
Subject: City of Welland Application for Regional Official Plan Amendment

Report to: Planning and Economic Development Committee

Report date: Wednesday, February 12, 2020

Recommendations

1. That this report **BE RECEIVED** by the Planning and Economic Development Committee (PEDC); and
2. That this report **BE CIRCULATED** to the City of Welland for information.

Key Facts

- The purpose of this report is to advise Council that the City of Welland has submitted an application for a Regional Official Plan Amendment for the expansion of the City's urban boundary known as the northwest expansion (NWE) area. This report also provides information on the local Official Plan Amendment 24 adopted by the City in relation to the same matter.
- The Region has directly supported Welland's work program to consider the northwest expansion (NWE) and secondary plan process since 2017.
- As a result of changes to the *Growth Plan, 2019* Welland advanced its request to expand the City's urban boundary for the NWE area, by submitting a Regional Official Plan Amendment (ROPA) and adopting a Local Official Plan Amendment (OPA 24).
- The Region met with the City on several occasions in September and October, 2019, and January 2020, to discuss the ROPA requirements for the NWE area expansion under the new *Growth Plan, 2019* policies.
- The NWE ROPA application was submitted to the Region on November 12, 2019. The Region responded to this application on November 21, 2019 to advise the City that it was incomplete. Since then, the City and Region have been working to complete the ROPA application.
- Welland adopted OPA 24 on December 17, 2019 and sent it to the Region on January 16, 2020. This local amendment relates to the expansion of the urban boundary and amends the City's Official Plan policy related to boundary expansions. OPA 24 relies on the approval of the ROPA in order to demonstrate conformity with Regional and Provincial policy.

- The Region is the approval authority for OPA 24. The Region will process the ROPA and OPA 24 concurrently and will bring both amendments forward for Council's consideration at the same time.
- The Region, the City, and the City's planning consultant, most recently met on January 9, 2020 to discuss the NWE area expansion. The City indicated it will pursue the expansion for the entire NWE area either through multiple 40 hectare expansions or a combination of an expansion and a boundary adjustment. The City's consultants are working on the additional information required to complete the ROPA application with a targeted for a full submission in February/March of this year.

Financial Considerations

There are no direct financial implications arising from this report.

The cost to process and circulate amendments of this nature is accommodated within the Planning and Development Services base Operating Budget.

The Region has committed \$125,000 in financial support for the Northwest Welland project via the Smarter Niagara Incentive Program (SNIP) planning grant.

Analysis

Background

The NWE study area is approximately 190 hectares. It is bordered by the City's municipal boundary to the north, Niagara Street (Regional Road No. 50) to the east, the existing urban boundary to the south and Clare Avenue to the west. Rice Road, First Avenue and Quaker Road all traverse the study area (a map is provided in Appendix 1).

The Region has directly supported Welland's work program to consider the NWE expansion and secondary plan process since 2017. Regional staff participated in establishing the Terms of Reference for the project, the selection of the successful consultant, participated on a steering committee and committed to provide financial assistance via the SNIP planning grant.

When the work plan started in 2017, the *Growth Plan for the Greater Golden Horseshoe (Growth Plan)* only permitted municipalities to consider urban boundary expansions as part of the Region's municipal comprehensive review (MCR). In Niagara's case, the MCR is the new Regional Official Plan (ROP) which is targeting a 2021 completion. The Region agreed to the City's NWE work program on the basis that the required

supporting information to justify a boundary expansion and secondary plan would feed in to the Region's MCR and new ROP in 2021.

The *Growth Plan* was amended in May, 2019 to include new policies which allow for consideration of urban boundary expansions of 40 ha in advance of a municipal comprehensive review, subject to specific criteria. The Province later clarified through a November 12, 2019 letter that an upper-tier municipality may consider multiple 40 ha expansions so long as the proposal meets the applicable policies of the *Growth Plan*. The Province also confirmed that 40 ha boundary expansion applications would be considered by the Region as the approval authority in accordance with Section 17 of the *Planning Act, 1990*.

As a result of the above-noted *Growth Plan* changes, Welland reconsidered their work program to advance the request to expand the boundary for the NWE area ahead of the completion of the ROP.

The Region met with the City on several occasions in September and October 2019 to discuss the process and identify the requirements to support an application for a ROPA for the expansion of the NWE. At that time, the City indicated that it sought a single 40 ha boundary expansion. In November, the Province clarified that multiple 40 ha expansions may be permitted so long as the proposal meets the applicable policies of the *Growth Plan*. After that, the City indicated that it would seek multiple 40 ha expansions, or boundary adjustments, described further below.

Region's Mandate

Since the Province introduced the 40 ha expansion and adjustment policies in May 2019, the Region has been carefully considering how these policies should be implemented. The application of these policies will impact other local municipalities and landowners outside of Welland.

For example, a key *Growth Plan, 2019* policy of Regional interest is one which requires that the additional lands and associated forecasted growth of the 40 ha expansion area(s) to be fully accounted for in the Region's next Municipal Comprehensive Review (MCR). In other words, if land is added now, but it is over and above the local municipal land need pursuant to Provincial methodology, there could be an oversupply of designated urban land at the time of the new ROP. This affects the Region's land supply and may impact requests for expansion elsewhere. For this and other reasons, it is important to ensure complete application information and a sustainable planning justification is provided for 40 ha expansions.

The Region recently finalized guidance material for the required supporting studies for 40 ha expansions, and several other changes made in the *Growth Plan*, which the Region references as "pre-MCR processes." This information will be circulated in

February 2020 and will provide a consistent approach to reviewing applications subject to the new policies of the *Growth Plan, 2019*.

Expansion ROPA and OPA 24

The City of Welland submitted a ROPA application on November 12, 2019. This application was determined incomplete by Regional Planning Staff on November 21, 2019 in accordance with Policy 14.G of the Region's Official Plan (see Appendix 3).

Outstanding information includes:

- Planning Justification Report outlining how the proposal meets the applicable policies of the *Growth Plan, 2019*;
- Concept Plan;
- Financial Impact Assessment;
- Revised Stormwater Management Report; and,
- Draft ROPA policy framework.

The City has been informed of above application requirements on several occasions. Most recently, Regional staff met with City staff and their planning consultants, SGL Planning and Design, on January 9, 2020. At that meeting, the City confirmed it will pursue the application to expand its boundary for the entire NWE area (approximately 190 ha).

The City advised that it seeks to do so in one of two ways - the first option is to proceed with multiple 40 ha expansions for the entire NWE area, or alternatively, to seek a boundary adjustment by removing urban lands east of Highway 58 (which are also the subject of an *Official Plan Deferral* known as ROPA 7) in exchange for part of the NWE area, with the balance of the NWE area added through two 40 ha expansions.

The meeting participants agreed to the additional ROPA requirements noted above and the City is targeting a complete ROPA application for February/March of this year. The Region will continue to work expeditiously and collaboratively with the City on processing the ROPA.

In addition to the ROPA, Welland adopted Official Plan Amendment 24 on December 17, 2019 (see Appendix 2). It was delivered to the Region on January 16, 2020. This amendment relates to the expansion of the City's urban boundary and amends the City's Official Plan policy relating to same.

The Region is the approval authority for OPA 24. OPA 24 relies on the approval of the ROPA in order to demonstrate conformity with Regional and Provincial policy. The Region will process OPA 24 concurrently with the ROPA application once that is

complete. Staff will bring both amendments forward for Council's consideration at the same time.

Secondary Plan Process

Concurrent with processing ROPA and OPA 24, the City and Region will continue its work on the Secondary Plan for the NWE area. The City indicated a Preferred Option Report and draft secondary plan may be available as early as March. The secondary plan can be considered for approval once the ROPA and OPA 24 have received final approval.

Alternatives Reviewed

The Region is required to review, process and respond to a complete application under the requirements of the *Planning Act, 1990*.

Relationship to Council Strategic Priorities

This proposal has the potential to support the following Council strategic priorities:

- Healthy and Vibrant Communities
- Responsible Growth and Infrastructure Planning

Additional information on how the ROPA application will advance these priorities will be included in a future report once all information has been submitted and reviewed by staff.

Other Pertinent Reports

None.

Prepared by:

Kirsten McCauley, MCIP, RPP
Senior Planner, Secondary Plans
Planning and Development Services

Recommended by:

Rino Mostacci, MCIP, RPP
Commissioner
Planning and Development Services

Submitted by:

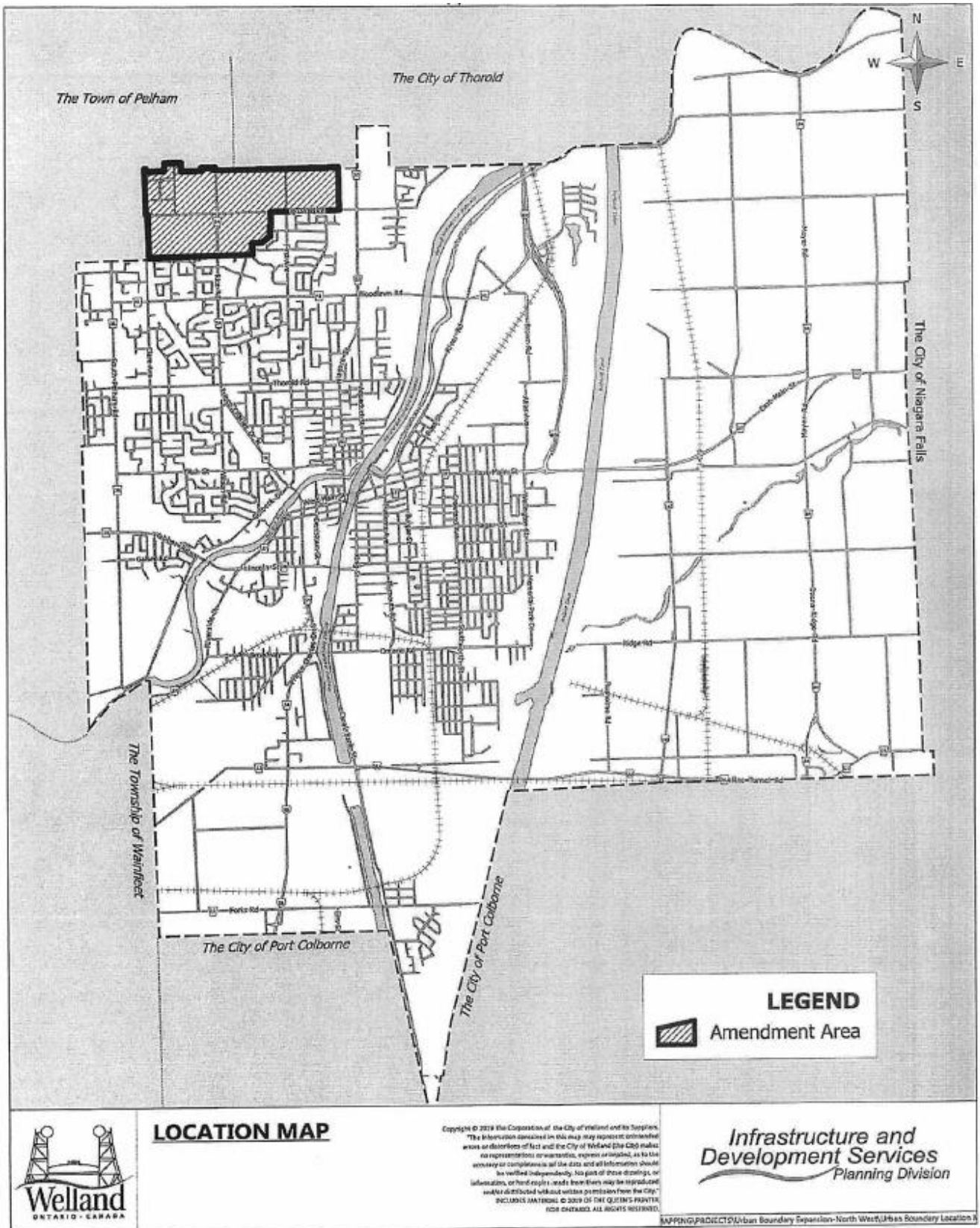
Ron Tripp, P.Eng.

Acting Chief Administrative Officer

This report was prepared in consultation with Isaiah Banach, Manager of Long Range Planning, and reviewed by Doug Giles, Director of Community and Long Range Planning.

Appendices

Appendix 1	Study Area Map	Page 7
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**CITY OF WELLAND
NOTICE OF ADOPTION OF
AMENDMENT NO. 24 TO THE
OFFICIAL PLAN OF THE CORPORATION OF THE CITY OF WELLAND**

Take notice that the Council of the Corporation of the City of Welland passed By-law 2019-163, being a By-law to adopt Amendment No. 24 to the Official Plan on December 17, 2019 under Sections 17 and 26 of the Planning Act, as amended.

The Purpose of Amendment No. 24 is to include the City's Northwest Area (lands known as the Northwest Expansion Area) to within its Urban Area Boundary and to provide text amendments to the City's Official Plan to reflect Provincial Policies pertaining to urban boundary expansions.

The Effect of the Amendment is to expand the City's Urban Area Boundary to include lands currently outside the City's Urban Area (Northwest Area) and to update the City's Official Plan to include policies regarding urban boundary expansions in conformity with Provincial Policies.

Pursuant to Section 17(23.1)(a) of the Planning Act, as amended, City Council took into consideration all written and oral presentations made to it before rendering a decision.

Official Plan Amendment No. 24 requires approval of the Regional Municipality of Niagara (approval authority) under subsection 17(22) of the Planning Act. Any person or public body will be entitled to receive notice of the decision of the approval authority if a written request to be notified of the decision (including address, fax number or e-mail address) is made to the approval authority.

Any written request to be notified of the decision should be directed to:

The Regional Clerk
Regional Municipality of Niagara
1815 Sir Isaac Brock Way,
Thorold, Ontario
L2V 4T7

Amendment No. 24 and By-law 2019-163 are available for inspection at Infrastructure and Development Services - Planning Division, 60 East Main Street, Welland during regular office hours as well as on the City's website (www.welland.ca).

Dated at the City of Welland this 26th day of December, 2019.

**ROSE DI FELICE, M.P.I., M.Sc., MCIP, RPP
MANAGER OF POLICY PLANNING
INFRASTRUCTURE AND DEVELOPMENT SERVICES
OF THE CORPORATION OF THE CITY OF WELLAND**

November 21, 2019

By E-mail Only to *travers.fitzpatrick@welland.ca*

Travers Fitzpatrick
General Manager of Infrastructure and Development Services
City of Welland
Planning and Building Division
60 East Main Street, Welland, ON L3B 3X4

Dear Mr. Fitzpatrick:

**Re: NorthWest Welland Urban Boundary Expansion Application
City of Welland Local Official Plan Amendment No. 24 and
Proposed Regional Official Plan Amendment
Notice of Incomplete Application**

On November 12, 2019, the Region received the City of Welland's Application to Amend the Regional Official Plan ("NW ROPA") requesting an urban boundary expansion for the area known as Northwest Welland (the "NW Expansion").

We have also been made aware of the City's application for a local official plan amendment for same.

This letter relates to both matters.

The Region has directly supported the work program to consider the NW Expansion. The Region and City have been partnered since that started in 2017, including the Region matching City funding for the background work. Region and City staff have worked proactively to advance the City's application.

The explicit purpose of the NW Expansion work program is to justify a boundary expansion and complete a Secondary Plan, for consideration at the time the Region completes its new Official Plan in 2021.

This is important because, in 2017, at the time the NW Expansion work program was set, urban boundary expansions could only be done concurrently with Region's new Official Plan, in 2021. A boundary expansion could not occur before that.

In May 2019, the *Growth Plan for the Greater Golden Horseshoe, 2019*, was amended to allow expansions of up to 40 ha in advance of a new Official Plan (policies 2.2.8.5 and 2.2.8.6) and to allow adjustments to urban boundaries in certain cases (policy 2.2.8.4). Specific rules were set out for how these new policies could be applied.

In September 2019, the Region was made aware that the City may seek a single 40 ha boundary expansion for the NW Expansion area. As previously noted, this is a new process which did not exist at the time the NW Expansion program started in 2017; therefore, none of the materials refer to this process.

In September and October 2019, City and Regional staff had several successful meetings to discuss a 40 ha expansion for the NW Expansion. A scoped work program was identified for a 40 ha expansion application, which was set out in a draft Pre-Consultation Form provided by the Region to the City.

At these meetings, the Region recommended that City and Region staff meet with the City's land use planning consultant to discuss the 40 ha expansion work program. That meeting has not yet occurred – the Region would like to do so as soon as possible.

On November 15, 2019, at a meeting with City staff and others, and after receipt of the NW ROPA, the Region was made aware that the City may seek an adjustment to its boundaries for the NW Expansion area, in addition to the 40 ha expansion.

The City's application form for the NW ROPA refers to the 40 ha boundary expansion policies (*Growth Plan, 2019*, s. 2.2.8.5 and 2.2.8.6). The application form makes no mention of the boundary adjustment policies (s. 2.2.8.4) or mapping to identify what lands are proposed for boundary adjustment.

The NW ROPA application does not include the study materials discussed at the meetings held in September and October 2019. In other words, the NW ROPA contains materials based on the 2017 work program and not materials that address the *Growth Plan, 2019* 40 ha expansion and boundary adjustment policies now sought for approval.

As discussed with City staff, a significant amount of the work completed under the 2017 work program can be used for a 40 ha boundary expansion application. There is no need to revisit most of the technical work in order to have a complete ROPA application. However, certain scoped materials remain outstanding and are needed to complete the application. Those materials were discussed with City staff at the September and October 2019 meetings, and are summarized as follows:

- A *scoped* Planning Justification Report that:
 - Justifies a 40 ha boundary expansion and adjustment and how that conforms with the *Growth Plan* policies on same. Amongst other things, this includes satisfying land needs requirements consistent with the Province's September 19, 2017 letter.
 - Provides a draft Official Plan Amendment, with mapping showing the lands proposed for expansion and adjustment in exchange for the NW Expansion area.

- A Phasing Plan to demonstrate how the expansion will be integrated and built-out with the remaining lands.
- A Financial Impact Assessment that analyzes the financial impact of the boundary expansion to the City and Region and provides input and recommendations for the prioritization of local and Regional infrastructure. This was part of the 2017 work program terms and has not been provided.
- *If the City seeks only a portion of NW Expansion lands to be added to the urban boundary before the Region's new Official Plan, a scoped Transportation Assessment and Infrastructure Review to demonstrate that the location of a 40 ha expansion can be logically serviced and connected to the existing urban area and remainder of expansion lands (future phases).*

For the reasons set out above, the Region does not currently view the NW ROPA application as complete. The Region is keen to assist the City in completing its application in accordance with section 14.G of its Official Plan.

The best path forward is to set a meeting as soon as possible with the City's consultant, City staff and Regional staff to address the outstanding items.

We are available to meet any time. Please reach out to Isaiah Banach or Kirsten McCauley directly to set the meeting.

Region approval will be required for the NW Expansion local official plan amendment. The Region cannot provide comments on the local official plan amendment until such time as the above-noted matters are addressed. This can be discussed further at the meeting or through separate correspondence.

We look forward to your response.

Kind Regards,

A handwritten signature in black ink, appearing to read "R Mostacci".

Rino Mostacci, MCIP, RPP
Commissioner, Planning and Development Services, Region of Niagara

cc: Ms. Tara Stephens, City Clerk, City of Welland
Ms. Rose DiFelice, Manager of Policy Planning, City of Welland
Mr. Doug Giles, Director Community and Long Range Planning, Region of Niagara
Mr. Isaiah Banach, Manager of Long Range Planning, Region of Niagara

Ms. Kirsten McCauley, Senior Planner, Region of Niagara
Ms. Lindsay Earl, Senior Planner, Region of Niagara