
Subject: Regional Official Plan Amendment 18 and Local Official Plan Amendment 24 – Northwest Welland Urban Boundary Expansion Request

Report to: Planning and Economic Development Committee

Report date: Wednesday, January 13, 2021

Recommendations

1. That Regional Official Plan Amendment No. 18 – Northwest Welland Urban Area Boundary Expansion **BE APPROVED** (attached as Appendix 2 to Report PDS 3-2021);
2. That Local Official Plan Amendment No. 24 to the City of Welland Official Plan **BE APPROVED** as modified (Attached as Appendix 3 to Report PDS 3-2021);
3. That all parties **BE NOTIFIED** of Regional Council’s decision in accordance with *Planning Act, 1990* requirements;
4. That staff **ISSUE** a declaration of final approval for Regional Official Plan Amendment No. 18 and Local Official Plan Amendment No. 24, 20 days after notice of Council’s decision has been given, provided that no appeals have been filed against the decision, in accordance with *Planning Act, 1990* requirements; and
5. That this report **BE CIRCULATED** to the City of Welland.

Key Facts

- The purpose of this report is to recommend approval of the City of Welland’s request for an expansion of the urban settlement area boundary known as Northwest Welland.
- The Region has exclusive jurisdiction to make decisions over urban boundaries. The instruments to expand the urban area boundary are the Region’s Official Plan Amendment 18 (“ROPA 18”) and City of Welland’s Local Official Plan Amendment 24 (“LOPA 24”).
- ROPA 18 and LOPA 24 are being advanced before the Region completes its new Niagara Official Plan (a “Pre-MCR” request). In 2019, the Growth Plan was modified

to allow urban expansions to occur prior to new Official Plans (or a municipal comprehensive review, “MCR”), which was not previously allowed.

- Both the Region and local Official Plan must be modified to allow an expansion. ROPA 18 is the Region’s Official Plan Amendment. LOPA 24 is Welland’s amendment, which was adopted by its Council on December 17, 2019.
- Subsequent to the passing of LOPA 24, additional work was needed from Welland’s consultants in support of its proposed expansion. As a result, and to conform with Regional and Provincial policy and ROPA 18, the Region made modifications to LOPA 24. LOPA 24, as modified, achieves the same outcome as the original LOPA 24 of expanding Welland’s urban boundary.
- The requirements to proceed with an urban boundary expansion in advance of the Region’s Official Plan are substantial. In this case, significant technical studies were completed over several years, in co-ordination with the Region, and with careful review of the new *Growth Plan* policies.
- The area in question is approximately 190 total hectares (ha), of which 102 ha will be Designated Greenfield Area (area for new development). The remaining area consists of Delineated Built-Up Area and the Natural Heritage System.
- A statutory public meeting for the draft ROPA 18 was held on October 14, 2020 in accordance with *Planning Act, 1990* requirements. All comments received from circulation and the public meeting have been reviewed and considered in the Region’s recommendations on ROPA 18 and LOPA 24.
- ROPA 18 and LOPA 24, as modified, is consistent and conforms with Provincial policy.

Financial Considerations

There are no direct financial implications arising from this report.

The cost to process ROPA 18 and LOPA 24 have been accommodated within the Planning and Development Services Department 2020 Operating Budget.

In the event Council's decision is appealed to the Local Planning Appeal Tribunal, additional resources would be needed. In such case, a further report on financial implications will be provided.

Analysis

ROPA 18 was initiated by the City of Welland to add approximately 190 hectares of land, referred to as the Northwest Welland Expansion ("NWE") area, into the City's urban area boundary.

ROPA 18 covers an area generally running along Quaker Road and bound by the Town of Pelham and City of Thorold to the north, the rear lot lines of properties along Niagara Street to the east, Niagara College's Welland Campus to the south and Line Avenue and Clare Avenue on the west (See **Appendix 1**).

Background

In 2017, Welland proposed the NWE work program to justify an urban boundary expansion and undertake a secondary plan process. At that time, the *Growth Plan for the Greater Golden Horseshoe* ("*Growth Plan*") only permitted municipalities to consider urban boundary expansions as part of the Region's MCR. In Niagara's case, the MCR is the new Niagara Official Plan which is targeting a 2021 completion.

The City's original NWE work program was set up to propose the boundary expansion and secondary plan as part of the new Niagara Official Plan in 2021.

The *Growth Plan* was amended in May 2019 to include new policies 2.2.8.5 and 2.2.8.6 which allow for consideration of a settlement area boundary expansion of up to 40 ha in advance of an MCR, subject to the specific criteria of these policies.

The Province later clarified through a November 12, 2019 letter issued by the Minister of Municipal Affairs and Housing that an upper-tier municipality may consider multiple, concurrent 40 ha expansions so long as the proposal meets the applicable policies of the *Growth Plan* (the "Nov. 2019 Minister Letter").

The Province also confirmed that the Region is the approval authority for Pre-MCR boundary expansion applications in accordance with Section 17 of the *Planning Act, 1990*.

The City of Welland decided to advance the NWE boundary request pursuant to the new policies noted above, rather than its original plan of doing so as part of the Region's new Niagara Official Plan. As a result, Welland was required to provide additional justification to support a Pre-MCR request. The additional justification was provided to the Region in July 2020, after which, the Region advised that it received a complete application.

ROPA 18 and LOPA 24 are supported by the following technical studies:

- **Planning Justification Report (PJR) and Scoped PJR:** The PJRs summarize the applicable planning policy, existing conditions and key inputs from the below studies to provide a planning rationale and recommendation for the NWE. The Scoped PJR demonstrated how the proposal met the applicable policies of the *Growth Plan* and included a draft land needs assessment based on growth to 2041. Importantly, the original PJR and Scoped PJR were submitted prior to the release of Amendment 1 to the *Growth Plan* in August 2020. This application must be assessed for conformity to the August 2020 *Growth Plan*, which includes planning for population and employment growth to 2051.
- **Transportation Impact Study (TIS):** identifies the capacity of the existing road network within the study area to determine the level of service, any upgrades to be required and informed the Secondary Plan work in terms of new road connections and active transportation facilities.
- **Functional Servicing Study (FSS):** sets out the capacity of the existing infrastructure network to service the expansion lands and made recommendations for future servicing requirements.
- **Stormwater Management Report:** demonstrates how stormwater runoff generated by the NWE lands will address water quality and quantity.
- **Natural Heritage Study / Floodplain and Natural Hazards Study:** identifies impact on key hydrologic areas, natural heritage systems and how to mitigate any impact on natural heritage features.
- **Archaeological and Cultural Heritage Assessment:** identifies the archaeological and built heritage features within the study area, evaluates these features and makes recommendations on mitigating any adverse effects of any further

development on built heritage and archaeological resources or areas of archaeological potential.

- **Agricultural Impact Assessment (AIA) and Addendum:** assesses the impact of future development on prime agricultural areas and how to minimize and mitigate any impacts on the agricultural system. The AIA also reviewed the agricultural infrastructure within the study area to determine applicability and compliance with the minimum distance separation formulae. The Addendum considered alternative locations for boundary expansion, applicability of MDS, consultation efforts and impacts to the agri-food network.
- **Financial Impact Assessment:** assesses the financial and economic impact of municipal services and utilities for the NWE area.

This technical information has been reviewed internally by Regional staff from various departments and provided to prescribed agencies for comment. This information has also been used for the draft Secondary Plan policies and a land use plan, which will be advanced for consideration subsequent to a decision on ROPA 18.

Regional Official Plan Amendment 18

The Region is responsible for identifying and adjusting urban and rural settlement area boundaries. Changing boundaries to add land for future urban development requires an amendment to the Regional Official Plan that identifies those boundaries. This process is typically part of a MCR or new Official Plan; however, as noted above, new policies allow applications in advance of the MCR where specific conditions are met and demonstrated through technical justification.

ROPA 18 would add approximately 190 ha of land to Welland's urban area boundary. Of the total area, approximately 31 ha are Natural Heritage System and 58 ha are Built-Up Area. Approximately 102 ha are proposed for Designated Greenfield Area where new development will occur. These terms are explained later in this Report.

The planning opinion provided by the applicant's consultant in its scoped PJR indicated that only the boundaries need to be adjusted in the ROPA. No other Regional policies were recommended to be amended to conform with Provincial policy.

ROPA 18 consists of mapping changes to designate the NWE area as Urban Area on Schedules A, B, C, E1, E2, G1, G2 and H. Schedule A identifies the lands as Designated Greenfield Area and Built-Up Area, as applicable.

ROPA 18 creates a site specific policy area in Section 13 of the Regional Official Plan (ROP) that applies “notwithstanding” existing expansion policies of the balance of the ROP. ROPA 18 identifies the NWE area and subjects it to the future approval of the Northwest Welland Secondary Plan.

Additionally, a policy is included to ensure that the growth and development allocated to the NWE area will be fully accounted for in the Region’s Land Needs Assessment being completed as part of its forthcoming Official Plan. This is an explicit *Growth Plan* requirement to allow a Pre-MCR expansion and is discussed later in this Report.

ROPA 18 is attached as **Appendix 2**.

ROPA 18 and LOPA 24 address only the NWE area urban boundary. Specific land use permissions will be addressed in the forthcoming Northwest Welland Secondary Plan, as a separate local official plan amendment, after ROPA 18 and LOPA 24 have been addressed.

Local Official Plan Amendment 24

LOPA 24 adjusts the urban area boundary in Welland’s Official Plan to align with the ROPA 18 boundary. Since the Region is the approval authority for boundary matters, it retained authority to approve LOPA 24.

The City of Welland adopted LOPA 24 on December 17, 2019 and circulated the notice of adoption on December 26, 2019.

Around the same time, Region and City staff exchanged correspondence that confirmed the City will undertake additional work to demonstrate conformity with Regional and Provincial policy. That material was submitted in the summer of 2020 and the Region deemed the application complete in July 2020.

Immediately after receipt, in August 2020, the *Growth Plan* was revised by the Province. The revisions included population and employment forecasts to 2051, amongst other things.

As a result of the materials submitted after the adoption of LOPA 24 in December 2019, and the release of the revised August 2020 *Growth Plan*, the Region modified LOPA 24. The Region removed policies that do not align with the current Regional Official Plan.

The modified LOPA 24 achieves the same outcome as the original: the same boundaries are expanded. Specific policies relating to Pre-MCR boundary expansions have been removed as these are not contained in the Region's Official Plan, to which LOPA 24 must conform. The Scoped PJR, provided after the passing of LOPA 24, recommended no text modifications to the ROP and no additional policies for Pre-MCR boundary expansions. A similar approach is used in the modified LOPA 24, where Pre-MCR boundary expansions policies were removed to ensure conformity with the Region's Official Plan.

The modified LOPA 24 contains an explicit "notwithstanding" introduction, to clarify that the boundaries for these lands are expanded regardless of other policies of the local Official Plan.

The modified LOPA 24 also creates a site specific policy area for the NWE to recognize the Northwest Welland Secondary Plan, urban design direction and the requirement to account for this growth in the Niagara Official Plan (municipal comprehensive review).

The Region discussed the above-noted modifications with City staff and received their support.

LOPA 24, as modified, is attached as **Appendix 3**. The details of the modification are included as **Appendix 4**.

The forthcoming Northwest Welland Secondary Plan, a LOPA for future consideration, will implement the land use permission and protections for the NWE area.

Policy Analysis

ROPA 18 and LOPA 24 have been reviewed for consistency with the Provincial Policy Statement, 2020 ("PPS") and conformity with the applicable Provincial Plan, being the *Growth Plan*. The NWE lands are outside the area covered by the Greenbelt Plan and Niagara Escarpment Plan.

The PPS and *Growth Plan* must be read in its entirety and relevant policies are to be applied to each situation.

For the reasons set out below, ROPA 18 and LOPA 24 are consistent with the PPS, 2020 and conform with the *Growth Plan*.

Provincial Policy Statement, 2020

The PPS, 2020 provides direction on land use planning to promote sustainable, strong communities, a strong economy, and a clean and healthy environment. PPS, 2020 took effect on May 1, 2020.

The PPS encourages efficient development patterns that optimize the use of land, resources and public investment in infrastructure and public service facilities by promoting a mix of housing (including affordable and market-based range of residential types), employment, recreation, parks and open spaces. It encourages transportation choices that increase the use of active transportation and transit before other modes of travel. PPS policies direct the protection and enhancement of natural heritage features and systems, cultural heritage and archaeological resources, and the wise use and management of resources.

The City of Welland is committed to accommodating growth through available intensification and existing Designated Greenfield Area opportunities; however, additional Community Area lands will be required to accommodate the allocated population and employment growth for the planning horizon. A discussion of accommodating growth is provide later in this Report.

Policy 1.1.3.8 allows a planning authority to consider the expansion of a settlement area boundary only at the time a comprehensive review, subject to certain criteria.

The NWE area technical studies noted above satisfy the criteria contained in Policy 1.1.3.8; including:

- consideration of opportunities to accommodate growth throughout the municipality,
- availability of infrastructure and public service facilities,
- minimal impact on prime agricultural lands, compliance with MDS and mitigation of any impacts to agricultural operations.

The PPS directs that Provincial plans are to be read in conjunction with the PPS. Where the policies of provincial plans address the same, similar, related, or overlapping

matters as the policies of the PPS, applying the more specific policy of the provincial plan satisfies the more general requirements of the PPS.

A Place to Grow - Growth Plan for the Greater Golden Horseshoe (2020)

The *Growth Plan* provides a strategic, long-range growth management framework for the Greater Golden Horseshoe area. The *Growth Plan* supports Ontario's vision of building stronger, more efficient, prosperous communities.

As noted above, the August 2020 *Growth Plan* contains policies which allow for consideration of a settlement area boundary in advance of a municipal comprehensive review (new Niagara Official Plan), provided it meets applicable criteria (ss. 2.2.8.5 and 2.2.8.6).

Specifically, policy 2.2.8.5 states that, notwithstanding other policies, a settlement area boundary expansion may occur in advance of a municipal comprehensive review, provided certain criteria are met, which are summarized below with comment:

- a) *the lands that are added will be planned to achieve at least the minimum density target in policy 2.2.7.2 or 2.2.5.13, as appropriate;*

In association with these applications, the City of Welland undertook a Secondary Plan process for the NWE area. This Secondary Plan will ensure that the lands are planned and designated to meet or exceed the minimum density target of 50 persons and jobs per hectare and contribute to Welland's intensification target.

- b) *the location of any lands added to a settlement area will satisfy the applicable requirements of policy 2.2.8.3;*

A discussion of this policy is provided below.

- c) *the affected settlement area is not a rural settlement or in the Greenbelt Area;*

The NWE is not a rural settlement or in the Greenbelt Area.

- d) *the settlement area is serviced by municipal water and wastewater systems and there is sufficient reserve infrastructure capacity to service the lands; and*

Existing municipal infrastructure runs along Quaker Road through the study area. The Functional Servicing Study confirms sufficient reserve capacity available to service the area. The Northwest Welland Secondary Plan will provide more

detailed direction for land use to fully evaluate the servicing requirements. In addition, a phasing plan may be prepared to inform the installation of the infrastructure to service this future urban area.

- e) *the additional lands and associated forecasted growth will be fully accounted for in the land needs assessment associated with the next municipal comprehensive review.*

This policy is addressed in the “Land Needs Assessment” section below.

The lands and forecasted growth in ROPA 18 and LOPA 24 will be fully accounted for in the Region’s forthcoming new Official Plan.

Policy 2.2.8.6 of the Growth Plan states:

For a settlement area boundary expansion undertaken in accordance with policy 2.2.8.5, the amount of land to be added to the settlement area will be no larger than 40 hectares.

ROPA 18 and LOPA 24 cover a total area of approximately 190 ha, which includes a Designated Greenfield Area of approximately 102 ha. The applications are for multiple, concurrent, 40 ha expansions consistent with the above policy and the Nov. 2019 Minister Letter.

As noted above, Policy 2.2.8.5(b) requires satisfaction of the applicable requirements of policy 2.2.8.3. Policy 2.2.8.3 states:

Where the need for a settlement area boundary expansion has been justified in accordance with policy 2.2.8.2, the feasibility of the proposed expansion will be determined and the most appropriate location for the proposed expansion will be identified based on the comprehensive application of all of the policies in this Plan, including the following:

- a) *there is sufficient capacity in existing or planned infrastructure and public service facilities;*

The NWE area currently has municipal water and sewer infrastructure covering the area. There are public service facilities within and in close proximity to the area to serve future residents.

- b) *the infrastructure and public service facilities needed would be financially viable over the full life cycle of these assets;*

The Financial Impact Assessment reviewed the viability of the required infrastructure to service the NWE area based on the land use plan prepared for the Secondary Plan. This Assessment found the plan to be fiscally sustainable over the long term.

- c) *the proposed expansion would be informed by applicable water and wastewater master plans or equivalent and stormwater master plans or equivalent, as appropriate;*

The NWE and Secondary Plan have been informed by the functional servicing study, the municipal servicing conceptual design report and the stormwater management report. Each of these reports demonstrates capacity available to support the expansion.

- d) *the proposed expansion, including the associated water, wastewater and stormwater servicing, would be planned and demonstrated to avoid, or if avoidance is not possible, minimize and mitigate any potential negative impacts on watershed conditions and the water resource system, including the quality and quantity of water;*

The stormwater management plan and municipal servicing conceptual design address potential impacts to the watershed and water resource system. Key direction from these studies will be further implemented through the Secondary Plan.

- e) *key hydrologic areas and the Natural Heritage System for the Growth Plan should be avoided where possible;*

The Natural Heritage Study and Floodplain and Natural Hazards Study define the limits of the Natural Heritage System and provided direction for protection and conservation of features. Related policies will be incorporated into the Secondary Plan.

- f) *prime agricultural areas should be avoided where possible. To support the Agricultural System, alternative locations across the upper- or single-tier municipality will be evaluated, prioritized and determined based on avoiding, minimizing and*

mitigating the impact on the Agricultural System and in accordance with the following:

- i. *expansion into specialty crop areas is prohibited;*
- ii. *reasonable alternatives that avoid prime agricultural areas are evaluated; and*
- iii. *where prime agricultural areas cannot be avoided, lower priority agricultural lands are used;*

The Agricultural Impact Assessment (“AIA”) and Addendum confirm the NWE is not within a Special Crop Area, has poorer quality soils with a low potential for producing fruits or vegetables, and has a high level of land fragmentation. The NWE area does not contain agricultural infrastructure and the area is relatively isolated as it is completely surrounded by urban land uses.

In considering alternative locations, Niagara Region is predominantly either Specialty Crop Area (Greenbelt Area) or prime agricultural lands (majority of the rest of Niagara). There are some lower agricultural-quality lands located outside the municipal boundary of Welland in the area of Hwy 3 and the Lake Erie shoreline.

Other Welland locations were considered. Only one area is Rural Lands that is not considered prime agriculture. Those lands are heavily constrained by natural heritage features and, for that and other reasons, would not satisfy the criteria for a boundary expansion.

- g) *the settlement area to be expanded is in compliance with the minimum distance separation formulae;*

The AIA and Addendum reviewed the study area for agriculture-related infrastructure, livestock barns or other facilities that aid in agricultural production and processing. This work determined there were no significant agriculture-related infrastructure and, therefore, in compliance with MDS formulae.

- h) *any adverse impacts on the agri-food network, including agricultural operations, from expanding settlement areas would be avoided, or if avoidance is not possible, minimized and mitigated as determined through an agricultural impact assessment;*

The AIA and Addendum submitted by the City concluded that there would be no adverse impacts to the agri-food network for the following reasons. The NWE area lacks agricultural infrastructure, has no agricultural services, farm markets, distributors or primary processors with the study area. The area is also relatively

fragmented, isolated from other agricultural land and bordered by urban communities on all sides.

- i) *the policies of Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the PPS are applied;*

The policies of Sections 2 and 3 of the PPS have been applied through the Natural Heritage Study and Floodplain and Natural Hazards Study. The Natural Heritage System has been identified and will be protected through the policies of the Secondary Plan.

- j) *the proposed expansion would meet any applicable requirements of the Greenbelt, Oak Ridges Moraine Conservation, Niagara Escarpment, and Lake Simcoe Protection Plans and any applicable source protection plan; and*

The NWE area is not within the areas covered by the above-referenced Plans or any applicable source protection plan.

- k) *within the Protected Countryside in the Greenbelt Area, subject to criteria.*

The NWE area is not within the Greenbelt Plan.

Delineated Built-Up Area and Designated Greenfield Area

The *Growth Plan* defines development areas as “Delineated Built-up Area” (“DBUA”) and “Designated Greenfield Areas” (“DGA”). This section covers how the *Growth Plan* distinguishes between these areas and how it applies to the NWE area.

Generally, DBUA can be thought of as existing developed areas as of 2006, when they were identified by the Province. DBUA is defined as:

The limits of the developed urban area as defined by the Minister in consultation with affected municipalities for the purpose of measuring the minimum intensification target in this Plan.

The DBUA is strictly defined by the Province and cannot be changed by the Region. Mapping of the DBUA was completed by the Province in 2008 and has not been updated since then.

Parts of the NWE area are shown within the DBUA even though they are currently outside the urban settlement area. Such urban uses include an existing subdivision, school sites and developed residential properties. Parts of these lands are serviced.

Areas covered by DBUA are included in that component of the Region's land needs assessment that calculates intensification. Intensification refers to how much new development occurs on those lands at a higher density than currently exists. Intensification is discussed further in the section below.

The DBUA in the NWE area is approximately 58 ha.

DGA are areas designated for new development but are generally unplanned (again, as of 2006). DGA is defined as:

Lands within settlement areas (not including rural settlements) but outside of delineated built-up areas that have been designated in an official plan for development and are required to accommodate forecasted growth to the horizon of this Plan. Designated greenfield areas do not include excess lands.

Approximately 102 ha of the NWE is DGA lands.

In addition to the DBUA and DGA, the balance of the NWE is the Natural Heritage System ("NHS"), which covers approximately 31 ha. The NHS area is not included in the land needs assessment calculation to establish need since the NHS will be protected and not developed.

In summary, the NWE covers 190 ha, but only the DGA is anticipated for new development. For the purpose of calculating the NWE residential land needs, the relevant calculation is the amount of DGA needed.

Land Needs Assessment

As noted above, *Growth Plan* policy 2.2.8.5(e) sets out that a settlement area boundary expansion may occur in advance of a MCR, where:

the additional lands and associated forecasted growth will be fully accounted for in the land needs assessment associated with the next municipal comprehensive review. (emphasis added)

The Region, as an upper-tier municipality, is responsible for allocating *Growth Plan* forecasts to local municipalities and conducting the Land Needs Assessment. In order to support an urban boundary expansion in advance of a MCR, the Region must be satisfied that it can fully account for the additional lands within the next MCR's land needs assessment.

As previously noted, the August 2020 *Growth Plan* extended population and employment forecasts from 2041 to 2051. At that time, it also released a new land needs assessment methodology – the document used to guide the calculation of land needs.

Prior to the release of the August 2020 *Growth Plan*, the Region had a working draft of a 2041-based land needs assessment. The Region is now working expeditiously with its consultants to provide a 2051-based land needs assessment consistent with the new Provincial methodology. Staff anticipate a draft in early 2021.

As noted above, to assess whether or not the lands and associated growth of the NWE applications can be fully accounted for, the Region uses its most current information at the time of writing this report, being its working draft of the lands needs assessment. The Region also relies on the justification of the Scoped PJR, although that document has limitations as it was completed prior to the August 2020 *Growth Plan*.

The Region must conduct the lands needs assessment to determine the amount of land required for a municipality to accommodate forecasted population and employment to the planning horizon of 2051. The assessment will determine if a municipality has a need for additional lands or if a municipality has lands in excess of what is required.

The land needs assessment is technical and involves many inputs. One of the more significant inputs is the intensification rate, being the amount of land redeveloped on existing lands (i.e. DBUA, noted above) rather than new lands (i.e. DGA, noted above). The intensification rate is often expressed as a percentage of the amount of intensification to the overall housing growth of the Region.

In Welland's case, City staff advised they seek an intensification rate of 60%.¹ This rate was arrived at after many meetings between the Region and City staff. Through these discussions, Region and Welland staff agreed that the DBUA is currently achieving an intensification rate higher than 60%; however, an intensification rate of 60% over the long-term is appropriate based on overall development trends to 2051.

Regional staff support a 60% intensification rate for Welland.

Another important input to the land needs assessment is the population growth assigned to local municipalities. The *Growth Plan* provides population forecasts at a Regional scale and the Region is responsible for allocating that growth to local municipalities. Only the Region can assign the local population forecasts. This must be done with consideration of growth across all local municipalities in the Region as there is a fixed amount of overall growth forecasted to the Region.

The Region previously established growth forecasts for local municipalities to 2041, used for transportation planning and development charges, amongst other things. The local forecasts are now being updated to conform with the 2051 forecasts provided in the August 2020 *Growth Plan*.

For the purpose of calculating residential land needs, the Region must consider anticipated growth to 2051 and not plan growth based only on recent or short-term trends. The Region's interim analysis incorporates a steady growth rate for Welland, with a slight acceleration in the later part of the planning horizon.

The Region's working draft land needs assessment ("Region's DLNA") suggests residential growth for the City of Welland to be no less than 72,000 people by 2051.

With a 60% intensification rate and a residential population forecast of 72,000 to 2051, the Region's DLNA sets out a need for no less than 96 Ha of DGA land need, that is not currently accounted for in DGAs within the current settlement area boundary.

¹ This means 6 of every 10 future units will be developed within the DBUA and the majority of the remainder will be in the DGA.

On this basis, the Region is satisfied that the NWE lands and the allocation of growth will be fully accounted for in the final land needs assessment for the Niagara Official Plan.

Input on ROPA 18

Statutory Public Meeting

The *Planning Act, 1990*, requires that a statutory public meeting be held for all amendments to Official Plans. A public meeting was held on October 14, 2020 to present a draft of ROPA 18 to Planning and Economic Development Committee and receive comments from the public.

The Notice of Public Meeting was advertised on September 24, 2020 in newspapers having general circulation in and around the study area. Notice of the meeting was also provided to prescribed agencies and those that had already provided comments. Several written submissions were provided at and following the public meeting. No comments were received from the public at the Public Meeting.

Public and Agency comments

All comments received have been reviewed and considered in the Region's recommendation prior to finalizing ROPA 18. The comments received are attached as **Appendix 5**.

Correspondence provided as part of the circulations for both ROPA 18 and LOPA 24 was generally mixed in support and opposition. Comments submitted in opposition related mainly to concern with overdevelopment, perceived loss of property rights, and local matters related to road upgrades and infrastructure connection.

Comments in support of the NWE encouraged the growth of the area as a complete community.

Several submissions contained questions or comments that would be addressed at a later stage by the Secondary Plan or will be implemented through future development approvals in the study area.

Prescribed agencies were also provided notice of ROPA 18 and LOPA 24, including a formal request for comments with study information.

The City advised that no comments were received as a result of the agency circulation for LOPA 24.

The Region received several agency comments. Generally, Regional staff and agencies did not object to the NWE and had comments that were focused on particular matters that will be addressed through the planning direction of the NW Welland Secondary Plan.

On November 2, 2020, one window comments were received from the Ministry of Municipal Affairs and Housing, Ministry of Transportation, Ministry of Natural Resources and Forestry and Ministry of Agriculture, Food and Rural Affairs.

The table below summarizes the Ministries' comments and a response. Responses provided were discussed with City staff and have their support.

Summary of Comment	Response
ROPA 18 does not appear to conform with the in-effect Niagara Regional Official Plan.	We disagree. The ROPA 18 language allows for an expansion to occur notwithstanding any other policies of the Plan that would prohibit it. The notwithstanding language has been modified from the version sent to the Ministry to clarify this intent.
The proposed expansion area is larger than 40 hectares which does not conform with policy 2.2.8.6 of the Growth Plan.	As noted earlier in this Report, the Nov. 2019 Minister Letter specifically advised that multiple 40 ha expansions could be considered so long as they met applicable criteria. If necessary, the Region could pass separate 40 ha expansion Official Plan Amendments to achieve the same outcome. However, this is unnecessary since the Region is of the view that multiple 40 ha expansions can be processed as part of one Regional Official Plan Amendment application.

Summary of Comment	Response
<p>ROPA 18 proposes a major settlement area boundary expansion which is required to be considered through the Region's new Official Plan / Municipal Comprehensive Review program as per policy 2.2.8.2 of the Growth Plan.</p>	<p>The Region has been working with the City on the NWE and Secondary Plan since 2017.</p> <p>The <i>Growth Plan</i> allows for expansions in advance of a municipal comprehensive review where detailed conditions are met. While difficult to meet, in this case the City of Welland has done so.</p>
<p>It is unclear how the proposed expansion lands can be justified when the preliminary land needs assessment demonstrates a need for 42 hectares of additional greenfield land.</p>	<p>At the time the Scoped PJR materials were prepared, the August 2020 <i>Growth Plan</i> had not been released. The rationale relating to the 42 ha of land is no longer current.</p> <p>The Region is relying on its draft land needs assessment materials, as noted above. The Region is of the view that the NWE lands and allocation of growth can be fully accounted for in the final land needs assessment for its new Official Plan.</p>
<p>It is unclear how the minimum Designated Greenfield Area density target will be achieved for the proposed lands to be added.</p>	<p>The NW Welland Secondary Plan will provide additional direction on targets to be achieved based on the final land use plan and policy permissions.</p> <p>Information provided for the NW Welland Secondary Plan indicates the NWE area has been planned to meet or exceed the minimum density target.</p>
<p>Concerns with the Agricultural Impact Assessment, including that no alternative locations which avoid prime agricultural areas were evaluated.</p>	<p>The City of Welland provided an addendum to the Agricultural Impact Assessment to address this comment, amongst other things. The Addendum considered other areas of Niagara and concluded that the NWE area was the most suitable location to accommodate an expansion for Welland.</p>

Conclusion

The rules for a Pre-MCR expansion are new. They were not in the *Growth Plan* when Welland started its process in 2017. The City elected to adjust its process to conform with those new policies. It submitted additional material to complete its Regional Official Plan Amendment application in summer 2020, subsequent to the passing of LOPA 24 in December 2019.

As a result of the materials submitted after the adoption of LOPA 24, and the release of the revised August 2020 *Growth Plan*, the Region modified LOPA 24. The Region removed policies that do not align with the current Regional Official Plan.

The Region and City have worked together on the work plan for NWE expansion. The Region is satisfied the City has met the requirements for this expansion.

In making this recommendation, the Region has relied on the justification of the supporting studies and Scoped PJR, although staff note this was completed prior to the August 2020 *Growth Plan*.

The Region must satisfy itself that the lands and associated forecasted growth of the NWE applications will be fully accounted for in the land needs assessment associated with the next MCR. Although still draft, the Region's DLNA suggests the NWE area lands can be fully accounted for when the Region completes its land needs assessment for its new Official Plan.

Staff are supportive of this application as it represents the collective effort to plan for growth and has been sufficiently justified through the required technical studies.

The Northwest Welland Secondary Plan will be brought forward for Regional approval following the completion of ROPA 18 and LOPA 24.

Alternatives Reviewed

Alternative Option 1:

Council could choose not to approve ROPA 18 and LOPA 24. This alternative is not recommended because Staff are satisfied the City has met the Provincial policy requirements and have sufficient justification in its materials and planning opinion. The Region has worked with Welland on its NWE work program to consider the expansion and secondary plan process.

Alternative Option 2:

Council could choose to approve ROPA 18 and LOPA 24, without modifications. This alternative is not recommended because LOPA 24 was modified as a result of the materials submitted after the initial passing of LOPA 24 in December 2019 and the release of the revised *Growth Plan* in August 2020. The Region modified LOPA 24 to remove policies that do not align with the current Regional Official Plan and ensure conformity with ROPA 18.

Alternative Option 3:

Council could choose to support one 40 ha expansion, or another amount that is less than the full NWE area. This option is not recommended because it has been demonstrated through the Region's DLNA that the entire area can be fully accounted for in the Region's new Official Plan. The Region is satisfied that any remaining matters can be addressed through the forthcoming NW Welland Secondary Plan.

Relationship to Council Strategic Priorities

ROPA 18 and LOPA 24 will support the following Council strategic priorities:

- Healthy and Vibrant Community – the NWE area will provide DGA for future growth and appropriately recognize DBUA in the City of Welland. The NWE area has been proactively planned through the various studies and Secondary Plan work to evolve into a complete community.
- Responsible Growth and Infrastructure Planning – the NWE area currently has infrastructure that traverses the area. The expansion will allow for orderly growth to occur and to utilize this infrastructure in a fiscally responsible manner.

Other Pertinent Reports

PDS 6-2020 - City of Welland Application for Regional Official Plan Amendment

CWCD 300-2020 - Regional Official Plan Amendment 18 – NW Welland Boundary Expansion – Ministries' Comments

PDS 23-2020 - Statutory Public Meeting for Regional Official Plan Amendment (ROPA) 18 (Northwest Welland Urban Boundary Expansion)

PDS 29-2020 - Settlement Area Boundary Review Program: Growth Plan Forecasts and Land Needs Assessment Update

Prepared by:

Kirsten McCauley, MCIP, RPP
Acting Manager, Long Range Planning
Planning and Development Services

Recommended by:

Doug Giles, MES, BUP
Acting Commissioner
Planning and Development Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Isaiah Banach, Acting Director, Community and Long Range Planning.

Appendices

Appendix 1	Location Map
Appendix 2	Regional Official Plan Amendment 18
Appendix 3	Welland's Official Plan Amendment 24 (as modified)
Appendix 4	Modifications to LOPA 24
Appendix 5	Public and Agency Comments on ROPA 18