



# NOTICE

THE MAYOR HAS CALLED

A SPECIAL MEETING OF COUNCIL

AT 5:30 P.M.

***TUESDAY, SEPTEMBER 10, 2019***

IN THE COUNCIL ANTE ROOM – CIVIC SQUARE  
TO DISCUSS THE FOLLOWING:

- PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD.
  - *300 Major Street.*
  
- A TRADE SECRET OR SCIENTIFIC, TECHNICAL, COMMERCIAL, FINANCIAL OR LABOUR RELATIONS INFORMATION, SUPPLIED IN CONFIDENCE TO THE MUNICIPALITY OR LOCAL BOARD, WHICH, IF DISCLOSED, COULD REASONABLY BE EXPECTED TO PREJUDICE SIGNIFICANTLY THE COMPETITIVE POSITION OR INTERFERE SIGNIFICANTLY WITH THE CONTRACTUAL OR OTHER NEGOTIATIONS OF A PERSON, GROUP OF PERSONS, OR ORGANIZATION.
  - *Recreational Bid opportunities for the City of Welland.*
  
- PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES.
  - *Personnel matters/staffing issues.*

AND

IN OPEN SESSION  
IN COUNCIL CHAMBERS, CIVIC SQUARE

TO CONSIDER ANY CORRESPONDENCE, REPORTS, AND BY-LAWS

Tara Stephens,  
City Clerk



**SPECIAL COUNCIL MEETING AGENDA**  
**Tuesday, September 10, 2019**  
**COUNCIL CHAMBERS – CIVIC SQUARE**

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**1. COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (5:30 P.M.)**  
**(See yellow tab)**

- Proposed or pending acquisition or disposition of land by the municipality or local board:  
- *300 Major Street.*
- A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization:  
- *Recreational Bid opportunities for the City of Welland.*
- Personal matters about an identifiable individual, including municipal or local board employees:  
- *Personnel matters/staffing issues.*

**2. ARISE FROM COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (6:55 P.M.)**

**3. OPEN SPECIAL COUNCIL MEETING (7:00 P.M.)**

- 3.1 CALL UPON THE CITY CLERK TO REVIEW COMMITTEE-OF-THE-WHOLE ITEMS (IN-CAMERA) TO BE ADDED TO BLOCK**
- 3.2 ADDITIONS/DELETIONS TO AGENDA**
- 3.3 DISCLOSURES OF INTEREST**
- 3.4 COUNCILLORS TO DETERMINE AGENDA ITEMS AND BY-LAWS TO BE REMOVED FROM BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-WHOLE (OPEN) (See pink tab)**

**4. CONFIRMATORY BY-LAW**

A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meeting held on the 10th day of September, 2019.  
Ref. No. 19-1

**5. ADJOURNMENT**



## **SPECIAL COUNCIL MEETING AGENDA INDEX**

*Tuesday, September 10, 2019*  
*5:30 P.M.*  
**COUNCIL CHAMBERS – CIVIC SQUARE**

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Page No.

### **AGENDA BLOCK**

1. **BUSINESS ARISING FROM MINUTES, PREVIOUS MEETINGS AND OTHER ITEMS REFERRED FROM COUNCIL FOR DISCUSSION - Nil**
  
2. **COMMITTEE AND STAFF REPORTS**
  1. **Business Arising from Committee-of-the-Whole (closed) - Nil**
  
  2. **Staff Reports**
  
- 1 - 6                    **P&B-2019-27** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Proposal to declare surplus city-owned lands north of Ross Street and Downs Drive, east of River Road and south of the Young's Sportsplex soccer fields, municipally known as 570 River Road. Ref. No. 18-36. (See By-law 1)
  
3. **NEW BUSINESS - Nil**
  
4. **BY-LAWS**
  1. A By-law to authorize acceptance of a conveyance of land municipally known as 482 River Road from Welland Hydro-Electric Holding Corp. Ref. No. 18-36. (See Report P&B-2019-27)

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

**SPECIAL COUNCIL****INFRASTRUCTURE AND DEVELOPMENT SERVICES**

18-36

**REPORT P&B-2019-27  
SEPTEMBER 10, 2019**

**SUBJECT: PROPOSAL TO DECLARE SURPLUS CITY-OWNED  
LANDS NORTH OF ROSS STREET AND DOWNS DRIVE,  
EAST OF RIVER ROAD AND SOUTH OF THE YOUNG'S  
SPORTSPLEX SOCCER FIELDS, MUNICIPALLY KNOWN  
AS 570 RIVER ROAD AND 482 RIVER ROAD**

**AUTHOR: GRANT MUNDAY, B.A.A., MCIP, R.P.P.  
MANAGER OF DEVELOPMENT APPROVALS**

**APPROVING G.M.: TRAVERS FITZPATRICK  
GENERAL MANAGER,  
INFRASTRUCTURE AND DEVELOPMENT SERVICES**

**RECOMMENDATIONS:**

THAT THE COUNCIL OF THE CITY OF WELLAND as sole Shareholder of Welland Hydro-Electric Holding Corp., requests and accepts excess funds of \$252,325.27 by way of a special dividend from Welland Hydro-Electric Holding Corp., notwithstanding the terms of the Shareholder Declaration; and further

THAT Welland City Council approves a payment of \$252,325.27 to Welland Hydro-Electric Holding Corp. immediately upon receipt of the special \$252,325.27 dividend to repurchase lands located at 570 River Road; and further

THAT Welland City Council approves that the \$250,000 received by the City of Welland in 2017 from the original sale of the land at 570 River Road to Welland Hydro-Electric Holding Corp. be used in the development of the industrial park to promote economic growth and new jobs within the City; and further

THAT Welland City Council declares surplus to the City's needs a 4.1 hectares (10.2 Acre) portion of lands north of Ross Street and Downs Drive, east of River Road and south of the Young's Sportsplex Soccer Fields, municipally known as 570 River Road.

**ORIGIN AND BACKGROUND:**

On April 24, 2017 Council declared an approximately 15.51 hectares (38.35 acres) of land on a portion of the property known municipally as 570 River Road. 570 River Road includes lands used for the Young's Sportsplex. With reference to Appendix I, 2.09 hectares (5.17 acres), now known municipally as 482 River Road, was transferred to Welland Hydro-Electric Holding Corp. for \$250,000.00 to facilitate a joint venture with the City to construct a 500 kW Feed-in-Tariff (FIT) 5.0 Ground Mounted Solar Project. The

lands were to be leased to Welland Hydro Energy Services for Welland Solar Joint Venture to construct a 500 kW ground mount solar field under a FIT5 contract from the IESO. This program was cancelled by the Province of Ontario in 2018 prior to the joint venture receiving final approval. The remaining 13.41 hectares (33.15 acres) of land is intended for an industrial subdivision. The preparation of these lands for industrial development is in process. The lands are actively being marketing and there is significant interest from investors to develop these lands with employment uses.

Staff have reviewed the lands transferred to Welland Hydro Energy Services and have determined that these lands and some additional to the east and west of these lands could form an additional parcel of land for industrial development. For information purposes, a Key Map showing the location of subject lands recommended to be declared surplus, is attached as Appendix II.

### **COMMENTS AND ANALYSIS:**

With reference to Appendix II, the subject lands are currently vacant and do not contain any sports fields, buildings or structure or municipal infrastructure. They lands are approximately 4.1 hectares (10.2 acres) in size. They are currently designated Gateway Economic Centre in the Official Plan and Zoned GEC – Gateway Economic Centre. The GEC Zone permits a range of employment/industrial uses.

The lands currently owned by Welland Hydro will be transferred back to the City of Welland and merged with the additional lands being proposed to be declared surplus. Welland Hydro-Electric Holding Corp. and its subsidiaries do not have any current or foreseeable use for the lands at 570 River Road. This will allow for an additional industrial development lot of 4.0 Ha (9.9 acres) and a 0.1 Ha (.3 acre) parcel which the owner of 472 River Road (RY Tool & Die) is interested in purchasing this small parcel to add to their existing industrial lands. Should 472 River Road not purchase the lands they will form part of the 4.0 hectare (9.9 acre) parcel.

Prior to consideration of any offers, the lands must be declared surplus to the City's needs. Should Council declare these lands surplus to the City's needs, as per City Policy, an ad will be placed in the Welland Civic News, Niagara This Week and on the City's website. A subsequent Report to Council will be prepared with respect to the details surrounding the disposition of any of these lands.

### **FINANCIAL CONSIDERATION:**

Staff are recommending that Council approved the following financial considerations:

1. Request and accept excess funds of \$252,325.27 by way of a special dividend from Welland Hydro-Electric Holding Corp., notwithstanding the terms of the Shareholder Declaration;
2. Approve a payment of \$252,325.27 to Welland Hydro-Electric Holding Corp. immediately upon receipt of the special \$252,325.27 dividend to repurchase lands located at 570 River Road; and
3. Approve that the \$250,000 received by the City of Welland in 2017 from the original sale of the land at 570 River Road to Welland Hydro-Electric Holding Corp. be used in the development of the industrial park to promote economic growth and new jobs within the City; and further

The Special Dividend will allow the City to repurchase the lands without any cash impacts to the City of Welland and expand the new industrial park located at River Road and Downs Drive to promote economic growth and new jobs in the City.

**OTHER DEPARTMENT IMPLICATIONS:**

The declaring surplus of these City Lands will allow for an additional 4.1 hectares (10.2 acres) for the Economic Development Office to actively solicit offers on these lands for industrial development.

With regard to other Departments, there are no implications as a result of the contents of this Report.

**SUMMARY AND CONCLUSION:**

The cancellation of the Feed-in-Tariff program has made available lands known as 482 River Road potentially for industrial development. These lands were originally transferred to Welland Hydro for a joint venture solar project. Staff have reviewed these lands and City owned lands to the east and west and have determined that these piece of lands could merged together to create a larger industrial lot and potentially increase the lot size of an abutting parcel of land.

As a result of this, Staff are recommending Council approve the transfer of the lands known municipally as 482 River Road back to the City by receipt of a special \$252,325.27 dividend to repurchase lands. The declaring of the subject lands (lying north of Ross Street and Downs Drive, east of River Road and south of the Young's Sportsplex Soccer Fields, municipally known as 482 & 570 River Road) surplus to the City's needs. Staff is of the opinion that these lands can be declared surplus to the needs of the City. The Spécial Dividend will allow the City to repurchase the lands without any cash impacts to the City of Welland and expand the new industrial park located at River Road and Downs Drive to promote economic growth and new jobs in the City. Based on the above, Staff are recommending approval of the recommendations contained in this report.

**ATTACHMENTS:**

- Appendix I - Map Showing Lands Declared Surplus on April 24, 2017
- Appendix II - Map Showing Proposed Lands to be Declared Surplus
- Appendix III - Map Showing Proposed Industrial Subdivision





# APPENDIX I

Lands to be Transferred from Welland Hydro-Electric Holding Corp. to the City of Welland

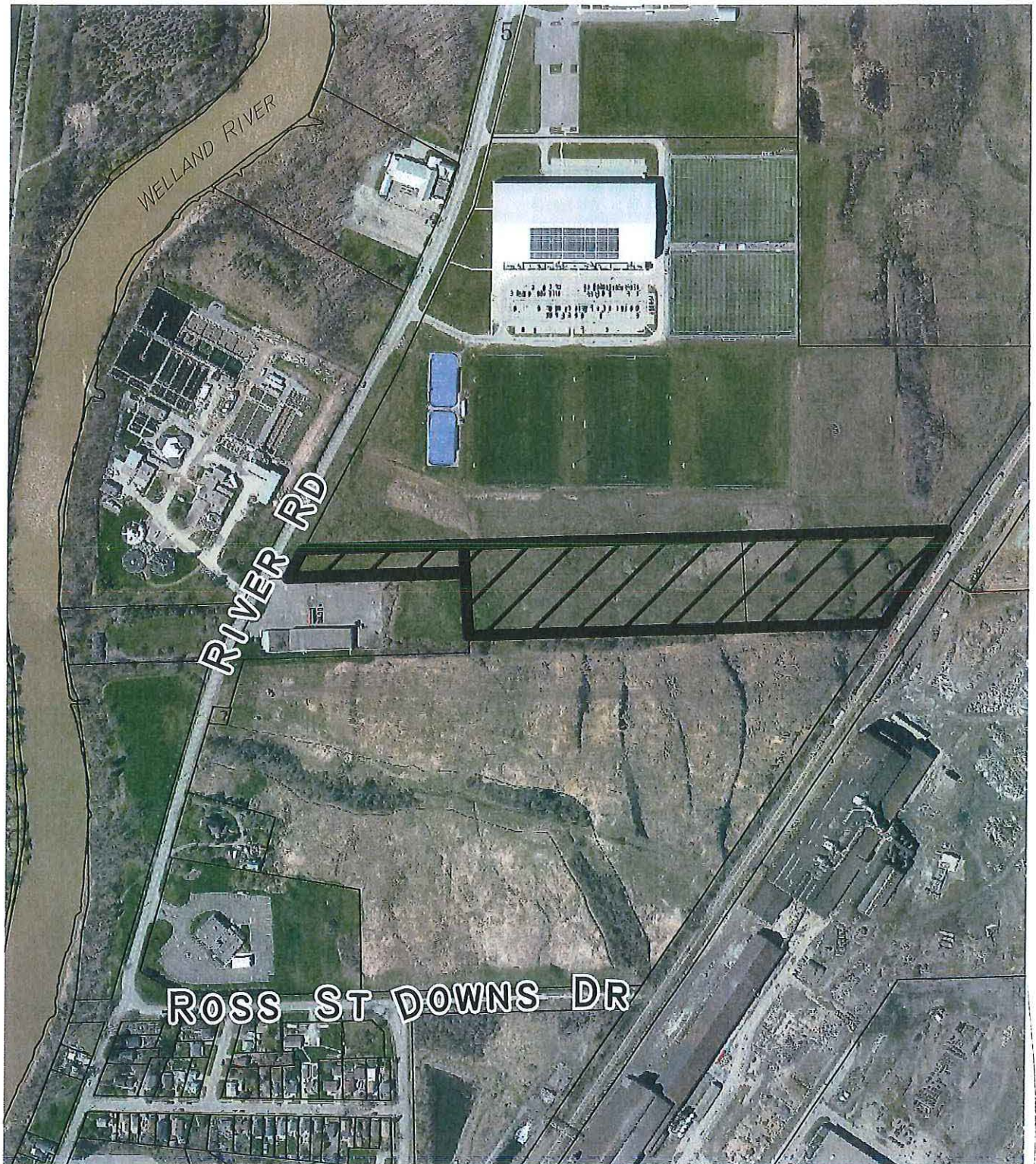


**SUBJECT LANDS**



*Infrastructure and Development Services*  
Planning Division





# APPENDIX II

Lands Proposed to be Declared Surplus



**SUBJECT LANDS**



*Infrastructure and  
Development Services*  
Planning Division









## GENERAL COMMITTEE

*Tuesday, September 10, 2019*  
**COUNCIL CHAMBERS - CIVIC SQUARE**

**Meeting Number 2019 - 11**

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1. **OPEN GENERAL COMMITTEE MEETING FOLLOWING THE SPECIAL COUNCIL MEETING.**
  - 1.1 **CALL TO ORDER BY VICE MAYOR ADAM MOOTE**
  - 1.2 **ADDITIONS/DELETIONS TO AGENDA**
  - 1.3 **DISCLOSURES OF INTEREST**
  - 1.4 **ADOPTION OF MINUTES**

General Committee Meeting of June 25, 2019.
  - 1.5 **ITEMS TO BE REMOVED FROM BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-WHOLE (OPEN) (See blue tab)**
  
2. **VERBAL REPORTS AND DELEGATIONS**
  - 2.1 **DELEGATIONS (MAXIMUM 5/10/5 RULE)**
    - 19-28** Jonna Wolfenberg, Volunteer and Events Coordinator, Community Support Services of Niagara re: Community Support Services of Niagara update.  
**(Background information provided in Council members packages).**
    - 19-28** Janet Handy, Executive Director, Kristen French Child Advocacy Centre Niagara re: New programming at the Kristen French Child Advocacy Centre Niagara.  
**(Background information provided in Council members packages).**
    - 19-28** Kelly Jones, Resident of Welland re: 2019 Terry Fox Run.  
**(Background information provided in Council members packages).**
    - 19-28** Dan Giancola, Resident of Niagara Falls re: 4<sup>th</sup> Annual Gala – Give the boot to PTSD.
    - 19-101** Craig A. Rohe, Senior Planner, Upper Canada Consultants re: Canal View Condominium and the 406 South Corridor.





**GENERAL COMMITTEE -- Page 2**

***Tuesday, September 10, 2019***  
**COUNCIL CHAMBERS – CIVIC SQUARE**

**Meeting Number 2019 – 11**

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**2.2 PRESENTATIONS**

**17-76** Tara Stephens, Acting General Manager Human Resources and Legislative Services/City Clerk and Carmela Radice, Deputy Clerk  
re: Streaming/webcasting for the City of Welland.

**2.3 AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORT(S) – Nil**

**3. COMMITTEE-OF-THE-WHOLE (OPEN)**  
**(Discuss items removed from Agenda Block)**

**4. ADJOURNMENT**



## GENERAL COMMITTEE

Tuesday, September 10, 2019  
COUNCIL CHAMBERS - CIVIC SQUARE

Meeting Number 2019 - 11

Page No.

### AGENDA BLOCK

1. BUSINESS ARISING FROM MINUTES, PREVIOUS MEETINGS AND OTHER ITEMS REFERRED FROM COUNCIL FOR DISCUSSION - Nil

2. STAFF REPORTS

#### CORPORATE SERVICES – D. McLeod, Chair

##### Human Resources & Legislative Services Division

1 - 2      CLK-2019-03      Acting Gen. Mgr., Human Resources & Legislative Services/City Clerk  
T. Stephens – Update Webcasting for the City of Welland. Ref. No.17-76

##### Finance Division

3 - 8      FIN-2019-19      Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer,  
S. Zorbas – Pre-approved 2020 Capital Projects-Funding Recommendations.  
Ref. No.19-4

#### INFRASTRUCTURE & DEVELOPMENT SERVICES – L. Van Vliet, Chair

##### Planning & Building Division

9 – 13      P&B-2019-23      Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Tree  
By-Law Considerations. Ref. No.17-19

14 – 52      P&B-2019-44      Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Request  
Remove From      to Revoke the Ministry of Transportation Highway 406 'Controlled  
Block                      Access Highway' Corridor. Ref. No. 19-101.

3. NEW BUSINESS - Nil



**GENERAL COMMITTEE**  
**LEGISLATIVE SERVICES – CLERKS DIVISION**

APPROVALS	
GENERAL MANAGER	JS
CFO	[Signature]
CAO	[Signature]

REPORT CLK-2019-03 17-76  
 SEPTEMBER 10, 2019

**SUBJECT: UPDATE WEBCASTING FOR THE CITY OF WELLAND**

**APPROVING G.M.: TARA STEPHENS, ACTING GENERAL MANAGER  
 HUMAN RESOURCES AND LEGISLATIVE  
 SERVICES/CITY CLERK**

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report CLK-2019-03: Update Webcasting for the City of Welland; and  
 THAT Welland City Council approves a one (1) year agreement with iSi Live for webcasting services; and further  
 THAT Welland City Council directs the Clerk to prepare all necessary by-laws to enter into an agreement with iSi Live for municipal webcasting.

**ORIGIN AND BACKGROUND:**

On June 6, 2017 Council passed a resolution approving a one (1) year agreement with iSi Live for webcasting services and for staff to provide an update on the service.

At the September 25, 2018 Council Meeting, staff were directed to obtain updated information regarding live streaming services by iSi Live and Wee Stream.

**COMMENTS AND ANALYSIS:**

The introduction of live streaming has effectively assisted in increasing transparency to Council, Special Council and General Committee. Since the introduction of the livestreaming component, live streaming of the meetings has been moderately utilized. Indicating the public's preference in viewing meetings live on their computers anywhere has increased public engagement and transparency.

With the audio improvements to the Council Chambers, the closed captioning on recordings has improved substantially.

**FINANCIAL CONSIDERATION:**

The cost for the iSi Live Webcasting platform for one (1) year is \$12,420.00 including HST.

The yearly cost includes unlimited live access, archive abilities, support and encoding hardware.

**OTHER DEPARTMENT IMPLICATIONS:**

Assistance from the Information Services Division will be required to incorporate the system with our current Council Chambers system, and uploading meetings to the City of Welland website.

The Legal Division will be required to prepare the necessary by-law(s).

**SUMMARY AND CONCLUSION:**

Staff is seeking Council approval to sign a one (1) year agreement with ISI Live for webcasting services. Live streaming the meetings has assisted in increasing public engagement and transparency of processes and decisions.

**ATTACHMENTS:**

N/A



**GENERAL COMMITTEE**  
**CORPORATE SERVICES**  
**FINANCE DIVISION**

APPROVALS	
GENERAL MANAGER	[Signature]
CFO	[Signature]
CAO	[Signature]

REPORT FIN-2019-19  
 SEPTEMBER 10, 2019

19-4

**SUBJECT: PRE-APPROVED 2020 CAPITAL PROJECTS – FUNDING RECOMMENDATIONS**

**AUTHOR & APPROVING G.M.: STEVE ZORBAS, CPA, CMA, B.Comm, DPA, GENERAL MANAGER, CORPORATE SERVICES, CHIEF FINANCIAL OFFICER / TREASURER**

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND approve the creation of a new YSP sustainability reserve to fund future YSP Operating Deficits and/or capital funding requirements; and further

THAT Welland City Council approve the creation of a new Downtown Brownfield Remediation reserve; and further

THAT Welland City Council approve the creation of a Capital Surplus Reserve; and further

THAT Welland City Council approve the creation of an Election Reserve; and further

THAT Welland City Council approve the creation of an Assessment Appeal Reserve; and further

THAT Welland City Council approve the funding of the pre-approved 2020 Capital program of \$5.05 million as follows:

1. Health & Wellness Reserve	\$2.5 million
2. 2019 Federal Gas Tax Top Up	\$1.5 million
3. Capital Surplus Reserve	<u>\$1.05 million</u>
Total	\$5.05 million; and further

THAT Welland City Council approve the reallocation of \$1.5 million of "one time 2019 Federal Gas Tax" to the 2020 Pre-approved Road Resurfacing Capital program and that funding of \$1.5 million from the Capital Surplus Reserve now fund Fire Station #2; and further

THAT Welland City Council approve the reallocation of \$2.5 million from the Operating Surplus Reserve Fund to the Capital Surplus Reserve Fund to fund future Capital projects.

**ORIGIN AND BACKGROUND:**

The City's Corporate Leadership Team and mid-level Managers have identified a list of priority 2020 Capital projects totaling \$5.05 million which were all approved at Council on August 6, 2019.

The following report has been prepared to recommend funding sources for all the projects approved by Council on August 6, 2019.

During the past year staff have been reviewing the City's December 31, 2018 balance sheet and have identified the following funds which can be transferred into the following reserves:

**1 – Historic Accruals No Longer Required**

Previous accruals no longer required totaling \$1,624,152. This represents a number of accruals made in prior years which are no longer required and can now be transferred to various Surplus Reserve Accounts. Breakdown as follows:

1. \$231,137 to Downtown Brownfield Remediation Program
2. \$816,475 to Capital Surplus
3. \$576,540 to Water/Wastewater Fund Surpluses  
\$1,624,152

**2 – Health and Wellness Reserve and Economic Development Reserve**

As future surplus lands are sold by the City, all the proceeds will continue to be deposited into the Health & Wellness Reserve and/or Economic Development Reserve.

**3 – New Young SportsPlex (YSP) Sustainability Reserve Fund**

The 2019 forecasted deficit for the YSP is approximately \$570,000 and Council approved utilizing the Sports & Cultural Reserve Fund (created to receive royalties and lease payments from Walkers) to cash flow the operating deficit of the YSP. The estimated uncommitted balance at June 30, 2019 of this reserve is approximately \$1.6 million. Staff estimate that the reserve will have sufficient funds to continue to fund future operating deficits to the end of 2021.

As a result, the practice of continuing to utilize the Sports & Cultural Reserve Fund to fund future operating deficits beyond 2021 is not financially sustainable. As the Atlas landfill site will be closed and has reached its capacity, the City will no longer receive royalties or rent and will be required to develop a new long-term funding strategy to fund future YSP operating deficits.

Staff recommend the creation of a new reserve titled "YSP Sustainability Fund" which will be funded from the proceeds from the sale of the former Rice Road Soccer Facility located on Quaker Road. In addition, staff support continued "growth" of this fund and staff will report back on options. In the future, interest earned and funds in this reserve can be utilized to cash flow future YSP debt payments, and also fund YSP capital projects. The goal is to develop a long term financing strategy to mitigate future tax levy budgets due to YSP operating deficits and/or Capital requirements.

The new reserve will also earn interest on an annual basis.

#### **4 – New Downtown Brownfield Remediation Reserve**

City staff have reviewed prior year accruals made for anticipated Brownfield remediation developments that could require City funding based on Council's approved Brownfield policies. To assist with funding such future projects, staff recommend that funds accrued in prior years, in the amount of \$231,137, be transferred to a new Reserve to be titled "Downtown Brownfield Remediation".

#### **5 – New Capital Surplus Reserve**

Staff recommend the establishment of a new Reserve called "Capital Surplus Reserve". Currently the Capital Surplus Fund is maintained in a balance sheet account titled as "Working Capital". \$1,792,470 will be transferred from the Working Capital Fund to the new Capital Surplus Reserve Fund.

#### **6 – New Election Reserve Fund**

Staff recommend the establishment of a new Reserve called "Election Reserve Fund". Currently the Election Reserve Fund is maintained in a balance sheet account titled as "Clerks Working Capital". \$372,393 will be transferred from the Clerks Working Fund to the new Election Reserve Fund.

#### **7 – New Assessment Appeal Reserve Fund**

Staff recommend the establishment of a new Reserve called "Assessment Appeal Reserve Fund". Currently the Assessment Appeal Reserve Fund is maintained in a balance sheet account titled as "Taxation Reduction". \$822,929 will be transferred from this account to the new Assessment Appeal Reserve Fund.

### **COMMENTS AND ANALYSIS:**

#### **Revised Capital Funding Strategy for Fire Hall #2**

Staff have been advised that the "2019 one-time increase to Federal Gas Tax in the amount of \$1.5 million" cannot be utilized for funding the new Fire Station #2. The program spending criteria make this project ineligible.

As a result, staff also recommend that the proposed funding for Fire Hall Station #2 be changed to reallocate the 2019 Federal Gas Tax top up of \$1.5 million to fund the pre-approval of 2020 Road Resurfacing project, and that \$1.5 million be funded from the Capital Surplus Account (Current uncommitted balance, if Council approves the report, will be approximately \$3,437,000) be the new source of funding. Sufficient funds are available.

### **FINANCIAL CONSIDERATION:**

Staff recommend the following funding strategy totaling \$5.05 million which were all approved at Council on August 6, 2019:

1. Health & Wellness Reserve                      \$2.5 million



2. 2019 Federal Gas Tax Top Up	\$1.5 million
3. Capital Surplus Reserve	<u>\$1.05 million</u>
Total	\$5.05 million

**OTHER DEPARTMENT IMPLICATIONS:**

N/A

**SUMMARY AND CONCLUSION:**

The City's Corporate Leadership Team and mid-level Managers have identified a list of priority 2020 Capital projects totaling \$5.05 million which were all approved at Council on August 6, 2019. This report recommends a funding package totaling \$5.05 million. In addition, staff will continue to conduct a comprehensive review of all balance sheet accounts, reserves, and reserve funds.

**ATTACHMENTS:**

Appendix I – December 31, 2018 Draft Unaudited Reserve/Reserve Funds

Appendix II– June 30, 2019 Draft Unaudited Reserve/Reserve Funds

**CORPORATION OF THE CITY OF WELLAND  
SUMMARY OF RESERVE FUNDS AND DEFERRED REVENUE  
as at December 31, 2018**

**RESERVE FUNDS SET ASIDE FOR SPECIFIC PURPOSES BY COUNCIL:**

	<b>Total Balance</b>	<b>UnCommitted Balance</b>
402 ECONOMIC DEVELOPMENT	\$ 4,140,151.33	4,140,151.33
403 FIRE DEPARTMENT	2,019,390.72	2,019,390.72
405 ICE RESURFACER	66,268.53	66,268.53
406 SICK LEAVE	40,304.11	40,304.11
410 MUNICIPAL INCENTIVE GRANT	932,681.54	932,681.54
412 POOL MAINTENANCE	62,288.14	62,288.14
413 WORKERS SAFETY INSURANCE BOARD	295,551.15	295,551.15
425 PARKING	33,102.07	33,102.07
426 COURTHOUSE MAINTENANCE	88,325.56	88,325.56
427 FLEET	248,234.09	248,234.09
429 OMPF CONTINGENCY	71,895.60	71,895.60
430 WATER/SEWER FUND SURPLUS	1,748,952.84	1,748,952.84
431 BUILDING CAPITAL IMPROVEMENTS	142,729.18	142,729.18
432 BENEFIT SAVINGS	1,001,953.51	1,001,953.51
433 OPERATING SURPLUS	5,376,070.26	5,333,902.90
442 SPORTS & CULTURE INFRASTRUCTURE	1,585,455.39	867,074.24
RECREATIONAL CANAL LANDS	13,532,390.92	13,532,390.92
444 INSURANCE RESERVE	871,259.80	871,259.80
445 HEALTH SAFETY AND WELLNESS RESERVE	2,699,588.25	2,699,588.25
414 UNDISTRIBUTED REVENUE	0.00	0.00
<b>TOTAL RESERVE FUNDS (DRAFT UNAUDITED)</b>	<b>\$ 34,956,592.99</b>	<b>34,196,044.48</b>

**DEFERRED REVENUE (RESERVE FUNDS) SET ASIDE FOR SPECIFIC  
PURPOSES BY LEGISLATION, REGULATION OR AGREEMENT:**

PLANNING ACT	\$ 838,966.18	838,966.18
SUBDIVIDERS - FUTURE SERVICES	2,670,900.52	2,670,900.52
437 PROVINCIAL GAS TAX REBATE	1,800,711.67	677,962.51
438 FEDERAL GAS TAX REBATE	2,663,841.01	
ONTARIO BUS REPLACEMENT PRGM	0.00	0.00
ONTARIO STATE OF GOOD ROADS PRGM	7,048.09	7,048.09
DEVELOPMENT CHARGES	8,771,610.35	6,123,467.73
<b>TOTAL DEFERRED REVENUE FUNDS (DRAFT UNAUDITED)</b>	<b>\$ 16,753,077.82</b>	<b>10,318,345.03</b>

<b>TOTAL RESERVE FUNDS</b>	<b>\$ 51,709,670.81</b>	<b>44,514,389.51</b>
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**CORPORATION OF THE CITY OF WELLAND  
SUMMARY OF RESERVE FUNDS AND DEFERRED REVENUE  
as at June 30, 2019**

**RESERVE FUNDS SET ASIDE FOR SPECIFIC PURPOSES BY COUNCIL:**

	<b>Total Balance</b>	<b>UnCommitted Balance</b>
402 ECONOMIC DEVELOPMENT	\$ 6,340,976.43	1,340,976.43
403 FIRE DEPARTMENT	2,431,494.12	1,928,494.12
405 ICE RESURFACER	66,268.53	66,268.53
406 SICK LEAVE	40,304.11	40,304.11
410 MUNICIPAL INCENTIVE GRANT	937,533.08	937,533.08
412 POOL MAINTENANCE	62,288.14	62,288.14
413 WORKERS SAFETY INSURANCE BOARD	295,551.15	295,551.15
425 PARKING	43,102.07	12,102.07
426 COURTHOUSE MAINTENANCE	88,325.56	88,325.56
427 FLEET	248,234.09	151,324.09
429 OMPF CONTINGENCY	71,895.60	71,895.60
430 WATER/SEWER FUND SURPLUS	3,370,995.42	3,370,995.42
431 BUILDING CAPITAL IMPROVEMENTS	0.00	0.00
432 BENEFIT SAVINGS	1,001,953.51	1,001,953.51
433 OPERATING SURPLUS	6,389,914.80	5,783,333.95
442 SPORTS & CULTURE INFRASTRUCTURE	1,715,889.48	1,605,650.94
RECREATIONAL CANAL LANDS	13,457,471.21	13,457,471.21
444 INSURANCE RESERVE	871,259.80	871,259.80
445 HEALTH SAFETY AND WELLNESS RESERVE	2,699,588.25	2,699,588.25
1401 DOWNTOWN BROWNFIELD	133,637.00	231,137.00
1402 CAPITAL SURPLUS	2,746,819.82	2,437,902.97
1400 YSP SUSTAINABILITY	0.00	0.00
1403 ASSESSMENT APPEALS RESERVE	822,928.99	822,928.99
1404 ELECTION RESERVE	372,393.44	372,393.44
414 UNDISTRIBUTED REVENUE <sup>1</sup>	731,139.15	731,139.15
<b>TOTAL RESERVE FUNDS (DRAFT UNAUDITED)</b>	<b>\$ 44,939,963.75</b>	<b>38,380,817.51</b>

**DEFERRED REVENUE (RESERVE FUNDS) SET ASIDE FOR SPECIFIC  
PURPOSES BY LEGISLATION, REGULATION OR AGREEMENT:**

PLANNING ACT	\$ 1,006,455.18	1,006,455.18
SUBDIVIDERS - FUTURE SERVICES	3,411,070.96	3,411,070.96
437 PROVINCIAL GAS TAX REBATE	1,980,768.67	123,019.51
438 FEDERAL GAS TAX REBATE	4,876,483.06	2,167,022.71
ONTARIO BUS REPLACEMENT PRGM	0.00	0.00
ONTARIO STATE OF GOOD ROADS PRGM	4,326.39	4,326.39
DEVELOPMENT CHARGES	8,930,638.35	4,450,720.73
<b>TOTAL DEFERRED REVENUE FUNDS (DRAFT UNAUDITED)</b>	<b>\$ 20,209,742.61</b>	<b>11,162,615.48</b>

**TOTAL RESERVE FUNDS** **\$ 65,149,706.36** **49,543,432.99**

<sup>1</sup> - This figure represents interest earned but not yet distributed to individual reserve funds. The interest will be distributed as of December 31, 2019 based on the average yearly balance of individual reserve funds.



APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

**GENERAL COMMITTEE**  
**INFRASTRUCTURE AND DEVELOPMENT SERVICES**

17-19

REPORT P&B-2019-23  
SEPTEMBER 10, 2019

**SUBJECT:** TREE BY-LAW CONSIDERATIONS

**AUTHOR:** ROSE DI FELICE, M.PI., M.Sc., MCIP, RPP  
MANAGER OF POLICY PLANNING

**APPROVING G.M.:** TRAVERS FITZPATRICK  
GENERAL MANAGER, INFRASTRUCTURE AND  
DEVELOPMENT SERVICES

**RECOMMENDATIONS:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report P&B-2018-23 regarding Tree By-law considerations; and further,

That Welland City Council directs Staff too consult with the public, agencies and other stakeholders prior to reporting back to Council regarding tree preservation on properties that are subject to Planning Act Applications.

**ORIGIN AND BACKGROUND:**

On January 16, 2018 Council approved a motion for Staff "to investigate a Tree By-law under the Municipal Act 2001 or the Planning Act".

Staff has reviewed the preservation and promotion of Trees, the Urban Canopy and Woodlands for two distinct categories: 1) public trees in the right-of-way and on City property such as parks and canal lands; and, 2) private trees located on privately owned land. This Report outlines current policies with respect to both of these categories.

**COMMENTS AND ANALYSIS:****Public Trees**

The management of trees planted in the right-of-way and on City-maintained property is conducted in accordance with accepted good forestry practices by the City's skilled forestry department.

Public trees are removed at the discretion of qualified forestry individuals for a number of reasons such as (but not limited to): disease, risk of injury and liability, road widenings, infrastructure improvements, and development applications.

The replanting of trees, and the planting of new trees is performed annually by City forestry crews subject to budgetary limitations. City crews also plant boulevard trees in

new subdivisions per the requirements of the City's Land Development Policy (1 tree per lot).

By-law 2007-173, *The Highway Damage and Obstruction Control By-law* provides the following language with respect to the protection and preservation of trees:

- 4.3.1 No person shall plant a tree on a highway without City Parks approval.
- 4.3.2 No person shall remove, cut down, or injure a tree located on a highway, or alter any protection system installed for the purpose of protecting a tree.
- 4.3.3 Every person, who is the owner of a property upon which stands a tree, shall forthwith remove any portion of the tree, dead, diseased or decayed, that may fall on a highway.
- 4.3.4 Every person, who is the owner of property which stands a tree, shall forthwith remove any portion of the tree, which interferes with highway street lights.
- 4.3.5 No person shall fasten anything to a tree located on a highway, except when such thing is designed to enhance the survival or growth of the tree.

Based on the practices, policies, and By-laws currently in place, Staff recommends maintaining the status quo for public trees.

#### Private Trees

Trees located on private property are considered the property of the landowner. The City of Welland regulates trees located on private property that pose a hazard to health and safety on highways through By-law 2007-173 (noted above). In addition, the *Property Standards By-law 2009-108* provides for the following:

#### Section 6 Regulations For All Properties

##### 6.1. Yards

- 6.1.1. Every yard, including vacant lots shall be kept clean and free from:
  - (a) dead, decayed or damaged trees or other natural growth;
  - (b) unsafe trees, trees in danger of falling

At the Provincial level there exists Regulation (Endangered Species Act, Species at Risk in Ontario List - O. Reg. 230/08) to protect individual endangered tree species and tree species at risk. Unless a species is identified in this Regulation, there are no local regulations protecting tree removals on private property unless they are part of a Woodland, or have been identified in a Tree Saving Plan.

#### *Woodlands*

Niagara Region has in place its *Regional Tree and Forest Conservation By-law No. 30-2008* that applies to Woodlands that are 1.0 hectare or larger in size in Welland. Per Section 1.38 of the By-law, Woodlands are defined as one or more properties with a density of at least:

- 1.38.a 1,000 trees, of any size per hectare;
- 1.38.b. 750 trees, measuring five (5) centimetres in diameter at DBH, per hectare;

- 1.38.c. 500 trees, measuring over twelve (12) centimetres in diameter at DBH, per hectare; or
- 1.38.d. 250 trees, measuring over twenty (20) centimetres in diameter at DBH, per hectare;

But does not include:

- 1.38.f a cultivated fruit or nut orchard;
- 1.38.g a plantation established for the purpose of producing Christmas trees and which is being actively managed and harvested for the purposes for which it was planted, except that this does not refer to plantations that have ceased being managed or harvested for their intended purpose for a period of 15 years or more; or
- 1.38.h a bona fide tree nursery that is being actively managed and harvested for the purposes for which it was planted.

### *Tree Saving Plan*

The City's Official Plan identifies those instances when a Tree Saving Plan is required. For example, the Official Plan requires that a developer/applicant submit a Tree Saving Plan where development or site alteration is approved within or adjacent to lands designated Core Natural Heritage System. The Plan must be prepared by a professional forester in accordance with the Region's Tree and Forest Conservation By-law (30-2008) and its implementation monitored by a member of the Ontario Professional Forestry Association. The Official Plan further outlines the requirements of a Tree Saving Plan itself. Such requirements of said Plan include:

- (i) Inventory and assess the health and significance of the trees in the woodland;
- (ii) Identify the trees to be removed, the reasons for removal and the methods to be used;
- (iii) Identify the trees to be retained and the measures required to prevent detrimental impacts on those trees; and,
- (iv) Recommend a program to monitor the health of the trees to be retained and implement measures to ensure that trees and shrubs found through the monitoring to be dead or in poor health shall be replaced.

Early in the development process, during the pre-consultation phase, a potential developer is advised that a Tree Saving Plan is required to support an application for development or site alteration so as to protect and preserve the trees on lands where development or disturbance impacts a wooded area. Typically Regional and/or Niagara Peninsula Conservation Authority Staff request Tree Saving Plans be prepared to support a development proposal.

If it is determined that a Tree Saving Plan must be submitted then this requirement is typically implemented through appropriate planning mechanisms such as conditions imposed on the approval of site plans and draft approval of plans of subdivision.

### Areas not currently covered in Welland



The current By-laws and policies outlined in this Report adequately cover a majority of areas relating to forestry and trees. Currently, the following areas are not regulated in Welland.

#### *Heritage Trees & Significant Community Trees*

Heritage Trees and Significant Community Trees refer to a tree designated by City Council as having some significance. Some municipalities have established a process for their Heritage Council to become involved in identifying trees of significance, and thereby have enacted By-laws, which include special provisions to protect these trees whether located on public or private property.

#### *Tree Cutting Permit*

Some municipalities have enacted By-laws that require a permit to be obtained prior to any cutting of private trees, with exceptions.

#### *Tree Canopy and Forest Cover Goal*

Niagara Region has identified, through their Forestry By-law, a goal of 30% forest cover in the Region. A Canopy Cover Goal also of 30% has been identified in the City of St. Catharines Urban Forestry Management Plan. Some municipalities have taken the approach to first identify their Tree Canopy and Forest Cover Goals, and then put into place an action plan to achieve the set goals overtime.

#### *Protection of Trees During Development Phase of Private Lands*

Trees have a value to the community by providing shade and shelter, acting as barriers to wind and erosion and improving the overall aesthetic appeal of a community. At times, on privately owned lands subject to Planning Act approvals (such as draft plans of subdivision/condominium, site plan approvals and consent applications) the removal of trees takes place. Although, Tree Saving Plans are required by the Official Plan there are instances where trees are removed prior to the completion of the Planning approvals process. Currently, as there are no standard requirements for Tree Saving Plans and the quality of plans may vary greatly, opportunities may arise regarding the enhancement of tree preservation/protection on development sites where development is imminent, so as to ensure a healthy, sustainable urban forest and a green, livable City. To this end, Staff suggest that a review be undertaken on how tree preservation on development sites can be enhanced through a formal process.

It is suggested, should Council wish for Staff to review opportunities for tree protection for properties that are subject to Planning Act Applications, that a public consultation process with the public, agencies and other stakeholders be carried out prior to Staff reporting back to Council.

#### **FINANCIAL CONSIDERATION:**

Any changes to the level of service with respect to the City's current forestry practices will have an impact on the City's current financial position.

Further regulation of trees on private property would also require additional financial considerations with respect to resources required to administer inspections and permits.

#### **OTHER DEPARTMENT IMPLICATIONS:**

There are no other Department implications, at this time, resulting from this information Report.

**SUMMARY AND CONCLUSION:**

This Report details current practices, policies and By-laws that deal with the protection and preservation of trees in the City and outlines considerations to be contemplated regarding the need for, and value of, a Tree By-law being enacted in the City. Should it be determined that such a By-law should be considered an extensive public consultation and engagement process should be carried out prior to any such By-law being considered by Council.

Staff recommend that Council receive this Report for information purposes.

**ATTACHMENTS:**

N/A

APPROVALS	
GENERAL MANAGER	<i>[Signature]</i>
CFO	<i>[Signature]</i>
CAO	<i>[Signature]</i>

**GENERAL COMMITTEE**  
**INFRASTRUCTURE AND DEVELOPMENT SERVICES**

19-101

REPORT P&B-2019-44  
 SEPTEMBER 10, 2019

**SUBJECT: REQUEST TO REVOKE THE MINISTRY OF  
 TRANSPORTATION HIGHWAY 406 'CONTROLLED  
 ACCESS HIGHWAY' CORRIDOR**

**AUTHOR: GRANT MUNDAY, B.A.A., MCIP, R.P.P.  
 MANAGER OF DEVELOPMENT APPROVALS**

**APPROVING G.M.: TRAVERS FITZPATRICK  
 GENERAL MANAGER,  
 INFRASTRUCTURE AND DEVELOPMENT SERVICES**

**RECOMMENDATIONS:**

THAT THE COUNCIL OF THE CITY OF WELLAND request the Ministry of Transportation remove the Highway 406 'Controlled Access Highway' Corridor designation on the lands shown on Appendix I; and further

That Welland City Council request the Ministry of Transportation designate the area shown on Appendix II as the Highway 406 'Controlled Access Highway' Corridor designation; and further

That Welland City Council directs Staff to forward Report P&B-2019-44 to the Regional Municipality of Niagara and to the Minister of Transportation for their consideration.

**ORIGIN AND BACKGROUND:**

On April 1, 2019, Staff received a request from Upper Canada Consultants asking Council to pass a resolution requesting that the Province of Ontario remove a portion of the 'Controlled Access Highway' corridor for the Future Highway 406 Extension south of East Main Street along the west side of the Welland Shipping Canal to Highway 58A (Townline Tunnel Road). The request is attached as Appendix II. The subject 'Controlled Access Highway' corridor is shown on Appendix I. The 'Controlled Access Highway' corridor was put in this location to allow for the potential expansion of Highway 406 South of the round-about at East Main Street and the existing Highway 406 to Highway 58A (Townline Tunnel Road).



With reference to Appendix II, Upper Canada Consultants are making this request on behalf of their client 1650672 Ontario Limited. 1650672 Ontario Ltd. are developing the Canal View Heights Registered Plan of Subdivision and the draft approved Canal View Heights Condominium both of which include lands within and abutting the protected corridor. The Draft Approved Condominium includes a number of conditions of approval one which directly relates to the existing Highway 406 Corridor. The condition is as follows:

That the Ministerial Order in Council, protecting the Controlled Access Highway corridor across the subject lands be lifted to the satisfaction of the Province.

There is also a similar condition placed on the Holding Provision which applies to the approved H-RL2-86 Zone that applies to the draft approved condominium lands. Without the Province of Ontario lifting of the controlled access highway corridor, the Canal View Heights Draft Approval Condominium cannot proceed forward to registration or construction. The "Controlled Access Highway" corridor established by the Province prohibits, permanent buildings and structures, utilities, roads, fire route, essential parking facilities, storm-water management ponds, berms and all these must be setback 14 metres (45 feet) from the boundaries of the corridor.

### **COMMENTS AND ANALYSIS:**

Staff have reviewed the request by Upper Canada Consultants (attached as Appendix II) and have carefully reviewed this matter with internal staff at the City and the Region. There is little information available regarding the planned extension of Highway 406 into the location of the current 'Controlled Access Highway' corridor. As mentioned previously and in Appendix II, the proposed alignment would connect the roundabout at East Main Street and Highway 406 to Highway 58A/Townline Tunnel Road. No Environmental Assessment (EA) or any route selection works have been undertaken by the Province to further develop this corridor.

### **Niagara to GTA Corridor Planning and Environmental Assessment (NGTA Corridor)**

The most recent study that was done by the Province in this area was the 2013 Niagara to GTA Corridor Planning and Environmental Assessment (NGTA Corridor). With reference to Figure 2 in Appendix II, this study preferred an east-west connection (East Option 4) between Highway 140 and the QEW in Fort Erie, following along Netherby Road or adjacent lands. Highway 140 between approximately Netherby Road to East Main Street would be improved to accommodate additional traffic volumes.

### **Provincial Policy Statement (PPS) & Growth Plan for the Greater Golden Horseshoe (Growth Plan)**

The 2014 PPS and 2019 Growth Plan both contain policy direction on transportation corridors. It requires these corridors to be protected from development that would negatively impact the use of the transportation corridor for

its intended purpose. Staff recognize the importance of these policies in protecting future transportation corridors. With respect to the subject corridor, Staff are of the opinion that this should be moved to Highway 140 between East Main Street and Netherby Road to come in line with the NGTA Corridor study.

#### **Region of Niagara Transportation Master Plan (TMP)**

In 2017, the Region of Niagara completed the TMP which is a strategic vision document which outline the 25 year transportation goals of the Region. This Plan makes reference to the above noted NGTA Corridor including an extension of Highway 406 to Highway 140 and an east-west connection between Highway 140 and the QEW Fort Erie via Netherby Road.

#### **Niagara Region Official Plan (Regional OP)**

The 2014 Regional OP does not contain any reference to the Highway 406 "Controlled Access Highway" corridor established by the Province. The Regional OP does however include policies requiring the protection of transportation corridors. It also requires that local municipalities protect transportation corridors in their respective Official Plans. The Regional OP also includes policies related to the study of the need, alignment and timing of a Mid-Peninsula Corridor. Part of this policy was fulfilled by the NGTA Corridor study by the Province.

#### **City of Welland Official Plan (City OP)**

The 2010 City OP includes mapping for the Highway 406 "Controlled Access Highway" corridor established by the Province. It also contains policies related to the protection of transportation corridors. In particular, Policy 6.4.1.5 states:

The City will anticipate, designate and protect transportation rights-of-way and areas required for future transportation facilities in cooperation with the Province, Region and neighbouring municipalities.

In considering an alternative location for this corridor, Policy 6.4.1.2 – To Provide and Integrated Transportation System and Policy 6.4.1.3 - To Create a Responsible Transportation System are relevant. Policy 6.4.1.2 states:

The City will encourage and plan for an integrated transportation system which allows for cost-effective and efficient movement of people and goods in a manner compatible with existing and future land uses.

Policy 6.4.1.3 states:

The City will encourage a transportation system in Welland which supports economic development and social inclusion, with minimum social and environmental disruption.

In considering these OP policies and the recent NGTA study, staff are of the opinion that the Highway 406 "Controlled Access Highway" corridor should be removed from its current location and be considered by the Province to be placed on East Main Street east of the round about to Highway 140 and along the Highway 140 Corridor from East Main Street to approximately Netherby Road. The Highway

140 corridor is a better location for a potential extension of Highway 406 for a number of reasons including the following.

- The financial costs of widening Highway 140 would be significantly lower than creating a whole new corridor south of the round about.
- The East Main Street Tunnel under the Welland Shipping Canal already has two lanes of traffic in each direction;
- The Highway 58A/Townline Tunnel Road under Welland Shipping Canal only contains one lane of traffic in each direction, creating additional lanes of traffic will be very difficult in this location;
- Highway 140 has between 70-75m in right of way width which is large enough to support a future 4 lane highway, similar in size and function to the Highway 406 south extension;
- The current corridor is close to existing urban residential development and could potentially have a negative impact on residents (noise, air and vibration pollution); and
- Removing the current corridor would open up additional urban lands for residential development and allow for better local road connection where east-west road terminate at the Welland Shipping Canal.
- A Highway 140 corridor would provide better highway access for existing and future industrial development in this area and would help to promote future investment in the surrounding area.

With reference to Appendix IV, Staff also received a letter in full support from Marc Viger, Laurant Viger Construction Ltd who owns lands abutting and within the current 406 'Controlled Access Corridor'.

#### **FINANCIAL CONSIDERATION:**

There are no financial implications as a result of the content of this Report.

#### **OTHER DEPARTMENT IMPLICATIONS:**

There are no implications to other Departments as a result of the content of this Report.

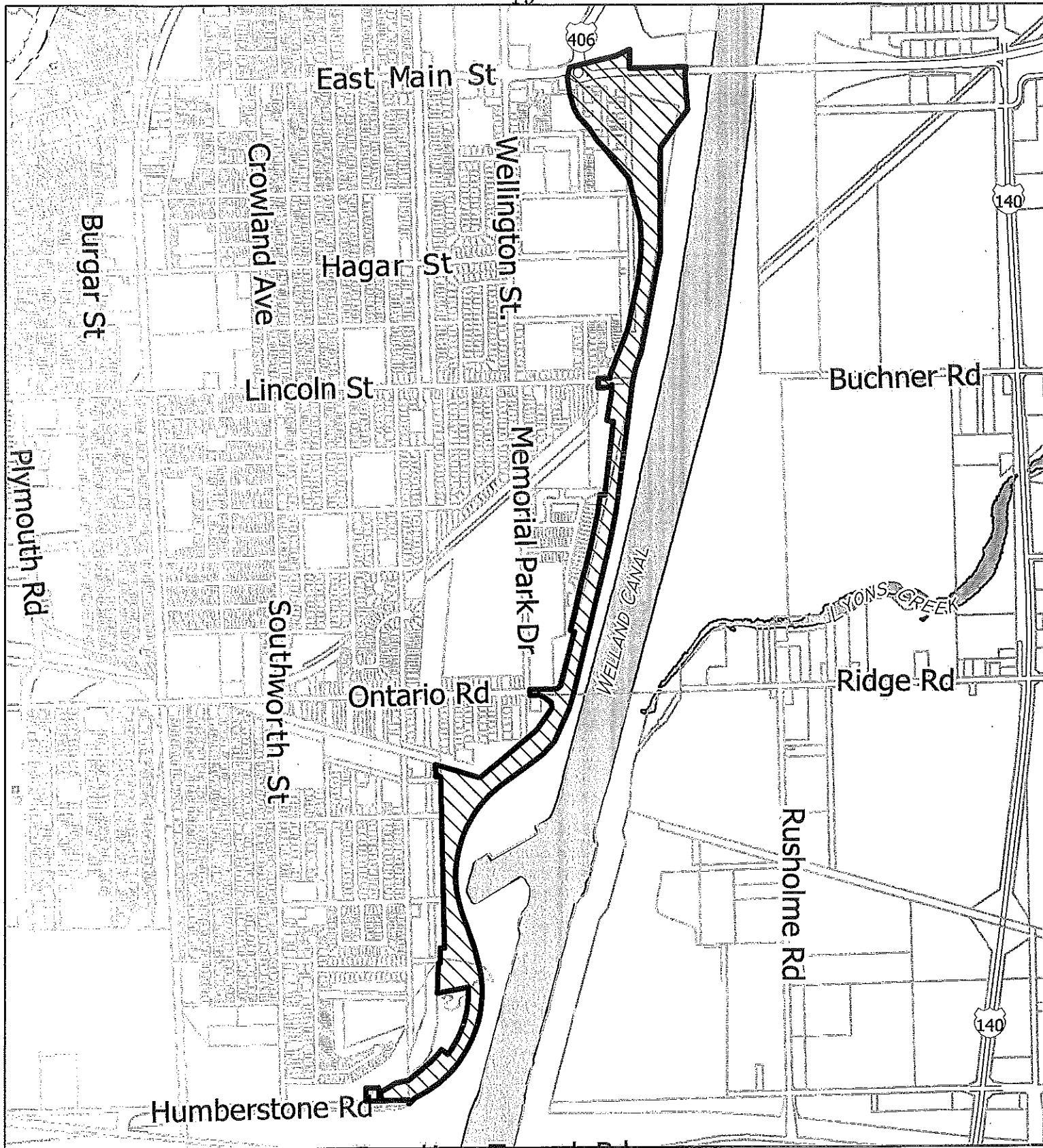
#### **SUMMARY AND CONCLUSION:**

Staff have reviewed the request from Upper Canada Consultants asking Council to pass a resolution requesting that the Province of Ontario remove a portion of the 'Controlled Access Highway' corridor for the Future Highway 406 Extension south of East Main Street along the west side of the Welland Shipping Canal to Highway 58A (Townline Tunnel Road). Staff have reviewed this need for this corridor and after reviewing relevant information have determined that it is not needed in its current location. Staff are recommending that Council pass a motion request removal of the corridor as shown on Appendix I and replace replacing with the corridor as shown on Appendix II.

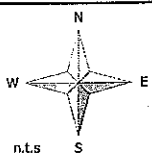


**ATTACHMENTS:**

- Appendix I - Location of Highway 406 Controlled Access Corridor
- Appendix II - Request from Upper Canada Consultants
- Appendix III - Proposed Alternative Highway 406 Controlled Access Corridor
- Appendix IV - Letter from Marc Viger, Laurant Viger Construction Ltd.



Location of Highway 406 Controlled Access Corridor



**SUBJECT LANDS**



*Infrastructure and  
Development Services  
Planning Division*

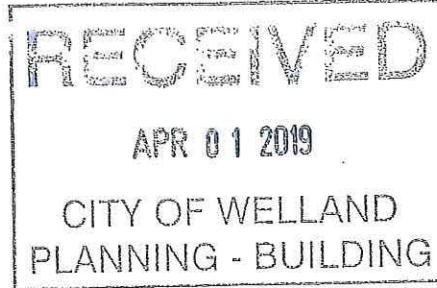


**UPPER CANADA  
CONSULTANTS**  
ENGINEERS / PLANNERS

Upper Canada Planning  
& Engineering Ltd.

3-30 Hannover Drive  
St. Catharines, ON L2W 1A3

T: 905-688-9400  
F: 905-688-5274



March 27, 2019

To: Mayor and Council  
Corporation of the City of Welland  
60 East Main Street  
Welland, ON L3B 3X4

Re: Canal View Estates (City File Nos. 26CD-14-18005, 2018-04)  
Request for Support of a Request for the Revocation of a Portion of the Ministry of  
Transportation Future Highway 406 Extension

On behalf of our client 1650672 Ontario Limited, please accept this letter as a formal request for Welland City Council to support a request for the revocation of a portion of the Ministry of Transportation's Future Highway 406 Extension. The corridor is located generally along the western side of the Welland Canal, between East Main Street and Highway 58 / Townline Road.

The Corridor, as shown on **Appendix I**, constitutes approximately 35 hectares of Urban Land that will be unable to be developed unless the corridor is revoked by the Province of Ontario.

This corridor currently encumbers the recently draft approved Canal View Estates Condominium development (City File No 26CD-14-18005), and is required to be revoked by the Province prior to any final approval or development taking place.

This submission contains an analysis of applicable planning policy from a Provincial, Regional and local perspective. Based on this analysis, and the recommendations of the Niagara-to-GTA-Corridor Transportation Development Strategy that indicates Highway 140 will be developed as a key north-south linkage from Highway 406 to the proposed NGTA East Area Corridor, it becomes clear that the Future Highway 406 Extension is not a Provincial priority and will likely not be built in a time frame that supports any of growth and development pressures that the City is experiencing. Accordingly and consistent with the conditions of approval and holding provisions established through the draft approval of Canal View Estates Condominium, the revocation of the corridor lands will be requested of MTO by 1650672 Ontario Limited.

Craig A. Rohe, M.Pl., MCIP, RPP  
Senior Planner  
Upper Canada Consultants

cc. 1650672 Ontario Limited  
Grant Munday, MCIPO, RPP, Manager of Development Approvals, City of Welland  
Erik Nickel, P. Eng., General Manager / City Engineer, City of Welland



## Background

On June 20, 2018, applications for Official Plan Amendment (Amendment 18), Zoning by-law Amendment (File 2018-04) and Draft Plan of Vacant Land Condominium (26CD-14-18005) were deemed complete by the City of Welland. The lands subject to these applications includes Lots 37, 38, 54, 55, 56 and Block 74 on Registered Plan 59M-440 in the City of Welland, within the Regional Municipality of Niagara.

Lots 37, 38, 54, 55, 56 and Block 74 were created through the Canal View Heights Plan of Subdivision (City File 26T-14-11002). The identified MTO Corridor is generally situated on Block 74.

Generally, the site is bounded by a woodlot to the North, the Welland Canal to the East and Canal View Heights Subdivision and Memorial Park to the South and West.

A copy of the approved Draft Plan is included as **Appendix II**.

Through the public and agency review process, comments were received from the Ministry of Transportation on July 4 2018 (see **Appendix III**). The comments outlined that:

*"The designated 'Controlled Access Highway' corridor for the Future Highway 406 Extension south of East Main Street lies within the eastern boundary of the proposed site associated with the referenced applications.*

*The site is within the ministry's permit control area. Note that all proposed, permanent buildings and structures (above and below ground), utilities, frontage roads/fire routes, essential parking facilities, storm-water management ponds and associated berms or any amenity deemed essential to the operation of the site, must be set back a minimum of 14.0 metres (45 feet) from the property limit of the designated Future Highway 406 Extension Corridor.*

*Further, no structure / erection, work or activity of any kind associated with the development of the site may encroach upon the designated 'Controlled Access Highway' corridor for the Future Highway 406 Extension."*

Generally, the effect of these comments is that development cannot proceed within the corridor, or within a 14 metre setback of the delineated edge of the corridor. These restrictions "sterilize" a significant portion of the Canal View Estates condominium development from being developed.

On September 25, 2018 Council approved the applications, subject to a zoning hold and conditions of draft approval.

The Holding provision is as follows:

*"THAT Welland City Council directs that prior to the lifting of the Holding Symbol (H), the Owner must provide to the City documentation that a Ministerial Order in Council, protecting the Controlled Access Highway corridor across the subject lands, has been lifted to the satisfaction of the Province; "*

Condition 16 of the Draft Approved Plan of Vacant Land Condominium applies further direction that the corridor must be revoked prior to the condominium receiving final approval.

*Condition 16 – That the Ministerial Order in Council, protecting the Controlled Access Highway, across the subject lands be lifted to the satisfaction of the Province.*

As it stands currently, our client (1650672 Ontario Limited) must engage the MTO and request that they recommend the revocation of the corridor to the Minister of Transportation prior to any final approval of the development. In order to do this, support from the City of Welland is crucial.

### Niagara to GTA Corridor Planning and Environmental Assessment (NGTA Corridor)

There is minimal information publically available regarding the planned extension of Highway 406 beyond East Main Street. What is known generally based on discussions with the MTO and through the obtainment of a shapefile showing impacted lands, is that the proposed alignment would connect from the 406 Roundabout, along the western side of the Welland Canal to Highway 58/Townline Road. This roadway is referred to as a future controlled access highway by MTO in their comments dated July 4, 2018. To date, an Environmental Assessment or any subsequent route selection works have not been undertaken by the Province to develop this corridor.

In 2013, the Province concluded its work on the Niagara to GTA Corridor Planning and Environmental Assessment. The Report, known as the Transportation Development Strategy (TDS), outlined the preferred and recommended improvements to the Highway network in Southern Ontario for the West, Central and East Areas. The Regional Municipality of Niagara lies within both the Central and East Areas of the TDS. With specific regard to the subject lands, they are located within the East Area.

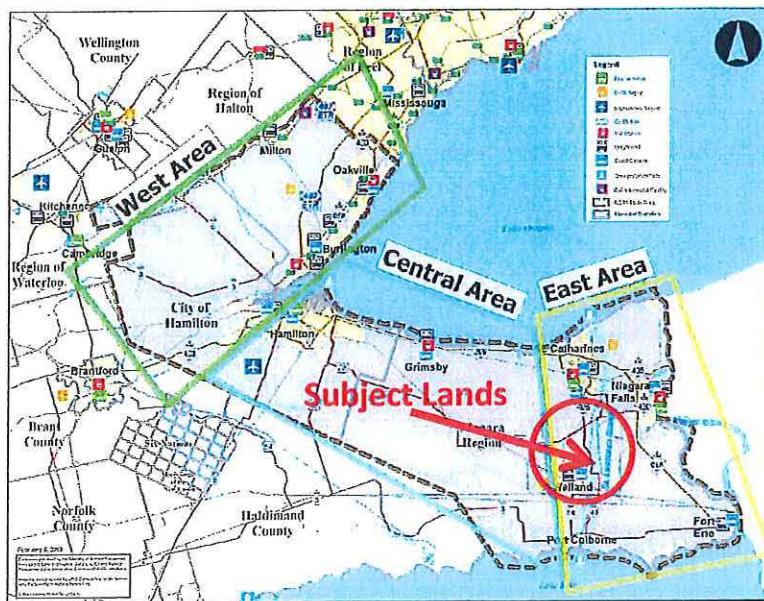


Figure 1 - West, East and Central Areas



As outlined in the TDS, the recommended alignment for a new Provincial Highway Corridor is East Option 4, shown in the image below. Generally, this corridor project would consist of improvements to connect Highway 406 through the existing 4-lane East Main Street Tunnel to Highway 140. Highway 140 would be improved to accommodate additional volumes and a new provincial highway corridor would be built between the Highway 140/ Netherby Road interchange and the QEW in Fort Erie (Approximately Eagle Street Area in Stevensville)

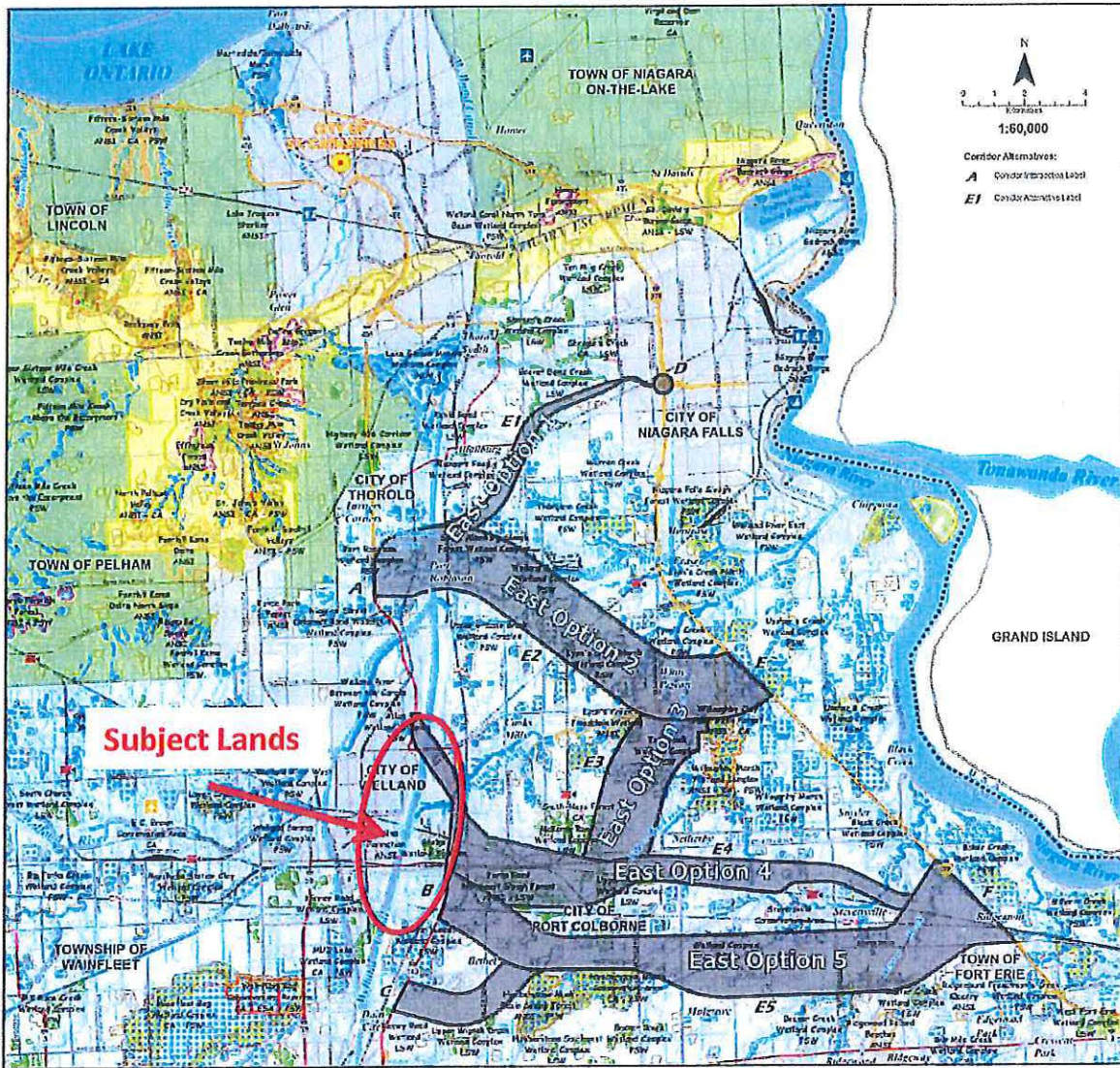


Figure 2 - Proposed Alignment Options

Highway 140 is a locally and regionally significant north-south corridor that provides access between north and south Welland and to Niagara Falls and Port Colborne. The MTO owned lands associated with Highway 140 within the Welland municipal boundary are currently between 70-75m in width, which is large enough to support a future 4 lane highway, similar in size and function to the 406 South Extension.

Based on the TDS, it can be deduced that if a new corridor is supported on the East Side of the Canal, that a duplicate corridor along the west side would be redundant.

In lieu of the future Highway 406 Extension, multi-modal Improvements to other established north-south arterials and roads on the west side of the Canal, such as Wellington Street and Crowland / Southworth Street could be made to improve connectivity in this area of the municipality. These smaller scale improvements to existing networks would come with less-nuisance than the introduction of a 4 lane highway adjacent to existing residential developments (i.e. noise, vibration, air quality). Paired with the future enhancement of Highway 140 and existing roads, access and mobility through the municipality could be improved without the need for a new corridor.

## **PROVINCIAL PLANS**

The proposed corridor alignment is within the City of Welland and is subject to the policies of the Provincial Policy Statement (2014) and the Growth Plan for the Greater Golden Horseshoe. Both Plans contain policy direction on transportation corridors, as outlined below.

### **Provincial Policy Statement (2014)**

Section 1.6 of the PPS Infrastructure and Public Service Facilities contains specific policy direction Provincial infrastructure, including highways and other transportation systems.

Section 1.6.8 Transportation and Infrastructure Corridors outlines the requirements for protecting corridors and rights-of-way for infrastructure including transportation, transit and electricity generation. Planned Corridors are a defined term in the plan, and are to be protected from development that could preclude or negatively affect the use of the corridor for the purposes which it was identified. The definition for Planned Corridors is as follows:

*“Planned Corridors: means corridors or future corridors which are required to meet projected needs, and are identified through provincial plans, preferred alignment(s) determined through the Environmental Assessment Act process, or identified through panning studies where Ontario Ministry of Transportation is actively pursuing the identification of a corridor. Approaches for the protection of planned corridors may be recommended in guidelines developed by the province.”*

When the definition is broken down, it becomes clear that the 406 Southern Extension does not meet the tests of the definition and therefore should not be afforded the same consideration as planned corridors (i.e. the NGTA East Area Corridor), and therefore should be revoked.

### **...Identified through Provincial Plans**

Qualifying Provincial Plans are those included in Section 1 of the Planning Act, as per the PPS definition. These Plans include the Greenbelt Plan (2017), Growth Plan for the Greater Golden Horseshoe (2017), Niagara Escarpment Plan (2017), Oak Ridges Moraine Plan (2017) as well as any prescribed plan or policy or prescribed provision of a prescribed plan or policy made or approved by the lieutenant governor, minister of the crown, ministry or board, commission or agency of the government of Ontario.



Reference to, or delineation thereof of the 406 Southern extension is absent from all noted Provincial Plans. Accordingly, it would not qualify as a planned corridor under these tests.

...preferred alignments determined through the Environmental Assessment process

It is unclear how or when this particular Corridor was established by the Ministry. There are no Environmental Assessments publically available that have contributed to the rigid delineation of this proposed corridor. As no evidence of an Environmental Assessment being completed for this corridor is available, it necessarily follows that the 406 Corridor would not qualify as a planned corridor under this test.

...Identified through planning studies where the province is actively pursuing a corridor

Through the Niagara-to-GTA Corridor Environmental assessment, five (5) potential corridor alignments from Welland to Niagara Falls/Fort Erie were explored (see **Figure 2**). As recommended by the Environmental Assessment, proposed alignment E4 was selected, which directs the expansion and improvement of Highway 140 and the development of a new highway corridor between Highway 140 and the QEW in Fort Erie, generally following the Netherby Road and CN Railway alignments. As the subject lands were not included in the recommendation, they should not be considered a planned corridor under this portion of the definition.

Based on the analysis above, the 406 South Extension Corridor should not be considered as a planned corridor. Therefore it should not be afforded the same protections or held in the same regard as those corridors which are identified in Provincial Plans or that were the subject of study and evaluation. As a preferred corridor alignment has been identified on the other side of the Canal, and in parallel alignment, it can be inferred that the 406 Southern Extension corridor on the west side of the Welland Canal is redundant and not part of the Province's long term highway development plan.

Therefore, it should be revoked, rather than frozen in perpetuity.

**Growth Plan for the Greater Golden Horseshoe (2017)**

Similar to the PPS, the Growth Plan also contains policy direction related to Planned Corridors under Section 3.2.5 Infrastructure Corridors. The policies of this subsection, like the PPS, direct that planned corridors are to be protected.

**REGIONAL TRANSPORTATION MASTER PLAN (2017)**

The Regional Transportation Master Plan (Final Report dated October 2017) is a strategic vision document which outlines the 25 year transportation goals of the Regional municipality and the impacts it will have on residents. The Plan is to be read in conjunction with the Region's forthcoming Growth Management Strategy and Master Servicing Plan.

As stated in the Regional Transportation Master Plan (pg25):

MTO, through its Southern Highways Program and the Niagara to GTA Corridor Planning and Environmental Assessment Study Phase 1, has recommended a program of key improvements in Niagara Region including:

- Widening and rehabilitation of the QEW from McLeod Road to Mountain Road (Southern Highways Program);
- Garden City Skyway bridge replacement (Southern Highways Program);
- Widening and introduction of HOV lanes along the QEW from Fifty Road to Highway 406 (NGTA Corridor Planning and EA Study Phase 1);
- Extension of Highway 406 southerly from Welland (Hwy 140) to NGTA East Corridor (NGTA Corridor Planning and EA Study Phase 1); and
- NGTA East Corridor from Highway 406 Extension to QEW (NGTA Corridor Planning and EA Study Phase 1).

Although the NGTA Corridor is mentioned, references are scoped around an extension of Highway 406 to Highway 140. Map 6 of the TMP delineates the proposed alignment of a new corridor connecting East Main Street to Netherby Road. No further references are provided in the Plan with regard to the 406 Southern extension.

#### **NIAGARA REGION OFFICIAL PLAN (2014)**

The Official Plan for the Regional Municipality of Niagara governs long term land use planning across 12 local municipalities.

The Regional Official Plan does not contain any reference to the proposed Highway 406 Southern Extension in text or by way of mapping. Detailed direction on Transportation Planning matters is provided through the Region's Transportation Master Plan.

Regional Comments submitted on the Canal View Estates (see **Appendix IV**) applications only provided a brief mention of the MTO corridor as follows:

*"Regional staff note that portions of the proposed development are located within lands designated as Controlled Access Highway by the Ministry of Transportation (MTO) for a potential southern extension of Highway 406 on the west side of the Welland Canal. As such, the City should look to confirmation from the Ministry to determine whether the designation and proposed highway extension are still required and if the proposed development will be feasible."*

There is no reference to the Corridor being outlined in any Regional planning documents in these comments.

#### **CITY OF WELLAND OFFICIAL PLAN (2011)**

The Future Highway 406 Extension is mapped on Schedule E of the Welland Official Plan (see **Appendix V**).

Despite being included on Schedule E, the Official Plan contains no mention of the corridor or how development is to be regulated. Further, this plan was approved in 2011, before the Planned Corridor polices of the PPS and Growth Plan were brought into effect and before the TDS was approved in 2013.

All lands within the identified Corridor between East Main Street and Netherby Road are designated as Open Space in the Welland Official Plan.

#### WELLAND COMPREHENSIVE ZONING BY-LAW (2017)

Specific to Canal View Estates, Block 74 was zoned as Community Open Space Zone (O2). Lots 37, 38, 54, 55, 56 were zoned as Residential Low Density 2 (RL2). Through the zoning by-law amendment related to the draft plan of condominium the subject lands have been rezoned to Residential Low Density 2, subject to the Holding provision. The MTO corridor must be revoked prior to the applicant being able to lift the Holding provision.

#### MTO PERMIT CONTROL AREA

As outlined in the Ministry's Letter of Comment submitted through the draft approval process (dated July 4, 2018), the subject lands are located within the MTO's permit control area.

As shown on the Ministry's online mapping tool, the Permit Control Area extends from East Main Street along the western edges of the Welland Canal to Townline Road. Any development within the shaded areas requires the written consent of the Ministry before proceeding. The Canal View Condominium Site is subject to this permitting process.

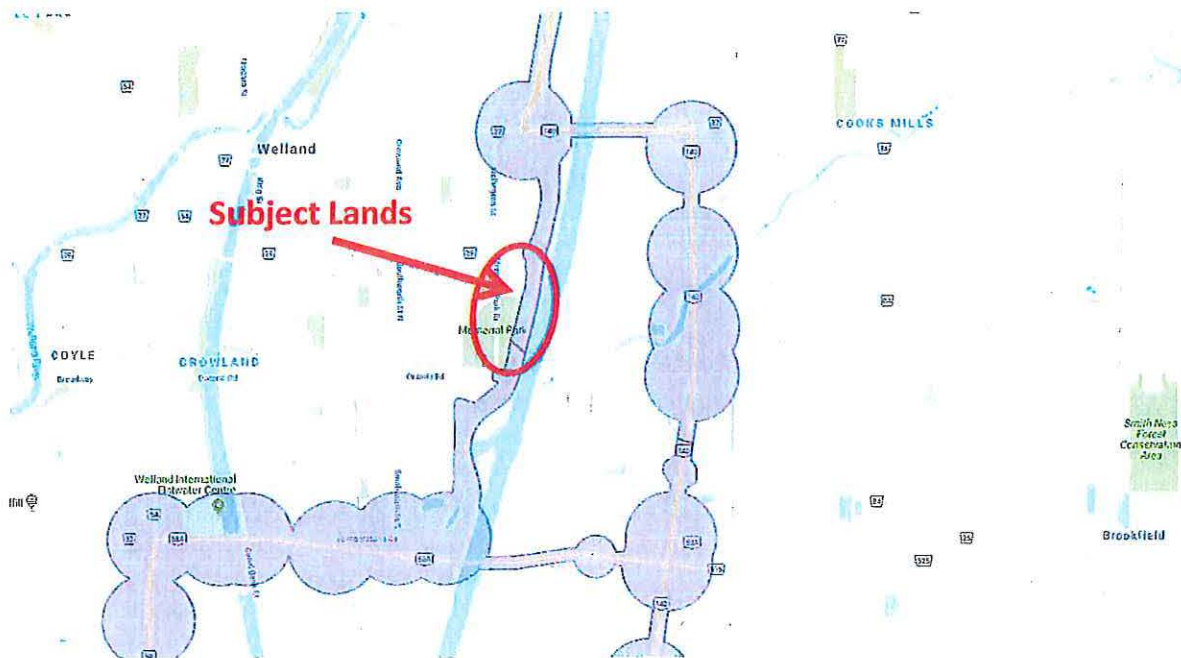


Figure 3 - MTO Permit Control Area

**SOUTHERN HIGHWAYS PROGRAM (2017-2021)**

The Ministry of Transportation outlines future transportation works for Niagara in their Southern Highways Program Document. The current document outlined planned construction, reconstruction and rehabilitation projects to the Year 2021. In the document, there is no direct mention of the Future Highway 406 Extension, save for one line item under the Planning for the Future Section (see **Appendix VI**). The item lists "Highway 406 Welland to Port Colborne, Niagara" as future consideration. Given the approval of the TDS, these improvements are likely to occur on highway 140, as opposed to developing a new corridor on the west side of the Welland Canal.



## **REQUEST FOR ACTION BY MTO**

Currently there appear to be no commitments by any level of government that are focused on evaluating or developing the 406 Southern Corridor Extension.

As noted, the Corridor Extension lands make up approximately 35 hectares of urban land, much of which could be developed. As the PPS, Growth Plan and Regional and local official plans have clear direction on the need for intensification as the preferred means of accommodating and meeting growth targets, this corridor represents a significant barrier to responsible urban development.

The corridor lands are strategically located along the welland canal (i.e. waterfront) and stable neighbourhoods and should be a priority for new urban development. If they are not intended to be used for a future Provincial Transportation Corridor, it is recommended that they be released for development.

In addition to allowing for the development of Canal View Estates Condominium, revocation of this corridor would bring several hectares of readily serviceable urban land into the market for development. There is a positive impact for all levels of government through the release of this corridor.

Specific to the Canal View development, the Ministry must advise if the corridor is needed. If so, compensation for the loss of developable land will be requested from the land owner.

## **CONCLUSIONS AND RECOMMENDATIONS**

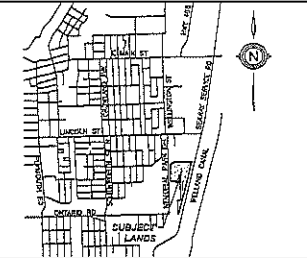
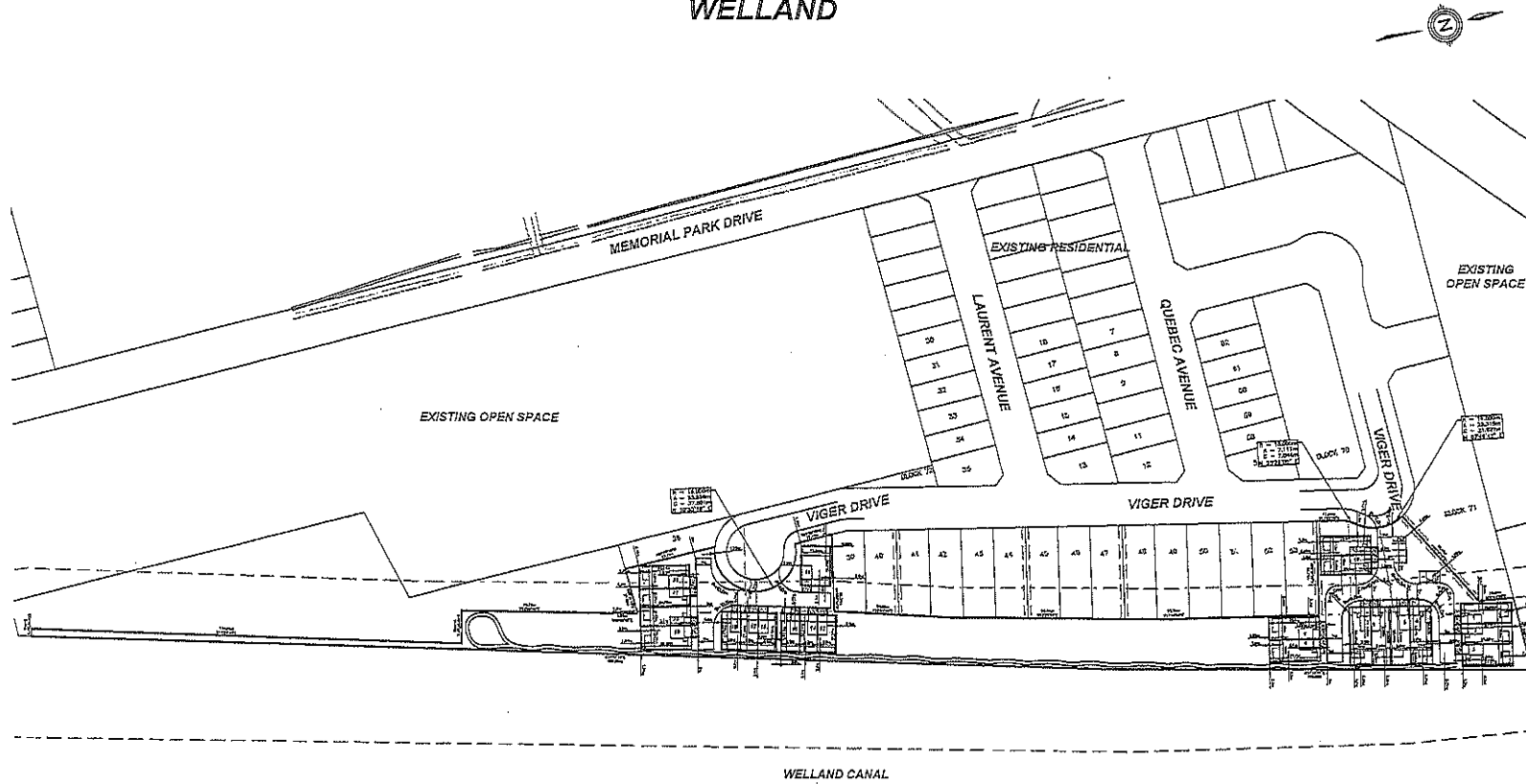
As there appears to be a more suitable, and more readily available highway enhancement option available through the improvement of Highway 140, the 406 South Extension should not be considered as the preferred north-south corridor connection to meet the transportation needs of the City of Welland.

Accordingly, the lands that are subject to the Ministry's control should be freed of any such development restriction and allowed to be developed as part of the Welland urban area. Under this approach, the Canal View Estates development would be able to proceed as planned and contribute additional residential density to the municipality.



# Appendix II

# CANAL VIEW HEIGHTS WELLAND



KEY PLAN  
N.T.S.

## DRAFT PLAN OF VACANT LAND CONDOMINIUM LEGAL DESCRIPTION

LOTS 33, 34, 35, 66, BLOCK 14 & 76 OF  
REGISTERED PLAN 500-440  
IN THE CITY OF WELLAND  
REGIONAL MUNICIPALITY OF NIAGARA

## OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY  
AUTHORIZE UPPER CANADA CONSULTANTS TO  
PREPARE AND SUBMIT THIS DRAFT PLAN OF  
VACANT LAND CONDOMINIUM TO THE CITY OF  
WELLAND FOR APPROVAL.

FRUITBELT DEVELOPMENT JUNE 8, 2018 DATE

## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF  
THE LANDS TO BE SUBDIVIDED ARE  
CORRECTLY SHOWN.

*Matthew Cameron* June 7, 2018 DATE  
MATTHEW CAMERON, PEYWOOD, KERRY T. HOWE  
P.E. 16-648

## LAND USE SCHEDULE

LAND USE	M <sup>2</sup>	%
BUILDING	0.283	23.04
DRIVEWAY/PARKING	0.263	18.19
LANDSCAPING	1.032	83.78
<b>TOTAL</b>	<b>1.625</b>	<b>100.0</b>
LIMITS		22
DENSITY		13.944/Ha

NO.	ISSUED FOR APPROVAL	DATE	BY
0		2018-06-12	TA
1	REVISION		MEP



DRAWING TITLE	DRAFTING	TA
DRAFT PLAN OF VACANT LAND CONDOMINIUM	DATE	JUNE 12, 2018
	PROJECT	JUNE 20, 2018
	SCALE	1:1000
	DWG NO.	REV
	1007-DP/LC	0

UNIT	USE AREA	AREA	UNIT	USE AREA	AREA
1	LOT AREA	212.81m <sup>2</sup>	12	LOT AREA	216.89m <sup>2</sup>
	EXCLUSIVE USE AREA - DRIVEWAY	11.26m <sup>2</sup>		EXCLUSIVE USE AREA - DRIVEWAY	19.33m <sup>2</sup>
2	LOT AREA	219.29m <sup>2</sup>	13	LOT AREA	186.33m <sup>2</sup>
	EXCLUSIVE USE AREA - DRIVEWAY	14.25m <sup>2</sup>		EXCLUSIVE USE AREA - DRIVEWAY	12.76m <sup>2</sup>
3	LOT AREA	223.70m <sup>2</sup>	14	LOT AREA	169.82m <sup>2</sup>
	EXCLUSIVE USE AREA - DRIVEWAY	14.87m <sup>2</sup>		EXCLUSIVE USE AREA - DRIVEWAY	17.26m <sup>2</sup>
4	LOT AREA	246.69m <sup>2</sup>	15	LOT AREA	158.80m <sup>2</sup>
	EXCLUSIVE USE AREA - DRIVEWAY	12.59m <sup>2</sup>		EXCLUSIVE USE AREA - DRIVEWAY	12.56m <sup>2</sup>
5	LOT AREA	248.81m <sup>2</sup>	16	LOT AREA	158.89m <sup>2</sup>
	EXCLUSIVE USE AREA - DRIVEWAY	14.71m <sup>2</sup>		EXCLUSIVE USE AREA - DRIVEWAY	12.76m <sup>2</sup>
6	LOT AREA	238.89m <sup>2</sup>	17	LOT AREA	142.82m <sup>2</sup>
	EXCLUSIVE USE AREA - DRIVEWAY	12.25m <sup>2</sup>		EXCLUSIVE USE AREA - DRIVEWAY	13.71m <sup>2</sup>
7	LOT AREA	226.40m <sup>2</sup>	18	LOT AREA	158.89m <sup>2</sup>
	EXCLUSIVE USE AREA - DRIVEWAY	14.11m <sup>2</sup>		EXCLUSIVE USE AREA - DRIVEWAY	12.56m <sup>2</sup>
8	LOT AREA	233.86m <sup>2</sup>	19	LOT AREA	212.25m <sup>2</sup>
	EXCLUSIVE USE AREA - DRIVEWAY	14.71m <sup>2</sup>		EXCLUSIVE USE AREA - DRIVEWAY	12.26m <sup>2</sup>
9	LOT AREA	233.86m <sup>2</sup>	20	LOT AREA	192.25m <sup>2</sup>
	EXCLUSIVE USE AREA - DRIVEWAY	14.71m <sup>2</sup>		EXCLUSIVE USE AREA - DRIVEWAY	11.26m <sup>2</sup>
10	LOT AREA	212.25m <sup>2</sup>	21	LOT AREA	182.25m <sup>2</sup>
	EXCLUSIVE USE AREA - DRIVEWAY	11.26m <sup>2</sup>		EXCLUSIVE USE AREA - DRIVEWAY	11.26m <sup>2</sup>
11	LOT AREA	222.25m <sup>2</sup>	22	LOT AREA	232.25m <sup>2</sup>
	EXCLUSIVE USE AREA - DRIVEWAY	11.26m <sup>2</sup>		EXCLUSIVE USE AREA - DRIVEWAY	12.26m <sup>2</sup>
		TOTAL LOT AREA			432.25m <sup>2</sup>
		EXCLUSIVE USE AREA - DRIVEWAY			291.26m <sup>2</sup>
		RESIDENTIAL DENSITY			11.171/Ha
		TOTAL AREA			162.143m <sup>2</sup>

## Appendix III

Ministry of  
Transportation  
Corridor Management Section  
Central Region  
7<sup>th</sup> Floor, Bldg. D  
159 Sir William Hearst Ave.  
Downsview, ON M3M 0B7  
Tel (416) 235-4572  
Email hugh.fyffe@ontario.ca

Ministère des  
Transports  
Section de la gestion des couloirs routiers  
Région du Centre  
7<sup>e</sup> étage, édifice D  
159 Avenue Sir William Hearst  
Downsview ON M3M 0B7  
Tél: 416 235-4572  
Email hugh.fyffe@ontario.ca



July 4, 2018

Rachelle Larocque  
Planning Supervisor  
City of Welland  
60 East Main Street  
Welland, ON L3B 3X4

**Re: Application to Amend Zoning By-Law 2017-117 (File No. 2018-04)  
Application for Draft Plan of Subdivision - File 26T-14-18005  
Official Plan Amendment Application  
Canal View Heights Subdivision  
Thorold**

Dear Ms. Larocque:

Thanks for circulating the Ministry of Transportation with the referenced applications.

The ministry has completed its review of the above applications in accordance with the requirements of our controlled access highway policies and criteria and the Public Transportation and Highway Improvement Act. We offer the following comments for your information.

The designated 'Controlled Access Highway' corridor for the Future Highway 406 Extension south of East Main Street lies within the eastern boundary of the proposed site associated with the referenced applications.

The site is within the ministry's permit control area. Note that all proposed, permanent buildings and structures (above and below ground), utilities, frontage roads/fire routes, essential parking facilities, storm-water management ponds and associated berms or any amenity deemed essential to the operation of the site, must be set back a minimum of 14.0 metres (45 feet) from the property limit of the designated Future Highway 406 Extension Corridor.

Further, no structure / erection, work or activity of any kind associated with the development of the site may encroach upon the designated 'Controlled Access Highway' corridor for the Future Highway 406 Extension.

The limits of the Future Highway 406 Extension corridor should be shown and labelled on the Draft Plan of Subdivision and no proposed work should be shown within the corridor.



The developer is solely responsible for all noise mitigation measures and such measures must be located beyond the designated corridor of the Future Highway 406 Extension.

All access to the site shall be from the existing municipal road system. No direct access to the Future Highway 406 will be permitted.

**Condition(s) of Draft Plan Approval**

We request the following condition of draft plan approval for this Plan of Subdivision.

1. That prior to final approval, the owner shall submit to the Ministry of Transportation for its review and approval, a storm-water management report indicating the intended treatment of the calculated runoff and the impacts of drainage on the Future Highway 406 corridor.

The owner should be advised that a Ministry building/land-use permit will be required prior to any grading or construction on the site, for all buildings within 46 metres (150 feet) of the Future Highway 406 Extension property limit. Separate building/land-use permits will be required for each storm-water management pond serving the subdivision. As part of our permit review process, we will also require the submission of a Site Plan, Grading Plan and Site Servicing Plan.

If you have any questions, please feel free to contact me.

Respectfully,

Project Manager

August 9, 2018

**By Email Only**

Files: D.10.11 OPA-18-02  
 D.18.11 ZA-18-087  
 D.11.11 SD-18-029

Mr. Grant Munday, B.A.A., MCIP, RPP  
 Manager of Development Approvals  
 Infrastructure and Development Services  
 City of Welland  
 60 East Main Street  
 Welland, ON, L3B3X4

Dear Mr. Munday:

**RE: Applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Vacant Land Condominium**  
**Address: East of Viger Drive, West of Welland Canal, City of Welland**  
**Applicant: 1650672 Ontatio Limited**  
**Agent: Upper Canada Consultants**  
**Proposal: Canal View Heights**

Regional Development Planning staff has reviewed the information circulated with the applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Vacant Land Condominium for lands on the east of Viger Drive, west of the Welland Canal and north east of Memorial Park. The applications were received with fees on July 4, 2018.

The Official Plan Amendment proposes to redesignate the lands from Parks, Open Space and Recreation to Low Density Residential to allow for the property to be development with 22 residential units. The Zoning By-law Amendment proposes to reduce the front yard setback to 3.0 metres, to delete the lot coverage provisions and to delete the minimum lot area provision for single detached dwellings in the RL2 Zone.

The Draft Plan of Vacant Land Condominium, prepared by Upper Canada Consultants (dated June 12, 2018), proposes the creation of 22 residential units, being a mix of detached, semi-detached, and townhouse dwellings, and common areas comprised of private amenity space, trail, private roadways and visitor parking.

A pre-consultation meeting was held on May 17, 2018, at Welland City Hall with City, Regional staff, as well as the applicant's agent in attendance. As outlined below, Regional staff is supportive of the proposed development, subject to conditions, and provides the following detailed comments to execute Regional Council's Strategic Priority to Do Business Differently. By commenting on conformity with Provincial and Regional policy, the Region maintains accountability to the public and improves transparency, and aims to assist the City in their consideration of the applications from a Provincial and Regional perspective. Regional staff notes that the proposal represents a change and extended area of development within a draft

approved plan of subdivision (Canal View Heights) which was granted original draft approval in 2012 with subsequent extensions.

### **Provincial and Regional Growth Management Policy**

The subject land is located within a Settlement Area under the 2014 Provincial Policy Statement (PPS) and within the Delineated Built-Up Area under the 2017 Places to Grow Plan for the Greater Golden Horseshoe (Growth Plan). The PPS directs growth to settlement areas, and encourages the efficient use of land, resources, infrastructure and public service facilities that are planned or available. The PPS specifically promotes the sustainability of healthy, livable and safe communities through, among other things, accommodating an appropriate range and mix of residential (including affordable housing), employment, institutional, recreation, park and open space and other uses to meet long term needs. The Growth Plan contains policies that encourage the development of complete communities with a diverse mix of land uses and range of housing types, taking into account affordable housing and densities. Growth management policies state that, by the year 2031 and for each year thereafter, a minimum of 60% of all residential development occurring annually within the Region will be within the Delineated Built-Up Area. By the time the next municipal comprehensive review is approved and in effect, and each year until 2031, a minimum of 50% of all residential development occurring annually in the Region is to be located within the Delineated Built-Up Area. Until the Region completes the municipal comprehensive review and it is approved and in effect, the annual minimum intensification target contained in the Regional Official Plan (40%) will continue to apply. The proposal will aid the City in meeting their portion (40%) of the intensification target for the Built-Up Area, and satisfies the intent of Provincial policy by making more efficient use of urban serviced land and existing infrastructure.

The land is designated Urban Area in the Regional Official Plan (ROP). A full range of residential, commercial and industrial uses are permitted generally within the Urban Area designation, subject to the availability of adequate municipal services and infrastructure. The proposal will provide additional housing in the area, and make more efficient use of urban serviced land. The proposal satisfies the policy directions in the ROP, which are intrinsically aligned with Regional Council's Strategic Priorities of Moving People and Goods, Positioning Niagara Globally, and Fostering Innovation, Investment and Entrepreneurship.

### **Archaeological Resources**

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP states that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

An Archaeological Assessment was not required as part of the complete application given the extensive site alteration/deep disturbance that occurred to construct the canal on adjacent lands. Regional Staff recommends the inclusion of a standard archaeological clause in the condominium agreement relating to deeply buried archaeological materials that may be encountered during grading and construction activities. An additional condition for the archaeological warning clause is included in Appendix I.

### **Environmental Site Assessment**

In accordance with O. Reg. 153/04 and 511/09, a Record of Site Condition (RSC) must be filed on the Ministry of Environment, Conservation and Parks (MECP) Brownfields Environmental Site Registry prior to any change in land use to a more sensitive use (i.e. transportation corridor, which is considered an industrial use under the Environmental Protection Act, to residential). This requirement was included as a condition to the previous Canal View Heights Subdivision. Regional staff understands that a Phase I and Phase II Environmental Site Assessments (ESA) were completed for the previous draft approved subdivision. However, in order to confirm that these studies meet current requirements, an updated Phase I and Phase II ESA shall be completed with confirmation that the RSC covers the entirety of the subject lands being developed. As such, Regional staff request that a condition be included to require the filing of the RSC as outlined in Appendix I.

## **Regional Engineering**

### Stormwater Management

Niagara Region has reviewed the 'Canal View Heights Draft Plan of Vacant Land Condominium' (dated 2018-06-12) by Upper Canada Consultants. Based on review, the Region offers the following comments:

1. The Region will require that all stormwater runoff be captured and treated to a Normal standard prior to discharge. Please indicate how this criterion is to be addressed.
2. Due to the location of the site in the watershed, the Region will not require stormwater quantity controls to be implemented.
3. Prior to construction, the Region will require that detailed grading, storm servicing, stormwater management, and construction sediment control drawings be circulated to this office for review and approval.

### Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the public curbside on the designated pick up day, and that the following limits are not exceeded:

- No limit blue/grey containers;
- No limit green containers; and,
- 1 garbage container per unit to a maximum of 12.

Based on review of the Draft Plan of Vacant Land Condominium, DWG No. 1007-DPVLC, by Upper Canada Consultants (dated June 12, 2018), Regional staff have identified several areas at which the proposed layout does not meet Regional standards and therefore, would require waste is brought to the Viger Drive curbside for collection.

It should be noted that all following comments regarding potential eligibility for Regional waste collection are subject to review and approval by the Region of the collection truck turning template overlaid on a scaled drawing. This overlay must show that the collection truck can safely maneuver all proposed roadways without encroachment onto any curb. Please see Niagara Region's Corporate Policy and Procedure for waste collection for truck dimensions.



If the applicant intends to participate in curbside collection on the proposed roads, the south condominium entrance from the Viger Drive cul-de-sac will need to be widened, resulting in a greater entrance curb radius (see Appendix II). This may allow the Regional waste collection truck to enter the proposed roadway for collection of Units 16-22. Notwithstanding the suggested revision, Units 12-26 will be required to bring waste to the Viger Drive curbside for collection due to the necessary reversing distance.

Regarding the proposed roadways from the north corner of Viger Drive, and assuming the collection truck will be able to enter these proposed roadways, collection pads will be required for Units 1-3, 8 and 9 (See Appendix III for recommended placement).

### **MTO Corridor**

Regional staff note that portions of the proposed development are located within lands designated as Controlled Access Highway by the Ministry of Transportation (MTO) for a potential southern extension of Highway 406 on the west side of the Welland Canal. As such, the City should look to confirmation from the Ministry to determine whether the designation and proposed highway extension are still required and if the proposed development will be feasible.

### **Noise**

A noise study was completed by dBA Environmental Services (dated January 2012) as part of the previous Canal View Heights Subdivision application. The study concluded that a noise barrier, air conditioning and warning clauses would be required to mitigate transport noise generated by the potential Highway 406 extension. It is the Region's understanding that a revised noise study will not be undertaken until it is confirmed if MTO will or will not be pursuing a highway corridor. As such, an appropriate condition is included in Appendix I.

### **Conclusion**

In conclusion, Regional staff has no objection from a Provincial and Regional perspective to the proposed Draft Plan of Condominium subject to the conditions outlined in Appendix I and support from the Ministry of Transportation (with respect to development within the Hwy 406 Corridor). In addition, Regional staff has no objection to the accompanying Zoning By-law and Official Plan Amendments.

Given the site specific nature of these applications, the Official Plan Amendment will be exempt from Regional approval in accordance with the Memorandum of Understanding with Area Municipalities. If you have any comments please contact me at 905-685-4225 extension 3387. Please send notice of Council's decision on these applications.

Sincerely,



Lindsay Earl, MCIP RPP  
Senior Development Planner

Attach: Appendix I Regional Conditions of Draft Plan of Vacant Land Condo  
Appendix II Waste Collection- Entrance Curb Radius  
Appendix III Waste Collection- Pad Placement

cc: Ms. Susan Dunsmore, P. Eng., Development Engineer (Niagara Region)  
Ms. Jennifer Vida, Manager of Planning and Development, Upper Canada Consultants (Agent)

**Appendix I**  
**Conditions of Draft Plan of Vacant Land Condominium**  
**Canal View Heights**  
**26CD-14-18005**

1. That the following clause be included in the Condominium agreement:

*Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeology Programs Unit of the Ontario Ministry of Tourism, Culture and Sport (MTCS) (416-212-8886) and a licensed archaeologist [owner's archaeology consultant] is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

*In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services in Toronto (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MTCS should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.*

2. That the owner file a Record of Site Condition (RSC) on the Ministry of the Environment, Conservation and Parks (MECP) Brownfields Environmental Site Registry, in accordance with Ontario Regulation 153/04 as amended by Ontario Regulation 511/09, and that the owner provide a copy of the MECP's acknowledgement of the filing of the RSC to the Niagara Region.
3. That the owner promptly acknowledges that draft approval does not include a commitment of servicing allocation by the Niagara Region as this servicing allocation will be assigned at the time of final approval of the condominium for registration purposes and any pre-servicing will be at the sole risk/responsibility of the developer.
4. That the owner promptly provide the Niagara Region with a written undertaking that all offers and agreements of purchase and sale, which may be negotiated prior to registration of this condominium, shall contain a clause clearly indicating that a servicing allocation for this condominium will not be assigned until the plan is granted final approval for registration, and a similar clause be inserted in the condominium agreement between the owner and the City.
5. That prior to the approval of the final plan of Condominium or the undertaking any on-site grading or storm servicing, the owner shall submit a detailed stormwater management plan and all associated engineering drawings (stamped and signed by a qualified professional engineer in accordance with the Ministry of the Environment and Climate Change's 'Stormwater Management Planning and Design Manual' (2003) and the Niagara Peninsula Conservation Authority's 'Stormwater Management Guidelines' (2010)) to the Niagara Region Planning and Development Services Department for review and approval. The required stormwater management engineering submission shall include (but not be limited to):
- a. Detailed grading plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
  - b. Detailed storm servicing plans, noting both existing and proposed storm services including all supporting design details and calculations;

- c. Detailed stormwater management plans including all supporting details, calculations, and computer models;
  - d. Detailed construction erosion and sediment control plans;
  - e. Detailed construction phasing plans (as required).
6. That the following clause be included in the Condominium Agreement and inserted into all offers and agreements of purchase and sale or lease for each of the dwelling units:

*"That in order to accommodate Regional waste collection services, waste, recycling and organics shall be brought to the Viger Drive curbside on the designated collection day."*

7. That (if necessary) the owner submit an update/addendum to the Noise Study completed by dBA Environmental Services, dated January 2012 (submitted as part of the previous Canal View Heights Subdivision) upon confirmation from the Ministry of Transportation that they are pursuing the HWY 406 corridor/extension outlining appropriate warning clauses and mitigation measures to the satisfaction of Niagara Region. These warning clauses and mitigation measures shall be incorporated into the Condominium Agreement and inserted into all offers and agreements of purchase and sale or lease for each of the dwelling units.

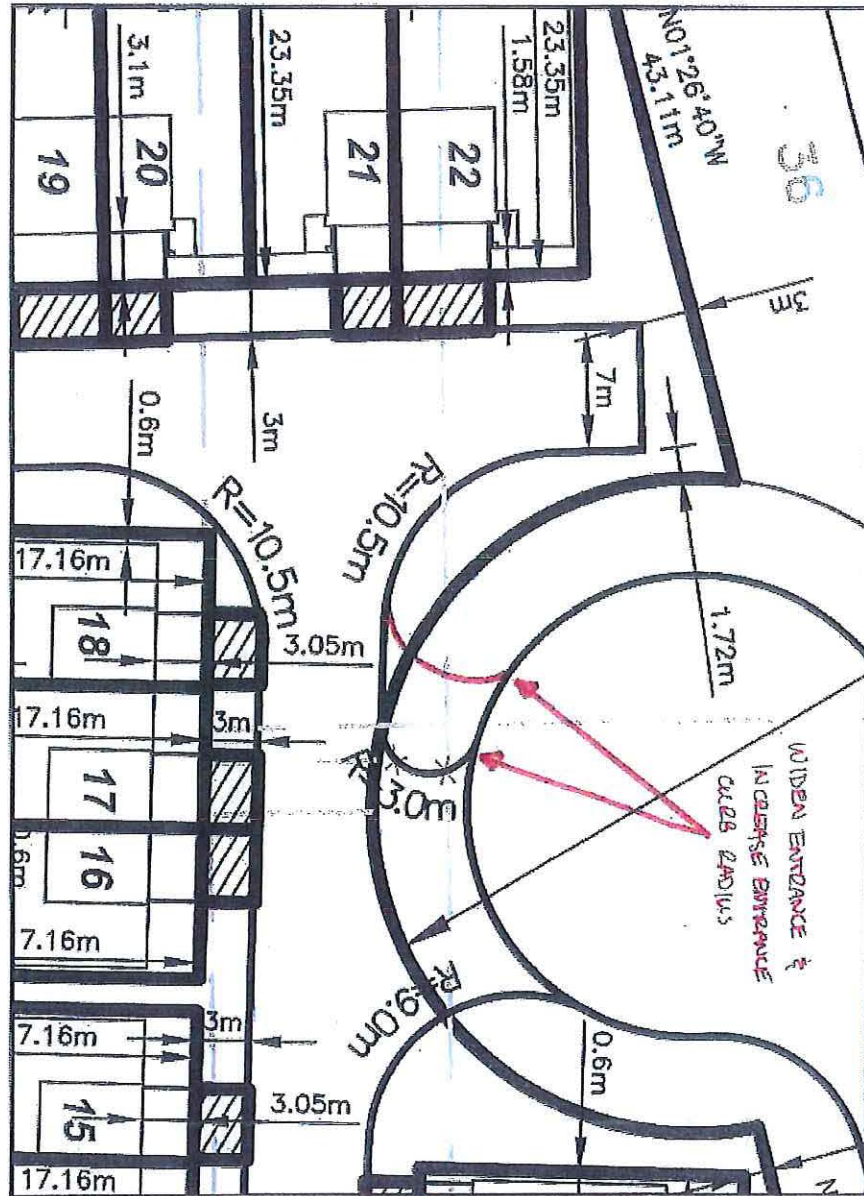
**Notes:**

1. Prior to granting final plan approval, the City must be in receipt of written confirmation that the requirements of each condition have been met and all fees have been paid to the satisfaction of the Niagara Region.
2. Prior to final approval for registration, a copy of the executed Condominium Agreement for the proposed development should be submitted to the Niagara Region for verification that the appropriate clauses pertaining to any of these conditions have been included.

NOTE: The Niagara Region recommends that a copy of the draft agreement also be provided in order to allow for the incorporation of any necessary revision prior to execution.

In order to request clearance of the above noted Regional conditions, a letter outlining how the conditions have been satisfied, together with all studies and reports (digital copy), the applicable review fee, and the draft subdivision agreement shall be submitted to the Niagara Region by the applicant as one complete package, or circulated to the Niagara Region by the City of Welland.

Appendix II  
Waste Collection – Entrance Curb Radius  
Canal View Heights







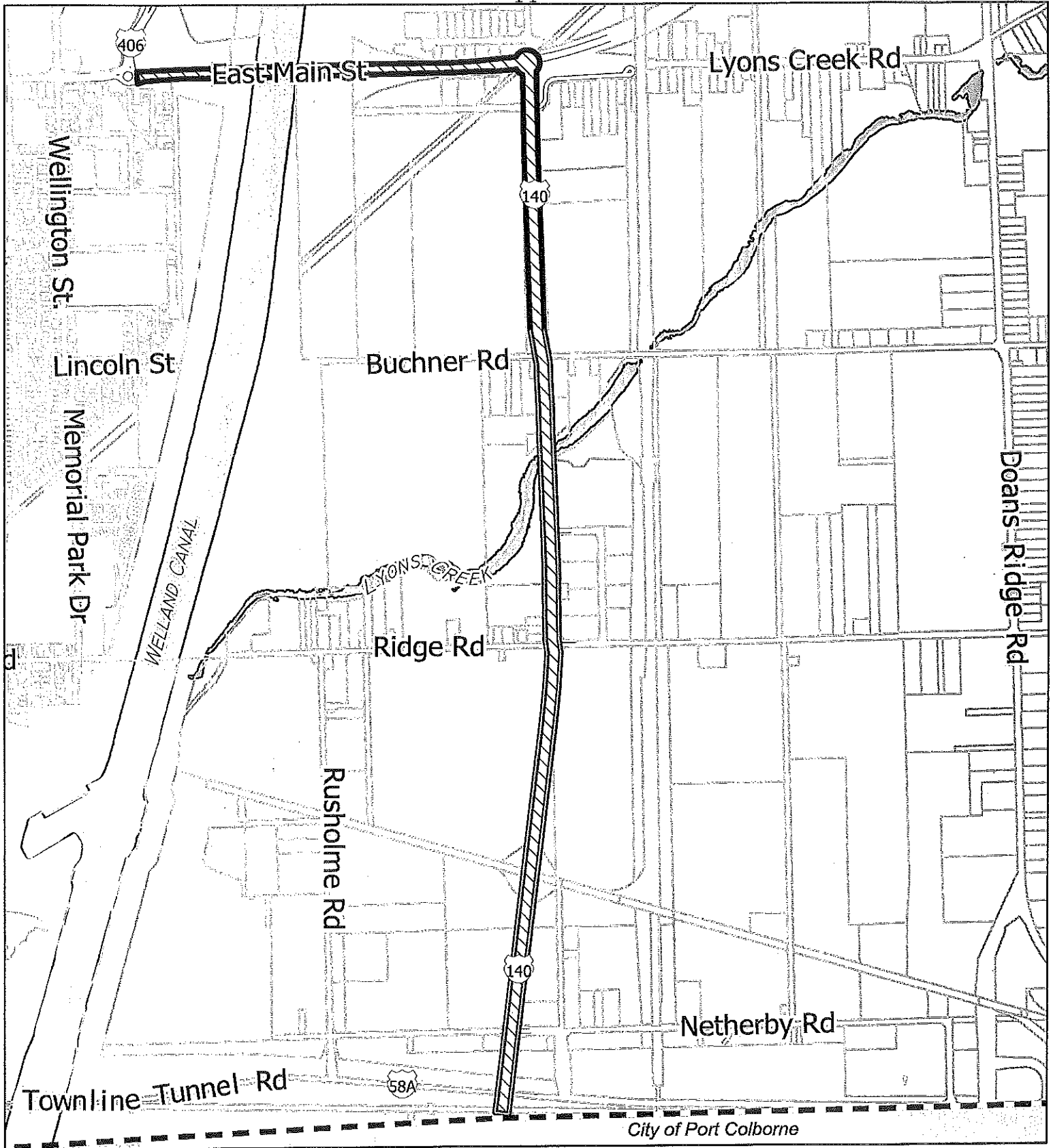




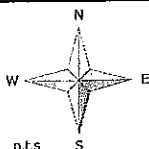
## Appendix VI

### PLANNING FOR THE FUTURE

Hwy	Description
400	Hwy 9 to Hwy 11, Simcoe
400/404	Bradford bypass, Simcoe, York
401	Chatham-Kent
401	Townline Rd., Wellington to Wellington/Halton boundary
401	Wellington/Halton boundary to Reg. Rd. 25, Halton
401	Brock Rd. to Durham/Northumberland County boundary, Durham
401/400	Interchange, Toronto
401	Belleville Area
403	Brant/Hamilton boundary to Hwy 403/QEW interchange, Hamilton, Halton (HOV lanes)
403	QEW to Hwy 407, Halton and Peel
404	Stouffville to Newmarket, York
404N	Extension to Hwy 48, York
406	Welland to Port Colborne, Niagara
410	Queen St. to Bovaird Dr., Peel
QEW	McLeod Rd. to Mountain Rd., Niagara
QEW	Garden City Skyway, Niagara (bridge replacement)
QEW	Hwy 406 to Guelph Line, Niagara, Hamilton, Halton (HOV lanes)
QEW	Hwy 403 interchange, Halton
QEW	Hwy 403 to Hwy 427, Halton and Peel
QEW	Trafalgar Rd. to Winston Churchill Blvd., HOV, Peel



### Proposed Alternative Highway 406 Controlled Access Corridor

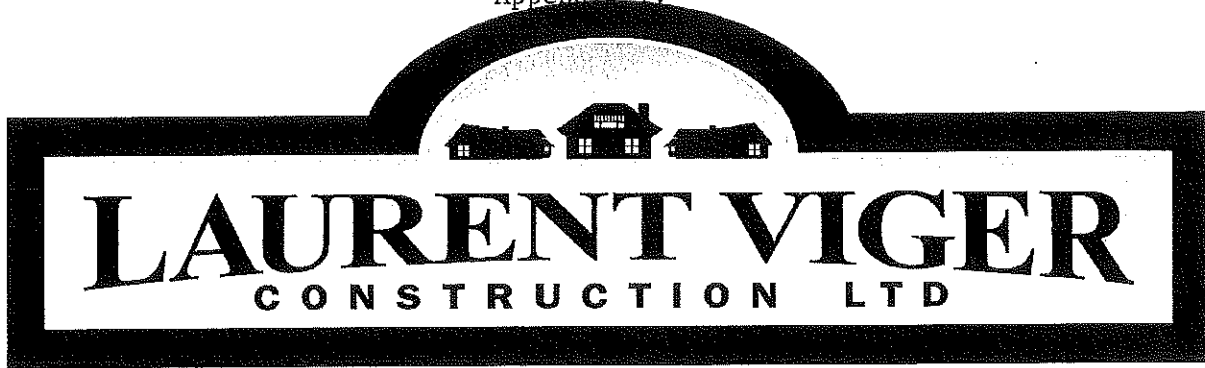


**SUBJECT LANDS**



*Infrastructure and  
Development Services  
Planning Division*





August 22, 2019

Grant Munday  
Manager of Development Approvals  
Planning Division  
Infrastructure and Development Services  
Corporation of the City of Welland  
60 East Main Street, Welland, Ontario L3B 3X4

Dear Sir:

We are writing to you to express our full support of 1650672 Ontario Limited's Request to Revoke MTO 406 Corridor. They have put forward a very compelling report demonstrating the viable alternative option of using the HWY 140 corridor instead!

We own the abutting parcel to the north of the applicant's lands, and we too are also adversely impacted by the MTO's HWY 406 future corridor. Please find attached for your review *Viger-Block-Towns-Concept-Plan-4* depicting the partial developability of our site. With a successful revocation, the remaining 45% of the parcel becomes developable roughly doubling the number of units (see *Possible Two Phase Approach*, also attached).

Yours truly,

Marc Viger,  
President

**Grant Munday**

---

**From:** Marc Viger <mviger@vigerconstruction.com>  
**Sent:** August 22, 2019 11:14 AM  
**To:** Grant Munday  
**Subject:** Request to Revoke MTO 406 Corridor  
**Attachments:** Letter to City of Welland re request for MTO designation revocation.pdf; VIGER-BLOCK TOWNS-CP 4.pdf; Possible Two Phase Approach re Lincoln Site.pdf

**CAUTION:** This email originated from an external sender. Please do not click links or open attachments unless you are sure they are safe!

August 22, 2019

Grant Munday  
 Manager of Development Approvals  
 Planning Division  
 Infrastructure and Development Services  
 Corporation of the City of Welland  
 60 East Main Street, Welland, Ontario L3B 3X4

Dear Sir:

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Yours truly,

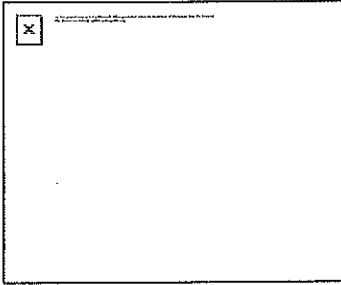
Marc Viger, B.S.S., B.S.Sc.,  
 L. Viger Construction Limited  
 President / General Manager  
 209 Division Street  
 Welland, ON L3B 4A1  
 P: 905-732-4879  
 F: 905-732-9960  
 C: 905-932-1844  
[mviger@vigerconstruction.com](mailto:mviger@vigerconstruction.com)



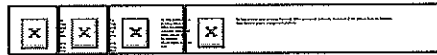
**From:** Grant Munday [mailto:grant.munday@welland.ca]  
**Sent:** August-20-19 12:02 PM  
**To:** Mark Viger <mviger@vigerconstruction.com>  
**Subject:** Request to Revoke MTO 406 Corridor

If you support this request please send me a letter or email supportive it, also indicate which lands you own within or near this corridor. I will include this in a report to Council.

Sincerely,



**Grant Munday**  
Manager of Development Approvals  
Planning Division  
Infrastructure and Development Services  
Corporation of the City of Welland  
60 East Main Street, Welland, Ontario L3B 3X4  
Phone: (905)735-1700 Ext. 2240 Fax: (905)735-8772  
[www.welland.ca](http://www.welland.ca)



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**Grant Munday**

---

**From:** Marc Viger <mviger@vigerconstruction.com>  
**Sent:** August 22, 2019 11:37 AM  
**To:** Grant Munday  
**Subject:** ...other lands affected by MTO corridor  
**Attachments:** MPAC map of Shipview remnant.pdf; Portion of lands already developed (Lincoln to Main remnant).pdf

**CAUTION:** This email originated from an external sender. Please do not click links or open attachments unless you are sure they are safe!

Hi Grant,

...and we also own this substantial parcel that we've done nothing yet with as it's basically entirely undevelopable (see attached).

Street Name	LINCOLN	
Legal Description	CROWLAND CON 5 FT LOT 19 PLAN 953 LOTS 466 TO 468 497 TO 507 FT LOTS 469 TO 4	
	RP 59R12466 PART 3 FT PART 1	
Property Description	Vacant residential land not on water	
Municipality/ Local Taxing Authority	WELLAND CITY	
Lot Shape	Irregular	Actual Frontage
Effective Site Area	23.16 A	Actual Depth
		Actual Area

Marc







*Acquired from  
Buffalo*

REGISTERED PLAN 52 NOW KNOWN AS PLAN 953

BRON AVE 210

BRON AVE 210

MCCLELLAN

VANIER DRIVE  
7/1 3141-3221

XXX DEVELOPED

PART 3 AND PART 3-1  
SURPLUS LANDS

CONCESSION 5

LOT 18

CONCESSION 6

LOT 18

CONCESSION 6

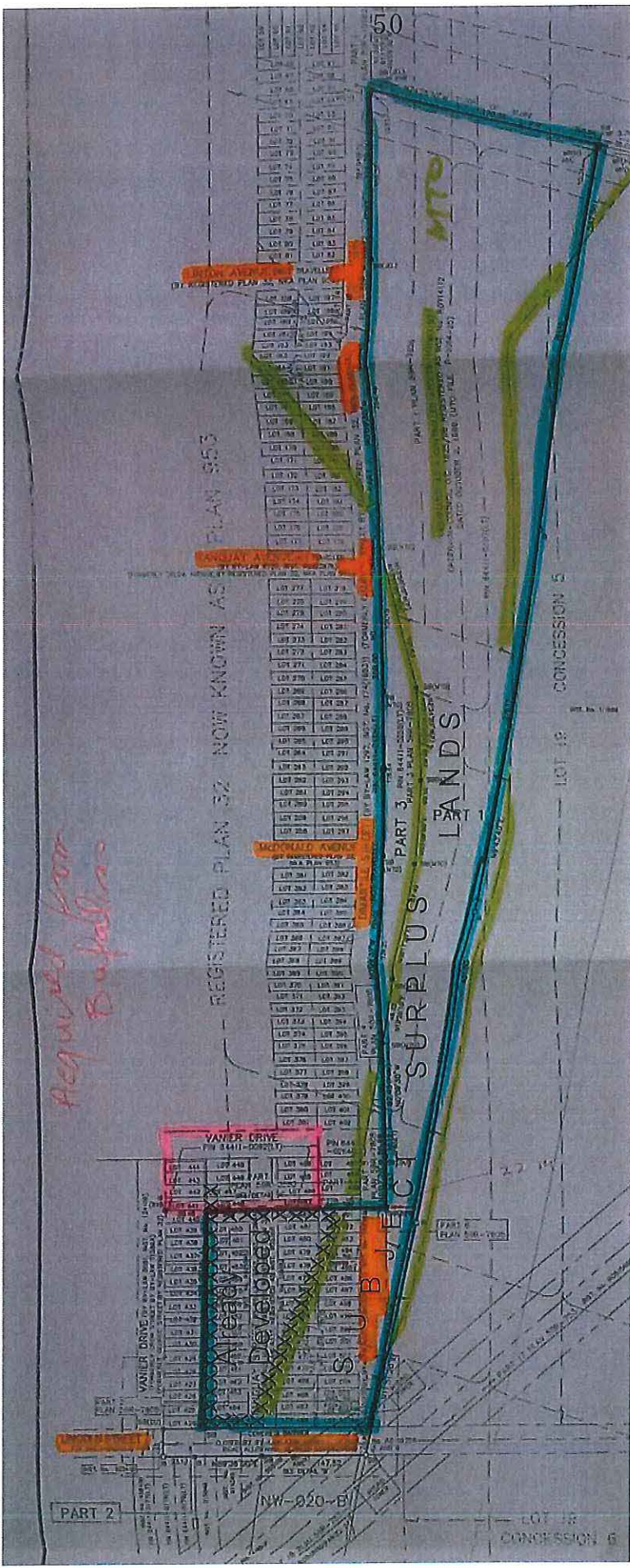
LOT 18

CONCESSION 6

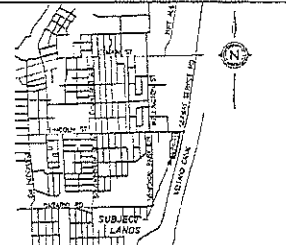
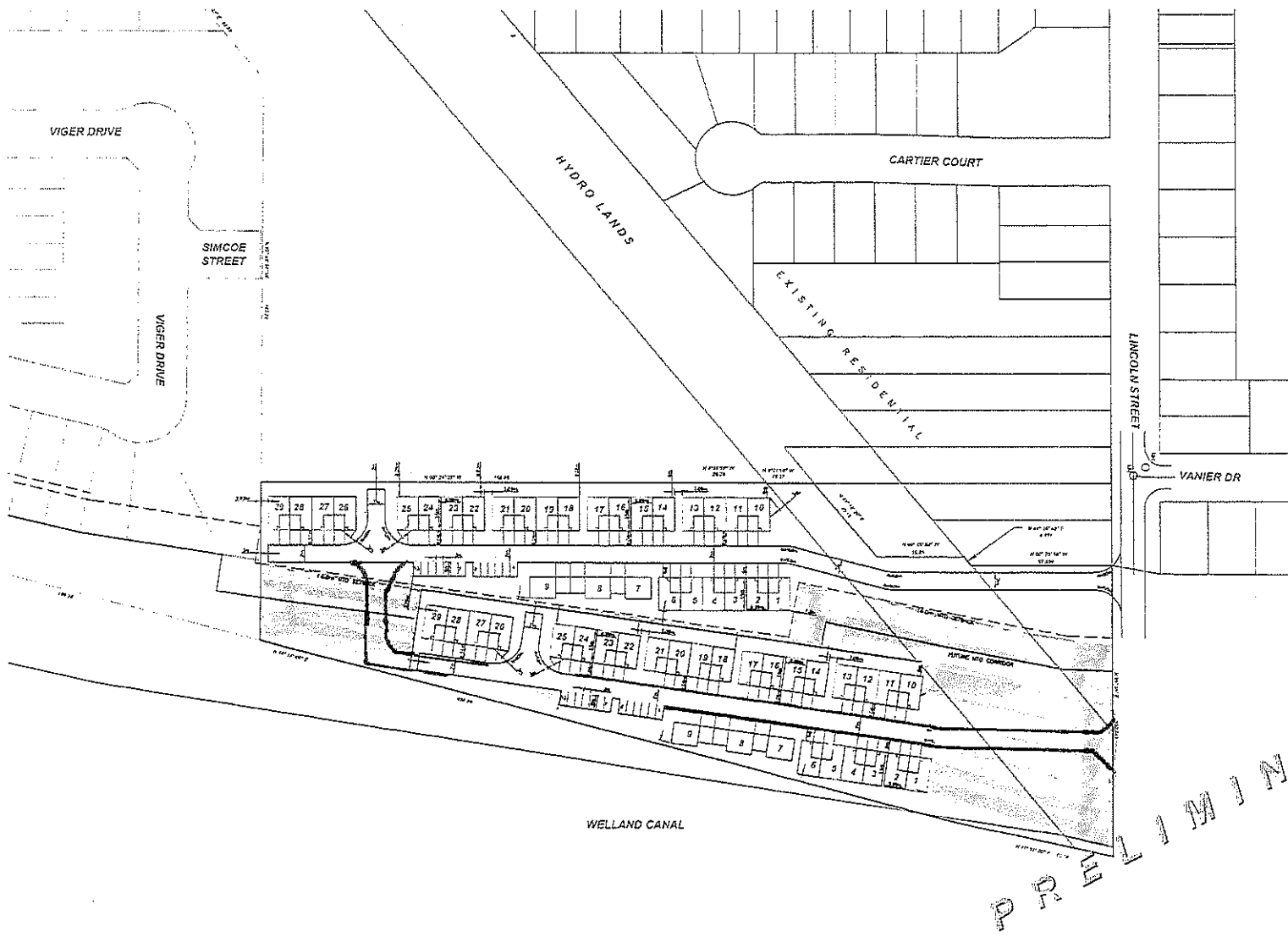
PART 2

NW-20-B

LOT 18  
CONCESSION 6



# BLOCK TOWNHOUSES CONCEPT 4 WELLAND



KEY PLAN  
N.T.S.

CONCEPT PLAN

LAND USE SCHEDULE

LAND USE	MG	%
BLOCK TOWNHOUSE	0.248	19.24
OPEN/PAVED	0.243	19.74
LANDSCAPING	1.254	31.94
W/5 LAND W/40 DEVELOPABLES	1.249	44.94
<b>TOTAL</b>	<b>3.053</b>	<b>100.0</b>
UNITS		29
DEVELOPABLE LANDS (EXCL W/40) 1950 MG		
DEVELOPABLE DENSITY		14.834/40

PARKING STATISTICS

BLOCK TOWNHOUSE (29 UNITS)	
PARKING REQUIRED (1.5 SPACE PER UNIT)	44
PARKING PROVIDED (INCLUDES OPENWAYS)	45

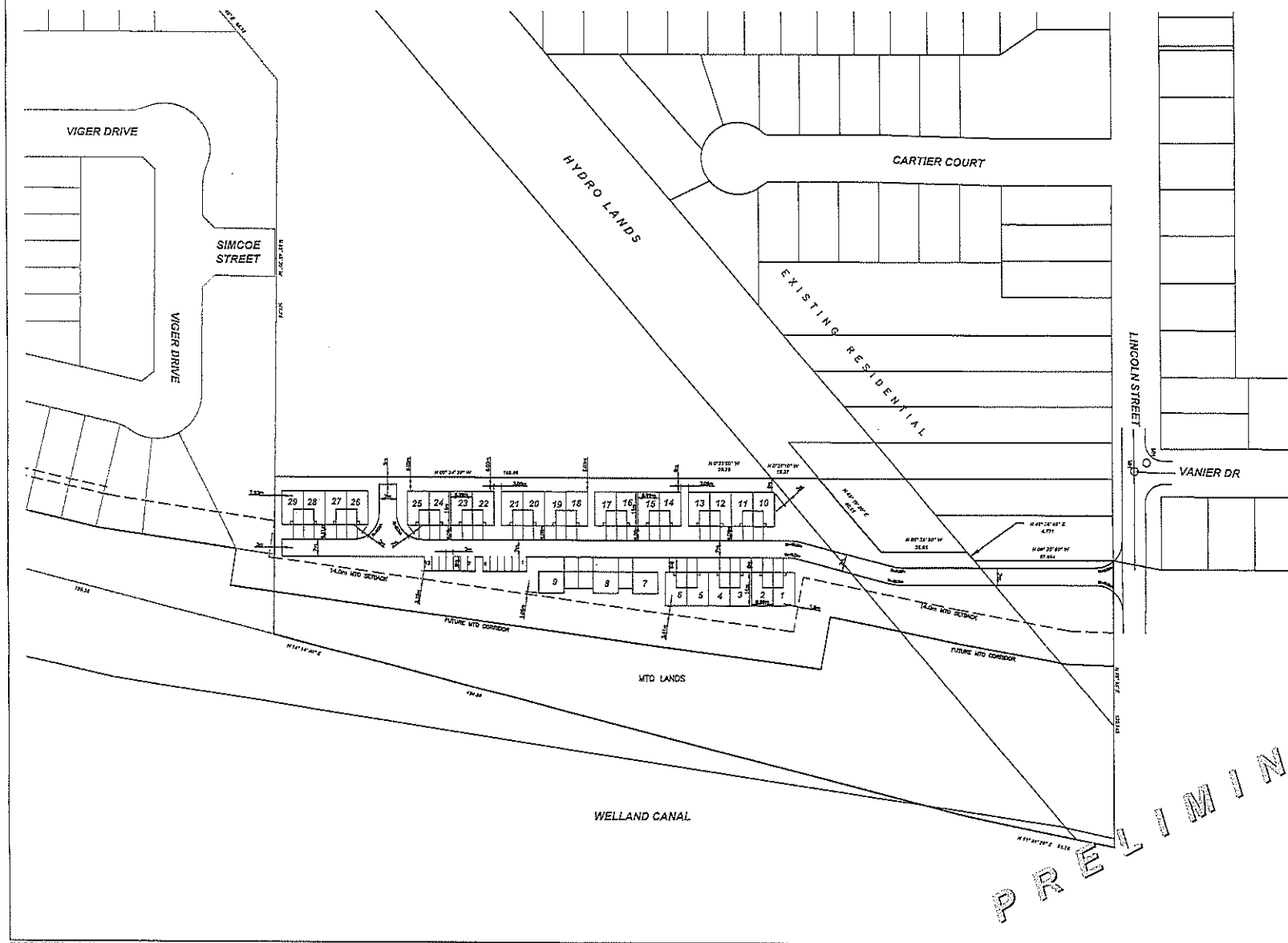
P R E L I M I N A R Y

SCALE 1:500	DATE: AUGUST 30, 2018
PROJECT: WELLAND	DRAWN BY: [Name]

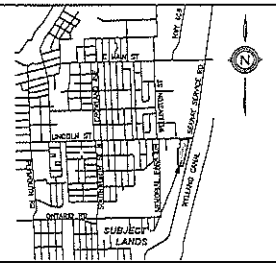


DRAWING TITLE	DATE
<b>PRELIMINARY CONCEPT PLAN 4 OF BLOCK TOWNHOUSES</b>	<b>AUGUST 30, 2018</b>
SCALE	1:500
DATE	19750
PROJECT NO.	1007-CP4
REV.	0

# BLOCK TOWNHOUSES CONCEPT 4 WELLAND



PRELIMINARY



**KEY PLAN**  
N.T.S.

**CONCEPT PLAN**

LAND USE SCHEDULE		
LAND USE	Hr	%
BLOCK TOWNHOUSE	0.508	10.08
DRIVEWAYS/PARKING	0.383	10.78
LANDSCAPING	1.224	35.88
MTD LANDS (NOT DEVELOPABLE)	1.899	44.85
<b>TOTAL</b>	<b>3.953</b>	<b>100.0</b>
<b>UNITS</b>		
DEVELOPABLE LANDS (EXCL. MTD LANDS)	1.955	29
DEVELOPABLE DENSITY	14.83	Hr

PARKING STATISTICS	
BLOCK TOWNHOUSE (29 UNITS)	
PARKING REQUIRED (1.5 SPACE PER UNIT)	44
PARKING PROVIDED (INCLUDES DRIVEWAYS)	45

NO.	REVISION	DATE	BY
1	ISSUED FOR REVIEW	2018-08-30	TA
2	REVISION		



DRAWING TITLE	TA
<b>PRELIMINARY CONCEPT PLAN 4 OF BLOCK TOWNHOUSES</b>	DATE AUGUST 30, 2018 PRINTED AUGUST 30, 2018
SCALE	1:750
DWG. NO.	REV
<b>1007-CP4</b>	<b>0</b>

DATE PLOT: P:\UPC\Concept\1007-CP4-CONCEPT 4.dwg Plotfile: Aug 30, 2018 - 1:25pm PLOTTED: PL 1/1