
Subject: Resolution of Appeal of RPPA 4-2013 Welland Urban Area Boundary (LPAT Case No. PL131384)

Report to: Planning and Economic Development Committee

Report date: Wednesday, June 17, 2020

Recommendations

1. That Report PDS 24-2020 **BE RECEIVED** for information; and
2. That a copy of Report PDS 24-2020 **BE CIRCULATED** to the City of Welland for information.

Key Facts

- Ministry of Municipal Affairs and Housing recently withdrew its appeal of Regional Policy Plan Amendment 4-2013 (“RPPA 4-2013”) which relates to an urban expansion area in the City of Welland (the “Canal Lands Appeal”). As a result, those lands are now part of Welland’s urban area in the Region’s Official Plan.
- In 2013, Niagara Region staff recommended approval of a deferred expansion area in Welland located generally on the east and west sides of the Welland Canal between East Main Street and Highway 58, known as RPPA 4-2013 (the “Subject Lands”).
- Council approved RPPA 4-2013; however, that decision was appealed by the Ministry of Municipal Affairs and Housing (“MMAH”) to the Ontario Municipal Board (now known as the Local Planning Appeal Tribunal or LPAT)
- In 2020, after significant and collaborated effort between the City and Region, MMAH withdrew its appeal.
- As a result, RPPA 4-2013 is now in effect. The Subject Lands are now part of Welland’s urban boundary.
- The Region does not have clear Employment Area policies. This needs to be resolved to allow greater predictability for existing and prospective employers on the Subject Lands and elsewhere.

Financial Considerations

Staff time required to support the process has been accommodated within the Planning & Development Services Operating Budget.

Analysis

Below is an outline of the process that took us to the resolution of the Canal Lands Appeal. This was a long-standing matter that was resolved after diligent and cooperative efforts from multiple departments of the City and Region.

The Subject Lands are shown on Appendix 1.

Appendix 2 shows the City's boundaries now in effect as a result of the resolution of the Canal Lands Appeal.

Note that other lands in the City of Welland remain deferred, noted as "Deferred (ROPA 7)" on Appendices 1 and 2. The Deferred Lands are not the subject of this Report.

City of Welland Official Plan (2011)

The Canal Lands Appeal relates back to the work done by the City of Welland on its Official Plan that was started in the 2000s and completed in 2010.

In 2011, after the City's adoption, Welland's Official Plan was before Niagara Region for approval. Council approved the Plan except for three components that were deferred:

1. City of Welland Population and Employment Forecasts;
2. The Urban Area Boundary for the lands shown as "Deferred (ROPA 7)" on the Appendices; and
3. The Urban Area Boundary for the Subject Lands

The third item is the subject of this Report. The other items have separate processes.

The Subject Lands total 227 hectares. Approximately 83 hectares are proposed for employment purposes and the remaining 164 hectares are identified as Open Space, Recreation and Core Natural Heritage System.

Regional Policy Plan Amendment 4-2013

After Regional Council deferred approval in 2011, Staff continued to consider the appropriateness of including the Subject Lands in the urban area.

In 2013, the Region initiated RPPA 4-2013 for the purpose of removing the deferral of the Urban Area Boundary for the Subject Lands. RPPA 4-2013 also proposed to update the Region's Core Natural Heritage System to align with Welland's Official Plan mapping. The effect of this was to allow for the urban boundary expansion for the Subject Lands in the Region's Official Plan.

On October 31, 2013, Regional Council approved RPPA 4-2013.

A copy of RPPA 4-2013 is attached as Appendix 3.

On December 3, 2013, MMAH appealed RPPA 4-2013 to the Ontario Municipal Board (the "Canal Lands Appeal").

Recent Efforts to Resolve RPPA 4-2013

Between late 2013 and late 2019, no substantive activity occurred with the Canal Lands Appeal.

In late 2019 and early 2020, legal and planning staff from the City and Region collaborated on preparing correspondence and other communication to MMAH with the goal of having them withdraw the long-standing appeal.

This action was successful. In mid-April, MMAH advised the LPAT that it sought to withdraw the Canal Lands Appeal.

On April 20, 2020, the LPAT confirmed the withdrawal of the Canal Lands Appeal. Since there were no other appeals, the LPAT closed its file.

As a result, RPPA 4-2013 came in to effect on April 20, 2020. In other words, the Subject Lands are now part of the City's urban boundary as shown in Appendix 2.

Current Official Plan mapping is available by contacting staff. A revised Official Plan Consolidation is in development, for electronic publication this summer. The Consolidation will include the revised mapping.

Additionally, background work and recommendations associated with the *new* Regional Official Plan will be revised to address the inclusion of the Subject Lands as employment within the City of Welland.

However, the Region does not have clear Employment Area mapping and policies. This leaves it at a competitive disadvantage to other jurisdictions that have more modern and predictable polices. This should be resolved to allow lands, like the Subject Lands, to be more attractive to existing and future users.

Alternatives Reviewed

MMAH's withdrawal of its Canal Lands Appeal automatically brings RPPA 4-2013 in to effect. As a result, no alternatives are available.

Relationship to Council Strategic Priorities

The resolution of RPPA 4-2013 directly relates to Supporting Businesses and Economic Growth as additional urban employment lands have been added to the City of Welland. These employment lands are adjacent to significant infrastructure upgrades and business development and investment.

Other Pertinent Reports

- ICP 67-2011: Approval of the New Welland Official Plan
- ICP 107-2013: Final Recommendation Report RPPA 4-2013

Prepared by:
Isaiah Banach
Manager of Long Range Planning
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 reviewed by Greg Bowie, Planner and Scott Crocco, Legal Counsel.

Appendices

- Appendix 1 RPPA 4-2013 Subject Lands
- Appendix 2 Updated City of Welland Urban Area Boundary
- Appendix 3 RPPA 4-2013 Amendment