of this Plan are not definitive. Each Schedule and/or Map will contain information on the notes as to the level of accuracy of the particular Schedule and/or Map; and
 - d) boundaries of land use designations coincide with distinguishable features such as roads, public laneways,

utility corridors, railroads, watercourses or other clearly defined physical features. In all other instances, where boundaries are not definitive or where there are no Schedule notes for interpretation, the boundaries of land use designations will be determined by review of: existing zoning by-laws; prevailing lot depths; orientation of lot frontages; lot patterns; and land use patterns.

- 7.2.1.5 Where differences of opinion arise as to the meaning of any part of this Plan, an interpretation shall be made by the Commissioner of Planning and Development Services or their designate after appropriate consultation with the Province and/or local municipality, if required.
- 7.2.1.6 Minor variations in numbers written in the Plan may be permitted by Regional Council without an amendment to the Plan provided the intent and objectives of the Plan are achieved while meeting provincial policies and standards.
- 7.2.1.7 An amendment to this Plan is not required and changes may be made for:
- a) altering the numbering and arrangement of provisions in this Plan;
 - b) updating base mapping used in the Plan or adding base information to maps to show existing and approved *infrastructure*;
 - c) mapping of provincially identified natural features identified on Schedules “C1” and “C2” where such mapping changes have been approved by the Province;
 - d) updating components of the *Natural Environment System* mapping which have been Regionally identified on Schedule “C1” and “C2” where such mapping changes have been supported by an *environmental impact study, hydrological evaluation or subwatershed study* approved by the Region;
 - e) updating mapping of *Areas of Archaeological Potential* illustrated on Schedule “K” based on an Archaeological Assessment approved by the Province;
 - f) correcting clerical, grammatical, spelling and technical mapping errors (including colour adjustments on Schedules or Maps);
 - g) changing format or presentation;

- h) altering punctuation to obtain a uniform mode of expression; or
- i) updating mineral aggregate resource mapping identified on Schedules H1 and H2 based on new or updated information from the Province

7.3 The Niagara Official Plan

7.3.1 Updates to the Plan

- 7.3.1.1 The Region shall revise the Plan no less frequently than 10 years after it comes into effect and every five years thereafter pursuant to Section 26 of the Planning Act.
- 7.3.1.2 The Region will undertake early engagement with local municipalities on all proposed amendments to this Plan.
- 7.3.1.3 Notice of amendments to this Plan will be given in accordance with the Planning Act.
- 7.3.1.4 Where an amendment is proposed to the Plan, the Region shall consider the following criteria in evaluating the amendment:
- a) general conformity with the vision, pillar statements, objectives and policy intent(s) of the Plan;
 - b) the need for the proposed amendment (as determined by the Region);
 - c) effect of the proposed change on local municipalities;
 - d) implications that the proposed change may have for other parts of the Plan;
 - e) effect of the proposed change on regional services and *infrastructure*;
 - f) effect of the proposed change on the *Natural Heritage System* and associated natural features and functions, if applicable;
 - g) effect of the proposed change on prime agricultural lands, if applicable;
 - h) effect of the proposed change on the financial, health, safety, and economic sustainability of the Region;
 - i) consistency with the Provincial Policy Statement, conformity with the Growth Plan and Greenbelt Plan, and does not conflict with the Niagara Escarpment Plan; and
 - j) effect of the proposed change on adjacent municipalities and any cross jurisdictional issues that may arise from the proposed amendment.

7.4 Local Official Plan Conformity

7.4.1 Local Official Plan Conformity

- 7.4.1.1 The local official plan represents one of the most important vehicles for implementing this Plan. Accordingly, local official plans shall be prepared and/or updated to conform to this Plan in a timely manner.
- 7.4.1.2 Local municipalities shall update their official plans to bring them into conformity with this Plan, the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan and any other applicable provincial plan.
- 7.4.1.3 Local municipalities shall ensure that official plan policies are consistent with relevant provincial and Regional guidelines and standards.
- 7.4.1.4 Local municipalities shall prepare local official plans that are in conformity with this Plan. The scope and content of respective local official plans may differ in recognition of the unique circumstances within each municipality. Local official plans and official plan amendments may contain policies which are more restrictive than the policies in this Plan, but may not be more permissive than the policy direction established in this Plan or provincial policy.
- 7.4.1.5 The following factors will be considered in determining conformity between this Plan and local official plans:
- a) consistency with the Provincial Policy Statement and conformity with provincial plans, statutes, and regulations;
 - b) consistency between the overall direction and long term objectives of the local official plan and those of this Plan; and
 - c) reasonable efforts in the local official plan to accommodate matters encouraged by the policies of this Plan, or indication why such a policy direction is not appropriate or feasible in the local context.
- 7.4.1.6 The Commissioner of Planning and Development Services or their designate, shall determine and issue an exemption from Regional approval for a local official plan amendment where:
- a) it is determined through pre-consultation that the draft official plan amendment is of local significance, is consistent, conforms to, or does not conflict with provincial policy and plans, as applicable, and is in conformity with this 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 official plan amendment 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.

7.4.1.7 A local official plan amendment shall not be exempt from Regional approval if any of the following cannot be addressed to the Region's satisfaction:

- a) conformity with this Plan;
- b) consistency with the Provincial Policy Statement and/or conformity with provincial plans;
- c) significant impacts relating to the Regional Master Servicing Plan and/or Transportation Master Plan;
- d) directly affects Regional capital forecasts; or
- e) cross-boundary impacts or impacts on any adjacent municipality.

7.5 Implementation Tools

7.5.1 Community Improvement

7.5.1.1 For the purpose of promoting healthy communities, the Region may support community improvement through Regional programs enabled by plans, policies and bylaws it may establish, and by participation in eligible programs in local municipalities.

7.5.1.2 The Region will regularly engage with local municipal staff regarding administration and enhancement of programs designed to promote community improvement.

7.5.2 Secondary Plans

7.5.1.1 Secondary plans establish a “blue print” for good long-term community development and a commitment to growth management and phasing of development. Secondary plan preparation shall be prepared in accordance with Section 6.1 of this Plan and in compliance with provincial plans.

7.5.3 Legislative Tools

7.5.3.1 This Plan is a legal document prepared in accordance with the statutory powers and responsibilities vested in the Region by the Province. All public works carried out in the Region and all by-laws passed must be in conformity with this Plan, unless otherwise exempted.

7.5.3.2 Municipal infrastructure projects may be subject to an Environmental Assessment under the Environmental Assessment Act.

7.5.3.3 The Region will use the Regional Development Charges By-law in accordance with the Development Charges Act, as a means of recovering eligible growth-related capital costs associated with the delivery of Regional services.

7.5.4 General Implementation Tools for Local Municipalities

7.5.4.1 The Region will encourage the local municipalities to adopt implementation measures to support the objectives and policies of this Plan including:

- a) requirements for pre-consultation by applicants and complete applications;
- b) zoning by-law provisions to regulate minimum parcel size, minimum and maximum density and height;

- c) site plan approval policies addressing exterior design, *sustainable design* elements and access for persons with disabilities;
- d) dedication of pedestrian pathways, bicycle pathways and public transit rights-of-way;
- e) community improvement plans;
- f) conservation easements and covenants;
- g) community planning permit system;
- h) parks and open space master plans;
- i) economic development plans;
- j) master servicing plans;
- k) strategic plans;
- l) intensification and revitalization plans;
- m) Section 6.1 of this Plan applies for the development of local official plan policies on district and secondary plans; and
- n) Section 6.2 of this Plan applies for the development of local official plan policies on urban design

7.5.5 Council Adopted Implementation Guidelines

7.5.5.1 In order to assist in good planning, improving planning service delivery for end users, and ensuring land use impacts are appropriately addressed, the Region may prepare guidelines, technical studies and inventories to assist with the implementation of the Plan, including but not limited to:

- a) Land Needs Assessment Guide;
- b) District and Secondary Planning Guidelines;
- c) Model Urban Design Guidelines;
- d) Environmental Impact Study and/or Hydrologic Evaluation Guidelines;
- e) Tree Preservation Plan;
- f) Subwatershed Planning Guidelines;
- g) Active Transportation Guidelines;
- h) Complete Streets Design Manual;

- i) Transportation Demand Management Study/Program;
- j) Region's Wayfinding Signage for Cyclists Guidelines;
- k) Brownfield/Greyfield Site inventory;
- l) Heritage Sites Inventory;
- m) Indigenous Engagement Protocol; and
- n) other guidelines as prepared from time to time.

7.5.5.2 Regional implementation guidelines are recognized as statements adopted by resolution of Regional Council which detail the manner in which policies established in this Plan will be implemented. The content and scope of these implementation guidelines will be determined by the Region, in consultation with local municipalities and the Niagara Peninsula Conservation Authority as appropriate, will be updated from time-to-time and will be in conformity with the policies in this Plan.

7.5.5.3 Regional Implementation guidelines will not be used as instruments to introduce new policy provisions that could be the basis for denying development applications under the Planning Act, or for interfering with the natural justice rights of landowners and the public.

7.5.5.4 Where a guideline has been adopted by Regional Council, the Regional, Local Municipalities, the Niagara Peninsula Conservation Authority, other applicable agencies and proponents shall have regard for the contents of the guidelines.

7.6 Performance Indicators and Monitoring

7.6.1 Monitor and Measure Performance of Policies

7.6.1.1 The Region, in collaboration with local municipalities, the Niagara Peninsula Conservation Authority and any other identified stakeholders, as appropriate, will comprehensively monitor and measure the performance of the policies of this Plan.

7.6.1.2 Monitoring the implementation of this Plan is critical to:

- a) analyze the effectiveness of the policies in this Plan in meeting its overall goals and objectives;
- b) confirming targets are being met;
- c) responding to trends; and
- d) identifying and confirming if the direction of the Plan remains constant or if updates are required.

7.6.1.3 The Region shall:

- a) establish a program to monitor, measure, evaluate and report upon the performance of this Plan;
- b) work in cooperation with local municipalities to establish common measuring and reporting tools to monitor:
 - i) the Growing Region through:
 - achievement of population and employment forecasts by area municipality, as set out in Table 2-1;
 - density targets for *designated greenfield area, strategic growth areas, and employment areas*;
 - implementation of area intensification targets as set in Table 2-2; and
 - mix, range, and affordability of housing units, including achievement of the Region's affordable housing target stated in Policy 2.3.2.3.
 - ii) the Sustainable Region through:
 - effectiveness of the integrated Regional *Natural Environment System*; and
 - progress towards *climate change* mitigation and adaptation measures.

- iii) the Competitive Region through:
 - state of aggregates in terms of resource mapping updates and tracking applications for extraction;
 - protection of agricultural areas; and
 - economic development.
- iv) the Connected Region through:
 - performance of Regional infrastructure; and
 - performance of Regional transportation facilities.
- v) the Vibrant Region through:
 - the creation of secondary plans;
 - excellence in urban design; and
 - the recognition and protection of cultural and *archaeological resources*.
- vi) other policies identified through the monitoring program, which requires regular monitoring.

7.6.2 Provide Direction to Local Municipalities

7.6.2.1 Local municipalities shall:

- a) provide data to support the Region's monitoring program, as required;
- b) work with the Region to establish common measuring and reporting tools to monitor; and
- c) prepare local monitoring programs and regularly provide updates to the Region at intervals determined through the program.

7.7 Phasing

7.7.1 Orderly Development

7.7.1.1 The Region shall align strategic land use direction of the this Plan with the Water/Wastewater Master Servicing Plan and the Transportation Master Plan to assist in the management of growth in *urban areas*, including *designated greenfield areas* and *built-up areas*, to appropriately plan for orderly and efficient urban development.

7.7.2 Provide Direction to Local Municipalities

7.7.2.1 Local municipalities shall include phasing policies in their official plans for the orderly development of *designated greenfield area* lands that:

- a) will not adversely affect the achievement of the minimum *intensification* and density targets in this Plan;
- b) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential *intensification* and *redevelopment*;
- c) provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential *intensification* and *redevelopment*, and land in draft approved and registered plans;
- d) align with Regional master plans, including servicing and transportation;
- e) utilize existing *infrastructure* and *redevelopment* opportunities, wherever possible;
- f) ensure adequate land, *infrastructure* and *public service facilities* (existing or planned) are available;
- g) have regard for the *natural environment system* and watershed; and
- h) establish *complete communities*.

7.7.2.2 The Region encourages local municipalities to:

- a) prepare a comprehensive municipal phasing strategy to ensure logical, sequential development of all *designated greenfield area* lands; and
- b) use planning tools in Section 6.1 to prepare phasing strategies for individual *designated greenfield areas*.

7.8 Healthy Communities

Niagara recognizes the role built and natural environments play in human health and well-being. Designing and building communities to encourage active lifestyles, healthy and varied housing options, social connections, protection of the natural environment and access to clean air, water, and healthy food can significantly improve overall physical and mental health. Through these actions we can create vibrant, healthy and safe communities and provide a high quality of life.

7.8.1 Plan Healthy Communities

- 7.8.1.1 The Region shall support healthy communities by:
- a) creating *built form* that provides healthy living;
 - b) planning for all ages, incomes, and populations;
 - c) supporting walkable and bikeable neighbourhoods through active transportation;
 - d) encouraging integration of open space and parks that facilitate physical activity, social cohesion and support mental health;
 - e) strategically co-locating *public service facilities* for convenient access; and,
 - f) encouraging the use of health impact assessment tools through planning processes.
- 7.8.1.2 The Region will work with the local municipalities to assess the health and well-being of built-up areas to inform development, policies, strategies and/or studies.
- 7.8.1.3 Local municipalities should include policies in their official plans that promote healthy, complete communities.

7.9 Regional Official Plan Amendment Application Process

7.9.1 Ensure Applications Address Relevant Planning Issues

7.9.1.1 Pre-consultation between the applicant and the Region is required prior to the submission of an application for a Regional Official Plan Amendment, unless the Commissioner of Planning and Development Services or their designate determines that pre-consultation is not necessary based on the scale of development or the complexity of planning issues associated with the proposed application. Pre-consultation will determine what is required to be submitted for a complete application, where applicable. Pre-consultation must involve the local municipality, and may involve the Niagara Peninsula Conservation Authority, Niagara Escarpment Commission or other agencies that may have an interest in the application as determined by the Region.

7.9.1.2 In order to ensure that all possible information is available to the Region, the public and agencies involved in reviewing an application under the Planning Act, the prescribed information required under the Planning Act shall be provided along with additional information and/or reports that may be required, as determined through pre-consultation, such as but not limited to the matters outlined in Table 7-1 Complete Application Requirements.

Table 7-1 Complete Application Requirements

Information Requirement	Application/Development Scenario
Planning Justification Report	Any proposal for <i>development</i> or <i>site alteration</i> should demonstrate that it meets goals, objectives and policies of Provincial plans and policy statements, the Regional Policy Plan and the Municipal Official Plan and provide an indication of whether it conforms to applicable Provincial plans and policies.
Land Use/Market Needs	Any proposal for <i>major commercial uses</i> or residential uses should consider the existing supply of available land and future land use needs in the local municipality and in the Region.

Information Requirement	Application/Development Scenario
Archaeology and Cultural Heritage Assessment	Any <i>development</i> or <i>site alteration</i> proposed in proximity to lands that contain known <i>archaeological resources</i> or <i>areas of archaeological potential</i> .
Heritage Impact Analysis	Any <i>development</i> or <i>site alteration</i> proposed on or <i>adjacent</i> to lands, structures or buildings designated under the Ontario Heritage Act or listed on an approved heritage resource inventory.
Environmental Impact Study	Any proposal for <i>development</i> or <i>site alteration</i> within or adjacent to a natural heritage feature may require an Environmental Impact Study in accordance with the policies of this Plan. Environmental Impact Studies shall be completed in accordance with the Region's Environmental Impact Study Guidelines.
Hydrologic Evaluation	Any proposal for <i>development</i> or <i>site alteration</i> within or adjacent to a water resource feature may require a hydrologic evaluation in accordance with the policies of this Plan. Hydrologic evaluations shall be completed in accordance with the Region's Hydrologic Evaluation Guidelines.
Subwatershed Study	Any proposal for a secondary plan shall address the guidelines and terms of reference of any relevant watershed plans and shall include an environmental inventory and assessment with recommendations on where development may take place, features to be protected, appropriate policies for planning documents, and an environmental management plan to maintain, enhance, restore and

Information Requirement	Application/Development Scenario
	monitor environmental conditions both during and after development.
Tree Preservation Plan	Any <i>development</i> or <i>site alteration</i> that may have adverse effects on a significant tree or group of trees, A significant tree may one that because of its size, age or species it is considered to be of significance to the neighbourhood, streetscape or cultural heritage landscape.
Floodplain and Hazard Lands	Any <i>development</i> or <i>site alteration</i> proposed near <i>floodplain</i> or <i>hazard lands</i> identified by regulations of the Niagara Peninsula Conservation Authority
Geotechnical and Slope Stability Report	Any <i>development</i> or <i>site alteration</i> proposed near <i>valleylands</i> identified by regulations of the Niagara Peninsula Conservation Authority
Environmental Site Assessment	Any <i>development</i> or <i>site alteration</i> on lands or adjacent lands that were previously used for a purpose that may have caused contamination of the property should be accompanied by one or more reports to assess existing conditions and address the need for any further environmental testing or remediation necessary in accordance with Provincial regulations and guidelines.
Air Quality/Noise & Vibration Study	Any <i>development</i> for a sensitive land use that is located near a major facility such as a <i>transportation corridor</i> , industrial use, sewage or water treatment facility, pumping station or landfill operation.
Agricultural Impact Assessment	Any proposed <i>development</i> or <i>site alteration</i> for a non-agricultural use on lands situated outside of the <i>settlement area</i> shall evaluate the capability of the site for agricultural

Information Requirement	Application/Development Scenario
	use including soil, micro-climate and drainage conditions, the existing pattern of agricultural or non-agricultural activities, and any potential impacts on surrounding agricultural activities.
Farm Operation and Ownership	Any <i>development</i> or <i>site alteration</i> for a secondary use to agriculture or an application for consent on lands designated for agricultural purposes.
Alternative Sites for Non-Agricultural Uses	Where a non-agricultural use is proposed in an agricultural area it must be demonstrated that there are no reasonable alternative locations available in <i>urban areas</i> , <i>rural areas</i> or on lower priority agricultural land in the Region.
Minimum Distance Separation I & II Agricultural Impact Assessment	Conformity with the MDS guidelines shall be used to assess the compatibility of any non-agricultural use in the vicinity of an active or potential livestock facility. <i>An Agricultural Impact Assessment</i> will be required for a proposed non-agricultural use outside a <i>settlement area</i> boundary in accordance with the policies of Section 4.1 {The Agricultural System}
Mineral Aggregate Resources	Where <i>development</i> or <i>site alteration</i> is proposed on lands within or adjacent to an area of known deposit of <i>mineral aggregate resources</i> or existing <i>mineral aggregate operation</i> a Mineral Aggregate Resource study may be required in accordance with the policies of this Plan.
Municipal Servicing Study	Any plan of subdivision or major <i>development</i> proposal should address the availability of adequate municipal services and impacts of existing municipal services and facilities.

Information Requirement	Application/Development Scenario
Stormwater Management Plans	Any major <i>development</i> or <i>site alteration</i> proposed should address how stormwater runoff will be handled in terms of water quality and quantity, lot grading and drainage controls, and erosion and sedimentation measures.
Traffic/Parking Impact Analysis	Any <i>development</i> or <i>site alteration</i> that may have a significant impact on traffic flow and safety which may include an analysis of parking standards.
Hydrogeological Study and Private Servicing Plans	Any <i>development</i> outside of the <i>urban area</i> where private sewage disposal and water systems are proposed should provide an assessment of soil and groundwater conditions, an evaluation of the ability of the site to accommodate private services and a plan illustrating the location of services, drainage and lot grading.
Financial Impact Assessment	To address financial implications of a proposed development on the provision of municipal services and utilities that may cause a financial, environmental or economic hardship for the City/Town/Township and the Region.

In addition to the above noted Table 7-1:

- a) secondary plans are required to comply with Section 6.1 relative to supportive background studies;
- b) amendments to establish a new mineral aggregate resource area are required to comply with Section 4.3 regarding supportive background studies; and
- c) applications for wind energy development applications should comply with Section 5.2 regarding supportive background studies.

7.9.1.3 Information and/or reports shall be prepared by a qualified professional and submitted in an electronic format compliant with provincial accessibility regulations, along with a hard copy to the Region to make this information readily available to the public and commenting agencies

including the *Region*, Niagara Peninsula Conservation Authority and Niagara Escarpment Commission. Where the Region, local municipality, Niagara Peninsula Conservation Authority or Niagara Escarpment Commission has requested additional information and/or reports, there may be a request for a peer review of any information and/or report. The applicant shall be responsible for all costs for a peer review which shall be payable upon submission of an invoice from the Region, local municipality, Niagara Peninsula Conservation Authority or Niagara Escarpment Commission.

7.9.1.4 The Commissioner of Planning and Development Services or their designate shall be responsible for determining whether a planning application is complete. If an application is submitted without pre-consultation, adequate supporting information and/or reports, and any application review fees required by the Region, local municipality, Niagara Peninsula Conservation Authority, Niagara Escarpment Commission or any other public agency, the application may be deemed to be incomplete.

7.9.1.5 To determine whether an application to amend this Plan is complete, the following will be required:

- a) pre-consultation meeting(s) which involve the Region, the local municipality, Niagara Peninsula Conservation Authority, Niagara Escarpment Commission or other agencies that may have an interest in the application as determined by the Region, in order to determine the required information and consistency with the Provincial Policy Statement and conformity with provincial plans;
- b) a completed Regional Official Plan Amendment Form;
- c) a draft of the proposed amendment including the proposed text and all proposed schedules where applicable;
- d) supporting studies, completed in full, as determined through the pre-consultation meeting;
- e) electronic submission of all documents in compliance with provincial accessibility regulations; and,
- f) payment of the established application fee.

7.9.1.6 Through the course of the review process for a development application that has otherwise been deemed a complete application, the Region may require additional materials, information and/or reports from the applicant to address specific issues that may arise.

- 7.9.1.7 Applications to amend the Regional Official Plan that have not received a decision by Regional Council within two years of the date of being determined complete shall require an annual maintenance fee to continue the application. Such fee shall be set by Regional Council. Failure to pay the maintenance fee shall deem the application abandoned by the applicant.
- 7.9.1.8 Notwithstanding the above policies, every application that has had no activity or correspondence beyond the maintenance fee shall be deemed abandoned after five years from the date of being deemed complete.

7.10 Financial Sustainability Tools

7.10.1 Fiscally Responsible Planning

- 7.10.1.1 Niagara Region is dedicated to implementing the policies of this Plan in a fiscally responsible manner.
- 7.10.1.2 The funds required to provide the necessary services for *development* shall be paid by the proponents of development.
- 7.10.1.3 The Region will use financial mechanisms such as development charges, tax increment financing and user rates to offset the financial impact of *development* and to ensure that development proceeds in a fiscally responsible manner.
- 7.10.1.4 Coordination and collaboration of financial expenditures related to services for development will be undertaken between the Region and the Local Municipalities.

7.11 Consultation and Engagement

7.11.1 Transparent Decision Making Based on Inclusive Input

- 7.11.1.1 On matters of Regional interest, the Region shall involve various stakeholders from across Niagara, which may include local municipalities, residents, businesses, stakeholders, non-governmental organizations, the Niagara Peninsula Conservation Authority, and other levels of government.
- 7.11.1.2 Consultation will take place in a timely manner to ensure an accountable and transparent decision-making process on land use planning matters.
- 7.11.1.3 The Region shall provide opportunities for public (including different demographic and gender groups) and stakeholder participation in the development, adoption, implementation and monitoring of Regional planning policies in accordance with this Plan, the Planning Act, the Environmental Assessment Act and other relevant legislation and policy.

7.11.2 Communication and Engagement Tools and Techniques

- 7.11.2.1 The Region is committed to communication in plain language on land use planning matters.
- 7.11.2.2 The Region will employ appropriate tools and techniques to inform, consult, involve, collaborate with or empower where appropriate.
- 7.11.2.3 In all cases of engagement, the Region will provide responses to feedback received, including how feedback has been considered in the matter being addressed.
- 7.11.2.4 The Region will use a variety of communication methods, including innovative and enhanced participatory methods, to seek input on planning matters or to provide information to the public. Depending on the issues and in accordance with the Planning Act, the Region shall choose the most appropriate method of communication or form of engagement.
- 7.11.2.5 When undertaking engagement, the Region will provide a safe and comfortable environment where individuals can freely contribute their thoughts, opinions and directions.
- 7.11.2.6 When undertaking engagement, the Region will ensure that all comments are documented in a transparent and easily accessible manner.

7.11.2.7 Where a decision under the Planning Act is required, the Region shall make available all relevant materials and information, including a copy of the proposed plan, at least 20 days prior to the date of the Statutory Public Meeting. At a minimum, all documents shall be made available at the Region's office and on the Region's website.

7.11.3 Consult and Engage with Other Governments

7.11.3.1 The Region will be proactive and, where appropriate, provide practical and meaningful input to the Province where changes are proposed to provincial plans and legislation. The Region will collaborate with local municipalities on the development of joint input to the Province to ensure local municipal perspectives are incorporated into the Provincial input. It is a priority that the Region and Local Municipalities speak with one voice on Provincial matters.

7.11.3.2 The Region will be proactive and, where appropriate, provide practical and meaningful input to adjacent municipalities where proposed plans may have potential for impact on the Region, local municipalities, stakeholders, businesses and/or the general public at large.

7.11.3.3 Where appropriate, the Region will seek out opportunities to collaborate with the federal government, the Province, adjacent municipalities and bi-national communities on matters of cross jurisdictional, including cross-border, interest.

7.11.4 Consult and Engage Local Municipalities

7.11.4.1 This Plan includes specific, detailed policies that identify how and when the Region will work with local municipalities on various projects, studies, and documents. In all instances, engagement with local municipalities shall be guided by:

- a) a shared partnership with local municipalities;
- b) a shared collaborative approach;
- c) a commitment to early and meaningful engagement; and,
- d) all efforts will be made to achieve consensus on planning and land use issues.

7.11.4.2 The Region, together with Local Municipal Partners and the Niagara Peninsula Conservation Authority, are signatories to the Memorandum of Understanding on Planning Services in Niagara. The Memorandum of Understanding is a guiding document for continuous improvement and stronger relationships in providing planning services and shall be

reviewed in accordance with the timeframe indicated in the Memorandum of Understanding.

- 7.11.4.3 The Region will circulate amendments, studies and documents to local municipalities for comment and input following commenting timelines directed by the Planning Act and Memorandum of Understanding with the local municipalities.
- 7.11.4.4 The Region will co-operate with local municipalities in public participation programs, including the holding of joint public meetings, where appropriate, during the processing of amendments to this Plan, local official plans and for other initiatives where interests are common.
- 7.11.4.5 The Region will partner with local municipalities and other agencies, as appropriate, on complex development applications with Regional and local interests to provide an integrated and timely decision-making process.

7.12 Indigenous Engagement

7.12.1 Engage and Coordinate on Land Use Planning Matters

- 7.12.1.1 The Region will explore opportunities for collaboration on common objectives and build relationships with indigenous communities to advance reconciliation.
- 7.12.1.2 The Region will create, in collaboration with Indigenous communities and local municipalities, an Indigenous Engagement Protocol to be applied at the regional and local level when engaging and coordinating on planning matters.
- 7.12.1.3 The Region and local municipalities should consider the consultation protocols of the First Nations that inhabited this area, including the Anishinaabe, specifically the Mississaugas of the Credit First Nation, and the Haudenosaunee when engaging on planning matters or *public works projects*.
- 7.12.1.4 Planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting, and managing *cultural heritage resources* and *archaeological resources*, planning for *sustainability* and *climate change*, and making decisions relative to *natural heritage features and areas*.
- 7.12.1.5 The Region will require archaeological assessments that identify sites and *archaeological resources* of Indigenous interest to be provided to the community of closest cultural affiliation to the site and/or resources. The Region shall:
 - a) direct the proponent to the appropriate Indigenous communities and facilitate communication by providing contact names and numbers, and a list of those agencies that can assist with the engagement process;
 - b) require proponents to engage with Indigenous communities at the earliest opportunity and consider their interests when identifying, protecting, and managing *cultural heritage resources* and *archaeological resources*;
 - c) require documentation that the licensed archaeologist has engaged with Indigenous communities in accordance with the *Standards and Guidelines for Consulting Archaeologists*;
 - d) require documentation that the proponent has provided a copy of the archaeological assessment report to those communities with the closest cultural affiliation to identified *archaeological resources*

and in whose traditional territories the *archaeological resources* were found; and

- e) notify, in advance of on-site archaeological assessment work completed as part of Regional *public works projects*, Indigenous communities with the closest cultural affiliation to the project area and/or *archaeological resources* and in whose traditional territories the *archaeological resources* were found.

7.12.1.6 Proponents are encouraged to engage with the Indigenous communities with the closest cultural affiliation to the site and/or *archaeological resources* and in whose traditional territories the *archaeological resources* were found, to address their interests in the resource, when planning for *sustainability* and *climate change*, and relative to *natural heritage features and areas*. Proponents should confirm whether the Indigenous community would like to repatriate the *archaeological resources*, and if not, define interpretive and commemorative opportunities related to the resource, where preservation of the resource is not possible in its current location.

7.12.1.7 Consultation/engagement protocols between local municipalities and individual Indigenous communities will be encouraged and supported.

7.13 General Implementation Policies

7.13.1 Non-Complying Uses

- 7.13.1.1 A non-complying use that has been legally established is one which does not comply with the Plan. Such use may be permitted to expand or enlarge without an amendment to the Plan provided that the general intent of the objectives and policies of the Plan are maintained and the expansion or enlargement does not create noise, air, environmental or servicing impacts.
- 7.13.1.2 A use which does not comply with the Plan should, over the long term, cease to exist or relocate to an appropriate location.
- 7.13.1.3 Council may acquire, hold and dispose of land for the purpose of implementing the objectives and policies of the Plan.

7.13.2 Plan Conformity

- 7.13.2.1 That all planning decisions shall conform to the Provincial Plans and shall be consistent with the Provincial Policy Statement, 2020, subject to applicable Provincial transition provisions.
- 7.13.2.2 That legally existing land uses that conform with in-force local official plans, zoning bylaws and Ministerial Zoning Orders, at the time this Plan is approved, are permitted to continue to the extent provided for in the local official plans and zoning bylaws and Ministerial Zoning Orders.
- 7.13.2.3 That development applications which have not been deemed complete by the date of this Plan's approval shall be subject to the policies of this Plan.
- 7.13.2.4 A decision on an application to amend this Plan deemed complete prior to provincial approval of this Plan is exempt from from Section 22(2.1) of the Planning Act.