

AMENDMENT NO. 24
to the
OFFICIAL PLAN
of the
CORPORATION OF THE CITY OF WELLAND

DRAFT

XXXXX XX, 2019

**THE CORPORATION OF THE CITY OF WELLAND
BY-LAW NUMBER**

**A BY-LAW TO AUTHORIZE THE ADOPTION
OF OFFICIAL PLAN AMENDMENT NO. 24**

WHEREAS the Official Plan of the Corporation of the City of Welland was adopted by the City of Welland on May 4, 2010.

AND WHEREAS the Regional Municipality of Niagara gave partial approval to the Official Plan on October 21, 2011.

AND WHEREAS the Ontario Municipal Board gave partial approval to the Official Plan on June 24, 2014.

AND WHEREAS the Council of the Corporation of the City of Welland deems it expedient to amend the Official Plan.

AND WHEREAS the Regional Municipality of Niagara is the approval authority for Amendments to the Official Plan of the Corporation of the City of Welland.

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION
OF THE CITY OF WELLAND ENACTS AS FOLLOWS:**

1. That the Corporation of the City of Welland hereby adopts and approves Official Plan Amendment No. 24 for the Corporation of the City of Welland.
2. That Staff is hereby authorized and directed to give Notice of Council's adoption of Amendment No. 24 to the Official Plan of the Corporation of the City of Welland in accordance with Section 17(23) of the Planning Act.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS
XXTH DAY OF XXXXX, 2019.**

_____MAYOR

_____CLERK

Amendment No. 24

to the

Official Plan

of the

Corporation of the City of Welland

This Amendment to the Official Plan for the City of Welland, which was adopted by the Council of the Corporation of the City of Welland on XXXXXXXXXXXX and to which no appeal was filed, came into effect on pursuant to Section 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

Date:

GRANT MUNDAY, B.A.A.
MANAGER OF DEVELOPMENT APPROVALS
INFRASTRUCTURE AND DEVELOPMENT SERVICES
THE CORPORATION OF THE CITY OF WELLAND

**AMENDMENT NO. 24 TO THE OFFICIAL PLAN OF THE
CORPORATION OF THE CITY OF WELLAND**

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PART A - THE PREAMBLE (This does not constitute part of the Amendment)

TITLE AND COMPONENTS

This document, when approved in accordance with the Planning Act, shall be known as Amendment No. 24 to the Official Plan of the Corporation of the City of Welland.

Part "A", the Preamble, does not constitute part of this Amendment.

Part "B", the Amendment, consists of the map and text changes.

Part "C", the Appendices, which does not constitute part of this Amendment, contains the background data, planning considerations and public involvement associated with this Amendment.

PURPOSE OF THE AMENDMENT

The purpose of Official Plan Amendment 24 is to include the subject lands shown on the attached Schedule 'A' within the urban area boundary of the City, to re-designate these lands to implement the uses proposed by the approved Secondary Plan for Northwest Welland and to update the urban boundary expansion policies to be consistent with the policies in a A Place to Grow Growth Plan for the Greater Golden Horseshoe.

LOCATION

The lands subject to this Amendment encompass lands bordered by the City of Welland northern municipal boundary with the City of Thorold and the Town of Pelham, Niagara Street (Regional Road No. 50) to the east, the existing City urban boundary to the south and Clare Avenue to the west. Rice Road, First Avenue and Quaker Road all traverse the subject lands.

The textual Amendment will apply to all lands within the City.

BASIS

The subject lands are located outside the urban boundary of the City of Welland and are currently designated Agricultural, Residential, Institutional, Open Space and Recreation and Core Natural Heritage System by the Corporation of the City of Welland Official Plan. This Amendment will bring the subject lands into the City's urban area and implement through designations set out in this Amendment the approved Secondary Plan for the

subject lands. The textual changes in this Amendment will bring the City's Official Plan into compliance with Provincial Plans and legislation.

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PART B - THE AMENDMENT

All of the Amendment entitled PART B - THE AMENDMENT, consisting of the following Policies and the maps referred to as Schedule “A” - Land Use Plan and Policies, constitute Amendment No. 24 to the Official Plan of the Corporation of the City of Welland.

MAP CHANGES

1. Schedules ‘A’, ‘B’, ‘B1’, ‘C’, ‘C1’, and ‘D’ are hereby amended by expanding the City’s urban area boundary to include lands shown on Schedule “A”, attached hereto.

POLICIES

1. The Official Plan of the Corporation of the City of Welland is hereby amended as follows:

Deleting Section 3.5.1 Comprehensive Review Required for Urban Boundary Expansion and replacing it with:

- 3.5.1 The expansion of an urban area boundary can be undertaken through, outside or in advance of a municipal comprehensive review in accordance with the applicable requirements set out in Policies 3.5.2.2, 3.5.2.3, 3.5.2.4, 3.5.2.5 and 3.5.2.6.

Deleting Section 3.5.2 Need for Expansion and replacing it with:

3.5.2

1. Settlement area boundaries will be delineated in this Plan.
2. A settlement area boundary expansion may occur through a municipal comprehensive review where it is demonstrated that:
 - a) based on the minimum intensification and density targets in this Plan and a land needs assessment undertaken in accordance with Policy 2.2.1.5 in A Place to Grow, Growth Plan for the Greater Golden Horseshoe (May 19, 2019), sufficient opportunities to accommodate forecasted growth to the horizon of the Growth Plan are not available through

intensification and in the designated greenfield area:

- i. within the upper- or single-tier municipality, and
 - ii. within the applicable lower-tier municipality;
- b) the proposed expansion will make available sufficient lands not exceeding the horizon of the Growth Plan, based on the analysis provided for in Policy 3.5.2.2 a), while minimizing land consumption; and
- c) the timing of the proposed expansion and the phasing of development within the designated greenfield area will not adversely affect the achievement of the minimum intensification and density targets in the Growth Plan, as well as other policies of the Growth Plan.

3. Where the need for a settlement area boundary expansion has been justified in accordance with Policy 3.5.2.2, 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 the Growth Plan, including the following:

- a) there is sufficient capacity in existing or planned infrastructure and public service facilities;
- b) the infrastructure and public service facilities needed would be financially viable over the full life cycle of these assets;
- c) the proposed expansion would be informed by applicable water and wastewater master plans or equivalent and stormwater master plans or equivalent, as appropriate;
- 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;
- e) key hydrologic areas and the Natural Heritage System identified in the Growth Plan and from the Core Natural Heritage System of the City's Official Plan should be avoided where possible;

f) prime agricultural areas should be avoided where possible. To support, minimizing and mitigating the impact on the Agricultural System 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;

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

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

i) the Policies of Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the Provincial Policy Statement are applied; and

j) the proposed expansion meets any applicable requirements of any applicable source protection plan.

4. Notwithstanding Policies 3.5.2.2 and 3.5.2.3, the City may adjust settlement area boundaries outside of a municipal comprehensive review, provided:

a) there would be no net increase in land within settlement areas;

b) the adjustment would support the municipality's ability to meet the intensification and density targets established pursuant to the Growth Plan;

c) the location of any lands added to a settlement area will satisfy the applicable requirements of Policies 3.5.2.2 and 3.5.2.3;

d) the affected settlement areas are not rural settlements; and

e) the settlement area to which lands would be added is serviced by municipal water and wastewater systems and there is sufficient reserve infrastructure capacity to service the lands.

5. Notwithstanding Growth Plan Policies 2.2.8.2 and 5.2.4.3, a settlement area boundary expansion may occur in advance of a municipal comprehensive review, provided:

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

b) the location of any lands added to a settlement area will satisfy the applicable requirements of Growth Plan Policy 2.2.8.3;

c) the affected settlement area is not a rural settlement;

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

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.

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

Deleting Section 3.5.3 Approval and replacing it with:

3.5.3 Urban boundary expansions are a matter of Provincial interest. The City recognizes that the Region of Niagara is the approval authority for the City's Plan and urban boundary expansions.

SCHEDULE "A" LAND USE PLAN

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PART C - THE APPENDICES

The following appendices do not constitute part of Amendment No. XX to the Official Plan of the Corporation of the City of Welland, but are included only as information supporting the amendment.

- APPENDIX I - Affidavit
- APPENDIX II - Notice of Adoption
- APPENDIX III - Minutes of Public Meeting
- APPENDIX IV - Staff Report
- APPENDIX V - Council Resolution (Certified)

APPENDIX I - AFFIDAVIT

IN THE MATTER OF SECTION 7, ONTARIO
REGULATION 543/06

AND

IN THE MATTER OF THE ADOPTION OF
OFFICIAL PLAN AMENDMENT NO. 24 BY BY-
LAW 2019-XX PASSED BY COUNCIL OF THE
CORPORATION OF THE CITY OF WELLAND
ON

I, Grant Munday of the City of Welland in the Regional Municipality of Niagara,
make oath and say as follows:

1. I am the Manager of Development Approvals, Infrastructure and Development Services of the Corporation of the City of Welland.
2. That in accordance with Section 17(15) of The Planning Act, as amended and Section 3 of Ontario Regulation 543/06, Notice of the Public Meeting was published in the XX. I hereby certify that the required Public Meeting was held on XXXXXXXXXXXXXXXX by the Council of the Corporation of the City of Welland.
3. A list of all persons or public bodies which made oral submissions at the Public Meeting is attached as Schedule "A" to this Affidavit.
4. That in accordance with Section 17(23) of The Planning Act, as amended, and Ontario Regulation 543/06, the requirements for the giving of Notice of Adoption of the Amendment have been complied with.
5. That in accordance with Section 7(7) of Ontario Regulation 543/06, the decision of Council is consistent with the Policy Statements issued under sub-Section 3(1) of the Act and conforms to any applicable Provincial Plan or Plans.

Sworn before me at the City of Welland
in the Regional Municipality of Niagara,
this XXth day of XXXXX, 2019.

SCHEDULE "A" TO APPENDIX 1 - AFFIDAVIT

List of individuals who made oral submission at the Statutory Public Meeting conducted on XXXXXXXXX concerning Amendment No. XX to the Official Plan of the Corporation of the City of Welland .

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APPENDIX II - NOTICE OF ADOPTION

CITY OF WELLAND
 NOTICE OF ADOPTION OF
 AMENDMENT NO. XX 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-X, being a By-law to adopt Amendment No. XX to the Official Plan on XXXXXXXX under Section 17(23) of The Planning Act, as amended.

The Purpose of Amendment No. XX is to include the subject lands shown on the attached Schedule 'A' within the urban area boundary of the City and to re-designate the lands to implement the uses proposed by the approved Secondary Plan for Northwest Welland.

The Effect of this Amendment is to permit the City's urban area boundary to be expanded to include the northwest portion of the City which will result in the alignment of the City's urban area boundary with its municipal boundary and to provide policies to implement the approved Secondary Plan encompassing these lands.

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.

Any person or agency may appeal, to the Local Planning Appeal Tribunal, in respect to the Amendment to the Official Plan by filing with the Clerk of the City of Welland, no later than XXXXX, 2019, a notice of appeal setting out the specific part of the proposed Amendment to the Official Plan to which the appeal applies, set out the reasons for the appeal and be accompanied by the fee prescribed under the Local Planning Appeal Tribunal Act in the amount of \$300.00 payable by certified cheque to the Minister of Finance, Province of Ontario.

Only individuals, Corporations or public bodies may appeal a Decision of the municipality to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated Association or Group. However, a notice of appeal may be filed in the name of an individual who is a member of the Association or the Group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the Plan was adopted, the person or public body made oral submissions at a Public Meeting or written submissions to the Council or, in the opinion of the Local Planning Appeal Tribunal, there are reasonable grounds to add the person or public body as a party.

A copy of the Amendment and Staff Report are available for inspection by the public as of the XXth day of XXXXX, 2019 at Infrastructure and Development Services - Planning Division, 60 East Main Street, Welland during regular office hours.

Dated at the City of Welland this XXth day of XXXXX, 2019.

GRANT MUNDAY, B.A.A.
MANAGER OF DEVELOPMENT APPROVALS
INFRASTRUCTURE AND DEVELOPMENT SERVICES
OF THE CORPORATION OF THE CITY OF WELLAND

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APPENDIX IV - STAFF REPORT

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APPENDIX V - COUNCIL RESOLUTION