
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

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Recommended by:
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Commissioner
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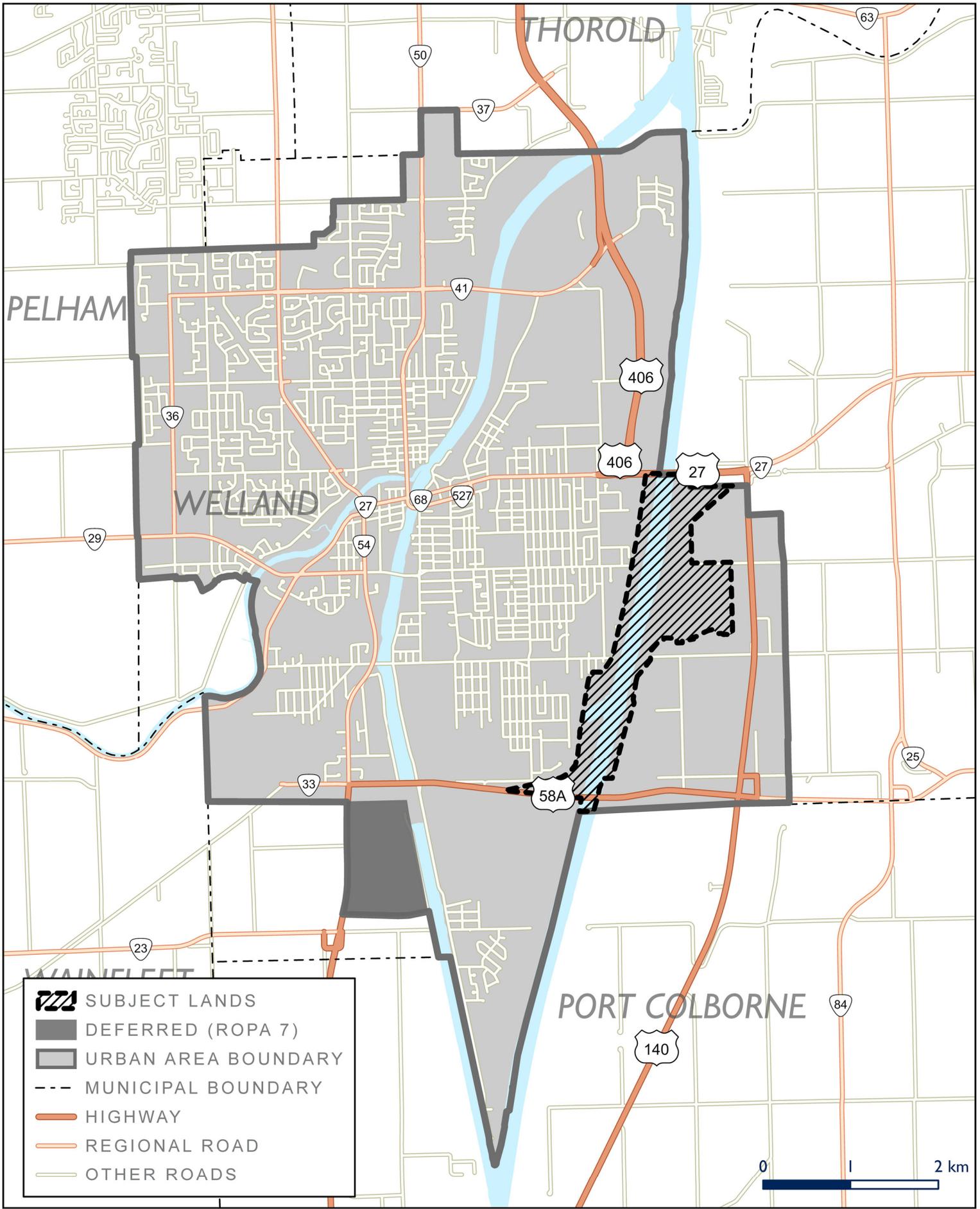
Submitted by:
Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was reviewed by Greg Bowie, Planner and Scott Crocco, Legal Counsel.

Appendices

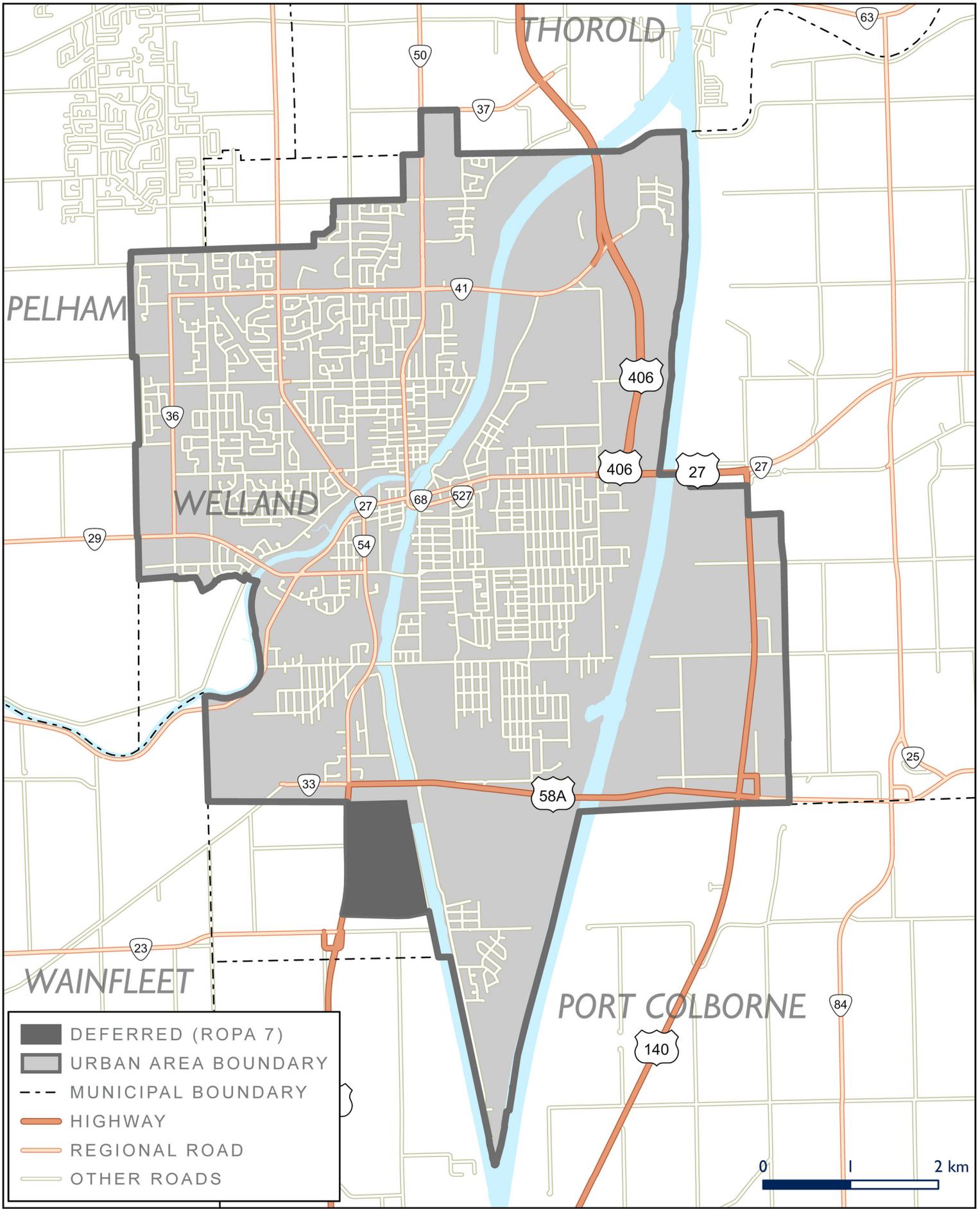
- Appendix 1 RPPA 4-2013 Subject Lands
- Appendix 2 Updated City of Welland Urban Area Boundary
- Appendix 3 RPPA 4-2013 Amendment

Appendix 1: RPPA 4-2013 Subject Lands



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Appendix 2: City of Welland Urban Area Boundary



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THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 119-2013

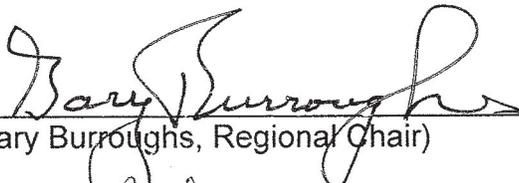
A BY-LAW TO PROVIDE FOR THE ADOPTION
OF AMENDMENT 4-2013 TO THE OFFICIAL PLAN
FOR THE NIAGARA PLANNING AREA TO PERMIT MODIFICATIONS
TO THE REGION'S URBAN AREA BOUNDARY FOR WELLAND AND
TO LIFT THE DEFERRAL FOR THE NIAGARA REGION CORE
NATURAL HERITAGE MAP FOR WELLAND

WHEREAS it is deemed expedient to further amend the Official Plan heretofore adopted by Regional Council for the Niagara Planning Area,

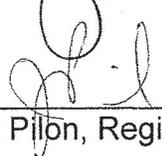
THEREFORE the Council of the Regional Municipality of Niagara enacts as follows:

1. That the text attached hereto is hereby approved as Amendment 4-2013 to the Official Plan for the Niagara Planning Area.
2. That the Regional Clerk is hereby authorized and directed to give notice of Council's adoption in accordance with Section 17(23) of the Planning Act.
3. That this By-law shall come into force and take effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA



(Gary Burroughs, Regional Chair)



(Janet Pilon, Regional Clerk)

Passed: October 31, 2013

AMENDMENT NO. 4-2013
TO THE OFFICIAL PLAN
FOR THE NIAGARA PLANNING AREA

PART "A" – THE PREAMBLE

The preamble provides an explanation of the Amendment including the purpose, location, background, and basis of the policies and implementation, but does not form part of this Amendment.

- Title and Components
- Purpose of the Amendment
- Location of the Amendment
- Background
- Basis for the Amendment
- Implementation

PART "B" – THE AMENDMENT

The Amendment describes the additions and/or modifications to the Official Plan for the Niagara Planning Area, which constitute Official Plan Amendment No. 4-2013.

- Map Change
- Text Change (no changes)

PART "C" – THE APPENDICES

The Appendices provide information regarding public participation and agency comments relevant to the Amendment, but do not form part of this Amendment.

PART "A" – THE PREAMBLE

TITLE AND COMPONENTS:

This document, when approved in accordance with Section 17 of the Planning Act, 1990, shall be known as Amendment 4-2013 to the Official Plan of the Niagara Planning Area. Part "A" – The Preamble, contains background information and does not constitute part of this Amendment. Part "B" – The Amendment, consisting of map changes constitutes Amendment 4-2013 to the Official Plan of the Niagara Planning Area. Part "C" – The Appendices, does not constitute part of the Amendment. These Appendices contain information related to public involvement and agency comments associated with the Amendment.

PURPOSE OF THE AMENDMENT:

The purpose of this Amendment is to permit a modification to the Region's Urban Area Boundary for the City of Welland, as well as technical modifications to the Region's Core Natural Heritage Map.

LOCATION OF THE AMENDMENT:

This Amendment to the Urban Boundary Area applies to the area on the east and west sides of the Welland Canal between Highway 58A and East Main Street.

The Amendment to the Core Natural Heritage Map is throughout the City of Welland.

BACKGROUND

The City of Welland Official Plan was approved by Regional Council on September 15, 2011 with new policies and mapping. One of the new approved schedules of the Welland Official Plan is Schedule A: City Structure which delineates the Urban Area Boundary for Welland and the Built-Up Area, Greenfield Areas, and the Agricultural Area.

The approval of the adopted Welland Official Plan included a 227 hectare (562 acre) of land within the Urban Area Boundary that is not included as urban area on the Urban Area Boundary Map contained in the Regional Policy Plan. The area on Schedule A was deferred until such a time as the Regional Policy Plan could be amended.

To ensure alignment with the City's Official Plan and to lift the deferrals, Regional staff are initiating the required amendment to the Regional Policy Plan's Urban Areas Boundary Map. The proposed modification to the Urban Area Boundary, to include the land on the west and east side of the Welland Canal will result in an increase to the Urban Area of Welland but is justified by the Provincial and Regional Economic Gateway Strategy that encourages increased employment land and economic growth opportunities along this corridor. Most importantly, these lands were once owned by the Federal Government for which Niagara Region and the City of Welland had no land use jurisdiction. With these lands now being privately owned, land use policies are required to correct these historical anomalies.

Two of the schedules of the Welland Official Plan Schedule C: Core Natural Heritage System and Schedule C1: Components of the Natural Heritage System were deferred until the Region's Environmental Mapping could be updated. These two schedules delineate Environmental Protection Areas, and Environmental Conservation Areas.

To ensure alignment with the City's Official Plan and to lift the deferrals, Regional staff are initiating the required amendment to the Regional Policy Plan's Core Natural Heritage Map.

BASIS FOR THE AMENDMENT:

1. Regional Council in ICP 67-2011, Recommendation 1 approved the Welland Official Plan subject to the modifications and deferrals contained in Appendix I. Staff are undertaking a modification to the Urban Area Boundary for Welland and the Core Natural Heritage mapping in order to ensure alignment with the Welland Official Plan and to lift the earlier imposed deferral.
2. The changes proposed in this Amendment are consistent with the Strategic Directions of the Provincial Policy Statement (2005), Places to Grow Plan (2006), and Niagara's Growth Management Strategy (Niagara 2031).
3. The Amendment to the Regional Policy Plan will include a map change to the Urban Areas Boundary Map and the Core Natural Heritage Map and all other associated schedules.
4. The Amendment was the subject of a Public Meeting held under the Planning Act on October 23, 2013. Public and agency comments were addressed as part of the preparation of this Amendment.
5. Based on the Region's review of the Planning Act, the Provincial Policy Statement, the Regional Policy Plan, public consultation, and agency consultation, Regional staff is of the opinion that the Amendment is consistent with and conforms to Provincial and Regional policies and plans and, therefore, represents good planning.

IMPLEMENTATION:

Section 12, Implementation of the Official Plan for the Niagara Planning Area, shall apply where applicable.

PART "B" – THE AMENDMENT

**Amendment 4-2013
To the Official Plan for the
Niagara Planning Area**

Map Changes:

The Official Plan for the Niagara Planning Area is amended by modifications made to the Region's Urban Area Boundary for Welland as shown on the Region's Urban Areas Boundary Map. To accommodate the change to the Urban Area Boundary, the Agricultural Land Base Map will need to be modified accordingly as the area is redesignated from a Rural to an Urban designation. Other maps that show the Region's Urban Area Boundary for Welland will also need to be modified to demonstrate the Amendment.

The Official Plan for the Niagara Planning Area is amended by modifications made to the Region's Environmental mapping for Welland as shown on the Region's Core Natural Heritage Map.

Text Changes:

No Change

Urban Areas Boundary Map

The Region's Urban Area Boundary for Welland, as displayed on the Urban Areas Boundary Map of the Regional Policy Plan, as outlined on Schedule A.

Core Natural Heritage Map

The Region's Core Natural Heritage information for Welland, as displayed on the Core Natural Heritage Map of the Regional Policy Plan, as outlined on Schedule B.

